

CALIFORNIA COASTAL COMMISSION

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Staff: Padilla/LB
Staff Report: 8/14/98
Hearing Date: 9/8-11/98
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-98-311

APPLICANT: Morley Construction Company

PROJECT LOCATION: 1725 The Promenade, Santa Monica

PROJECT DESCRIPTION: Temporary use (from September 8, 1998 through May 28, 1999) of four public parking stalls within a 117 space public beach parking lot for construction staging/equipment storage for the construction phase of an apartment building on a lot abutting the public beach parking lot. Approximately 260 feet of The Promenade directly in front of the construction site, and the adjacent approximately 4,500 square foot paved pad area will also be used as a construction staging area. Pedestrian access will be temporarily rerouted around the construction and staging area for public safety.

Lot area:	24,375 square feet
Parking spaces:	117
Plan designation:	Beach Parking

LOCAL APPROVALS RECEIVED: City of Santa Monica Approval In Concept; State Parks and Recreation Department approval, dated May 20, 1998.

SUBSTANTIVE FILE DOCUMENTS: 5-98-237(Morley Construction); 5-94-006(Michael Construction)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed project with special conditions to ensure that the project will not adversely impact public beach access and parking.

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. Written Statement

Prior to the issuance of the permit, the applicant shall submit, subject to the review and approval of the Executive Director, a written statement explaining the steps to be taken if construction of the adjacent site (1725 The Promenade or 1725 Appian Way) has not been completed and the parking lot, located at the City's Beach Facility (1750 Appian Way), is still occupied by the end of the use period (May 28, 1999), as approved by this permit. The statement shall include an agreement to use alternate staging area that is not located on public property and evidence of the applicant's right to sue the alternate staging area. The written statement shall be signed by the applicant.

2. Status Report

With the acceptance of this permit the applicant agrees to submit a written status report prior to March 15, 1999, indicating the progress of the construction at 1725 The Promenade. Unless a change in schedule is approved by the Commission the parking lot (1750 Appian Way) shall be free of all construction equipment and materials associated with the construction of the adjacent site by May 28, 1999.

IV. Findings and Declarations.

A. Project and Area Description

The applicant proposes to temporarily use, from September 8, 1998 through May 28, 1999, four public parking stalls within a 117 space public beach parking lot for storage of building materials and equipment and construction trailer for the construction phase of a 178 unit, 135,173 square foot apartment building on the abutting lot to the north. Approximately 260 feet of The Promenade (public pedestrian walkway) directly in front of the construction site and approximately a 4,500 square foot paved area immediately seaward of The Promenade will also be used as a construction staging area. Pedestrian access will be rerouted around the construction and staging area for public safety.

The public beach parking lot is one of five Santa Monica State Beach parking facilities located in the south beach area (between the Pier and south City limits) within the City of Santa Monica. The 117 space public beach parking lot is located immediately adjacent to and east of the City's beach promenade and just north of Vicente Terrace.

The City of Santa Monica has reviewed and approved the proposed use and has issued a short term lease for the use of the parking lot. In addition, the District Superintendent for the Angeles District of the State Department of Parks and Recreation, Mr. Daniel C. Preece, has reviewed and approved the applicant's proposal.

The Executive Director approved Waiver #5-98-237 (Morley Construction) for the temporary use (up until May 30, 1999) of an approximately 700 square foot portion of the 117 space public beach parking lot for construction staging/equipment storage. The difference between the previous Waiver and

this application is that the Waiver was for temporary use of a portion of the parking lot that included the summer period (August and September 1998) but did not include the use of any of the public parking spaces within the lot. The new application will include the use of 4 parking spaces but will occur during the non-summer peak use period (from Labor Day to Memorial Day weekend).

B. Public Access/Parking

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The beach parking lot located at 1750 Appian Way has 117 public parking spaces. The proposed project will temporarily take up a maximum of 4 parking spaces along the northern portion of the lot that immediately abuts the adjacent construction site. The project will also include the use of the pedestrian walkway immediately adjacent to the construction site and a paved area immediately adjacent to and seaward of the walkway.

The temporary use of the parking lot will occur during the non-peak beach use period. Peak beach use is generally the period between Memorial day weekend (last weekend of May) and Labor Day weekend (First weekend of September). The use of the lot will occur between September 8, 1998 (the day after Labor Day) and May 28, 1998 (the day before Memorial day weekend). During these non-summer months beach attendance is lower than the summer period and the demand for parking within this lot is also reduced.

Based on the period when the applicant is proposing to use the lot and the limited number of parking spaces to be taken up by the proposed project, the proposed project will not adversely impact access to the public lot and adjacent public beach. The use of the lot during peak beach use, however, can adversely impact beach access by eliminating parking for beach access. If construction falls behind schedule the applicant may continue to need a site for construction staging. Use of the public beach lot during peak beach use can create adverse impacts to beach access in the area. To ensure that the

proposed project will not adversely impact access by the continuing use of the parking lot during the summer peak use period and conflicting with summer beach use, the applicant shall submit a written statement detailing the procedures to be taken to ensure that at the end of the use period approved by this permit (May 28, 1999) the parking lot will be vacated of all use associated with the construction of the adjacent site and an alternate site designated. The applicant shall also submit a status report by March 15, 1999, on the progress of the construction on the adjacent site.

The use of the pedestrian walkway (The Promenade) and the adjacent paved area will not significantly impact beach access. Beach access will be rerouted along a temporarily paved pathway around the construction and staging area in order to provide continued access and for public safety. The sandy beach in this area is approximately 300 feet wide and rerouting the pedestrian access around the staging area within the sand area will not significantly impact beach access nor recreational activities. Once construction is completed all materials will be removed and the area will be restored to its previous condition. The Commission, therefore, finds that as conditioned the proposed project will be consistent with Section 30210, 30211, and 30221 of the Coastal Act.

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.

As discussed above, the Commission 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 of the Commission's 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 impact which the activity may have on the environment.

As proposed, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

0949G

WILL ROGERS STATE BEACH

SANTA MONICA STATE BEACH

PACIFIC

Site

OCEAN

SANTA MONICA MUNICIPAL PIER

SANTA MONICA STATE BEACH

VENICE CITY BEACH

EXHIBIT NO. 1
Application Number
5-98-311
Vicinity Map

SEE V111 MAP

TOWER CRANE RADIUS
(HOOK EXTENDS 124 FEET)

CONSTRUCTION BARBERS

Beach
Parking
Lot

DRIVEWAY

STAGING AREA
(TRAILER LOCATION)

Leased Premises

STAGING AREA (SOLID/PAVED)

APPROXIMATE

D

STAGING AREA
(YEAR-ROUND)

PROJECT SITE

NEW 8 STORY APARTMENT BUILDING
(8 FLOORS @ BASE, 4 @ TOWER)

TOWER CRANE
(TOWER SECTION)



RECEIVED

AUG 3 1998

CALIFORNIA
COASTAL COMMISSION

FLA-LIFT
LOCATION

DRIVEWAY RAMP DOWN

STAGING AREA
(DELIVERIES)

SETBACK

STREET IMPROVING
WITHIN PREMISES

STORY
E

DRIVEWAY
RAMP

D

125' FRONT

EXHIBIT NO. 2

Application Number

5-98-311

Site Plan

California Coastal Commission

5-98-311