

CALIFORNIA COASTAL COMMISSION

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Filed: 4/08/04
49th Day: 5/27/04
180th Day: 10/05/04
Staff: AJP-LB
Staff Report: 6/21/04
Hearing Date: 7/14-16/04
Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NUMBER:** 5-04-139**APPLICANT:** Chinois-on Main, Ltd.**AGENT:** Christopher M. Harding**PROJECT LOCATION:** 2705/2707 Main Street, Santa Monica

PROJECT DESCRIPTION: Convert a 1,668 square foot retail space to a restaurant facility. The restaurant will operate between the hours of 6:00 p.m. to 12:00 a.m. and will have available 15 off-site parking spaces.

Lot Area:	3,900 square feet
Building Coverage:	1,668 square feet
Parking Spaces:	15
Zoning:	CM-2 (Main Street Commercial)

LOCAL APPROVALS RECEIVED: CUP No. 03CUP-005; Variance 03VAR-004; Text Amendment 03TA-005

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 submittal and implementation of a signage plan for patron parking, limiting the operating hours of the restaurant, limiting the operating hours of the retail space for shared parking purposes; and recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report.

I. STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

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 TO APPROVE THE PERMIT:

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:

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

1. Restaurant Hours of Operation

With the acceptance of this permit the applicant agrees to limit the hours of service for the proposed restaurant to an opening of no earlier than 6:00 p.m., seven days a week.

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

2. Retail Space Operating Hours and Parking

With the acceptance of this permit the applicant agrees to limit the operating hours of the three retail spaces at 2719, 2721, and 2723 Main Street (Lots 42-44), to no later than 6:00 p.m., to provide a minimum of 12 parking spaces, on Lots 41-44, for the exclusive use of the proposed restaurant, as depicted on Exhibit No 3.

The permittee shall operate the proposed development in accordance with the approved hours for the retail spaces and parking arrangement. Any proposed changes to the hours or parking shall be reported to the Executive Director. No changes to the hours or parking shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

3. Public 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 along the Main Street frontage of the restaurant and near the entrance of the parking area at 2725 Main Street, informing the public of the availability and location of the restaurant parking.

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.

4. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to convert a 1,668 square foot retail space to a private restaurant facility. The proposed private dining facility will be an addition to an existing restaurant (Chinois on Main) located on an adjacent parcel (2709 Main Street). The proposed restaurant will be open from 6 p.m. until midnight, seven days a week, and will operate by reservations only. Fifteen parking spaces will be provided off-site on a property (Lot 41 through 44) owned by the applicant.

The proposed restaurant will include 606 square feet of dining area for 48 seats, waiting area, kitchen, employee locker room, storage, and restrooms. The proposed restaurant will operate independently from the adjacent restaurant.

The proposed project site is located on the east side of Main Street, between Hill Street and Ashland Avenue in the City of Santa Monica. Surrounding uses consist of commercial uses in the Main Street Commercial District to the north, south, and west, and multifamily residential uses in the Ocean Park Low Density Residential District to the east.

No on-site parking is provided for the existing commercial building. To accommodate the conversion of the retail space to a restaurant, the applicant is proposing to provide 15 parking spaces on a nearby property (Lot 41 through 44) which is currently developed with three retail stores (2719, 2721, and 2723 Main Street) and a 15 space parking lot (see Exhibit No. 3). The parking lot currently provides support parking for the three retail stores. The retail stores and parking lot are owned by the applicant. The entrance to the

parking lot is located on Main Street and is approximately 150 feet to the south of the proposed restaurant.

Based on the Commission's parking standard of 1 parking space per 50 square feet of public serviceable area, the proposed project's 606 square feet of serviceable area 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 applicant has indicated that the current operating hours for the retail shops are 10:00 a.m. to 6:00 p.m., and the restaurant will have exclusive use of the parking spaces after 6:00 p.m. The shared use of the parking lot is proposed since the applicant owns the retail shop property and parking lot, and can control the operating hours of the retail shops.

The proposed project will comply with the water quality requirements of the City of Santa Monica.

B. Access

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. Development

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

D. Deed Restriction

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

E. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with 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 development is consistent with Chapter 3 of the Coastal Act. Approval of the project 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 of the Coastal Act.

F. California Environmental Quality Act.

There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as submitted, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



HUNTINGTON BI

EXHIBIT NO. 1

APPLICATION NO.

5-04 139

Region 1 Map

California Coastal Commission

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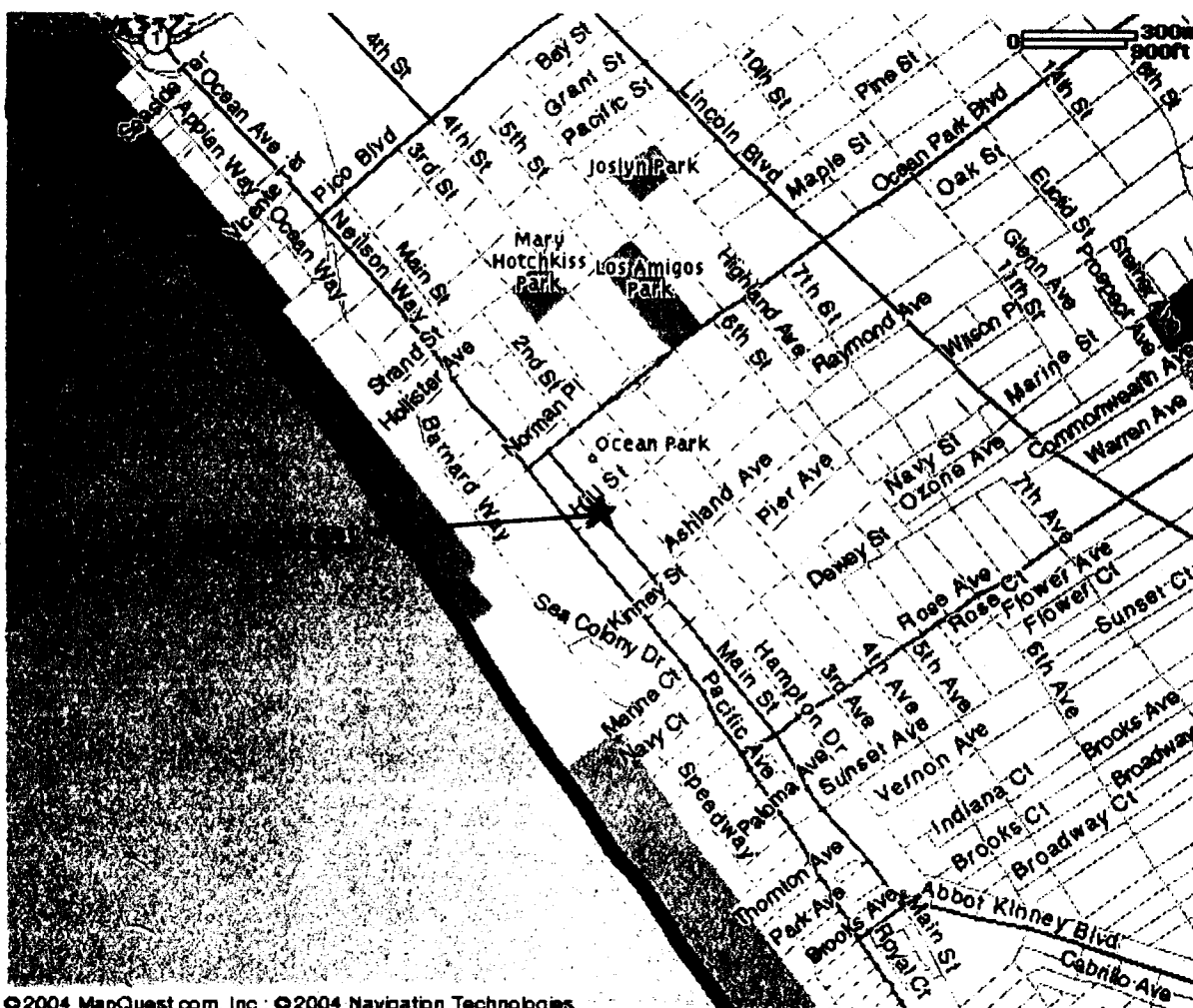
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EXHIBIT NO. 2

APPLICATION NO.

5-04-139

Vicinity Map

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