

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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RECORD PACKET COPY



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 49th Day: 7-12-96
 180th Day: 11-20-96
 Staff: JLR *JMR*
 Staff Report: 6-14-96
 Hearing Date: July 1996
 Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-094

APPLICANT: Shigeru Jokawa and Kinji Takei

PROJECT LOCATION: 1040 Hermosa Avenue, Hermosa Beach

PROJECT DESCRIPTION: Convert a 2,240 square foot retail store into a restaurant.

Lot area:	8,000 sq. ft.
Building coverage:	6,300 sq. ft. (floor area)
Pavement coverage:	
Landscape coverage:	N/A
Parking spaces:	none
Zoning:	C-2
Plan designation:	Restricted Commercial
Project density:	N/A
Ht abv fin grade:	21' (two-story)

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

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, 5-95-077, 5-96-043, and 5-96-075

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with a special condition requiring the applicant to provide parking validations for a minimum of two hours within the City's Downtown Parking Validation Program.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, 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

The applicant agrees, by accepting this permit, to provide parking validations for no less than two hours through the City of Hermosa Beach Downtown Enhancement District Parking Validation Program.

VI. Findings and Declarations:

The Commission hereby finds and declares as follows:

A. Project Description and Location:

The applicant proposes to convert a 2,240 sq. ft. retail store into a restaurant. The subject site is part of a 2-story, 8,000 sq. ft., multi-tenant building currently occupied by three other retail tenants. The proposed project is located in the Downtown Commercial District of the City of Hermosa Beach. The site is located approximately two blocks inland of The Strand, a public walkway/bikepath that parallels the adjacent public beach.

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 for the Downtown Enhancement District (DED):

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 sq. ft. 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 the 24,063 sq. ft. 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 sq. ft. 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 sq. ft. 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 sq. ft. 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 1994 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 1994 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. The Commission's 1994 conditional approval of the amended Land Use Plan (LUP) was based on a 1994 parking study. The City is currently up-dating that study and anticipates submitting it to the Commission staff at the end of June 1996.

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. The 1994 parking study submitted by the City demonstrates that the proposed project is consistent with that requirement. A third finding requires that the City's parking study demonstrates 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, based on the 1994 parking study. 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 City 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. and does not exceed the 1:1 F.A.R. Therefore, consistent with the 1994 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 Conditional Use Permit approval does require the

applicant to provide parking validations for no less than two hours within the City's Downtown Parking Validation Program. However, the City's required conditional approval could subsequently be modified without the necessity of obtaining a Coastal Development Permit. Therefore, the Commission is requiring a special condition, consistent with the LUP amendment, that requires the applicant to provide parking validations for no less than two hours within the City's Parking Validation Program. As conditioned; 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.

Only as conditioned, to participate in the validation program for a minimum of two hours, can 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 and the City's 1994 certified LUP amendment.

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

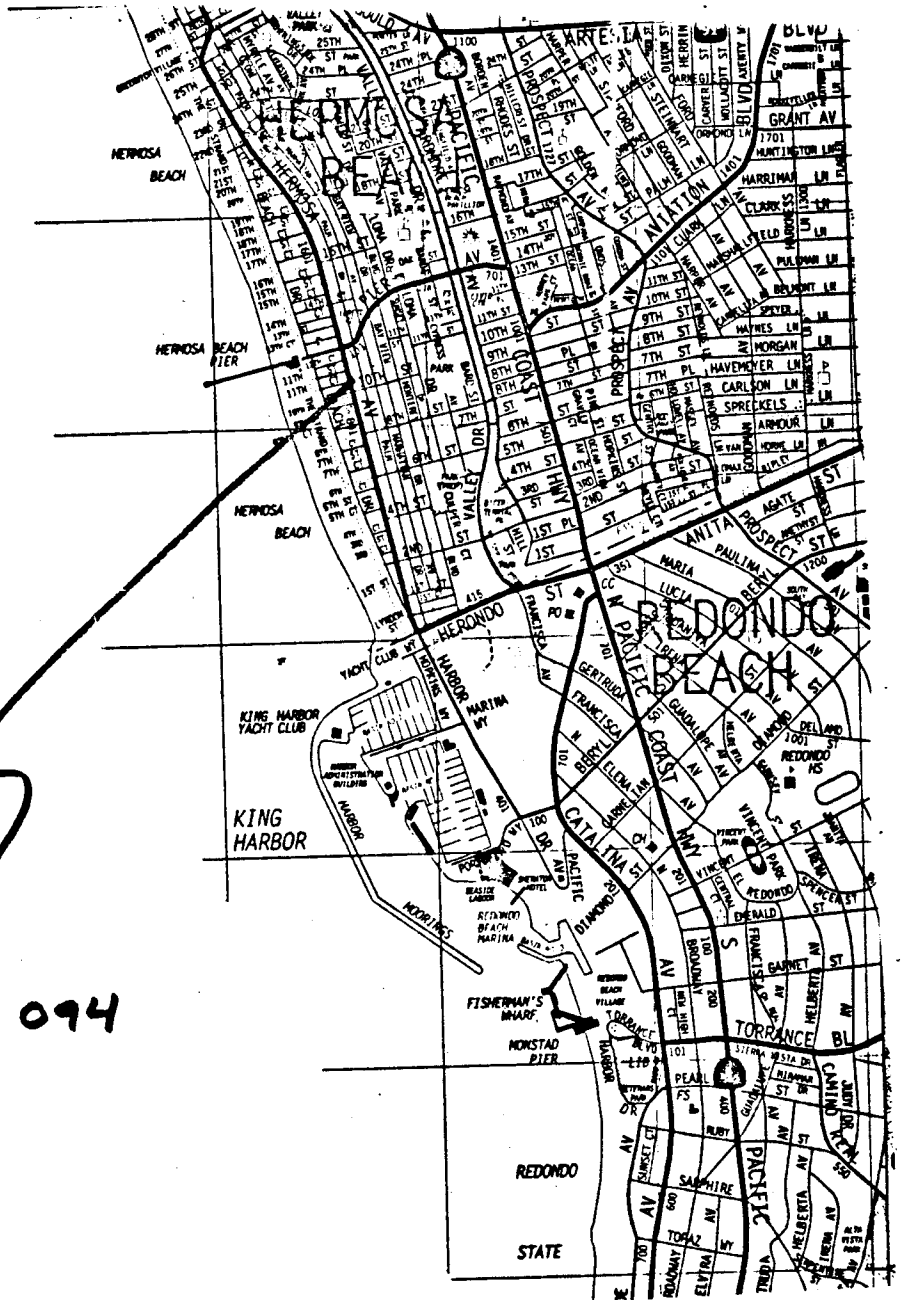
Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5 (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 has been conditioned in order to be found 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 conditioned, 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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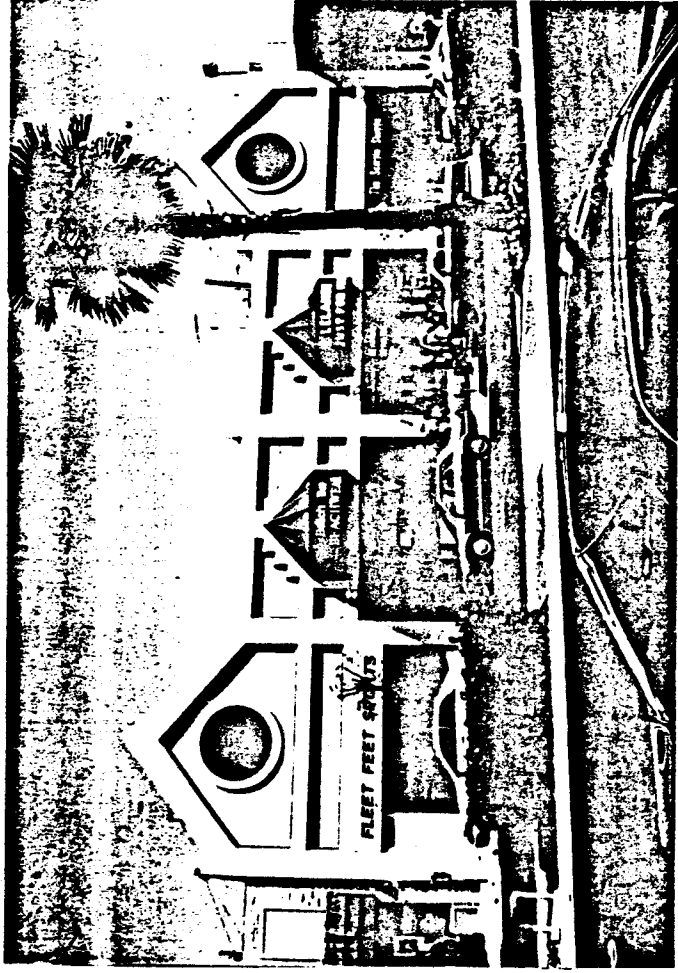
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5-96-094



Vicinity
Map
Exhibit A
5-96-094

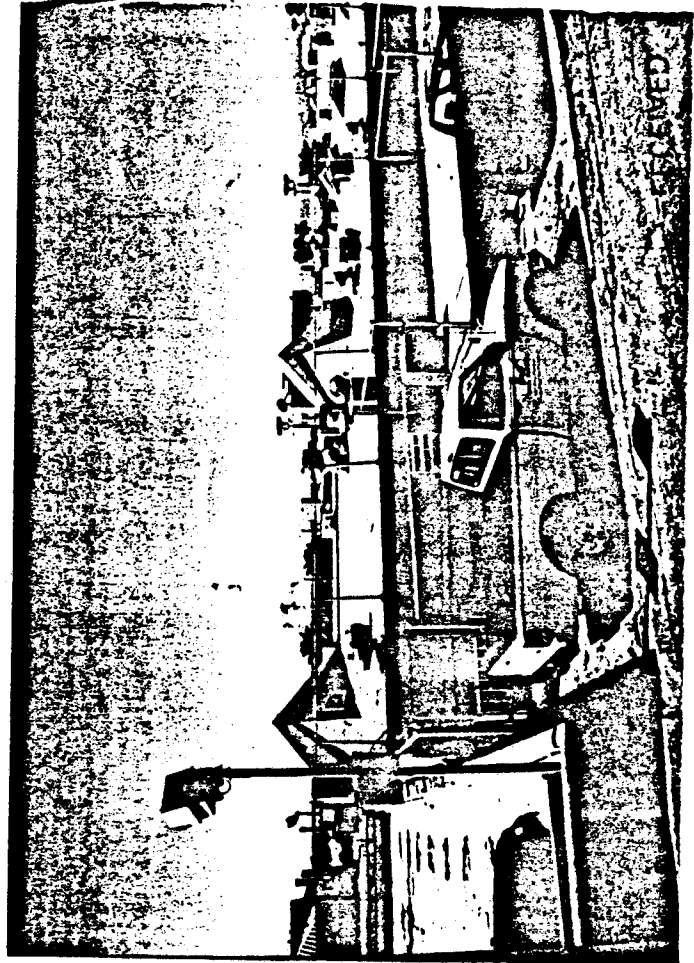
SUSHI SEI PROJECT 1. EXISTING BUILDING PICTURE. 1040 TAMOSA BLY.



WEST. FRONT ELEVATION ↑



SOUTH SIDE FROM NEXT BUILDING ↑



EAST SIDE, ROOF

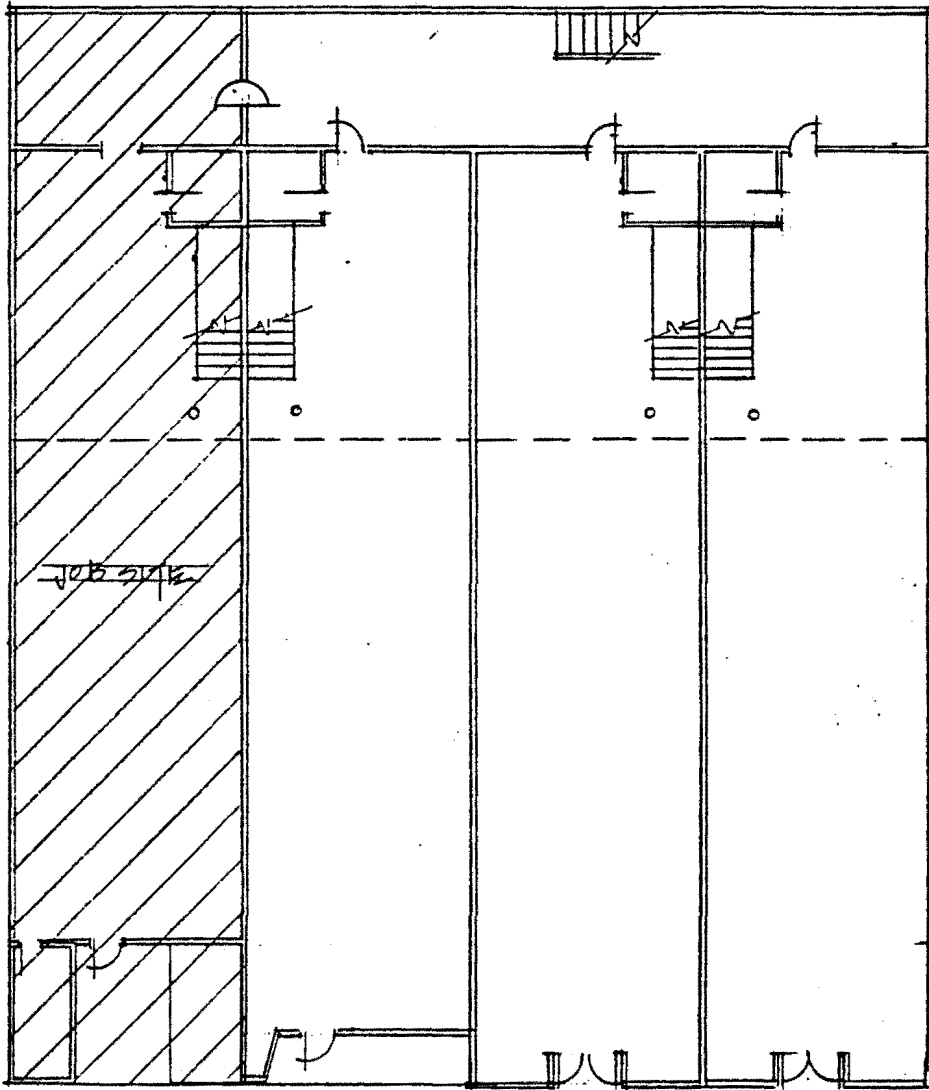


NORTH SIDE PROPERTY LINE

Exhibit B 5-96-094

MAR 13 1996

BY SAUNDERS REPORT



HERMOSA AVE

EXIST 1ST FLOOR PLAN

NO SCALE

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5-96-094