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PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA OFFICE FRONT STREET, STE. 300 (408) 427-4863 HEARING IMPAIRED: (415) 904-5200

03/14/97 Filed: 49th Day: 05/12/97 09/10/97 180th Day: J. Sheele/LO/cm Staff: 03/19/97 1836P Staff Report: Hearing Date: 04/08-11/97 Commission Action:

STAFF REPORT: PERMIT AMENDMENT



APPLICATION NO.: 3-82-126-A5

APPLICANT: MONTEREY BAY BOATWORKS AGENT: David Garrett

PROJECT LOCATION: #32 Cannery Row, adjacent to Coast Guard Breakwater at Breakwater Cove Marina, Monterey Harbor, City of Monterey Monterey County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Marine haulout and repair facility, 60-berth boat marina, boat dry storage, boat sales, coffee/bait shop, ship's chandlery, carpentry and machine shops, piers and hoists. Subsequent amendments added fuel dock facilities, a boat rental concession use, and loading and unloading of dive boats.

DESCRIPTION OF AMENDMENT: Amend permit to change use of permitted coffee shop to a full-service restaurant and increase seating from 32 to 80 seats, add an ancillary bar, convert boat dry storage area to parking area and revise parking plans.

LOCAL APPROVALS RECEIVED: Lease Amendment approved by City Council 12/12/95. CEQA: Categorically Exempt.

SUBSTANTIVE FILE DOCUMENTS:

- o City of Monterey's (draft) Harbor Area Land Use Plan.
- o 3-82-126 City of Monterey/Monterey Bay Boatworks.
- o 3-95-9 City of Monterey -- San Carlos Beach.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission <u>approve</u> the proposed amendment, subject to the conditions below. The primary concern is that the increased parking demand for the restaurant will displace parking capacity needed to accommodate existing coastal-dependent uses at this corner of the Harbor. These uses include boat launching, marine repair, SCUBA diving, and commercial and sport fishing. However, the applicant has provided information which demonstrates: a. the increased restaurant parking demand will happen at the off-peak times for the other uses; b. the increased intensity of restaurant use is needed to insure the economic viability of the other, coastal-dependent services provided by applicant; and, c. the conditions of the City's permit approval adequately mitigate impacts on parking availability.

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<u>PROCEDURAL NOTE</u>: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1) The Executive Director determines that the proposed amendment is a material change,

2) objection is made to the Executive Director's determination of immateriality, or

3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. <u>Approval with Conditions</u>.

The Commission hereby <u>approves</u> the amendment to the coastal development permit, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located seaward of the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions. See Exhibit A.

III. Special Conditions.

- 1. <u>Final Project Plans</u>. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit a copy of the final project plans (site plan, floor plan, elevations and parking plans) for the Executive Director's review and approval. Evidence of review and approval by the City of Monterey shall accompany the submittal.
- <u>Future Additions</u>. Unless waived by the Executive Director, an amendment shall be required for any further additions to the permitted development, including but not limited to an increase in seating, or any change in use.

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IV. <u>Findings and Declarations</u>.

The Commission hereby finds and declares as follows:

1. Background and Amendment Description.

The original permit approval (Coastal Development Permit 3-82-126) was for a variety of marine-oriented uses at the southwesterly extremity of Monterey Harbor, adjacent to the Coast Guard Breakwater. These facilities included a marine haul out and repair facility, the 60-berth Breakwater Cove Marina, coffee/bait shop, ship's chandlery, boat hoist, carpentry and machine shop, and boat sales. Subsequent amendments allowed a fuel dock facility, fuel tank, a boat rental concession, and charter dive boat loading and unloading. The applicant's site is located on landfill within the Harbor, which is leased from the City of Monterey.

The amendment request proposes a change in use from the existing coffee shop to a full-service restaurant and an increase in seating from 32 to 80 seats, the addition of an ancillary bar, the conversion of the boat dry storage area to a parking area and a revision of the previously approved parking plans. The boat dry storage area was never developed as there was little public demand for this particular use according to the applicant. The amendment request would allow the conversion of this area to a 36-space parking lot.

At this time, no physical expansion of the restaurant is proposed. The City has granted conceptual approval of an interior remodel to accommodate the increased seating. Conditions of this approval require review of final project plans.

The City's conditions of approval permit a full-service restaurant with a maximum of 80 seats to replace the coffee shop, an ancillary use to include a bar and liquor license, an interior remodel of the restaurant subject to full review by the City and other necessary agencies and a three-phase parking program. The parking program was approved on a one-year trial basis and a one-year extension has been granted. The parking program allows (1) off-site valet parking at the City landfill parking lot on weekdays and weeknights, (2) on-site valet parking in the boatyard travel lift lane on weekends and holidays, and (3) alternate off-site parking at a location to be approved by the City, to be paid for by the applicants.

2. Parking.

Coastal Act Section 30252 states that 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..."

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This portion of Monterey Harbor is served by the City's 89-space "landfill" parking lot. The landfill parking lot also serves divers at San Carlos Beach; boat launch patrons, berthed boat-owners and other customers at the Breakwater Cove Marina; and general recreational users, including visitors to the Coast Guard Breakwater. An additional 74 spaces are currently available on the Monterey Bay Boatworks site.

The conditions of the original coastal permit (3-82-126) required 56 on-site parking spaces and in-lieu fees to be paid to the City of Monterey for 7 additional parking spaces. The project parking plan was later revised to include 74 on-site parking spaces; however, our files do not reflect approval of the revised parking plan.

The parking requirement at the time of the original approval of the 32-seat coffee shop was 5 parking spaces (one parking space for every 6 seats). The parking requirement for the proposed conversion to an 80-seat restaurant is 19 parking spaces (one parking space for every 50 square feet of seating). The City required 14 additional parking spaces for the proposed restaurant use. The amendment request also includes a proposal to delete the dry boat storage area which had originally required 20 parking spaces and conversion of the area to a 36-space parking lot. The dry boat facility was never developed due to little public demand for its use according to the applicant.

To accommodate restaurant patrons, the applicant is proposing to provide 10 on-site parking spaces on weekdays and 24 on-site parking spaces along with valet parking during all restaurant operating hours. The City's approval allows for off-site valet parking at the City landfill parking lot on weekdays and weeknights and on-site valet parking in the boatyard travel lift lane on weekends and holidays. The boatyard is closed on weekends and holidays which will allow for valet parking in the travel lift lane during those times. The City has also required the applicant to pay for alternate off-site parking if needed and to maintain accurate detailed records of the off-site and on-site parking programs. This parking program was approved by the City on a one-year trial basis and that approval has been extended for a second year. Exhibits 3 and 4 prepared by the applicant show the current uses and parking requirements at Monterey Bay Boatworks, and the proposed parking plan.

Coastal permit amendment 3-82-126-A4 for the loading and unloading of charter dive boats was conditioned by the City and the Coastal Commission to require 16 dive charter parking spaces on-site at all times. The proposed parking plan is consistent with the previous amendment's requirements.

The parking deficit in the harbor and wharf areas that was a problem in the 1980's when the original coastal permit was approved has been alleviated in the early 1990's by increased parking spaces due to new parking lots, additions to parking structures, and restriping. In addition, the amount of on-site parking for the Monterey Bay Boatworks has increased due to the elimination of the dry boat storage area, reconfiguring of parking spaces and

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the use of the boatyard travel lift lanes on weekends and holidays. There are 74 on-site parking spaces available during the weekdays and 91 available on weekends and holidays. The boatyard travel lift lane can accommodate 17 valet parking spaces on weekends and holidays. Conditions of the City's approval also allow valet parking at the City landfill lot and require periodic review of on-site and off-site parking records. There is adequate parking for the increased restaurant seating according to the information received from the City. Conditions of this approval require the Executive Director's review and approval of final project plans, and a separate waiver or amendment for future additions. The amended project, as conditioned by the approval and by this City, is therefore consistent with Section 30252 of the Coastal Act.

3. <u>Public Access</u>

Section 30211 of the Coastal Act requires that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation; and Section 30212 provides that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects. The entire Monterey Bay Boatworks facility and marina are located on public lands granted to City of Monterey by the State of California.

Conditions of Coastal Permit 3-82-126 required construction of a public access walk to the boat dock and that both the access and boat dock be open to the pedestrian public during normal operating hours. According to the applicant, there are not and will not be any restrictions on access. The proposed change to a full-service restaurant will not conflict with the existing access available for coastal-dependent uses. The parking plan approved by the City insures the existing parking capacity for coastal-dependent and shoreline public access uses is protected and continues to require review of the parking management plan on an annual basis. Therefore, the proposed development is consistent with the access policies of the Coastal Act.

4. <u>Coastal-Dependent Uses</u>

The following policies address coastal-dependent non-recreational uses:

Section 30254 (part of):

... Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

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Section 30255

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Although most of the uses at the Monterey Bay Boatworks are coastal dependent or coastal related uses, the restaurant is not a coastal dependent use. Coastal dependent uses include the haul out and travel lift facility, the boat dock and hoist and berthing for 60 boats. The marine repair and maintenance operation will use the boat carpentry and machine shop and will be supported by the electrical sales and shop. Coastal-related uses include the chandlery which provides ship supplies and marine hardware. The bait shop and fishing supplies outlet are also coastally related.

While the restaurant is not a coastal dependent use, the applicant has indicated that the increased seating proposed is necessary to insure the overall economic viability of the Monterey Bay Boatworks operation. Because the restaurant is a second-story use, and will entail no exterior expansion, it will not displace any coastal dependent use, nor will it commit any shoreline area suitable for future coastal-dependent use. Therefore, approval of this amendment is consistent with Coastal Act Sections 30254 and 30255.

5. <u>LCP/CEOA</u>

The City of Monterey's Local Coastal Program (LCP) is divided into five segments. One of these is the Cannery Row Land Use Plan, which was certified November 3, 1981. The land area of the marine facility is in the Cannery Row LCP segment; the "landfill" site is designated as a non-recreational coastal dependent land use specifically providing for the marine repair facility. However, the immediately adjacent restaurant falls within the City's uncertified Harbor segment, for which a Land Use Plan (LUP) was prepared and later revised. At the request of the City the draft Harbor LUP is not presently under consideration by the Coastal Commission.

The proposed conversion of a coffee shop to a full-service restaurant with increased seating is consistent with the draft LUP and will not conflict with existing coastal dependent uses and public shoreline access. Accordingly, the amendment will not prejudice the City's ability to prepare an LCP for the area which conforms with the requirements of Chapter 3 of the Coastal Act.

The City found the proposed project to be categorically exempt from CEQA requirements. As conditioned, the proposal will not create any significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

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EXHIBITS

- A. Standard Conditions.1. City Approval/Amended Lease.
- Location Map.
 Chart of Uses and Parking Requirements.
- 4. Proposed Parking Plan.
- 5. Restaurant Seating Plan Existing.
 6. Restaurant Seating Plan Proposed.

EXHIBIT-A

RECOMMENDED CONDITIONS

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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. <u>Expiration</u>. 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. <u>Compliance</u>. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. 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.

7. 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.

EXHIBIT NO. A	
APPLICATION NO. 3-82-126-45	
Standard Conditions	
California Coastal Commission	

		:	COUNCIL MEE	December 12, 1995
		CITY OF	AGENDA ITEM	<u> </u>
To:	City Manager	,		

From: Community Development Director

Date: November 29, 1995

Subject: Approving Wharf I Subcommittee Recommendation to Authorize Lease Amendment to Permit Change of Use from Coffee Shop to Restaurant and Add Seating at Monterey Bay Boatworks Concession (Bradley's Restaurant) 1. Resolution

DEC 1 1 1995

RECOMMENDATION:

That the City Council concur with the Wharf I Subcommittee Ans'd....... members Canepa and Vreeland and adopt the attached resolution authorizing a lease amendment to permit a change of use from coffee shop to full-service restaurant at Monterey Bay Boatworks, Bradley's Restaurant concession. The approval should also include an increase in maximum seating capacity from 32 to 80 seats and approve in concept an interior remodel as proposed, the addition of an ancillary bar and liquor license, and a threephased parking plan subject to a one-year trial period as indicated in the attached material.

The Mayor should be authorized to execute the necessary documents to effect the transaction after approval by other City departments, regulatory agencies including the Coastal Commission, and after the favorable conclusion of the current lease negotiations.

POLICY IMPLICATIONS:

City and Coastal Commission policy has been to require full onsite parking for all activities at Monterey Bay Boatworks. However, a review of their three-phased parking plan adequately addresses the additional parking required for the intensification at Bradley's, and should be approved on a one-year trial basis. Approving the change of use from a coffee shop to a full-service restaurant will remove an inconsistency from the original permitted use and the current activities at Bradley's.

FISCAL IMPLICATIONS:

It is expected that the improvements at Bradley's will generate additional gross receipts to our tenant, Monterey Bay Boatworks, and to the City in percentage rents. Additionally, it is anticipated that the City will receive additional parking revenues from those times when the landfill parking lot is used for parking purposes for the restaurant.

ALTERNATIVES CONSIDERED:

Staff and the Subcommittee considered not changing the current designation and not recommending approval of an increase to 80 seats as proposed. However, it was felt that the benefits OASTAL COMMISSION approving the request far outweighed the drawbacks. LXHIRIT / S-82-126-A5

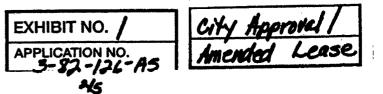
DISCUSSION:

Our lessee, Monterey Bay Boatworks, has submitted a request along with Bradley and Anna Jones to allow for an amendment to their City lease and Coastal permit, converting the designated 32 seat coffee shop to a full-service restaurant such as the one currently operated as Bradley's. The applicant requests conceptual approval of an interior remodel and additional seating to 80 seats total, installation of a small ancillary full-service bar with liquor license, and approval on a trial basis of a parking plan to meet the increased parking demand based on the additional number of seats. The Council Wharf I Subcommittee, in conjunction with the Wharf Association, reviewed this matter on November 27, 1995. Attachment 2 is an excerpt from the staff report to the Subcommittee which provides the details of the proposal.

After a general review of the components of the proposal, the Subcommittee primarily focused on the parking issues. It was decided that it would be reasonable to approve the alternative parking plan described in the attached staff report, wherein the Boatworks and Bradley's would utilize the landfill parking lot on weekdays and weeknights for the 14 extra spaces required to meet the City standard. They would use the interior portion of the Boatworks yard on weekends and holidays, when the boatyard is closed, as an attendant-managed valet parking program for Bradley's. There is also a back-up plan wherein the applicants have agreed to purchase off-site parking, such as at the Monterey Plaza Hotel parking garage, if the need arises. The parking plan, which is also attached, is a practical solution to allow for the additional seating at Bradley's. The on-site parking on holidays and weekends maximizes the use of the Boatworks yard area without detracting from the operation as a boatyard.

As a point of information, this matter is one of several under development by our tenant in Breakwater Cove. As you recall, the Council recently approved, subject to Coastal Commission approval and conclusion of lease negotiations, new limited dive charters at the Boatworks. This request for Bradley's is the second request for a change to the lease at the Boatworks. The Boatworks is also continuing to evaluate whether and how to approach their other objectives, such as a possible marina expansion and a marina facilities building expansion. However, as indicated in the last staff report, these matters are complex and sensitive, and will require a great deal of study to determine if they warrant an application at this time.

Additionally, City staff is in negotiation with the principals of the Boatworks regarding their lease and rents. These negotiations center around the five-year anniversary in the lease which requires rent negotiation. The negotiations are now proceeding smoothly. Staff and our lessee are reviewing a recent appraisal of the Boatworks and gathering additional information to take into consideration. This will allow us to set a reasonable market rate rent which works for the City as well as the lessee. It is expected that those discussions will be concluded within 60 days and the matter will be brought to the Council for review shortly thereafter.



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Staff recommends that the City Council adopt the attached resolution authorizing a lease amendment to permit a change of use from a 32 seat coffee shop to an 80 seat full-service restaurant at Monterey Bay Boatworks, Bradley's Restaurant concession, as outlined in this staff report.

Bill Worthowshi

Bill Wojtkowski Community Development Director

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BW/BH:bls

Attachments: Resolution 1.

> 2. Excerpt of Staff Report from the Wharf I Subcommittee Meeting of November 27, 1995.

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c: Dave Garrett, Monterey Bay Boatworks Co., 32 Cannery Row, Monterey, CA 93940

Bradley and Anna Jones, Bradley's Restaurant, 32 Cannery Row, Monterey, CA 93940

Barry Stade, Administrator, Fisherman's Wharf Association, P.O. Box 465, Monterey, CA 93942

Tene Shake, Fisherman's Wharf Association, 39 Fisherman's Wharf #1, Monterey, CA 93940 All Fisherman's Wharf Concessionaires

All Monterey Bay Boatworks Subtenants

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CALIFORNIA COASTAL COMMISION EXHIBIT / 3-82-126-45 1113

RESOLUTION NO. 95 -

RESOLUTION APPROVING WHARF I SUBCOMMITTEE RECOMMENDATION TO AUTHORIZE LEASE AMENDMENT TO PERMIT CHANGE OF USE FROM COFFEE SHOP TO RESTAURANT AND ADD SEATING AT MONTEREY BAY BOATWORKS CONCESSION (BRADLEY'S RESTAURANT)

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WHEREAS Monterey Bay Boatworks and the City of Monterey entered into a lease on December 18, 1985, and;

WHEREAS said lease contained a permitted use of a concession as a 32 seat coffee shop, and;

WHEREAS the City and the lessee desire to change the aforementioned permitted use to an 80 seat full-service restaurant, and;

WHEREAS a lease Amendment is necessary to document the new permitted use;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY that a lease amendment for the permitted use of a full-service restaurant to replace the permitted use of a coffee shop is hereby approved pursuant to the following conditions:

- 1. Maximum number of 80 seats.
- 2. Ancillary use to include a bar and liquor license.
- 3. Conceptual approval is granted for an interior remodel of the restaurant area, subject to full review of City Departments and other agencies as necessary.
- 4. A parking program is approved on a one-year trial basis to allow:

(a) off-site valet parking at the City landfill parking lot on weekdays and weeknights,

Attachment

CALIFORNIA COASTAL COMMISTON EXHIBIT / 3-82-126-65

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(b) on-site valet parking in the boatyard travel lift lane on weekends and holidays, and

(c) alternate off-site parking at a location to be approved by the City, to be paid for by applicants.

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- 5. The Lessee will maintain accurate detailed records of the off-site and on-site parking programs in a manner and format suitable to the City.
- 6. The applicant must receive approval for the proposed use from all other regulatory agencies including the Coastal Commission.

BE IT FURTHER RESOLVED THAT the Mayor is hereby authorized and directed to execute the necessary documents to effect the transaction after approval by the Coastal Commission and after current lease/rent negotiations are concluded. All resolutions and parts of resolutions in conflict with this resolution are hereby repealed.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this _____ day of , 1995, by the following vote:

AYES: COUNCILMEMBERS:

NOES: ---- COUNCILMEMBERS: --

ABSENT: COUNCILMEMBERS:

APPROVED:

Mayor of said City

CONTRA COASTAL COMMISION

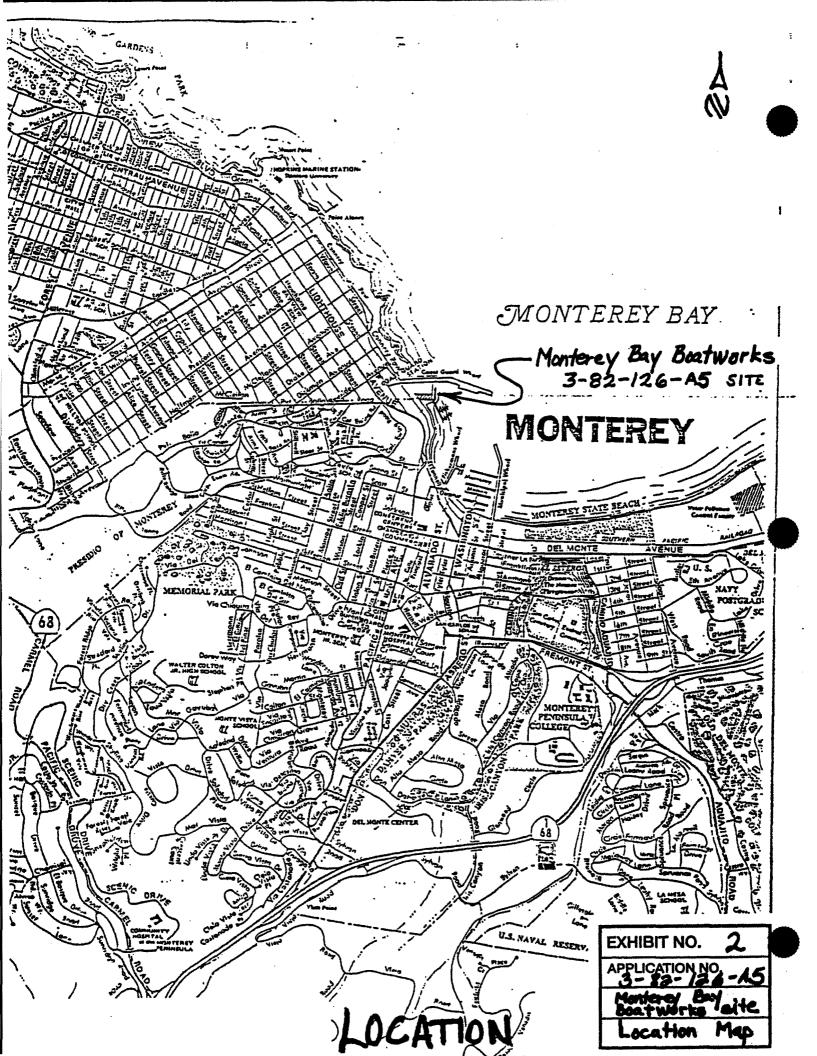
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EXHIBIT / 3-82-126-A

ATTEST:

City Clerk thereof

ccmem.95\bradleys.res



USE/NAME SI	D FOOTAGE	EXISTING	PROPOSED	EXISTI WKND/		PROP WKND/	
R estaurant/Coffee Shop Bradley's	2335	1/6 Seats	1/50 sq ft of dining space	5	5	24	10
Kayak Rental /Otter Cove	312	1/500 sq ft		1	1	1	1
H andicapped Sport Fishing Miry Bay Veterans	355	1/500 sq ft		0	1	0	1
O utboard Repair /Mtry Mariner	550	1/500 sq ft		0	1	0	1
D eli & Bait Shop Breakwater Cove Deli	1000	1/1000 sq ft		1	1	1	1
D ive Shop /Aquarius	817	1/500 sq ft		1	1	1	1
Marine Supply Store/Quarterd	eck 1100	1/500 sq ft		1	2	1	2
Underwater Video/Backscatter	1157	1/500 sq ft		1	2	1	2
Boatyard/Miry Bay Boatworks	1150	1/1.5 Employ	yces	0	3	0	3
Marina/Breakwater Cove	60 Berths/4	60 Berths/4 Transient .2/.3/.6/ boat			13	35	13
Marine Surveyor/Donru Marin	e 150	1/300 sq ft		0	1	0	1
Office/Breakwater Cove	600	1/300 sq ft		0	2	0	2
Harbormaster Office	200	1/300 sq ft		1	1	1	1
Handicapped	2/80 spaces	Ē	ECEIVEM	2	2	2	2
Dive Charter		Щ		16	16	16	16
Boatyard Customers	·		MAR 1 3 1997	,		8	17
Boatyard Customers TOTAL REQUI	RED	. <u>cc</u>	CALIFORNIA DASTAL COMMISSION	64	50	91	7

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