

CALIFORNIA COASTAL COMMISSION

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Staff: A. Padilla-LB
Staff Report: 5/24/12
Hearing Date: 6/13-15/12

STAFF REPORT: CONSENT CALENDAR

Application Number: 5-12-101

Applicant: Fernando Martin

Agent: Howard Robinson and Associates

Project Location: 1654 Ocean Avenue, Santa Monica (APN 4290-018-001)

Project Description: The applicant proposes to convert an existing 1,492 square foot retail space to a 1,492 square foot (620 square feet of public service area) restaurant space within an existing one-story, 3,750 square foot multi-tenant commercial building. The existing building has 10 parking spaces.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The project raises issue with the public access policies of the Coastal Act. Staff recommends **approval** with a **special condition** on the basis that the project, as conditioned, is in conformity with the public access policies of the Coastal Act. **Special Condition No. 1** requires that the applicant, as tenant, participate in a parking, car pool and transit incentive program.

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APPENDICES

Appendix A. Substantive File Documents

EXHIBITS

Exhibit 1-- Project Vicinity Map

Exhibit 2-- Site Plan

Exhibit 3-- Floor Plan

Exhibit 4-- Elevations

I. MOTION AND RESOLUTION:

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:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California 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 alternative that would substantially lessen any significant adverse impacts of the development on the environment.

II. 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 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, Car Pool and Transit Incentive Program.** The applicant shall provide for a parking, carpool and transit incentive program as follows:
 - (1) The applicant shall actively encourage employee participation in a Transportation Ride Sharing Program.
 - (2) A public transit fare reimbursement program shall be implemented by the applicant. The system shall be in effect for at least a 30-year period. The applicant shall provide for partial reimbursement to one hundred percent of the employees of the development for public transit fare to and from work.
 - (3) The applicant shall provide a bicycle parking area, free of charge, on the property.
 - (4) The applicant shall assume responsibility for providing notification to all future occupants of the development of the provisions of this special condition. The notification program shall be implemented during the first month of occupancy of the new development.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT DESCRIPTION

The applicant proposes to convert an existing 1,492 square foot retail space to a 1,492 square foot (620 square feet of public service area) restaurant space within an existing one-story, 3,750 square foot multi-tenant commercial building. The existing building has 10 parking spaces.

The subject site is located on the southwest corner of Ocean Avenue and Seaside Terrace, approximately 460 feet south of the entrance to the Santa Monica Municipal Pier, in the City of Santa Monica.

The 3,750 square foot building was constructed in 1924. There are three commercial tenant spaces within the one-story building. The City's zoning designates the project parcel as Residential/Visitor-serving (RVC) and is located in the City's Beach Overlay District. Under the City's RVC zoning,

restaurants are a permitted use, but are limited to no more than 2,000 square feet in the Beach Overlay District.

B. COASTAL ACCESS--PARKING

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and the availability of public access to the coast. Section 30211 of the Coastal Act states that:

Development shall not interfere with the public's right of access to the sea where acquired through use of legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30252 of the Coastal Act requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities. Section 30252 of the Coastal Act states in part:

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

Therefore, in order to conform to the requirements of the Coastal Act, the proposed project must provide adequate support parking in order not to negatively impact parking for the visitor serving area of Main Street or for beach parking.

According to the City, the building was constructed in 1924 when parking was not required by City code. Therefore, the parking spaces are considered surplus by the City. The property contains 10 vehicle spaces that are located at the rear of the property and accessed from Olympic Place South. The proposed restaurant is required by City code to provide six parking spaces. According to the City, this is predicated on a grandfathered condition whereby the baseline parking requirement is five parking spaces for the tenant space; the proposed restaurant requires 11 parking spaces, which results in the requirement of six new parking spaces. The applicant is utilizing six of the ten on-site parking spaces.

Based on the Commission's parking standard of 1 parking spaces per 50 square feet of service area (620 square feet) the restaurant use would require a total 13 parking spaces, or 8 additional parking spaces above the existing five spaces the City has indicated were previously provided for the tenant space. Therefore, the new use would be deficient 8 parking spaces. Although the change from retail space to restaurant space would increase the parking deficiency of the 3,750 square foot commercial building, the relatively small size of the of the proposed restaurant will not generate a significant amount of additional parking demand. Furthermore, the City provides additional street parking along Ocean Avenue for the various businesses in the area, and given the project's location close to the Pier and beach area, the restaurant would generate a significant amount of shared use through the various uses in the area, such as the nearby hotels, Pier, and beach. Therefore, given the constraints of the parking lot and small size of the restaurant, the deficiency will not have a significant impact on public beach access; however, to ensure any public beach impact is minimized the applicant shall participate

in a parking and transit incentive program to mitigate traffic impacts. The applicant has agreed to participate in a parking, car pool and transit incentive program to encourage employees to use alternative means of transportation (**Special Condition No. 1**). The Commission, therefore, finds that only as conditioned will the project not adversely impact coastal access and will be consistent with Section 30211 and 30252 of the Coastal Act.

C. LOCAL COASTAL PROGRAM

(a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson way (Beach Overlay District), and the Santa Monica Pier. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications. The proposed project is located west of Ocean Avenue and is in the area excluded from the certified area of the Land Use Plan.

As conditioned the project will not adversely impact coastal resources and beach access. The Commission, therefore, finds that the proposed project will not be consistent with the Chapter 3 policies of the Coastal Act and will prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's administrative 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 mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

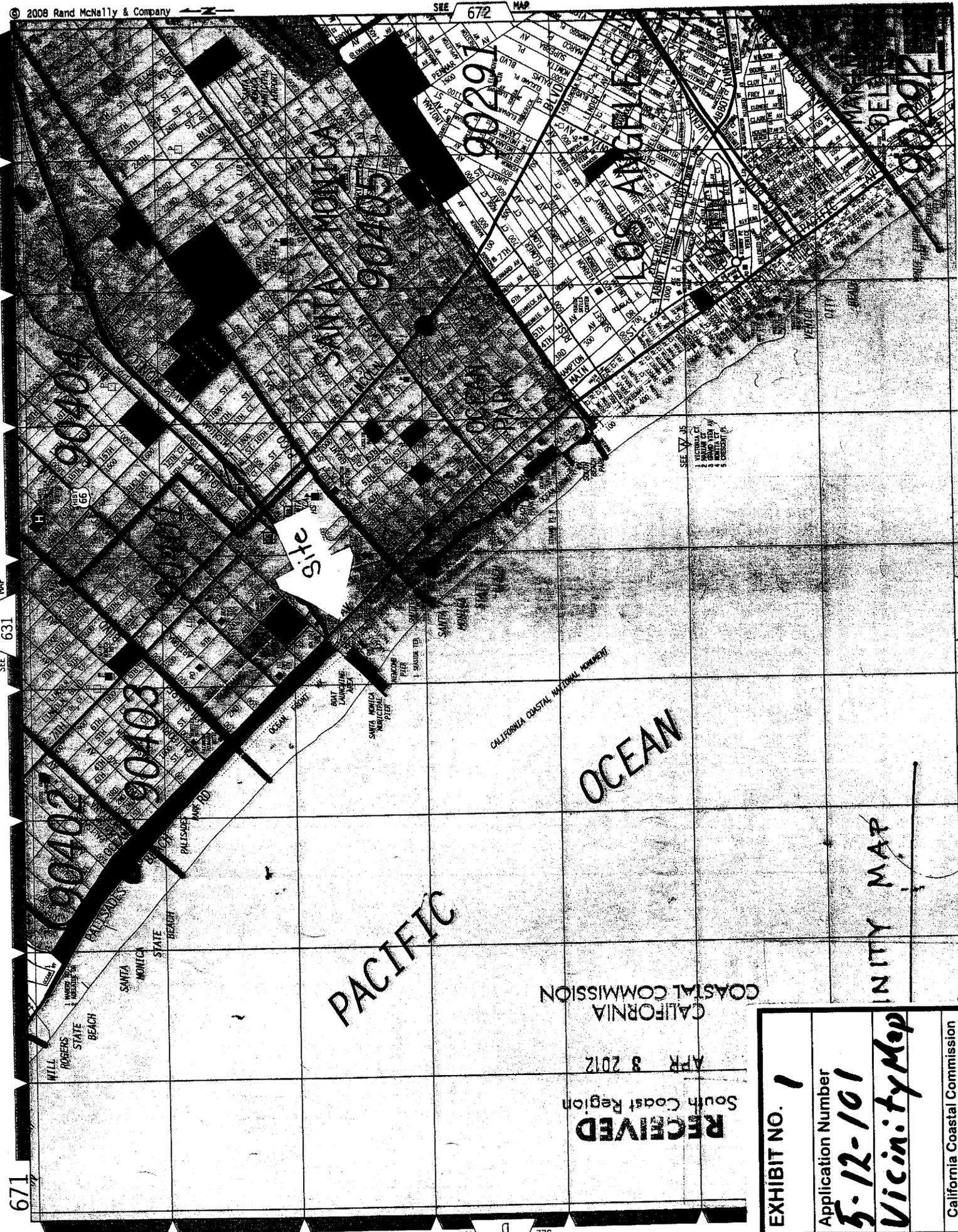
APPENDIX--SUBSTANTIVE FILE DOCUMENTS:

1. City of Santa Monica's certified LUP.

SEE 631 MAP

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 South Coast Region
 APR 8 2012

VICINITY MAP

EXHIBIT NO. 1
Application Number 5-12-101
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