

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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**RECORD PACKET COPY**

Filed: 2/16/01  
 49th Day: 4/06/01  
 180th Day: 8/15/01  
 Staff: AJP-LB  
 Staff Report: 2/19/01  
 Hearing Date: 4/10-13/01

**TU 4.b.****STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-01-053

**APPLICANT:** Houston's Restaurants

**AGENT:** Fancher Development Services

**PROJECT LOCATION:** 202 Wilshire Boulevard, Santa Monica

**PROJECT DESCRIPTION:** Demolition of a one-story 4,935 square foot restaurant and construction of a two-story 7,778 square foot restaurant within the City's downtown parking district.

Lot Area:	5,000 square feet
Building Coverage:	4,714 square feet
Pavement Coverage:	172 square feet
Landscape Coverage:	114 square feet
Parking Spaces:	0
Zoning:	BSC2-Bayside Commercial
Ht above final grade:	30 feet

**LOCAL APPROVALS RECEIVED:** Approval In Concept

**SUMMARY OF STAFF RECOMMENDATION:**

The proposed project is located within the City's downtown parking district, which provides parking for all businesses within the district. There is currently an adequate parking supply to support the proposed project. Staff recommends that the Commission approve the proposed project with no special conditions.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Santa Monica Land Use Plan (LUP) Certified with Suggested Modifications, 1992.
2. Parking Analysis prepared by Kaku Associates, June 1988 (updated 1991).
3. Parking Analysis Update prepared by Meyer, Mohaddes Associates, October 1993
3. 5-87-592 (City of Santa Monica)
4. 5-87-643 (City of Santa Monica)
5. 5-88-384 (Arizona/Third Street Partnership)
6. 5-96-243 (CIM Group)
8. 5-99-357 (Second Street Developers, LLC)

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. APPROVAL WITH CONDITIONS**

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development 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, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

**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

NONE

### IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

#### A. Project Description and Location

The applicant proposes to demolish an existing one-story 4,935 square foot restaurant and construct a two-story, 7,778 square foot restaurant, consisting of approximately 3,562 square feet of serviceable area.

The proposed project site is a commercially zoned (BSC2—Bayside Commercial District) 5,000 square foot parcel in the City of Santa Monica. The site is located on the southeast corner of Wilshire Boulevard and Second Street, within the City's Downtown area. The project site is within the City's Downtown Parking Assessment District.

#### B. New Development

Section 30250 of the Coastal Act states in part:

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....*

The proposed project will be located in downtown Santa Monica which consists of a mixture of office, retail, residential, and visitor-serving commercial uses. The Commission in prior actions on Coastal permits has indicated that downtown Santa Monica is a location in which new commercial development should be

concentrated. Furthermore, policy #70 of the City's certified Land Use Plan states that:

*Allowable uses shall include retail, pedestrian oriented, visitor-serving commercial, public parking uses and other complementary uses (such as hotels, offices, cultural facilities, restaurants, social services, and housing).*

Surrounding uses include low and high rise office buildings, surface parking lots, restaurants and other commercial establishments. Existing development varies in height from approximately 18 to 56 feet. The LUP limits development to a height of 56 feet, or 84 feet with site plan review. The height of the proposed project will be approximately 30 feet, consistent with the height limit for the downtown area. Furthermore, the proposed project will be compatible with the character and scale of the surrounding area and is a permitted use in the downtown area. The Commission therefore, finds that the proposed project will be consistent with applicable policies of the certified LUP and with Section 30250 of the Coastal Act.

### **C. Public Access/Parking**

Section 30211 of the Coastal Act states:

*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.*

Section 30252 of the Coastal Act states:

*The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities.*

The proposed project is located within the City of Santa Monica's downtown Parking Assessment District. The boundaries of the Parking District are Fourth Court, Broadway, First Court, and Wilshire Boulevard. The Parking District was formed to levy an additional businesses license tax and an annual ad valorem assessment to development within the area to pay for and to provide parking to all business within its boundaries. Parking within the Parking District is provided in six parking structures located within a four-block area. A total of approximately 3,128 parking spaces are provided by the six structures. Of this total, 2,480 spaces are available to the public (Parking Analysis Update for the Third Street Promenade/Bayside District, October 1993, prepared by Meyer, Mohaddes Associates). Businesses located within the boundaries of the Parking District are not required to provide on-site parking.

Although projects within the Parking District are not required to provide parking, the parking supply within the district must be adequate to support the demand generated by existing and new developments that do not provide their own parking or are deficient in their supply of on-site parking.

According to the 1993 parking demand analysis for the Third Street Promenade, the current day (between 9:00 AM and 6:00 PM) peak utilization rate for all six parking structures is approximately 1,453 vehicles (56% utilization rate) and occurs between 2:00 to 3:00 P.M during the weekday. During this time the demand for public spaces during the weekday is approximately 1,587 spaces (64% utilization rate). During the weekend the peak utilization is 1,388 spaces (56% utilization rate). Therefore, according to this study there is a surplus of approximately 893 spaces at peak times on the weekdays and 1,388 spaces at peak times on weekends.

Subsequent to the 1993 update, a more recent parking study, *City of Santa Monica downtown Parking management Program* report, prepared by KAKU Associates, was prepared for the City in April 2000. According to the report, weekday peak utilization for the public spaces within the district is approximately 75%, and occurs between 2:00 p.m. and 4:00 p.m. Weekend peak utilization is approximately 88% and occurs between 9:00 p.m. and 10 p.m. on Saturdays. During the peak weekend beach use period, which occurs between 2:00 p.m. and 3:00 p.m., the peak parking utilization rate is approximately 72%. Therefore, approximately 694 parking spaces within the district's parking structures are available for public use during the peak weekend beach use period.

The proposed project will generate a total parking demand of approximately 71 parking spaces based on the Commission's parking standard of 1 parking space per 50 square feet of public serviceable area. The existing restaurant, based on current parking standards, had a demand of approximately 52 parking spaces. Therefore, since the new restaurant will replace the existing restaurant, the net increase in parking demand for the parking district is 19 parking spaces.

Based on the current parking study, there is an adequate surplus of available public parking within the parking district to support the proposed use, and the additional demand generated by the proposed use will not adversely impact beach and recreational use. Therefore, the Commission finds that the proposed project will not adversely impact public access and will be consistent with past Commission permit action for the area, and with Section 30211 and 30252 of the Coastal Act.

#### **D. Local Coastal Program**

Section 30604(a) of the Coastal Act states that:

*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.

As discussed above, the Commission finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not 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).

**E. CEQA**

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As proposed, 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.

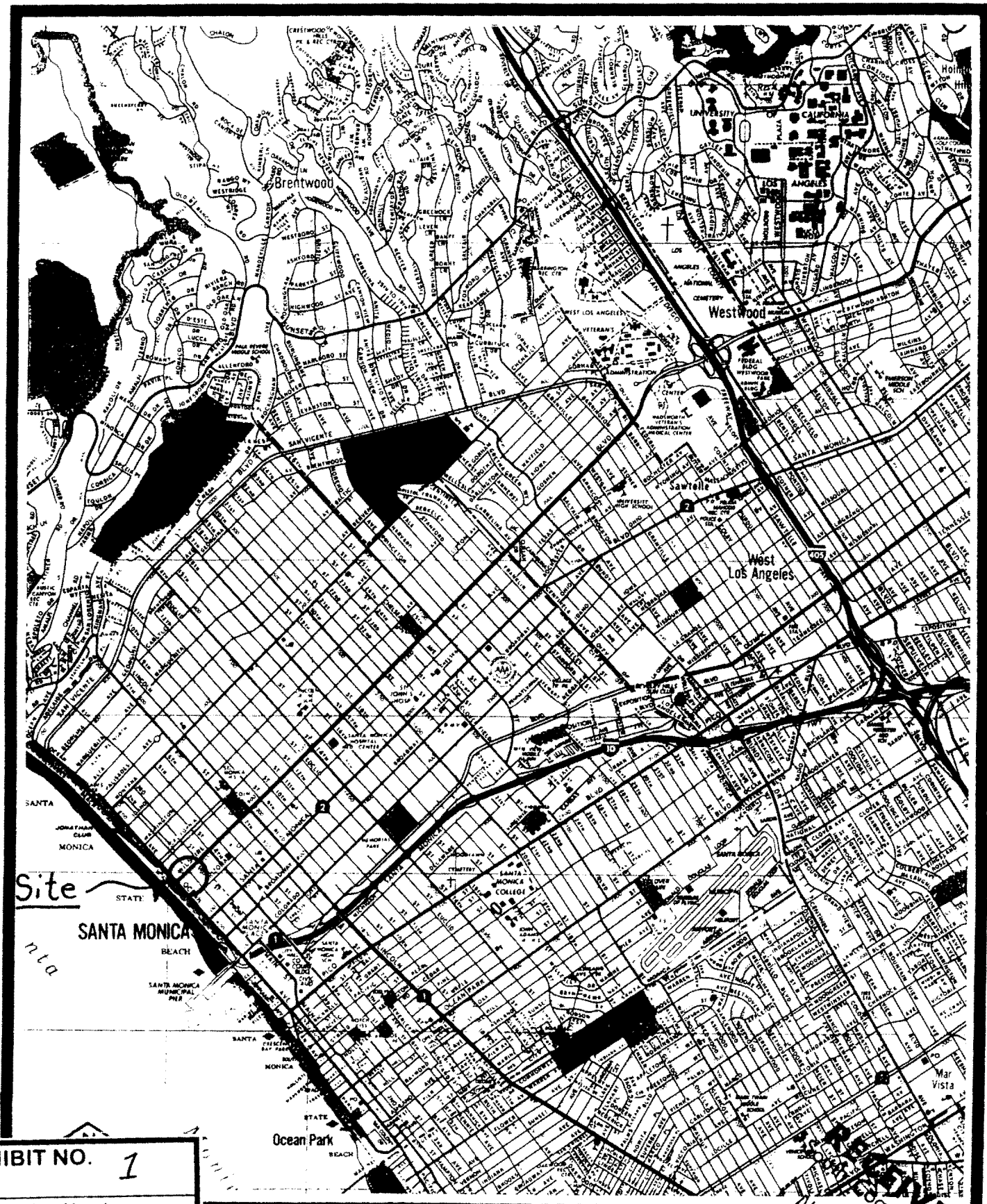


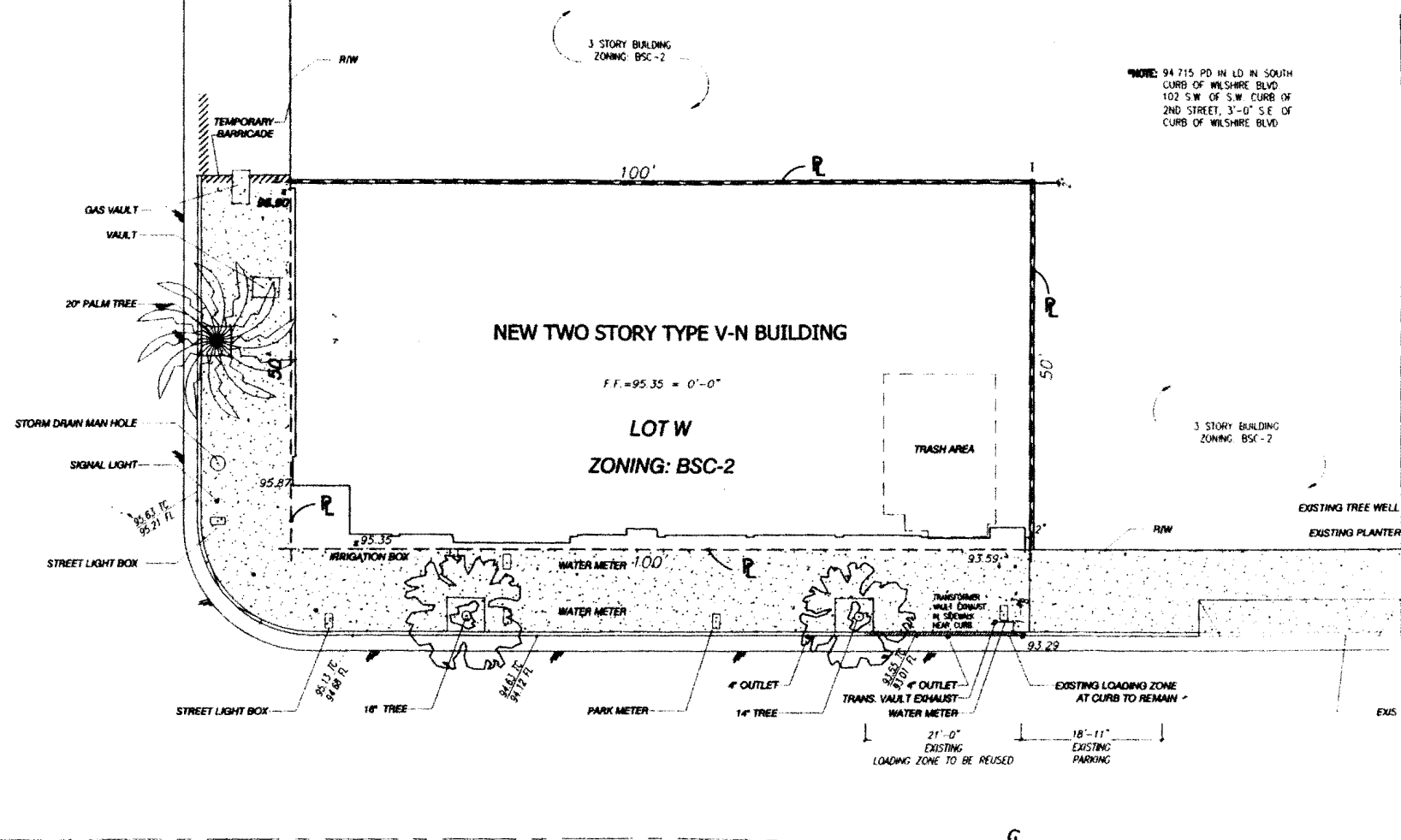
EXHIBIT NO. <b>1</b>
Application Number <b>01-053</b>
<i>Vicinity Map</i>
California Coastal Commission

**Location Map**

CALIFORNIA COASTAL COMMISSION  
Region

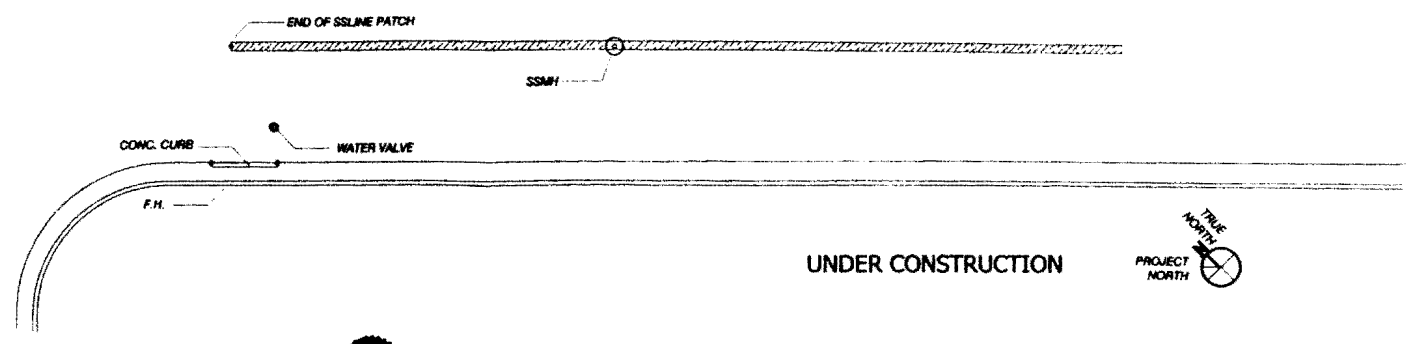
NOTE: 94 715 PD IN LD IN SOUTH CURB OF WILSHIRE BLVD 102 S.W. OF S.W. CURB OF 2ND STREET, 3'-0" S.E. OF CURB OF WILSHIRE BLVD

WILSHIRE BOULEVARD



2nd STREET

EXHIBIT NO. 2
Application Number 5-01-053
Site Plan



UNDER CONSTRUCTION





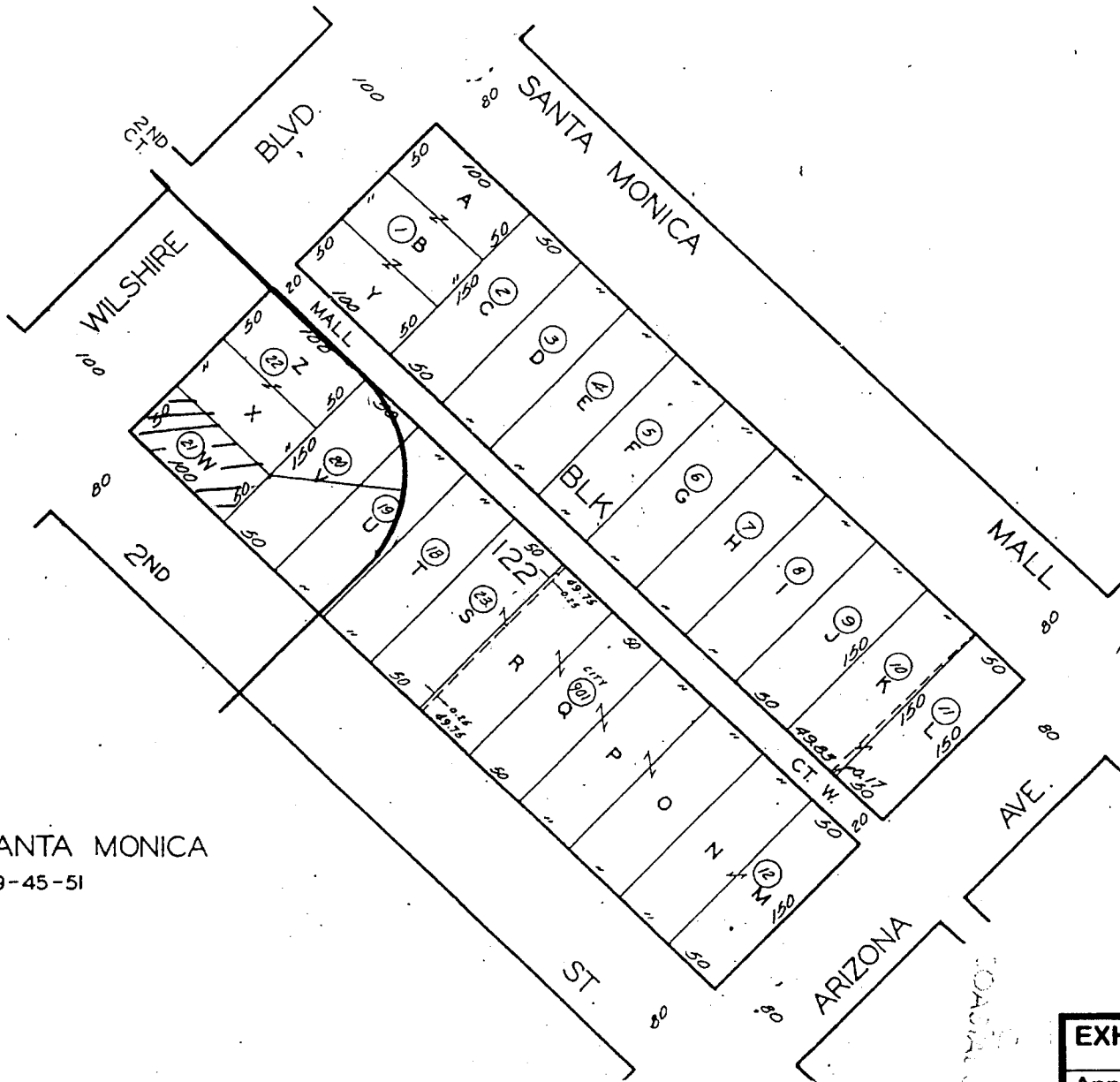
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SCALE 1" = 80'

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TOWN OF SANTA MONICA  
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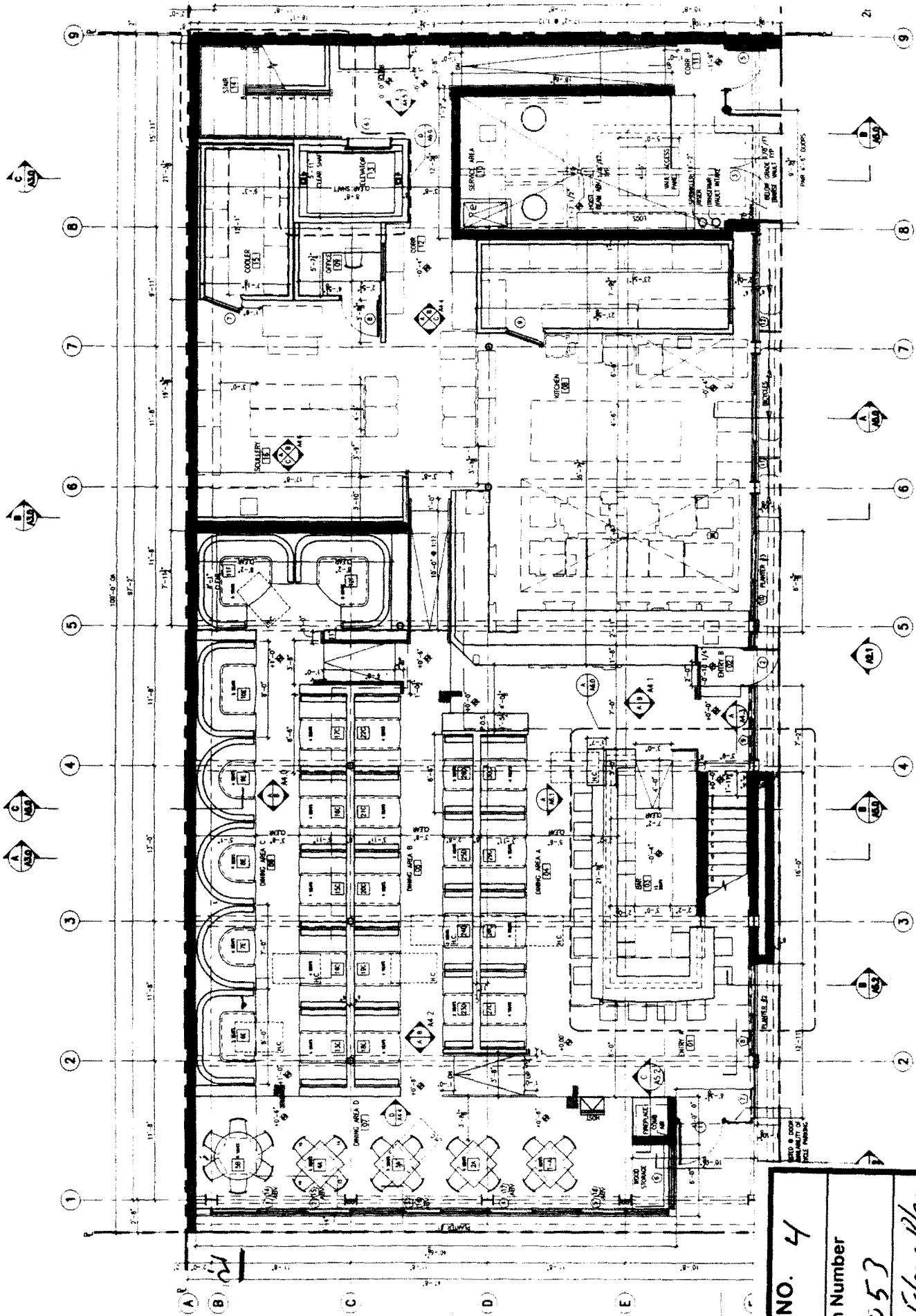
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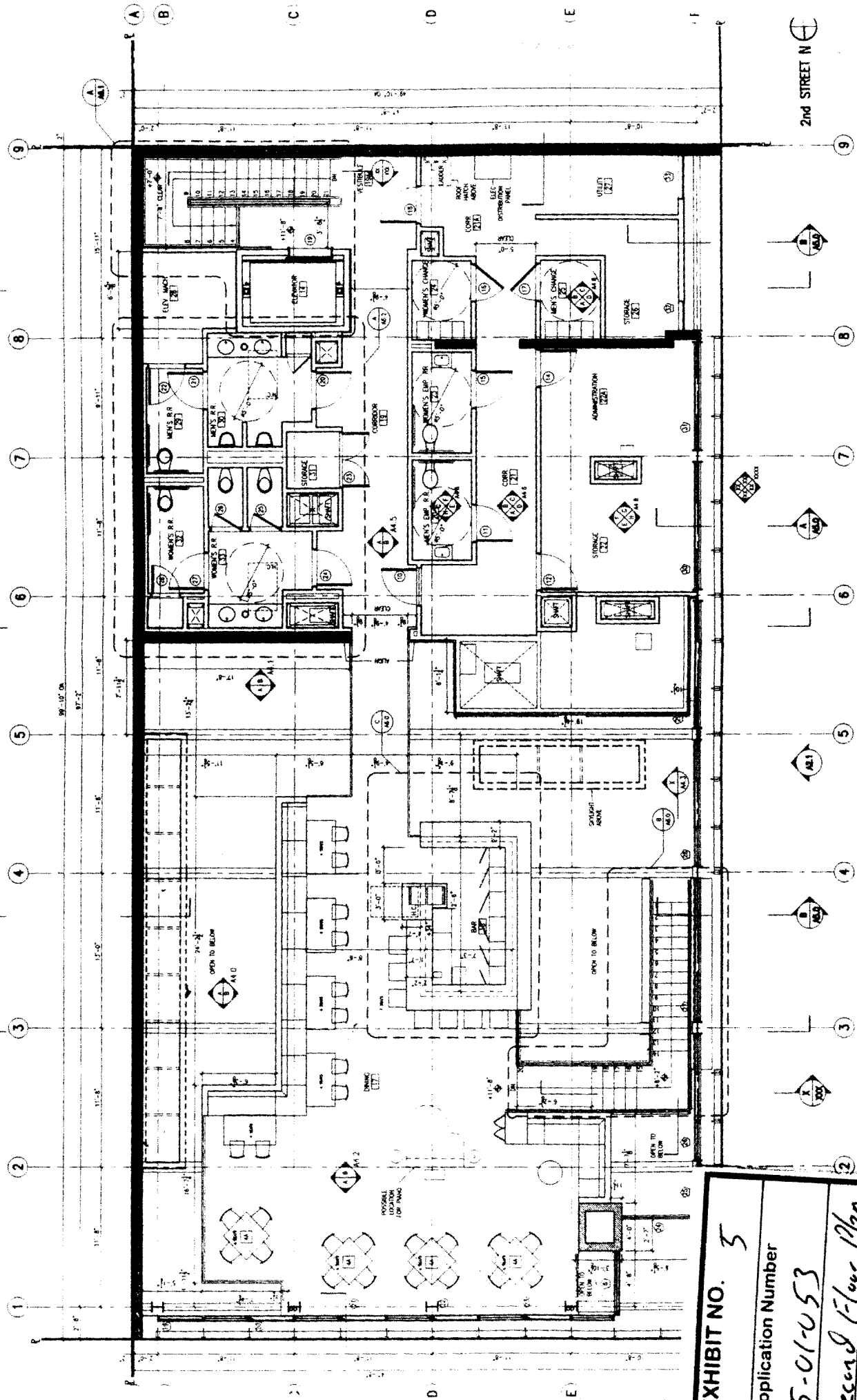
<b>EXHIBIT NO. 3</b>
Application Number
5-01-053
Parcel Map
California Coastal Commission

CALIFORNIA  
COASTAL COMMISSION



WILSHIRE BOULEVARD

EXHIBIT NO. 4
Application Number 5-01-053
First Floor Plan
California Co. Commission



2nd STREET N

**EXHIBIT NO.** 5  
**Application Number**  
 5-01-053  
*Second Floor Plan*  
 California Coastal Commission

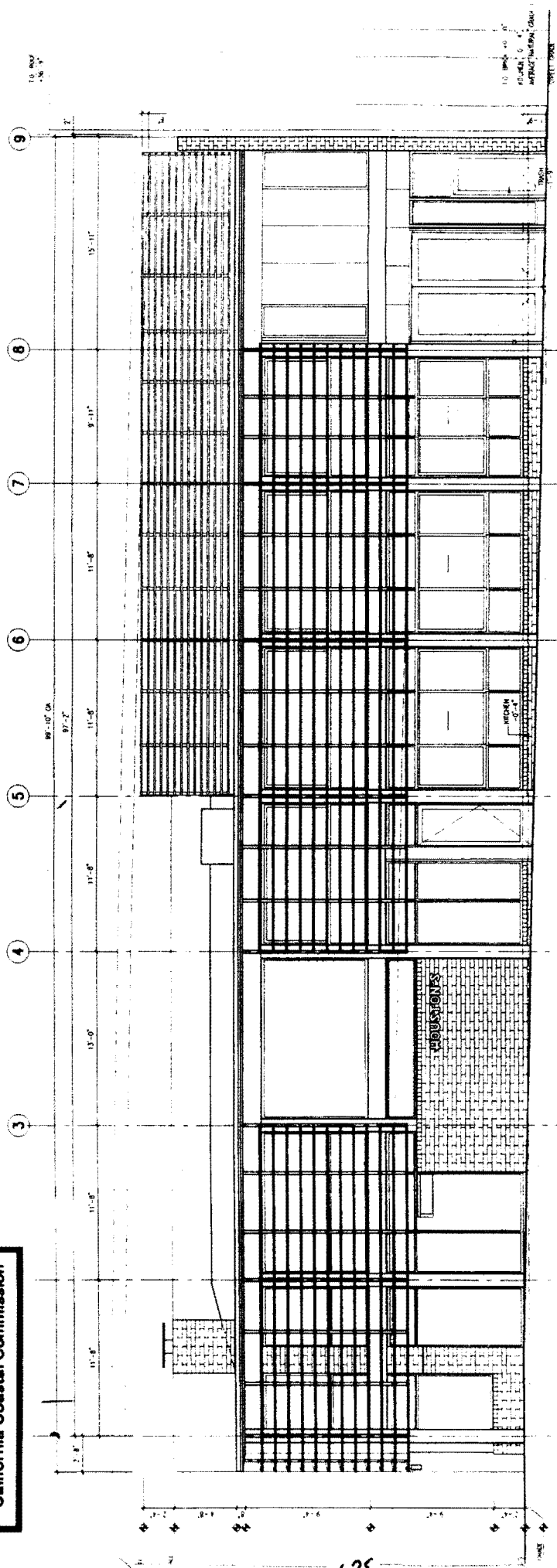
EXHIBIT NO. 6

Application Number

5-01-053

Elevation

California Coastal Commission



ON BEHIND  
D STREET

