

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

Application No.: 5-17-0683

Applicant: Fonda-Bonardi & Hohman Architects

Agent: Mario Fonda-Bonardi

Location: 2912 Main Street, Santa Monica, Los Angeles County

Project Description: Remodel and conversion of 675.5 sq. ft. one-story retail building with 794.7 sq. ft. outdoor retail space into an approximately 535 sq. ft. snack bar (restaurant use) with approximately 306 sq. ft. outdoor service area. No interior seating proposed. Six bicycle parking spaces for employees and visitors are proposed to be maintained onsite.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project is the remodel and conversion of a retail building into a restaurant. The proposed project raises issues regarding parking and potential impacts to public access. However, to minimize any potential impact to public access, the applicant is proposing onsite bicycle racks and limited patron service area.

The proposed development has been conditioned to assure that the proposed project is consistent with the Chapter 3 policies of the Coastal Act. The conditions are: **1)** best management practices; **2)** landscaping – drought-tolerant, non-invasive plants; **3)** future improvements; **4)** submittal of final plans; **5)** permit compliance; and **6)** deed and lease restriction.

Staff is recommending **APPROVAL** of the proposed coastal development permit as conditioned.

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EXHIBITS

- Exhibit 1 – Project Location
- Exhibit 2 – Project Plans
- Exhibit 3 – Elevations

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the 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 of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the 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 alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

This permit is granted subject to the following 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 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. **Interpretation.** Any questions of intent of 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:

This permit is granted subject to the following special conditions:

1. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related

petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

(l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.

(m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

2. Landscaping – Drought Tolerant, Non-Invasive Plants.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) sets of revised landscaping plans, which shall include and be consistent with the following:

- i. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low-water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf> and <http://ucanr.edu/sites/WUCOLS/files/183488.pdf>).
- ii. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.

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

3. Future Development. This permit is only for the development described in Coastal Development Permit No. 5-17-0683. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-17-0683. Accordingly, any future improvements to the restaurant authorized by this Coastal Development Permit No. 5-17-0683, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-17-0683 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

4. **Final Revised Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two (2) full-sized (2-ft. by 3-ft.) sets of final plans drawn to scale. The final plans shall be in substantial conformance with the revised plans submitted October 25, 2017 to the South Coast District Office.

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

5. **Permit Compliance.** All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions imposed herein. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this Coastal Development Permit No. 5-17-0683 is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

6. **Deed and Lease 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 landowner(s) and lessor have executed and recorded against the parcel(s) governed by this permit a deed and lease 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 and lease restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed and lease restriction shall also indicate that, in the event of an extinguishment or termination of the lease 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:

A. PROJECT DESCRIPTION & LOCATION

The applicant is proposing to remodel and convert an existing 675.5 sq. ft. one-story commercial retail building with 794.7 sq. ft. outdoor retail space into an approximately 535 sq. ft. snack bar (restaurant use) with 306 sq. ft. outdoor service area (**Exhibits 2 & 3**). According to the applicant, the amount of demolition of the existing structure proposed will be limited to removal of approximately 140 sq. ft., and demolition of 31.3% (43.33 ft. out of 138.46 linear-ft.) of the exterior walls. Reinforcement of the foundation is proposed to bring the structure into conformance with current structural codes. Existing roof framing is to remain in place but additional roof rafters and new roofing membrane are proposed.

The subject site is located on Main Street in the City of Santa Monica (“City”), Los Angeles County. The site is situated on the west side of Main Street between Ashland Avenue and Kinney Street (**Exhibit 1**). The 1949.7 sq. ft. lot is currently developed with a 675.5 sq. ft. commercial retail building. The City’s certified Land Use Plan designated the project site as Main Street Special Commercial. The surrounding area is currently developed with commercial uses within a specialty shopping and visitor-serving area.

The proposed project has the potential to degrade water quality because the proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. To ensure the proposed project incorporates and implements measures to address erosion, water quality, and pollution, the Commission imposes construction-related requirements and best management practices under **Special Condition 1**. The applicant is proposing landscaping; therefore, to minimize water use, the Commission imposes **Special Condition 2**, which implements the installation of drought-tolerant (low-water use), non-invasive plants and water conservative irrigation systems.

Public Access and Parking

The project site is two blocks east of the Santa Monica State Beach. 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. Because the project site is located in a commercial area within close proximity to a number of coastal recreational areas and visitor serving uses, the provision of adequate on-site parking or alternative means of transportation is critical for continued public beach access in the area. Furthermore, the Commission has consistently addressed both public and private parking issues in order to protect the ability of beach visitors who depend on the automobile to access the beach.

The project site consists of pre-Coastal Act commercial development with no on-site or otherwise associated vehicular parking. Moreover, the applicant is not proposing any parking spaces. Because of the small size of the project site and narrow frontage, the applicant has indicated that it is economically infeasible to provide on-site parking.

The proposed restaurant use will have approximately 306 sq. ft. of public service area (seating area). The existing parking demand for retail use of the existing 675.5 sq. ft. structure with 794.7 sq. ft. of outdoor retail space equates to approximately 6.5 parking spaces based on the Commission’s general parking standards established through Commission permit action of 1 parking space per 225 sq. ft. of retail space. The applicant originally proposed approximately 467 sq. ft. (excluding ramp, planters, bike racks, trash areas) of restaurant service area, which would have generated a parking demand of approximately 9.3 parking spaces based on the Commission’s standards of 1 parking space per 50 sq. ft. of service area for restaurant uses. However, the project has been modified to reduce the patron service area to approximately 306 sq. ft., which will only generate a parking demand of approximately 6.1 parking spaces and will not exceed the existing parking demand.

Moreover, the applicant has increased the total number of onsite bicycle parking spaces originally proposed from two to six bicycle parking spaces. Additionally, the project site abuts a City owned public parking lot (Lot No. 9) located along Neilson Way. The Neilson Way lot is one of four City-owned lots located along Neilson Way. The lots were developed to provide parking for visitors to the visitor-commercial area along Main Street. All four lots provide a total of approximately 361 metered spaces. In addition, the project site is in close proximity to a public bike share station.

Because the demand for parking will not exceed existing demand, and because the project increases available bicycle parking spots and is located near a parking facility, the project's impacts on public beach access are likely minimal.

Because the property has the potential to accommodate more outdoor service area, which could result in an increased intensification of use of the structure, Commission staff recommends **Special Condition 3** to ensure negative impacts to public access to the coast are avoided. Special Condition 3 requires that any future improvements to the restaurant (snack bar) authorized by this Coastal Development Permit No. 5-17-0683, including but not limited to repair and maintenance identified as requiring a permit, will require an amendment to Permit No. 5-17-0683 or an additional coastal development permit from the Commission.

Due to updates and revisions to the project plans during staff review, the Commission imposes **Special Condition 4**, which requires the submittal of final plans incorporating all changes.

The Commission imposes **Special Condition 5** to ensure consistency with the conditions of the permit. Finally, the Commission imposes **Special Condition 6** requiring the applicant to record a Deed and Lease Restriction acknowledging that, pursuant to this permit (CDP No. 5-17-0683), 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 Commission, therefore, finds that the proposed project, as conditioned, will not have adverse impacts to public access and will be consistent with the Chapter 3 policies of the Coastal Act.

B. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed the development, as conditioned, conforms to 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 is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition must be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

D. LOCAL COASTAL PROGRAM (LCP)

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). On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will therefore not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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