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PC

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
300 Ocean Gate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071



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Filed: Dec. 24, 1997
49th Day: Feb. 11, 1998
180th Day: June 22, 1998
Staff: JLR-LB JIR
Staff Report: Jan. 12, 1998
Hearing Date: Feb. 3-6, 1998
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-97-378

APPLICANT: Ho Young Kim:

PROJECT LOCATION: 113 Hermosa Ave., Hermosa Beach

PROJECT DESCRIPTION: Convert a 440 sq. ft. health juice/snack bar into a restaurant to include two parking spaces.

Lot area: 4,000 sq. ft.
Building coverage: 440 sq. ft.
Pavement coverage: 1,120 sq. ft.
Landscape coverage: N/A
Parking spaces: TWO
Zoning: C-1 Neighborhood Commercial
Plan designation: Commercial
Project density: N/A
Ht abv fin grade: N/A

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

COASTAL ISSUES: Public Access/Parking

SUBSTANTIVE FILE DOCUMENTS: 1. City of Hermosa Beach Certified Land Use Plan (LUP)
2. Coastal Development Permits 5-93-113 and 5-94-130

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 convert a 440 sq. ft. take-out health juice/snack bar into a take-out restaurant to include conversion of a storage building into two parking spaces. The proposed restaurant includes a 147 sq. ft. interior eating area. The proposed development is located approximately one half block from The Strand, a public walkway/bikepath that parallels the adjacent beach. The site is located in the southern area of the City approximately eleven blocks from the Municipal Pier. Within Hermosa Beach, the most heavily used commercial node is located on Pier Avenue, next to the Pier. In the area for the proposed restaurant, there is ample beach parking in metered spaces on the street and little competition with other commercial uses. The subject 4,000 sq. ft. lot contains two other small stores. Adjacent to this commercial node, the area is surrounded by existing high density residential development.

B. Public Access/Development:

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 Land Use Plan of the City's Local Coastal Program which was certified by the Commission on April 21, 1982, contains the following relevant parking provisions:

C. Policies and Programs

1. Existing Policies and Programs

Policy: That the City should not allow the elimination of existing on-street parking or off-street parking spaces within

the coastal zone. Future residential and commercial construction should provide the actual parking necessary to meet the demand generated.

Access/Parking

- i. New commercial development or expansion or intensification existing commercial facilities shall be permitted only if the applicant on such a project has committed himself/herself to participate in a program which would function to provide parking spaces on site, in the amount of 1 space per 250 sq. ft. of commercial area. With respect to restaurants and other use which generate greater than usual demand for parking, the LUP shall specify: additional mitigation measures such as bicycle parking spaces or additional off-site parking within a convenient distance and the like. Exceptions may be made for small restaurants or other uses that do not operate during peak parking demand periods which would assure that beach parking/access in the commercial area would not be impaired. Such a program shall assure that the number of parking spaces available to beach users after the development is completed is equal or greater than the number of spaces available prior to the development.

The City of Hermosa Beach has historically experienced a shortage of parking due to competing parking demands of beach-goers, customers or commercial establishments, and the surrounding residential uses which range from low to high density. In order to mitigate these parking conflicts, the City has established a preferential beach parking program. On May 18, 1982, the Commission conditionally approved a permit for the implementation of a preferential parking and remote beach parking program for the City of Hermosa Beach. According to the City, the program has been "designed to reduce traffic and parking impacts by reallocating the beach visitor demand to an area of the City that can better meet the need." This is done through pricing commercial spaces higher than the remote beach parking lots. If a visitor does not want to take advantage of this remote parking, a daily parking permit may be purchased enabling the visitor to park in the impacted area for a certain fee.

The existing take-out snack bar has no on-site parking. The applicant is proposing two new parking spaces. The proposed take-out restaurant will also have interior seating. The Commission's parking requirements for the proposed 147 sq. ft. interior seating area would require three parking spaces (one space per 50 sq. ft. of customer service area). Therefore, the proposed restaurant is deficient by one parking space.

The City approved the proposed expansion with less than required parking because the applicant had demonstrated that no negative parking impacts would occur in the area because a high percentage of customers would arrive by walking from the nearby residential neighborhood and beach. In order to mitigate the parking deficiency, the City required the applicant to submit a Parking Management Plan. Following are the findings of that plan, as contained in the City's resolution:

- B. Less than required parking is justified for this change of use, pursuant to Section 17.44.210 of the Zoning Ordinance, since most of the patronage will be neighborhood residents that walk or beach visitors whose destination is the beach
- C. No additional parking is required for this business as it is not intensifying the use.
- D. Strict compliance with the conditions of approval will mitigate any negative impact resulting from approval of the Parking Plan;

The Commission must find that the proposed project does not reduce beach access, and that it will not have significant adverse impacts, either individually or cumulatively on coastal resources. The coastal resource here is on-street public parking spaces. The proposed project involves approval of intensification of an existing use without requiring adequate parking provisions. Existing LUP policies for commercial uses require preservation of existing on-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. As previously discussed, the applicant has submitted a Parking Management Plan to mitigate the intensification of use without the providing additional parking. The subject site is located in a small established neighborhood commercial center which serves local residents and will not generate demand as a regional destination point.

The proposed project is not located within the City's downtown Vehicle Parking District and therefore the in-lieu program of the City's certified LUP is not applicable. However, the conditionally certified LUP allows development when physical constraints limit on-site parking for small restaurants. The Commission concurs with the City's parking analysis in that a high percentage of customers will be arriving to the restaurant by walking and bicycling from the surrounding residential area and the nearby public walkway/bike path and beach. Therefore, the Commission is not requiring the applicant to provide one additional parking space. Additionally, the proposed project is consistent with two past Commission permit approvals (5-93-130 & 5-93-113) for minor intensification of uses.

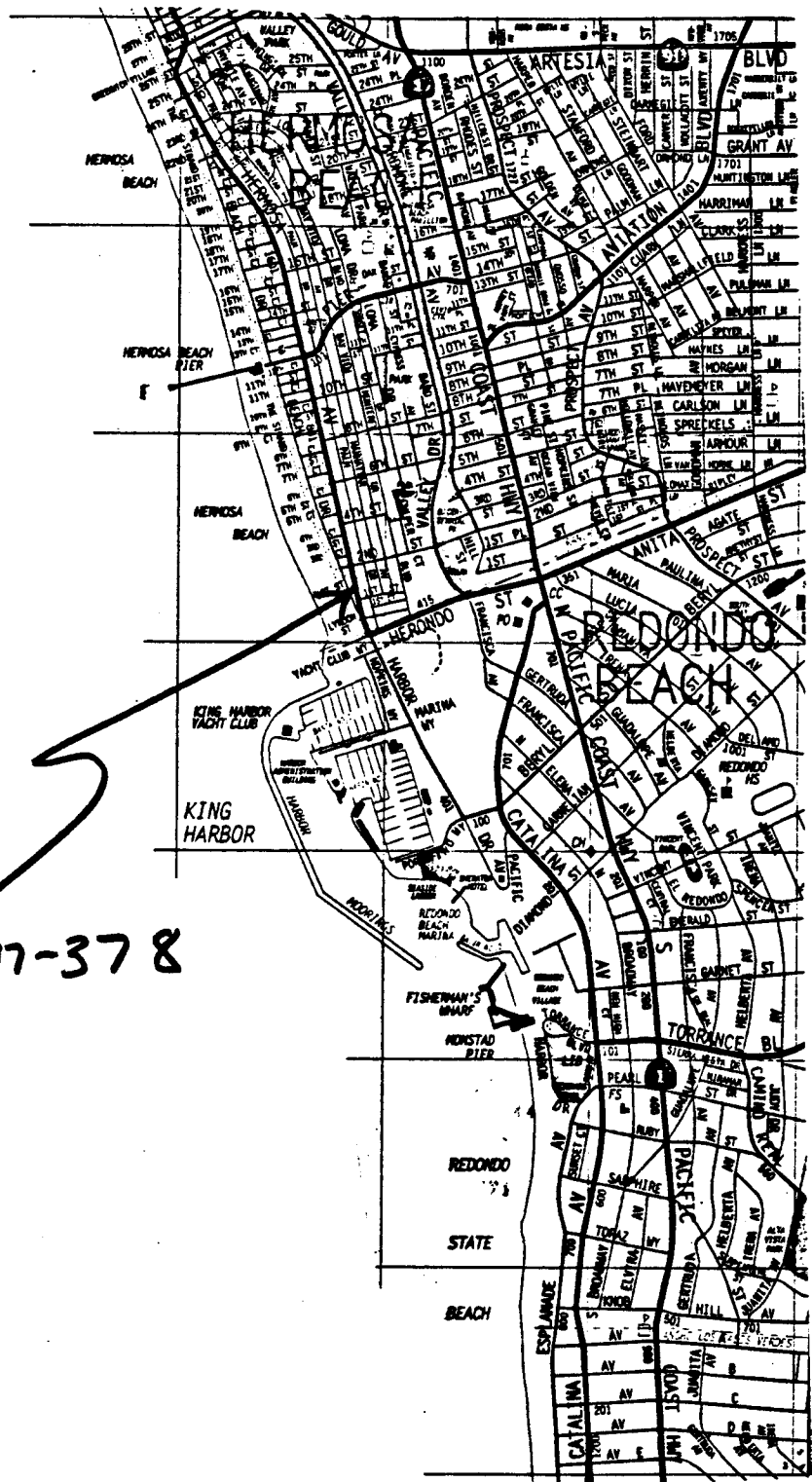
Therefore, the Commission finds, that the proposed minor restaurant expansion is consistent with the applicable provisions of the City's certified LUP. The Commission further finds that, as submitted, to include a parking management plan, the proposed development will not interfere with public access to and along the shoreline, consistent with Sections 30211 and 30212.5 of the Coastal Act.

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 as submitted is consistent with the public access and development policies of the Coastal Act. 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.

0340G
JR/lm



5-97-378

Exhibit A
5-97-378

South Coast District Office

APPROVED
Permit No. 5-97-378

SUBJECT SITE
113 HERMOSA

Beach Drive
20' R.O.W.

Micky's Deli
101 HERMOSA

EXISTING GARAGES
2 PARKING SPACES FOR 113 HERMOSA
STORAGE
CLEARANCE
CUSTOM GATE
ELECTRIC PANELS
ELECTRIC METER

APN 4188-003-035
Second Street Laundry
117 HERMOSA

Vacant Lot

House

Rio Grande Restaurant
Smoke Shop
133 HERMOSA

Second Street Cafe

Patio

Second Street 60' R.O.W.

PROPOSED RESTAURANT
113 HERMOSA AVENUE
W. Steven Jones
ARCHITECT

5-97-378
EXHIBIT A

SITE PLAN →

1/16" = 1'-0"

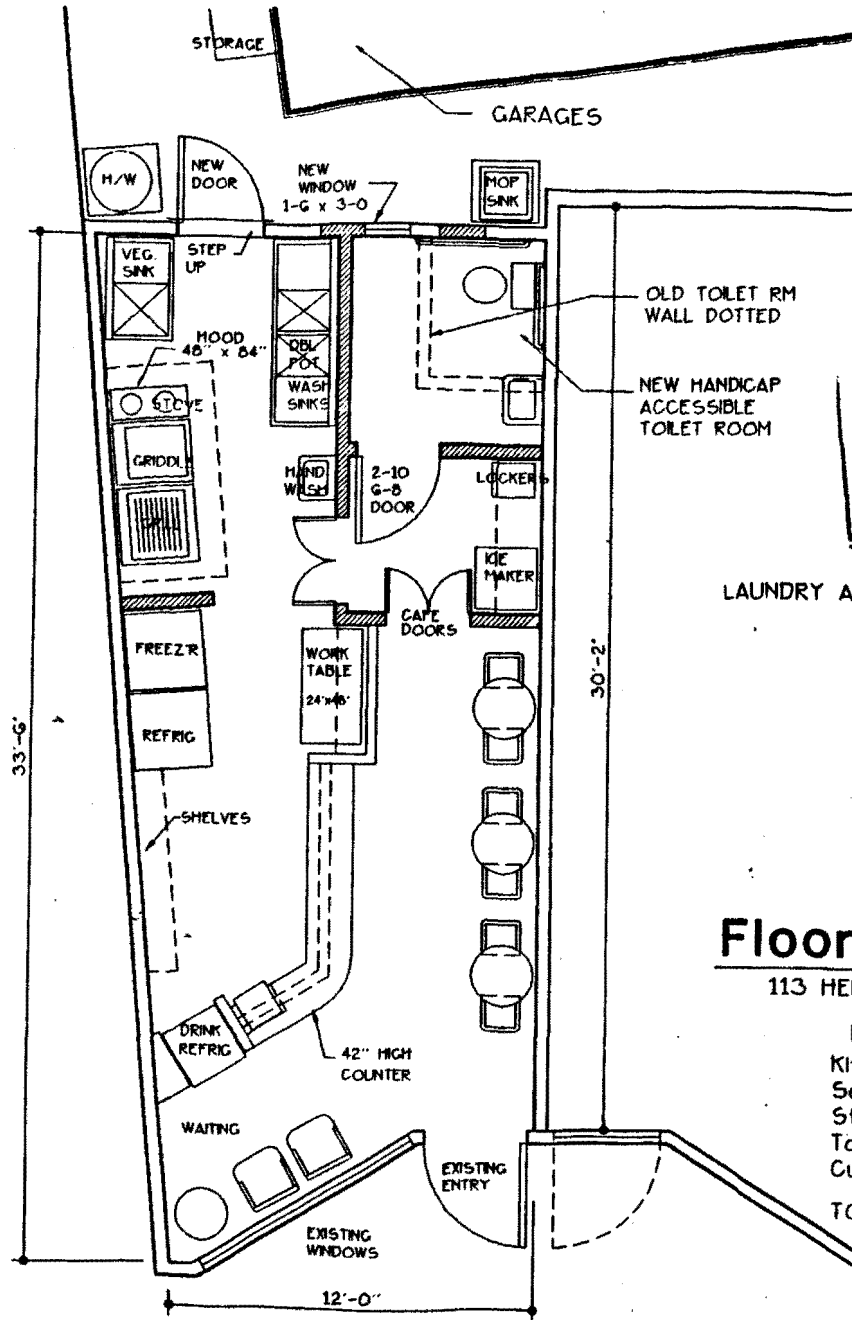
APPROVED IN CONCEPT
CITY OF HERMOSA BEACH

by [Signature]
Dept _____

Hermosa Avenue
100' R.O.W.

10/2/17

5-97-378
 EXHIBIT C



South District Office
 APPROVED 5-97-378
 Permit No.
 By: _____
 Date: _____

APPROVED IN CONCEPT
 CITY OF HERMOSA BEACH

by: _____
 Dept: _____
 Date: _____

LAUNDRY ADJACENT TENENT



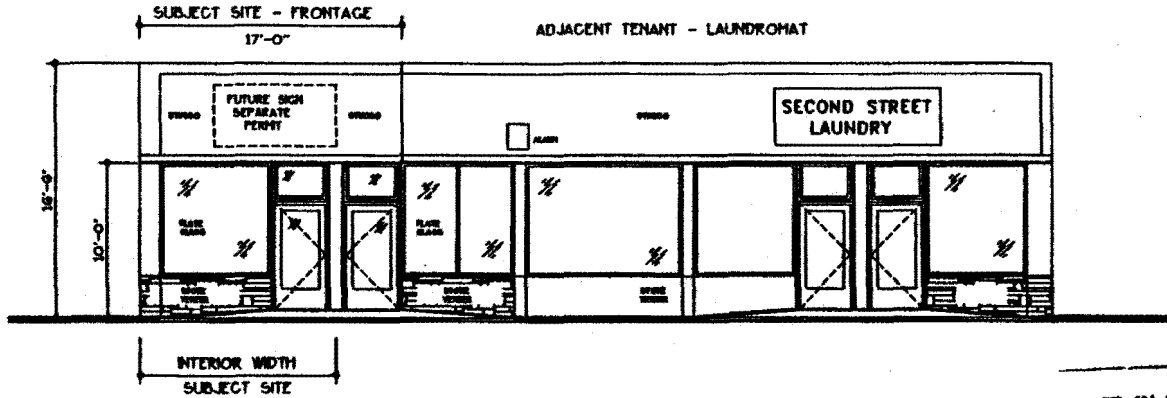
Floor Plan 1/4" = 1'-0"

113 HERMOSA AVENUE

| PROPOSED RESTAURANT | |
|---------------------|--------------------|
| Kitchen | 103 sq. ft. |
| Service Area | 104 |
| Storage | 36 |
| Toilet | 50 |
| Customer | 147 |
| TOTAL AREA | 440 sq. ft. |

Rev
 2/11/97
 10/9/97

PROPOSED RESTAURANT
 113 HERMOSA AVENUE
 W. Steven Jones
 ARCHITECT

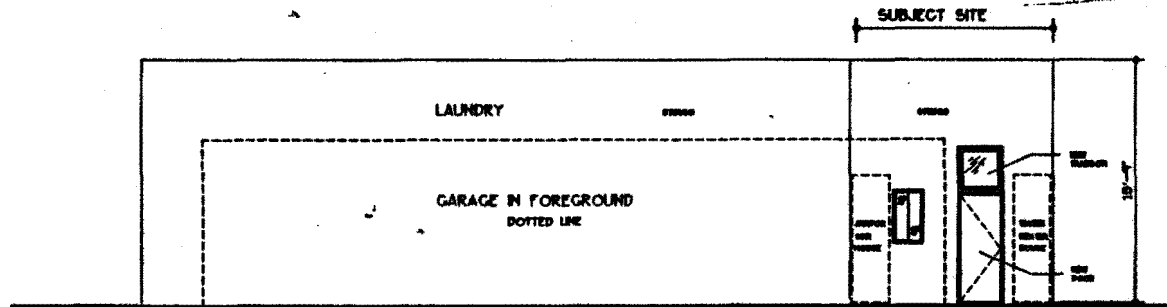


FRONT ELEVATION

1/8" = 1'-0"

APPROVED IN CONCEPT
CITY OF HERMOSA BEACH

by: [Signature]
Dept: _____
Date: _____



REAR ELEVATION

1/8" = 1'-0"

South Coast District Office
APPROVED Permit No. 5-97378
By: _____
EFFECTIVE Date: _____

5-97-378
EXH. B. 15 D

PROPOSED RESTAURANT
113 HERMOSA AVENUE
W. Steven Jones
ARCHITECT

10/1/27

P.C. RESOLUTION 97-67

1
2 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
3 HERMOSA BEACH, CALIFORNIA, APPROVING A PARKING PLAN FOR A
4 TAKE-OUT RESTAURANT AT 113 HERMOSA AVE, LEGALLY DESCRIBED AS
LOTS 11, 12, BLOCK 2, HERMOSA BEACH TRACT.

5 The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

6 Section 1. An application was filed by Ho Young Kim, business owner of the
7 proposed take-out restaurant located at 113 Hermosa Ave., seeking approval of a Parking
8 Plan to allow less than required parking..

9 Section 2. The Planning Commission conducted a duly noticed de novo public hearing
10 to consider the subject application on November 18, 1997, at which time testimony and
11 evidence, both written and oral, was presented to and considered by the Planning
Commission.

12 Section 3. Based on evidence received at the public hearing, the Planning Commission
13 makes the following factual findings:

- 14 1. The applicant is proposing to convert a defunct juice bar into a take-out/delivery
15 service restaurant.
16 2. The proposed use is permitted in the zone it is proposed -- C-1, Neighborhood
17 commercial

18 Section 4. Based on the foregoing factual findings, the Planning Commission makes
19 the following findings pertaining to the application for a Parking Plan:

- 20 A. The applicant is proposing to remodel the interior of an existing building previously
21 used for juices bar, for a take-out restaurant.
22 B. Less than required parking is justified for this change of use, pursuant to Section
23 17.44.210 of the Zoning Ordinance, since most of the patronage will be neighborhood
24 residents that walk or beach visitors whose destination is the beach.
25 C. No additional parking is required for this business as it is not intensifying the use.
26 D. Strict compliance with the Conditions of Approval will mitigate any negative impact
27 resulting from approval of the Parking Plan;
28

29
Exhibit E
1 of 3
5-97-378

1 E. This project is Categorically Exempt pursuant to the California Quality Act Guidelines,
2 Section 15303c New Construction or Conversion of Small Structures.

3
4 Section 5. Based on the foregoing, the Planning Commission hereby approves the subject
5 Parking Plan, subject to the following Conditions of Approval:

6
7 1. The project shall be substantially consistent with submitted plans and shall be
8 maintained primarily as a take-out/delivery restaurant with a maximum of 8
9 seats. Any minor modifications to the plan shall be reviewed and may be
approved by the Community Development Director.

10 1. The garage parking area shall be maintained for parking only. Storage is strictly
11 prohibited.

12 2. Any significant changes to the interior layout which would alter the primary
13 function as a take-out/delivery restaurant shall be subject to review and
14 approval by the Planning Commission.

15 3. The project and operation of the business shall comply with all applicable
16 requirements of the Municipal Code.

17 Section VI

18 This grant shall not be effective for any purposes until the permittee and the owners of
19 the property involved have filed at the office of the Planning Division of the Community
20 Development Department their affidavits stating that they are aware of, and agree to
accept, all of the conditions of this grant.

21 The Parking Plan shall be recorded, and proof of recordation shall be submitted to the
22 Community Development Department.

23 Each of the above conditions is separately enforced, and if one of the conditions of
24 approval is found to be invalid by a court of law, all the other conditions shall remain
valid and enforceable.

25 Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and
26 employees from any claim, action, or proceeding against the City or its agents, officers,
27 or employee to attack, set aside, void or annul this permit approval, which action is
28 brought within the applicable time period of Government Code Section 65907. The
29 City shall promptly notify the permittee of any claim, action, or proceeding and the
City shall cooperate fully in the defense. If the City fails to promptly notify the

Exhibit E
2 of 3
5-97-378

1 permittee of any claim, action or proceeding, or if the City fails to cooperate fully in the
2 defense, the permittee shall no thereafter be responsible to defend, indemnify, or hold
harmless the City.

3 The permittee shall reimburse the City for any court and attorney's fees which the City
4 may be required to pay as a result of any claim or action brought against the City
5 because of this grant. Although the permittee is the real party in interest in an action,
6 the City may, at its sole discretion, participate at its own expense in the defense of the
7 action, but such participation shall not relieve the permittee of any obligation under
8 this condition.

9 The subject property shall be developed, maintained and operated in full compliance
10 with the conditions of this grant and any law, statute, ordinance or other regulation
11 applicable to any development or activity on the subject property. Failure of the
12 permittee to cease any development or activity not in full compliance shall be a violation
13 of these conditions.

14 The Planning Commission may review this Parking Plan and may amend the subject
15 conditions or impose any new conditions if deemed necessary to mitigate detrimental
16 effects on the neighborhood resulting from the subject use.

17 VOTE: AYES: Comm. Perrotti, Merl, Pizer, Chmn. Tucker
18 NOES: none
19 ABSENT: Comm. Schwartz
20 ABSTAIN: none

21 CERTIFICATION

22 I hereby certify the foregoing Resolution P.C. 97-67 is a true and complete record of the
23 action taken by the Planning Commission of the City of Hermosa Beach, California, at their
24 regular meeting of November 18, 1997.

25 Peter Tucker
26 Peter Tucker, Chairman

27 Sol Blumenfeld
28 Sol Blumenfeld, Secretary

29 12-2-97
Date

ppr975

Exhibit E
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