

CALIFORNIA COASTAL COMMISSION

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

F12b

Staff: J. Del Arroz-LB

Date: October 24, 2013

ADMINISTRATIVE PERMIT

Application No.: 5-13-0519

Applicant: Zeppy's Pizzeria LLC and Gerard Delin

Location: 36 Pier Ave., Hermosa Beach (Los Angeles County)

Project Description: Add a 273 sq. ft. outdoor patio area to an existing 1004 sq. ft. restaurant, addition of two parking spaces, a skate board rack, and bike rack.

EXECUTIVE DIRECTOR'S DETERMINATION:

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Friday, November 15, 2013 – 8:00 a.m.
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

CHARLES LESTER
Executive Director

By: John Del Arroz
Title: Coastal Program Analyst

STANDARD CONDITIONS:

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or 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.

SPECIAL CONDITIONS: See page five.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road

and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. PROJECT DESCRIPTION

The project site is located at 36 Pier Avenue, inland of the Hermosa Beach Pier, and approximately 250 feet from the beach (Exhibit 1). The site is located between The Strand and Hermosa Avenue, on a stretch of Pier Avenue which is closed to vehicles and only accessible by pedestrian or bike traffic. Parking for this area of Pier Avenue is located in the metered parking lot located just to the south of the site, or the parking structure located approximately 330 feet to the north.

The Strand, which lies approximately 200 feet seaward of the project site, is an improved public right-of-way which extends for approximately 4 miles, from the northern boundary of Manhattan Beach, to the southern boundary of Hermosa Beach, where The Strand connects to a bike/pedestrian path that ends at the beach parking lot in Torrance. The Strand is used by both residents and visitors for recreational purposes (walking, jogging, biking, etc.) and for shoreline access.

The applicant proposes the construction of new metal railings to construct a new 273 sq. ft. outdoor patio area, composed of a 207 sq. ft. seating area, and a 66 square foot pathway for access to the restaurant (Exhibit 2). The proposed 273 square foot addition would provide 20 extra seats to the existing 19 seat, 917.3 square foot restaurant.

The patio area is located on the City right of way. The City Planning Commission has approved the project, and required the applicant to obtain and comply with the City's encroachment permit. Special Condition 3 requires the applicant to submit the Encroachment Permit to the Executive Director upon its approval.

The subject site is approximately 250 feet from the beach. To ensure the site does not result in impacts to water quality, the Commission imposes Special Condition 1, requiring the applicant to adopt practices to ensure that trash storage or maintenance of the patio does not result in polluted runoff.

Like many of the other restaurants in the area, the existing restaurant is non-conforming because it does not provide on-site parking. Employees and patrons currently park in the adjacent metered lot, the parking garage located to the north, or on-street parking. The City's certified Land Use Plan requires that a) additions to existing uses with non-conforming parking shall provide parking for the area of the addition, and b) 1 parking space should be provided for each 100 sq. ft. of dining area. The proposed 207 sq. ft. of dining area would therefore require the provision of two parking spaces. The proposed project would provide the required two parking spaces through the installation of two (tandem) employee parking spaces in an existing open alleyway in the rear of the restaurant.

In addition, the applicant is proposing other measures to further reduce the parking demand of the patio addition and the existing restaurant, including the installation of a bike rack and skateboard

rack for employees. Furthermore, the applicant has indicated that they will be participating in a program with Los Angeles Metro to provide transit passes to all employees. As proposed, the project will provide non-vehicular options for employees to access the site, thus expanding the supply of parking which is available for the public.

Future modifications to the patio or restaurant on the site could result in impacts to the public parking supply or other coastal resources. Therefore, the Commission imposes Special Condition 2, notifying the applicant that future development on the site requires a Coastal Development Permit.

B. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, the development, as conditioned, conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. WATER QUALITY

The proposed development is near the shoreline where there is a potential for trash and polluted runoff from the project site to enter coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for project related impacts on water quality, the Commission imposes a special condition requiring the appropriate storage and handling of trash and materials to minimize the potential of pollutants to enter coastal waters. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

D. 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 Land Use Plan for Hermosa Beach was effectively certified on April 21, 1982, however, as stated, the Coastal Act is the standard of review for this project. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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.

SPECIAL CONDITIONS:

This permit is granted subject to the following special conditions:

1. **Concession Responsibilities – Water Quality (BMPs)**
 - a. The permittees shall provide and maintain trash and recycling containers that are fully enclosed and watertight in order to prevent storm water contact with waste matter, which can be a potential source of bacteria, grease, and other pollutants in runoff.
 - b. The patio area shall be kept clean and free of trash and debris.

2. **Future Uses and Improvements.** This approval is limited to the uses and development specifically permitted by Coastal Development Permit 5-13-0519. All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required. Any additional development, including, but not limited to: new construction, intensification of use of the patio area or the restaurant, expansion of dining areas outside of the approved patio footprint, modifications to the proposed new parking spaces, or the lease of public areas, will require another amendment to the permit or a new coastal development permit from the Commission or from the applicable certified local government.

3. **Encroachment Permit.** The applicant shall submit a copy of the Encroachment Permit for the proposed development to the Executive Director upon its approval by the City of Hermosa Beach. The applicant shall inform the Executive Director of any changes to the project required by the Encroachment Permit. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

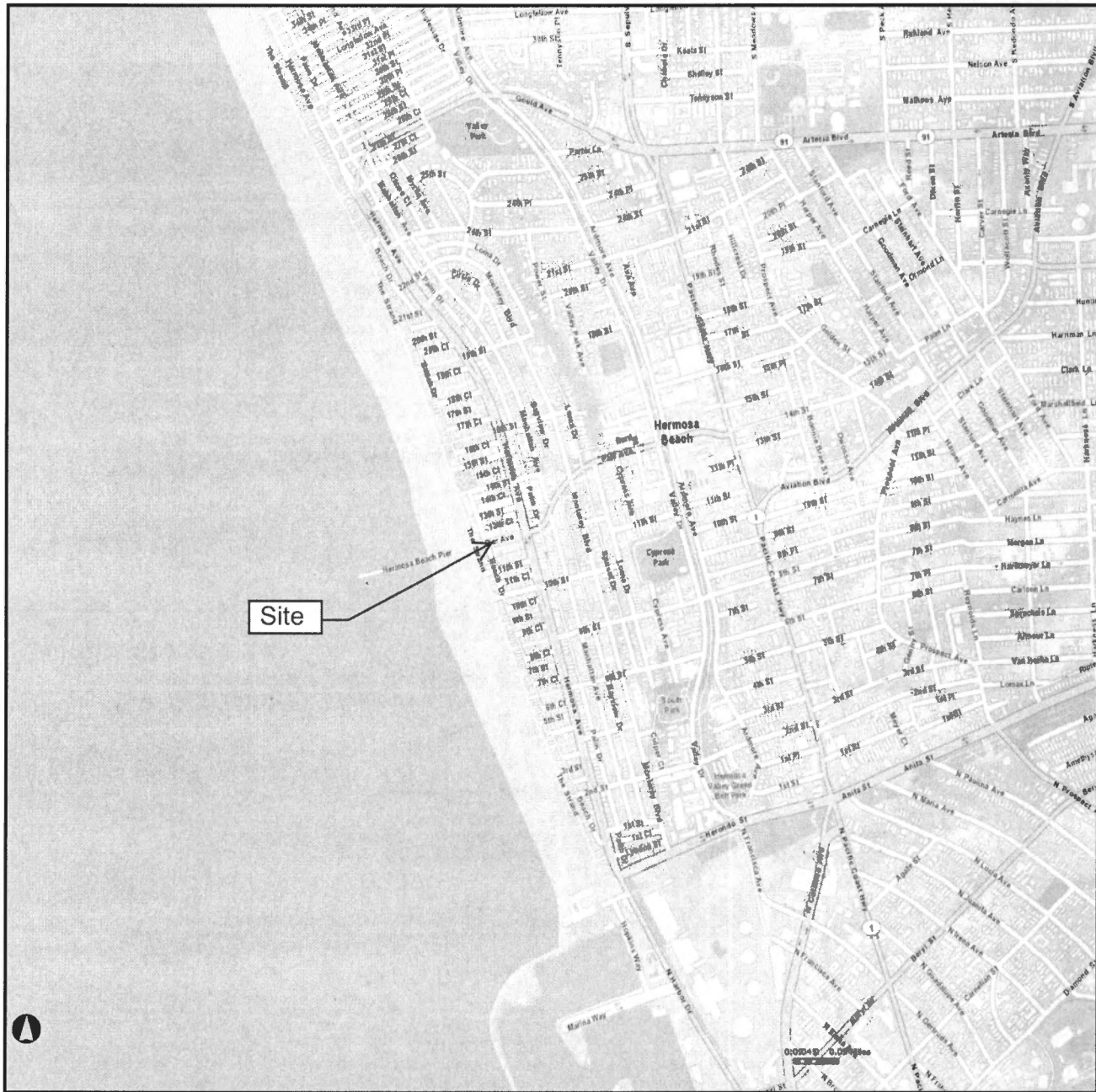
ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

Vicinity Map

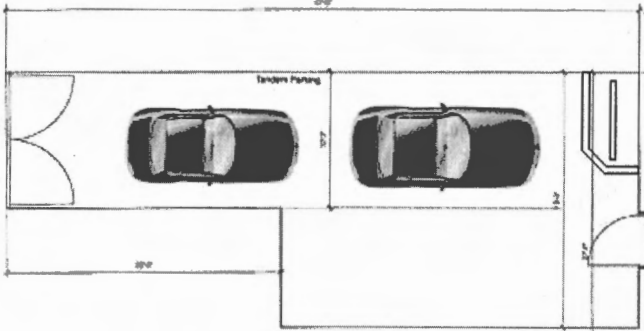


World Street Map

COASTAL COMMISSION

EXHIBIT # 1
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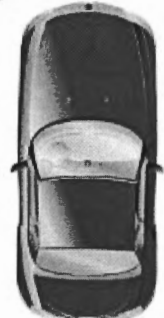
Property Line



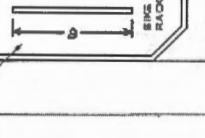
47'-8"

PARKING AREA 409.2 SQ FT

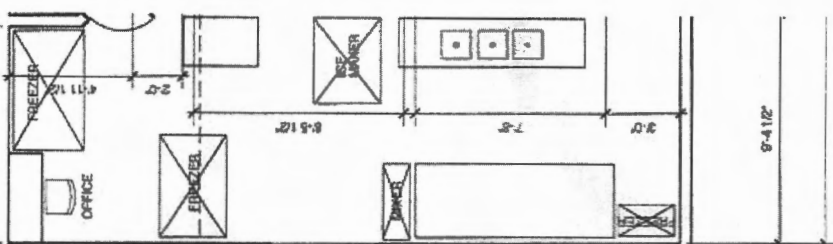
Tandem Parking



PROPOSED BIKE RACK

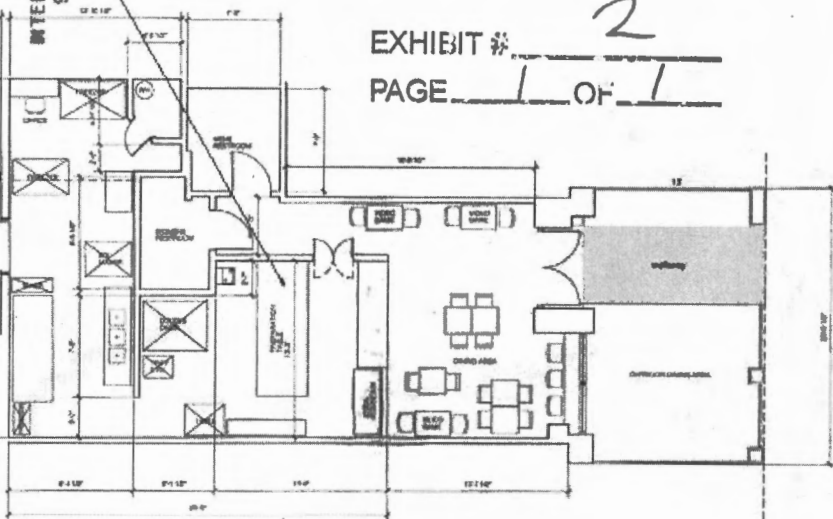


12'-10 1/2"

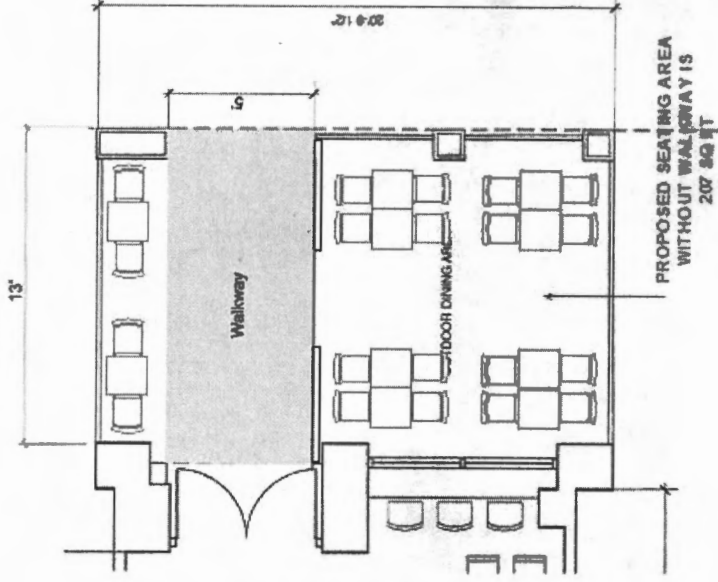


Property Line

INTERIOR BUSINESS AREA 917.3 SQ FT



PROPOSED PATIO AREA IS 273 SQ FT



PROPOSED SEATING AREA WITHOUT WALKWAY IS 207 SQ FT

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EXHIBIT #: 2
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Zeply's Pizzeria LLC Parking Plan
36 Pier Avenue
Hermosa Beach, CA 90254

BUSINESS AREA	917 SQ FT
PARKING AREA	490 SQ FT
PATIO AREA	273 SQ FT
PATIO AREA (WITHOUT WALKWAY)	207 SQ FT