

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

**W14g**

Filed: September 1, 2006
49th Day: October 20, 2006
180th Day: February 28, 2007
Staff: Ryan Todaro-LB
Staff Report: December 18, 2006
Hearing Date: January 10-12, 2007
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-06-341

APPLICANT: LM Pacific Properties

AGENT: Chris Ketz

PROJECT LOCATION: 338 & 400 Pier Avenue, City of Hermosa Beach,
Los Angeles County

PROJECT DESCRIPTION: Demolition of an existing commercial building, garage and parking lot and construction of a two-story (over basement), 30-foot high, 14,580 square-foot mixed use commercial development consisting of two 2-story structures and a 2-story, 38 space parking structure on two legal lots.

Lot Area (combined)	16,830 square feet
Building Coverage	8,484 square feet
Pavement Coverage	7,317 square feet
Landscape Coverage	1,065 square feet
Parking Spaces	38 (includes 1 tandem space)
Zoning	Restricted Commercial
Plan Designation	General Commercial
Ht above existing grade	30 feet

SUBSTANTIVE FILE DOCUMENTS:

1. City of Hermosa Beach Land Use Plan, certified 4/21/82.
2. Amendment to City of Hermosa Beach Land Use Plan (HRM-MAJ-2-03).
3. City of Hermosa Beach Approval in Concept, 8/31/06.
4. City of Hermosa Beach City Council Resolution No. 06-23.
5. Traffic and Parking Analysis prepared by Linscott, Law & Greenspan, August 2006.
6. Coastal Development Permit No. 5-05-162.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with six (6) special conditions addressing: 1) submittal of a final parking plan; 2) submittal of a revised landscaping plan; 3) storage of construction materials and mechanized equipment and removal of construction debris; 4) conformance with submitted drainage and runoff control plan; 5) future development; and 6) a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions by passing the following motion:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-06-341 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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 Plan

Prior to issuance of the permit the applicant shall submit a final parking plan for the review and approval of the Executive Director. A minimum of 38 parking spaces shall be provided and maintained on the site to serve the approved 14,580 square-foot commercial condominium building complex. Any proposed change in the number of parking spaces, square footage of the commercial development, or change in use shall be submitted to the Executive Director. No such change shall occur without a Commission amendment to this permit unless the Executive Director determines that no amendment is legally necessary, pursuant to the requirements of the Coastal Act and the California Code of Regulations. All available parking shall be shared among and equally available to all of the patrons, employees, and other users of the buildings at both 338 and 400 Pier Avenue, and no parking spaces shall be assigned for exclusive use by any owner, occupant or tenant.

2. Revised Landscaping Plan

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) sets of a revised landscaping plan prepared by an appropriately licensed professional that satisfies the following requirements:

- (1) The plan shall demonstrate that:
 - a. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be utilized on the property. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. Any existing landscaping within the limits of the proposed project that doesn't meet the above requirements in

this paragraph and those requirements listed in subsection b below shall be removed;

- b. With the exception of plants used in drainage swales, all plants employed on the site shall be drought tolerant, (low water use) plants identified by U. C. Davis and/or the Water Resources Board;
- c. All planting will be completed within 60 days after completion of construction;
- d. All vegetation shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscaping plan.

(2) The plan shall include, at a minimum, the following components:

- a. A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features;
- b. A schedule for installation of plants.

B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity;
- (b) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to tidal erosion and dispersion;
- (c) All trash and debris shall be disposed in the proper trash or recycling receptacle at the end of every construction day.
- (d) Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. All stock piles and

- construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- (e) Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
 - (f) The discharge of any hazardous materials into any receiving waters shall be prohibited;
 - (g) A pre-construction meeting shall be held for all personnel to review procedural and BMP/GHP guidelines;
 - (h) All BMPs shall be maintained in a functional condition throughout the duration of the project.
 - (i) Debris shall be disposed at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

4. Drainage and Run-Off Control Plan

- A. The applicant shall conform to the drainage and run-off control plan received on September 1, 2006 showing roof drainage and runoff from all impervious areas directed to filtered area drains before being discharged to the City's storm drain system.
- B. The permittee shall undertake development in accordance with the final plans. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Future Development

This permit is only for the development described in coastal development permit No. 5-06-341. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the development governed by the coastal development permit No. 5-06-341. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 5-06-341 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

6. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The subject site is located at both 338 and 400 Pier Avenue, within the City of Hermosa Beach, Los Angeles County (Exhibit #1). The combined area of the two lots is 16,830 square feet, with 338 Pier Avenue measuring 7,690 square feet and 400 Pier Avenue measuring 9,140 square feet, respectively. The subject site is located several blocks from the beach, on the south side of Pier Avenue at its intersection with Loma Drive, in the downtown district and in an area known as upper Pier Avenue.

The applicant is proposing demolition of all existing improvements located at 338 and 400 Pier Avenue, which include an existing commercial building, garage and parking lot. The applicant proposes to construct a two-story (over basement), 30-foot high, 14,580 square-foot mixed use commercial development consisting of two 2-story structures and a 2-story 38 space (includes 1 tandem space) parking structure (Exhibits #3 and #4). The 11,237 square-foot building at 338 Pier Avenue will contain retail uses on the ground floor and offices on the second floor. The 3,343 square-foot building at 400 Pier Avenue will contain a snack shop on the ground floor and offices on the second floor. The 2-story parking structure will also be located at 400 Pier Avenue. The site is zoned C-2 (Restricted Commercial). Grading will consist of 2,193 cubic yards of cut.

B. Development

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority

over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30250 of the Coastal Act states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed commercial and professional office use is compatible with the character and scale of surrounding development. The Commission recently approved an 18,648 square-foot commercial condominium building complex containing 54 office units and 56 on-site parking spaces at 200 Pier Avenue (CDP No. 5-05-162).

In most areas, the Commission has approved “business commercial “ uses as long as there is evidence that there is adequate visitor serving commercial uses in the area and the business commercial use is restricted to the upper floors. In this case, although the development is located approximately 4 blocks from the beach it is providing a snack shop and retail use on the ground floor.

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, and has been designed to assure structural integrity. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30222, 30250 and 30251 of the Coastal Act.

C. Public Access

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30252(4) of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.

In the South Bay, the cities of Manhattan Beach, Hermosa Beach and Redondo Beach, provide limited on-street parking and limited public transportation options. The amount of public access to the beach is, in practice, therefore largely limited by the amount of on-street parking. For this reason, the Commission has generally required that development in near-beach areas provide all of its parking on-site, rather than reducing parking requirements by the presumed number of on-street parking spaces available.

Based on the current parking standard in the LUP (based on LUP Amendment # HRM-MAJ-2-03), which requires 3 spaces per 1,000 square feet of office or retail space in the downtown area, the proposed development requires 41 parking spaces. The applicant is proposing a supply of 38 parking spaces (includes 1 tandem space) in a two-story parking structure. The parking calculation is based on gross aggregate floor space for the retail and office uses and assumes the use of the retail parking requirement for the snack shop use. This aggregate calculation doesn't take into account the peak parking requirements and hourly variation in parking demand of each individual use in a mixed-use project. Therefore, the applicant proposed a shared parking demand, which allows the City's Planning Commission to allow for a reduction in the number of spaces required, and the Commission considers factors such as the peak hours of the proposed uses sharing the same parking facilities. The Commission's standard of review is Chapter 3 of the Coastal Act. The applicant submitted a revised parking analysis to the City prepared by Linscott, Law and Greenspan.

According to this analysis, the highest shared parking demand occurs weekdays at 2:00 P.M. from the combination of uses and is projected at 36 spaces. While the peak on the weekends occurs at 7:00 P.M., it is only projected at 21 spaces. Since the supply of parking is greater, there is no longer a deficiency on the peak time on weekdays, eliminating the need for any in-lieu parking. The shared parking analysis assumes a "worst-case" that all customers will drive to the site, and does not consider the reality that a certain percentage of patrons will arrive at the building on foot or bicycle or in conjunction with other trips to the downtown. During the peak weekday time there is usually ample

public on-street parking available to supplement the on-site parking. During peak weekend evenings however, limited street and public parking is available. The applicant also notes that the proposed closure of an existing curb cut will result in 3 additional on-street parking spaces, which will help mitigate a possible increase in on-street parking demand that can occur during peak use of the commercial building complex.

In order not to interfere with beach parking, the Commission has imposed Special Condition #1, which requires the applicant to provide and maintain a minimum of 38 on-site parking spaces (plus 1 tandem space) for the proposed development and requires an amendment to this permit for any change in the number of parking spaces, square footage of commercial use or change in use of the proposed building complex. It also requires that the parking will not be assigned and will be available to all building employees and users at 338 and 400 Pier Avenue in order to ensure maximum parking efficiency during peak and non-peak occupancy periods. In other permits where the Commission has examined proposals for shared parking, such as the St. Joseph's Center in Venice Beach and several projects in Long Beach, studies supporting shared parking have shown that the total demand for spaces in the building complex can be reduced if there are no assigned parking spaces.

The Commission has also imposed Special Condition #5, which limits the uses and development for the proposed project and requires an amendment to this permit or a new coastal development permit for any proposed development, including, but not limited to new construction or intensification of use.

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 and 30211 of the Coastal Act.

D. Water Quality

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging

waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Due to this, the Commission has imposed Special Condition #3, which requires the applicant to comply with construction-related requirements related to storage of construction materials, mechanized equipment and removal of construction debris, and Special Condition #4, which requires the applicant to conform to the submitted drainage and polluted runoff control plan.

Other sources of polluted runoff could include runoff from the increased amount of impervious surface in the parking garage and the over-watering, which sometimes occurs from installation of landscaping with a high water demand. Plants with a high-water demand are typically not well-suited to the Mediterranean climate of southern California, and therefore often require intense fertilization and application of pesticides/herbicides as a maintenance regime, in addition to regular irrigation. Thus, this type of landscaping can add pollutants to both dry weather and stormwater runoff. Therefore, the use of drought tolerant plants or low-maintenance landscaping is a preferred alternative.

The term "drought tolerant" is equivalent to the terms "low water use" and "ultra low water use" as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>. The applicant has submitted a landscaping plan. Commission staff reviewed the submitted landscaping plan for drought tolerant vegetation and determined that the majority of the proposed plants are not drought tolerant.

Invasive plants can invade a riparian area and displace native plants, impeding restoration and preservation efforts. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org>) and California Native Plant Society (www.CNPS.org) in their publications. Commission staff reviewed the submitted landscaping plan and determined that the plan does contain one invasive species of low to moderate concern, *Schinus molle* (Peruvian peppertree).

Therefore the Commission has imposed Special Condition #2 requiring the applicant to submit a revised landscaping plan for the review and approval of the Executive Director. The plan requires the applicant to plant non-invasive, drought tolerant vegetation on the site. Non-invasive, drought tolerant plants are used because they require little to no watering once they are established (1-3 years), they have deep root systems that tend to stabilize the soil, and are spreading plants that tend to minimize erosion impacts of rain and water run-off.

As conditioned, the Commission finds that the proposed development conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. Deed Restriction

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes Special Condition #6, which requires that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

F. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3.

The Commission conditionally certified the City of Hermosa Beach Land Use Plan on August 19, 1981. The Land Use Plan (LUP) was effectively certified with suggested modifications on April 21, 1982. The modifications were accepted and the LUP is certified. The City submitted a final draft of its zoning and implementation ordinances (LIP) and a revision to their LUP in 2000. The amendment and Implementation ordinance was scheduled for public hearing and Commission action at the October 8, 2001 meeting, but the City withdrew. Therefore, these have not been certified and the standard of review for development in Hermosa Beach is still the Coastal Act.

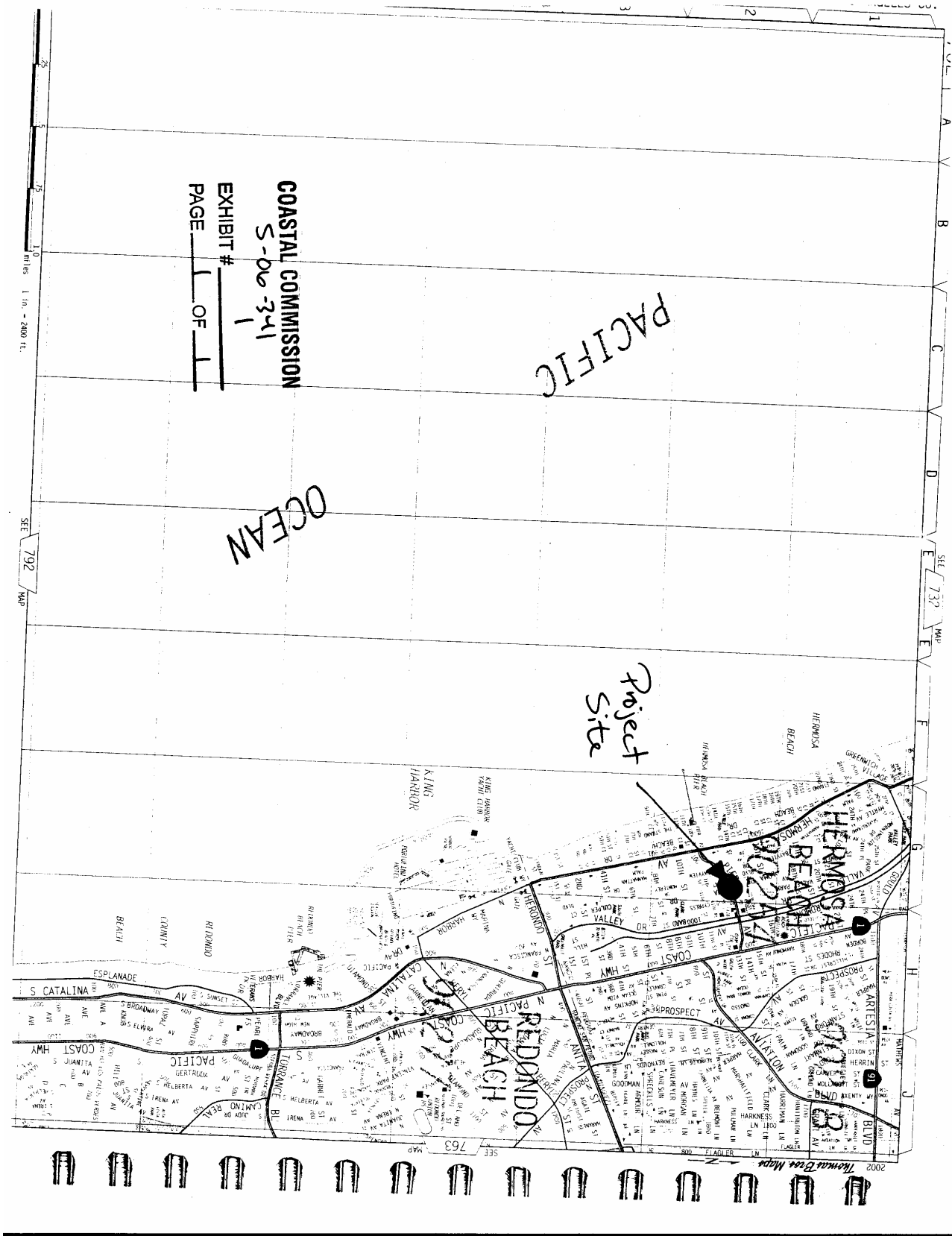
The Commission certified LUP shows this area as *general commercial/ downtown parking*. After initial certification, the Commission processed two amendments that allowed mixed commercial uses in downtown and reduced parking standards to reflect the high number of downtown restaurants and the number of public parking lots. In this first amendment, the City assumed that visitors would patronize more than one downtown business in an evening or on a Saturday afternoon. Therefore, the downtown parking district allows some reduced parking reflecting the presence of downtown parking lots operated by the City of Hermosa Beach. After the initial amendment the Commission certified a second amendment that again increased parking standards, and, reflecting the weekend evening traffic jams the City had experienced, encouraged offices and other non-restaurant uses on the periphery of downtown. The City determined that enough area has been identified for visitor serving uses and decided to encourage business use as well as visitor serving uses in the downtown. The Commission supported this decision due to the high numbers of existing visitor serving uses in the Hermosa Beach downtown area. The proposed project meets the basic zoning requirements of the C-2 zone (Restricted Commercial) and the General Commercial designation of the certified LUP.

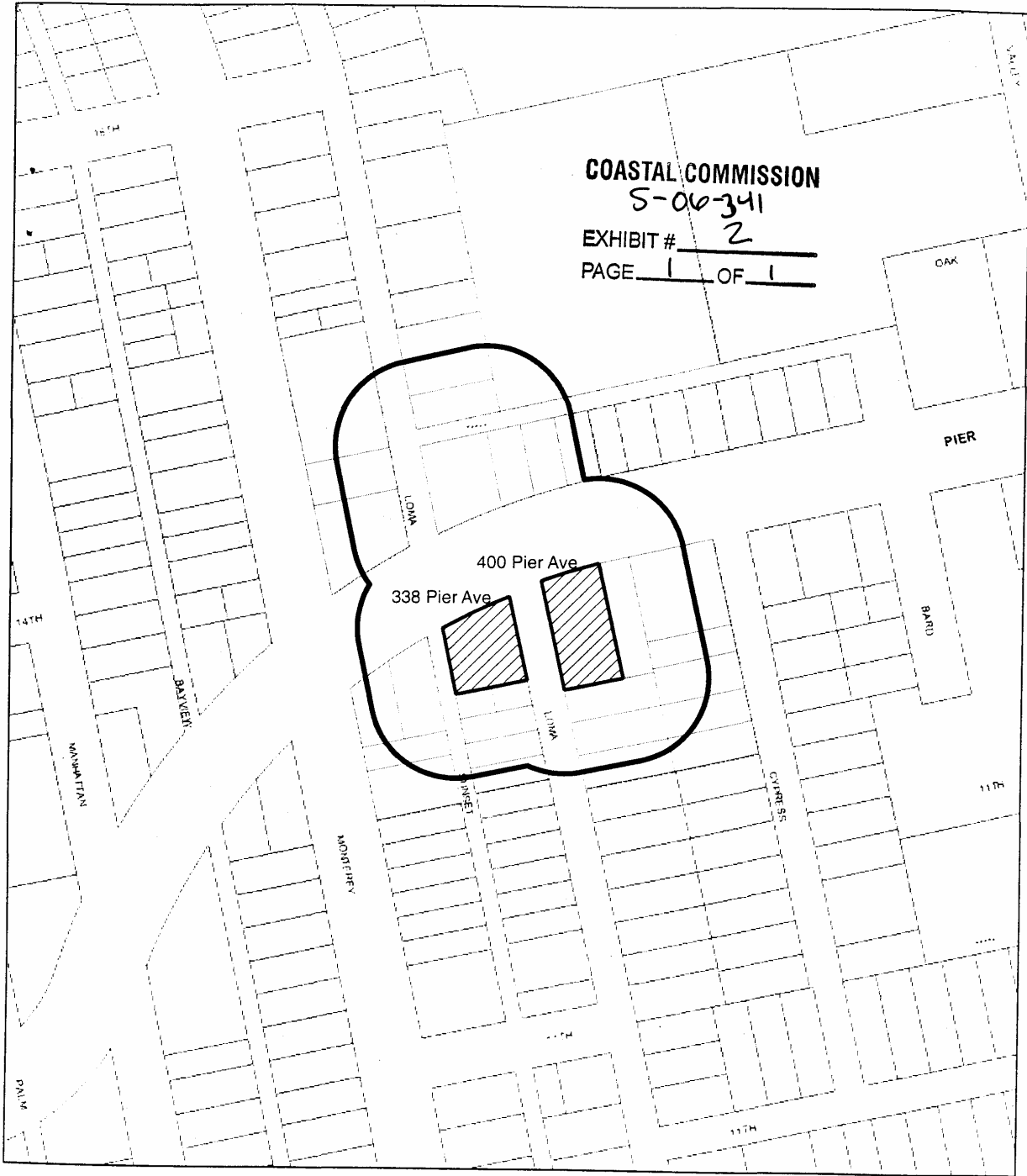
As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. California Environmental Quality Act (CEQA)

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications 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 which the activity may have on the environment.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.





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EXHIBIT # 2
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PARCEL PROFILE REPORT

OWNER: LM Properties
APN: 4187-011-014-019-037
ADDRESS: 338 - 400 Pier Ave
SITE AREA: 7,681 Sq Ft
ZONING: C2



DATE: 08/28/06
DRAWN BY: Radial Maps
SCALE: 1" = 150'

100 FT
RADIUS
MAP

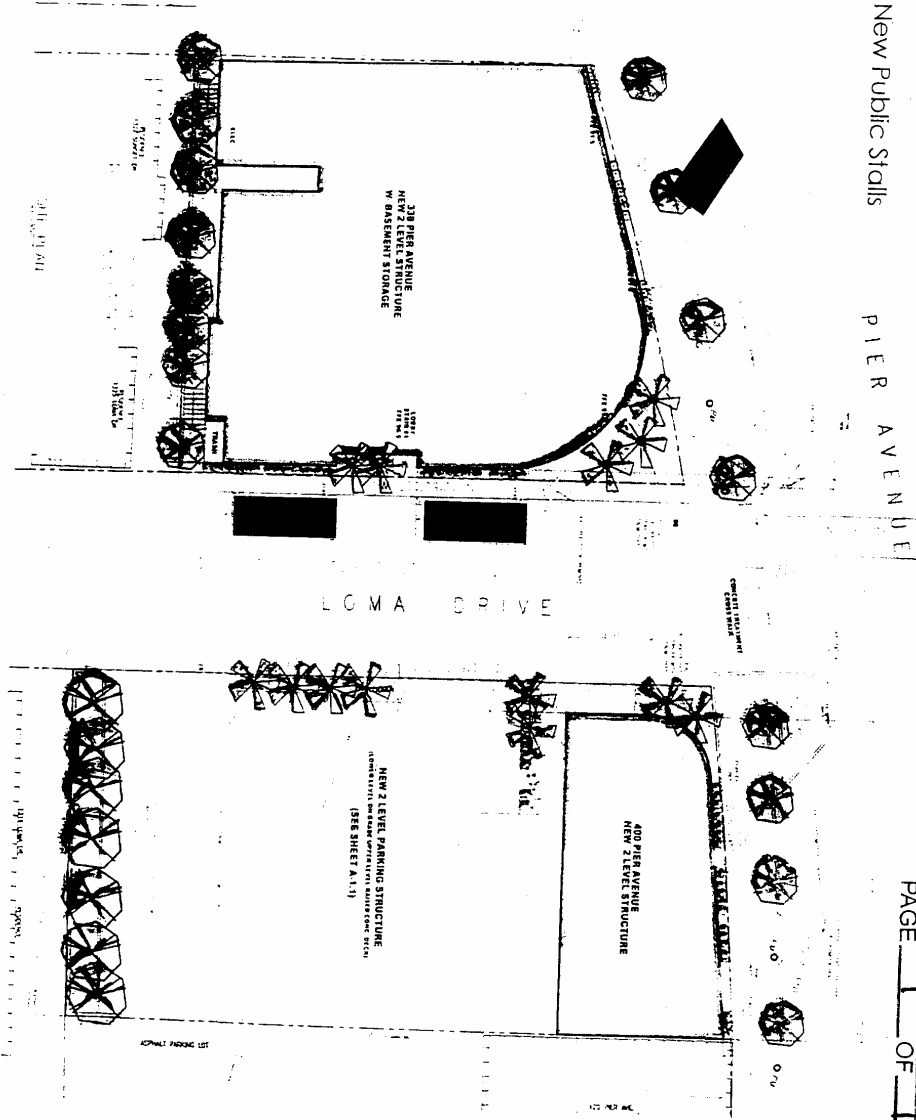
Site Plan

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EXHIBIT # 3

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■ New Public Stalls



Playa Hermosa Plaza

4

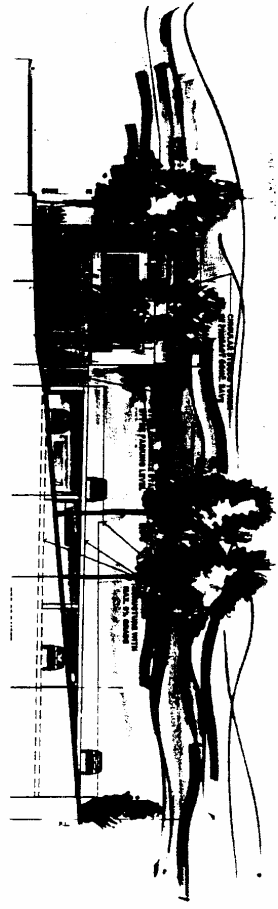
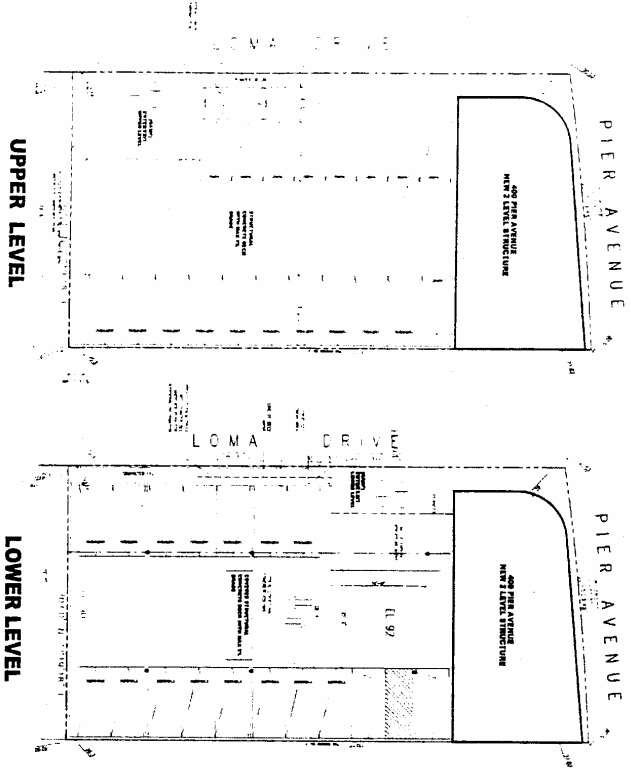


Parking Structure

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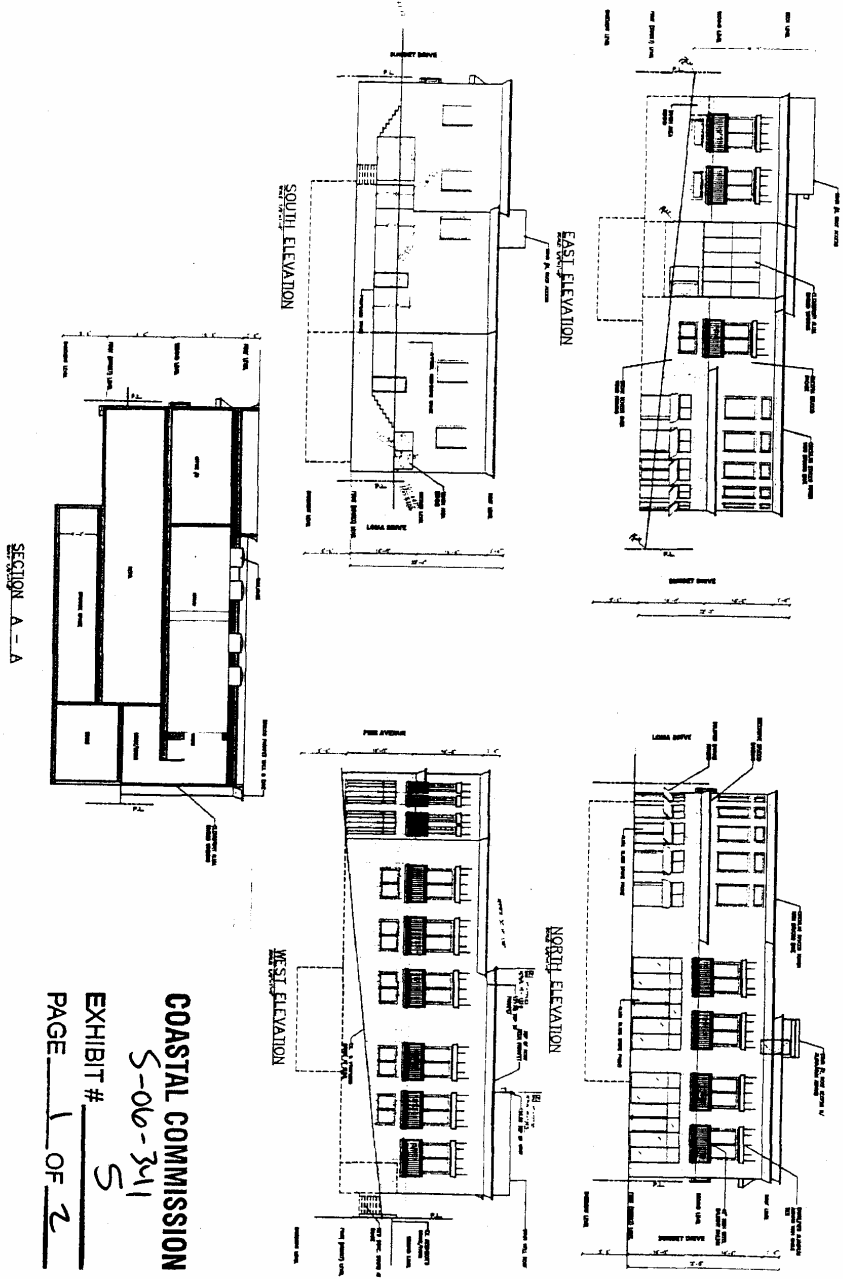
EXHIBIT # 4
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- 38 Stalls
- 25 Standard
- 2 HDCP
- 11 Compact
- Efficient plate.
- Use Loma's natural grade to ramp.
- Non-obtrusive safe and open structure.



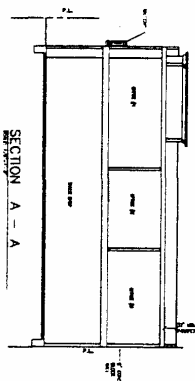
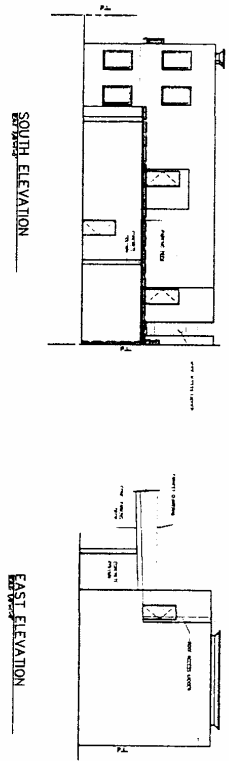
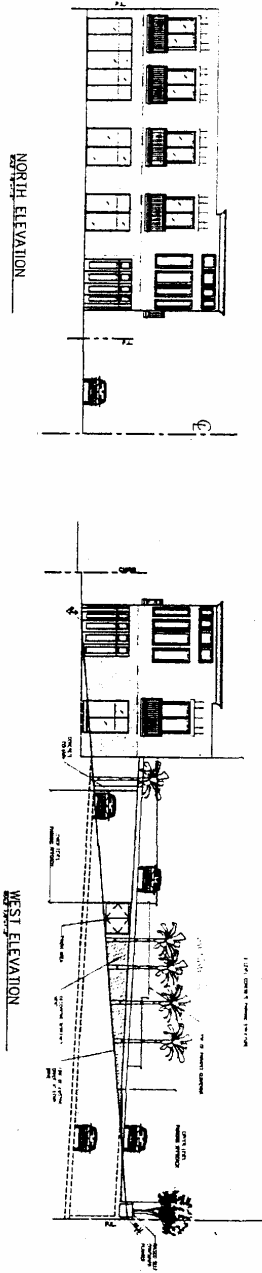


338 Pier Elevations



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 EXHIBIT # S
 PAGE 1 OF 2

400 Pier Elevations



COASTAL COMMISSION
 EXHIBIT # 5
 PAGE 2 OF 2



PATRICIA A. HAUSLER
1322 SUNSET DRIVE
HERMOSA BEACH, CA 90254

November 13, 2006

Mr. Ryan Todaro
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

COASTAL COMMISSION
5-06-341
EXHIBIT # 69
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RECEIVED
South Coast Region
NOV 22 2006
CALIFORNIA
COASTAL COMMISSION

RE: LM Pacific Properties
338 - 400 Pier Avenue, Hermosa Beach, CA

Dear Mr. Todaro:

I reside 3 feet to the south the 338 Pier Avenue portion of the project. I have owned my home since 1979, and now I am retired. The proposed building will have a detrimental impact on my living environment and quality of life.

While the EIR report yielded a negative declaration by the City of Hermosa Beach, there are serious impacts that I want to present. My husband contested the zero-impact statement in the EIR regarding views and traffic during the Planning Commission meeting. Mr. Sol Blumenfeld replied during the meeting that it would be noted that view impact would be stated as minimal instead of non-existent.


1. The proposed building volume is greater than the existing volume by almost three times. The existing building is approximately 5,500 square feet, and the proposed one is 14,688. The proposed building at 338 Pier Avenue - adjacent to my property - is designed to be three stories plus a deck. One and one-half floors are subterranean. The building is proposed to contain 10,954 square feet which expands the existing envelope by two times.
2. The proposed building eliminates my north, northwest ocean view and northeast valley views.
3. The submitted plans erroneously show my residence positioned 3 feet south of its exact location, thereby inaccurately increasing the apparent separation between my home and the proposed structure by 3 feet or 10% of my property width. The developer's survey is accurate. My husband reported this to the developer and the City planner, but the developer has not made the correction.
4. The proposed building will eliminate the prescriptive easement that has existed since I

purchased my property in 1979 and has continuously been maintained. My carport and patio will be eliminated. Litigation has been filed to affirm the existence of the easement.

5. The proposed plan removes one parking space located in the prescriptive easement and eliminates my ability to park in front of my single-car garage, thereby increasing the parking shortage by two spaces.
6. The existing building has had limited use as administrative offices for a mortuary. Very little public visitation occurred. With the proposed development, traffic will increase significantly and be exacerbated by other commercial projects under development on Pier Avenue or proposed on Hermosa Avenue. Pier Avenue and the feeder streets like mine will bear the load to serve the increasing traffic.
7. The proposed retail space is expected to require daytime deliveries via the back entrances adjacent to my property. No delivery load zone or spaces exist nor are they planned. This clearly will increase noise and traffic. If parking occurs in the vicinity of the southern entrances to the retail space, traffic will be blocked on Sunset Drive and impaired on Loma Drive.

Please record my concerns and objection to this large development project. If possible, I wish to be kept advised of the public meeting so that I may attend.

Respectfully,


Patricia A. Hausler

COASTAL COMMISSION
5-06-341
EXHIBIT # 6a
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STEPHEN B. GOODELL
1322 SUNSET DRIVE
HERMOSA BEACH, CA 90254

November 13, 2006

Mr. Ryan Todaro
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

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RE: LM Properties
338 - 400 Pier Avenue, Hermosa Beach, CA

Dear Mr. Todaro:

This project is in the application phase, and I understand that a meeting has not yet been set. I reside 3 feet to the south the 338 Pier Avenue portion of the project.

While the EIR report yielded a negative declaration by the City of Hermosa Beach, there are serious impacts that I want to present. I contested the zero-impact statement in the EIR regarding views and traffic during the Planning Commission meeting. Mr. Sol Blumenfeld replied during the meeting that it would be noted that view impact would be stated as minimal instead of non-existent.

1. The proposed building volume is greater than the existing volume by almost three times. The existing building is approximately 5,500 square feet, and the proposed one is 14,688. The proposed building at 338 Pier Avenue - adjacent to my property - is designed to be three stories plus a deck. One and one-half floors are subterranean. The building is proposed to contain 10,954 square feet which expands the existing envelope by two times.
2. The proposed building eliminates my north, northwest ocean view and northeast valley views.
3. The submitted plans erroneously show my residence positioned 3 feet south of its exact location, thereby inaccurately increasing the apparent separation between my home and the proposed structure by 3 feet or 10% of my property width. The developer's survey is accurate. I have reported this to the developer and the City planner, but the developer has not made the correction.
4. The proposed building will eliminate the prescriptive easement that has existed since I purchased my property in 1982 and has continuously been maintained. My carport and patio will be eliminated. Litigation has been filed to affirm the existence of the easement.

5. The proposed plan removes one parking space located in the prescriptive easement and eliminates my ability to park in front of my single-car garage, thereby increasing the parking shortage by two spaces.
6. The existing building has had limited use as administrative offices for a mortuary. Very little public visitation occurred. With the proposed development, traffic will increase significantly and be exacerbated by other commercial projects under development on Pier Avenue or proposed on Hermosa Avenue. Pier Avenue and the feeder streets like mine will bear the load to serve the increasing traffic.
7. The proposed retail space is expected to require daytime deliveries via the back entrances adjacent to my property. No delivery load zone or spaces exist nor are they planned. This clearly will increase noise and traffic. If parking occurs in the vicinity of the southern entrances to the retail space, traffic will be blocked on Sunset Drive and impaired on Loma Drive.

Please record my concerns and objection to this large development project. If possible, I wish to be kept advised of the public meeting so that I may attend.

Respectfully,


Stephen B. Goodell

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