

**CALIFORNIA COASTAL COMMISSION**

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



# Th7a

## ADDENDUM

September 30, 2009

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM Th7a**, COASTAL COMMISSION PERMIT APPLICATION  
**#5-08-196 (Herrera)** FOR THE COMMISSION MEETING OF **October 16, 2008**.

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### Changes to Staff Report

Commission staff recommends modifications and additions to Section IV (Findings and Declarations) of the staff report for clarification purposes. Deleted language is in strike through and new language to be added is shown in **bold, underlined italic**, as shown below:

Page 6 – Modify Section IV, Findings and Declarations, as follows:

#### A. **Project Description and Location**

The subject site is located at 131 – 135 Hermosa Avenue, within the City of Hermosa Beach, Los Angeles County (Exhibit #1). This site is located on the west side of Hermosa Avenue just south of the corner of 2<sup>nd</sup> Street and is adjacent to other commercial uses along Hermosa Avenue. The proposed project is located within an existing urban area comprised of both commercial and residential uses, located approximately ¾ mile ~~north~~ **south** of the Hermosa Beach Pier and approximately 200 feet inland from the sandy beach. The subject site consists of two adjoining lots; a one-story commercial building fronting Hermosa Avenue, with a detached one-story residential unit is located at 135 Hermosa Avenue and has no on-site parking, while the lot at 131 Hermosa Avenue is vacant and currently utilized as parking for the adjacent lot. Vertical public access to this beach is available to pedestrians at the western terminus of 2<sup>nd</sup> Street, located 30 feet north of the subject site (Exhibit #2).

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Filed: July 21, 2008  
 49th Day: September 9, 2008  
 180th Day: January 17, 2008  
 Staff: Gabriel Buhr-LB  
 Staff Report: September 24, 2008  
 Hearing Date: October 15-17, 2008  
 Commission Action:

**Th7a****STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-08-196

**APPLICANT:** Daniel and Casey Herrera

**AGENT:** Elizabeth Srour

**PROJECT LOCATION:** 131 – 135 Hermosa Avenue, City of Hermosa Beach (Los Angeles County)

**DESCRIPTION:** Demolition of an existing retail commercial building with detached residential unit and the construction of a 3-story, 30-foot high, 5,942 square-foot mixed use building with two commercial units totaling 1,122 square-feet on the first floor, and two residential units totaling 4,821 square feet on the second and third floors and 9 parking spaces on a 4,581 square-foot C-1 zoned lot.

Lot Area	4,581 square feet
Building Coverage	1,993 square feet
Pavement Coverage	1,693 square feet
Landscape Coverage	896 square feet
Parking Spaces	9
Zoning	C-1
Planning Designation	Neighborhood Commercial
Ht above final grade	30 feet

**SUMMARY OF STAFF RECOMMENDATION:**

Commission staff is recommending **APPROVAL** of the proposed project with **Five (5) Special Conditions** regarding: **1)** additional approvals for any future development; **2)** conformance with the submitted drainage and run-off control plan; **3)** storage of construction materials and mechanized equipment and removal of construction debris; **4)** submittal of a revised landscaping plan; and **5)** a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

**SUBSTANTIVE FILE DOCUMENTS:**

- City of Hermosa Beach Land Use Plan;
- Coastal Development Permits 5-04-094 (Schuster and Zingheim) and 5-06-154 (Jersey Hills LLC)

**LOCAL APPROVALS RECEIVED:** City of Hermosa Beach Planning Commission Resolution No. 08-30

**LIST OF EXHIBITS**

1. Location Map
2. Assessor's Parcel Map
3. Site Plan
4. Elevations
5. City of Hermosa Beach Planning Commission Resolution 08-30

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**STAFF RECOMMENDATION:**

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

**MOTION:** *I move that the Commission approve coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

**RESOLUTION:**

**I. 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. Future Development

This permit is only for the development described in coastal development permit No. 5-08-196. 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. 5-08-196. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to changes in square footage of the office condominiums, number of on-site parking spaces, and 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. 5-07-419 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

### 2. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

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

- 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;

- No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain
- All trash and debris shall be disposed in the proper trash or recycling receptacle at the end of every construction day.
- 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;
- 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;
- The discharge of any hazardous materials into any receiving waters shall be prohibited;
- A pre-construction meeting shall be held for all personnel to review procedural and BMP/GHP guidelines;
- All BMPs shall be maintained in a functional condition throughout the duration of the project.
- 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.

### 3. **Drainage and Run-Off Control Plan**

- A. The applicant shall conform to the drainage and run-off control plan received on July 21, 2008 detailing that roof drainage and runoff from all impervious areas will be directed to landscaped areas and permeable paving to allow for natural percolation where possible
- B. The permittee shall undertake development in accordance with the final plan. Any proposed changes to the final plan shall be reported to the Executive Director. No changes to the final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

### 4. **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 finalized 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 Invasive 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. 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 plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

## 5. **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 and Location

The subject site is located at 131 – 135 Hermosa Avenue, within the City of Hermosa Beach, Los Angeles County (Exhibit #1). This site is located on the west side of Hermosa Avenue just south of the corner of 2<sup>nd</sup> Street and is adjacent to other commercial uses along Hermosa Avenue. The proposed project is located within an existing urban area comprised of both commercial and residential uses, located approximately ¾ mile north of the Hermosa Beach Pier and approximately 200 feet inland from the sandy beach. The subject site consists of two adjoining lots; a one-story commercial building fronting Hermosa Avenue, with a detached one-story residential unit is located at 135 Hermosa Avenue and has no on-site parking, while the lot at 131 Hermosa Avenue is vacant and currently utilized as parking for the adjacent lot. Vertical public access to this beach is available to pedestrians at the western terminus of 2<sup>nd</sup> Street, located 30 feet north of the subject site (Exhibit #2).

The applicant is proposing demolition of an existing commercial building with a detached residential unit and the construction of a 3-story, 30-foot high, 5,942 square-foot mixed use building with two commercial units consisting of 542 and 580 square-feet on the first floor and two residential units on the second and third floors consisting of 2,337 and 2,483 square-feet on a 4,581 square-foot lot (Exhibit #3). Each residential unit has a private two-car garage and share one open guest parking space. The commercial units share four parking spaces provided in an open garage at the ground floor with access off the rear alley. The parking is sufficient for general commercial but not for a use that would necessitate greater parking requirements, such as a restaurant, café and medical or dental clinics. Therefore **Special Condition 1** requires a permit for any change in intensity of use.

The subject site is zoned C-1, neighborhood commercial in the City of Hermosa Beach zoning ordinance, which states:

*17.26.020 (B)(1): C-1 Neighborhood Commercial Zone. To provide sites for a mix of small local businesses appropriate for, and serving the daily needs of nearby residential neighborhoods; while establishing land use regulations that prevent significant adverse effects on abutting residential uses.*

The City has reviewed the proposed project and found it consistent with local zoning requirements, as evidenced by Planning Commission Resolution 08-30, approved June 17, 2008 (Exhibit #5). The proposed project conforms to the certified LUP 30-foot height limit for C-1 zoned, neighborhood commercial, no setback requirements apply to buildings in the C-1 zone, unless the property abuts residentially zoned property, which this project does not. Pursuant to the mixed-use development standards, the residential portion of the project is required to comply with the R-3 development standards. The residential portion of the project is consistent with the density, height and open space requirements of the R-3 zone and the project complies with the required 5-foot front yard setback, 3-foot side yard setbacks and one-foot rear yard setback on the residential levels. No grading is included as a part of the proposed project.

**B. Community Character/Visual Quality**

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition be imposed. As conditioned the development conforms with Chapter 3 policies of the Coastal Act.

**C. Public Access/Parking**

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 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**D. Water Quality**

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 #2**, 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 #3**, which requires the applicant to conform to the submitted drainage and pollution runoff control plan. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment.

The applicant is proposing water quality improvements as part of the proposed project, consisting of rooftop and surface drainage directed to permeable areas wherever possible. Any vegetated landscaped areas located on site shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (<http://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, *Cynodon* (Bermuda Grass).

Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. 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 and is available for review 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 plan does contain two species that do not qualify as drought



tolerant, *Chamaerops humilis* (Mediterranean Fan Palm) and *Myrtaceae* (New Zealand Christmas Tree).

Therefore the Commission has imposed **Special Condition #4** 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, as conditioned, 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 #5** requiring 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.

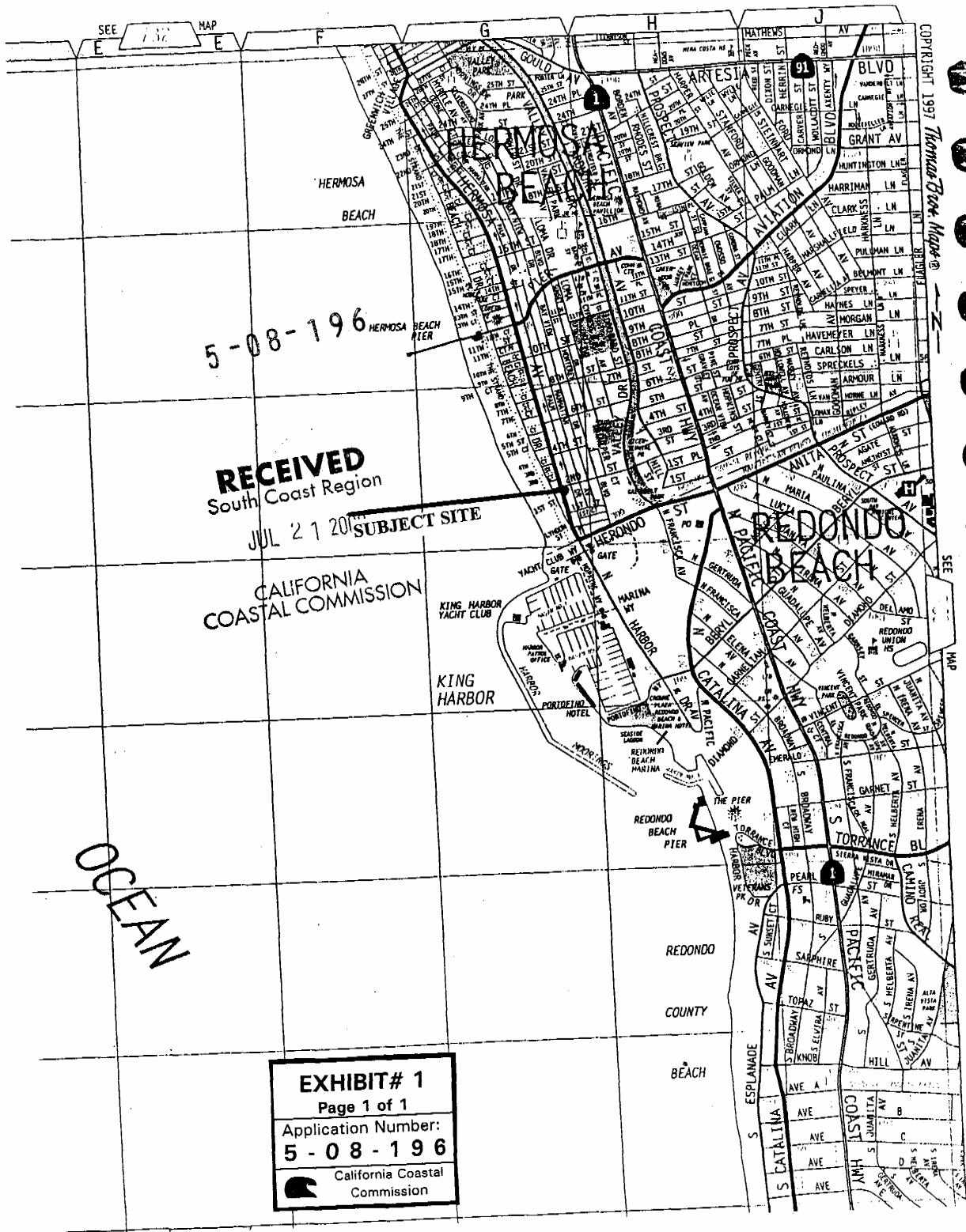
The Commission conditionally certified the City of Hermosa Beach Land Use Plan on August 19, 1981. The Land Use Plan (LUP) was effectively certified with suggested modifications on April 21, 1982. The modifications were accepted and the LUP is certified. The City submitted a final draft of its zoning 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.

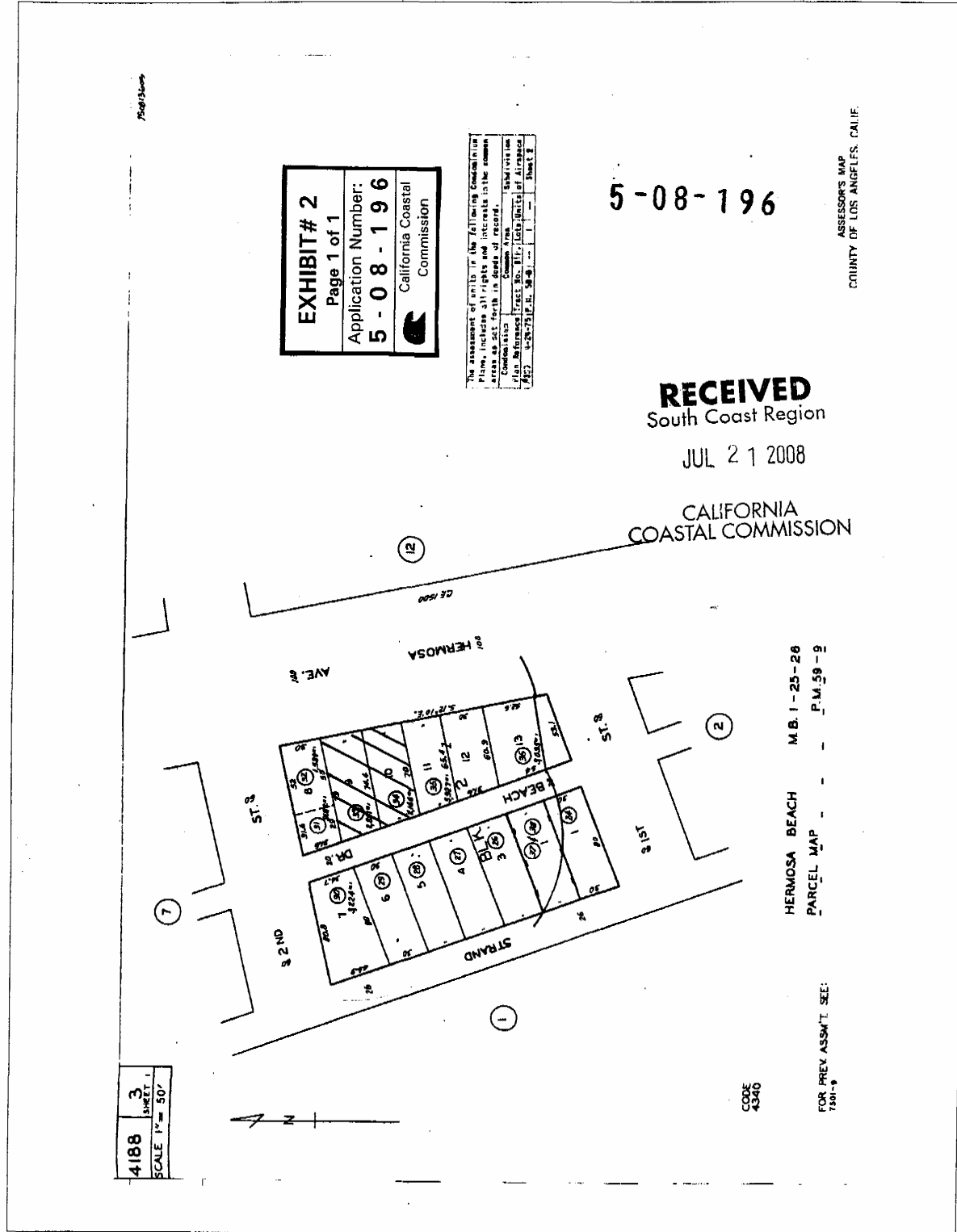
As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter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

**G. California Environmental Quality Act**

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.





4188 SHEET 3  
 SCALE 1" = 50'

**EXHIBIT # 2**  
 Page 1 of 1  
 Application Number:  
**5 - 0 8 - 1 9 6**  
 California Coastal  
 Commission

The assessment of units in the following Condominium  
 Plans, includes all rights and interests in the common  
 areas as set forth in deeds of record.  
 Condominium: \_\_\_\_\_ Subdivision:  
 City: Hermosa Beach, Calif. City/County of Approval:  
 Date: 5-23-2008 Sheet: 1 of 1 Sheet 2

5-08-196

**RECEIVED**  
 South Coast Region  
 JUL 21 2008

CALIFORNIA  
 COASTAL COMMISSION

ASSESSOR'S MAP  
 COUNTY OF LOS ANGELES, CALIF.

HERMOSA BEACH M.B. 1-25-26  
 PARCEL MAP - - - P.M. 59-9

CODE  
 4340

FOR PREV. ASSM'T. SEE:  
 7591-9

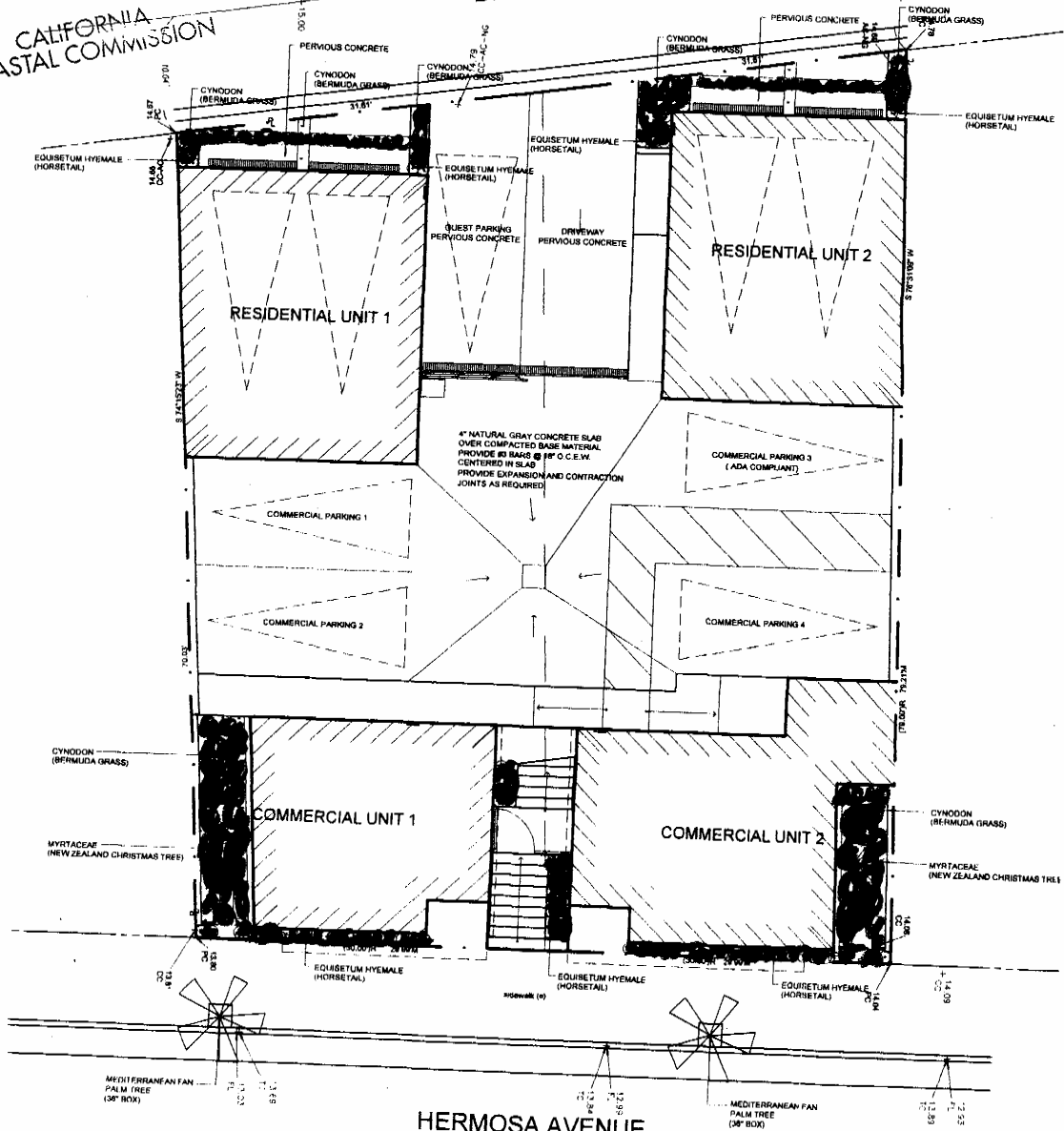
**RECEIVED**  
South Coast Region  
JUL 21 2008

5-08-196

**EXHIBIT # 3**  
Page 1 of 1  
Application Number:  
**5-08-196**  
California Coastal  
Commission

CALIFORNIA  
COASTAL COMMISSION

BEACH DRIVE



HERMOSA AVENUE

131-135 Hermosa Avenue, Hermosa Beach  
Daniel & Casey Herrera

**JOYCE FLOOD + ASSOCIATES architects**

**FOUR UNIT MIXED USE BUILDING (TWO COMMERCIAL UNITS / TWO RESIDENTIAL UNITS)**  
 Donald and Cheryl Herrera

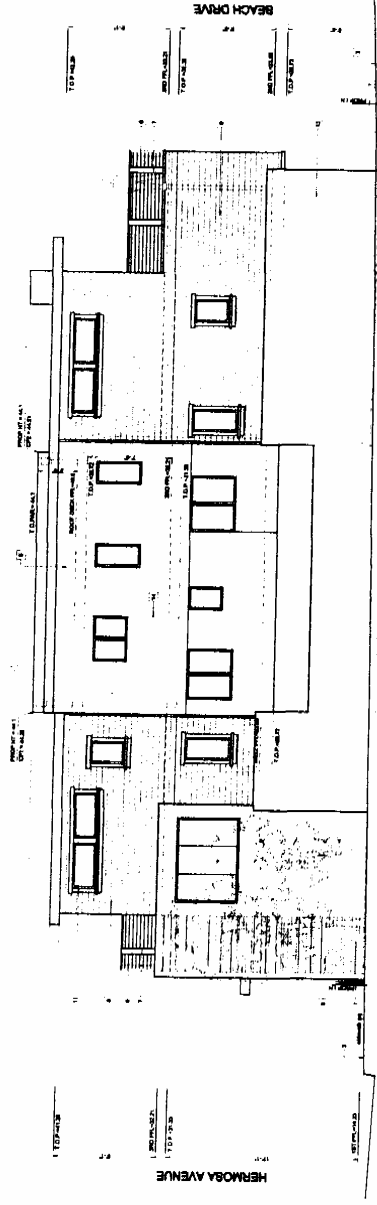
1718 S. 13th Street, Suite 100  
 Hermosa Beach, CA 90253  
 (310) 318-1111  
 www.joyceflood.com

DATE: 05/08/196  
 DRAWN BY: JFH  
 CHECKED BY: JFH

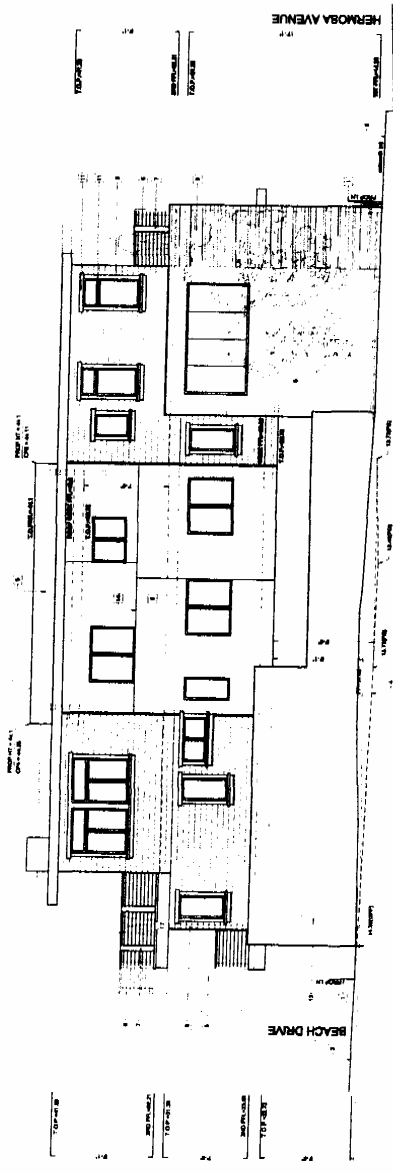
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- LEGEND**
- 1. EXISTING CONSTRUCTION
  - 2. EXISTING CONSTRUCTION TO REMAIN
  - 3. EXISTING CONSTRUCTION TO BE DEMOLISHED
  - 4. EXISTING CONSTRUCTION TO BE RECONSTRUCTED
  - 5. EXISTING CONSTRUCTION TO BE RECONSTRUCTED WITH DIFFERENT MATERIALS
  - 6. EXISTING CONSTRUCTION TO BE RECONSTRUCTED WITH DIFFERENT FINISHES
  - 7. EXISTING CONSTRUCTION TO BE RECONSTRUCTED WITH DIFFERENT COLORS
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  - 10. EXISTING CONSTRUCTION TO BE RECONSTRUCTED WITH DIFFERENT LOCATIONS
  - 11. EXISTING CONSTRUCTION TO BE RECONSTRUCTED WITH DIFFERENT ORIENTATIONS
  - 12. EXISTING CONSTRUCTION TO BE RECONSTRUCTED WITH DIFFERENT HEIGHTS
  - 13. EXISTING CONSTRUCTION TO BE RECONSTRUCTED WITH DIFFERENT FOOTPRINTS
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  - 29. EXISTING CONSTRUCTION TO BE RECONSTRUCTED WITH DIFFERENT PROPORTIONS
  - 30. EXISTING CONSTRUCTION TO BE RECONSTRUCTED WITH DIFFERENT DETAILS

**EXHIBIT # 4**  
 Page 1 of 2  
 Application Number:  
**5 - 0 8 - 1 9 6**  
 California Coastal  
 Commission



**NORTH ELEVATION (RIGHT SIDE)**



**SOUTH ELEVATION (LEFT SIDE)**

5-08-196 (Herrera)  
 Staff Report – Consent Calendar  
 Page 14

**JOYCE FLOOD ASSOCIATES architects**

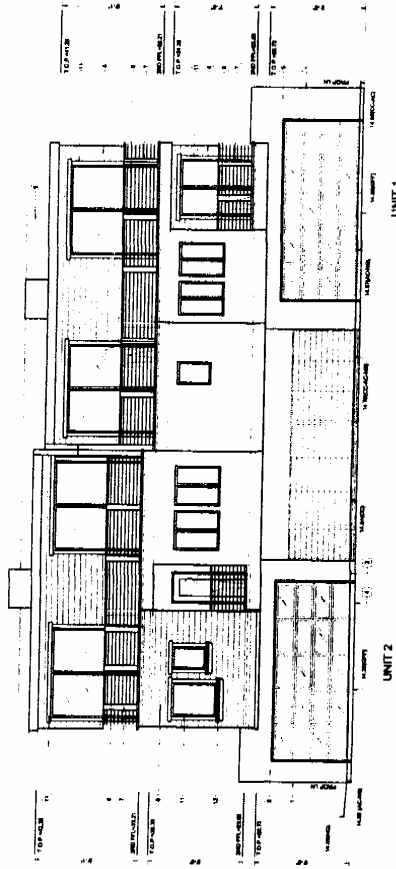
**FOUR UNIT MIXED USE BUILDING**  
 (TWO CONDOMINIUM UNITS / TWO COMMERCIAL UNITS)  
 1518 S. 15th Street, Hermosa Beach, CA  
 Daniel and Cheryl Herrera  
 1518 S. 15th Street, Hermosa Beach, CA  
 310.318.1966  
 www.joyceflood.com  
 Project No. 2015-001

DATE: 05/08/16  
 DRAWN BY: JF  
 CHECKED BY: JF  
 SCALE: AS SHOWN

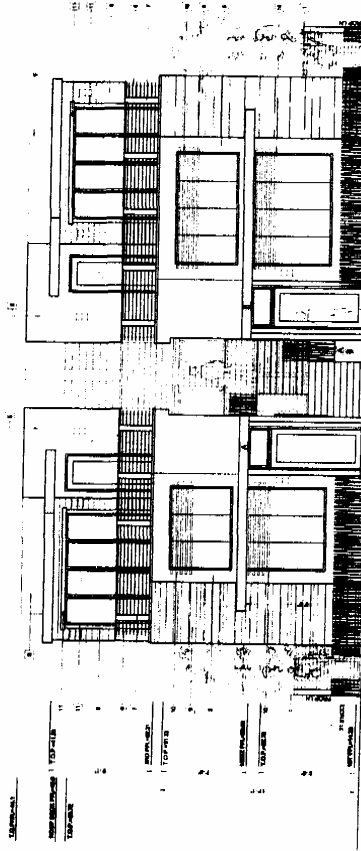
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**LEGEND**

- 1. EXISTING CONCRETE FOUNDATION
- 2. EXISTING CONCRETE SLAB
- 3. EXISTING CONCRETE WALL
- 4. EXISTING CONCRETE COLUMN
- 5. EXISTING CONCRETE BEAM
- 6. EXISTING CONCRETE JOIST
- 7. EXISTING CONCRETE FLOOR
- 8. EXISTING CONCRETE CEILING
- 9. EXISTING CONCRETE ROOF
- 10. EXISTING CONCRETE CURB
- 11. EXISTING CONCRETE DRIVE
- 12. EXISTING CONCRETE SIDEWALK
- 13. EXISTING CONCRETE PATIO
- 14. EXISTING CONCRETE PORCH
- 15. EXISTING CONCRETE BALCONY
- 16. EXISTING CONCRETE TERRACE
- 17. EXISTING CONCRETE STAIR
- 18. EXISTING CONCRETE ELEVATOR
- 19. EXISTING CONCRETE CORE
- 20. EXISTING CONCRETE CORE WALL
- 21. EXISTING CONCRETE CORE COLUMN
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- 43. EXISTING CONCRETE CORE CORE CURB
- 44. EXISTING CONCRETE CORE CORE DRIVE
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WEST ELEVATION (BEACH DRIVE)



EAST ELEVATION (HERMOSA AVENUE)

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**RECEIVED**  
South Coast Region

JUL 21 2008

5-08-196

CALIFORNIA  
COASTAL COMMISSION P.C. RESOLUTION 08-30

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**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN, AND VESTING TENTATIVE PARCEL MAP #70598 TO ALLOW A THREE-STORY MIXED USE BUILDING WITH TWO RESIDENTIAL CONDOMINIUM UNITS ABOVE TWO GROUND FLOOR COMMERCIAL CONDOMINIUM UNITS WITH MEZZANINES AT 131, 133 AND 135 HERMOSA AVENUE LEGALLY DESCRIBED AS LOTS 9 AND 10, BLOCK 2, HERMOSA BEACH TRACT**

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

Section 1. An application was filed by Daniel Herrera and Casey Herrera, owners of real property located at 131, 133 and 135 Hermosa Avenue seeking approval of a Conditional Use Permit, Precise Development Plan, and Vesting Tentative Parcel Map #70598 to allow the construction of a three-story mixed-use building containing two residential condominium units above two commercial condominium units with mezzanines.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on June 17, 2008, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

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

1. The subject property is located in the C-1, Neighborhood Commercial Zone. A Conditional Use Permit is required pursuant to the C-1 permitted use list of Section 17.26.030 of the Zoning Ordinance, which provides that "Residence: Residential uses above ground floor commercial uses(s), including condominium developments" as a conditionally permitted use. This section was amended by the City Council to also allow residential condominiums. A Precise Development Plan is required pursuant to Chapter 17.58 for new construction of more than 1500 square feet and to ensure the compatibility of the proposed project with surrounding uses.

2. The subject site consists of two through lots; the northerly lot is currently developed with a one-story commercial structure fronting on Hermosa Avenue and a detached residential unit (133 Beach Drive) and the southerly lot is vacant and unimproved and currently use as parking area.

3. The subject property proposed for mixed-use condominium development contains 4,465 square feet, is designated Neighborhood Commercial on the General Plan Map, and designated C-1 Neighborhood Commercial on the Zoning Map.

4. The applicant proposes to construct a new building with two residential condominium units above two commercial condominium units on the ground floor with mezzanines. A total of nine (9) parking spaces are provided to comply with the aggregate parking

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1 requirements of the commercial and residential uses pursuant to Chapter 17.44 of the Zoning  
2 Ordinance.

3 Section 4. Based on the foregoing factual findings, the Planning Commission makes the  
4 following findings pertaining to the application for a Conditional Use Permit, and Precise  
5 Development Plan.

6 1. The project is consistent with applicable general and specific plans and is in compliance  
7 with the use and development requirements of the Zoning Ordinance for both the commercial and  
8 residential portions of the project, and the project as a whole is in compliance with Section  
9 17.44.180 Mixed-Use Development;

10 2. The site is zoned C-1 and is physically suitable for the type and density of proposed  
11 development. The project and proposed use comply with the development standards contained  
12 therein;

13 3. The subdivision or types of improvements are not likely to cause serious public health  
14 problems;

15 4. The subdivision or type of improvements will not conflict with easements, acquired by  
16 the public at large, for access through or use of property within the proposed subdivision;

17 5. Design of the proposed subdivision is compatible and consistent with applicable elements  
18 of the City's General Plan, and is compatible with the immediate environment;

19 6. The project, as conditioned, will conform to all zoning and condominium laws and  
20 criteria and will be compatible with neighboring residential properties;

21 7. The project provides the number of required off-street parking spaces on-site in  
22 compliance with Chapter 17.44 of the Zoning Ordinance.

23 8. The project is Categorically Exempt from the requirement for an environmental  
24 assessment, pursuant to the California Environmental Quality Act Guidelines, Sections  
25 15303(b) and 15315 with the finding that the project is in an area with available services.

26 Section 5. Based on the foregoing, the Planning Commission hereby approves the subject  
27 Conditional Use Permit, Precise Development Plan subject to the following **Conditions of**  
28 **Approval:**

- 29 1. **The development and continued use of the property shall be substantially consistent with submitted plans as reviewed by the Planning Commission at their meeting of June 17, 2008, incorporating all revisions as required by the conditions below. Any major modification, shall be subject to review and approval of the Planning Commission. Minor modifications may be approved by the Community Development Director but shall not be final until confirmed by the Planning Commission as a consent calendar item on the Commission agenda.**

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2. Occupancy of the commercial space on the ground floor shall be limited to uses permitted in the C-1 zone, and shall not include residential use. Uses that are subject to greater parking requirements, such as restaurants/cafes, and medical or dental clinics are not permitted. In addition, Laundromats, dry cleaning business and commercial parking structures are prohibited.
3. Retail and commercial uses shall be limited to operation hours between 8:00 A.M. and 10:00 P.M. daily, except that a snack shop or coffee house shall have hours limited to between 7:00 A.M. and 9:00 P.M. daily. Any lighting for commercial signs shall be turned off when the business is not in operation.
4. The project shall meet all requirements of the Condominium Ordinance.
  - a) Each residential unit shall have the minimum 200 cubic feet of storage space and plans shall clearly denote storage space and the location of the FAU and vacuum canister, if provided.
  - b) Covenants, Conditions, and Restrictions in compliance with the Condominium Ordinance shall be submitted to the Community Development Department for review and approval prior to the issuance of building permits.
  - c) Proof of recordation of approved CC & R's shall be submitted to the Community Development Director six (6) months after recordation of the Final Map.
  - d) Requirements of Section 17.22.060(F) relating to utilities & (H) relating to Sound Insulation between units shall be shown on structural plans and reviewed at the time of Building Division plan check.
5. Project CC and R's, and on-site signage shall specify how the commercial and residential off-street parking will be used by occupants and customers of the building, including the following:
  - a) The handicap accessible space shall be appropriately signed.
6. Precise building height information shall be provided on final project plans, which shall include corner point elevations provided on a detailed roof plan indicating corner points of the lot, the location of all property lines and maximum and proposed heights at the critical points on the roof.
7. Architectural treatment shall be as shown on building elevations, site plan and floor plan. Any modification shall require review and approval by the Community Development Director.
8. Two copies of a final landscaping plan indicating size, type, and quantity of plant materials to be planted shall be submitted to the Community Development Department, Planning Division for review and approval prior to the issuance of Building Permits.
  - a) At least two street trees shall be provided along the Hermosa Avenue frontage subject to approval by the Public Works Department.

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- 1 b) The landscape plan shall maximize landscaping in yards areas where possible  
and minimize hardscape areas.
- 2 9. A sign program shall be submitted for review and approval by the Community  
3 Development Department prior to the issuance of any sign permits for individual  
4 businesses. All commercial signs shall be located on the first floor commercial portion  
of the building, and shall be in compliance with the Sign Ordinance requirements for  
the C-1 zone.
- 5 10. There shall be compliance with all requirements of the Public Works Department  
6 and Fire Department.
- 7 11. The address of each condominium unit shall be conspicuously displayed on the street  
8 side (Hermosa Avenue) of the buildings with externally or internally lit numbers and  
9 the method for illumination shall be shown on plans. Addressing numbering and  
display subject to approval by the Community Development Department
- 10 12. If garage doors are installed on the garage door openings for the residential parking,  
11 it shall be a roll-up automatic garage door with a minimum 7-foot clearance with the  
door in the open position.
- 12 13. Two copies of final construction plans, including site, elevation and floor plans,  
13 which are consistent with the conditions of approval of this conditional use permit,  
14 shall be reviewed and approved by the Planning Division for consistency with  
Planning Commission approved plans prior to the submittal to the Building Division  
for Plan Check.
- 15 a) Construction plans shall include details regarding lighting so as not to adversely  
16 impact residences, and shall not include any flashing, blinking or high intensity  
lighting. Lighting shall be included to adequate illuminate parking areas and  
17 corridors.
- 18 b) Construction plans shall include locations for electrical connections for  
commercial signs.
- 19 c) Construction plans shall provide conduit from roof to electrical service panel to  
20 facilitate future photovoltaic system installation in residential units.
- 21 14. Final construction plans shall include detailed lighting plans to ensure compatibility  
22 between uses, and to provide adequate security for the parking areas.
- 23 15. The applicant shall submit all required plans and reports in two steps to comply with  
24 the City's construction debris recycling program including manifests from both the  
recycler and County landfill, prior to final approval of building demolition and  
issuance of building permits, and prior to project final approval.
- 25 16. The applicant shall work with staff to integrate reasonable sustainable development  
26 standards in the project. The applicant shall incorporate at least one (1) sustainable  
development technology from each of the three (3) categories in the City's Green  
27 Building Design Checklist prior to the issuance of the Certificate of Occupancy.
- 28 17. Prior to approval of the Final Map, and prior to issuance of a Certificate of  
29 Occupancy, outstanding assessments must either be paid in full or apportioned to any

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1 newly created parcels. Notice of same shall be provided to the Community  
2 Development Director. Assessment payoff amounts may be obtained by calling the  
3 City's Assessment Administrator at (800) 755-6864. Applications for apportionment  
4 may be obtained in the Public Works Department.

5 18. The Conditional Use Permit and Precise Development Plan shall be null and void  
6 eighteen months from the date of approval unless building permits have been  
7 obtained. The applicant may apply in writing for an extension of time to the  
8 Planning Commission prior to the dates of expiration.

9 19. Prior to issuance of a building permit, abutting property owners and residents  
10 within 100 feet shall be notified of the anticipated date for commencement of  
11 construction.

12 a) The form of the notification shall be provided by the Planning Division of the  
13 Community Development Department.

14 b) Building permits will not be issued until the applicant provides an affidavit  
15 certifying mailing of the notice.

16 20. The owner shall provide separate written disclosure upon sale or rental of the  
17 subject property that it is a mixed use and permits commercial and residential uses  
18 within the building.

19 21. The project shall be subject to Planning Commission review for conformance to  
20 operating and development conditions six months after occupancy.

21 Section 6. This grant shall not be effective for any purposes until the permittee and the  
22 owners of the property involved have filed at the office of the Planning Division of the  
23 Community Development Department their affidavits stating that they are aware of, and agree to  
24 accept, all of the conditions of this grant.

25 The Conditional Use Permit and Precise Development Plan shall be recorded, and proof of  
26 recordation shall be submitted to the Community Development Department.

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

Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and  
employees from any claim, action, or proceeding against the City or its agents, officers, or  
employee to attack, set aside, void or annul this permit approval, which action is brought within  
the applicable time period of the State Government Code. The 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 permittee of any claim, action or proceeding, or if the City  
fails to cooperate fully in the defense, the permittee shall no thereafter be responsible to defend,  
indemnify, or hold harmless the City.

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

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

10 The Planning Commission may review this Conditional Use Permit, Precise Development  
11 Plan and may amend the subject conditions or impose any new conditions if deemed necessary to  
12 mitigate detrimental effects on the neighborhood resulting from the subject use.

13 Section 7. Pursuant to the Code of Civil Procedure Section 1094.6 any legal challenge to  
14 the decision of the Planning Commission, after a formal appeal to the City Council, must be made  
15 within 90 days after the final decision by the City Council.

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VOTE: AYES: Perrotti, Pizer, Hoffman, Allen, Kersenboom  
NOES: None  
ABSENT: None  
ABSTAIN: None

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 08-30 is a true and complete record of the action  
taken by the Planning Commission of the City of Hermosa Beach, California, at their regular  
meeting of June 17, 2008.

  
\_\_\_\_\_  
Sam Perrotti, Chairman

  
\_\_\_\_\_  
Ken Robertson, Secretary

June 17, 2008  
\_\_\_\_\_  
Date

PDPR- 131&133 Hermosa

