

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
 245 W. BROADWAY, STE. 380
 P.O. BOX 1450
 LONG BEACH, CA 90802-4416
 (310) 590-5071



Filed: May 09, 1996
 49th Day: Jun 27, 1996
 180th Day: Nov 05, 1996
 Staff: JLR-LB
 Staff Report: May 22, 1996
 Hearing Date: Jun 11-14, 1996

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-043

APPLICANT: Paul Hennessy

PROJECT LOCATION: 2-4-8 Pier Avenue, Hermosa Avenue

PROJECT DESCRIPTION: Remodel an existing 2-story restaurant/tavern to include a 700 square foot roof deck.

Lot area:	4,711 sq. ft.
Building coverage:	4,311 sq. ft.
Pavement coverage:	400 sq. ft.
Landscape coverage:	N/A
Parking spaces:	Two
Zoning:	Commercial
Plan designation:	Commercial
Project density:	N/A
Ht abv fin grade:	

LOCAL APPROVALS RECEIVED: Approval in Concept-City of Hermosa Beach

COASTAL ISSUES: Public Access/Parking

SUBSTANTIVE FILE DOCUMENTS: 1. City of Hermosa Beach amended Certified Land Use Plan (LUP)
 2. Coastal Development Permits 5-93-113, 5-94-130, 5-94-217, 5-94-264, 5-94-282, 5-95-049 and 5-95-077

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with no special conditions.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval

The Commission hereby grants a permit, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

None.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Location:

The applicant proposes to remodel an existing 2-story restaurant/tavern to include a 700 square feet roof deck.

Following is a more detailed project description excerpted from a City staff report:

The project includes an overall upgrade of the building and the facade, which will be done in conjunction with the required seismic retrofit. Overall, the project will result in the elimination of one on-sale ABC license and the upgrades will provide an attractive addition to lower Pier Avenue. The proposed conversion of the interior space includes substantial floor changes which increase the kitchen area; upgrade and increase the size of the bathrooms; and increase table seating area, while not increasing the size of the bar area. This will give the establishment the ability to operate as a restaurant and offer a wider variety of menu items.

The proposed roof-top deck includes interior stair access through the main entry, and an emergency exit stair with panic hardware out to the Strand. The 700 square foot area would be open to the sky, but enclosed on three sides by a 5-foot high "glass viewing guardrail", and by a 5 foot height building wall on the east side.

B. Public Access/Development:

The following Coastal Act Policies are relevant:

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast...(4) providing adequate parking facilities...

Additionally, the amended Land Use Plan of the City's Local Coastal Program, which was recently certified by the Commission on October 14, 1994, contains the following relevant parking policies:

Policy:

New development, including expansions and intensifications of use, shall provide parking consistent with requirements elsewhere in the City unless the following findings are made. If the following findings are made, the exceptions described in Section 2 may be granted.

1. Findings

Before granting the exceptions below, the Planning Director shall certify.

- (a) That fewer than 96,250 square foot of commercial development, including new buildings, expansions and/or intensification of uses, in the DED has received a CDP since November 1, 1994.
- (b) That there is currently adequate parking to support the development and provide adequate beach parking.
- (c) That the City Council has approved an interim parking study for the DED that shows the occupancy of the parking spaces in the DED is 90% or less during daylight hours on summer weekends.
- (d) That no more than 24,063 square foot of commercial development in the DED has received CDP's since the last interim parking study was approved by the City Council.

2. Exceptions

- i. When parking is required, for projects on lots exceeding 10,000 square foot and/or 1:1 F.A.R., parking in excess of that existing on the site at the time of the proposal shall be provided at 65% of the current parking requirement.
- ii. Because of the physical constraints to providing parking and the desire to promote a pedestrian orientation in the Downtown Enhancement District, for projects on lots less than 10,000 square foot and less than 1:1 F.A.R., no parking other than the parking existing on the site at the time of the proposal shall be required.

Program: Parking Validation

All new commercial development on any lot within the Downtown Enhancement District shall require participation by the business owner(s) in the parking validation program. Existing development of less than 500 square feet may expand or increase in intensity of use up to 15% without participating in the validation program. The validation program shall provide validations for no less than two hours unless all required parking is provided on site without any parking exceptions specified in Section 2 above or any other parking variances or exceptions.

Existing LUP policies for commercial uses require preservation of existing on-street and off-street parking spaces and a separation of long-term (beach user) and short-term (shopper) in order to provide adequate parking within the downtown area of the City. However, the cost of parking in the public lots is \$2.00 more per hour than the metered on-street spaces. Background studies supplied by the City indicate that the cost differential discourages shoppers to use the public lots. If the existing public parking lots are under-utilized for commercial parking, on-street beach parking for beach goers will be further restricted. Therefore, in the Commission's recent approval of an LUP amendment, the Commission required new development projects to participate in the parking validation program for a minimum of two hours.

The Commission's suggested modifications to the recently amended LUP allows granting of exceptions to parking requirements within a limited build-out cap and participation within a parking validation program in order to ensure that sufficient parking exists within the Downtown Commercial District to accommodate both new development and public beach parking. Before granting parking exceptions, the City is required to make four findings. The first finding requires the City to permit no more than a total of 96,250 sq. ft. of new development within the Downtown Commercial District. The proposed project complies with that requirement. A second finding requires the City to determine that adequate parking exists to support new development. A recent parking study submitted by the City demonstrates that the proposed project is consistent with that requirement. A third finding requires the City to submit an interim parking study to demonstrate that the occupancy of the parking spaces in the Downtown Commercial District is 90% or less during daylight hours. The proposed project is consistent with that requirement. Finally, the fourth finding requires the City to approve no more than 24,063 sq. ft. of new commercial development since the last interim parking study was conducted. Presently, the Commission has approved less than 24,063 sq. ft. of new development since the program began. Therefore, the proposed project complies with that requirement.

After making the required findings, under the revised LUP standards, parking is not required for development on building sites less than 10,000 sq. ft. with a 1:1 floor area/lot area ratio (F.A.R.) or less. The subject site is less than 10,000 sq. ft. but does exceed the 1:1 F.A.R. Since the proposed project exceeds the 1:1 F.A.R. by 300 sq.ft., it is deficient by two parking spaces pursuant to the parking requirements of the certified LUP. The City has required the applicant to deposit funds into a parking improvement fund to offset the two parking spaces which the applicant is not providing. Payment of in lieu fees into the parking improvement fund is allowed under the policies of the certified LUP provided the City maintains accurate records of the parking spaces available in the City. The City has maintained those records. Therefore, consistent with the recently amended Land Use Plan, no additional parking is required for the proposed project.

The project complies with all applicable preconditions for granting an exception to parking standards. As noted above, the Commission's approval required merchants who take advantage of a parking exception, to participate in a parking validation program offering no less than two hours of validated parking. The City's approval requires the applicant to provide parking validations for no less than two hours within the City's Parking Validation Program. As approved by the City, the proposed development will encourage customers to use the public parking lots where vacant spaces are available. Therefore, the inexpensive street spaces will be reserved for beach users.

Therefore, the Commission find that the proposed project will not interfere with public access to the shoreline consistent with Sections 30211 and 30212.5 of the Coastal Act. The Commission further finds that the proposed project is consistent with the parking provisions of the City recently amended LUP.

C. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as submitted, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5 (d) (2) (i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project, as submitted, is consistent with the public access and development policies of the Coastal Act. Mitigation measures to validate parking for two hours will minimize adverse impacts on beach access. As submitted, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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JR/lm

5-96-043

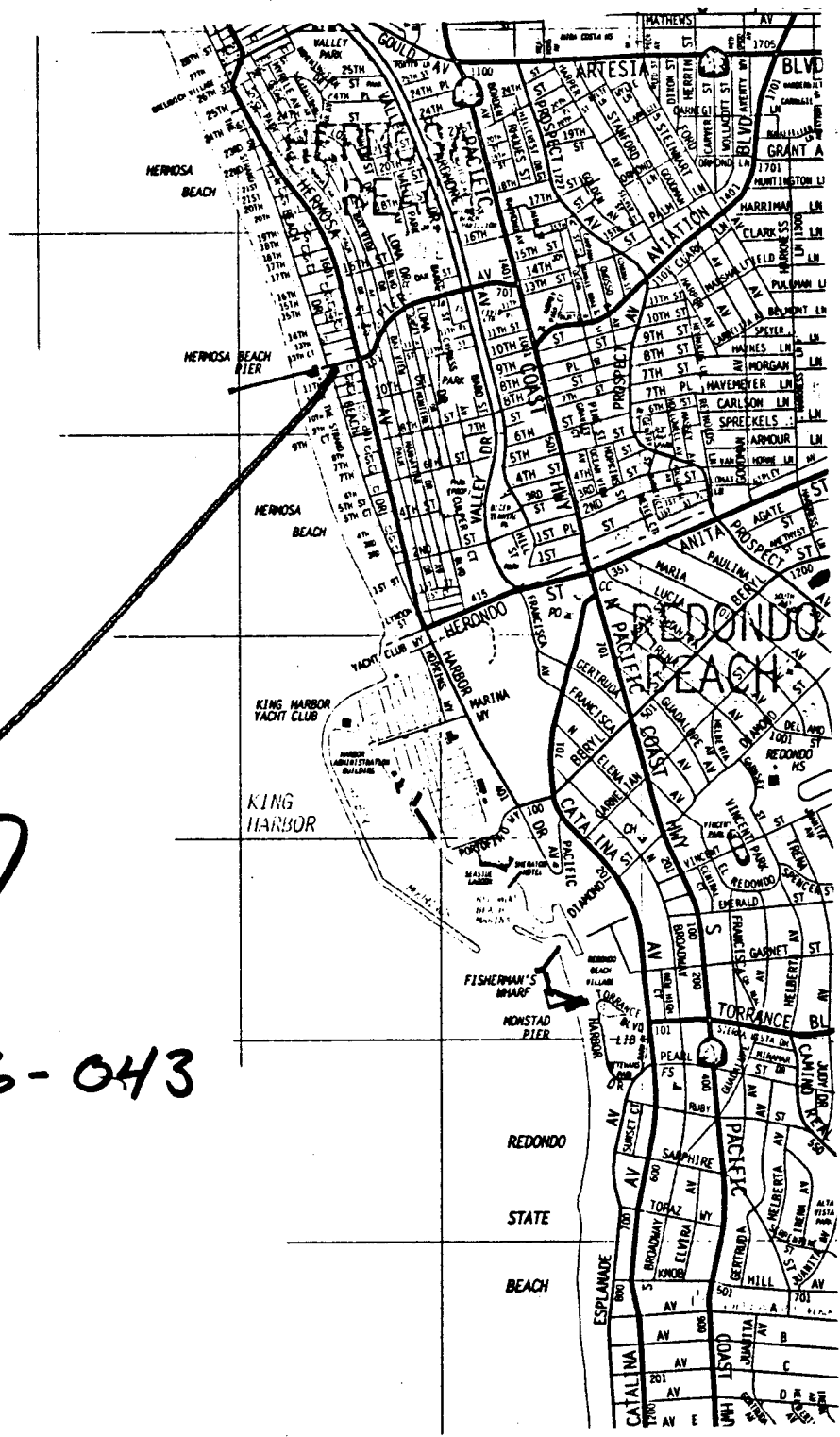


Exhibit A
5-96-043

February 13, 1996

Honorable Chairman and Members of the
Hermosa Beach Planning Commission

Regular Meeting of
February 20, 1996

SUBJECT: CONDITIONAL USE PERMIT AMENDMENT 96-
PARKING PLAN

RECEIVED

LOCATION: 4 & 8 PIER AVENUE

MAR 8 1996
MAR 10 1996

APPLICANT: PAUL HENNESSEY
1845 S. ELENA STREET
REDONDO BEACH, CA

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

5-96-043

REQUEST: TO EXPAND AN EXISTING RESTAURANT/TAVERN
(‘HENNESSEY’S’) WITH ON-SALE GENERAL ALCOHOL AND LIVE
ENTERTAINMENT INTO THE ADJACENT EXISTING RESTAURANT
SPACE TO THE WEST (CURRENTLY ‘DIANA’S’) INCLUDING THE
ADDITION OF A ROOF-TOP SEATING AREA.

Recommendation

To approve the request subject to the conditions as contained in the attached resolution.

Background

The subject request is a new application, with modifications, submitted following the Planning Commission previous action to deny Hennessey’s requested expansion.

PROJECT INFORMATION:

ZONING:	C-2, Restricted Commercial
GENERAL PLAN:	General Commercial
LOT SIZE:	4711.5 sq. ft.
GROSS EXISTING FLOOR AREA (Including ‘Fish Market,’ ‘Hennessey’s,’ ‘Diana’s’)	4311.5 sq. Ft.
FLOOR AREA TO BE CONVERTED:	1806 sq. ft.
ROOF-TOP SEATING AREA:	700 SQ. FT.
PARKING:	None
ENVIRONMENTAL DETERMINATION:	Recommended Negative Declaration

5-96-043
EXHIBIT B
1 of 3

Hennessey’s currently operates under a C.U.P. (P.C. Resolution 90-78) which was most recently amended in 1990 to clarify the allowed entertainment hours.

The applicant is proposing to expand the existing Hennessey's Tavern (a bar and restaurant) into the adjacent restaurant space to the west (currently a restaurant - 'Diana's'). While this is an expansion of the Hennessey's, the conversion of the interior space does not add any new interior square footage.

The applicant also proposes to add a 700 square foot roof-top seating area which when added to the gross floor area of the existing buildings, causing the gross floor and seating area of the building to exceed the lot area by 300 square feet. Since the floor area/lot area ratio exceeds 1:1 additional parking is required pursuant to the City's and the Coastal Commission's parking requirements requiring a Parking Plan to accept fees in-lieu of required parking, or waiver of parking requirements. The project requires final approval by the Coastal Commission.

The Staff Environmental Review Committee, at their meeting of January 18, 1996 considered the environmental impacts of the project. The Committee recommended a Mitigated Environmental Negative Declaration. The Committee recommended that the potential noise from outside dining during evening and nighttime hours be mitigated by the provision of a sound barrier such as glass; and the prohibition of amplified music; and limitation of outdoor dining hours to 10:00 P.M. unless it can be shown that the nighttime standards in the noise ordinance would not be exceeded.

Analysis

The project includes an overall upgrade of the building and the facade, which will be done in conjunction with the required seismic retrofit. Overall, the project will result in the elimination of one on-sale ABC license and the upgrades will provide an attractive addition to lower Pier Avenue. The proposed conversion of the interior space includes substantial floor changes which increase the kitchen area; upgrade and increase the size of the bathrooms; and increase table seating area, while not increasing the size of the bar area. This will give the establishment the ability to operate as a restaurant and offer a wider variety of menu items.

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Staff has met with the business owner and architect to review the previously noted concerns of the Planning Commission. The suggestion to create a separation between the new expanded area, and the existing bar/entertainment area was discussed, however, the business owner does not want to construct a wall separating the existing and expanded areas since the design intent is to open up the space. The business owner indicates there is a planned demarcation of the existing and the proposed expansion area with a series of columns and an archway which creates a visual separation of the areas.

All other concerns about emergency egress, the take-out window on the Strand, and the addition of a second 'bar' have been resolved, and are shown on the plans.

Exhibit B

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5-96-043

The Parking Plan is required, as noted above, for the 300 square feet that will exceed the 1:1 floor area/lot area ratio. This results in a requirement for 2 parking spaces. Staff recommends approval of a plan to accept an in-lieu fee or in-lieu fee transfer of \$12,000. The applicant has the option of paying the fee, or requesting the Downtown Enhancement Commission to transfer funds from their set-aside funds to the parking improvement fund.

The applicant has submitted a noise analysis (attached) of the outdoor dining to address the issue of the potential impacts of late night noise. Ambient noise levels were measured between 10:30 and 11:30 P.M. at nearby residential areas. The report assumes that no amplified music would be played on the roof deck, and that it would be surrounded by a 5' high enclosure. The conclusion is that "based on previous experience with similar outdoor dining areas and the ambient noise levels along Pier Avenue during evening hours, it is unlikely that noise produced by people on the outdoor patio will be audible at the residential areas analyzed."

Based on this analysis, and given that the 5-foot barriers will be installed and no amplified music will be played on the patio, it appears that use of the patio past 10:00 P.M. would not normally cause adverse impacts to any surrounding residents. As such, the mitigation measure for the barrier and prohibition of amplified music should be sufficient. Pursuant to the standard condition for noise, relative to both the live entertainment and the outside patio, any future complaints would require a noise analysis of the actual operation.

The attached resolution of approval supersedes the conditions as contained in P.C. Resolution 90-78 and contains the currently applicable standard conditions, and standard conditions regarding operating hours. The hours for live entertainment have remained the same, since no change has been requested.


Ken Robertson
Associate Planner

CONCUR:



Michael Schubach
Planning Director


Sol Blumenfeld, Director
Community Development Department

Attachments

1. Proposed Resolution
2. Noise Analysis
3. Neg.Dec. and Initial Study Checklist
4. P.C. Resolution 90-78
5. Application
4. Correspondence

5-96-043
Exhibit B
pof3

KR/pcsr8

Proposed Mitigation Measures 8 Pier Avenue

1. Contributions to a parking improvement fund shall be made by the City, or, in-lieu fees shall paid by the applicant, shall be provided in an amount to compensate for the number of parking spaces the project is deficient pursuant to zoning code requirements.
2. Double pane windows or windows with equivalent sound-proofing qualities shall be provided. Outside dining areas shall be enclosed by a glass barrier or an equivalent material, and hours shall be limited for the night-time use of the outside dining. The specific height and material of the barrier and the hours for outside dining shall be determined by a noise study prepared by the applicant, and approved by the City, based on achieving compliance with the City's noise ordinance.

Exhibit C
5-96-043