

## CALIFORNIA COASTAL COMMISSION

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

*TU 48*

Filed: Mar. 4, 1997  
49th Day: Apr. 22, 1997  
180th Day: Aug. 31, 1997  
Staff: JLR-LB *YTK*  
Staff Report: Mar. 13, 1997  
Hearing Date: April 8-11, 1997

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-97-025

APPLICANT: Chiller's

PROJECT LOCATION: 239 North Harbor Drive, Redondo Beach

PROJECT DESCRIPTION: Add a 701 sq. ft. outdoor dining patio to an existing one-story, 7,860 sq. ft. restaurant to include a 9' high clear glass screen enclosure around the deck perimeter..

Lot area:	N/A
Building coverage:	8,561 sq. ft.
Pavement coverage:	N/A
Landscape coverage:	2,000 sq. ft.
Parking spaces:	80
Zoning:	CR
Plan designation:	Commercial Recreation
Project density:	N/A
Ht abv fin grade:	9 ft.

LOCAL APPROVALS RECEIVED: 1. Approval in Concept- City of Redondo Beach

2. City of Redondo Beach Resolution Number 67A that includes a Conditional Use Permit and Variance

SUBSTANTIVE FILE DOCUMENTS: City of Redondo Beach Certified Land Use Plan

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SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with no special conditions.

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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, is located between the sea and the first public road nearest the shoreline and in in conformance with the public access and public recreation policies 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 this permit is reported to the Commission. 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 add a 701 sq. ft. outdoor dining patio to an

existing one-story 7,860 sq. ft. restaurant to include a 9' high clear glass screen enclosure around the deck perimeter. The applicant received a variance to allow the clear glass screen to be 9' high rather than 6'. No public views are impacted. The location of the proposed restaurant is within a marina complex that is a coastal destination and recreational area. There is a parking lot on two contiguous parcels with a total of 625 parking spaces for the use of the facilities at the marina and nearby facilities. Of those spaces approximately 70 percent (364 spaces) are for the use of marina businesses (the "Marina" Lot). The other 30 percent (261 spaces) is on a City parcel (the "North" lot) adjoining the "Marina" lot. The North lot serves Seaside Lagoon patrons, the Catalina Express, marina overflow parking and more recently boat hoist patrons. The Seaside Lagoon is a public swimming area that is fenced and operated as a municipal pool.

**B. Parking/Public Access**

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. . . .

and Section 30212 of the Coastal Act states in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(2) adequate access exists nearby, or,

Additionally, the Land Use Plan of the City's Local Coastal Program which was certified by the Commission on June 19, 1980, contains the following relevant parking provision:

The City will continue to diligently enforce existing parking standards for new development.

By requiring adequate parking for new development within the Coastal Zone in the past, the City has assured adequate parking accessibility to the beach and the Harbor-Pier area. This policy will be continued by assuring the adoption of adequate parking standards in the implementing ordinances of the Local Coastal Program.

The subject site is located adjacent to the marina shoreline. There are existing sidewalks on both the adjacent northerly and southerly sides of the restaurant. These walkways lead vertically to the shoreline and connect to an access road/walkway that parallels the shoreline. These existing accessways will not be impeded by the proposed patio addition. The improvements are located in a grassy landscaped area adjacent to the existing restaurant.

After storm damage in 1988 to the Marina parking lot and other facilities a reevaluation of the needs for parking was undertaken. Damage to a mooring

reduced the parking need for that facility by 40 spaces. That facility has not been replaced. In addition, the 134 spaces associated with the boat hoist, for trailerable boat parking, have been moved to the adjoining North lot from the Marina lot when it was found that the North lot was underutilized (177 excess spaces). This had the effect of creating an excess of spaces within the Marina parking lot and the potential for additional development. Subsequently, the Commission approved the rebuilding of the storm-demolished Blue Moon Saloon (5-89-537) which increased in size and reduced the unallocated spaces from 177 to 143. Also, in July 1991, the Commission approved another new restaurant that further reduced the unallocated parking spaces from 143 to 46 spaces. The net result is the Marina lot presently has an excess of 46 unallocated parking spaces.

Using parking standards imposed by the Commission in past permit decisions, the proposed 701 sq. ft. patio addition would require 14 parking spaces (1 per 50 sq. ft.). Therefore, the unallocated parking spaces will be reduced from 46 to 32 spaces.

Also, no additional parking was required by the City because the applicant had demonstrated that the late hours of operation of the entertainment type restaurant would not conflict with marina users and that many of the day time customers "ride their bikes, roller blade, roller skate or walk to the restaurant." In addition, the City's approval requires that the patio area close by 8:30 p. m. and is not to be used for entertainment purposes. Therefore, the Commission finds that the proposed patio addition will provide adequate parking consistent with past Commission permit approvals. The Commission further finds that because the proposed improvements will not impede adjacent existing vertical and horizontal public walkways, the proposed project is designed to assure the continued availability of public access to the shoreline, consistent with Section 30212 of the Coastal Act.

#### C. Local Coastal Program

Section 30604 (a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act.

#### Section 30604(a):

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

On June 19, 1980, the Commission approved the Land Use Plan for the City of Redondo Beach Local Coastal Program. The Land Use Plan contains specific policies to guide the type, location, and intensity of future development in the City of Redondo Beach Coastal Zone.

The proposed development is consistent with the designated Commercial/Recreation land use for the project site as contained in the certified Land Use Plan. Therefore, the Commission finds that the proposed development will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

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

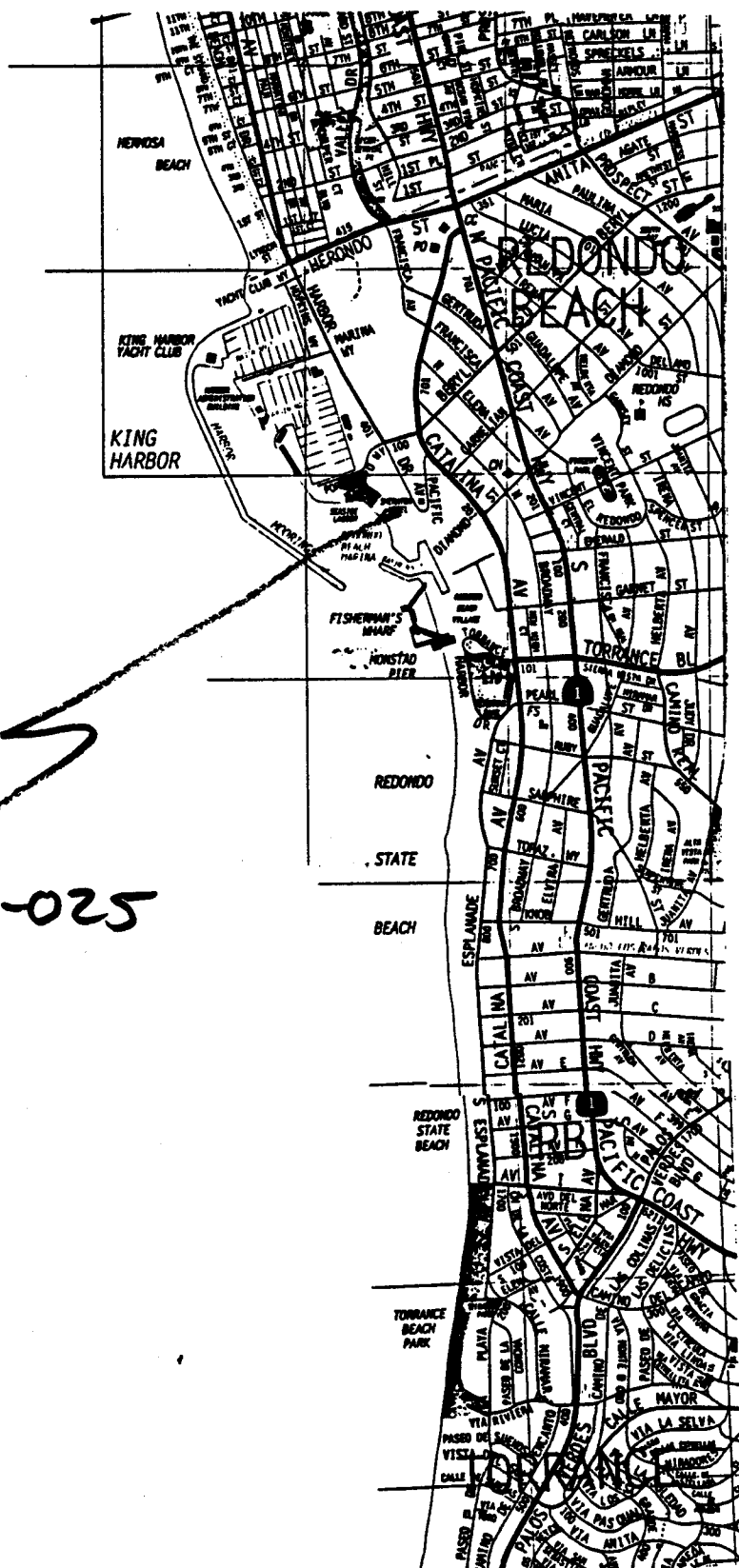
Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5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

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.

JLR:b11

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Exhibit A

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RESOLUTION NO. 67A

**A RESOLUTION OF THE HARBOR COMMISSION OF CALIFORNIA  
THE CITY OF REDONDO BEACH COASTAL COMMISSION  
CERTIFYING AN EXEMPTION DECLARATION AND GRANTING  
A VARIANCE AND A CONDITIONAL USE PERMIT REQUEST  
TO ALLOW THE CONSTRUCTION AND OPERATION  
OF AN OUTDOOR PATIO AREA, WITH PERIMETER WALLS  
WHICH EXCEED THE MAXIMUM HEIGHT LIMIT  
PERMITTED BY THE ZONING ORDINANCE,  
ALONG THE WEST SIDE OF AN EXISTING RESTAURANT (CHILLER'S),  
ON PROPERTY SITUATED WITHIN A COASTAL COMMERCIAL (CC-4)  
AT 239 NORTH HARBOR DRIVE**

WHEREAS, Charles G. Johnston, Inc. is a lessee of real property owned by the City of Redondo Beach (Leasehold);

WHEREAS, Charles G. Johnston, Inc. on December 16, 1996, submitted a complete application for a Conditional Use Permit and a Variance to allow the construction and operation of an outdoor patio area, with perimeter walls which exceed the maximum height limit permitted by the Zoning Ordinance, along the west side of an existing restaurant ("Chiller's"), at 239 North Harbor Drive; and

WHEREAS, an exemption declaration was prepared for the project and duly posted, published and noticed as set forth in the applicable provisions of the Redondo Beach Municipal Code; and

WHEREAS, the Harbor Commission has duly noticed the public hearing to consider Charles G. Johnston's application for Conditional Use Permit and Variance; and

WHEREAS, the Harbor Commission has fully considered all public testimony, both written and oral during a public hearing held on January 13, 1997 prior to reaching its decision.

SECTION 1. NOW THEREFORE, THE HARBOR COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY FIND:

1. In accordance with Section 10.2-2510(B) and 10.2-2506(B) of the Redondo Beach Municipal Code, the Variance and Conditional Use

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Exhibit B  
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Permit are in accord with the criteria set forth therein for the following reasons:

- a) There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, such that the strict application of the zoning provisions deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning designation. The proposed location of the patio area provides the greatest potential for mitigation of noise impacts from the outdoor seating area, while enhancing the public amenities available within the harbor area. The close proximity of the proposed patio to the waterfront, however, impacts its desirability to patrons of the adjacent restaurant unless adequately sheltered from the elements. An increase in the height of the perimeter wall along the patio is warranted under these circumstances.
- b) Approval of the Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located. Numerous restaurants located within the harbor area have patio areas with views to the adjacent harbor. Given the proposed patio's close proximity to the waterfront, in the instant case, the height of the perimeter wall along the patio must be increased in order to enhance the usability of the area.
- c) Approval of the Variance, as requested, is consistent with the goals and policies of the City's General Plan and Harbor/Civic Center Specific Plan.
- d) The site of the proposed use is in conformity with the General Plan and Harbor/Civic Center Specific Plan and is adequate in size and shape to accommodate such use and all setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by Chapter 2, Title 10 of the Redondo Municipal Code to adjust such use with the land and uses in the neighborhood.
- e) The site has adequate access to a public street of adequate width to carry the kind and quantity of traffic generated by the proposed use.
- f) The proposed use shall have no adverse effect on abutting property or the permitted use thereof, subject to the conditions of approval.

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Exhibit B



2. The plans, specifications and drawings submitted with the applications have been reviewed by the Harbor Commission, and approved.
3. Pursuant to Chapter 3, Title 10 of the Redondo Beach Municipal Code, the project is exempt from the preparation of environmental documents pursuant to Section 15301 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA).

SECTION 2. NOW, THEREFORE, THE HARBOR COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY RESOLVE AS FOLLOWS:

The Harbor Commission of the City of Redondo Beach hereby adopts the Exemption Declaration and grants the Conditional Use Permit and Variance subject to the plans and specifications submitted and the following conditions:

1. That the approval granted herein is for the construction of up to 701 square foot patio area adjacent to the west side of the existing "Chiller's" restaurant, as reflected on the plans reviewed and approved by the Harbor Commission on January 13, 1997. The applicant is provided with the option to proceed with development of "Scheme A" as shown on the approved plans. Scheme "A" may be altered to permit an extension of the patio area to the line of the north wall of the restaurant building. Perimeter walls along the patio shall not exceed a maximum height of 9-feet. Any height over 8 feet should include a 45-degree angled section at the top of the wall to reduce wind buffeting within the patio.
2. That construction of the improvements shall substantially conform to the plans reviewed and approved by the Harbor Commission at its meeting of January 13, 1997.
3. That exterior finishing materials shall be reviewed and approved by the Planning Department, prior to issuance of building permits.
4. That the Planning Department is authorized to approve minor changes.
5. That all construction shall comply with all applicable codes and regulations implemented by the Building Department and any other agencies with jurisdiction over the facility.
6. That entertainment and/or any form of live or electronically generated sound or music shall be prohibited within the patio area.

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7. That the hours of operation of the patio area shall be from 11:00 a.m. to 8:30 p.m., Monday through Sunday, and the patio shall not be open during hours of entertainment on the interior of the building.
8. That during all hours of the patio's operation, a full menu service shall be offered to patrons.
9. That entry to the patio area shall be only from within the restaurant, unless fire safety, or other building code provisions require a secondary means of egress from the area in the event of an emergency.
10. That the breach between the existing sound wall and the pitched roof of the restaurant building, located on the east side of the building, shall be infilled in a manner acceptable to the Planning Department.
11. That, in the event of a disagreement in the interpretation and/or application of these conditions, the issue shall be referred back to the Harbor Commission for a decision prior to the issuance of a building permit.
12. That the Harbor Commission shall retain jurisdiction of the matter for the purpose of enforcing compliance with these conditions and for the purpose of modification thereof as circumstances may subsequently indicate.

SECTION 3. That this Conditional Use Permit shall become null and void if not vested within 36 months after the effective date of the Harbor Commission's resolution.

SECTION 4. That this Variance shall become null and void if not vested within 36 months after the effective date of the Harbor Commission's resolution.

SECTION 5. Prior to seeking judicial review of this resolution, the applicant is required to appeal to the City Council. The applicant has ten days from the date of the adoption of this resolution in which to file an appeal.

SECTION 6. The Harbor Commission shall forward a copy of the Resolution to the City Council for information on the action taken by the Harbor Commission on this matter.

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Exhibit B  
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Passed, approved and adopted this 13th day of January, 1997 by the following vote:

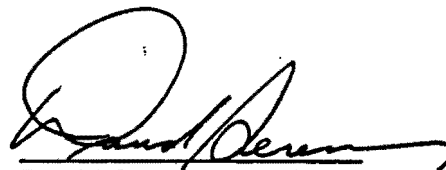
AYES: Bisignano, Covington, Cruikshank, Parsons, Prunauer, and  
Serena;

NOES: None;

ABSENT: None.

APPROVED AS TO FORM:

  
John Eastman  
Assistant City Attorney

  
David Serena, Chairman  
Harbor Commission of the  
City of Redondo Beach

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Exhibit B  
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## CITY OF REDONDO BEACH

### EXEMPTION DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

**DATE:** January 8, 1997

**PROJECT ADDRESS:** 239 North Harbor Drive

**PROPOSED PROJECT:** Consideration of a Variance and a Conditional Use Permit to allow the construction and operation of an outdoor patio area, with perimeter walls which exceed the maximum height limit permitted by the Zoning Ordinance, along the west side of an existing restaurant (Chiller's), on property situated within a Coastal Commercial (CC-4) zone.

In accordance with Chapter 3, Title 10, Section 10-3.301(a) of the Redondo Beach Municipal Code, the above-referenced project is Categorically Exempt from the preparation of environmental review documents pursuant to:

Section 15301 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA), which states, in part, that the minor alteration of private structures or facilities which results in a negligible expansion of the use beyond that which previously existed, does not have a significant impact upon the environment. This finding is supported by the fact that the proposed project is the construction of a small (500-644 square foot) patio area adjacent to the exterior of an existing restaurant, which will not significantly expand the use beyond its current scope.

  
William Meeker  
Senior Planner

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CALIFORNIA  
COASTAL COMMISSION

5-97-025

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Exhibit C

Jim Ryan  
California Coastal Commission  
South Coast Area

RE: Chillers Patio Addition  
'239 N. Harbor Dr.  
Redondo Beach, Ca. 90277

Dear Mr. Ryan:

I would like to clarify some issues concerning our parking situation involving the addition of our proposed 700 sq. ft. patio. After our discussion on the Coastal Commission's requirements for parking, We realized that there was some concern about a possible lack of parking spaces for the proposed addition. There are some factors involved that make our situation different than a typical application with the same requirements that we have.

1. The layout of our restaurant allows customers to sit inside, or to sit outside on our existing patio. It has been our experience that when the weather is nice, people choose to sit outside rather than sitting inside. It has also been our experience that when the weather isn't nice, people choose to sit inside rather than outside. With this in mind, the addition of a 700sq. ft. patio would not increase our need for parking seeing that both the inside and outside areas are normally not occupied at the same time.
2. The majority of our business is done at night (9pm-cl). Due to restrictions on our Conditional Use Permit, and Redondo Beach's noise ordinance, our hours of operation for the proposed patio are 11am to 8:30pm. Thus our need for parking spaces during our busiest hours from 9pm-cl will be the same as they have been since we opened in 1991.
3. During our daytime hours of business 50-75% of our customers ride their bikes, roller blade, roller skate, or walk to our restaurant. Thus alleviating the need for a large portion of parking spaces currently allocated for our use during the daytime hours of our operation which happen to be the hours our proposed patio will be open.

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Exhibit D  
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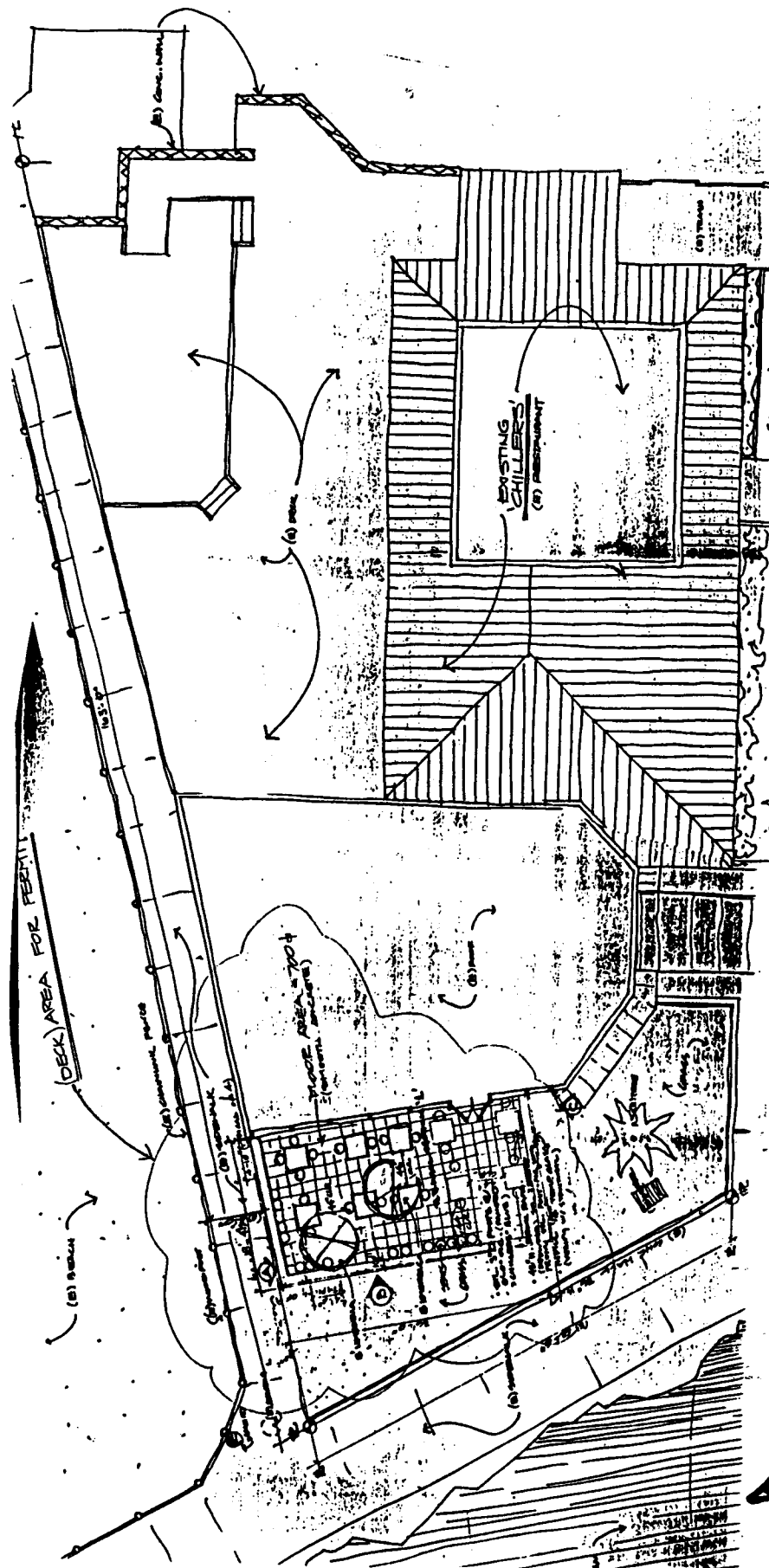
4. The parking set up in the Redondo Beach Marina is shared by different businesses that are each assigned a certain number of parking spaces. It would be unlikely that all of the Marina businesses would be at their parking capacity at the same time.

If you have any questions please don't hesitate to call.  
310-394-1993/310-798-3171

Sincerely,

Gary Nolen

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Exhibit  
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