

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Filed: 7/31/97  
49th Day: 9/18/97  
180th Day: 1/27/98  
Staff: Padilla-LB *OP*  
Staff Report: 8/18/97  
Hearing Date: 9/9-12/97  
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-97-198

APPLICANT: 100 Wilshire Associates AGENT: David Hibbert

PROJECT LOCATION: 120 Wilshire Boulevard, Santa Monica

PROJECT DESCRIPTION: Construction of a 387 space, 43-foot high, multi-level parking structure with a 9,850 square foot restaurant on the ground floor. The structure will contain four levels of subterranean parking, ground floor restaurant, one level of enclosed parking above the ground floor, and one level of rooftop parking. At least 175 parking spaces will be made available for public parking after 6:00 p.m. on weekdays and beginning at 9:00 a.m. on weekends.

Lot area:	20,513 square feet
Building coverage:	17,873 square feet
Pavement coverage:	1,264 square feet
Landscape coverage:	1,376 square feet
Parking spaces:	387
Zoning:	Bayside Commercial District
Plan designation:	General Commercial
Ht abv fin grade:	43.5 feet

LOCAL APPROVALS RECEIVED: Approval In Concept; Certification of Final Environmental Impact Report; Development Review (DR 94-004); Conditional Use Permit (CUP 94-016)

SUBSTANTIVE FILE DOCUMENTS: Final Environmental Impact Report; Parking Studies by Kaku Associates, dated January 26, 1995 and March 18, 1996.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with a special condition requiring the submittal of an encroachment agreement with the City.

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, 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 impacts 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. Public Right-of-Way Encroachment Agreement

Prior to the issuance of the permit, the applicant shall submit, for review and approval of the Executive Director, an easement/lease agreement with the City, allowing the parking structure to encroach beneath the public right-of-way (sidewalk) along Wilshire Boulevard.

#### IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

##### A. Project Description

The applicant proposes to construct a 39,529 square foot, 43-foot high, multi-level, 387 car parking structure with rooftop parking and approximately 9,850 square feet of ground floor restaurant space. The structure will contain four levels of subterranean parking, ground floor restaurant space, one level of enclosed parking above the ground floor, and one level of rooftop parking. The parking structure will provide off-street parking for an adjacent existing office development and will include valet service. The applicant has also stated that at least 175 spaces, or 45% of the total spaces, will be made available to the public after 6:00 p.m. on weekdays and beginning at 9:00 a.m. on weekends.

At this time the restaurant is speculative and may change to a different use or combination of uses. However, for purposes of this application the applicant has designated the entire ground floor as restaurant use, which is the most intensive of the possible uses.

The project site is a 25,513 square foot parcel located on the southwest corner of Wilshire Boulevard and Second Street in the City of Santa Monica. The project site is situated in the City's Downtown Business District.

Portions of the subterranean parking levels encroach beyond the property line boundaries beneath the Wilshire Boulevard public right-of-way (sidewalk). According to the applicant an easement/lease will be secured with the City for the encroachment.

Surrounding uses consist of a hotel (Sheraton Miramar) to the north across Wilshire Boulevard, a church to the south, a one-story restaurant and surface level parking lot to the east across Second Street, and a twenty-one story office building across First Court Alley (100 Wilshire) to the west.

The project site is currently used as a temporary gravel surface parking lot for the 100 Wilshire office building. The project site was previously developed with a one-story restaurant (Biff's). In 1994 the restaurant was demolished due to earthquake damage and the site was subsequently purchased by the owners of the 100 Wilshire office tower and used for parking to partially replace support parking for 100 Wilshire that was temporarily lost due to earthquake damage at a residential/parking garage located just south of 100 Wilshire.

##### B. Development History

The 100 Wilshire building is a 21-story, 245,000 square foot office tower. Immediately to the south is Champagne Towers, a 16-story building with 120 apartment units. These two developments were jointly developed in the early 1970's (prior to the Coastal Act) as an integrated office and apartment complex. Subterranean parking serving south buildings provided 445 parking spaces in three levels located predominately under Champagne Towers. In addition to the on-site support parking for the office tower the City leased to the applicant 265 spaces, with a maximum future increase to 380 spaces, in

City Parking Structure #2 for additional off-street parking to comply with the Santa Monica Municipal Code and to serve the anticipated off-street parking demand of the proposed office building development.

In the mid 1980's, ownership of the these two properties changed and is now held by two unrelated companies. As a result, the two property owners entered into a perpetual easement agreement that allocated the parking. The agreement guaranteed 222 spaces to the 100 Wilshire building with the remaining 223 spaces for Champagne Towers.

### C. New Development

Section 30250 of the Coastal Act states in part:

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

The proposed project will be located in downtown Santa Monica which consists of a mixture of office, retail, residential, and recreational-commercial land uses. The Commission in prior actions on Coastal permits has indicated that downtown Santa Monica is a location in which new commercial development should be concentrated. Furthermore, policy #70 of the City's certified Land Use Plan states that:

Allowable uses shall include retail, pedestrian oriented, visitor-serving commercial, public parking uses and other complementary uses (such as hotels, offices, cultural facilities, restaurants, social services, and housing).

Surrounding uses include a 21 story office tower, a surface parking lot, a two-story church/school, and a one-story restaurant. The proposed project, which will rise approximately three-stories above ground level will be compatible with the character and scale of the surrounding uses.

Within the Downtown area new development may not exceed 56 feet or 84 feet with site plan review. The height of the proposed project will be approximately 43 feet and will be within the height limit for the area.

According to the submitted plans and the City's staff report the subterranean parking will encroach beyond the property line boundaries beneath the Wilshire Boulevard public right-of-way (sidewalk). The City's staff report states that the encroachment makes it possible to develop 24 additional parking stalls. Section 30601.5 of the Coastal Act requires applicants to demonstrate a legal right, interest, or other entitlement to use property were the applicant is not the owner of a fee interest in the property. The applicant is currently in the process of negotiating an easement/lease with the City to permit the encroachment. Although the subterranean encroachment will not adversely impact pedestrian access along the sidewalk, without the approved encroachment the project would need to be revised and the number of parking spaces provided reduced. To ensure that the applicant is granted a right by the City to

encroach within the right-of-way a special condition requiring that the applicant submit, prior to the issuance of this permit, an encroachment easement/lease is necessary. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30250(a) of the Coastal Act.

#### D. Public Access

##### Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or 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 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...

To ensure that the proposed project is consistent with the access policies of the Coastal Act and will not adversely impact coastal access the proposed project and the existing adjacent office tower must be reviewed in terms of parking demand and supply since the purpose of the parking structure will be to partially meet the demand of the existing office tower. Since the office tower was constructed prior to the Coastal Act the parking demand analyzed under this permit will be based on the demand that was determined by the City when the office tower was approved by the City in 1968.

The applicant is proposing to construct a 387 space parking structure as additional parking for an existing 245,000 square foot office tower (100 Wilshire Boulevard). According to documents submitted by the applicant the existing office tower was approved by the City in 1968 with a minimum of 487 required off-street parking spaces. The 487 required off-street support parking spaces were located in two locations: 222 of the required spaces were located beneath an adjacent residential tower (Champagne Towers) within a subterranean garage; the remaining 265 required spaces were located within one of the City's downtown public parking structures (structure #2) in the 1200 block of Second Street.

With the construction of the 387 space parking structure to serve the existing office tower the City will require the applicant to reduce the number of leased spaces in public parking structure #2 from 265 down to 143 spaces. The new total number of spaces that will be available to the office structure, including the 222 beneath Champagne towers, will be 752 spaces. This is an increase of 265 (752 - 487) spaces from the original City required off-street parking. Therefore, there will be a surplus of parking, based on the City's original calculated parking demand, and the proposed project will ensure that the existing office tower will continue to maintain the minimum number of off-street parking spaces (487) approved by the City in 1968.

In addition to the grandfathered demand of the office tower there will also be a demand generated by the approximately 9,850 square foot (5,000 square foot

serviceable area) restaurant proposed on the ground floor of the parking structure. Based on Coastal Commission parking standards, that have been established through Commission permit hearing and voting, the proposed restaurant would require 100 parking spaces (one space per 50 square feet of serviceable area). Based on the surplus of 265 spaces there will be adequate parking within the proposed parking structure to meet the demand of the proposed ground floor restaurant. However, the proposed parking structure and restaurant is located in the City of Santa Monica's Downtown Parking Assessment District. Development within the the boundaries of the District are not required to provide on-site parking since parking is provided by the District within six parking structures that provide a total of approximately 3,040 parking spaces. At this time there is an adequate supply of parking to support the demand generated by the restaurant if parking was not made available on-site. The applicant however, will provide parking spaces within the parking structure to support the restaurant.

As proposed the project will provide adequate parking to meet the demand of the restaurant and the grandfathered demand of the office tower as long as parking will continue to be provided within the City's parking structure #2 and beneath Champagne Towers.

Furthermore, policy #16 of the certified LUP states in part:

Parking facilities in new commercial, office, and mixed-use developments, including conversions of existing structures with ten or more parking spaces, shall be required to be available for public use during hours when the public beach parking lots are open and when the business is not in operation, which may include weekends, major holidays and evenings. The development shall be required to conspicuously advertise the availability of general public access parking with appropriate signing. A fee may be charged for parking as long as it does not exceed the rate in effect at the public beach parking lots. If a mixed-use development contains residential uses, the residential parking spaces shall not be required to be available for public use.

The applicant is proposing that at least 175 spaces, or 45% of the total supply, will be available to the general public after 6:00 p.m. and starting at 9:00 a.m. on weekends. The amount may increase depending on the availability of unoccupied spaces. The City found in approving the project that the proposed development would increase the supply of public parking within the downtown area during after-hours periods (weekends, and after 6 p.m. weekdays). The applicant will also place signage on-site notifying the public of the availability of the parking for general public use. In previously approved Coastal Development Permits the Commission has required as conditions of approval that parking in commercial development be made available to the public and that appropriate signage be posted to notify the public. However, because the proposed project will not adversely impact coastal access and the applicant will make parking within the parking structure available to the general public such conditions are not necessary. The Commission, therefore, finds the proposed project, as conditioned, will be consistent with the certified LUP and with Section 30211 and 30252 of the Coastal Act.

The Commission notes that the applicant may decide to change the ground floor use from a restaurant to another permitted use. However, this project was

analyzed with the restaurant as the proposed use and any future change from the proposed use will require an amendment to this permit.

#### E. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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 (commencing with Section 30200).

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 area within the Beach Overlay District was excluded from certification due to Proposition S discouraging visitor serving uses along the beach resulting in an adverse impact on coastal access and recreation. In deferring this area the Commission found that, although Proposition S and its limitations on development were a result of a voters initiative, the policies of the LUP were inadequate to achieve the basic Coastal Act goal of maximizing public access and recreation to the State beach and did not ensure that development would not interfere with the public's right of access to the sea.

The proposed project site is located within the certified area of the Land Use Plan and as conditioned the project will be consistent with the policies of the LUP and will not adversely impact coastal resources or access. The Commission, therefore, finds that the project, as conditioned, will be consistent with the Chapter 3 policies of the Coastal Act and will not 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)(i) 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 impact which the activity may have on the environment.

The proposed project, as conditioned, is consistent with the applicable policies of the Coastal Act. 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.

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## 2. Public Parking Signage

Prior to issuance of the permit the applicant shall submit, for review and approval of the Executive Director, a signage plan indicating the locations, size, and wording, for signage that indicates the availability of parking within the parking structure for general public use. The signs shall indicate the hours of availability and parking fees, if any. The applicant agrees to place the signs on the proposed site in conspicuous locations.

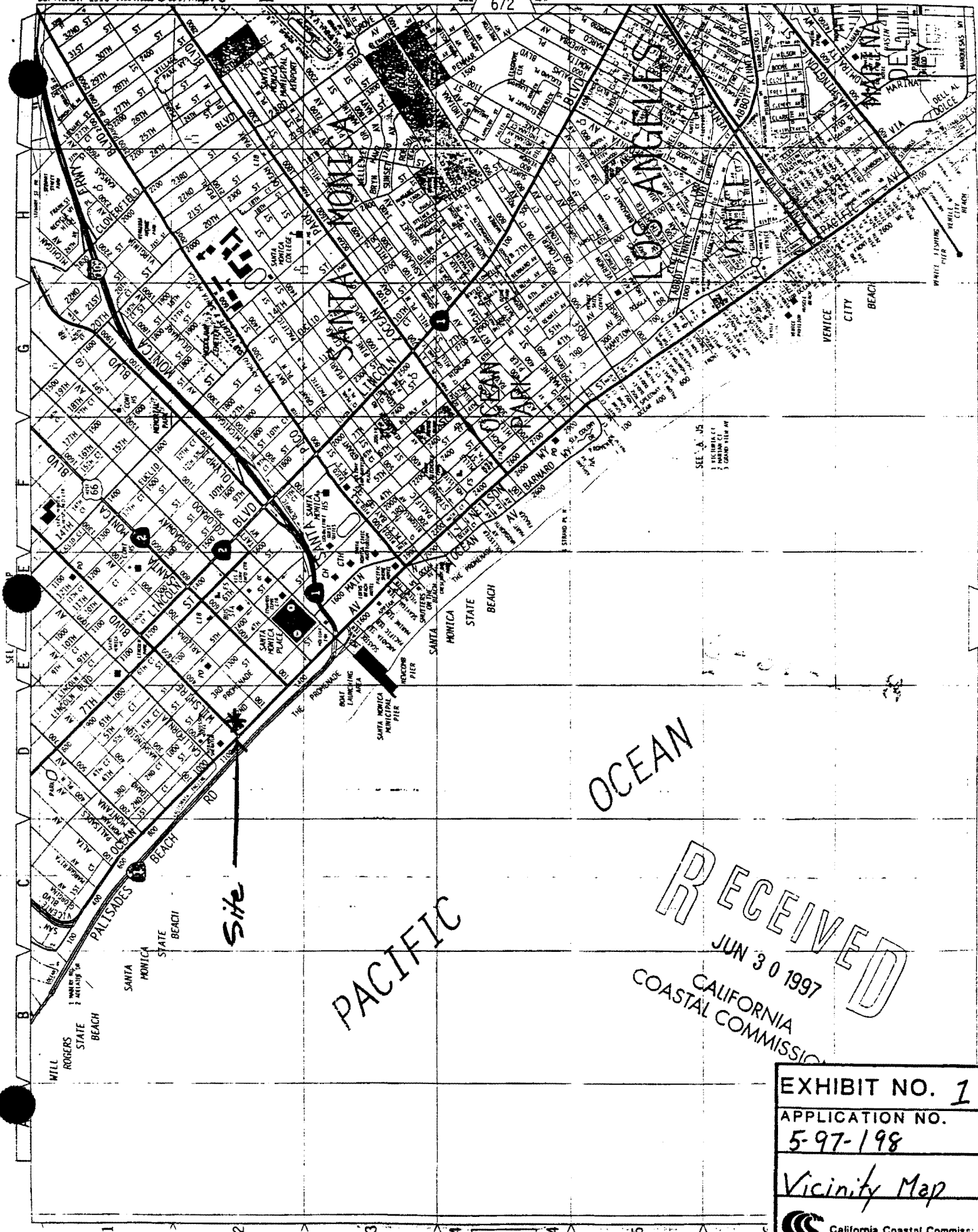

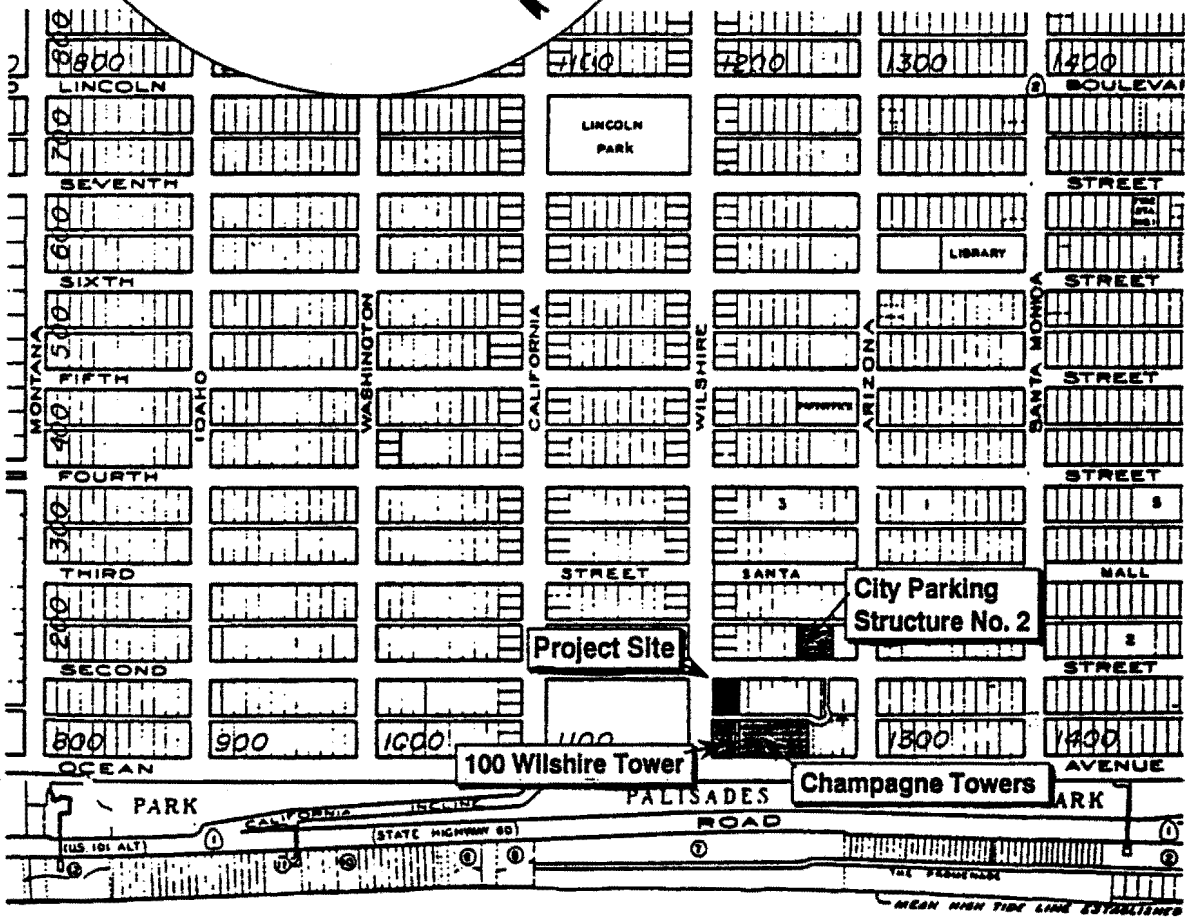
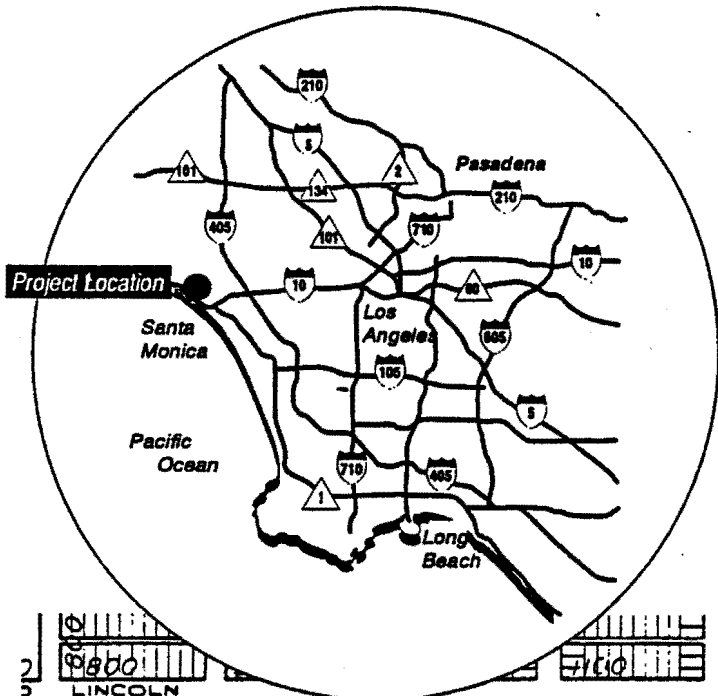
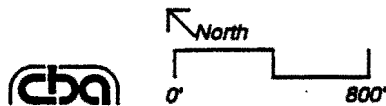



EXHIBIT NO. <u>1</u>
APPLICATION NO. <u>5-97-198</u>
<u>Vicinity Map</u>
 California Coastal Commission



SOURCE: City of Santa Monica



City of Santa Monica

<b>EXHIBIT NO. 2</b>
APPLICATION NO. 5-97-198
<i>Site Location</i>
 California Coastal Commission



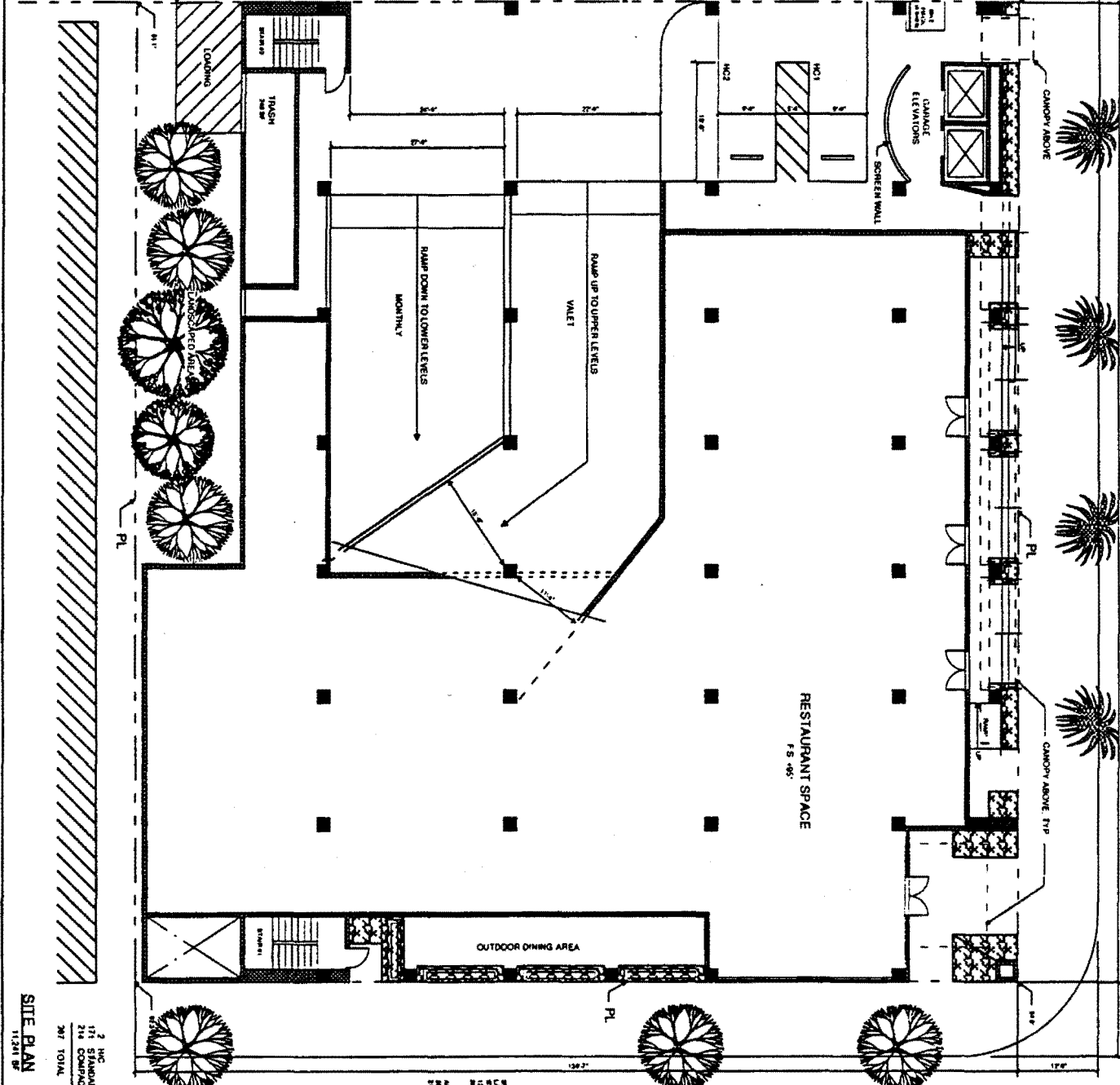
**Figure 2.7-1. Photo Showing Existing Conditions as Viewed from Wilshire Boulevard.** This photo depicting the project site was taken from a northeastern vantage point. Wilshire Boulevard runs east-west through the foreground. The intersection of Wilshire Boulevard and 2nd Street is visible to the right of center. At the extreme right, the view opens up to the Pacific Ocean horizon across Palisades Park. The building at the left is the existing Bob Burns restaurant. On the right is the 21-story, 100 Wilshire office tower. The Champagne Towers residential structure is the building with extensive cross-bracing to the left of center. The project site is the parking lot between 2nd Street and the 100 Wilshire office tower. The roof of the structure will be approximately the height of the top of the lowest row of windows on the east facade of the 100 Wilshire office tower.

EXHIBIT NO. 3
APPLICATION NO.
5-97-198
View of Site + Surrounding Area
California Coastal Commission

WILSHIRE BLVD.

WILSHIRE BLVD.

ACTUAL LAND AREA: 11,211 SQ. FT. (25.11 AC.)  
PERMITTED AREA: 11,211 SQ. FT. (25.11 AC.)  
PERMITTED AREA: 11,211 SQ. FT. (25.11 AC.)



**SITE PLAN**  
11/21/97

2 AC.  
112 STANDARD  
214 COMPACT (60' TANDERS)  
NET TOTAL

F.A.R. - 20.000 A.S.U.  
- 1.00

120 WILSHIRE BLVD.  
SANTA MONICA, CA

DAVID FORBES  
HIBBERT, AIA

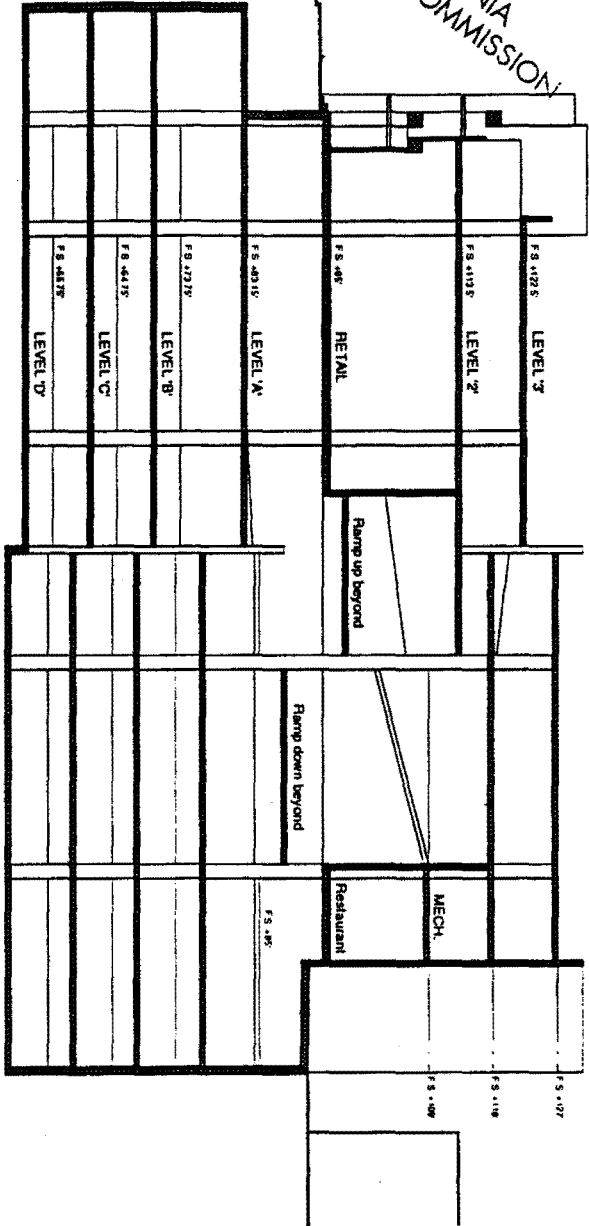
1250 FOURTH STREET  
SANTA MONICA, CA 90401  
FAX 310 / 394-0046  
310 / 394-4045

**EXHIBIT NO. 4**  
APPLICATION NO.  
**5-97-198**  
*Site Plan*

California Coastal Commission



RECEIVED  
 JUN 30 1997  
 CALIFORNIA  
 COASTAL COMMISSION



SECTION B-B

DATE: 8/10/96 SCALE: 1/8"=1'-0"	120 WILSHIRE BLVD. SANTA MONICA, CA	DAVID FORBES HIBBERT, AIA	1250 FOURTH STREET SANTA MONICA, CA 90401 FAX 310 / 394-0046 310 / 394-4045	APPROVED
	A 7.2			

**EXHIBIT NO. 6**  
 APPLICATION NO.  
 5-97-198  
 Section

California Coastal Commission