

**CALIFORNIA COASTAL COMMISSION**

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**RECORD PACKET COPY**

Filed: 12/11/00  
49th Day: 1/29/01  
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Staff: AM-LB, JN  
Staff Report: Jan. 16, 2001  
Hearing Date: Feb. 13-16, 2001  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-00-404

**APPLICANT:** Mani Brothers/1031 Hermosa, LLC

**AGENT:** Subtec: Cheryl Vargo

**PROJECT LOCATION:** 1031 Hermosa Avenue, City of Hermosa Beach, Los Angeles County.

**PROJECT DESCRIPTION:** Conversion of a 1,745 square foot structure into a restaurant containing 850 square feet of service area. The project includes the restriping of the existing on-site parking lot resulting in 17 spaces.

**LOCAL APPROVAL:** City of Hermosa Beach, Approval in Concept, 10/3/2000.

|                      |                    |
|----------------------|--------------------|
| Lot Area             | 7,932 square feet  |
| Building Coverage    | 1,485 square feet  |
| Pavement Coverage    | 5,910 square feet  |
| Landscape Coverage   | 260 square feet    |
| Parking Spaces       | 17                 |
| Zoning               | C-2                |
| Plan Designation     | General Commercial |
| Ht above final grade | 13 feet, 10 inches |

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to parking and future improvements. The applicant agrees with the staff recommendation.

**STAFF RECOMMENDATION OF APPROVAL:**

**Motion:**

I move that the Commission approve CDP No. 5-00-404 pursuant to the staff recommendation.

Staff Recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**I. Approval with Conditions**

The Commission hereby **approves**, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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 first public road nearest the shoreline and is 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.

5. 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

#### 1. Parking

A) A minimum of 17 parking spaces shall be provided and maintained on the site to serve the approved restaurant.

B) The applicant, as proposed, shall re-stripe the on-site parking lot, creating a total parking supply of 17 spaces (as shown on See Exhibit #3). The applicant shall carry out the restriping of the on-site parking lot and creation of the 17 spaces prior to occupation of the proposed restaurant.

2. Any future improvements or changes of use to the permitted structure and activity approved under Coastal Development Permit 5-00-404 shall require an amendment to Permit 5-00-404 or a new Coastal Development Permit from the Commission. Such activities include, but are not limited to, expanding the restaurant/customer service area, changing the use of the existing restaurant to any other type of commercial use, or changing the intensity of the existing use in any way that would require an addition to the on-site parking supply approved under Coastal Development Permit 5-00-404.

### IV. Findings and Declarations

The Commission hereby finds and declares:

#### A. Project Description and History

The proposed project is the conversion of a 1,745 square foot vacant structure into a restaurant (Exhibit #4). The proposal includes the restriping of an existing on-site parking lot resulting in 17 parking spaces, an addition of five spaces from the existing parking supply (Exhibit #3). The proposed restaurant will consist of 848.77 square feet of customer service area (Exhibit #4).

The proposed project is located at 1031 Hermosa Avenue, approximately 320 feet from The Strand and Hermosa Beach (Exhibit #1). The project site is also located two blocks south of the Hermosa Beach Pier, a highly popular recreational area. The pier area of Hermosa Beach consists of visitor serving facilities (restaurants, retail stores, and hotels) as well as access points to the beach. Visitors use this area to walk, bike ride, fish, and shop.

The project site before the Commission originated in 1974 with the approval to convert a vacant gas station into a one-story commercial store. The project included an addition of 340 square feet and provided 12 on-site parking spaces. In 1976, a proposed 36 square foot, 12-foot high, walk-up photo-mat was approved. This was located in the 12-space parking lot. These were the only projects approved by the Commission for this site. The applicant has stated that in 1997 the commercial store (liquor store) was converted to a sandwich shop called Java Central. Then, in 1998, a restaurant utilized the space until approximately early 2000. All the uses after 1976 did not receive Commission approval, and therefore, the current application is seen as a new restaurant rather than an addition to an existing structure.

**B. Public Access/Parking**

As described above, The Strand and the adjacent beaches are a public recreational resource (Exhibit #2). The walkways provide an urban recreational experience popular throughout the Los Angeles area. The Commission has imposed Special Condition #1 to protect the quality of that recreational experience. The Commission has consistently found that a direct relationship exists between commercial uses and size, the provision of adequate parking, and the availability of public access to the coast.

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 area 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, in part:

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

Additionally, the Hermosa Beach Land Use Plan, which was certified by the Commission on April 21, 1982, contains the following relevant parking provisions:

*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.*

Many of the older developments in Hermosa Beach do not provide adequate on-site parking. The City of Hermosa Beach has historically experienced a shortage of parking due to competing parking demands of beach-goers, customers of commercial establishments, and the surrounding residential uses. As a result, many residents and customers park on the surrounding streets and public beach lots, where there is a parking shortage, and has negatively impacted public access to the beach. Visitors to the beach use these streets and lots for parking.

The proposed project includes the restriping of the existing on-site parking lot. This would create an additional 5 spaces from the existing on-site parking supply, generating a total of 17 spaces (Exhibit #3). The proposed restaurant includes 848.77 square feet of customer service area (Exhibit #4). The Commission's parking requirements for the proposed restaurant would require 17 spaces (one space per 50 square feet of customer service area). Therefore the proposed project contains an adequate parking supply.

Special Condition #1 is imposed to ensure that the applicant provides the proposed 17 on-site parking spaces. The applicant shall restripe the on-site parking lot creating the adequate parking supply (17 spaces) prior to occupation of the proposed restaurant. The proposed project provides an adequate parking supply for the proposed restaurant. The proposed project is consistent with prior Commission decisions for Hermosa Beach that required one space per 50 square feet of customer service area. The Commission finds that, only as conditioned to ensure that 17 parking spaces are provided in the on-site parking lot is the proposed project consistent with section 30221, 30212.5, and 30252 of the Coastal Act.

The proposed project includes 848.77 square feet of customer service area. The Commission requires a parking supply equivalent to one space per 50 square feet of customer service area to lessen the impact the project would have on beach and recreational parking. In this case the required parking supply is 16.975 or 17 parking spaces. The applicant has proposed to restripe the existing parking lot creating a total of 17 on-site spaces. The proposed 17 spaces is found to be an adequate parking supply for the proposed restaurant. However, future improvements or changes of use to other commercial ventures could change the parking requirement approved in permit #5-00-404. For this reason the Commission imposes Special Condition #2 that requires the applicant or any successor in interest to amend Coastal Development Permit 5-00-404 or apply for a new Coastal Development Permit from the Commission if any future improvements or changes of use to the permitted structure and activity approved under Coastal Development Permit 5-00-404 are proposed. Such activities include, but are not limited to, expanding the restaurant/customer service area, changing the use of the existing restaurant to any other type of commercial use, or changing the intensity of the existing use in any way that would require an addition to the on-site parking supply approved under Coastal Development Permit 5-00-404.

**C. Local Coastal Program**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development 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:

- (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 August 20, 1981 the Commission staff denied the City of Hermosa Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications on April 21, 1982. The modifications were accepted and the LUP is fully certified. The City has prepared a final draft of its zoning and implementation ordinances (LIP) and a revision to their LUP. Therefore the standard of review for development in Hermosa Beach is still the Coastal Act.

The proposed development as conditioned is consistent with the public access, recreation, and community character policies of Chapter Three of the Coastal Act. The proposed development as conditioned by the City and the Commission addresses the LUP's concern with respect to the scale of development and the preservation of street parking for public use. The development is consistent with the parking management, density, and land use provisions of the certified LUP and its proposed revisions. Therefore, the Commission finds that approval of the proposed development, as conditioned, 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. California Environmental Quality Act**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect that the activity may have on the environment.

The proposed project, as conditioned to restripe the on-site parking lot creating a total of 17 parking spaces, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that 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.

End/am

PACIFIC

OCEAN

Site

PACIFIC

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EXHIBIT # 1  
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OCEAN





PACIFIC

45th St.

OCEAN

MANHATTAN

STATE

BEACH

MANHATTAN BEACH PIER

HERONDA BEACH

Length of  
The Strand

PACIFIC

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EXHIBIT #

2

PAGE

1

OF

1

OCEAN

Heron St.

KING HARBOR

FISHERMAN'S WHARF

HERONDA BEACH

HERONDA BEACH

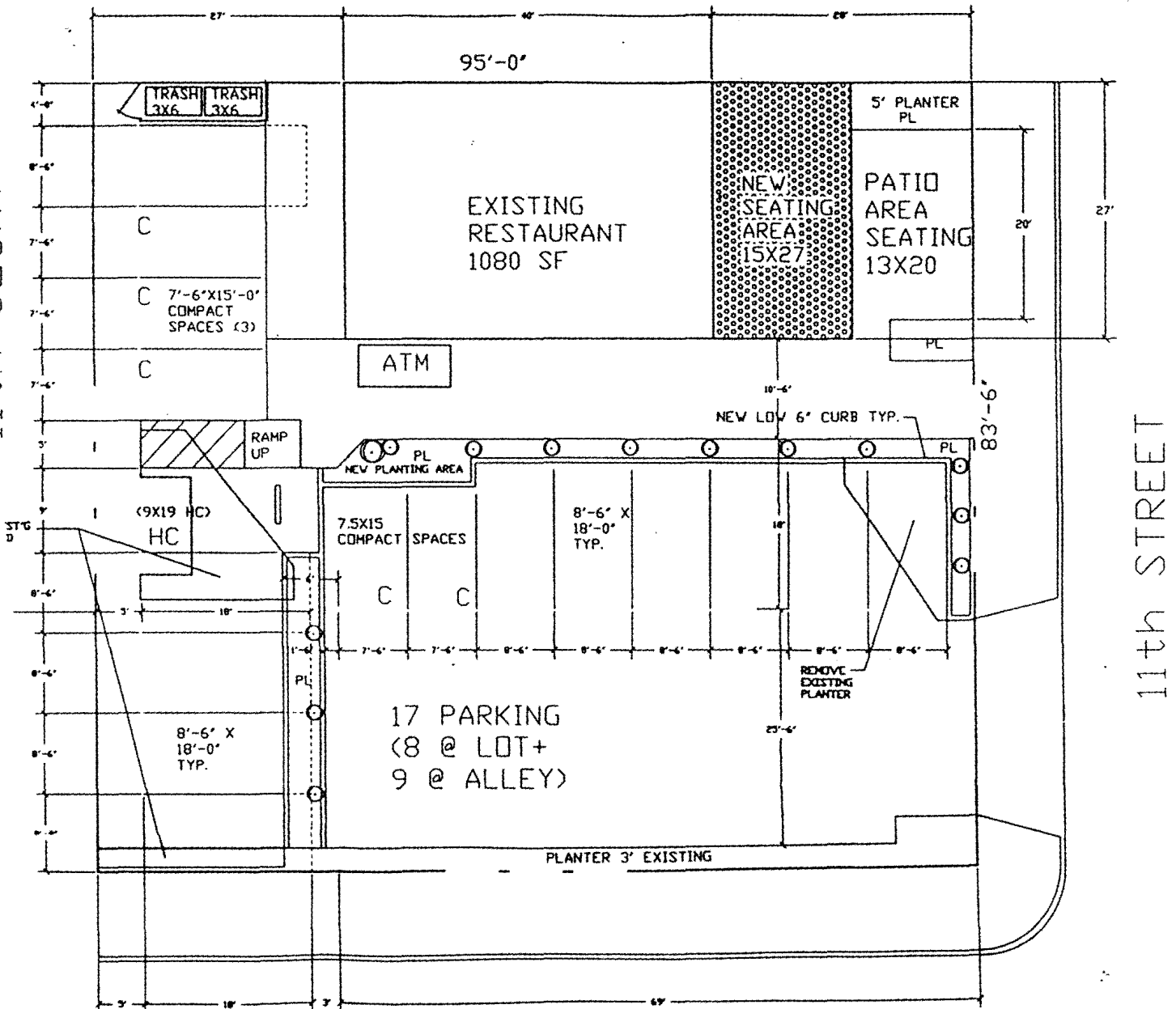
HERONDA BEACH

HERONDA BEACH

HERONDA BEACH

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HERMOSA AVENUE

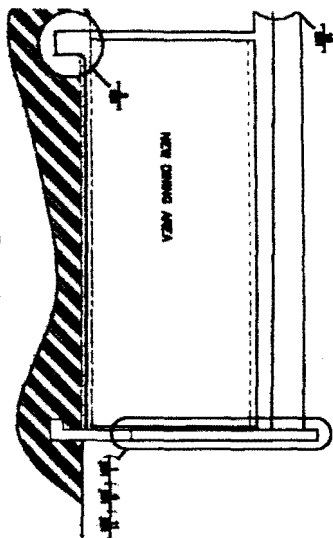
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EXHIBIT # 3

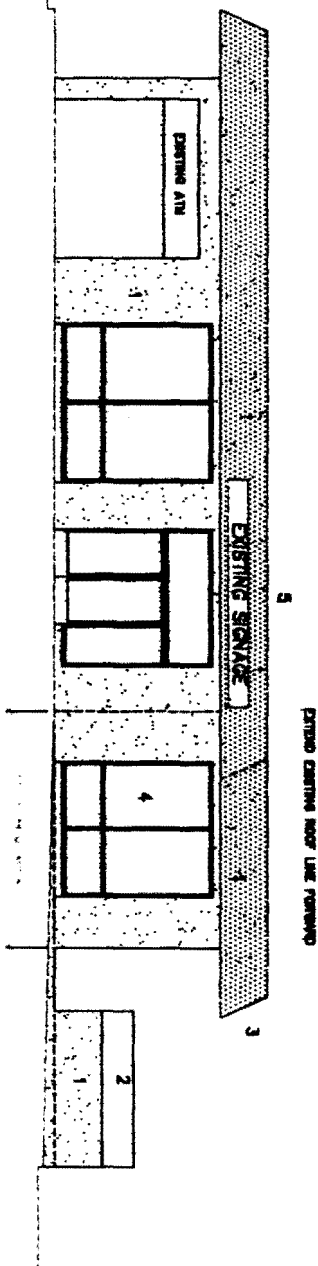
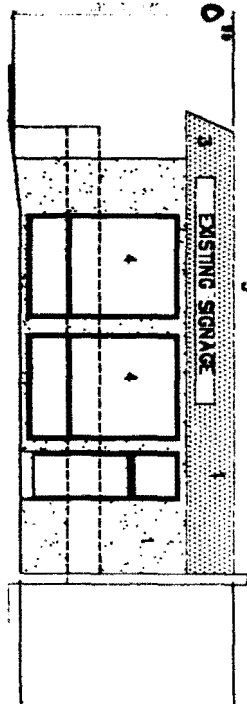
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EXHIBIT # 4  
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MODIFIED FLOOR PLAN  
SCALE 1/8" = 1'-0"

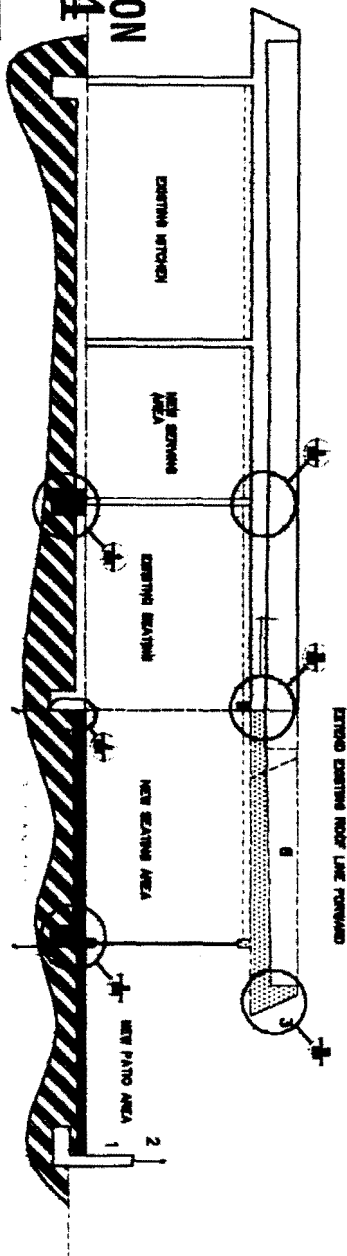


- EXTERIOR FINISH SCHEDULE
1. SAND FINISH STUCCO
  2. FLEXIBLE SCREEN IN ALUMINUM FRAME
  3. SLOPED ROOF AREA - MATCH EXISTING
  4. STORE FRONT WINDOW ASH
  5. LIGHTED SIGN ELEMENTS
  6. BILT-UP ROOFING - HEAT SEALED W/ COPPER EDGE FLASHING - LT GREY COLOR



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EXHIBIT # 5  
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ELEVATIONS / SECTIONS