

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Th82

Filed: July 10, 1998
49th Day: August 27, 1998
180th Day: Jan. 5, 1999
Staff: SFR-LB
Staff Report: July 23, 1998
Hearing Date: August 11-14, 1998
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-98-177

APPLICANT: Suzanne Finnemore

AGENT: Eric Mossman

PROJECT LOCATION: 417 and 419 31st Street, City of Newport Beach,
County of Orange

PROJECT DESCRIPTION: At 417 31st Street, the conversion of 420 sq. ft. of ground floor office space to a two car garage. The removal of an existing driveway and its replacement with a sidewalk. On the adjacent vacant parcel at 419 31st. Street, the construction of a 3068 sq. ft. 31 ft. high three story mixed use building. The bottom floor consists of 1000 sq. ft. of space that will be used for commercial purposes. The second and third floors constitute a single family dwelling totaling 2068 sq. ft. The second story totals 1538 sq. ft. The third story totals 530 sq. ft. A 370 sq. ft. two car garage is attached to the bottom floor. A total of six parking spaces are proposed. The implementation of a parking management program. One of the parking spaces would straddle the property line separating the two lots.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with three special conditions. The major issue of this staff report is the provision of adequate parking and manageability of the parking plan. Special conditions contained in this staff report to address the parking issue concern: future development, City approval of off-site parking, and conformance with parking and signage requirements.

LOCAL APPROVALS RECEIVED: Approval in Concept 760-98 (Amended)
from the City of Newport Beach.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use
Plan. Coastal development permits 5-97-249 (Weeda) and 5-98-048 (La
Quinta Homes)

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 construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application, or in the case of administrative permits, the date on which the permit is reported to the Commission. Construction 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 construction 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 of the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, 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. Future Development

Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction for each lot, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in coastal development permit number 5-98-177; and that any future additions or other development as defined in Public Resources Code Section 30106 shall require an amendment to permit 5-98-177 or will require an additional coastal development permit from the California Coastal Commission or from its successor agency.

The document shall run with the land binding all successors and assigns and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. City Approved Off-site Parking Agreement

Prior to issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, written verification that the City of Newport Beach has approved the required off-site parking agreement. Any substantial change of the parking arrangement as submitted to the Executive Director shall require either and amendment to this permit or a new coastal development permit.

3. Conformance to Signage and Parking Requirements

The approved parking program shall be constructed and implemented in compliance with the final plans as approved by the Executive Director for both 417 and 419 31st Street. The signs advising customers of the availability of parking shall be clearly visible and shall be maintained. The two spaces closest to the structure at 419 31st Street shall be reserved for employee parking. Any deviations from the plans shall require a Coastal Commission approved amendment to this permit, or written concurrence from the Executive Director that the deviation is not substantial and therefore a permit amendment is not needed.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Location

The proposed project covers two adjacent legal lots in the Cannery Village/McFadden Square Specific Plan area of the City of Newport Beach, County of Orange (Exhibit 1). The Cannery Village area is located between 32nd Street and 26th Street on the Balboa peninsula. It is a mixed use area, with commercial, industrial, and residential uses. The majority of the development will be occurring on the lot located at 419 31st Street. The City of Newport Beach has designated the Cannery Village area for a mixture of retail and commercial uses. The land use classification is "Retail and Service Commercial". In this district residential development is allowed on the second floor in conjunction with ground floor commercial usage.

At 417 31st Street, the applicant is proposing to convert 420 sq. ft. of ground floor office space to a two car garage (Exhibits 2 and 3). The existing structure is a pre-Coastal Act two story mixed use building consisting of approximately 1800 sq. feet of office and retail use on the ground floor and two residential units on the top floor. The existing structure does not have any on-site parking. The

existing unused drive approach and curb drain will be removed and replaced with curb, gutter, and sidewalk along the 31st Street Frontage.

At 419 31st Street, the applicant proposes to construct on a vacant lot a 3068 sq. ft. 31 ft. high three story mixed use building (Exhibits 2, 3 and 4). The bottom floor consists of 1000 sq. ft. of space that will be used for commercial purposes. Commercial uses on the bottom floor consist of 775 sq. ft. hair saloon and a 225 sq. ft. artist studio. The second and third floors constitute a single family dwelling totaling 2068 sq. ft. The second story totals 1538 sq. ft. The third story totals 530 sq. ft. A 370 sq. ft. two (tandem) car garage is attached to the bottom floor.

A total of six parking spaces are proposed. Five of the parking spaces will be provided on-site at 419 31st Street. The remaining space will be sandwiched between 417 and 419 31st Street and would straddle the property line between these two lots. The applicant has obtained City approval for the use of this off-site parking space at a Planning Commission meeting held on July 23, 1998. This approval, however, is not final pending the outcome of a local appeal process. The City's staff report is attached as Exhibit 6. Special conditions 10,11,12 were deleted. Special condition number 9 was revised to only require a two car garage and special condition number 5 was revised to eliminate the requirement for a five foot setback.

The site plans submitted with the application (Exhibit 3) are annotated with notes describing the parking management plan which the applicant intends to implement for 419 31st Street. The front of the store will be posted with a sign advising patrons that parking is available in the rear. Additionally the two spaces closest to the structure will be reserved for employees from 8:00 AM to 6:00 PM from Tuesday through Saturday.

Though the lot at 419 31st Street is currently undeveloped it is being used for parking. According to the applicant the site contains approximately five parking spaces and these parking spaces are not reserved for the existing building at 417 31st Street. Commission staff visited the project site last month on a Sunday in the early afternoon and observed that there was plenty of on-street parking.

B. New Development and Public Access

The project site is on the Balboa Peninsula which is major tourist area in the City of Newport Beach. Further, the project is located in the Cannery Village/McFadden Square Specific Plan area which has been designated for a mixture of retail and commercial uses to promote marine and visitor serving commercial types of development. Second story residential development is permitted in conjunction with ground floor commercial uses.

One of the strongest legislative mandates of the Coastal Access is the preservation of coastal access. Section 30211 of the Coastal Act mandates that development shall not interfere with the public's right of access to the sea. Section 30252 of the Coastal Act requires that new development should maintain and enhance public access to the coast by providing adequate parking. When new 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 coast. The project site is very close to Newport Boulevard which is a major arterial route for public access to the coastal opportunities located on the Balboa Peninsula and it is close to the water (approximately 1000 feet from the ocean and about 800 feet from Newport Bay). A lack of public parking discourages visitors from coming to the beach and other visitor serving activities in the coastal zone. The lack of parking would therefore have an adverse impact on public access. All private development must, as a consequence provide adequate on-site parking to minimize adverse impacts on public access.

In this case, the applicant proposes two types of uses on-site. First, a commercial component which consists of a hair salon and an artist studio that will be located on the ground floor. The second use is residential which would be located on the second and third floors. The Commission's guidelines suggest that for general retail uses (which and artist studio would fall under) that parking should be provided at one space for every 225 sq. ft. For beauty shops the Commission's guideline suggest three spaces for the first two seats. For residential dwellings the Commission regularly requires two parking spaces for each unit. Applying this criteria results in a parking demand of 1 space for the 225 sq. ft. artist studio, three spaces for the beauty salon, and two spaces for the residential unit for a total of six spaces.

Though six spaces are proposed by the applicant, due to site constraints and the City's requirement that one space be handicapped accessible, one of the spaces is actually being provided off-site (Exhibit 3). The off-site parking will be located between the existing building located at 417 31st Street and the new building at 419 31st Street and will straddle the property line. The applicant however has not received final City approval (Exhibit 5) for this off-site parking arrangement. To accommodate this parking arrangement, the applicant modified the original project proposal to include the structure at 417 31st Street so that an exterior wall of 417 could be moved 2 1/2 feet to enlarge the area to be used for the sixth parking space. The applicant also modified the project to convert 420 sq. ft. of existing ground floor office space to a two car garage. The conversion of office space to garage is beneficial as it would reduce the parking demand of the pre-coastal structure at 417 31st Street while also supplying two parking spaces for existing residential development which currently has no on-site parking. The applicant currently allows parking on the adjoining lot (419 31st) on a first come first served basis.

Though the parking proposed by the applicant is adequate, there are two major concerns regarding the feasibility of the parking arrangement. Exhibit 3 shows the site plan including parking. First, one space is being provided through a parking space that straddles the property line between 417 and 419 31st Street. Currently both properties are owned by the same person, in this case the applicant. However, in the future one of the properties may be sold and the new owner may not want that space used for parking. Moreover, a new owner may also wish to change the mix of commercial and residential development requiring that the parking situation be reassessed.

Second, the proposed parking arrangement provides tandem parking spaces which makes ingress and egress difficult. For example the handicapped accessible parking space will block the ability of the vehicles to exit or enter the two spaces closest to the structure at 419 31st Street. Finally, the parking spaces are located in the back of the proposed building off an alley. Consequently the availability of the parking is not very obvious.

To assure that the proposed parking would be utilized by customers, the applicant has included a signage plan. The front of the building will be posted with a sign that informs the public of parking available in the rear. To assure that the handicapped accessible space minimizes adverse impacts, the two parking spaces closest to the structure will be reserved for employees since they will be on-site during normal business hours.

To guarantee that adequate and useable parking as proposed by the applicant is maintained consistent with Section 30252 of the Coastal Act the Commission finds it necessary to impose three special conditions to require that the applicant: 1) shall submit, prior to issuance of this permit, written confirmation that the City has approved the off-site parking space as submitted to the Commission. If the City's approval results in a substantial change to the plan as submitted to the Commission then an amendment to this permit or a new permit shall be required. 2) That the applicant, prior to issuance of this permit, shall record a future improvements deed restriction on both properties so that future development can be evaluated, and 3) that the applicant comply with the proposed parking plan as submitted. It is also noted that the local government is requiring the applicant for the property at 417 31st Street to remove an existing un-used drive approach and replace it with a curb, gutter, and sidewalk along the 31st Street frontage. These measures will also minimize any adverse impacts of the proposed unconventional parking plan. Thus as conditioned to comply with the signage and parking plan, to submit City approval of the off-site parking, and for a future improvements deed restriction does the Commission find that the proposed development would be consistent with the development and public access policies 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 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was certified on May 19, 1982. The project as conditioned is consistent with the Chapter 3 policies of the Coastal Act. The proposed development will not prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

D. California Environmental Quality Act

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)(A) 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 effect which the activity may have on the environment.

The project is located in an existing urbanized area. The proposed development has been conditioned to assure that the project will not have a significant adverse impact on coastal access and has been conditioned to: comply with the parking management program submitted, to record a future improvements deed restriction, and to obtain City approval for the off-site parking space. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. The project as proposed is the least environmentally damaging alternative. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

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COASTAL COMMISSION

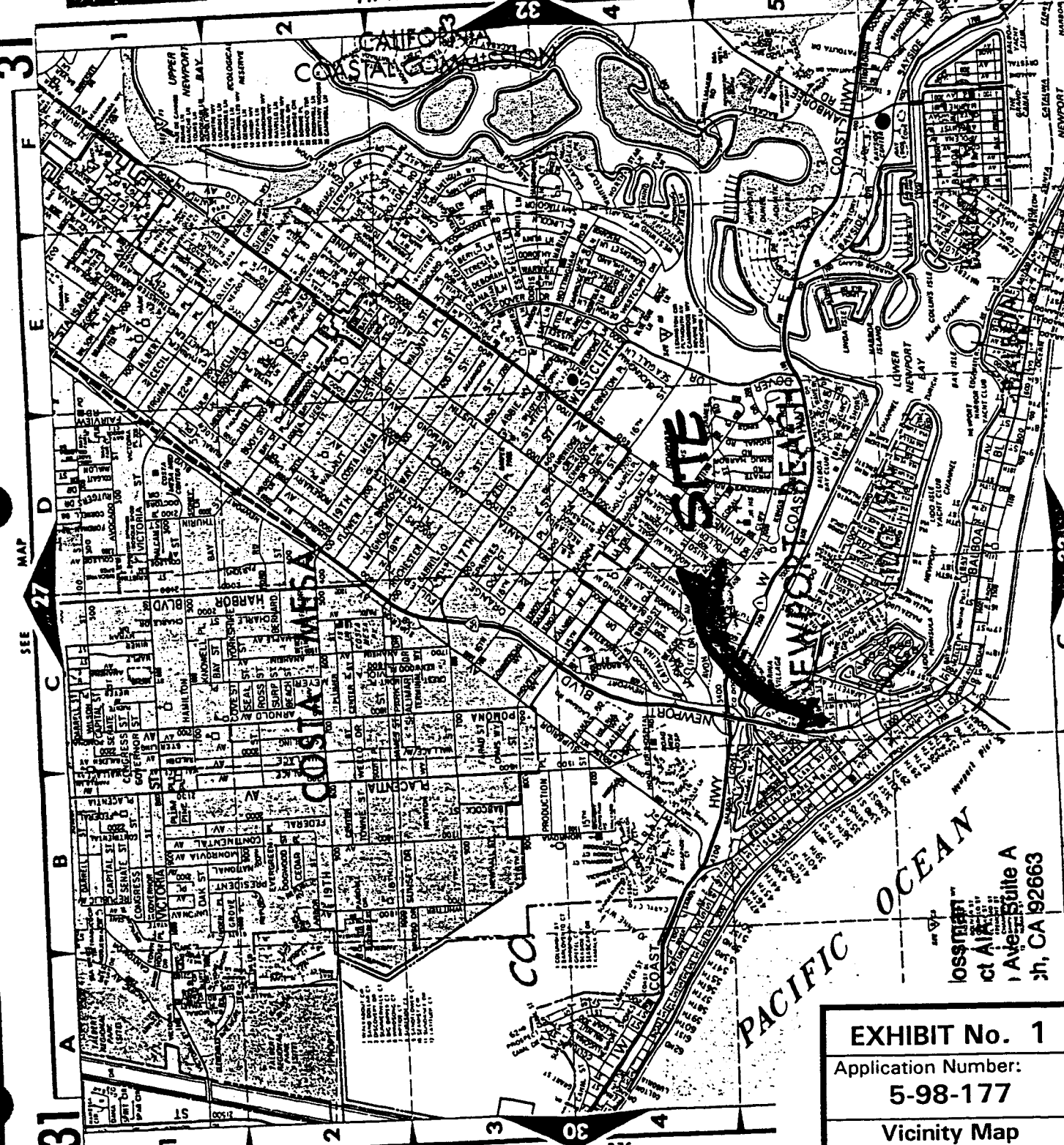


EXHIBIT No. 1

Application Number:

5-98-177

Vicinity Map

California Coastal
Commission

Los Alamitos
City of Alamitos
1 Ave. Suite A
Alhambra, CA 91803

PROJECT: FIDAMORE 410 21st St. NEWPORT BEACH

VILLA

WAY

7-04

STREET

(WASHINGTON ME.)

THIRTY-SECOND

STREET

THIRTY-FIRST

STREET

THIRTIETH

STREET

TWENTY-NINTH

EXHIBIT No. 2

Application Number:

5-98-177

Location Map

California Coastal Commission

05

1" = 60'

BOULEVARD

NEWPORT BOULEVARD

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 47 PAGE 04 COUNTY OF ORANGE

LANCASTER'S ADD. PARCEL MAP

M.M. 5-14
P.M. 92-40
P.M. 94-7 (STREET ONLY)

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MARCH 28 1998

CALIFORNIA COASTAL COMMISSION

5-98-177

96

423-11

LANCASTER'S

b1h
L1h

P.M. 226-16

P.M. 92-40
PAR. 1
0.188 AC

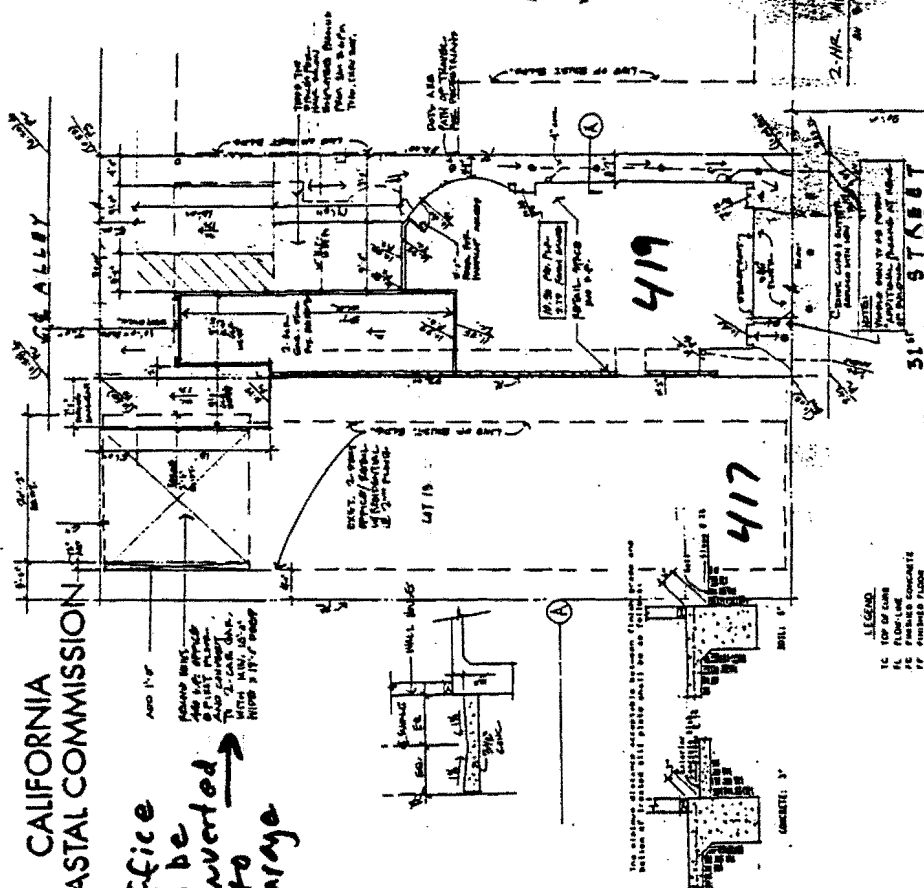
ADD. 22.31'

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JUL 2 1998

CALIFORNIA
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off site
Parking

Office
to be
converted
to
garage



SITE/GRADING

LEGEND
1. TOP OF CURB
2. FLOOR LINE
3. FINISHED FLOOR
4. TOP OF WALL
5. CENTERLINE
6. EXISTING GRADE
7. TO TOP PLANT
(+/-) ELEVATION
8. EXISTING GRADE
9. EXISTING GRADE

EXHIBIT No. 3

Application Number:

5-98-177

Site Plan

California Coastal
Commission

**California Coastal
Commission**



CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915

COMMUNITY AND ECONOMIC DEVELOPMENT PLANNING DEPARTMENT

(714) 644-3200

July 1, 1998

California Coastal Commission
P.O. Box 1450
200 Oceangate
10th Floor
Long Beach, CA 90802-4416

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JUL 2 1998

CALIFORNIA
COASTAL COMMISSION

ATTENTION: Steve Rymas

SUBJECT: 419 31st Street

Dear Mr. Rymas:

Per our conversation on July 1, 1998, the City of Newport Beach Planning Department has set for public hearing before the Planning Commission a request for an Off-Site Parking Agreement and Modification to the Zoning Code to resolve parking issues for the above referenced proposed project.


The public hearing is scheduled for July 23, 1998 and Approval In Concept No. 760-98 has been amended to reflect a new parking configuration. The applicant, Suzanne Finnemore, is requesting that the Coastal Commissions schedule this project for the Commission's August meeting contingent upon approval by the Newport Beach Planning Commission of the Off-Site Parking Agreement and Modification.

If you have any further questions or require additional information, please do not hesitate to contact me at (949) 644-3208.

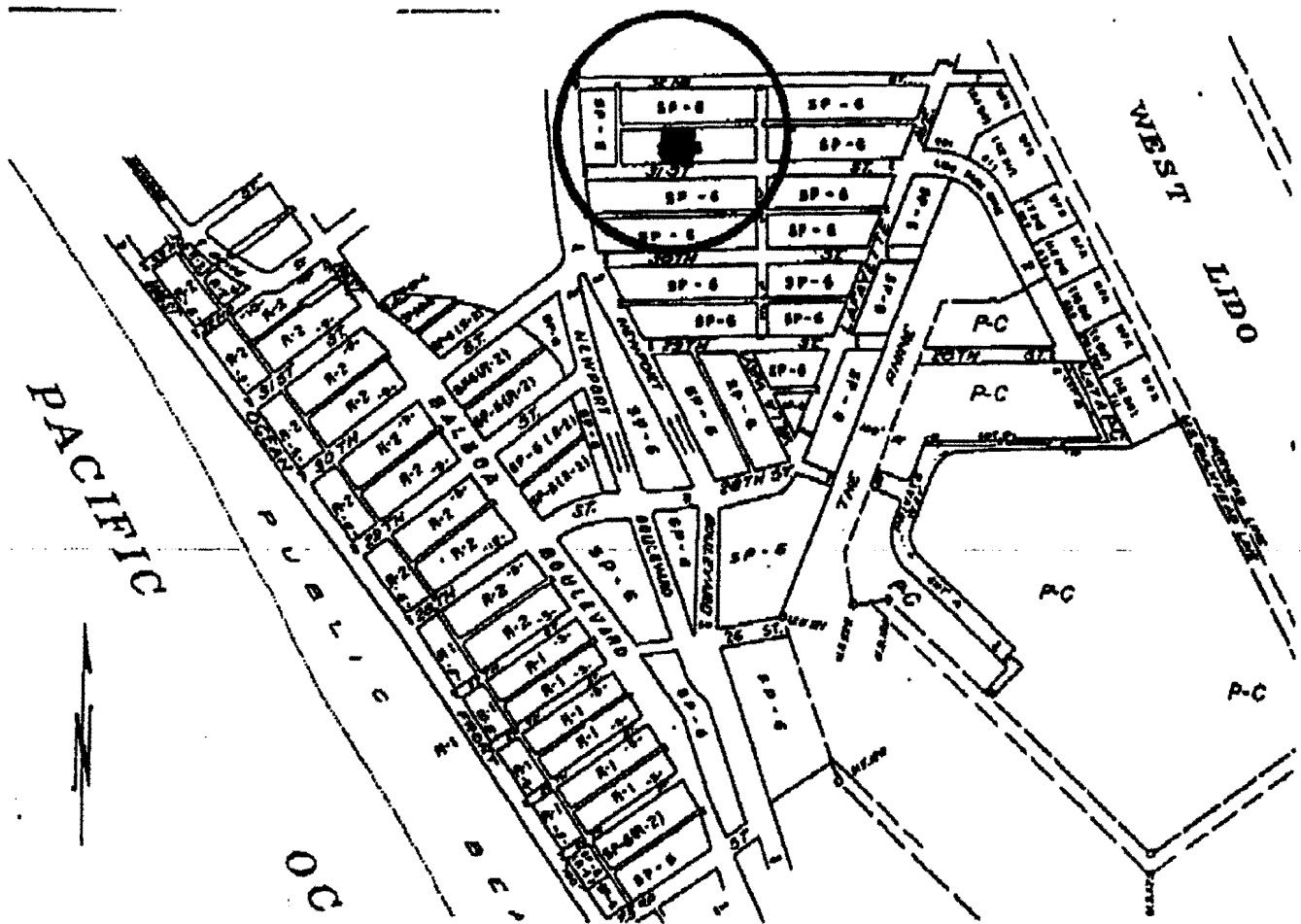
PLANNING DEPARTMENT

BY Eugenia Garcia
Eugenia Garcia
Associate Planner

Cc: Suzanne Finnemore

EXHIBIT No. 5
Application Number: 5-98-177
City Letter
 California Coastal Commission

VICINITY MAP



Off-Site Parking Agreement and Modification No. 4748.

Subject Property and Surrounding Land Uses

Current Development:	Is a vacant lot.
To the north:	Are commercial and mixed-use buildings
To the east:	Are commercial and mixed-use building
To the south:	Across 31 st Street are commercial and mixed-use buildings
To the west:	Are commercial and mixed-use buildings and Newport Blvd.

EXHIBIT No. 6

Application Number:

5-98-177

City Staff Report



California Coastal
Commission



CITY OF NEWPORT BEACH
COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92658
(714) 644-3200; FAX (714) 644-3250

Hearing Date:	July 23, 1998
Agenda Item No.:	82
Staff Person:	Eugenia Garcia
Appeal Period:	644-3208 14 Days

REPORT TO THE PLANNING COMMISSION

SUBJECT: Off-Site Parking Agreement, Suzanne Finamore (applicant)
417 and 419 31st Street

SUMMARY: Request to approve an Off-site Parking Agreement in conjunction with the construction of a new, mixed-use commercial project. Also requested is a modification to the Zoning Code to permit tandem parking spaces for commercial use.

REQUIRED APPROVALS: Approve, modify, or deny:

- Off-Site Parking Agreement
- Modification No. 4749

LEGAL DESCRIPTION: Lots 13 and 14, Block 431, Lancaster's Addition to Newport Beach

ZONE: SP-6 (Cannery Village/McFadden Square Specific Plan Area)

OWNER: Suzanne Finamore

Points and Authority

- Conformance with the General Plan and the Local Coastal Program
The Land Use Element of the General Plan and the Local Coastal Program Land Use Plan designate the site for "Specialty Retail" land use. Mixed-use commercial is a permitted use within this designation.
- Environmental Compliance (California Environmental Quality Act)
It has been determined that the project is categorically exempt under Class 5 (Minor Alterations in Land Use Limitations).
- Modification and Off-Site Parking procedures and requirements are set forth in Chapters 20.93 and 20.66 of the Municipal Code.

Post-It® Fax Note	7671	Date	7/23	# of pages	7
To	5000 Rymas	From	Janet Johnson		
Co./Dept.	City of Newport Beach	Co.	Newport Beach		
Phone #		Phone	(949) 644-3200		
Fax #	(562) 590-5084	Fax #			

Use Permit No. 1412 Amended
July 23, 1998
Page 2

Project Description

The subject property is currently vacant. The proposed project is a mixed-use commercial/residential building with 1,000 sq. ft. of retail space located on the first floor and 1,538 sq. ft. of residential living space on the second floor. Under the proposed parking arrangement, the residential portion of the project will be provided with 2 enclosed tandem parking spaces, and the commercial area, which requires 4 parking spaces, will provide 3 on-site spaces and 1 space that overlaps the common interior property line between 417 and 419 31st Street. An Off-Site Parking Agreement is required for the 1 parking space between the properties and will hold the property at 417 31st Street in perpetuity. Both properties are under the same ownership.

The project had originally been proposed with 4 commercial tandem parking spaces on-site, with access from the rear alley, and a two-car garage for the residential use. During the plan review process, the applicant became aware of the requirement for handicap parking. As a result, the parking configuration was redesigned and in order to accommodate the handicap parking space, it was necessary to secure 1 parking space from an off-site location.

Analysis

Off-Site Lot

The property at 417 31st Street is developed with a two-story mixed-use commercial building with no on-site parking. The applicant is proposing to add 2 parking spaces on-site at 417 31st Street. That will be accomplished by deleting approximately 400 sq. ft. of existing commercial office space on the first floor adjacent to the alley, and converting the space to a two-car garage.

Staff visited the site and noticed that the commercial area that is to be deleted at 417 31st Street appears to be an existing garage that has been converted to commercial use. Further review of Building Department records, specifically, the Residential Building Records Report, dated June 13, 1997, indicates that a duplex on the second floor was inspected at that time, and that 2 parking spaces were provided. The access to the garage/commercial space appears to be at the side of the property where there is an existing garage door and sliding glass door where entry was through the vacant lot.

It is staff's opinion that if the applicant is to utilize the off-site lot for parking for the proposed project, then the two-car garage should be used for the parking of vehicles at all times, and the remodeled garage should be constructed with access from the alley and provide a 5 foot setback at the alley. Additionally, if doors are to be installed, an open grated-type gate should be used and the enclosure of the commercial off-street parking shall comply with Chapter 20.66.050 (B3) of the Municipal Code.

Off-Street Parking on a Separate Lot

As outlined in Chapter 20.66.080 of the Municipal Code, the Planning Commission shall not approve off-street parking on a separate lot from the building site or sites unless:

- A. Such lot is so located as to be useful in connection with the proposed use or uses on the site or sites.
- B. Parking on such lot will not create undue traffic hazards in the surrounding area.
- C. Such lot and the site are in the same ownership, or the owners of the sites have a common ownership in such lot, and the owner or owners are entitled to the immediate possession and use thereof (ownership of the off-site lot must be ownership in fee or a leasehold interest of a duration adequate to serve all proposed uses on site or sites).
- D. The owner or owners and the city, upon the approval of the Planning Commission, execute a written instrument or instruments, approved as to form and content by the City Attorney, providing for the maintenance of the required off-street parking on such lot for the duration of the proposed use or uses on the site or sites. Should a change in use or additional use be proposed, the off-street parking regulations applicable at the time shall apply. Such instruments shall be recorded in the office of the County Recorder and copies thereof filed with the Planning Department.

The proposed off-site parking arrangement complies with the requirements of the Code, since the off-site lot is useful in connection with the proposed commercial building because the two lots are contiguous. Additionally, signage is required that will direct the customers of the commercial use to the off-site space for parking, and the lots are under the same ownership. Should one lot be sold to a different owner, the off-site parking agreement will continue to be in effect.

As required by the suggested conditions of approval, the applicant has prepared and submitted a written instrument providing for the maintenance of the off-site parking space for the City Attorney's review. Staff is of the opinion that the above requirement for an off-site parking agreement has been met.

Modification Request

The Zoning Code does not specifically permit tandem commercial parking, but in similar applications, the Modifications Committee has approved tandem parking. In most of those cases, the lots were 30 feet wide and located in areas where sufficient on-street parking exists. In the case of the subject request, there is adequate on-street parking in addition to a municipal parking lot in the immediate area. Staff feels that the parking configuration as proposed will not create an undue traffic hazard because of the alley access and the provision of the required parking.

Recommendations

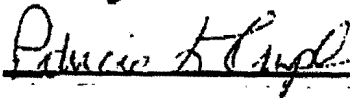
Section 20.91.035 of the Newport Beach Municipal Code provides that in order to grant the approval of a modification and an off-site parking agreement, the Planning Commission shall find that the establishment, maintenance or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

In this particular case, based upon the analysis contained in this report, staff is of the opinion that the findings for approval of the off-site parking agreement and modification can be made for the proposed project since there will be an increase of two parking spaces on the off-site lot and there is adequate public parking in the general area.

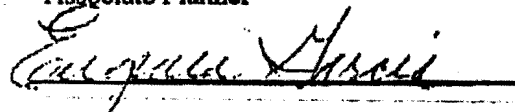
Should the Planning Commission wish to approve an off-site parking agreement and modification, the findings and conditions of approval set forth in the attached Exhibit "A" are suggested.

Staff cannot reasonably conceive of findings for denial since the proposed parking plan and modification for tandem parking conforms to the requirements of the Title 20 of the Municipal Code, and does not appear to have any detrimental effect on the surrounding neighborhood. However, should information be presented at the public hearing which would warrant the denial of this application, the Planning Commission may wish to take such action.

Submitted by:
PATRICIA L. TEMPLE
Planning Director



Prepared by:
EUGENIA GARCIA
Associate Planner



Attachments: Exhibit "A"
 Site Plan and Elevations
 Letter from the Applicant

EXHIBIT "A"
FINDINGS AND CONDITIONS OF APPROVAL FOR
Off-Site Parking Agreement
Modification No. 4749

Findings:

1. The Land Use Element of the General Plan and the Local Coastal Program designate the site for "Multi-Family Residential" land use. The proposed mixed-use commercial building is a permitted use within that designation.
2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 5 (Minor Alteration in Land Use Limitations).
3. The proposed off-site parking area is so located as to be useful in connection with the proposed office building since the lots are contiguous.
4. The two parcels are in common ownership.
5. The approval of the Off-Site Parking Agreement and Modification No. 4749 will not, under the circumstances of the case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the City for the following reasons:
 - The project will provide the required parking plus 2 additional spaces in the off-site lot.
 - The access is proposed from the alley, which will reduce traffic congestion on 31st Street and will not create undue traffic hazards in the surrounding area.
 - The project and parking configuration is compatible with surrounding uses and parking plans.

Conditions:

1. The development shall be in substantial conformance with the approved site plan, and elevations, except as noted below.
2. The owners or owners and the City, shall execute a written instrument or instruments, approved as to form and content by the City Attorney, providing for the maintenance of the required off-street parking on the lot at 417 31st Street for the duration of the proposed use or uses on the subject site. Should a change in use or additional use be proposed, the off-street parking regulations applicable at the time shall apply. Such instruments shall be recorded in the office of the county Recorder and copies thereof filed with the Planning Department.

