


CALIFORNIA COASTAL COMMISSION

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Filed: 12/24/97
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 Staff: Padilla/LB 
 Staff Report:
 Hearing Date: 2/3-6/98
 Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-85-177A2

APPLICANT: Edgemar Development AGENT: Lawrence & Harding

PROJECT LOCATION: 2415-2449 Main Street, Santa Monica

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Demolish 3 buildings (5,817 sq. ft.), partially demolish a structure and convert it to a 10,000 sq. ft. museum, rehabilitate and convert 2 other structures to a 2,800 sq. ft. restaurant and 7,850 sq. ft. of retail use, construct a 2 story retail (7,200 sq. ft.) and office (6,700 sq. ft.) structure for a project total of 34,550 sq. ft. of gross floor area and 100 on-site parking spaces.

DESCRIPTION OF FIRST AMENDMENT: Demolish and redesign the Main Street frontage retail structures, redesign of the two-story retail/office structure and adjacent retail structure, resulting in a 968-square foot increase in office space and a 746 square foot reduction of retail use. Thirty additional on-site parking spaces (including 24 aisle tandem spaces) will be provided.

DESCRIPTION OF PROPOSED SECOND AMENDMENT: Convert an existing 10,000 square foot museum within an existing mixed-use commercial complex into two non-profit performance theaters totalling 164 seats, add two artist lofts, add 177 square feet of outdoor dining area for an existing restaurant, and provide an additional 19 on-site parking spaces through the use of valet parking.

LOCAL APPROVALS RECEIVED: Approval In Concept;

SUBSTANTIVE FILE DOCUMENTS: Santa Monica Land Use Plan, certified with modifications.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development with the proposed amendment, subject to the conditions below, is consistent with the requirements of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval.

The Commission hereby grants a permit for the proposed development on the grounds that the development, as conditioned, 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 is in conformance with the public access and public recreation policies 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 Condition

1. Parking

With the acceptance of this permit, the applicant acknowledges that any change in the parking proposed under this permit, including but not limited to the elimination of the parking attendant service, a change in the hours of the parking attendant service, use of a shuttle service in conjunction with the use of off-site public parking lots, will require an amendment to this permit.

2. Amend condition (No. 5) of the Coastal Development Permit 5-85-177A by removing "museum use" and substituting "live theater use" to reflect the change in use:

Any change from the live theater use of the project will require a new Coastal Development Permit or amendment so that additional parking needs may be assessed.

3. Delete condition (No. 6) from Coastal Development Permit 5-85-177A:

6. The museum shuttle service to be operated during special museum events shall not use the Santa Monica State Beach parking lot during the peak beach use season (May 1 through September 15 of any given year).

NOTE: Unless specifically altered by the amendment, all conditions attached to the previously approved permit remain in effect (see Exhibit No. 1 for list of special conditions from 5-85-177A).

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description

The requested amendment involves converting an existing 10,000 square foot museum within an existing mixed-use commercial complex into two non-profit performance theaters totalling 164 seats, add two artist lofts, add 177 square feet of outdoor dining area for an existing restaurant, and provide an additional 19 on-site parking spaces through the use of valet parking for a total of 121 on-site parking spaces.

The proposed project is located in the northern section of Main Street in the Ocean Park area of Santa Monica. The site is two blocks east of the south Santa Monica State Beach and approximately 275 feet north of Ocean Park

Boulevard, the major east-west coastal access route which leads to the main entrance of the south beach at Barnard Way. The surrounding area is currently developed with commercial uses along Main Street to the north, south and west and residential development immediately adjacent to the east along Second Street. The City of Santa Monica's certified Land Use Plan designates the project site as Main Street Commercial.

B. Coastal Access

The proposed project is located on Main Street between Hollister Avenue and Ocean Park Boulevard. Main Street is approximately two blocks from the City's South Beach area. Main Street has evolved over the years from small scale neighborhood serving retail uses to trendy restaurants, art galleries, specialty-retail establishments and offices over ground floor retail. This recycling has caused parking shortages along Main Street and the surrounding areas due to inadequate on-site parking, and competition for street parking from visitors to Main Street, residents that live immediately east of Main Street where inadequate residential parking also exists, and from beachgoers that use the area for beach parking.

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and the availability of public access to the coast. Section 30252 of the Coastal Act requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act 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. . .

In addition, policy #20 of the Santa Monica certified Land Use Plan states in part that:

New development shall provide adequate parking to meet all demands created by the development . . .

Therefore, in order to conform to the requirements of the Coastal Act, the proposed project must provide adequate support parking in order not to negatively impact parking for beach parking.

As approved in 1985, and subsequently amended in 1986, the Commission approved the development of a 34,550 square-foot commercial mixed-use project on a 50,000 square foot lot with ground floor and subterranean parking. The uses within the development and the associated parking requirements are listed below:

<u>Existing Uses</u>	<u>Required Parking</u>
Museum 10,000 sq. ft.	40
Retail 14,304 sq. ft.	63

Office 7,668 sq. ft. 31

Restaurant 2,800 sq ft.
(1,300 sq. ft. of service area) 26

Total Spaces: 160 parking spaces

The Commission found, based on parking standards that were established by the Commission through hearing and voting on Coastal Development Permits, that the project would require 160 parking spaces to support the mix use project. However, the Commission further found that because of the mixed uses there was a potential for shared use of parking spaces within the mixed-use project which would effectively reduce the number of parking spaces needed. Moreover, based on the applicant's testimony, the Commission found that the commercial portion of the project and the parking reduction was the only means of economically providing a non-profit museum. Therefore, the Commission approved the project with 100 on-site parking spaces. To ensure that the parking deficiency was effectively mitigated the Commission imposed conditions of the permit to allow public parking on weekends, holidays and weekdays after 5:00 P.M.; participate in a parking, Car Pool and Transit Incentive Program; the museum shuttle service for special events shall not use the public beach parking lot during peak beach use season; and that any change in the museum use would require a new Coastal Development Permit so that additional parking needs may be assessed.

In 1986, the applicant applied for the first amendment to this development. The amendment involved a redesign of one of the structures, an increase of 968 square feet of office space and decrease of 746 square feet of retail, and the addition of 30 additional on-site parking spaces (including 24 aisle tandem spaces.

The amendment did not change the project's parking demand, and it was unclear to staff at that time why the applicant was proposing 30 additional parking spaces over the 100 required spaces. Since the 30 additional spaces were not enough to eliminate the parking deficiency caused by the proposed development the conditions of the original permit to mitigate the adverse impacts on coastal access were retained. Since the additional parking was not needed and was not a condition of the original permit, or the amendment, the applicant provided only 2 additional parking spaces for a total of 102 on-site spaces.

The proposed amendment (second) will replace the existing 10,000 square foot museum with two live theaters (with a total of 164 seats) and two artist lofts, and add 177 square feet of outdoor dining for the existing restaurant within the courtyard of the commercial development.

Based on Commission parking standards the proposed uses will require the following parking demand:

<u>Proposed Uses</u>	<u>Commission Parking Requirement</u>	<u>Required Parking</u>
Live Theater (164 seats)	1 spaces per 3 seats	55
Artist Lofts	2 spaces per unit	4

Restaurant addition (177 sq. ft. service area)	1 space per 50 sq. ft.	<u>4</u>
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Spaces Required for New Uses: 63

Previous Use to be replaced

Museum (10,00 sq. ft.)	1 space per 250 sq. ft.	<u>40</u>
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Net Total Spaces: 23

Based on the existing use (museum) to be converted and the Commission's parking standards the proposed new uses will increase the number of parking spaces required by 23 parking spaces. The applicant is proposing to provide 19 additional on-site parking spaces through stack parking with valet parking. Therefore, the proposed project will be deficient 4 parking spaces based on the Commission's parking standards.

In the original project the Commission found that the project could be approved with a parking deficiency (based on Commission parking standards) because the mix of uses would allow a shared use of the parking and that the commercial portion of the project and the parking deficiency was the only economical way to provide a non-profit museum which would provide a public benefit. The proposed live theater will continue the non-profit use as was the case with the museum (as a non-profit the theater has been granted exempt status by the Internal Revenue Service). The theater will be run by the Loretta theatre group. According to the theater's Executive Director, Ms. Corbett Barklie, the project will provide a much needed theater in the area for the artists involved in the Loretta theatre group and other artists in the area.

As with the original mix of uses the proposed mix will also contribute to shared use of the parking facilities, thereby reducing the parking demand. The theater will have performances in the evening with starting times approximately 7:30 P.M. or 8:00 PM. At this hour the parking demand for the office use within the complex is nominal, thereby freeing up parking that was needed for the office use for the evening uses. In addition, customers of the restaurant within the complex may also attend the theater. Furthermore, the proposed theater is intended to serve not only the larger community, but also the local neighborhood. Therefore, there is a possibility that the theater will attract walk-in patrons from the general neighborhood and since the project is located along the Main Street visitor-serving commercial corridor patrons that are dining or shopping along Main Street and parking in the public lots could also walk-in.

Furthermore, to support businesses along Main Street the City provides public parking within three parking lots located one block west of Main Street. The closest lot to the proposed site is Parking lot No. 11. The Lot is located approximately one-half block west of the proposed site, between Hollister Avenue and Ocean Park Boulevard. The lot provides a total of 135 parking spaces. The parking analysis that was prepared for this project included a parking utilization study for Lot No. 11. The study was conducted in October 1996. The study indicated that, depending on time of day 41 to 91 spaces are available. The study concedes that during peak summer season, there is enhanced demand for parking near the beach and coastal communities.

Therefore, usage of Lot No. 11 will be greater than the survey conducted in October.

Summer peak beach use is generally during the weekend between 11:00 A.M. and 5:00 P.M. During the summer weekends, when parking demand is at its greatest, on-site parking deficiencies could adversely impact beach parking within the public lots. However, the proposed theater will consist of two separate theaters, a 99 seat and a 65 seat theater. Generally these two theaters will not operate at the same time. However, assuming concurrent operation of the two theaters during the peak period beach use (summer weekends) the parking analysis states that based on shared use of the on-site parking and the availability of stack parking with valet service, providing a total of 119 spaces, there will be adequate parking on-site to support the new uses. Further, most of the theaters performances will be held in the evening hours (starting at 7:30 or 8:00 P.M.) During the evening beach use is not significant and will not be impacted by commercial patrons that may park in the public lots. Moreover, the analysis also states that the parking within the public lot would not be needed by the project except possibly during special events that are held at either the restaurant or theater.

As a condition of the City's permits the applicant is required to provide valet service after 7:00 P.M. daily and anytime the theater space is in operation for performances or workshops. To ensure that the project will continue to provide adequate parking and that the project will not have an adverse impact on beach access, a special condition is necessary to ensure that the applicant is aware that any change in the number of parking spaces, the elimination of the parking attendant service, or a change in the hours of the attendant service, will require an amendment to this permit.

Moreover, in the original Coastal Development Permit and amendment (first) a special condition requiring that the museum shuttle service shall not use the beach parking lot during peak beach use season (May 1 through September 15) was imposed on the project. The shuttle service was not required by the Commission for mitigating the project's parking impact. The City, in their permit approvals, originally required the shuttle during special events. With the elimination of the museum the City is no longer requiring the shuttle service. Therefore, the special condition imposed on Coastal Development Permit 5-85-177 and the first amendment is no longer necessary and is deleted as a condition. However, in the event that the City requires a shuttle in the future an amendment will be necessary in order to reassess the public access impacts. Another condition required a new permit if the museum use changed. This condition is being revised to pertain to any change from the live theater use will require a new permit or amendment.

As conditioned the project will provide sufficient parking to meet the Commission's parking requirements and will ensure that any future changes will require Commission review. The Commission, therefore, finds that the proposed project will not adversely impact access and will be consistent with Section 30252 of the Coastal Act and with the policies of the City's certified Land Use Plan.

C. Local Coastal Program

(a) 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.

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 certified Land Use Plan designated the proposed site as Main Street Commercial. Under the City's current zoning the proposed new uses are permitted uses and consistent with Land Use Plan designation. As proposed the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the proposed project 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).

D. CEQA

Section 13096(a) 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.

There are no negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

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EXHIBIT NO. <i>1</i>
Application Number <i>5-85-177A2</i>
<i>Special Conditions</i> <i>of Original Permit</i>
California Coastal Commission <i>Amendment #1</i>

III. SPECIAL CONDITIONS:

The permit is subject to the following special conditions:

1. Prior to transmittal of permit, the applicant shall submit revised plans, subject to the review and approval of the Executive Director, that show at least 100 (one hundred) on-site parking spaces or parking at the rate of one parking space per 225 square feet of retail use, 1:250 square feet for general office use and 1:50 square feet of service area of restaurant use.

2. Public Parking.

Prior to the transmittal of a permit, the applicant shall submit to the Executive Director a deed restriction for recording free of prior liens, except for tax liens, and free of prior encumbrances, that binds the applicant and any successors in interest. The form and content of the deed restriction shall be subject to the review and approval of the Executive Director. The deed restriction shall provide that the parking spaces provided by this project shall be open for public parking on weekends, holidays and weekdays after 5:00 p.m. Public use of the parking spaces shall not prevent the project's employees or tenants parking. If a parking fee is charged, the rate shall not exceed the rate charged in Public Beach Parking Lot No. 2500.

3. Signing.

Prior to the transmittal of a permit, the applicant shall submit plans for a signing program which announces the availability of the parking area for public use during the times specified in Condition 1 above. The signing program shall be subject to the review and approval of the Executive Director. The signs should, at a minimum, be posted in conspicuous locations on the applicant's approved structure and should clearly state the times of availability to the public.

4. Parking, Car Pool and Transit Incentive Program.

Prior to issuance of a permit, the applicant shall record, free of all prior liens and encumbrances except for tax

liens, a deed restriction or other suitable document, the form and content of which shall be subject to the review and approval of the Executive Director of the Commission, binding the applicant, landowners and successors in interest and assuring the following:

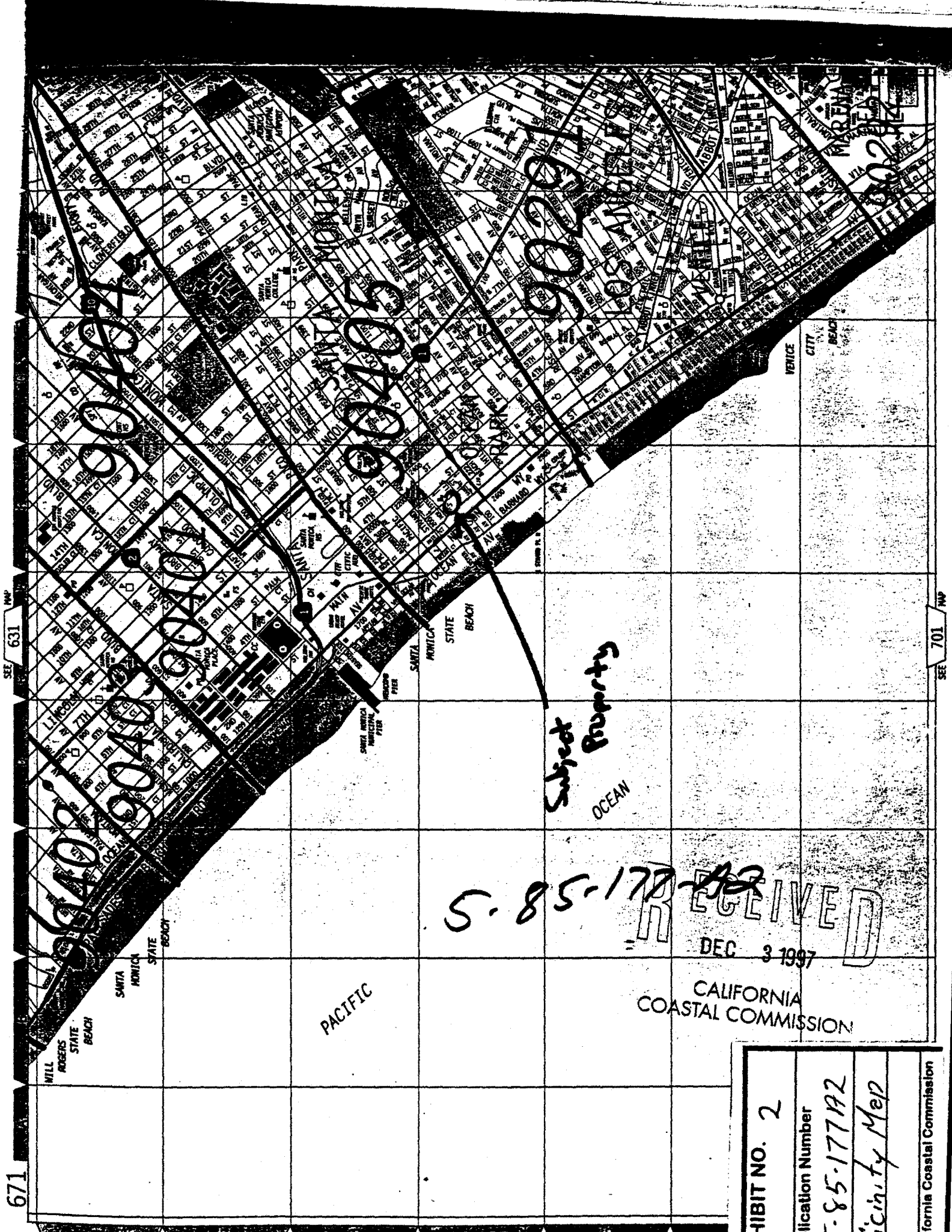
- a. The applicant shall implement a car pool incentive program which shall be in effect for at least a 30-year period. The system, subject to the review and approval of the Executive Director, shall offer a discount in parking rates of no less than 33 percent to cars containing at least three employees. Appropriate measures acceptable to the Executive Director shall be included to assure that employees utilizing the car pool program are given locational preference for parking within the garage.
- b. A public transit fare reimbursement program shall be implemented by the applicant. The system shall be in effect for at least a 30-year period. The applicant shall provide for full reimbursement to 100 percent of the projected employees of the leased commercial retail, office, restaurant, and museum areas of the buildings for costs of utilizing public transit for transportation to and from the building.
- c. The applicant shall provide, free of charge, space within the subterranean garage in a preferred location an exclusive, secure bicycle parking area for at least 10 bicycles.
- d. The applicant shall submit evidence of the use of a valet parking service if tandem stalls are proposed in the parking area. If the valet parking service is discontinued, the applicant shall provide suitable replacement parking subject to the review and approval of the Executive Director.
- e. The applicant shall implement a publicity program subject to the review and approval of the Executive Director that indicates how the future occupants of the development will be made aware of the Parking Car Pool and transit Incentive Program. The publicity program shall be implemented during the first month of occupancy of the new structures.

Delete 5.

Any change from the museum use of the project will require a new Coastal Development Permit so that additional parking needs may be assessed.

Delete

6. The museum shuttle service to be operated during special museum events shall not use the Santa Monica State Beach parking lot during the peak beach use season (May 1 through September 15 of any given year).
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Subject Property

5-85-177-92
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EXHIBIT NO. 2

Application Number

5-85-17792

Vicinity Map

California Coastal Commission

SEE 631 MAP

SEE 701 MAP

671

SEE 671 MAP

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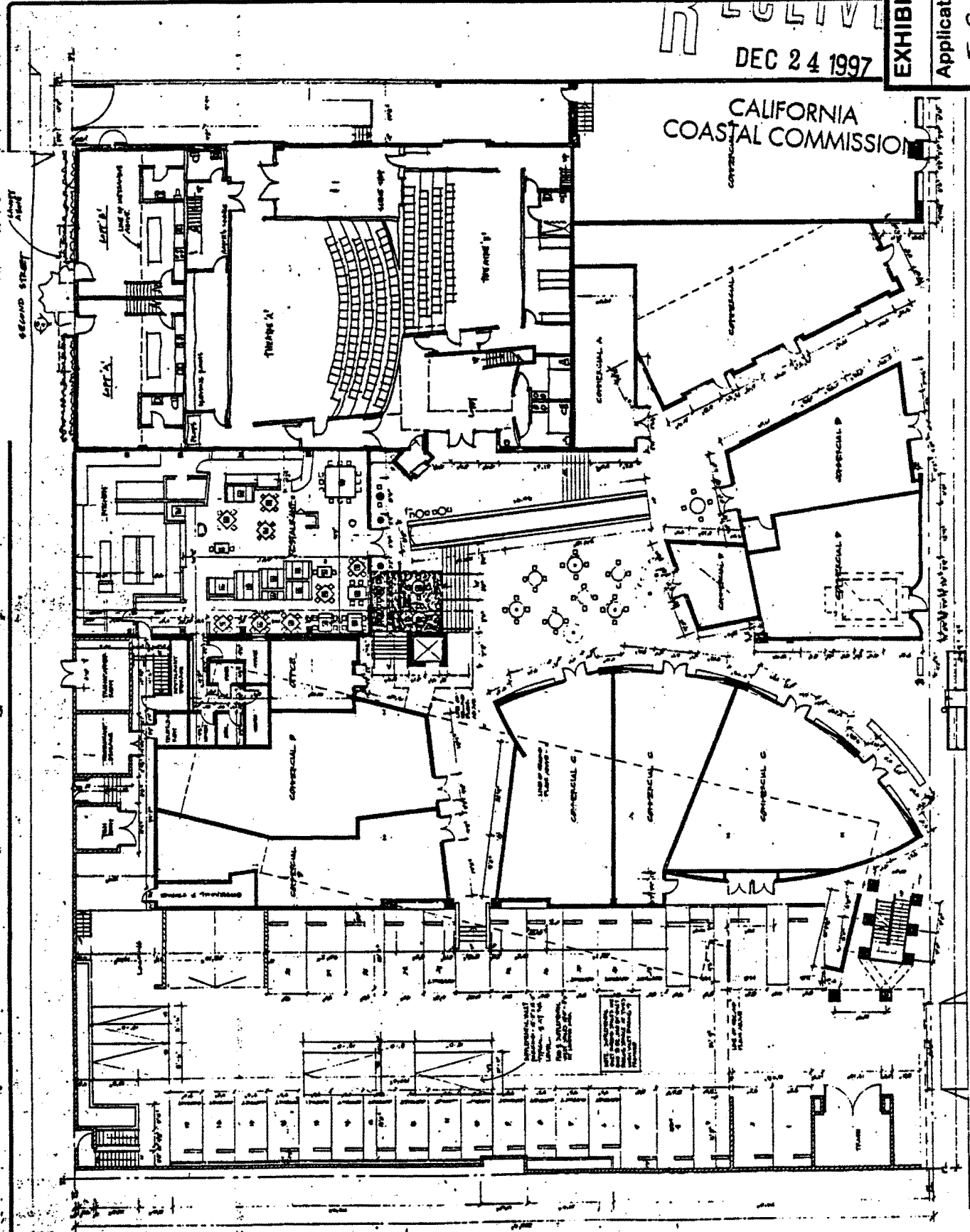
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EXHIBIT NO. 3
Application Number
5-85-177A2
Grand Floor Plan

Koning
Eisenberg
Architects

EDGEMAR
DEVELOPMENT
2825 MAIN STREET
SANTA MONICA
CA 90405

NO.	DATE	DESCRIPTION
1	12/24/97	RECEIVED
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GRAND FLOOR PLAN

NO.	DATE	REVISION

Koning
Eisenberg
Architecture

2825 MAIN STREET
SANTA MONICA
CA 90405

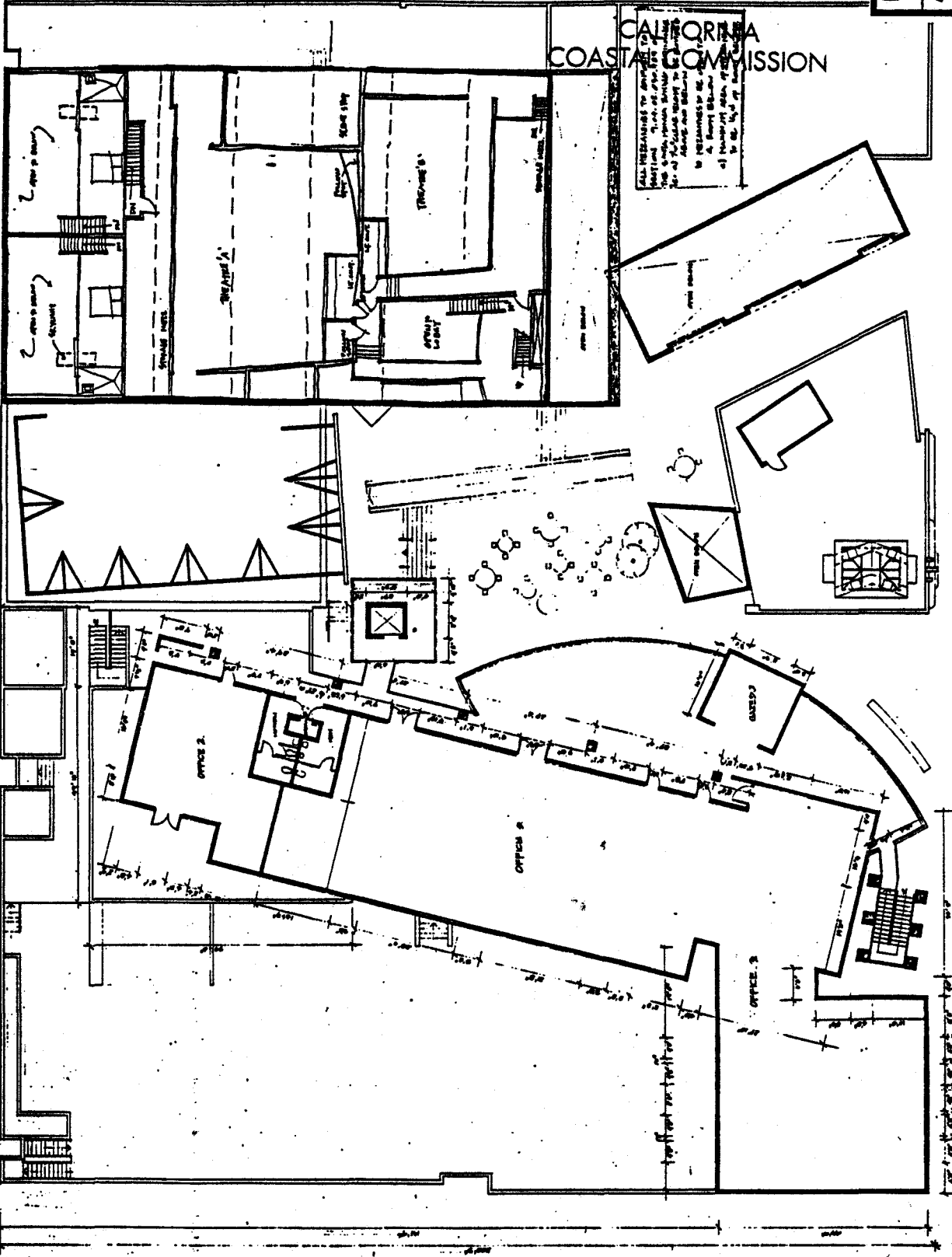
EDGEMAR
DEVELOPMENT

Scale: 1/8" = 1'-0"
Drawing Date: 12/15/97
Drawing Title: SECOND FLOOR PLAN

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EXHIBIT NO. 4
Application Number
5-85-177A2
Second Floor Plan

CALIFORNIA
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ALL DRAWINGS TO BE USED IN CONNECTION WITH THE APPLICATION FOR A PERMIT TO CONSTRUCT. THE DRAWINGS ARE THE PROPERTY OF KONING EISENBERG ARCHITECTURE AND SHALL BE KEPT IN THE OFFICE OF THE ARCHITECT. NO PART OF THESE DRAWINGS IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF KONING EISENBERG ARCHITECTURE.

SECOND FLOOR PLAN
12/15/97

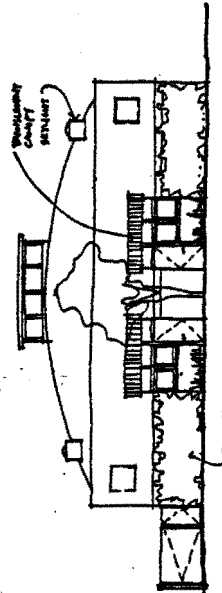
Koning
Ehrenberg
Architecture

3425 MAIN STREET
SANTA MONICA
CA 90405

EDGEMAR
DEVELOPMENT

DATE: 12/15/97
DRAWN BY: [illegible]
CHECKED BY: [illegible]
SCALE: 1/8" = 1'-0"

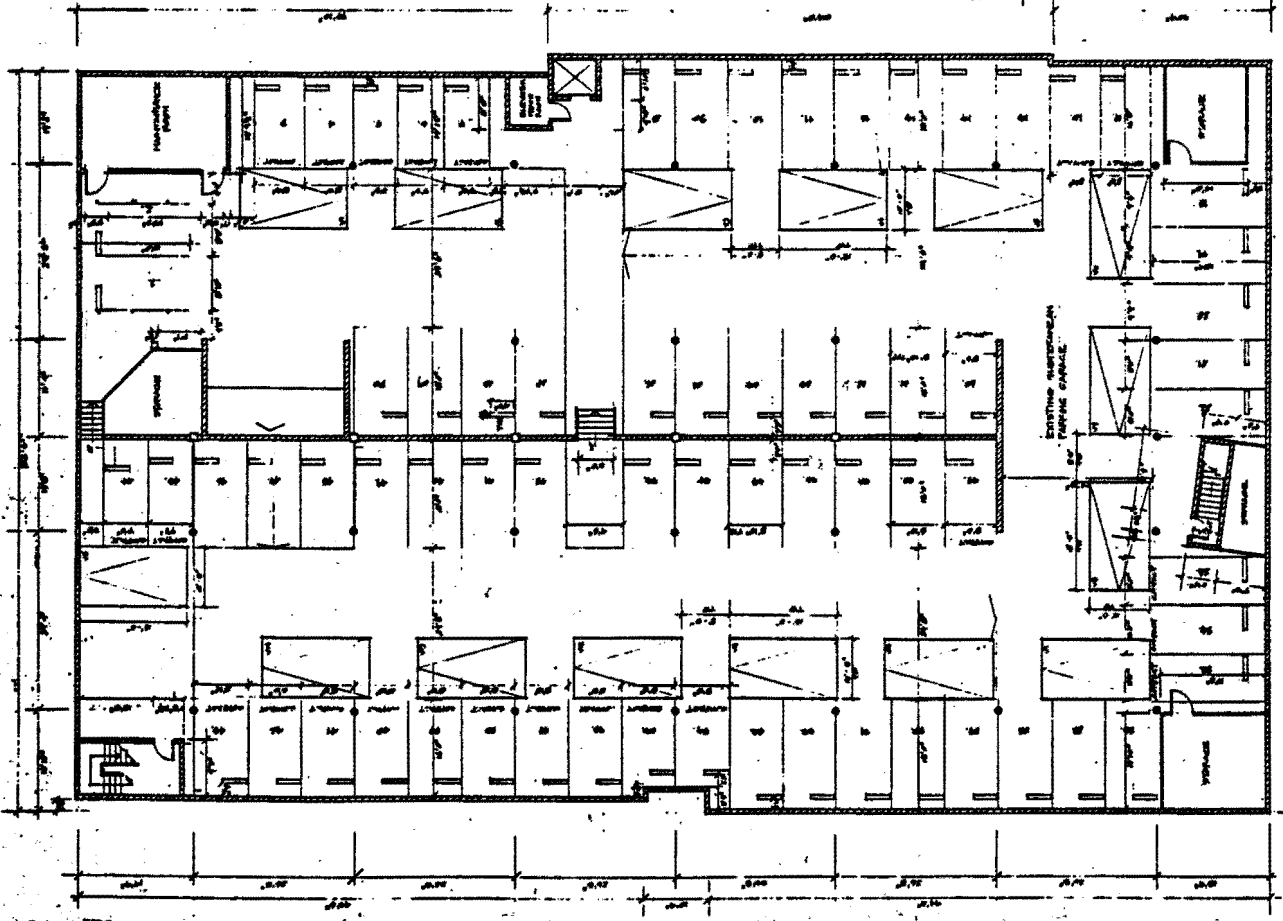
EXHIBIT NO. 5
Application Number
5-85-177A2
Basement Parking
Plan
California Coastal Commis...



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BASEMENT PLAN



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UNLESS OTHERWISE NOTED

