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CALIFORNIA COASTAL COMMISSION

South Coast Area Office
2900 Ocean Gate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Filed: 7/9/01
49th Day: 8/27/01
180th Day: 1/5/02
Staff: AJP-LB
Staff Report: 8/17/01
Hearing Date: 9/11-14/01
Commission Action:

RECORD PACKET COPY

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-01-203

APPLICANT: Urth Caffè Associates

AGENT: Kenneth Kutcher

PROJECT LOCATION: 2327 Main Street, Santa Monica

PROJECT DESCRIPTION: Construction of a 1,661 square foot, one-story restaurant with surface level parking and one level of subterranean parking, providing a total of 15 parking spaces.

Lot Area:	5,300 square feet
Building Coverage:	1,661 square feet
Pavement Coverage:	3,314 square feet
Landscape Coverage:	355 square feet
Parking Spaces:	15
Zoning:	Commercial
Ht above final grade:	26'-8"

LOCAL APPROVALS RECEIVED: Approval in Concept

SUBSTANTIVE FILE DOCUMENTS: Santa Monica certified Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions on the basis that the project, as conditioned conforms with the public access policies of the Coastal Act. Special Conditions include participation in a parking, car pool and transit incentive program.

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. **Compliance.** 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, 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.

III. SPECIAL CONDITIONS

1. **Parking, Car Pool and Transit Incentive Program**

a) 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.

(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 implement a publicity program, the contents of which is subject to the review and approval of the executive Director, that indicates how the future occupants of the development will be made aware of the provisions of this special condition. The publicity program shall be implemented during the first month of occupancy of the new development.

b) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development within the applicant's parcel or parcels. The deed restriction shall include legal descriptions of the applicant's entire parcel or parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Water Quality Standards

With the acceptance of this permit the applicant agrees to comply with all applicable City of Santa Monica water quality requirements as required under the City's Municipal Code that are in effect at the time of approval of this permit.

IV. **FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes the construction of a 1,660 gross square foot, 26'-8" (finished grade), 1-story restaurant with a 5,084 square foot subterranean parking garage. The project will provide 4 at grade and 11 subterranean parking spaces. The subject lot is an irregular shaped lot measuring 5,300 square feet in area. The lot is located on the northeast corner of Main Street and Hollister Avenue, in the City of Santa Monica. The lot is currently vacant.

The City of Santa Monica's certified Land Use Plan designates the project site as Main Street Commercial. The site is two blocks east of the Santa Monica State beach.

B. Development

Section 30250 of the Coastal Act states in part that:

(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 a significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30251 of the Coastal Act states in part that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The proposed project is located on Main Street. Main Street has evolved over the years from small scale neighborhood serving retail uses to trendy restaurants, art galleries, specialty-retail establishments and offices over ground floor retail. The City's certified LUP states that:

Main Street is the closest commercially zoned area to the South Beach area, and has evolved during the past two decades from a commercial street of low-intensity development to a specialty shopping and visitor serving area. There has been a marked increase in the number of restaurants, art galleries, antique, and specialty-retail establishments, and traffic. Most of this activity is concentrated south of Ocean Park Boulevard. Recent development north of Ocean Park Boulevard includes offices over ground floor retail, furniture and accessory showrooms, gymnasiums and dance studios, and some restaurants...

In the general vicinity of the project site the area is developed with various one and two-story commercial businesses along Main Street, and residential development to the east. The certified LUP limits height along the Main Street commercial area to four stories, 47

feet. The proposed commercial project will be one story, and 26'-8" above finished grade. Therefore, the proposed project is compatible in use and scale with existing development and is consistent with past Commission permit action for the area. The Commission, therefore, finds that the proposed project will be compatible with the character and scale of the surrounding uses and with the certified LUP.

C. Coastal Access

The proposed project is located on Main Street between Hollister Avenue and Ocean Park Boulevard. Main Street is approximately two blocks from the City's South Beach area. As stated above, Main Street has evolved over the years from small scale neighborhood serving retail uses to trendy restaurants, art galleries, specialty-retail establishments and offices over ground floor retail. The City's certified LUP states that:

Many of the buildings along Main Street date from before World War II, and do not provide off-street parking. Main Street has metered parking on the street and in several public parking lots. These lots include a small lot at Strand Street, a larger lot south of Hollister Avenue, and a major lot between Kinney and Hill streets behind the businesses located on Main Street. In recent years, several office buildings and mixed use retail and office structures have been built. The newer buildings provide off-street parking sufficient for their own needs.

This recycling has caused parking shortages along Main Street and the surrounding areas due to inadequate on-site parking, and competition for street parking from visitors to Main Street, residents that live immediately east of Main Street where inadequate residential parking also exists, and from beachgoers that use the area for beach 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. . .

In addition, policy #20 of the Santa Monica certified Land Use Plan states in part that:

New development shall provide adequate parking to meet all demands created by the development . . .

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.

The applicant is proposing to provide 15 on-site parking spaces for the 1,660 gross square foot restaurant. The restaurant will have 571 square feet of serviceable area, and 111 square feet of retail. Based on the Commission's parking standard of 1 parking space per 50 square feet of public serviceable area and 1 parking space per 225 square feet of retail, the proposed project will require a total of 12 parking spaces. The applicant is proposing to provide 15 parking spaces, three more than required. Therefore, the proposed project will provide adequate parking.

The City's Land Use Plan Policy #16 requires that parking facilities, of commercial development that provide 10 or more parking spaces, shall be made available to the general public when the business is not in operation. This increases the availability of public parking and reduces the impact that projects have due to increase traffic and parking demands. The proposed commercial development will be a visitor-serving establishment (café/ coffee & tea restaurant). The restaurant hours will be from 6:00 a.m. to midnight. As such, the non-business hours are not hours that the general public would use since the majority of business along Main Street will be closed and beach use is very low. Furthermore, as a visitor-serving business, the parking will be open and available to the public. Therefore, due to the type of use and public availability of the parking, it is not necessary to require the parking to be available to the public after hours. However, the increase in commercial development along Main Street will increase the amount of traffic in the area. In past Commission permit action the Commission has required that commercial businesses 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. 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 and with the applicable policies of the City's certified LUP.

D. Control of Polluted Runoff

Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project poses a potential source of pollution due to contaminated runoff from the proposed parking lot and other hardscape and from the proposed restaurant use. To mitigate potential impacts, the City has adopted an Urban Runoff Ordinance. The ordinance requires projects to incorporate best management practices with extensive recommendations and measures to reduce or prevent contaminants from running off the site. The City requires all new development to achieve twenty-percent reduction of the projected runoff for the site and the use of oil and water separators or clarifiers to remove petroleum-based contaminants and other pollutants. All restaurants and other commercial cooking facilities are required to use grease interceptors and wash areas designed for washing floor mats with wastewater discharged directed to the City sewer. Furthermore, the City has a new state-of-the-art stormwater treatment facility that treats all dry weather storm runoff. Runoff from all new development is directed to existing stormdrains, which direct stormwater to the treatment facility.

Coastal Commission water quality staff has previously reviewed the City of Santa Monica's water quality standards for similar projects and have determined that the City's standards are consistent with standards imposed by the Commission. Therefore, the proposed project is consistent with past Commission action with regards to water quality requirements and will minimize water quality impacts. As a condition, with the acceptance of this permit, the applicant agrees to comply with the water quality requirements of the City. The Commission, therefore, finds that, as conditioned, the development will be consistent with Section 30230 and 30231 of the Coastal Act.

E. 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.

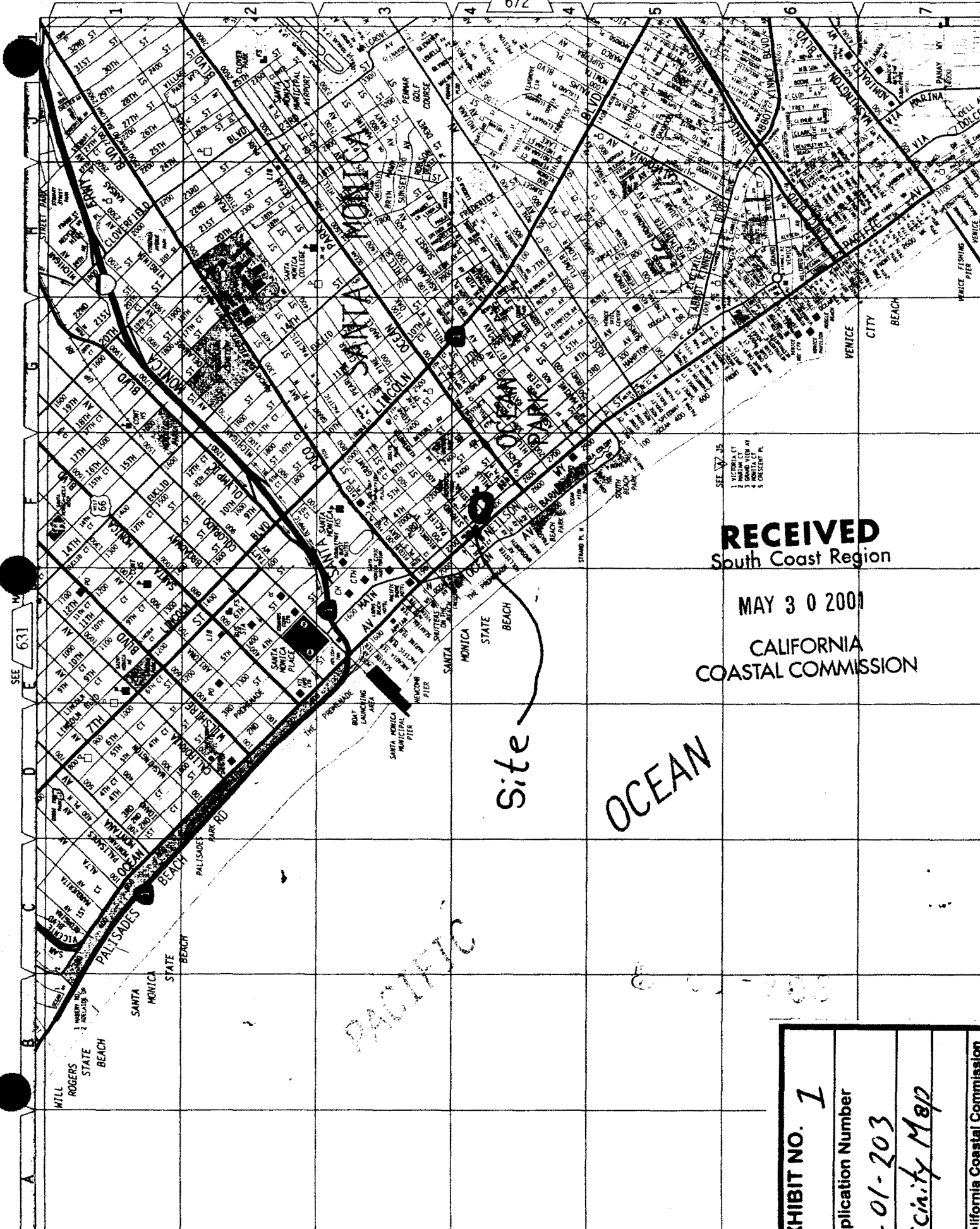
In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson way (Beach Overlay District), and the Santa Monica Pier. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications.

The certified Land Use Plan designated the proposed site as Main Street Commercial. Under the City's current zoning the proposed new uses are permitted uses and consistent with Land Use Plan designation. 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).

F. 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 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.



RECEIVED
South Coast Region

MAY 30 2001

CALIFORNIA
COASTAL COMMISSION

Site

OCEAN

EXHIBIT NO. 1
Application Number
5-01-203
Vicinity Map
California Coastal Commission

4289

15 SHEET 1

SCALE 1" = 60'

1993

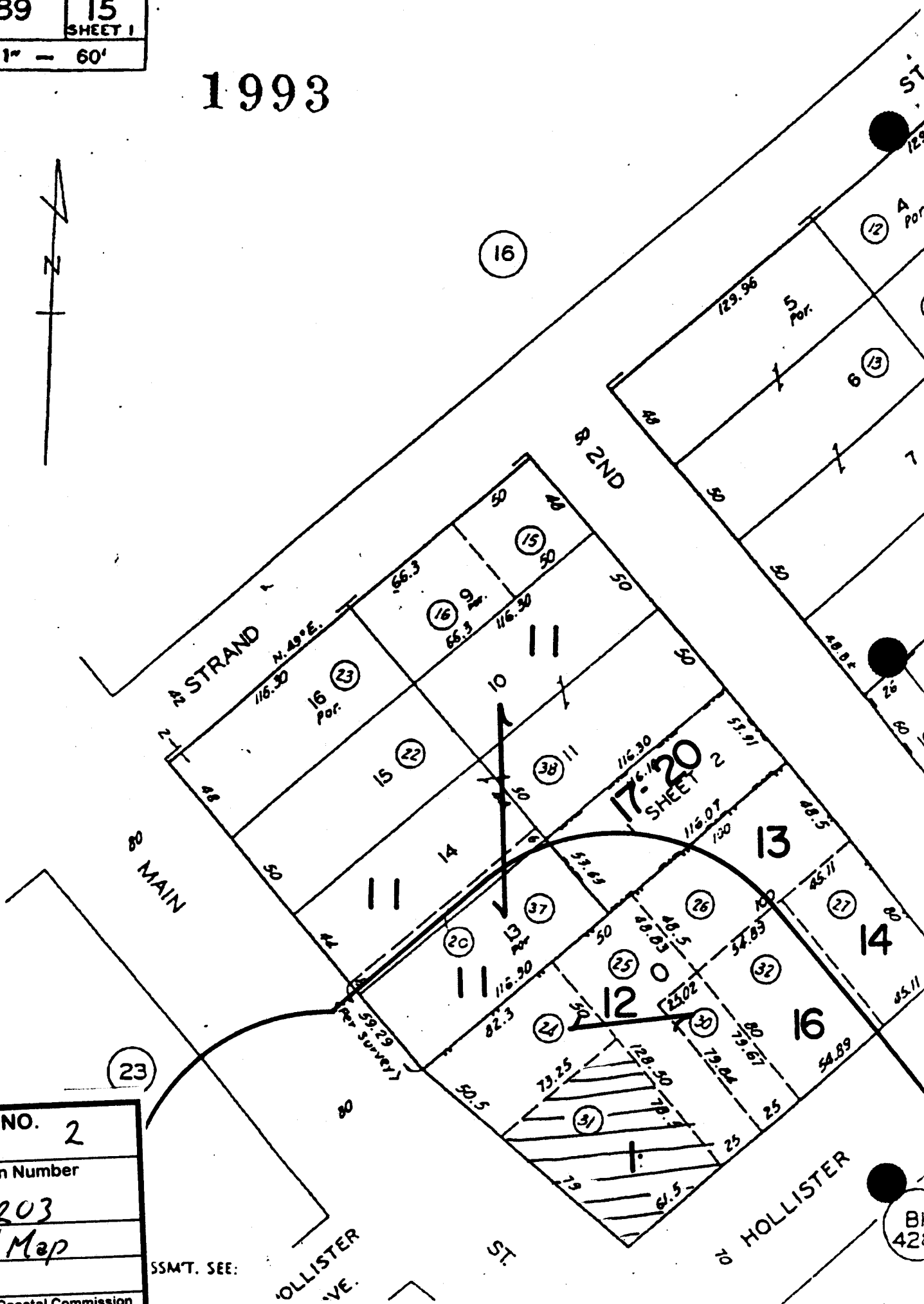


EXHIBIT NO.	2
Application Number	5-01-203
	Percol Map
California Coastal Commission	

SSMT. SEE:

HOLLISTER VE.

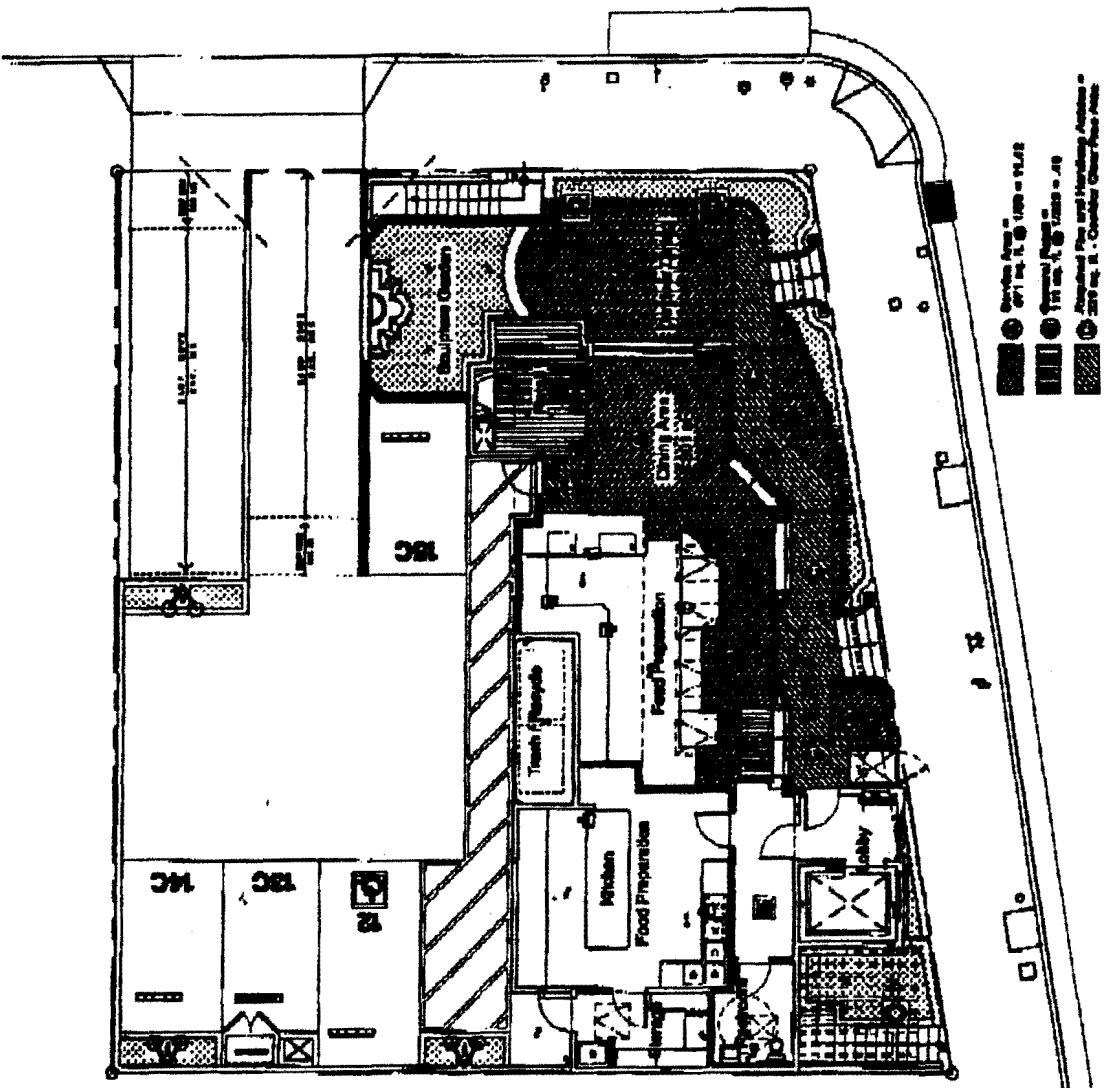
ST.

HOLLISTER

84 428

City of Los Angeles
 City Clerk's Association III
 1000 West Washington Boulevard
 West Los Angeles, CA 90024
 Parking / Area Analysis
 City of Los Angeles
 City Clerk's Association III

EXHIBIT NO. 3
 Application Number
 5-01-203
 Site Plan &
 Floor Plan





M a i n S t r e e t

① Front Elevation South
SCALE: 1/8" = 1'-0"

Brent & Miller
ARCHITECTURAL CORPORATION

URTH CAFFE'
SANTA MONICA, CALIFORNIA

EXHIBIT NO. 4
Application Number
5-01-203
Elevation
California Coastal Commission