

Wild

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

5 W. BROADWAY, STE. 380

P.O. BOX 1450

LONG BEACH, CA 90802-4416

(310) 590-5071

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 Staff: John T. Auyong  
 Staff Report: October 17, 1997  
 Hearing Date: November 4-7, 1997  
 Commission Action:



## RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-97-196

APPLICANT: Bob Griffith AGENT: Fred Leonard

PROJECT LOCATION: 328 Main Street, City of Seal Beach

PROJECT DESCRIPTION: Construct, on a vacant lot, an 7,635 square foot three-story, 30 foot high commercial building with 703 square feet of gross floor area of retail space on the first floor, 1,804 square feet of gross floor area of office space on the third floor, open balcony area on the third floor, and 10 indoor parking spaces (three on the first floor, seven on the second floor) including a car lift which is proposed to function as the 10th parking space.

Lot area: 2,938 square feet  
 Building coverage: 2,713 square feet  
 Pavement coverage: 225 square feet  
 Zoning: Main Street Specific Plan

LOCAL APPROVALS RECEIVED: City of Seal Beach Approval-in-Concept

SUBSTANTIVE FILE DOCUMENTS: (See Appendix A)

SUMMARY OF STAFF RECOMMENDATION - ISSUES TO BE RESOLVED:

Staff is recommending approval of the project with special conditions to; (1) reduce the amount of proposed office area to 1,500 square feet, which is the maximum office space which can be accommodated by the six second floor parking spaces based on the Commission's regularly used parking standards, (2) require a parking management plan which provides, in part, for a designated operator of the proposed car lift and a call box, (3) prohibit the proposed car lift from being used as a parking space, and (4) require recordation of a deed restriction. The applicant has previously indicated to staff his opposition to a deed restriction.

The Coastal Act issue which remains to be resolved is the provision of adequate on-site parking and the feasibility of the proposed parking layout/operation. Staff recommends prohibiting the use of the proposed car lift as a parking space. This would result in a one space parking deficiency which would have to be mitigated. The lack of adequate parking in commercial developments in Seal Beach's visitor-serving Main Street commercial district

has historically been an issue for the Commission. This is because of the cumulative adverse impact on public access resulting from parking deficiencies in this older, parking-limited commercial district located adjacent to the popular public beach and municipal pier.

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STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that 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. Limitation on Office Square Footage and Parking - Revised Plans

PRIOR TO ISSUANCE of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, final revised plans which show that; (1) square footage of enclosed gross floor area on the third floor has been reduced to one thousand five hundred (1,500) square feet or less, (2) the proposed balconies on the third floor shall not be enclosed, and (3) the car lift is not designated as a parking space.

#### 2. Parking Management Plan

To insure that all nine (9) on-site parking spaces are easily accessible, the permittee shall:

- (1) provide the services of a parking attendant who is trained in the operation of the car lift to be available to operate the car lift during all hours that the office is open for regular business; this person shall also be responsible for moving tandem parked cars during all hours that the office is open for regular business, and

- (2) install at least one call box at the entrance to the parking garage on the alley side of the building, at least one call box near the car lift on the ground floor interior garage, and at least one call box near the car lift on the second floor. These call boxes shall be designed and operated to allow people to contact the parking attendant, and

- (3) the applicant shall maintain the proposed car lift in proper working order at all times.

PRIOR TO ISSUANCE of the coastal development permit, the applicant shall submit, for the review and written approval of the Executive Director, a parking management plan that demonstrates how the above parking requirements will be implemented. The plan shall include site maps showing the location of the call boxes, identification of the parking attendant responsible for the operation of the car lift and for moving tandem parked cars as well as the regular working hours of this individual, plans for informing users of the on-site parking of how to operate the call boxes, and any other documentation necessary to demonstrate how the parking management requirements will be carried out.

#### 3. Deed Restriction

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, which provides that:

- (1) the subject permit is only for the development described in Coastal Development Permit No. 5-97-196; and
- (2) future development as defined in Coastal Act Section 30106 and improvements pursuant to Section 13253(b)(6) of the California Code of Regulations, including any change in intensity of use of the site (such as but not limited to a change in the number of parking spaces, change in gross floor area of the structure, or a change in the types of uses approved), will require an amendment to Coastal Development Permit No. 5-97-196 from the California Coastal Commission; and
- (3) the gross square footage of the third floor enclosed area shall not be expanded beyond one thousand five hundred (1,500) square feet; and
- (4) the third floor balconies shall not be enclosed; and
- (5) the proposed car lift shall not be used and counted as a parking space; and
- (6) all owners and operators of the approved building shall comply with the parking management requirements of Special Condition No. 2 above.

The deed restriction shall be recorded as a covenant running with the land, binding all successors and assigns in interest to the subject property, and shall be recorded free and clear of all prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed.

4. Final Review and Approval of Parking Plan

PRIOR TO ISSUANCE of the coastal development permit, the applicant shall submit, for the review and written approval of the Executive Director, written evidence that the proposed parking plan has been reviewed and received final written approval by the local government individual responsible for such review and approval. The approved parking plan, and the local government's written approval of the parking plan, shall:

- (1) specify that there are no less than nine (9) on-site legally accessible and usable parking spaces, which fully comply with all local government parking standards, including but not limited to Americans with Disabilities Act requirements, parking space dimensions, turning radius, backing distances, driver aisle width, and the use of the proposed car lift, and
- (2) include the specifications of the specific car lift model that will be used in the proposed project, including the lift manufacturer's statement that the lift can be used by cars (including minivans and sport utility vehicles typically used as passenger automobiles) and the manufacturer's recommendations for the proper use of the lift for public parking purposes and the recommended maintenance schedule.

IV. FINDINGS AND DECLARATIONSA. Project Description

The applicant is proposing to construct, on a vacant lot, an 7,635 square foot, three-story, 30 foot high commercial building. The proposed building would be comprised of 703 square feet of gross floor area of retail space on the street (front) side of the ground level. In addition, the proposed third floor would consist of 1,804 square feet of enclosed gross floor area of office space. The third floor is also proposed to have 688 square feet of open balcony area. The proposed 2,825 square foot second floor would be devoted to parking.

Also proposed are nine (9) on-site, indoor parking spaces, plus a car lift that is also designated as the 10th parking space. Three (3) of the spaces would be located on the alley (rear) side of the ground level. One of the 3 proposed first floor spaces would be handicap accessible. The entire second floor of the proposed building would be devoted to parking and would contain the remaining six (6) parking spaces (7 if the proposed car lift is counted as a parking space). The second floor parking area is intended to be used by employees of the proposed development. The first floor parking area is intended to be used by customers of the proposed ground level retail use and to provide parking for persons with physical disabilities.

The two levels of proposed parking would be connected by a car elevator. The car elevator would not be manned by a designated human operator. Instead, the car lift is proposed to be operated on a self-service basis by the individual drivers of the cars which would be parking in the building. The proposed car lift is proposed to be a tenth parking space.

B. Public Access - Parking

Section 30252 of the Coastal Act states, in relevant part:

The location and amount of new development should maintain and enhance public access to the coast by: . . . (4) providing adequate parking facilities . . .

When a private development does not provide adequate on-site parking, users of that development are forced to occupy public parking that could be used by visitors to the coastal zone. A lack of public parking discourages visitors from coming to the beach and other visitor-serving areas, resulting in adverse public access impacts. Thus, all private development must provide adequate on-site parking to minimize adverse impacts on public access.

The subject site is located on the third block of Main Street inland from the public beach. Main Street is a primary visitor-serving area of the City of Seal Beach. This is due to the location of the City's municipal pier and main beach at the foot of Main Street, and the many restaurants, boutiques, and specialty stores lining the street. Therefore, the subject site is located in the heart of a heavily visited area of the City. Further, public parking on Main Street is limited. Thus, adequate public parking for visitors to the

coastal zone must be provided. In order to do this, the proposed private development must provide adequate on-site parking to satisfy its parking demand.

Due to the small size of most Main Street commercial building sites, the provision of adequate on-site parking has always been a challenge. For instance, the subject site is only 25 feet wide and 117'6" long. Therefore, the applicant is proposing parking on two levels connected by a car lift to provide on-site parking.

The lack of adequate on-site parking in private developments on Main Street in Seal Beach has been a continuing issue for the Commission. Appendix A contains a summary of coastal development permits issued for development on Main Street in which parking was an issue. Appendix A describes the types of special conditions which the Commission has previously imposed to mitigate adverse impacts on public access due to inadequate on-site parking in Main Street commercial developments. Typical conditions included requirements for the provision of additional on-site or off-site parking, restrictions on the intensification of use of commercial buildings, and/or requiring reductions in the size of proposed buildings.

1. Parking Deficiency

The proposed development would contain 703 square feet of gross floor area of retail area on the street-side of the ground level. There would also be 1,804 square feet of gross floor area of enclosed office area on the third (top) floor of the proposed building. The third floor, which would be entirely devoted to office use, also contains 688 square feet of outdoor balconies which were not included as part of the gross floor area calculation.

The Commission has parking standards which it regularly uses to ensure that adequate parking is provided to meet the demand of private development. The Commission has used these standards in calculating parking demand for previous commercial development on Main Street. The Commission's regularly used standard for retail use is one parking space for every 225 square feet of gross floor area. The Commission's regularly used standard for office use is one parking space for every 250 square feet of gross floor area.

Based on these regularly used standards, the proposed 703 square feet of retail use would require three (3) spaces. Further, based on these standards, the proposed 1,804 square feet of office use would require seven (7) spaces. Thus, the total parking required for the proposed development would be ten (10) parking spaces, based on the Commission's regularly used standards. The applicant is proposing to provide 10 on-site parking spaces; 3 on the first floor for the proposed retail use (including one handicap space), and 7 on the second floor for the proposed office, including the proposed car lift as a parking space.

However, the proposed parking arrangement is very unusual (see Exhibit B). It involves a car lift as the only means to get from the ground level parking entrance to the second level parking, tandem parking on both levels of parking, and the use of the lift as a parking space on the second level. The

proposed arrangement would be inconvenient to use if the proposed car lift were used as a parking space. If a car were parked on the lift, it would have to be moved anytime another car needed to use the lift. Further, moving a car parked on the lift, or other tandem parked cars, could entail having to back the car the entire way out of the building into the alley.

Therefore, the Commission finds that the proposed car lift should not be used as a parking space. Thus, the Commission finds that a special condition is necessary which prohibits the proposed car lift from being used or counted as a parking space. The Commission further finds that a deed restriction is necessary which incorporates this prohibition. A deed restriction is necessary to inform future owners of the building, as well as the permittee, of the prohibition on using the car lift as a parking space.

However, eliminating the car lift as a parking space would result in only 9 on-site parking spaces being available to meet the parking demand of the proposed development, instead of 10 as proposed by the applicant. The proposed development requires 10 parking spaces to satisfy its demand. Thus, with the necessary elimination of the proposed car lift as a parking space, the proposed development would be deficient by one parking space. Thus, adequate on-site parking would no longer be provided. Therefore, measures to mitigate adverse public access impacts which would result from the parking deficiency must be provided.

## 2. Limitations on Office Floor Area

The preferred feasible alternative to mitigate the adverse impacts on public access resulting from the one space parking deficiency would be by reducing the proposed office area. Reducing the office area is preferable to reducing the proposed retail area.

The applicant's agent has indicated that the proposed retail use is already the minimum size it can be in order to be feasible. Further, a ground floor retail use would fit in with the character of specialty shops and boutiques which exists on Main Street. These types of shops contribute to the visitor-serving aspect of Main Street which lends itself to browsing and window-shopping, a popular visitor-serving past-time. Visitor-serving uses are priority uses whereas office uses are not, pursuant to Section 30222 of the Coastal Act. Further, the proposed ground level parking spaces are adequate to meet the parking demand of the proposed ground floor retail use. Thus, the proposed ground floor retail use should be preserved.

Therefore, the proposed development is being conditioned to limit the amount of enclosed office area (gross floor area minus the proposed outdoor decks) to 1,500 square feet. This is the amount of office area which can be accommodated, based on the Commission's regularly used parking standards, by the 6 second floor parking spaces which would remain after the car lift is excluded as a parking space. The proposed development is also being conditioned for the submittal of revised plans which reflect this limitation on office area. By reducing the amount of office area to the amount which can

be satisfied by the parking which can be provided on-site, the parking deficiency would be eliminated. This would eliminate adverse impacts on public access due to inadequate parking.

3. Ensuring Maximum Use of the Proposed On-Site Parking

As described earlier, the proposed parking arrangement is unusual and would be inconvenient to use. For instance, literature on the proposed car lift provided by the applicant indicates that only trained personnel should operate the lift, and no one should ride in the lift (see Exhibit C). This would mean that a driver would have to get out of his or her car once its been driven onto the lift and take the stairs of elevator to complete parking or retrieving his or her car. Further, a mechanical failure of the car lift would cause cars parked on the second floor to be trapped until the car lift were fixed.

In addition, most of the parking spaces are tandem, including the car lift which is proposed to be designated as a parking space, and the first floor handicap parking space (see Exhibit B). The time it would take to operate the lift and back tandem parked cars in or out of the building to let another car in or out would be inconvenient, especially since people cannot not ride in the lift. Also, since the idea of a car lift for public parking in an office building (as opposed to a lift used in a warehouse or factory setting) is novel in Southern California. People may be reluctant to use the car lift due to inconvenience, having to back another person's car out of the building, unfamiliarity with the lift's operation, or fear of being stuck in the lift or getting hurt.

On-site parking must be convenient to use or else it will not likely be used. If patrons of the proposed development find it more convenient to search on-street parking rather than on-site parking, it will result in public parking spaces which should be available for beachgoers and coastal zone visitors being usurped by patrons of the proposed development. This would result in adverse public access impacts and defeat the purpose of providing adequate on-site parking.

The applicant asserts that his firm, which is currently located outside the coastal zone, will alone occupy the proposed third floor office area. The applicant asserts that his firm has few employees and few customers. In a single-tenant situation with few employees and customers, the inconveniences of the proposed parking arrangement may be minimized somewhat.

However, the Commission must also consider the worst case scenario of a multi-tenant office situation with many employees, and many customers. In this situation, employees would be less likely to know each other, and ensuring adequate training in use of the car lift would be more difficult. With many customers, it would be difficult for employees of the different firms to be constantly interrupted in their work to operate the car lift for customers. It is important to encourage patrons and employees of the proposed development to use all on-site parking instead of trying to find on-street public parking which should be reserved for general beachgoers.



a. Parking Management Plan

Therefore, to ensure that the 9 on-site parking spaces (particularly the 6 second floor spaces excluding the proposed car lift) are used to the maximum extent, the Commission finds that it is necessary to require a parking management plan. Further, to ensure that all the on-site parking in the proposed development is used, the permit must be conditioned for a deed restriction to ensure that the permittee, and future owners of the proposed building, implement and comply with the parking management plan approved by the Executive Director.

The parking management plan would require one person to be responsible to operate the car lift and move tandem parked cars. This designated person could be an employee of the third floor office use, such as an office manager, or an outside valet service. Designating one person would ensure better coordination of using the lift and moving tandem parked cars. Further, if employees and customers do not have to operate the car lift and back other people's tandem parked cars into the alley themselves, they may be encouraged to use the proposed on-site parking.

b. Final Review and Approval of Parking Plan

Both the private parking engineering firm of RKJK and the City of Seal Beach Director of Public Works/City Engineer have submitted letters regarding the proposed parking layout (see Exhibit E). However, the City of Seal Beach Main Street Specific Plan only requires seven on-site parking spaces, rather than the nine required by the Commission's regularly used standard to ensure public access. In addition, there are two parking spaces behind the proposed designated handicapped parking space (see Exhibit B, Page 2). The City Engineer's letter does not clearly state that all nine proposed on-site parking spaces meet local government requirements for accessibility such as handicap requirements. In fact, the letter from RKJK states that there should be 48 inches of clearance between the handicap space and the building's elevator entrance, but only 36" are proposed. The proposed plans also show that the width of the aisle between the proposed car lift and the passenger elevator on the second floor is 7'6", less than the 12 feet required by the City's Code.

Further, none of the literature submitted thus far for the proposed car lift states that the lift is appropriate for use for public parking purposes nor that the lift can specifically accommodate cars. Instead, the literature recommends that the lift is recommended for the transport of warehouse or factory equipment and supplies.

Therefore, to ensure that the proposed plans meet handicap requirements and other local government standards for proper parking design so that cars can access and use all 9 proposed on-site spaces, the Commission finds that it is necessary to require final written local government approval of the proposed parking design. To ensure that the proposed lift is adequate for use by cars

as proposed, the Commission further finds that the condition must require that the plans indicate the specifications for the proposed lift and manufacturer's recommendations for use and maintenance of the lift.

4. Future Development

The proposed development is also being conditioned for a future development deed restriction which provides in part that any future development as defined in Section 30106 of the Coastal Act and future improvements as required by Section 13253(b)(6) of the California Code of Regulations, including changes in intensity of use of the site, such as reductions in parking, increases in square footage, or changes in types of use, require an amendment to this permit. The Coastal Act and California Code of Regulations already require Commission review and action on these types of changes. However, the Commission finds that this condition is necessary because it would put future owners and tenants of the building on notice that these types of changes must be reviewed by the Commission for any potential adverse impacts to public access.

5. Rejected Alternatives

As stated in Section B.3. above, the parking plan as proposed is controversial and is likely not to be fully implemented. Therefore, staff considered other parking alternatives.

a. In-lieu Parking

An alternative to mitigate the parking deficiency would be the purchase of in-lieu parking spaces. The City charges businesses on Main Street three thousand five hundred dollars (\$3,500) for each parking space required by the City's code which is not provided on-site or within 300 feet of the parcel on which the business is located. This fee only applies to businesses, such as the proposed development, which come into existence after September 1, 1996, the date when the City adopted the fee. For businesses established before September 1, 1996, the in-lieu fee is one hundred dollars on an annual basis for each deficient space, or as specified in a development agreement.

The \$3,500 fee was calculated by adding up the costs of all parking improvements contemplated within the next eight years, subtracting potential parking revenue from all sources during the eight years, and dividing the revenue shortfall (\$173,479.00) by forty-eight (48). This is the number of parking spaces which would be provided in a public parking garage proposed to be built at some point in the future on the existing 8th Street public surface parking lot.

However, in addition to the cost of the proposed parking structure, the City's calculation includes costs for improvements which do not result in the construction of actual parking spaces, such as improved signage for the public beach parking lots, ticket machines for the beach lot, and parking meters. Further, the estimated cost of constructing the proposed public parking garage

is four hundred forty thousand dollars (\$440,000). Divided by 48 spaces, the cost to construct the proposed garage is actually \$9,166.67 per space. Therefore, the City's in-lieu \$3,500 fee does not come close to covering the actual cost of building one parking space.

Since the City's in-lieu fee does not cover the full cost of providing an off-site, public parking space as a substitute for a parking space that cannot be provided on-site for development, the City's in-lieu fee should not be considered as an alternative for mitigating the parking deficiency of the proposed development.

Further, because the City's projections extend over eight years, it may be up to eight years or more before the public parking spaces which would relieve the parking burden of proposed development come into existence. In the interim, proposed development would be creating a public parking burden which results in adverse public access impacts.

In addition, the City of Seal Beach's parking standards in its Main Street Specific Plan are much less restrictive than those of the Coastal Commission. For instance, the City only requires one space for every 500 square feet of the proposed office area. This is only half the parking required by the standards the Commission regularly uses to ensure public access in Seal Beach. Based on the City's standards, the proposed project meets the on-site parking requirement of 7 spaces. Because there is no parking deficiency based on City standards, the City would not require an in-lieu fee.

If the applicant were to pay an in-lieu fee for one space parking deficiency resulting from the application of Commission standards to the proposed project, this would eliminate one in-lieu space from the 48 spaces in the proposed public parking garage. This results in eliminating one in-lieu space that may be needed for a future project that is deficient in parking based on the City's standards and for which the City would have to charge an in-lieu fee to satisfy their requirements.

Page 23 of the City's adopted Main Street Specific Plan states that "[s]ince the existing commercial lots on Main Street have inadequate room for new parking, the only likely solution to parking needs is a City in-lieu parking program." This indicates that the City is relying on in-lieu fees to mitigate parking deficiencies. Once the City runs out of in-lieu spaces, then future development would no longer have the option of using in-lieu spaces to mitigate parking deficiencies.

There is also no definite estimate of when the proposed public parking garage will be built. In addition, the 48 spaces in the proposed garage ultimately may not be enough to satisfy all in-lieu parking demand from future Main Street development. Further, there are no City provisions for tracking in-lieu fees and correlating them with the number of public parking spaces built. Therefore, the Commission finds that the use of in-lieu parking to mitigate the parking deficiency is not the preferred alternative.

**b. Off-site Parking**

Another alternative to mitigate the parking deficiency is to require the applicant to lease off-site parking spaces within a reasonable distance of the subject site. This condition has been imposed several times by the Commission on Main Street development projects in the past (see Appendix A). However, some limitations on this alternative for the proposed project are that there is not a large supply of off-site parking available for lease, given the built-out nature of the area. Further, many of the off-site parking areas have already been committed to projects previously approved by the Commission.

**c. Parking Ramp Instead of Car Lift**

As another alternative for providing adequate on-site parking, a ramp could be used to connect the two proposed horizontal levels of parking instead of the proposed car lift. Another option would be to slope the two levels of parking (with the lower floor partially subterranean) so that the actual parking is on ramps. While the width of the subject site is narrow and it may not be able to accommodate ramps, the applicant has not shown that this alternative is infeasible.

**6. Conclusion - Public Access**

The project site is a difficult site due to its small size. Therefore, the provision of adequate on-site parking is also difficult. The Commission has conditioned the proposed development to mitigate adverse public access impacts resulting from the proposed project. Some conditions being imposed, such as a reduction in floor area to reduce the parking demand of the proposed development and a future improvements deed restriction, have previously been imposed on other commercial development on Main Street (see Appendix A). In these previous applications, the Commission also found that such conditions would mitigate adverse public access impacts resulting from parking deficiencies of Main Street commercial development.

Other conditions being imposed, such as the parking management plan and requirement for final local government approval of the parking plan, have not been imposed previously on other Main Street development but are necessary in this case because of the specific difficulties presented by the proposed project in providing adequate on-site parking. Thus, only as conditioned does the Commission find the proposed development to be consistent with Section 30252 of the Coastal Act.

**C. Local Coastal Program**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter Three policies of the Coastal Act.

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of

Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time.

The proposed development, as conditioned, is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice the ability of the City to prepare a certified local coastal program consistent with the Chapter Three development policies of the Coastal Act regarding parking.

D. California Environmental Quality Act

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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 development is located in an urban area. All infrastructure necessary to serve the site exist in the area. The proposed project has been conditioned in order to be found consistent with the development policies regarding parking of Chapter Three of the Coastal Act. Mitigation measures requiring; (1) limitation on the amount of office use to 1,500 square feet of enclosed floor area, (2) a parking management plan, (3) prohibiting the proposed car lift from being used as a parking space, (4) final written approval of the parking design from the local government, and (5) a future improvements deed restriction, will minimize all significant adverse impacts.

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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APPENDIX A

Substantive File Documents

1. City of Seal Beach Main Street Specific Plan and In-Lieu Parking Fee Program
2. "328 Main Street, Seal Beach Vehicle Parking and Access Review" study dated October 7, 1997, prepared by Robert Kahn, John Kain & Associates, Inc. ("RKJK") for Fred Leonard/Cox Construction
3. September 4, 1997 letter with attachments from Pflow Industries (car lift manufacturer) to Paul Geijer
4. Letter dated October 8, 1997 from the City of Seal Beach Director of Public Works/City Engineer to the Coastal Commission.
5. Selected coastal development permits involving parking on Main Street (see tables on following pages)

5-97-196 (Griffith)

**APPENDIX A**  
**Selected Coastal Development Permits**  
**Involving Parking on Main Street**

Permit #; Address	Project Description	Special Conditions; Rationale
A-77-1403; 115 Main St.	Construction of a 145 sq. ft. addition to an existing restaurant	No Conditions (Addition did not increase public service area)
5-97-012; 119 Main St.	Remodel and existing 1,838 sq. ft. bldg. and convert from medical offices to retail use, 6 on-site spaces, no new parking proposed	1. Future Development (Use was deintensified and existing parking deficiency thus reduced, new use is more visitor-serving in nature)
5-85-39; 138 1/2 - 140 Main Street	Conversion of an existing commercial building to a restaurant/bar and demolition of an existing garage to create 6 tandem parking spaces	1. Provide 30 spaces in beach parking lot for development's exclusive use. 2. If Condition 1 isn't met, submit revised plans reducing service area.
A-77-1724; 143 Main St.	Interior alterations and 2 new bathrooms to convert commercial structure to liquor-delicatessen	No conditions (Rationale not known)
5-89-143; 143 Main St.	Convert deli and wine store to sit-down restaurant	1. Provide 7 off-site spaces (agreement now terminated); 2. Signage; 3. Future Improvements
P-74-3537; 201 Main St.	Expansion of Walt's Wharf seafood restaurant & fish market	No conditions (Rationale not known)
P-78-3558; 207 Main St.	Construction of a 2nd story addition to a 1-story retail store	No conditions (Rationale not known)
P-74-3539; 207 Main St.	Construction of a 1-story commercial building, removal of utility building to construction 5 parking spaces (2 tandem)	No conditions (Rationale not known)
5-95-155; 210 Main St.	Expansion of an 840 sq. ft. sweet shop, selling items on a carry out basis, by 160 sq. ft. No sit down eating permitted.	No conditions (Grandfathered existing deficiency; new deficiency less than 1 space; heavy walk-in traffic; no sit-down dining; expansion needed for handicap accessible bathroom)

5-97-196 (Griffith)

**APPENDIX A**  
**Selected Coastal Development Permits**  
**Involving Parking on Main Street**

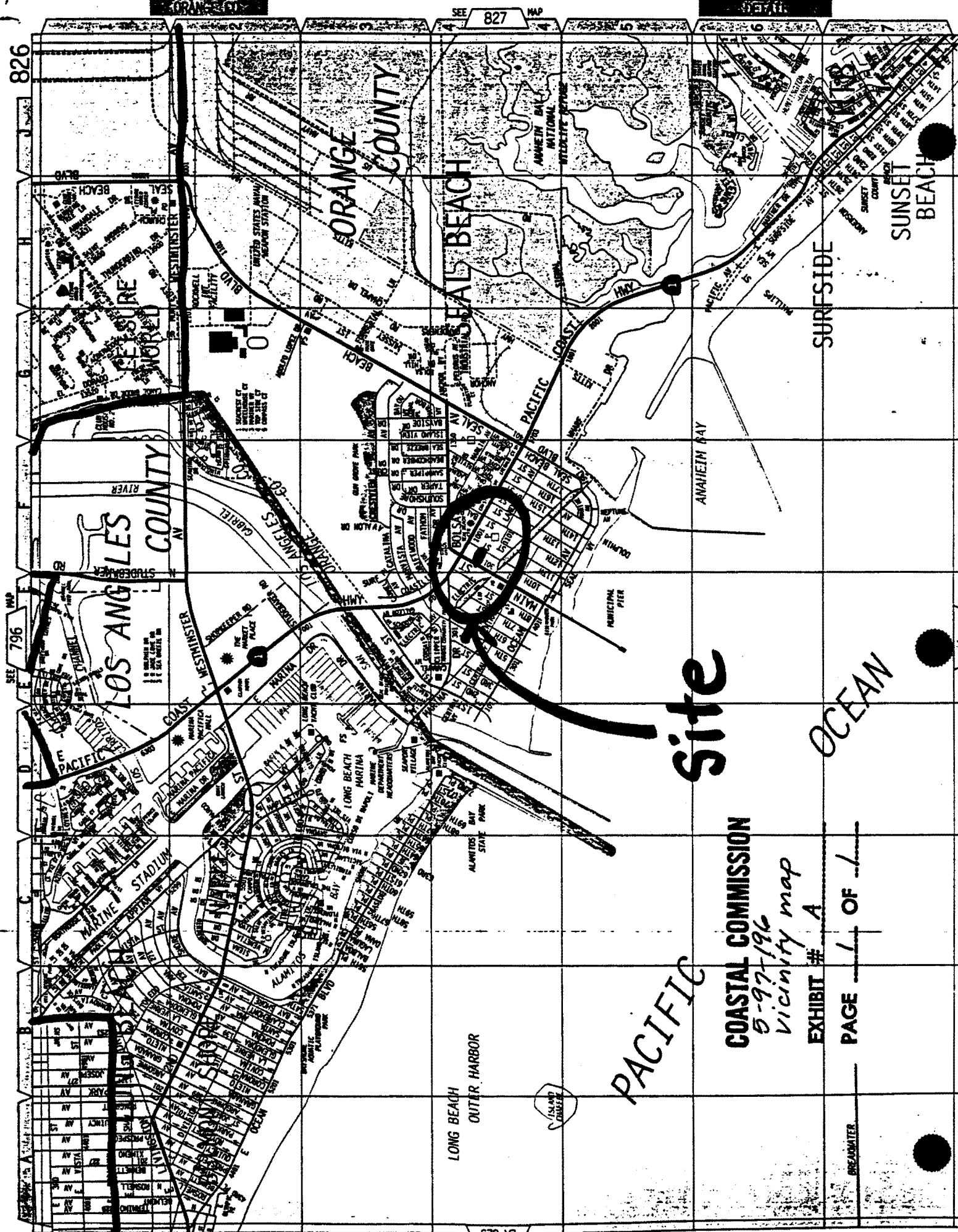
Permit #; Address	Project Description	Special Conditions; Rationale
5-93-225; 212 Main St.	Convert an existing 5,674 sq. ft. building from Masonic Lodge to office/retail use	1. Revised Plans (remove kitchen) 2. Future Improvements (Project also deintensified use)
A-75-4788 215 Main St.	Add 125 sq. ft. to front of existing hardware store with 6 spaces	No conditions (Rationale not known)
P-78-3940; 216 Main St.	Convert retail to restaurant with 936 sq. ft. of dining area	DENIED; (Inadequate on-site parking, 16 space deficiency)
A-76-7933 218 Main St.	850 sq. ft. addition to existing 400 sq. ft. commercial building with 6 substandard tandem parking spaces	1. Prior to issuance of permit, applicant shall submit revised plans with a minimum of 5 parking spaces.
P-79-6092; 218 Main St.	Add 550 sq. ft. 2nd story to 1-story structure for use as office adjunct to existing retail use	1. Revised plans showing 6 on-site spaces (up to 3 tandem) 2. No further intensification of use unless entire development is made to comply with Commission parking standards 3. Deed restriction limited use of structure to office use
A-75-4569; 221 Main St.	Establish postal distribution substation. City to label curb for 4 short-term parking spaces. 1 employee space in rear.	No conditions (Rationale not known)
P-76-7170; 224 Main St.	Construct 2-story office building	No conditions (Rationale not known)
P-75-6596; 228 Main St.	2-story, 4-unit commercial building	1. Revised plans showing that either 3 additional on-site spaces are provided or the building area is reduced by approximately 650 sq. ft. to comply with Commission parking standards.



5-97-196 (Griffith)

**APPENDIX A**  
**Selected Coastal Development Permits**  
**Involving Parking on Main Street**

Permit #; Address	Project Description	Special Conditions; Rationale
P-73-1915; 306 Main St.	Convert portion of existing building to 1,600 sq. ft. restaurant	No Conditions (Rationale not known)
P-76-9716; 311 Main St.	Demolish storage sheds and convert existing commercial building to office/retail mall. 28 on-site parking spaces.	1. Submit signed/notarized statement agreeing to; (a) on-site parking will be made available to public when <u>any</u> use in project is closed; (b) no use will be permitted which increases on-site parking. 2. Signs will require separate permit.
5-84-782; 320 Main St.	Construct 2-story, 5,320 sq. ft. commercial bldg. with 5 on-site parking spaces on vacant site.	1. (a) Provide on-site or off-site 24 spaces for exclusive use of development; (b) If 1(a) can't be fulfilled, applicant must submit revised plans reducing project 2. Record deed restriction for provision of 19 spaces at St. Ann's Church 3. Future Development
5-84-782-A1; 320 Main St.	Change Spec. Cond. 2 from deed restriction to recorded contract	Special Condition 2 changed; Special Conditions 1 and 3 unchanged.
5-84-782-A2; 320 Main St.	Allow restaurant as permitted use and add 7 off-site parking spaces at St. Ann's.	Changes: 1(a). Provide 31 spaces total 2. Record contract providing 26 spaces at St. Ann's Church
P-78-3918; 323 Main St.	Demolish existing drive-thru and construct 2-story commercial structure with 1,246 sq. ft. of retail use and 1,194 sq. ft. of office use with on-site parking.	1. Applicant to submit revised plans showing provision of one parking space per 225 sq. ft. of gross floor area of retail use, one space per 250 sq. ft. of gross floor area for office use; No tandem spaces allowed.
5-87-1011 330 - 332 Main Street	Demolish medical office and construct 2-story, 6,900 sq. ft. commercial building with 25 spaces	1. Deed restriction allowing 12 spaces of applicant's parking lot to be available for public use on weekends. 2. Future improvements.



Site

OCEAN

PACIFIC

COASTAL COMMISSION

5-9-79

vicinity map

EXHIBIT # A

PAGE 1 OF 1

BRANDWATER

SMOOTH  
ACQUA STUCCO

TRACED  
PAPER  
STUCCO

OBSCURE  
FEATHER  
GLASS W/  
BACK-LIT  
SILHOUETTES  
(MAYBE?)

7' EAVE

320 MAIN

TOP OF OPEN  
PLUMB

REPAIR  
W/  
RECURS

STOCK  
FRONT  
ELEV

6' 0" 05

6' 0" 02

SIGNAGE 25' 0" MAX  
CURVED MARQUEE PROJECTING OVER SIDEWALK

TILES  
PIERS

MAIN STREET ELEV. A

5-97-196

COASTAL COMMISSION

Plans

EXHIBIT # B  
PAGE 1 OF 4

44-3-40 and 44-3-41  
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JANUARY 1940



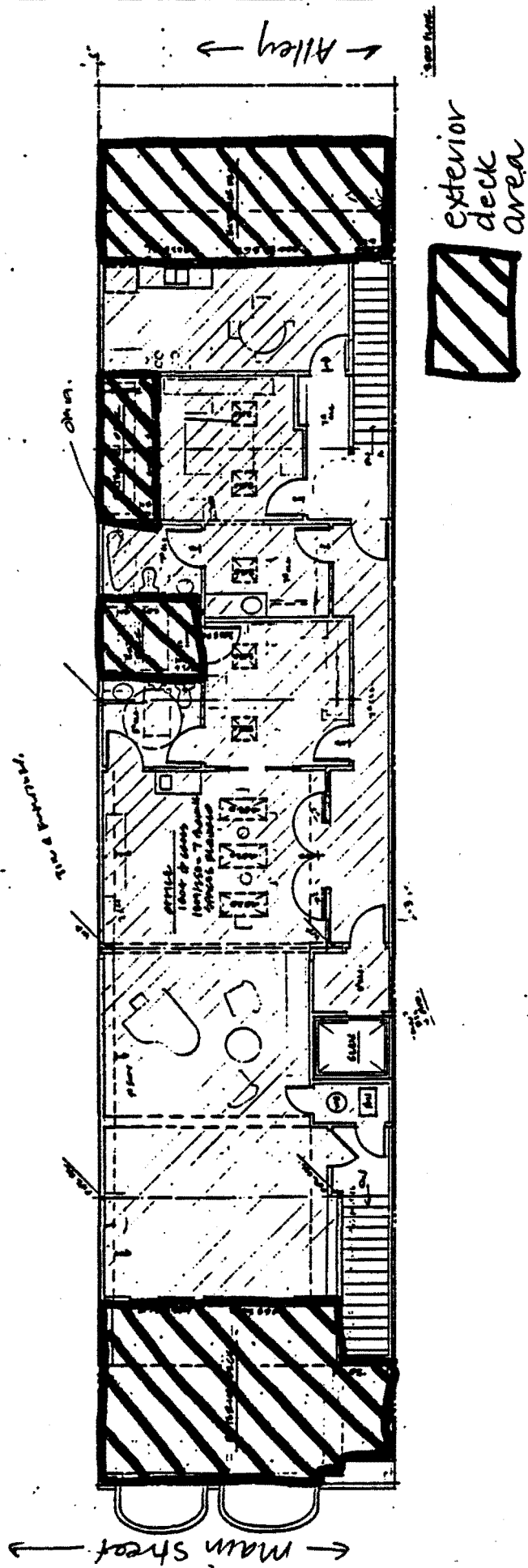
PAGE \*20F 4

# COASTAL COMMISSION

## Plans

**EXHIBIT #** B

PAGE 3 OF 4



# 3107-1007 PLAN



CONFIDENTIAL  
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FBI - NEW YORK

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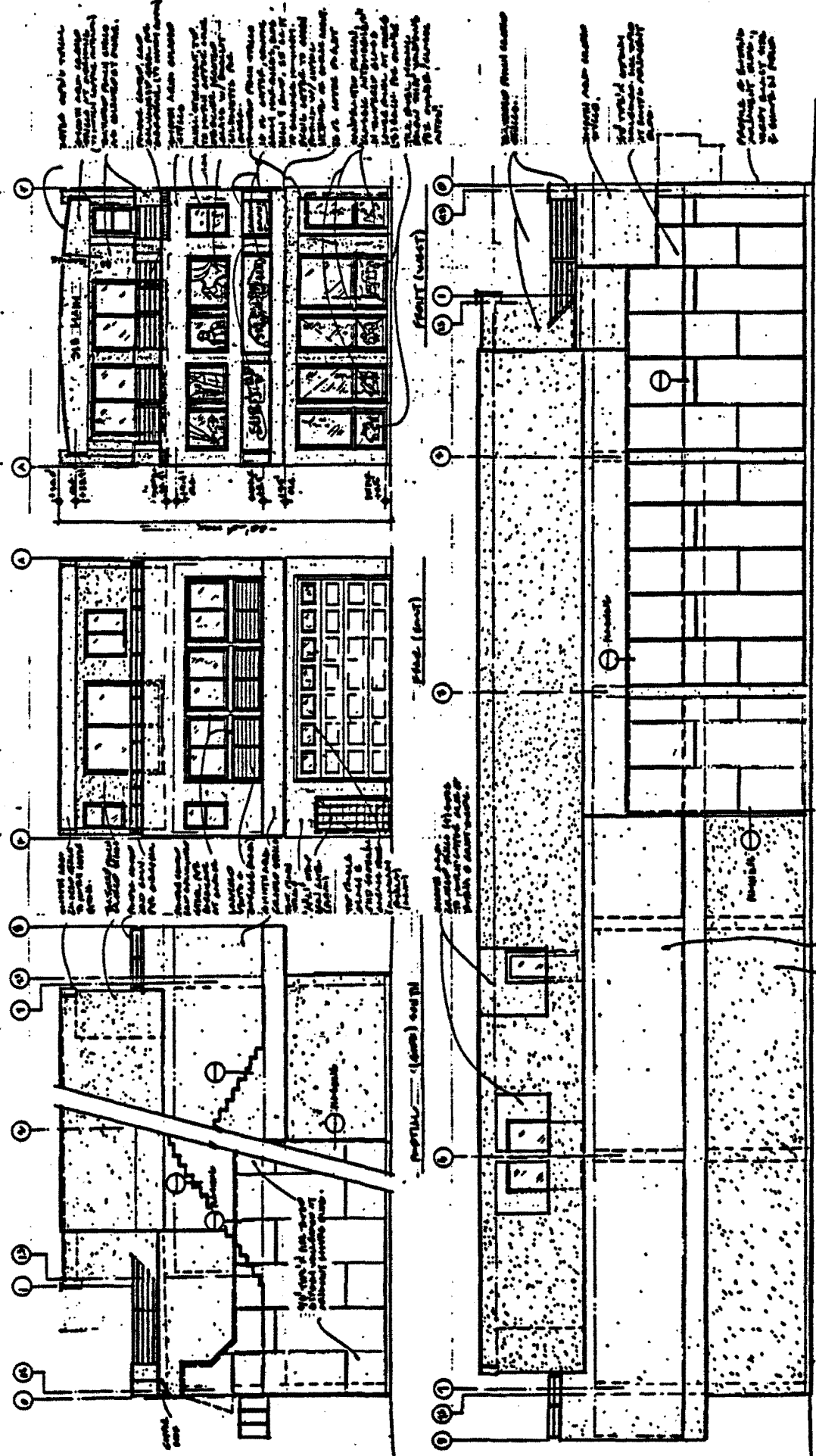
**COASTAL COMMISSION**  
 5-97-126: Plans

EXHIBIT # B  
 PAGE 4 OF 4

view from street

view from alley

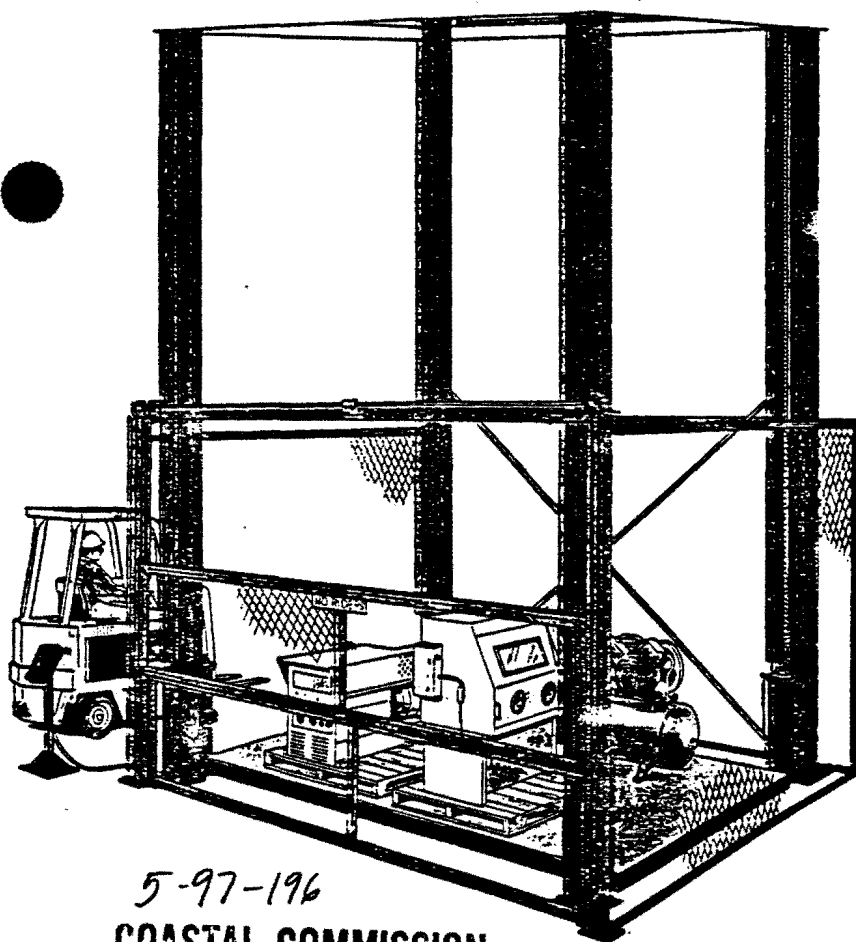
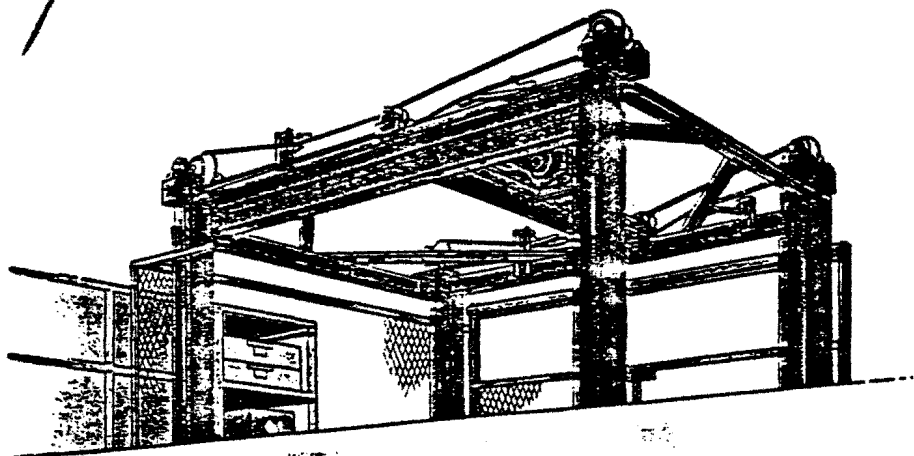
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**ELEVATIONS**

(see) (see)

view from street  
 view from alley



MECHANICAL VERTICAL LIFT

**Pflow's Series F Lift Offers Maximum Capacity, Rugged 4-Post Design For The Heaviest Lifting Applications**

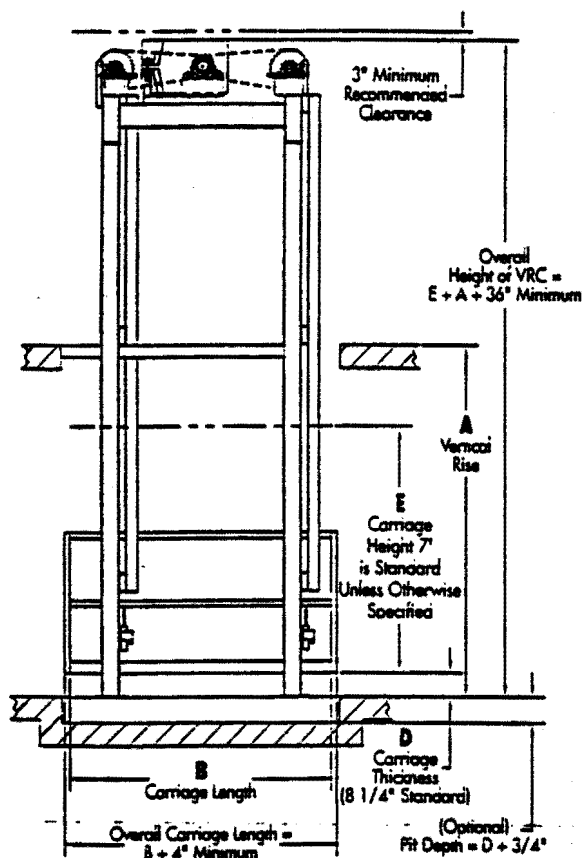
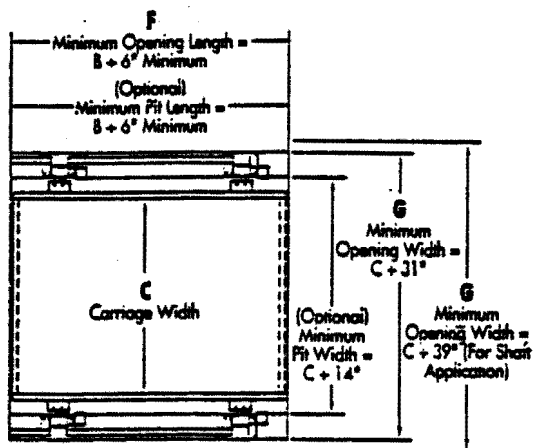
- Lifts heavy, bulky, oversized loads up to 30,000 lbs. and more.
- Transports multiple pallet loads, large carts, heavy machinery between two or more levels.
- Offers maximum flexibility in carriage size, capacity and traffic patterns. Loading and unloading from all four sides.
- Engineered to meet your exact application requirements. Unlimited vertical rise. Travel speeds up to 400 fpm.
- Carriage is lifted and lowered by heavy roller chain attached to a mechanical lifting mechanism.
- Heavy-duty construction provides superior strength, reliability and long-term performance.
- Built-in, advanced safety features protect workers and materials. Access gates at each level are interlocked with lift operation.
- Available with patented DeckLock system which automatically locks carriage at critical upper levels and eliminates carriage bounce or drift.
- Guaranteed code approval on every installation.

5-97-196  
COASTAL COMMISSION  
*Example of proposed Carlift*

EXHIBIT # C

PAGE 1 OF 3

**Pflow**



#### LIFT DIMENSIONS & DATA

A Vertical Rise:	Load Size:
B Carriage Length:	Load Weight:
C Carriage Width:	Loads Per Hour:
D Carriage Thickness:	Location: <input type="checkbox"/> Interior <input type="checkbox"/> Exterior
E Load Height:	Notes: Proper installation and satisfactory operation of a standard Pflow Series F lift requires dimensions and data shown here.
F Upper Level Opening (Length):	
G Upper Level Opening (Width):	

#### GENERAL

Pflow Series F Vertical Lifts move materials between two or more levels. Series F lifts feature four-corner support for heavy-duty, vertical material handling jobs. Principal components are guide columns, carriage and a mechanical lifting mechanism.

#### APPLICATION DATA

Pflow Series F Vertical Lifts are available with: Lifting capacities to 30,000 lbs; Carriage sizes as required; Vertical rise to 200'. Standard travel speed is 20 fpm. Speeds to 400 fpm available on special order.

#### STRUCTURE

Guide columns are 6" wide flange. Carriage is fabricated of 6" or 8" structural members with deck plate. Other deck surfaces available.

#### OPERATION

Series F Vertical Lifts can be loaded/unloaded from all four sides. Carriage is lifted and lowered by roller chain attached to an electric motor/reducer assembly mounted on the guide columns. Power units employ 7-1/2 HP to 25 HP TEC brake motors. Special sensing and guidance systems monitor lift chains.

#### ELECTRICAL

Standard power requirements are 230V/460V, 3-phase. Control voltage is 110V. Control stations and remote mounted control panel are NEMA 12. Control stations, provided for each level, include self-maintaining push buttons with mushroom-head E-Stop button.

#### SAFETY FEATURES

Upward and downward travel of the carriage is limited by a limit switch. When switch is tripped or power is lost, motor shuts off and the mechanically actuated brake is engaged. Overload protection is provided by a relay that measures the motor current. If the current exceeds the amount required to move the maximum load, it will shut the unit down and engage the brake. Safety cams, mounted on each guide column, prevent uncontrolled descent in case both chains break. Chain tensioners and guides prevent chains from jumping on sprockets. NO RIDER signs are posted at each point of operation. Optional DeckLock Safety System is available.

#### CARRIAGE & SAFETY ENCLOSURES

Carriage is equipped with safety rails on non-operating ends and safety chains, diagonal drop bars or gates on operating ends. Optional expanded metal or sheet metal carriage enclosures are available. Safety enclosures are a minimum of 8' high and are required to provide guarding on all sides of the lift. Gates provided for access must be electrically/mechanically interlocked with carriage movement. Interlock prevents gate from being opened unless carriage is present and also ensures carriage cannot move unless gate is fully closed.

5-97-196 Exhibit C  
p. 2 of 3

**PLOW**

Vertical Material Handling Systems

5045 North 35th Street, Milwaukee, WI 53209  
414-462-8810 Fax 414-462-2673



# COASTAL COMMISSION

*Car Lift Information*

EXHIBIT #.....

PAGE 3 OF 3

5-97-196

## Fail-Safe

All safety devices, including wiring of electrical safety devices, shall be arranged to operate in a "fail-safe" manner.

## Operation

- (a) Only a trained person shall be permitted to operate a VRC.
- (b) No person shall ride a VRC.
- (c) Routine inspections and corrective maintenance shall be conducted to ensure that all guards and safety features are retained and function properly.

## Fire Code

This standard is not intended to address fire-related restrictions. Applicable national, state and local codes should be complied with. (If a VRC penetrates a fire-rated floor, local fire authorities or your fire insurance company should be contacted to determine if a fire-rated enclosure is required.)

## SPECIFIC RULES FOR VRCs

### Personnel Safety

- (a) Means shall be provided to prevent hazard to personnel in the event of mechanical or electrical failure. The carrier must be equipped with backstop devices sufficient to stop and hold the carrier and load.
- (b) Overtravel devices shall be provided where necessary to minimize potential for injury to personnel.
- (c) Riding the conveyor shall be forbidden to all personnel. Warning signs to this effect shall be prominently posted at each point of access and each point of operation.

## Guarding and Controls

- (a) VRCs shall be guarded so as to prevent injury from inadvertent physical contact. (In areas where exposed reachable nip and shear points exist, the guards should be 8' high - Section 5.9.2)
- (b) The VRC housing should be equipped with doors or an equivalent device at each manual loading and unloading station, interlocked so that they can be opened only when the carrier has stopped at that level and the carrier cannot be moved until they are closed.

**NOTE:** VRC gates at lower and intermediate levels must be at least 6' high and installed a minimum of 3" from the carrier operating edge. The 3" clearance eliminates the shear or nip point. The operating mechanism is not reachable, so the 8' guarding rule would not apply. Upper level gates must also be at least 3" from the carrier. At the upper level the carrier only travels to the bottom edge of the gate. A 42" high gate can be used unless operating parts that create nip or shear points can be reached.

- (c) VRCs automatically receiving or discharging objects should be guarded by a suitable enclosure extending on all sides a safe distance from the path of the carrier.
- (d) Where the application requires that personnel walk onto the carrier to load or unload, the carrier shall be provided with standard railings (includes mid-rail and kickplate) with snap chains across operating ends or equivalent.
- (e) VRC controls shall be located so they cannot be actuated by a person on the carrier.

For copies of the complete B20.1 standard contact The American Society of Mechanical Engineers, 345 E. 47th St., New York, NY 10017, (212) 605-3333.



## COXCONSTRUCTION

California Coastal Commission  
South Coast Area Office  
200 Oceangate, 10th Floor  
Long Beach, ca.

RECEIVED  
JUL 17 1997

Subject: 328 Main Street, Seal Beach

CALIFORNIA  
COASTAL COMMISSION

Dear John Auyong;

In reference to your letter dated, July 9, 1997, our client and I have complied a list of responses to your questions .

### Question #1

This building can accommodate 13 vehicles if parked in tandem.

This building was designed to accommodate tenant parking on the second floor and provide retail parking and handicap parking on the first floor.

### Question # 2

The third floor will be open on weekends to accommodate our client's business ( central accounting and customer telephone service for medical home care equipment rental services staffed by 3 to 4 employees ).

### Question # 3

Not applicable

### Question # 4

Actual use has not been determined yet , but a retail gift or clothing shop would be a possibility

These shop would be visitor serving in nature.

The shop would possibly be reached by residents who would walk , rather than drive, as are most shops on Main Street, reached by local residents.

The retail shops would likely lend themselves to window browsing.

The quantity of customers would vary according to the season and weather. The size of the shop would probably limit the number of employees to one or two, which is the norm for most of the shops along main street .

COASTAL COMMISSION

5-97-196  
Agent's Letter

EXHIBIT # D

PAGE 1 OF 2

Question # 5

It is possible that the employees of the third floor might patronize the first floor, but the first floor employees would not be patronizing the third floor.

Question # 6

There would be approximately 3 to 4 third floor employees possibly parking at the building daily.

Question # 7

Our client has designed these building to accommodate his employees, tenants , and their customers. He does not believe that the in-lieu parking program or leasing off-site parking is the answer to the parking problem , if he did he would build out the entire building as retail or office and purchase or lease off-site parking.

Question # 8

This design has been based upon maximum parking and still provide some retail rental space. The retail space is minimum at best already , while providing handicap access as well as parking.

Question # 9

The state mandates that employers have a carpool program in place if they have 100 or more employees.  
This building would probably be occupied by less 100 employees.

Question # 10

This site has always been vacant to our knowledge.

Thank you,

Fred Leonard

5-97-196  
**COASTAL COMMISSION**  
*Agent's Letter*

EXHIBIT #       D        
PAGE       2       OF       2      

**RECEIVED**  
JUL 17 1997

CALIFORNIA  
COASTAL COMMISSION

# City of Seal Beach



CITY HALL - 2211 EIGHTH STREET  
SEAL BEACH, CALIFORNIA 90740-8379  
(562) 431-2527

October 8, 1997

California Coastal Commission  
Attn: John Auyong, Coastal Analyst  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802

RECEIVED  
OCT 8 1997  
CALIFORNIA  
COASTAL COMMISSION

Re: Proposed Construction at 328 Main Street, Seal Beach

Dear Mr. Auyong:

I am in receipt of the attached letter from Robert Kahn, P.E. of RKJK & Associates dated October 7, 1997 regarding vehicle access to the parking spaces at the proposed structure at 328 Main Street, Seal Beach.

I have reviewed and concur with the findings set forth by Mr. Kahn in his letter. Specifically, I believe Mr. Kahn's proposed parking strategy will allow effective utilization of the proposed parking spaces.

Please feel free to call me at (562) 431-2527 if you have any questions or comments regarding this matter.

Sincerely,

  
Stephen G. Badum  
Director of Public Works/City Engineer

5-97-196  
COASTAL COMMISSION

Letter from City Engineer regarding the  
adequacy of the proposed parking layout

EXHIBIT # E

PAGE 1 OF 3

OCT-27-1997 15:00

RKJK

4740902

P.01

**RECEIVED RKJK**  
 OCT 8 1997  
 ROBERT KAHN • JOHN KAIN & ASSOCIATES INC.

October 7, 1997 CALIFORNIA  
 COASTAL COMMISSION

Mr. Fred Leonard  
 COX CONSTRUCTION  
 8891 Watson Street, Suite 200  
 Cypress, CA 90630

Post-It Fax Note	7671	Date	10/7/97	Page	2
To	Fred Leonard	From	Bob Kahn		
Co/Dept	Cox Construction	Co.	RKJK		
Phone	827-2334	Phone	474-0809		
Fax	827-6225	Fax	474-0902		

Subject: 328 Main Street, Seal Beach Vehicle Parking and Access Review

Dear Mr. Leonard:

ROBERT KAHN, JOHN KAIN & ASSOCIATES, INC. (RKJK) has reviewed your proposed project at 328 Main Street in the City of Seal Beach. The proposed project would be a three level building (see attached floor plans for the first and second floors) which would include retail and parking on the ground floor, parking on the second floor and offices on the third floor. Vehicle access to the second floor parking would be from a "lift" which would transport vehicles from the ground floor to the second floor.

The purpose of this letter is to evaluate vehicle access to the parking facilities within the first and second floor of the building. The project would have access from an alley located at the rear of the building. The project parking would consist of three spaces including one handicap space on the ground floor, and seven spaces on the second floor. This includes one space located on the "lift" on the second floor. Adequate space (48" clearance) is available from the handicap space to the elevator for handicap persons.

The first floor should be generally utilized by visitors to the retail and office facility, and the second floor would be primarily utilized by employees of the building. The vehicle lift permits vehicles to be moved from the first to second floor parking, and this should be utilized by employees who would be trained in the operation of the vehicle "lift". Furthermore, the vehicle "lift" would include a gate around the "lift" at the second floor to prevent vehicles or pedestrians from entering the opening when the lift is at the first floor location.

RKJK has reviewed the first and second floor facility to evaluate vehicle ingress/egress to the parking spaces. RKJK has used the program Autoturn to test whether passenger vehicles (full size and compacts) could enter and exit the parking spaces affectively. Based upon the Autoturn program, vehicle access to each of the spaces can be accomplished. However as expected, vehicles would have to leave some of the spaces in a backwards movement to exit the facility.

5-97-196 Exhibit E p. 2 of 3

TRANSPORTATION PLANNING • GIS • TRAFFIC/ACOUSTICAL ENGINEERING

1601 Dove Street, Suite 290 • Newport Beach, CA 92660 • Phone: (714) 474-0809 • Fax: (714) 474-0902

1997 15:01

RKJK

4740902 P.02

Mr. Fred Leonard  
COX CONSTRUCTION  
October 7, 1997  
Page 2

In order to insure a proper operation, it is recommended that retail parking be utilized for the first floor garage area. Employees of the third floor office would utilize the second floor parking. Additionally, employees should be trained in utilizing the "lift" facility. Visitors to the third floor office would be provided with a call box and operating instructions for the "lift". They would call the office to assist them in operating the "lift" and gain access to their parking space on the second floor garage. Furthermore, the "lift" must be protected with a gate, cage or other structure that prevents vehicles or pedestrians from entering the open shaft area. This safety device must meet all building code requirements with respect to the "lift". The office manager of the third floor office would be given the keys for any vehicles parked in the tandem spaces. This would pertain to vehicles parked in spaces number 6 and 7 (lift). When a vehicles needs the lift, the person would go to the office manager and move the car appropriately.

RKJK would recommend that spaces number 2 and 3 on the first floor be made 22 feet long to facilitate parallel parking. Also, the compact spaces number 9 and 10 on the second floor should be made 17 feet long to improve access.

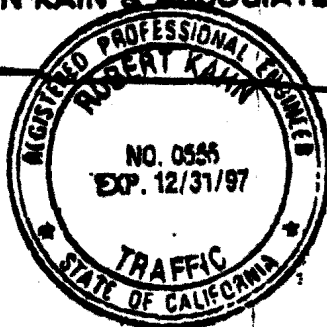
With these recommendations, the proposed operation at 328 Main Street, Seal Beach, should be adequate from the traffic access standpoint. On most occasions, the demand for parking internally will not fully utilize all spaces, and tandem spaces should be used only when demand for other spaces exceeds available capacity. If you have any questions regarding this or need further review, please give me a call at (714) 474-0809.

Sincerely,

ROBERT KAHN, JOHN KAIN & ASSOCIATES, INC.

  
Robert Kahn, P.E.  
Principal

RK:kgd/7317  
JN:988-97-001  
Attachments



5-97-196  
COASTAL COMMISSION

EXHIBIT # 5  
PAGE 3 OF 3

xc: Mr. Paul Geller, GEIJER ARCHITECTS