

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 8/15/02
49th Day: 10/3/02
180th Day: 2/11/03
Staff: AJP-LB
Staff Report: 9/17/02
Hearing Date: 10/8-11/02
Commission Action:

STAFF REPORT: MATERIAL AMENDMENT

APPLICATION NUMBER: 5-01-203-A1

APPLICANT: Urth Caffè Associates

PROJECT LOCATION: 2327 Main Street, Santa Monica

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: 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.

DESCRIPTION OF PROPOSED FIRST AMENDMENT: Eliminate previously approved surface parking area (4 parking spaces), expand subterranean parking garage, and increase number of parking spaces from 15 to 16 spaces with four sets of tandem spaces, and the provision of a full time parking attendant.

SUBSTANTIVE FILE DOCUMENTS: City of Santa Monica certified, with suggested modifications, LUP

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development with the proposed amendment, subject to the conditions to inform the applicant that any future change to the number of parking spaces or parking attendant services will require an amendment, and the placement of signage to direct patrons to the tandem parking spaces, is consistent with the requirements of the Coastal Act. Staff is recommending that the Commission retain the conditions it originally imposed, which are indicated below, requiring participation in a parking, car pool and transit incentive program and complying with the City's water quality standards.

Procedural Note: 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,

In this case, the Executive Director has determined that the proposed amendment is a material change to the project as originally described. 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.

I. STAFF RECOMMENDATION:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit #5-01-203-A1 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit amendment 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:

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.

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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 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.

III. SPECIAL CONDITIONS

Note: Unless specifically altered by this amendment, all conditions imposed on the previously approved permit shall remain in effect.

Conditions of Original Permit:

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.

Conditions Added by Amendment:

3. Future parking changes

With the acceptance of this permit, the applicant acknowledges that any change in the parking proposed under this permit, including but not limited to elimination of the parking attendant service or change in hours that the parking attendant service is available, will require an amendment to this permit.

4. Parking Signage

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant will submit, for the review and written approval of the Executive Director, a signage plan showing the size, wording and location of signs. The signage shall be located in conspicuous locations within the garage area, informing the public that the rear parking spaces of the four tandem parking sets are available for patron parking during business hours, and the availability of the parking attendant.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to revise the Commission approved project by eliminating the surface parking area (four parking spaces), expand the subterranean parking garage, and increase number of parking spaces from 15 to 16 spaces with four sets of tandem spaces, and provide a full time parking attendant.

In September 2001, the Commission approved 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 was originally approved to provide 4 at grade and 11 subterranean parking spaces (The project has not yet commenced construction).

After Commission approval and during the City of Santa Monica's building permit process, the City required a redesign of the project's driveway ramp due to safety concerns. In response to these concerns the applicant redesigned the project and submitted the redesigned project for Commission approval.

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 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, as originally approved, will be one story, and 26'-8" above finished grade. The proposed amendment will not significantly change the height or bulk of the previously approved project. The employee locker room, employee restroom, and other support areas that had previously been located in a portion of the subterranean garage are being relocated at grade with additional landscaping in place of the four at-grade parking spaces. The use and intensity of use will remain the same as originally approved. Therefore, the proposed amended project is compatible in use and scale with the previously approved project 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. . .

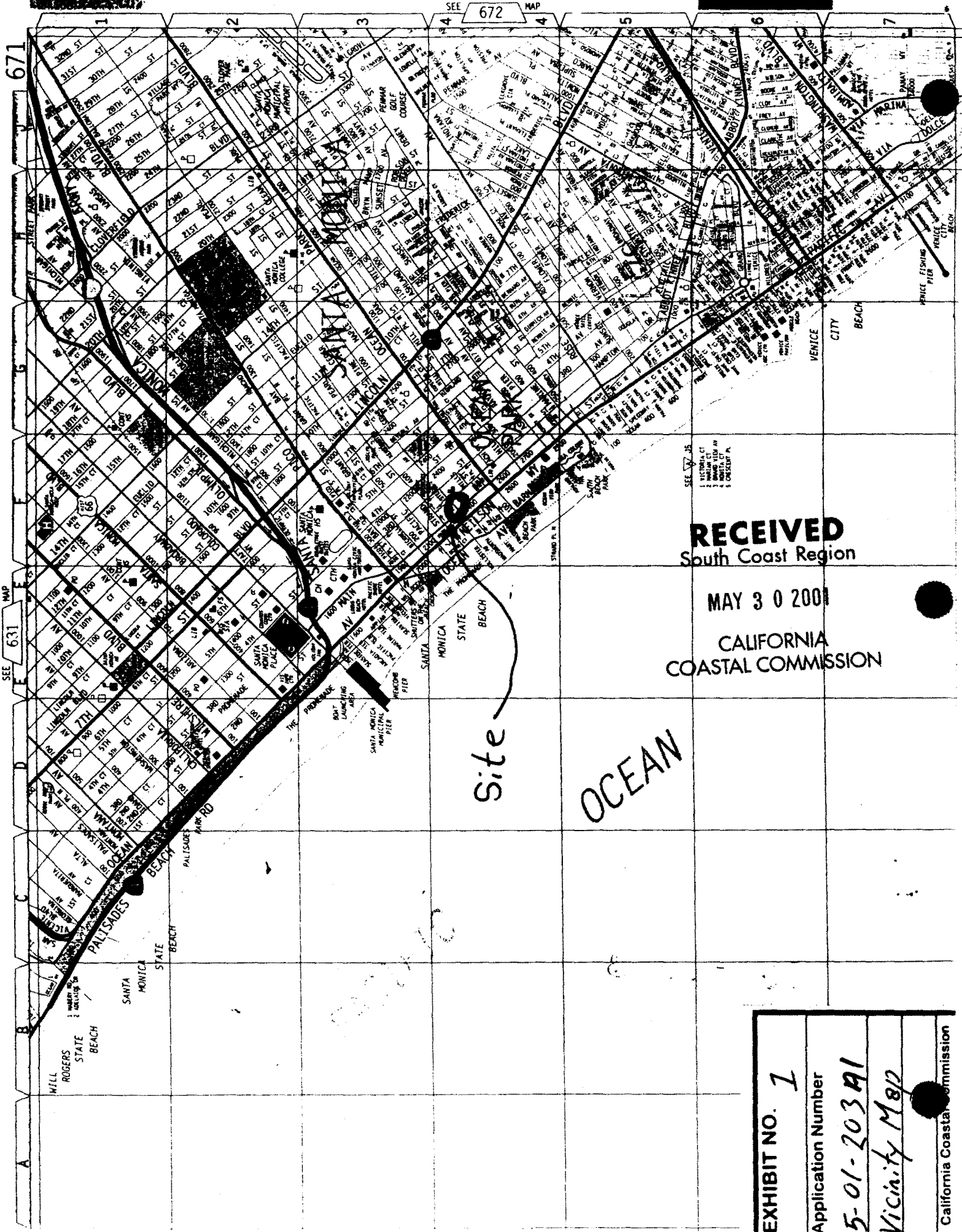
In addition, policy #20 of the Santa Monica certified Land Use Plan states in part that:

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.

In the original project the applicant was 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 originally proposed project required a total of 12 parking spaces. Therefore, the applicant was providing three more parking spaces than required.

The proposed amendment will not change the size of the restaurant. Therefore, the required number of parking spaces (12) does not change. However, with the redesign of the project the applicant is proposing to add an additional parking space for a total of 16 spaces. Although the amended project is providing an additional parking space and exceeding the Commission's parking requirements by four parking spaces, eight of the spaces are tandem spaces. Tandem spaces tend to discourage public use because



SEE 672 MAP

SEE 671

SEE 631 MAP

RECEIVED
South Coast Region

MAY 3 0 2001

CALIFORNIA
COASTAL COMMISSION

Site

OCEAN

EXHIBIT NO. <i>1</i>
Application Number <i>5-01-203A1</i>
<i>Vicinity Map</i>
California Coastal Commission

4289

15
SHEET 1

SCALE 1" = 60'

1993



EXHIBIT NO.	2
Application Number	5-01-203 A2
Parcel Map	
California Coastal Commission	

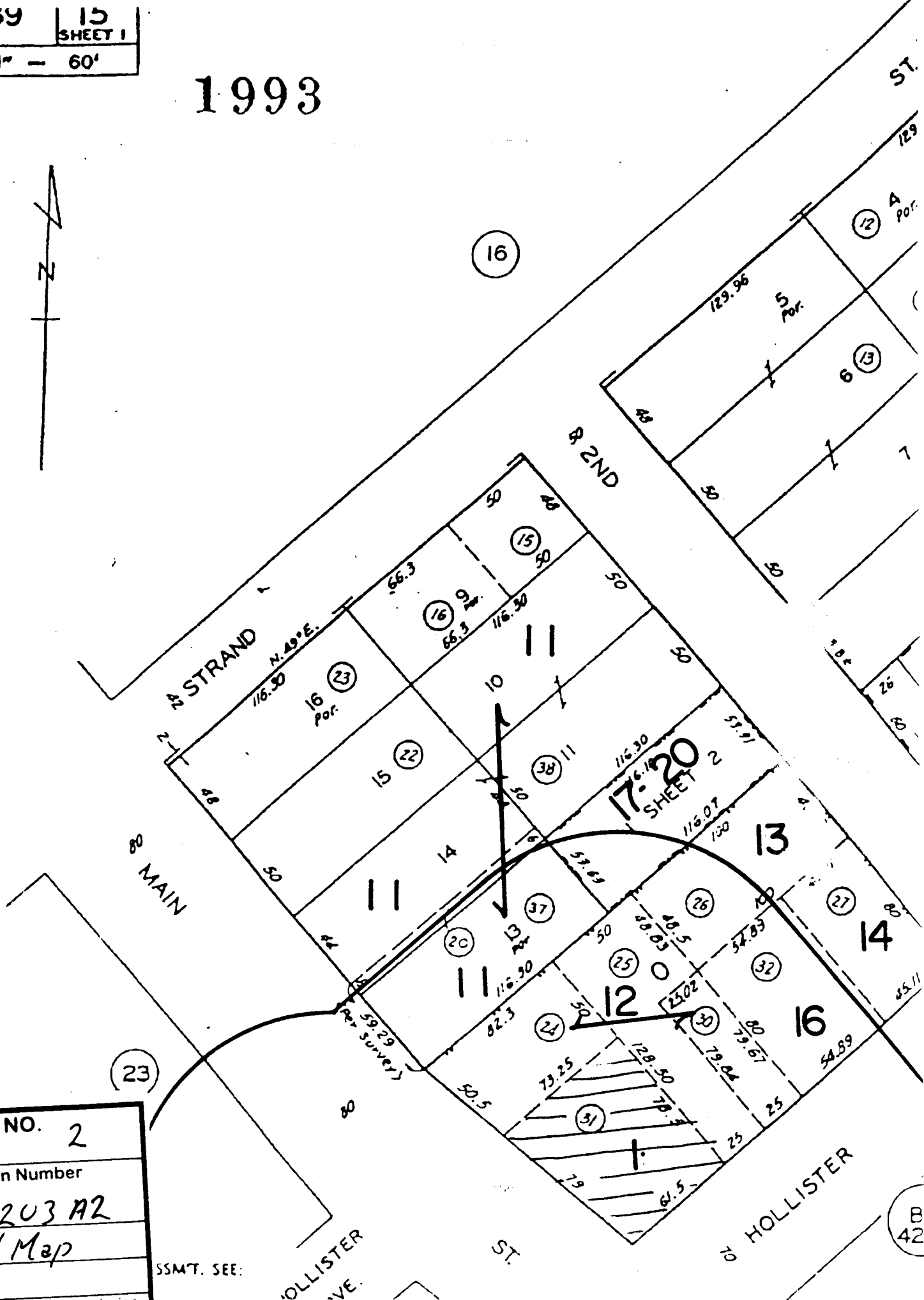
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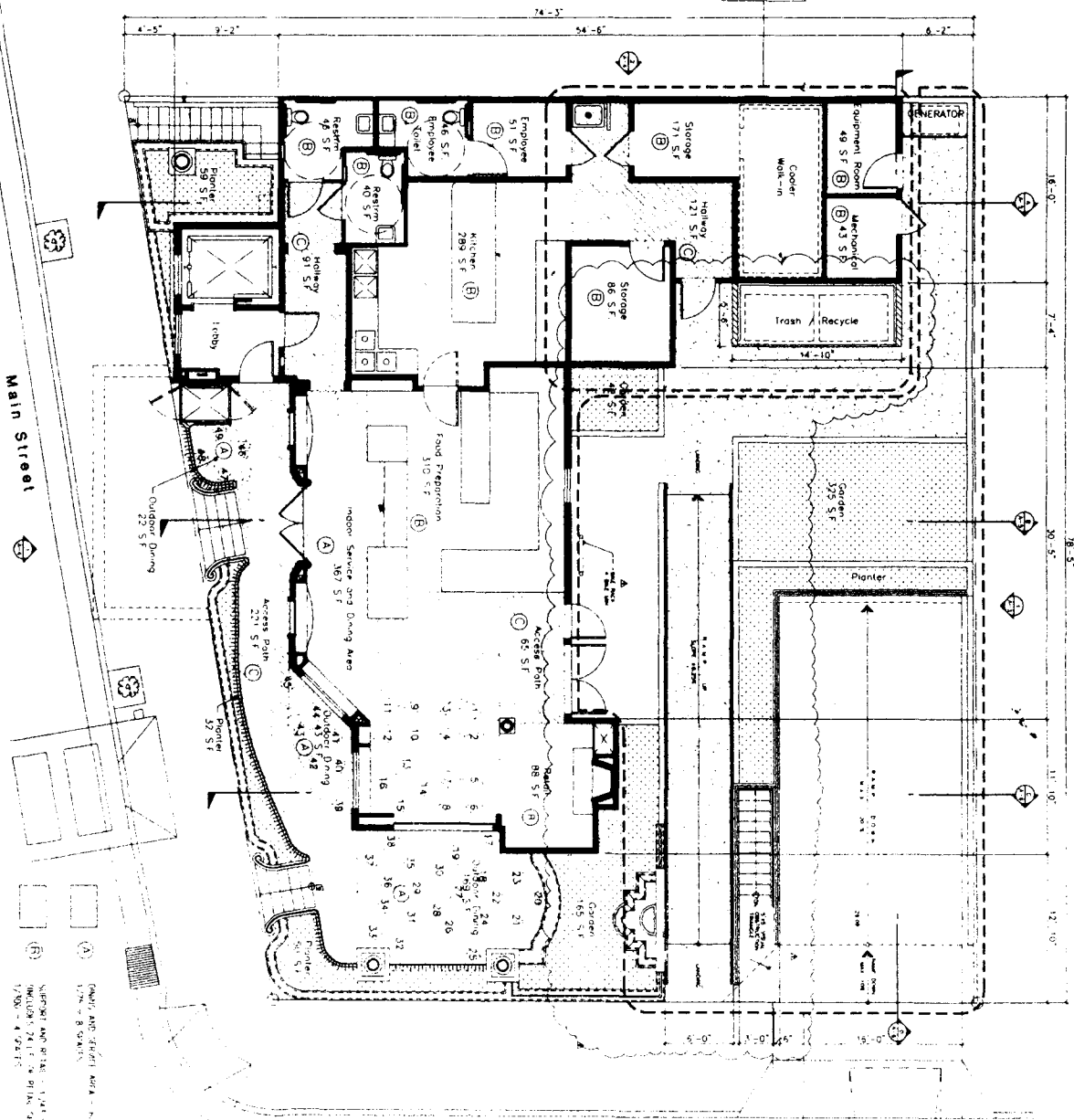




■ Expertise: **Management**

Floor Plan for

AREA A: REVISION
 SUPPLEMENTAL ROOMS
 FROM EXISTING LEVEL TO
 GROUND LEVEL, APPROXIMATELY
 500 SQUARE FEET OF AREA
 ADDED TO THIS FLOOR



Ground Floor Plan
 Scale: 1/8" = 1'-0"

- (A) GROUND AND EXISTING AREA - 100' x 100' - 0"
- (B) SUPPLEMENTAL ROOMS - 1,200' x 100' - 0"
- (C) EXISTING AREA - 1,200' x 100' - 0"
- (D) EXISTING AREA - 1,200' x 100' - 0"
- (E) EXISTING AREA - 1,200' x 100' - 0"
- (F) EXISTING AREA - 1,200' x 100' - 0"
- (G) EXISTING AREA - 1,200' x 100' - 0"
- (H) EXISTING AREA - 1,200' x 100' - 0"
- (I) EXISTING AREA - 1,200' x 100' - 0"
- (J) EXISTING AREA - 1,200' x 100' - 0"
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- (M) EXISTING AREA - 1,200' x 100' - 0"
- (N) EXISTING AREA - 1,200' x 100' - 0"
- (O) EXISTING AREA - 1,200' x 100' - 0"
- (P) EXISTING AREA - 1,200' x 100' - 0"
- (Q) EXISTING AREA - 1,200' x 100' - 0"
- (R) EXISTING AREA - 1,200' x 100' - 0"
- (S) EXISTING AREA - 1,200' x 100' - 0"
- (T) EXISTING AREA - 1,200' x 100' - 0"
- (U) EXISTING AREA - 1,200' x 100' - 0"
- (V) EXISTING AREA - 1,200' x 100' - 0"
- (W) EXISTING AREA - 1,200' x 100' - 0"
- (X) EXISTING AREA - 1,200' x 100' - 0"
- (Y) EXISTING AREA - 1,200' x 100' - 0"
- (Z) EXISTING AREA - 1,200' x 100' - 0"

AREA B: REVISION
 SUPPLEMENTAL ROOMS
 FROM EXISTING LEVEL TO
 GROUND LEVEL, APPROXIMATELY
 500 SQUARE FEET OF AREA
 ADDED TO THIS FLOOR

EXHIBIT NO. 41

Application Number
5-Cl-203 A1

Site & Floor Plan

Urth Caffe Restaurant

California Coastal Commission

ND FLOOR PLAN

Urth Caffe Restaurant
 2327 Main Street
 Santa Monica, California

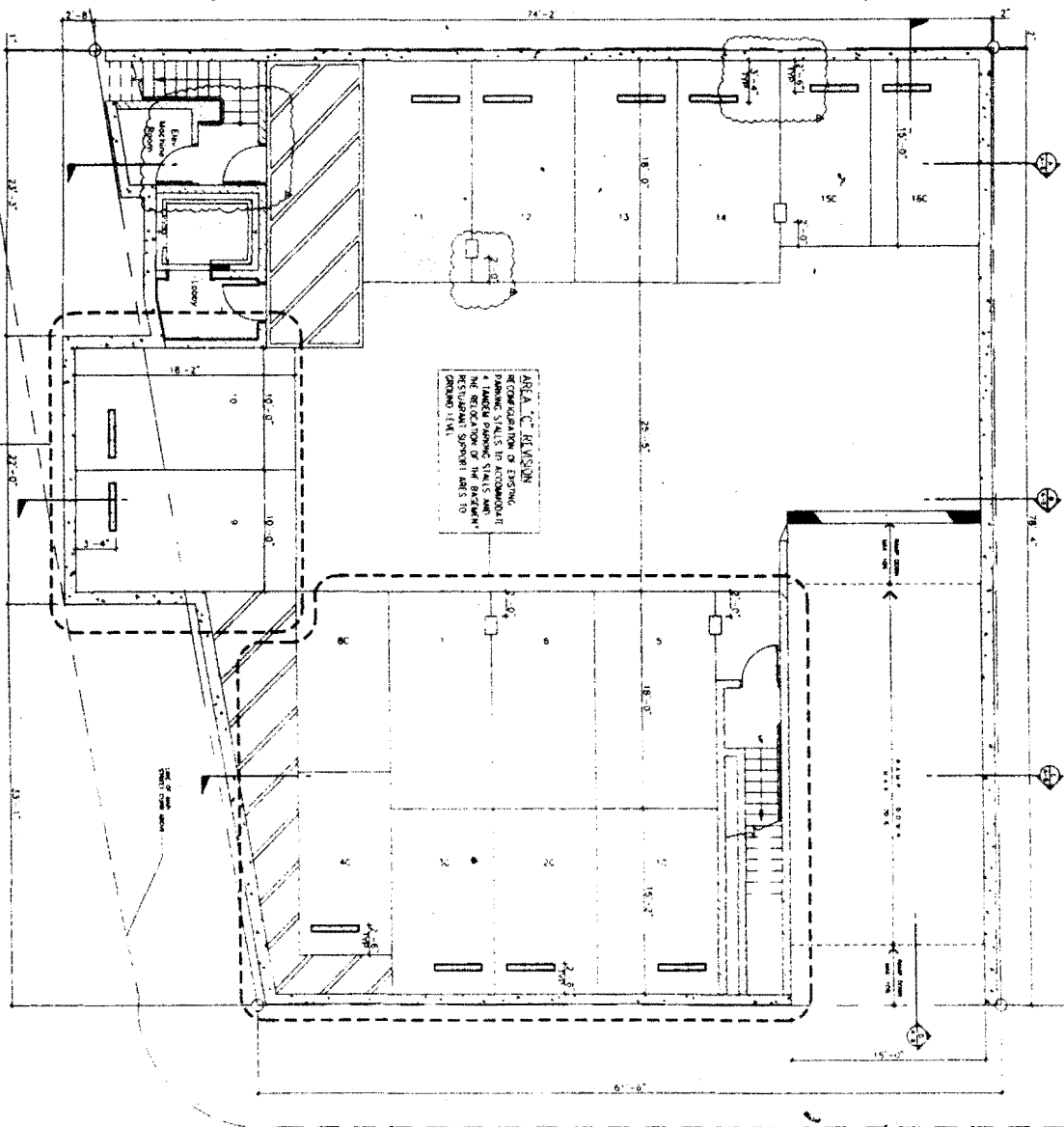
Urth Caffe Associates
 10850 Washington Boulevard
 Culver City, California 90232

STRATIVE APPROVAL AMENDMENT



AREA "D" DESIGN
 OF RECONSTRUCTION OF TWO
 STANDARD PARKING SPACES
 BELOW THE PUBLIC SIDEWALK

Basement Floor Plan
 Scale 1/8" = 1'-0"



Basement Floor Plan

Urth Caffe Restaurant 2327 Main Street Santa Monica, California
 Urth Caffe Associates 10850 Washington Boulevard Culver City, California 90232

ADMINISTRATIVE APPROVAL AMENDMENT

EXHIBIT NO. 5

Application Number

5-01-203 H1

Parking Plan

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 Environmental Engineering & Construction
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 Culver City, California 90232
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 Fax: (310) 551-1112
 Email: info@envirotechno.com