

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY**Tu 20b**

Filed: 11/30/99
49th Day: 1/18/99
180th Day: 5/28/2000
Staff: AJP-LB
Staff Report: 12/13/99
Hearing Date: 1/11-14/99
Commission Action:

STAFF REPORT: PERMIT AMENDMENT**APPLICATION NUMBER: 5-84-591-A1****APPLICANT: City of Santa Monica**

PROJECT LOCATION: Portion of the Ocean Park Redevelopment Area bounded by Bay Street, the Pacific Ocean, Barnard Way and Neilson Way (more specifically, Barnard Way frontage road at the south curve, adjacent to 3356 Barnard Way), in the City of Santa Monica

DESCRIPTION OF ORIGINAL PERMIT: The Ocean Park Beach Improvement Plan Includes the creation of a Linear Park and 21 preferential* short-term parking spaces along Barnard Way, an expanded 4-acre Central Park with a children's playground, food concession, picnic tables, and restrooms at the foot of Ocean Park Blvd., a 1.5-acre South Park at the southern end of the beach with a children's play area and a shoreline accessway for physically handicapped persons, the redesign and separation of the bike/skate path from the pedestrian promenade, relocation of entrances and exits to the 2,400-space parking lot and various street system changes designed to improve vehicular and pedestrian access, circulation and safety.

DESCRIPTION OF AMENDMENT: Amend project description requiring 21 preferential* short-term parking spaces along Barnard Way to instead provide 13 of the 21 short-term public spaces at the City's parking lot No. 9 on Neilson Way.

*In this instance "preferential" refers to parking in support of short-term use of the recreational uses near the beach.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development with the proposed amendment, as conditioned is consistent, with the requirements of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: CDP's 5-84-591, A-318-76, 5-83-002; City of Santa Monica's certified LUP.

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.

In this case, the Executive Director has determined that the proposed amendment is a material change to the project as originally described. 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.

RECOMMENDATION:

Staff recommends that the Commission APPROVE the permit application with special conditions.

MOTION

I move that the Commission approve CDP #5-84-591A1 pursuant to the staff recommendation.

Staff recommends a YES vote. Passage of the motion will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

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 effects on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS**1. Public Parking Plans**

Prior to issuance of the permit, the applicant shall submit, for the review and approval of the Executive Director, plans showing a minimum of an additional 13 metered (3-hour limit) public parking spaces within City parking lot No. 9, on Neilson Way.

2. Construction of Parking Spaces

The 13 additional metered public parking spaces with Lot No. 9 shall be installed and in operation within 90 days from the date of Commission approval of this permit. The parking spaces shall conform to the reviewed and approved plans identified in special condition no. 1 of this permit.

3. Future Changes

With the acceptance of this permit the applicant agrees that any change in the hours or days of operation of the 13 short-term (3-hour minimum) public parking spaces within City parking lot No. 9, on Neilson Way, will require an amendment to this permit.

4. Condition Compliance

Within 90 days of Commission action on this Coastal Development Permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall implement the proposed amendment. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

Note: Unless specifically altered by this amendment, all conditions imposed on the previously approved permit shall remain in effect (See Exhibit no. 3)

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

Amend project description requiring 21 preferential short-term public parking spaces along Barnard Way to instead provide 13 of the 21 short-term public spaces at the City's public parking No. 9, on Neilson Way. The City will create 13 new short-term (minimum of 3-hour limits) parking spaces by restriping the public lot.

Lot No. 9 is located approximately one block inland and 700 feet northeast of the current location of the 13 parking spaces. Lot No. 9 currently provides 151 public metered spaces. The metered time limits for the existing parking spaces within Lot No. 9 include approximately 141 three-hour meters and 10 ten-hour meters. The lot operates seven days a week, 24-hours a day.

In November 1984 the Commission approved the City's Ocean Park Beach Improvement Plan (CDP# 5-84-591). The Plan included:

- 1) a 3.5- acre Linear Park along Barnard Way and 21 parking spaces between Crescent Bay Park and the proposed South Park as a continuation of the oceanfront/Palisades Park theme created by reducing Barnard Way to 2 lanes and utilization of the existing landscaped area of the beach parking lot adjacent to Barnard Way;
- 2) expansion of the existing grassy area of the Santa Monica State beach at the foot of Ocean park Blvd. To create a 4-acre Central Park to include shade pavilions with tables and benches, grassy picnic areas, renovated food concession stand and restrooms and a new children's play area;
- 3) a 1.5-acre South Park located at the extreme southward end of the parking lot to include light landscaping, a seating area, a small children's playground and a shoreline accessway for physically handicapped persons; and
- 4) realignment of the existing bike/skate path and pedestrian promenade which extends from Bay Street south to the city limit. Bike/skate traffic will be separated from the pedestrian promenade in the Central Park area. Small plazas and a low seat wall will be located at intervals along the promenade.

The City's proposed 21-parking spaces were approved by the Commission in two locations along Barnard Way. Barnard Way is the first public road paralleling the coast and provides pedestrian and vehicle access to the South Beach Park and to the public "on-site park" (tennis and basketball courts and landscape area) on the inland side of Barnard Way. The first location consisted of 8 spaces on the landward side of Barnard Way, adjacent to the "on-site park" approved under CDP#5-83-002. The remaining 13 spaces were located along the south curve of Barnard Way, on the southern side of the curve, adjacent to a 60-unit low income senior citizen complex approved under CDP #A-318-76 and subsequent amendment #A-318-76A. The 13 parking spaces along the Barnard Way curve is the total number of parking spaces provided along this segment of Barnard Way.

Currently, the 13 parking spaces are not available to the general public. In March 1989, the City created a preferential parking district (Zone P) for resident parking along Barnard Way, at the location where the 13 short-term public parking spaces were approved in CDP #5-84-591. The zone prohibits public parking anytime. The preferential parking zone was created without the benefit of a Coastal Development Permit.

According to the City the preferential parking zone was created to support the adjacent 60-unit senior citizen residential complex. The senior citizen complex was approved by the Commission in 1980 and constructed in approximately 1982-83. The approved complex provided 31 on-site parking spaces. In approving the project the Commission found that the parking would be adequate to support the type of development proposed. However, due to the limited on-site and limited on-street parking in the immediate area of the senior citizen housing complex there was a significant deficiency of parking in the area.

Because of the parking situation the City is requesting that the required 13 short-term spaces, be relocated to nearby public lot (Lot No. 9). By relocating the short-term public spaces to a new location the existing spaces along the Barnard Way curve will no longer be encumbered by any Commission permit restrictions. It is then the City's intent, through a separate permit application, to request approval of a residential preferential parking district to support the residents of the senior citizen housing complex. The City has concurrently filed a permit application (5-99-051) to establish the parking district, which is currently scheduled for hearing by the Commission.

B. Public Access and Recreation

The City is proposing to relocate or replace 13 short-term public parking spaces from an area adjacent to the beach and the City's South Beach park to an existing public parking lot, located approximately one block inland. One of the strongest goals of the Coastal Act is to protect, provide and enhance public access to and along the coast. The relocation of public parking adjacent to the beach to an area further inland could reduce public access opportunities in the area.

Several Coastal Act policies require the Commission to protect beach and recreation access:

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 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, or overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30214 of the Coastal Act states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission, regional commissions, and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30252(4):

The location and amount of new development should maintain and enhance public access to the coast by ...providing adequate parking facilities or providing substitute means of serving the development...

In preliminary studies that led to the adoption of the Coastal Act, the Commission and the Legislature reviewed evidence that land uses directly adjacent to the beach were required to be regulated to protect access and recreation opportunities. These sections of the Coastal Act provide that the priority of new development near beach areas shall be given to uses that provide support for beach recreation. The Commission has evaluated these concerns in upland and mountainous areas near the beach to provide coastal viewing and alternatives to the beach for jogging, strolling and cycling. Furthermore, the Commission has consistently addressed both public and private parking issues in order to protect the ability of beach visitors who depend on the automobile to access the beach.

The City's LUP states that the Santa Monica State Beach is the most heavily used beach in Los Angeles County and possibly in the State. The City has estimated that over 20 million people visit Santa Monica's beaches annually (City of Santa Monica's 1992 certified Land Use Plan). In 1998, between July and September approximately 7.5 million people came to Santa Monica beaches (County of Los Angeles Fire Department Lifeguard Division).

The beach area between the Pier and Pico Boulevard is a broad sandy beach and, according to the City's LUP, is the most active recreation-oriented area of the Santa Monica beaches. The area provides volleyball courts, outdoor gymnastic facilities, swings, a children's play area, Pedestrian promenade, and bike path. The Commission recently approved a permit [CDP #5-98-009 (City of Santa Monica)] for the renovation and improvement of this beach area including the recreational facilities and Promenade. The beach area south of Pico Boulevard is the South Beach area. The South Beach is improved with a landscaped beach park, picnic facilities, children's playground, food concessions, restrooms, pedestrian promenade and bike path [CDP #5-84-591(Santa Monica Redevelopment Agency)]. With development of hotels, restaurants, and improvements to the Pier and beach, Santa Monica beach area has been attracting an increasing amount of visitors from throughout the Los Angeles area and from outside of the region.

Across from the South Beach area is the City's redevelopment area that was approved by the Commission in 1977 (A-318-76; A-318-76-A1; A-318-76-A2; 5-83-002A). The development included 397 condominium units, private amenities, and a 6-acre public park and accessways within a 16.2 acre site bounded by Neilson Way, Barnard Way and Ocean Park Boulevard.

In approving the City's Redevelopment Plan, including the Ocean Park Beach Improvement Plan, the Commission found that short-term street parking was necessary to provide support for the local residents for needed residential parking, and to support the proposed on-site park use and adjacent beach recreational areas. The City also found that short-term parking was important for the area and proposed 21 "preferential short-term spaces" along Barnard Way as part of their project description for CDP#5-84-591.

Although the City's submitted project description, which was reflected in the Commission's staff report, describes the parking as "preferential short-term spaces" neither the City's submittal material or the Commission's staff reports describes the parking as residential preferential or parking exclusively for residential use. The City's application for permit #5-84-591 describes the proposed parking as "short-term" parking. The City described the proposed parking as:

Existing on-street parking is maintained north of Ocean Park Boulevard, while to the south, some 21 short-term, new parking spaces are created—eight adjacent to proposed "on-site park" and 13 at the south area of Barnard Way.

In approving CDP# 5-84-591, the Commission found that the eight parking spaces were necessary to provide short-term support parking for the "on-site park" (CDP #A-318-76) approved on the inland side of Barnard Way. Because the parking was short-term the parking was intended to be used by residents of the community and the general public that would use the on-site park's tennis and basketball courts rather than for beachgoing, which would generally require a longer period of stay.

The 13 parking spaces along the south curve of Barnard Way, were intended to provide short-term parking for both residents and visitors to the adjacent 60-unit senior citizen complex, as well as for coastal recreational visitors. The Commission's staff report for CDP# 5-84-591, states that the construction of additional parking spaces along Barnard Way and Ocean Park Boulevard is to:

Provide short-term parking support within the residential community for the recreational amenities located outside of the State Beach and for short-term coastal recreational visitors.

Although the term "preferential" was used, based on the findings in the previous staff reports, and an absence of a description describing the 21 spaces as exclusively for residential parking, staff concludes that the 21 on-street parking spaces were intended to be short-term spaces to be used by the public, which included inland community residents and beach and recreational visitors.

The City is proposing to relocate the 13 short-term public parking spaces to an existing public lot (Lot No. 9) on Neilson Way. The lot is located approximately one block inland from the current site and approximately 700 feet northeast from the existing parking. The City will create an additional 13 short-term metered (minimum of 3 hour) spaces by restriping the lot to accommodate 13 additional public parking spaces. The lot currently

provides 151 metered spaces. Time limits for the existing metered spaces include 141 three-hour meters and 10 ten-hour meters. The lot operates seven days a week, 24-hours a day.

The City contends that relocating the 13 short-term public parking spaces within Lot No. 9 will continue to serve the short-term needs of the public for access to the beach and recreational uses due to the lot's close proximity to the recreational facilities and to the beach. The Neilson Way lot is approximately 500 and 550 feet from the "on-site park", located on the landward side of Barnard Way, and from the South Beach linear park. Furthermore, direct access from the Neilson Way parking lot to the "on-site park" and beach area is provided by an existing public accessway that extends from Neilson Way to Barnard Way. Because of the existing public accessway the Neilson Way parking lot provides quick and easy access to the recreational facilities in the area and is currently readily used for parking by beachgoers and recreationalist.

The Commission finds that the City's proposal to re-allocate the public parking to the nearby Neilson Way lot would adequately provide public parking to support short-term use of the recreational and beach facilities in the area. The location, availability, and cost (rate) of the proposed 13 short-term public parking spaces and the available public access to the beach and recreational facilities of the area is consistent with the Commission's original intent in approving the provision of short-term parking to support the recreational uses in the area. The relocation of the short-term parking will not adversely impact public access to the beach or coastal recreational areas. However, to ensure that the proposed short-term parking will be maintained and continue to function as short-term public parking, a special condition placing the City on notice, that any change in the time restrictions or days of operation will require an amendment to this permit, is necessary. In addition special conditions No. 1 and 2 require that the City provide plans showing the location of the relocated public parking spaces and that the public spaces will be constructed within 90 days of Commission approval of the permit. The Commission finds that, only as conditioned, will the proposed project with the proposed amendment be consistent with Sections 30210, 30211, 30212.5, 30213, 30214, and 30223 of the Coastal Act of 1976.

C. Unpermitted Development

In 1985 the City approved an ordinance creating the residential preferential parking zone that eliminated short-term public parking. According to the City the restrictions for the zone became effective and enforced by the City in 1986. There are no records of permits issued for this development. Although unpermitted development has taken place on the property prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Action by the Commission on the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal permit.

D. Local Coastal Program

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

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson Way (Beach Overlay District), and the Santa Monica Pier. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications.

The area within the Beach Overlay District was excluded from certification after the voters approved Proposition S which discourages certain types of visitor-serving uses along the beach. In deferring this area the Commission found that, although Proposition S and its limitations on development were a result of a voters initiative, the policies of the LUP were inadequate to achieve the basic Coastal Act goal of maximizing public access and recreation to the State beach and did not ensure that development would not interfere with the public's right of access to the sea.

Therefore, the subject site is not included within a certified LCP and the coastal development permit must be issued by the Commission. As conditioned the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the project, as conditioned, will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Land Use Plan and implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act.

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project, as conditioned, is consistent with the applicable policies of the Coastal Act. There are no feasible alternatives or mitigation measures available, which would

substantially lessen any significant adverse impact, which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

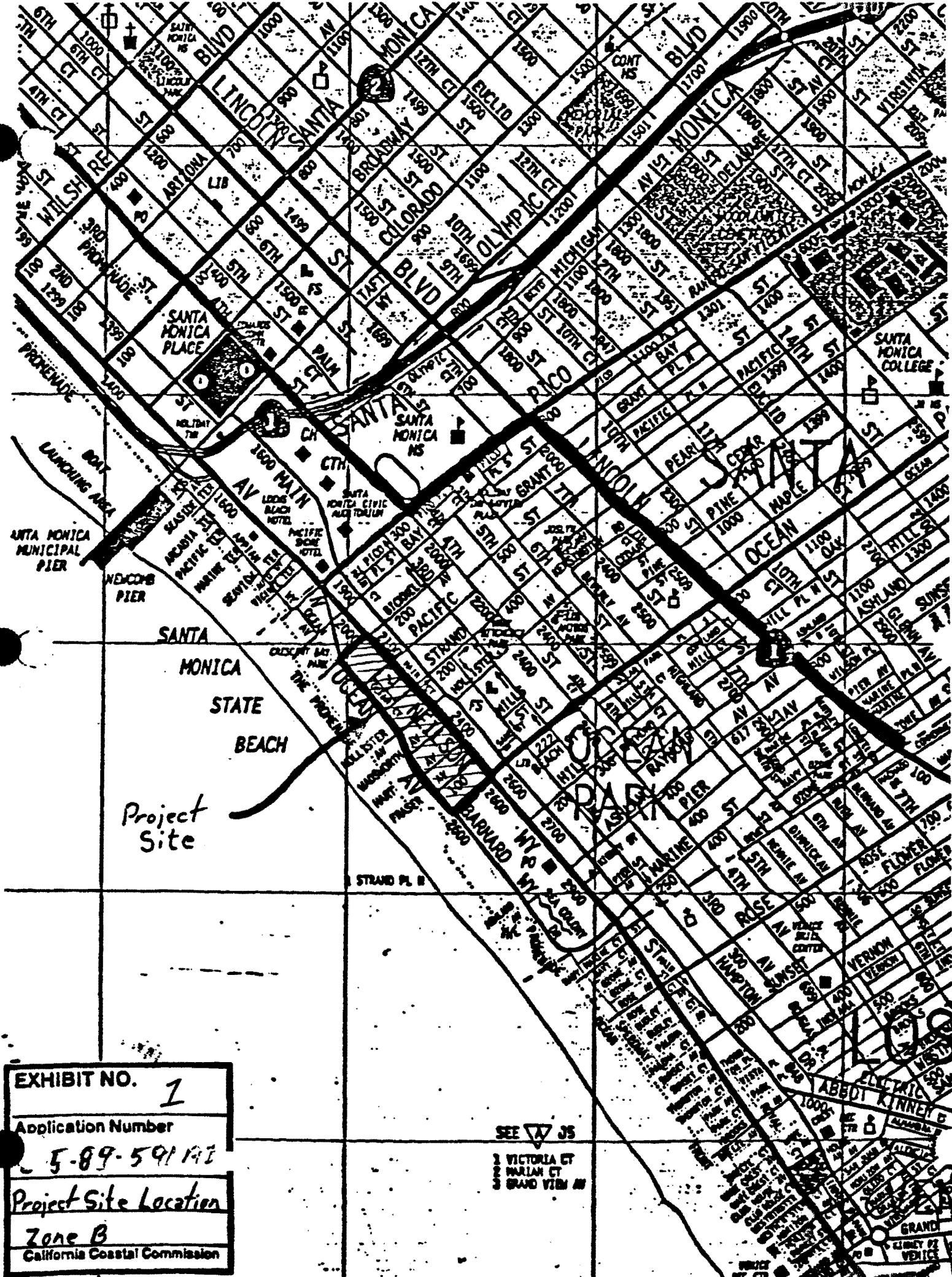

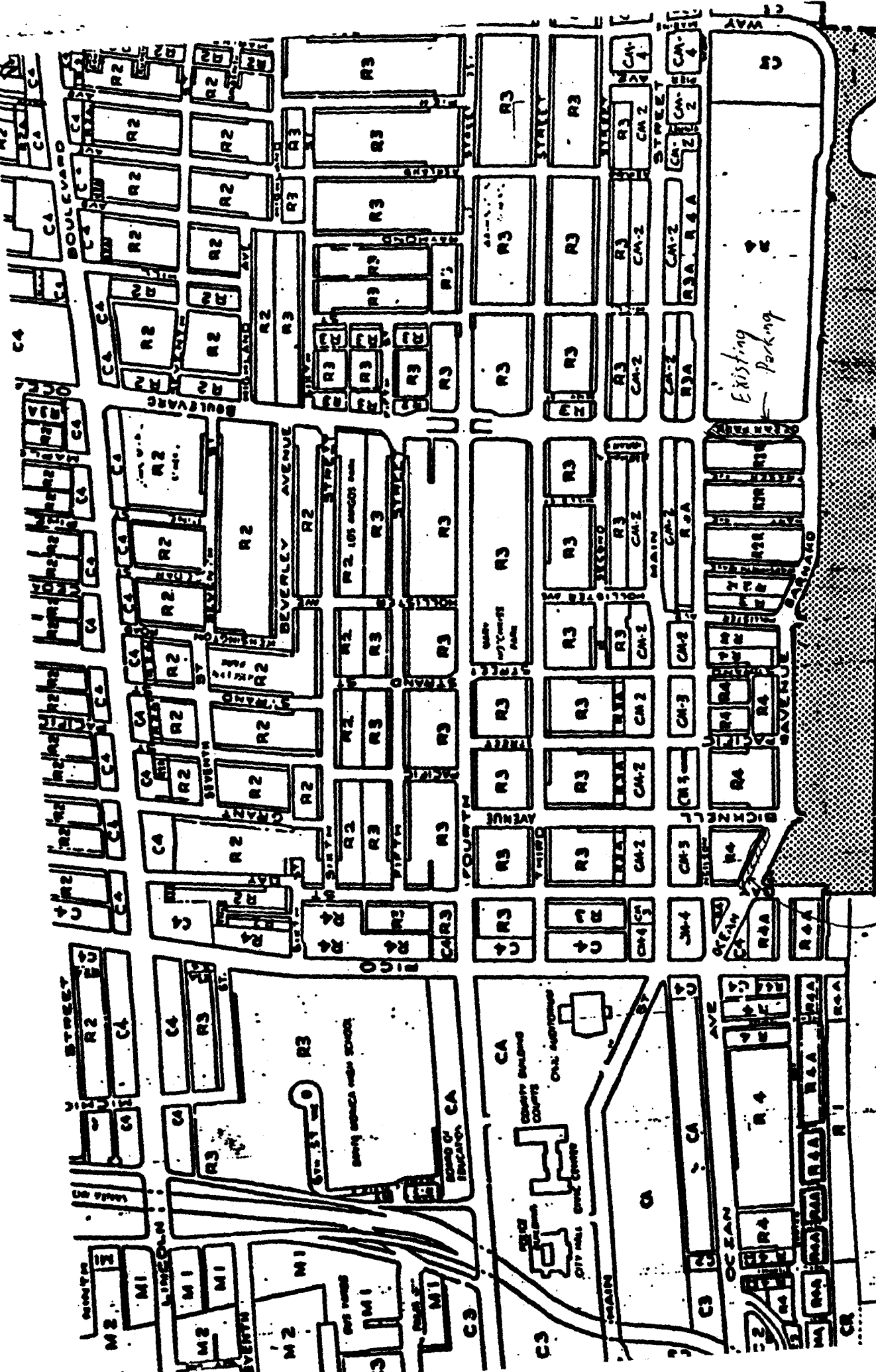


EXHIBIT NO.	1
Application Number	5-89-591141
Project Site Location	Zone B
California Coastal Commission	

SEE  JS
1 VICTORIA CT
2 MARLAN CT
3 GRAND VIEW AV



Santa Monica
Los Angeles City

Proposed
Location of
New Parking

Project Site

EXHIBIT NO. 2
APPLICATION NO.
5-84-591A2
City Map

California Coastal Commission

SOUTH COAST DISTRICT

245 West Broadway, Suite 380

P.O. Box 1450

Long Beach, California 90801-1450

(213) 590-5071

☒ Approved as Recommended

☐ Rejected as Recommended

☒ Approved with Changes

☐ Denied

☐ Other **CONDITIONS, FINDINGS, ETC.**
MODIFIED IN ADDENDUM

FILED: 8/29/84

49th DAY: 10/17/84

180th DAY: 2/25/85

STAFF: JH T.Henry:do

STAFF REPORT: 11/ 2/84

HEARING DATE: 11/14/84

REGULAR CALENDAR

STAFF REPORT AND RECOMMENDATION

Application: 5-84-591

Applicant: Santa Monica Redevelopment Agency
City Hall, 1685 Main Street
Santa Monica, CA 90401

Description: The Ocean Park Beach Improvement Plan includes the creation of a Linear Park and 21 preferential short-term parking spaces along Barnard Way, an expanded 4-acre Central Park with a children's playground, food concession, picnic tables, and restrooms at the foot of Ocean Park Blvd., a 1.5-acre South Park at the southern end of the beach with a children's play area and a shoreline accessway for physically handicapped persons, the re-design and separation of the bike/skate path from the pedestrian promenade, relocation of entrances and exits to the 2,400-space parking lot and various street system changes designed to improve vehicular and pedestrian access, circulation and safety.

Site: Portion of the Ocean Park Redevelopment Area bounded by Bay Street, the Pacific Ocean, Barnard Way and Neilson Way
Santa Monica, Los Angeles County

Substantive File Documents:

1. Permit No. 318-76 (Santa Monica Redevelopment Agency) 2/16/77
2. Permit No. A318-76 (Santa Monica Redevelopment Agency) 10/14-16/8
3. Permit No. A318-76 (Santa Monica Redevelopment Agency) 9/15-18/8
4. Permit No. 5-83-2A (Santa Monica Redevelopment Agency)
5. Santa Monica State Beach Resource Management and Development Plan
6. Final Environmental Impact Report, Ocean Park Beach

EXHIBIT NO. 3

APPLICATION NO.

5-84-591 A1

Staff Report and
Conditions of Approval
Addendums.



California Coastal Commission

Memorandum

November 9, 1984

To: Commissioners and Interested Persons

From: South Coast District

Subject: Correction and Clarification for Staff Report 5-84-591
(City of Santa Monica-Ocean Park Beach, Regular Calendar,
Item 8(i) (Addendum Material))

1. Special Condition II (1), page 2 of the staff report referenced above should be modified to read as follows:

"Central Park" Development. Maximum height of any proposed structures shall be limited to 26.75 feet above mean sea level. The timing of construction shall not conflict with peak periods of beach use (from May 1 to September 15 of any given year).

2. Additionally, the height of the existing structures and of those proposed as stated on pages 6-7, paragraph 4 and page 7, par. 1, should read 25.95 feet above mean sea level and 26.75 feet above mean sea level instead of above finished grade.
3. In Section III(4), page 3 of the staff report states that one of the parking lot/street system improvements of the proposed plan includes the relocation of the main entrance from Ocean Park Blvd. to the Bicknell Avenue entrance. This statement is also found again on page 10 of the report. Clarification of this statement and the existing situation and proposed changes is necessary to prevent a misunderstanding of the proposed project. Currently, there are two entrances to the south Santa Monica State Beach along Barnard Way, one at Ocean Park Boulevard and the other at Bicknell Avenue. The entrance at Bicknell Avenue is used as an auxiliary entrance and operated only on peak beach use days. The proposed plan calls for the operation of both the entrances on an equal basis. Because information submitted by the applicant indicated that 83% of the automobiles arriving at the Ocean Park Boulevard entrance come from either surface streets north of the entrance or the Santa Monica Freeway and that a signing program will direct this traffic to the Bicknell Avenue entrance via Pico Boulevard and Ocean Avenue, thus the use of "main entrance" in the staff report in referring to the change in use of the Bicknell Avenue entrance. The City of Santa Monica, as indicated in the attached letter, objects to the use of this terminology and prefers that neither entrance be considered a main or auxiliary entrance but that both entrances will be operated to provide more efficient and direct access for all beach users.



CITY OF
SANTA MONICA
CALIFORNIA

OFFICE OF THE CITY MANAGER 458-8301

P.O. Box 2200, Santa Monica, California 90406-2200

November 8, 1984

California Coastal Commission
South Coast District
245 West Broadway
P. O. Box 1450
Long Beach, CA 90801-1450

RECEIVED
NOV 09 1984

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Attn: Theresa Henry

Re: Ocean Park Redevelopment Project/Beach Plan Application
Number 5-84-591

Dear Ms. Henry:

We have received the Notice of Public Hearing and Coastal Commission Staff Report for the Ocean Park Redevelopment/Beach Plan, Application Number 5-84-591.

While we concur with the staff recommendations and report composition, there are two misstatements of project information which are material and must be amended.

One issue is the recommended permit condition to allow a maximum structure height of 26.75 feet above finished grade. This should read 26.75 feet above mean sea level. As written, new structures could be 26.75 in height above ground level (finished grade) while our intent is only to have structures of 13.5 feet above finished grade which translates to 26.75 feet above mean sea level.

Another misstatement was contained in Section III A(4) of the report. The third paragraph of this section describes the parking lot/major street system improvements to include relocation of the main entrance from Ocean Park Boulevard to the Bicknell Avenue entrance. This written description is clearly in error, as all plans and submitted documents indicate that both the Ocean Park Boulevard and the Ocean Avenue entrance at Bicknell Avenue will be upgraded and remain operational to serve beach users on an equal basis.

As you can see, these discrepancies, if not corrected, might create confusion and a significant misunderstanding by those reviewing the staff report. For that reason, we respectfully request that the original report be amended accordingly.

Thank you for your attention to this matter.

Sincerely,

John Jalili

John Jalili
Acting Executive Director
Santa Monica Redevelopment Agency

JJ:SW:mb
ccltr

SUMMARY

The staff recommends approval with conditions addressing building height and prior conditions to the development of the Ocean Park Redevelopment Area.

STAFF RECOMMENDATION

The staff recommends the Commission adopt the following resolution:

Approval with Conditions

The Commission hereby grants, subject to the conditions below, 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, is located between the sea and the first public road nearest the shoreline 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.

I. Standard Conditions: See Attachment X.

II. Special Conditions.

see attachment (1) "Central Park" Development. Maximum height of any proposed structures shall be limited to 26.75 feet above finished grade. The timing of construction shall not conflict with peak periods of beach use (from May 1 to September 15 of any given year).

2. Remaining Conditions. All other conditions of Permit No. 318-76 and subsequent amendments and Permit No. 5-83-2A that have been approved subject to conditions prior to the submittal of the current application not expressly altered by this permit, shall remain in effect.

III. Findings and Declarations.

The Commission finds and declares as follows:

A. Project Description.

The application is for the development of the Ocean Park Beach Improvement Plan which includes:

(1) a 3.5-acre Linear Park along Barnard Way and 21 parking spaces between Crescent Bay Park and the proposed South Park as a continuation of the oceanfront/Palisades Park theme created by reducing

Barnard Way to 2 lanes and utilization of the existing landscaped area of the beach parking lot adjacent to Barnard Way;

(2) expansion of the existing grassy area of the Santa Monica State Beach at the foot of Ocean Park Blvd. to create a 4-acre Central Park to include shade pavilions with tables and benches, grassy picnic areas, renovated food concession stand and restrooms and a new children's play area;

(3) a 1.5-acre South Park located at the extreme southward end of the parking lot to include light landscaping, a seating area, a small children's playground and a shoreline accessway for physically handicapped persons; and

(4) realignment of the existing bike/skate path and pedestrian promenade which extends from Bay Street south to the City limit. Bike/skate traffic will be separated from the pedestrian promenade in the Central Park area. Small plazas and a low seat wall will be located at intervals along the promenade.

Restrooms/dressing rooms/shower facilities will be integrated into the plaza (resting and viewing) areas (see Exhibits A and B, Vicinity Map and Beach Plan).

*see
Bicknell*

Parking lot/major street system improvements include relocation of the main entrance from Ocean Park Blvd. to the Bicknell Ave. entrance, redesign and restripping of the lot to provide better vehicle and pedestrian access, circulation and safety improvements with the use of raised, lightly landscaped pedestrian walkways (wide speed bumps) extending from the existing pedestrian entryways from Barnard Way to the promenade. The entry toll booths at Bicknell Avenue and just south of Ocean Park Blvd. will be relocated westward to allow more waiting vehicles into the lot and a ready exit for vehicles whose occupants are unable to pay the parking fee and for unloading of passengers. The existing parking lot capacity of 2,400 spaces will be retained, however, with a greater percentage of compact spaces. Hollister Avenue will remain the main exit from the northern end of the lot and the other 2 exits located south of Ocean Park Blvd., allowing right turns only onto Barnard Way will also remain unchanged. Barnard Way will be narrowed from 4 lanes to one lane in each direction between Bicknell Avenue and Neilson Way. The Ocean/Bay/Bicknell triangle will be redesigned to accommodate an anticipated 55% of beach users who will be directed to the Bicknell Street entrance with a new beach access signing program.

B. Project History.

The Ocean Park Redevelopment Project began in 1958, using Federal Urban Renewal funds for land acquisition, demolition and relocation of over 1,500 residents and 200 businesses. Historically, the area was a beach resort area related to the old Pacific Ocean Park Pier which was located to the west of the redevelopment site. The area evolved into

a lower-income residential area with neighborhood and beach commercial establishments. In 1966, the Twin Tower Santa Monica Shores apartment complex was completed. On March 2, 1977, the Commission approved a permit for a phased development consisting of 397 condominium units, a 851-space parking garage, recreational amenities for the new residents, general landscaping on-site and within the South City Beach parking lots west of the site and a public park located on the project site. The project replaces a 9-hole golf course/open space area and is located in a portion of the Ocean Park Redevelopment Area bounded by Neilson Way, Barnard Way and Ocean Park Boulevard in the Ocean Park, Santa Monica, Los Angeles County. The development approved by the Commission in Permit No. 318-76 covers approximately 18.5 acres; Phase I developed 9.18 acres of the site. The project was conditioned to establish a Housing Assistance and Rehabilitation Program (HARP) for the Ocean Park Community financed by the tax increment revenue generated by the Phase I units for a period of 2 years after their completion. The project was also conditioned to set aside the property at the southwest corner of Neilson and Barnard Ways for senior citizen housing and the formulation of a Beach Access and Park Improvement Program to include landscaping of the beach parking lot west of the development site in addition to the public park that was to be developed on-site. Additionally, the existing 27 units of City owned low-income housing located at the northwest corner of Ocean Park Bend and Neilson Way were to be rehabilitated.

Subsequent to granting the original permit in 1977, the Commission approved 2 amendment requests submitted by the applicant. The first amendment request heard in October 1980 dealt with the construction of the senior citizen housing on the site reserved in the original permit and the second request in September of 1981 was to reduce the number of low income units to be rehabilitated from 27 to 22, to provide more 2 and 3-bedroom units and to provide less parking than normally required for multiple family residential developments. Both amendments were approved subject to conditions pertaining to low-income housing provisions (see Exhibit C for a list of all permit conditions). The Commission also considered a request to revoke the amended permit allowing the construction of the senior citizen housing; the Commission denied the request on March 18, 1982.

On May 26, 1983, the Commission granted the Santa Monica Redevelopment Agency a third amendment, 5-83-2A, which dealt with 2 separate development plans for Phase II of the redevelopment project. Litigation between the City of Santa Monica and the redeveloper over assumption of responsibility for the fulfillment of conditions required in the approval of the original permit prompted the submittal of 2 plans for Coastal Commission approval. Though the 2 parties reached agreement on the implementation of the Settlement Plan, the redeveloper wanted a "back-up" plan approved in case the Settlement Plan was stopped by litigation brought by local opposition. In reviewing the amendment request the Commission found that both the Settlement and Alternate Plans, subject to conditions similar to those of the previous permit and amendment, were consistent with relevant Chapter 3 policies of the coastal Act and approved both plans leaving the decision as to which plan is implemented

up to the City and the redeveloper (see Exhibits A and D for the 2 Plans). The amendment was conditioned to, among other things, provide the Commission with written notification of the chosen development option within 16 months from the date of approval. On August 9, 1984, the City elected to proceed with the development of a plan that is essentially the Alternate Plan but which incorporates the parking lot and beach park improvements under the Settlement Plan. The current permit application is for the development of the beach parks and parking lot improvements under this hybrid Alternate/Settlement Plan. The development of the on-site public park is not a part of this application.

C. Status of Construction.

Phase I, which includes the construction of 204 of the residential units, has been completed. In approving the project, the Commission attached specific sets of conditions to each of the 2 phases of development (See Exhibit (c)). All of the conditions to be met prior to construction of Phase I have been met. Conditions which were to be met concurrent with Phase I and prior to commencement of Phase II have not been satisfied. The applicant was required to construct certain beach access and park facilities concurrently with the construction of Phase I and have the facilities completed prior to commencement of Phase II. In November, 1982, the Commission determined that the City Redevelopment Agency is in violation of the original permit granted in 1977. The Commission has delayed formal action against the applicant because the City Redevelopment Agency requested additional time to resolve the means of meeting the beach access and park improvement condition at the local level.

The 1983 amendment request (5-83-2A) of the City was considered by the Commission after the City was found in violation of the original permit. While the violation of the original permit was not automatically resolved by the submittal of the amendment request, the enforcement of the permits' beach access/park improvements condition was of primary concern in reviewing the amendment request. In granting the amendment, the Commission required that prior to transmittal of the permit, the City must deliver a letter of credit for a combined total of \$1.5 million to ensure that the beach parks, parking lot improvements and on-site public park shall be substantially completed within 18 months from the date of commencement of construction on the Phase II condominium units and that construction of those improvements begin within 6 months from the date of commencement of construction on the Phase II units. The City is in the process of complying with this condition.

D. Coastal Viewsheds.

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where

feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas, such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The development of the 3.5-acre linear park that will extend from the existing Crescent Bay Park to the south City limit along Barnard Way is intended to continue the oceanfront/Palisades Park theme through the City limit. This is an extension of the recommendations contained in the City's Draft Land Use Element which suggests extending the Palisades Park theme only up to Crescent Bay Park. Historically, there has been much opposition to the proposed landscaping of the linear park as well as the Central Park by those residing immediately east of the project site and by other members of the public who contend that the proposed trees and shade structures along with the existing food concessions, restroom and park maintenance structures will block views of the ocean.

The issue of view blockage was addressed in the Final Environmental Impact Report (FEIR) for the project. North of Hollister Avenue, the grade differential between the parking lot and residential uses east of Ocean Avenue is such that the potential for view blockage by landscaping is minimal. Further, landscaping throughout the parking lot will be similar to that currently in place in the southern portion of the parking lot which does not cause significant view loss. Planned landscaping in the Central Park will not cause view blockage, but the use of slender palm trees for most of the larger landscaping elements and the placement of trees outside of existing view corridors whenever possible is intended to minimize view losses while at the same time adding to the park setting shade, and vertical design elements silhouetted against the ocean.

Planned structures, including concession stands, bathrooms and pergolas would also cause some view blockages; however, the pergolas are the only net added facilities and would be designed with open sides to allow viewing through them. The proposed structures would not create significant view blockages. It is noted that in response to recent comments by the Planning Commission, Recreation and Parks Commission and the public, the number of new trees and pergolas in the Plan was reduced.

see plan
The height of the existing food concession, restroom and maintenance structures on the beach is 25.95 feet above finished grade as measured by the project architect, Moore, Ruble, Yudell. On April 10, 1984, the Santa Monica City Council awarded the contract for the renovation and operation of the 2 food concessions to McDonalds. Design plans for the stands were subsequently approved as shown in Exhibit E. The design and materials will be similar for both stands (one located in the proposed Central Park and the other to remain at the current location at the foot of Hollister along the existing pedestrian promenade) consisting of a painted lattice over stucco panels. One painted wood sign

will be located on the face of the stands just above the main entrance to each building. The Commission previously conditioned the project to limit the height of additional structures on the beach not to exceed the height of existing structures—25.95 feet. The architects for the project contend that, in order to bring the food concessions up to health and fire code standards, it is necessary for the structures to exceed the existing height by 0.8 feet or approximately 9 inches due to the placement of heat exhaust and cooling equipment on the roof and a parapet to shield the equipment. The Commission has determined that this increase in height is insignificant and will not have any adverse impact on coastal views, since the landscaping that is proposed to shield the beach structures in the Central Park area is approximately one foot higher than the structures.

The Commission finds that although some view blockage of the ocean will occur in some limited areas along the coast it is minimal. It should be noted that some view blockage already exists due to the existing restrooms/dressing room, maintenance and food concession facilities along the beach. The benefits of the proposed beach park improvements providing additional public recreational opportunities more than outweigh the minimal view blockage that will result. Therefore the Commission finds that as conditioned to limit the height of any new structures to 26.75 feet above finished grade the project is consistent with Section 30251 of the Coastal Act.

E. Coastal Access.

In evaluating the proposed beach improvements and street system changes, the major issues are Coastal Access, including parking and traffic concerns, coastal viewsheds and public recreational opportunities. Sections 30252(1), (3) and (4) of the Coastal Act deal with public access to coastal areas and states as follows:

The location and amount of new development should maintain and enhance public access to the coast by:

- (1) facilitating the provision or extension of transit service,
- (3) providing nonautomobile circulation within the development,
- (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.

1. Public Transit.

Both the Santa Monica Municipal Bus Lines (SMMBL) and the Southern California Rapid Transit District (RTD) provide public transit service to the Ocean Park area. However, bus stops are located primarily along Main Street, 2 blocks from the Santa Monica State Beach. SMMBL has a bus stop at the intersection of Neilson Way and Barnard Way and one at the intersection of Ocean Avenue and Pico Blvd., which are located at the extreme southern and northern ends of the beach,

respectively and would require riders to walk a couple blocks to the beach. The regional public transit line, RTD, which serves the Greater Los Angeles area stops only along Main Street. This situation discourages the use of public transit as a means of getting to the beach by families with small children, the elderly, handicapped persons, and those who are carrying food, beverages and other beach paraphernalia.

The Final Environmental Impact Report (FEIR) for the Ocean Park Beach Improvement Plan, prepared by BCL Associates in August of 1984, states that the project is intended to provide for the increased use of public transit to the coast. The document notes that one of the policy issues of the Santa Monica Coastal Program, coastal access transportation needs analysis will place the greatest emphasis on the use of public transit, then bicycles, then pedestrians, and finally, the automobile in terms of planning future development.

2. Nonautomobile Circulation.

The proposed plan provides for nonautomobile circulation within the development as well as to it. Class II bike lanes currently exist along both sides of Ocean Park Blvd., along both sides of Barnard Way and along Ocean Avenue for the semi-exclusive use of bicycles. Along the beach parking lot is a Class I bike path which extends south into Venice and north beyond the Santa Monica Pier. Though the project proposes narrowing Barnard Way between Bicknell and Neilson Way and the provision of a landscaped median along Ocean Park Blvd., all existing bike lanes will be preserved. The Class I bike/skate lane located on the beach parking lot will be realigned and separated from the pedestrian promenade in the proposed Central Park area to minimize conflict between park users and riders.

Additional nonautomobile circulation is provided within the project site as a means of providing additional public recreational opportunities. A 3.5-acre linear park along Barnard Way will provide a landscaped walking/jogging path between Bicknell and the south City limit thereby encouraging nonautomobile circulation within the area.

3. Parking.

The FEIR for the project stated that the 2,400-space parking lot is underutilized during most of the year, specifically during the fall, winter and early spring and during the week in the summer months. Further indication of the underutilization of the lot is the fact that the existing auxiliary beach entrance at Bicknell and Barnard Way which is only opened on peak days throughout the year was only operated 13 days in 1980 and 8 days in 1981. A parking survey conducted on Sunday, May 16, 1982, indicated that there were only 1,776 vehicles parked or 74% utilization.

The proposed project involves the development of 9 acres of park area with attendant food concessions, picnic and play area amenities. These improvements to the Ocean Park Beach area will undoubtedly cause some increase in the amount of beach users. However, the Commission

contends that this increase in use will not have an adverse impact on parking conditions since the lot is currently underutilized. Additionally, the completion of the on-site park providing pedestrian and bicycle access to the beach from Neilson Way, the linear park extending from Bicknell to the south City limit and the beach park improvements will attract nonautomobile beach users, thus little or no additional demand for parking.

The parking issue concerning the proposed project is therefore not the provision of additional parking but maintenance of the existing capacity. The planned park additions and landscaping of the parking lot will not preclude the use of existing parking. 2,400 parking spaces will be provided; however, the parking lot will be repaved and restripped to provide more efficient use of the facility. Of the 2,400 spaces, 958 or 40% will be compact spaces. The distribution of spaces in the north and south lots (Ocean Park Blvd. divides the lot) is 1,529 spaces or 64% in the former and 871 spaces or 36% in the latter, with 69% compact spaces in the north larger lot and 31% in the south lot.

Short-term parking needs outside of the beach parking lot are also addressed by this project. ~~Currently, Ocean Park Blvd. provides surface parking opportunities along both sides of the street between Neilson Way and Barnard Way, and Barnard Way provides short-term metered parking spaces on its seaward side.~~ The short-term parking provides support for the local residents for needed residential parking, and would also be necessary to support the proposed on-site park use and adjacent beach recreational areas located along Barnard Way as it forks to the east and intersects with Neilson Way. According to the City's Traffic and Parking Engineer, the proposed street narrowing project will not adversely impact the current supply of short-term parking, and the redesigned streets would have additional capacity available for the development of more short-term parking spaces; the City's Traffic Department believes an additional 9 spaces could be created on the southern side of Ocean Park Boulevard adjacent to the Phase II units. ~~Previous conditions required the applicant to construct additional parking spaces along Barnard Way and Ocean Park Boulevard to provide short-term parking support within the residential community for the recreational amenities located outside of the State Beach and for short-term coastal recreation~~ al visitors. Section 30212.5 of the Act calls for the provision of parking facilities throughout an area so as to mitigate against the impacts of overcrowding and overuse by the public of a single area.

~~The project will be creating 21 short-term preferential parking spaces along Barnard Way--8 adjacent to the proposed on-site park and 13 at the south curve also providing access for local through traffic from Speedway onto Barnard Way.~~ Existing on-street parking will be maintained north of Ocean Park Blvd.

4. Traffic.

The Coastal Act expressly discourages projects that create adverse impacts on major coastal access routes and states that projects should enhance coastal access. The proposed project includes several

see summary

changes to Barnard Way which is the street adjacent to the beach parking lot and other street system changes including relocation of beach entrances. Currently the main entrance to the beach parking lot is located just south of the intersection of Ocean Park Blvd. and Barnard Way. The auxiliary entrance at Bicknell Avenue and Barnard Way is only operated on peak beach use days. The proposed plan calls for the shifting of the main entrance north to the Bicknell Avenue auxiliary entrance and the operation of the Ocean Park Blvd. entrance only during the summer months (however, the State Department of Parks and Recreation has given concept approval of the plan conditioning it to keep both entrances open on a year-round basis, see Exhibit J, #4). The relocation of the main entrance to the north has been proposed as a result of beach user profiles reported in the FEIR which indicates that 44% of the automobiles reaching the Ocean Park Blvd. entrance arrive from surface streets north of Ocean Park Blvd. and an additional 39% coming from the 4th Street or Lincoln Blvd. exits of the Santa Monica Freeway. Only 18% of the vehicles arrived from the south. A beach user survey conducted by the City of Santa Monica further indicated that most local beach users either walk or ride bicycles to the beach. Hollister Avenue will remain the main exit from the northern end of the beach parking lot. The 2 other exits, located south of Ocean Park Boulevard and allowing right turns only onto Barnard Way, would remain.

Other proposed traffic flow improvements include the Ocean/Bay/Bicknell triangle at the north end of the project site which will be redesigned to facilitate the flow of traffic into the north beach parking lot from Ocean Avenue. Appian Way will be closed between Pico Blvd. and Bay Street to minimize the number of streets converging onto Ocean Avenue. A small parking area will be created off of Bay Street adjacent to Crescent Bay Park to replace the existing Appian Way parking (see Exhibit F).

The Commission finds that the proposed project will have no significant impact on public access to the coast. The encouragement of coastal access by mass transit means, the enhancement of the existing bike path, the provision of beach access from Neilson Way through the proposed on-site park, and the beach parks and parking lot improvements to facilitate pedestrian access as well as traffic movement into the lots and better vehicle circulation within the lots are all measures that will improve public access to the coast. The relocation of parking lot entrances would better serve regional access into the south City beach area and would minimize conflict between beach traffic and residential traffic. The relocation would provide a shorter, more direct route from the Santa Monica Freeway and Pacific Coast Highway into the parking lots. The secondary Ocean Park Blvd. entrance will minimize traffic conflict with residential streets to the east and north of the project site by better distributing traffic in and out of the beach parking lots. The relocation of the toll booths westward allowing additional queuing areas will ease traffic back-up problems. Therefore the Commission finds that the proposed Barnard Way narrowing, parking lot entrance relocations and redesigns and attendant street system changes are consistent with Section 30252(1), (3) and (4) of the Coastal Act.

F: Public Recreational Opportunities.

Section 30213 of the Coastal Act states in part that:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Further, Section 30221 of the Act addresses the provision of public coastal recreational opportunities and states that:

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 provided for in the area.

The proposed 3.5-acre Linear Park, 1.5-acre South Park and expanded 4-acre Central Park serve to enhance the public's enjoyment of the coast. These improvements are low cost since no additional fee other than the parking lot fee for those arriving by automobile will be charged for the use of these new facilities. Additional strolling, jogging, picnicking, shaded sitting, and play areas will be created. These additional coastal recreational opportunities are provided through the use of existing unused paved areas and will not take up any existing parking lot capacity or any publicly used sandy beach areas. The Commission therefore finds that the proposed project is consistent with Sections 30213 and 30221 of the Coastal Act.

G. Other Agency Approvals.

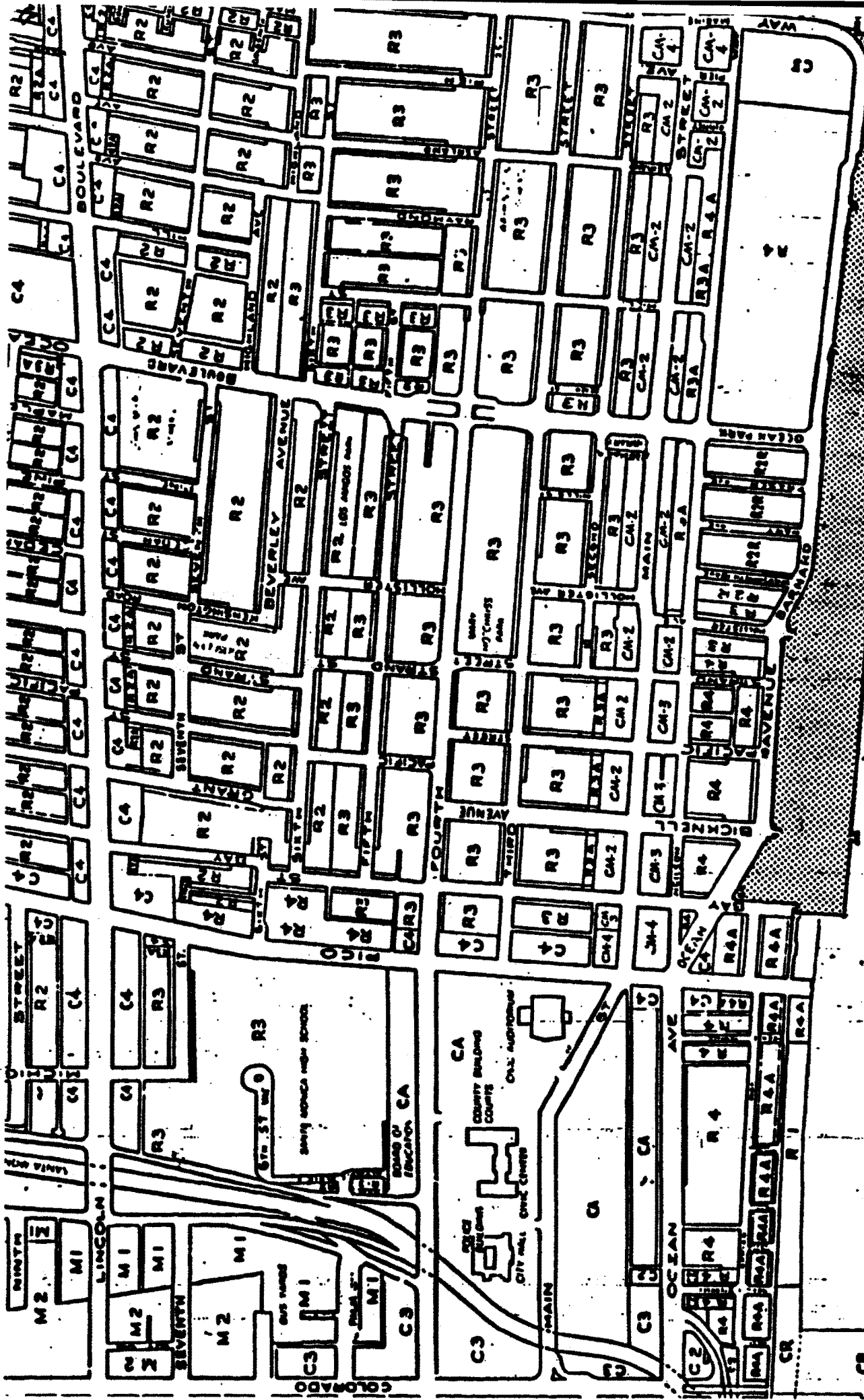
The subject site, the southern portion of the Santa Monica State Beach, is owned by the State of California but operated by the City of Santa Monica. The State agency with jurisdiction over the site is the Department of Parks and Recreation and thus their approval is necessary for any changes to the beach. The Department's July 23, 1984, comments on the Draft Environmental Impact report for the project outlined 4 agency concerns (see Exhibit G). The concerns were over the type of recreation provided, the intervals at which recreation service areas would be placed, parking lot entrances, operation and the provision of special user group type of facilities on the State beach property. The FEIR addressed these issues to the satisfaction of the Department, and they granted concept approval of the project with the condition that both parking lot entrances remain open year-round (see Exhibits H and J).

H. Land Use Plan Consistency.

The City of Santa Monica submitted their Draft Land Use Plan in early 1981. The Plan was subsequently withdrawn a few months later after a change in the local administration. The City is currently in the final stages of drafting a revised Land Use element to the general plan, and adoption is scheduled for late October 1984. The City

expects that shortly after adoption of the revised Land Use element work will begin on drafting the Land Use Plan segment of their Local Coastal Plan which will incorporate the applicable policies of the Land Use element.

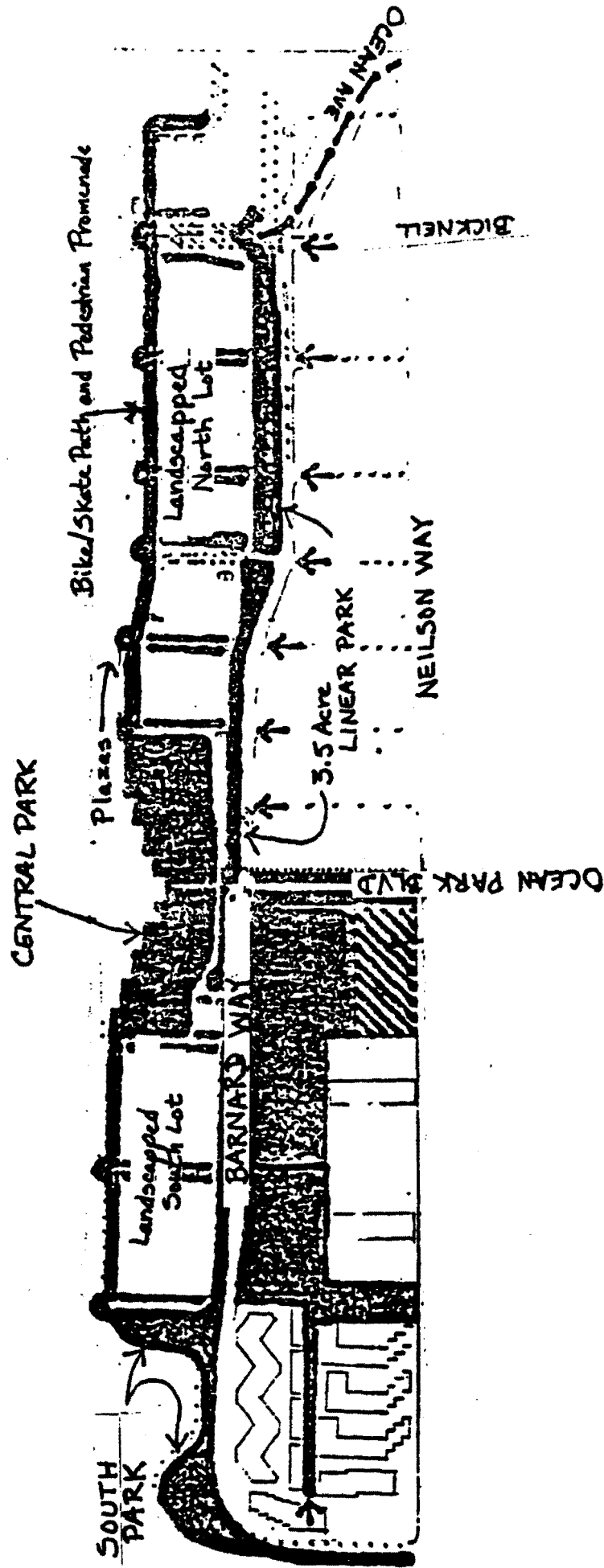
However, the draft LUP called for an upgrading of southern City beachfront recreational and access opportunities, for nonvehicular traffic patterns to and along the shoreline and for opportunities for additional recreational facilities to be maximized where feasible. The Commission finds these LUP goals are consistent with Chapter 3 policy concerns within the Coastal Act and that the proposed plan would help actualize these planning goals for the community.



Project Site

EXHIBIT NO. A
APPLICATION NO.
5-84-591
Vicinity Map

Santa Monica
Los Angeles City



SETTLEMENT PLAN- OCEAN PARK BEACH IMPROVEMENT PLAN

EXHIBIT NO. B
APPLICATION NO.
5-84-591
Parking lot improvement Settlement Plan

II. Conditions. The permit is subject to the following conditions:

The applicant shall submit the following to the Executive Director of the Commission for his review and approval to assure conformance with the intent of these conditions. No construction shall commence until the Executive Director has certified in writing that all conditions applicable to such construction have been satisfied.

A. Conditions to be completed prior to construction of Phase I as defined in the Findings and Declarations below:

(1) A written enforceable agreement binding the redeveloper to implement the following conditions in addition to the applicant's return of a signed copy of the permit, agreeing to the permit conditions. The Disposition and Development Agreement may be sufficient to comply with this requirement if it contains such assurances.

(2) The legal opinion, satisfactory to the Executive Director and the Attorney General's office, of the Redevelopment Agency counsel and, if necessary, bond counsel approving the legality of Conditions A-3, A-4, and C-2.

(3) A Housing Assistance and Rehabilitation Program for the Ocean Park Community (that area bounded by Pico on the north, Lincoln on the east, South City boundary on the south and the ocean on the west) to provide housing opportunities for all economic segments of the community. The Housing Assistance and Rehabilitation Program shall be financed by all of the tax increment revenues generated by Phase I until the end of the two-year period following completion of Phase I. All of said revenues shall be irrevocably dedicated for the purposes contained in said program.

(4) The parcel commonly known as the "strip" located at the southeast corner of Barnard Way and Neilson Way shall be limited in future use to senior citizens' housing. The applicant shall submit evidence of recordation of a deed restriction in a form and content approved by the Executive Director irrevocably dedicating said land to said use. No interim uses shall be permitted.

(5) A beach access and park improvement program including landscaping of beach parking lots between Ocean Park Blvd. and South City limits, and pedestrian as well as bicycle access to the beach in addition to the onsite park.

B. Conditions to be concurrent with construction of Phase I.

(1) Commencing with the construction of Phase I the applicant will begin construction of the park and the access ways as per A-5 above, said construction to be completed prior to commencement of construction of Phase II.

C. Conditions to be completed prior to construction of Phase II, as defined in the Findings and Declarations below.

(1) The redeveloper shall submit proof to the Executive Director of implementation and completion by the redeveloper of the Housing Assistance and Rehabilitation Program required by Condition A-3.

(2) The applicant shall cause to be rehabilitated the existing 27 units of housing owned by the City of Santa Monica located at the northeast corner of Neilson Way and Ocean Park Blvd. The 27 units shall continue to be used for housing for low-income persons for the useful life of the buildings, but in no event less than 20 years. As many units as feasible shall be rehabilitated for low-income families.

EXHIBIT NO. C

APPLICATION NO.
5-84-591

List of Prior Conditions

(3) Pedestrian-activated signals to be installed at Ashland Avenue and Neilson Way and at two opposite ends of the park facilities on Barnard Way.

(4) The freeway signing program consistent with provisions of the Proposed Beach Master Plan be completed.

D. Condition to be concurrent with construction of Phase II.

(1) The applicant will begin the construction of the tennis courts located in the park (Exhibit 2) and the beach-related improvements set forth in A-5 above, said construction to be completed prior to application for certificates of occupancy for Phase II.

E. Overall Conditions

(1) Final working plans of all aspects of the development shall be submitted to the Executive Director for his review and approval that they substantially conform to the site plans submitted to the Commission and the Conditions set forth above.

(2) All construction and operation shall occur in accord with the approved plans and with implementation of the Conditions set forth above.

II. Conditions of First Amendment (10/80)-318-76A

The permit is subject to the following conditions:

1. Low-Income Housing. For the term of the HUD approved contract (40 years) the rents in the proposed structure shall not exceed Section 8 Fair Market Rents for New Construction projects.

III. Conditions of The Second Amendment (9/81)-318-76A

1. Revised Plans. Prior to the issuance of a permit, the applicant shall submit, for the review and approval of the Executive Director of the Commission, revised working drawings that indicate how many units will be rehabilitated at 175 Ocean Park Blvd. The revised plans shall also depict how many bedrooms will be provided in each unit to be rehabilitated. The revised plans shall show both on-site parking spaces available for guests of the residents of the rehabilitated units.

2. Rental Units. Prior to the issuance of a permit, the applicant shall submit, subject to the review and approval of the Executive Director of the Commission, evidence of the cooperative agreement between the City of Santa Monica and the Housing Authority of the County of Los Angeles which ensures that the subject property will be rehabilitated. This cooperative agreement shall ensure that 24 units shall be rented at the Fair Market rent for existing housing as established by the Department of Housing and Urban Development (HUD) either to: (1) persons who meet the standards established by HUD for rent subsidy under Section 8 of the Housing Act of 1937, as amended, or as it may subsequently be amended, and applicable regulations; or (2) persons who meet the requirements of any other rent subsidy or funding program that provides rental housing for low-income households. The agreement with the Coastal Commission shall be for a period extending 30 years from the date the agreement is recorded.

Where Section 8 or other subsidies are not available to persons who will be occupying the unit, maximum rental levels shall be a base rent that is affordable to persons earning less than 80% of the median income as determined by HUD for the Standard Metropolitan Statistical Area in which it is located, adjusted for family size. Affordable shall be defined as 25% of the median household income as noted above.

3. Remaining Conditions. All other conditions of the original permit not expressly altered by this amendment shall remain in effect.

IV. Conditions of Permit 5-83-2A (5/83)

A. Overall Conditions

The following overall conditions shall be fulfilled by the applicant:

1. Choice of Development Plan. The applicant shall notify the Executive Director in writing to indicate which development plan option will be exercised pursuant to this amendment, within sixteen (16) months from the date of approval of this amendment. Failure to provide notification to the Executive Director shall cause this amendment to expire.

2. Letters of Credit. Where required in any of the following conditions, the applicant shall provide a letter of credit according to the following specifications:

a. The letter of credit shall be issued by a bank, savings and loan, or other financial institution registered with the Secretary of State to do business in California and subject to the approval of the Executive Director.

b. The form and content of the letter of credit shall be subject to the review and approval of the Executive Director of the Commission.

c. The letter of credit shall state that it is being issued for the purpose of guaranteeing the permit applicant's performance of permit conditions and that funds in the amount specified in the condition shall be disbursed for that purpose out of the account which backs the letter of credit.

d. Funds in the account shall be disbursed to the applicant to reimburse costs of development which has been completed pursuant to the particular condition. The letter of credit shall state the various stages at which the applicant shall be entitled to reimbursement, subject to the review and certification by the Executive Director or his designee that the development has been completed to that stage. The number of disbursement stages shall be reasonable and related to the scale of the development required by the condition. In the event that the applicant does not commence development by the starting date, or if development is not completed to the satisfaction of the Executive Director according to specified timetables, then the sums guaranteed by the letter of credit shall automatically be payable to the California Coastal Commission or its designee for the purpose of fulfilling the permit condition.

e. Upon completion of construction, after the Executive Director has determined that the development has occurred in accordance with the particular

permit condition, the Commission shall authorize the issuer to return the letter of credit, or otherwise release any remaining funds that were guaranteed.

3. Interim Park and Access Improvements. Within thirty (30) days of the date of this amendment approval, the applicant shall deliver a \$200,000 letter of credit to the Executive Director to ensure that interim park improvements depicted in Exhibit D of this amended permit shall be completed within six (6) months from the date of this approval or be completed prior to the commencement of construction of the Phase II market-rate units, whichever occurs first. The letter of credit shall also guarantee that the applicant commence construction within one hundred and twenty (120) days from the date the Notice of Intent To Issue A Permit is transmitted to the applicant by the Commission, and that the applicant substantially complete park improvement construction within thirty (30) days from the date of commencing construction.

B. Conditions to be met if the Settlement Plan is Implemented:

1. Approval In Concept for the Affordable Housing Site and the "Ocean Park" Site. The applicant shall agree to submit separate coastal development permit applications for the construction of onsite affordable housing units and for construction of the 4-acre "Ocean Park" as detailed in the Settlement Plan (Exhibit B). The permit applications shall conform with the following special requirements, as well as the Commission's normal permit application requirements:

a. Affordable Housing. If the number of onsite housing units is less than eighty (80) units, the applicant shall provide additional documentation to the Commission which specifies alternative locations within the Ocean Park coastal zone for the remaining units to be constructed so that the total number of affordable units is 80 units. The onsite units shall adhere to a maximum height limitation of 54 feet above existing grade on Neilson Way. Adequate support parking for the onsite affordable units must be provided within the project site. Vehicular access to the affordable housing portion of the site shall be limited to one driveway entrance/exit located along Ocean Park Boulevard approximately 140 feet west of Neilson Way measured from the centerline of Neilson Way to the centerline of the driveway.

b. "Ocean Park" Development. Development plans shall be reviewed and approved by the California Department of Parks and Recreation prior to submittal to the Coastal Commission in a coastal development permit application. Maximum heights of any proposed structures shall be limited to the maximum height of existing structures located on the Santa Monica State Beach directly west of the project site. The timing of construction shall not conflict with peak periods of beach use (from May 1 to September 15 of any given year). Changes to the State Beach must be adequately publicized by a publicity program subject to the review and approval of the Commission when it considers the subject permit application.

2. Affordable Housing Development. Prior to transmittal of a permit, the applicant shall deliver a \$3,500,000 letter of credit to the Executive Director to ensure that the onsite affordable housing will be constructed and completed concurrently with the completion of the Phase II market-rate condominium construction. The applicant shall commence construction within twelve (12)

months from the date of the commencement of construction on the Phase II market-rate condominium units.

3. Onsite Park. Prior to transmittal of a permit, the applicant shall deliver a \$500,000 letter of credit to the Executive Director to ensure that the onsite park improvements as depicted in Exhibit E shall be substantially completed within eighteen (18) months from the date of the commencement of the construction on the Phase II market-rate condominium units. The applicant shall commence construction within six (6) months of the date of the commencement of construction on the Phase II market-rate units.

4. "Ocean Park" and all Offsite Recreational/Access Improvements. Prior to transmittal of a permit, the applicant shall deliver a \$4,000,000 letter of credit to the Executive Director to ensure that the offsite beach/recreational/access improvements shall be substantially completed within eighteen (18) months of the date of commencement of construction on the Phase II market-rate condominium units. The applicant shall commence construction of the improvements within six (6) months of the date of commencement of construction on the Phase II market-rate units.

5. Height Limitations for Phase II Market-Rate Units. The applicant shall submit precise site plans subject to the review and approval of the Executive Director which demonstrate that the maximum heights of the Phase II condominium units do not exceed 57.5 feet above average existing grade at Barnard Way. The highest point of the condominium structures shall be defined as the top of the roof joists. Elevator housing, stairways, chimneys, solar heating systems, etc. may exceed the 57.5 ft. height limitation.

6. Vehicular Access For Phase II Market-Rate Units. Prior to the transmittal of a permit, the applicant shall submit, for the review and approval of the Executive Director, revised plans which indicate ingress/egress routes for the market-rate unit portion of the site. Vehicular access shall be limited to one entrance/exit located along Barnard Way approximately 460 feet south from Ocean Park Boulevard (as measured from the centerline of Ocean Park Boulevard to the centerline of the new driveway). A cut in the median strip shall be provided for left turn access into the project while traveling south along Barnard Way.

7. Onsite Park Design. Prior to transmittal of a permit, the applicant shall submit, subject to the review and approval of the Executive Director, revised plans showing a park design for the 3.27 acres reserved for such use as shown in Exhibit E. The onsite park design shall include the provision of at least five support parking spaces along Barnard Way adjacent to the Ashland Accessway terminus.

8. Street Narrowing and Landscaping. Prior to transmittal of a permit, the applicant shall submit, for the review and approval of the Executive Director, precise plans for the landscaping and street narrowing portion of the Beach Access/Recreational Park Improvement. The plans shall indicate species and location of landscape materials; drought-resistant, native California species shall be utilized to the maximum extent possible. The street narrowing plans shall demonstrate additional short-term parking availability along the following streets:

a. On the landward side of Barnard Way between Hollister and Ocean Park Boulevard.

b. Along both sides of Ocean Park Boulevard between Neilson Way and Barnard Way.

The applicant shall provide as many spaces as possible without conflict with existing short-term parking for the residential portions of the project site and with ingress/egress routes for the project. The street narrowing program shall be adequately publicized both on a local and regional nature; the form of the publicity program shall be subject to the review and approval of the Executive Director prior to implementation of said program.

9. Rescission/Reduction of Settlement Plan Letters of Credit. Prior to transmittal of a permit, the applicant shall agree to enter into a binding legal agreement with the Commission, assuring compliance with the following:

a. If the Phase II market-rate condominium units are prohibited from going forward during the first one hundred twenty (120) days of construction, the applicant shall return the project site to its pre-construction state within ninety (90) days of being stopped in construction. If the land is not returned to preconstruction status, the applicant shall forfeit all of its previously posted letters of credit to the Commission. The Commission shall use the letters of credit to return the land to its pre-construction state and to install park and beach improvements pursuant to the conditions attached to Permit No. 318-76 as it was originally approved in 1977.

b. After the land has been returned to its pre-construction state pursuant to the time specifications described herein, the applicant shall notify the Commission in writing of its intention to abandon the Settlement Plan's implementation. After the Commission has concurred with the applicant's decision, the applicant shall rescind its \$3,500,000 letter of credit posted for the construction of the onsite affordable units, and shall reduce its \$4,000,000 letter of credit posted for the offsite beach/recreation/access improvements to \$1,000,000.

c. On the 121st day after the commencement of construction on the Phase II units, the applicant shall have no right to rescind the posted letters of credit as described herein.

C. Conditions to be met if the Alternate Plan is Implemented:

1. Housing. Prior to the issuance of Certificates of Occupancy for the Phase II market-rate condominium units, the applicant shall implement and complete the Housing Assistance and Rehabilitation Program (HARP) pursuant to the original terms of the program and permit condition issued for the project (Permit No. 318-76).

2. Onsite Park. Prior to transmittal of a permit, the applicant shall deliver a \$500,000 letter of credit to the Executive Director to ensure that onsite park improvements shall be substantially completed within eighteen (18) months of the date of commencement of construction on the Phase II market-rate condominium units and that the applicant shall commence construction on the improvements within six (6) months from the date of commencement of Phase II market-rate unit construction.

3. Beach Parking Lot Improvements. Prior to transmittal of a permit, the applicant shall deliver a \$1,000,000 letter of credit to the Executive Director to ensure that the beach parking lot improvements, and improvements to the City's pedestrian promenade/bikepath as described in Exhibit C, shall be substantially completed within eighteen (18) months from the date of commencement of construction on the Phase II market-rate units and that the applicant shall commence improvement construction within six (6) months from the date of commencement of construction on Phase II market-rate units.

4. Height Limitations for Phase II Units. The applicant shall submit precise site plans subject to the review and approval of the Executive Director which demonstrate that the maximum heights of Phase II units do not exceed 54 feet above average existing grade on Neilson Way. The highest point of the structures shall be defined as the top of the roof joists. Elevator housing, stairways, chimneys, solar heating system, etc. may exceed the 54 ft. height limitation.

5. Vehicular Access. Prior to transmittal of a permit, the applicant shall submit, for the review and approval of the Executive Director, revised plans which indicate ingress/egress routes for the Phase II units. Vehicular access shall be limited to the following locations:

a. A driveway entrance/exit located no closer than approximately 390 feet west of the intersection of Neilson Way and Ocean Park Boulevard (as measured from the centerline of the intersection to the centerline of the driveway.)

b. A driveway entrance/exit located no closer than approximately 270 feet west of the intersection of Neilson Way and Ocean Park Boulevard (as measured from the centerline of the intersection to the centerline of the driveway.)

c. If required by the Fire Department, fire access can be permitted along Ocean Park Boulevard and Barnard Way. The applicant shall provide documentation to the Executive Director of such Fire Department requirements.

D. Remaining Conditions

All other conditions of Permit No. 318-76, and subsequent amendments that have been approved subject to conditions prior to the submittal of the current amendment request not expressly altered by this amendment, shall remain in effect.

OCEAN PARK BLVD.

Public Pedestrian and Bicycle
On-Site Park Access

Hill St.

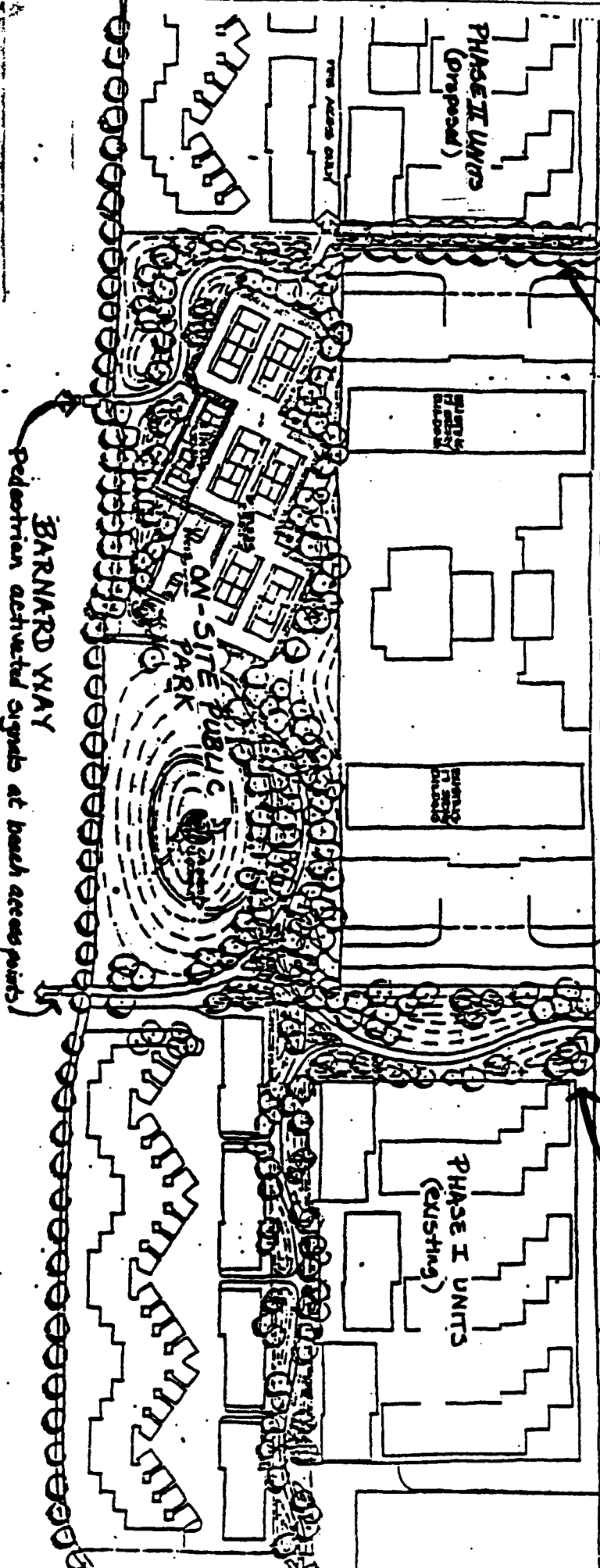
NEILSON WAY

Public Pedestrian and
Bicycle On-Site Park Access

Ashland Ave.

PHASE II UNITS
(Proposed)

PHASE I UNITS
(Existing)



ALTERNATE PLAN - ON-SITE PARK

EXHIBIT NO. D

APPLICATION NO.

5-84-591

On-Site Park
Alternate Plan

