

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071

W7a

Staff: A. Yee – LB
Date: June 24, 2019

ADMINISTRATIVE PERMIT

Application No.: 5-18-1148

Applicant: Josiah Citrin

Agents: Dafne Gokcen

Project Description: After the fact approval of a 136 sq. ft. addition and a 249 sq. ft. covered patio at the rear of the property and conversion of office use to restaurant use, and an interior remodel.

Project Location: 2428 Main St., Santa Monica (Los Angeles County) (APN: 4288-015-005).

EXECUTIVE DIRECTOR'S DETERMINATION

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Wednesday, July 10, 2019, 9:00 am
Embassy Suites Hotel
333 Madonna Road
San Luis Obispo, CA 93405

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

JOHN AINSWORTH
Executive Director

By: Alexander Yee
Title: Coastal Program Analyst

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 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 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.

SPECIAL CONDITIONS: SEE PAGE SIX.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

A. PROJECT DESCRIPTION

The proposed project involves the following: After the fact approval of a 136 sq. ft. addition and a 249 sq. ft. covered patio at the rear of the property and conversion of office use to restaurant use, and an interior remodel to result in a 661 sq. ft. restaurant with 69 sq. ft. of indoor service area ([Exhibit 2](#)). The main structure is a 520 sq. ft., one-story cinderblock building built prior to the passage of the Coastal Act. The last legally established use of the site was a restaurant, as established by CDP No. 5-10-0146, approved by the Commission on March 9, 2011 for a demolition and reconstruction that was not ultimately undertaken. However, according to building permits from the City of Santa Monica, the site was converted to the current office use without the approval of a Coastal Development Permit (CDP) between 2011 and 2014. The 136 sq. ft. addition and 249 sq. ft. covered patio at the rear of the building were also constructed without the benefit of a CDP. The unpermitted conversion and development occurred prior the current applicant's tenancy, which began in 2016. The site is owned by Jarvis Family Trust, who did not respond to Commission staff's invitation to join the subject application. This application proposes to convert the site back into a restaurant, and the applicant has paid two-times the regular filing fee to request after-the-fact approval for the rear addition and covered patio. The application also proposes interior improvements for the restaurant. To ensure that future unpermitted development does not occur onsite, the Commission imposes **Special Condition 2**.

The subject site is a 1,700 sq. ft. lot, with a vestigial driveway but no on-site parking. The original cinderblock structure was constructed prior to the passage of the Coastal Act with two onsite parking spaces at the rear of the property. The unpermitted 136 sq. ft. addition was constructed as a garage, but was later converted to shed. The two rear parking spaces were later converted into the rear patio. The covered patio would not be feasible for conversion back to parking because the driveway would require that cars reverse into traffic on Main Street, which is not allowed by the City of Santa Monica. It is also not feasible for the business to exclusively rent spaces in the Nielson Street Parking lot located immediately behind the site, because the City has stopped leasing spaces in this lot to businesses. The LUP designates the site as "Main Street Special Commercial." The project vicinity is a developed, commercial area with predominantly neighborhood-serving and visitor-serving commercial uses ([Exhibit 1](#)). The proposed restaurant is consistent with the community character of the area, which contains many restaurants, retail stores, bars, and neighborhood businesses. The proposed height would remain 12 ft.-1in., which is consistent with the LUP's height limit of 47 ft. The proposed project will incorporate new outdoor customer seating, on-site bike racks available to employees and patrons, and pedestrian improvements to the

driveway to promote a pedestrian street character and encourage pedestrian involvement with the structure.

The applicant has proposed a Transportation and Parking Management (TPM) plan ([Exhibit 3](#)) to ensure that the increase in intensity of use resulting from the project does not impact coastal access. The TPM plan includes bike racks, free employee transit passes, and a local priority hiring policy. In addition, the applicant would apply for a permit from the City to allow a new public parking space on the public street in front of the existing driveway apron to be available during business hours, while maintaining the ability of delivery trucks to use the driveway outside of business hours, keeping them out of public street parking. In order to ensure that provisions of the TDM plan are adhered to, the Commission imposes **Special Condition 1**.

B. DEVELOPMENT

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

C. PUBLIC ACCESS

Section 30252 of the Coastal Act requires that new development provide adequate parking facilities or provide substitute means of serving the development with public transportation. Although the proposed project does not include on-site parking, it provides substitute means of serving the development in the form of its Transportation and Parking Management (TPM) plan. The TPM plan commits the applicant to apply for a Driveway Parking Permit from the City of Santa Monica to make the front of its driveway apron available for parking during business hours, while maintaining the ability of delivery trucks to use the driveway outside of business hours, keeping them out of public street parking. The creation of this new street parking space would ensure that patrons of the restaurant do not take up existing street parking spaces or other nearby spaces that would affect coastal access. The TPM also would implement a local priority hire policy, to help reduce vehicle miles traveled by employees, provide bike racks for a minimum of four bicycles, and provide transit passes to employees. 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.

D. UNPERMITTED DEVELOPMENT

The subject site contains a 520 sq. ft., one-story cinderblock building built prior to the passage of the Coastal Act, according to building permit records from the City of Santa Monica. The last legally established use of the site was a restaurant, as established by CDP No. 5-10-0146 for a demolition and construction of a two-story building, which was approved by the Commission on March 9, 2011, but was not ultimately undertaken. Subsequently, building permits from the City of Santa Monica show that the site was converted to the current office use between 2011 and 2014, but the Commission has no record of approving this conversion. The 136 sq. ft. addition and 249 sq. ft. covered patio at the rear of the building were also constructed without the benefit of a CDP. The applicant proposes to resolve the unpermitted use onsite by converting the site back to a restaurant

use. The applicant has paid two-times the regular filing fee to request after-the-fact approval for the rear addition and covered patio.

E. 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. The Land Use Plan (“LUP”) for Santa Monica was effectively certified on September 15, 1992 upon the City’s adoption of the Commission’s suggested modifications. 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 will 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.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

There are no feasible alternatives or 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 submitted, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant’s Signature

Date of Signing

SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Transportation and Parking Management Plan.**
 - A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two copies of a plan for Transportation and Parking Management. The plan shall be prepared by a qualified planning or transportation professional.
 1. The plan shall demonstrate that:
 - a. The applicant shall maintain a driveway for deliveries and loading to ensure trucks are not using on-street parking.
 - b. The applicant shall apply for the “Driveway Parking Permit” program from the Mobility Division at the City of Santa Monica to allow a permit parking space in front of their existing driveway apron during business hours for public use.
 - c. The applicant shall implement a local hiring policy by (i) actively advertising open positions to the local community, and (ii) as much as possible, prioritizing applicant who live close to the restaurant.
 - d. The applicant shall cover the cost of a monthly pass to any employee who will be using transit to get to work.
 - e. The applicant shall maintain on-site bike parking for a minimum of 4 (four) bicycles.
 2. The plan shall include, at a minimum, the following components: A timetable for implementation, and proposed signage for the Driveway Parking space.
 - B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.
2. **Future Improvements Restriction.** This permit is only for the development described in Coastal Development Permit No. 5-18-1148. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, shall require an amendment to Permit No. 5-18-1148 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.