# CALIFORNIA COASTAL COMMISSION

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## RECORD PACKET COPY



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Staff: Staff Report: AJP-LB 11/15/00

Hearing Date:

12/12-15/00

STAFF REPORT: REGULAR CALENDAR

**APPLICATION NUMBER: 5-00-378** 

APPLICANT:

Steve & Cindy Bond

AGENT:

RTK and Associates

**PROJECT LOCATION:** 

1149 3rd Street, Santa Monica

PROJECT DESCRIPTION: Demolition of an existing 26 space private parking lot and construction of a 3 story, 9,000 square foot commercial building with one subterranean level of 30 parking spaces with 5 additional tandem spaces provided through valet. The first floor will consist of 1,029 square feet of retail and the second and third floor will consist of 7,968 square feet of general office.

Lot Area:

7,500 square feet

Building Coverage: Landscape Coverage: 6,650 square feet 850 square feet

Parking Spaces:

35

Zoning:

C3-Downtown Commercial

Ht above final grade:

45 feet

LOCAL APPROVALS RECEIVED:

Approval in Concept

SUBSTANTIVE FILE DOCUMENTS:

Santa Monica certified Land Use Plan, 1992;

CDP No. 5-97-198 (100 Wilshire Associates)

#### **SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval with special conditions on the basis that the project, as conditioned conforms with the public access policies of the Coastal Act. Special Conditions include availability of parking for the general public during non-business hours, provision of signage, and the recordation of a deed restriction for valet parking.

## I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: I move that the Commission approve Coastal Development Permit #5-00-378 pursuant to the staff recommendation.

## STAFF RECOMMENDATION OF APPROVAL:

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

## **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

## II. STANDARD CONDITIONS:

- 1. <u>Notice of Receipt and Acknowledgment.</u> 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.
- 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. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> 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.
- 5. 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

- a) The on-site parking provided by the project shall be open for public parking on weekdays, weekends, and holidays, after business hours. If a fee is charged, rates shall not exceed that charged at the public beach parking lots.
- b) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development within the applicant's parcel or parcels. The deed restriction shall include legal descriptions of the applicant's entire parcel or parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## 2. <u>Signage</u>

Prior to issuance of the permit, the applicant shall submit, for review and approval of the Executive Director, a signage program which announces the availability of the parking area for public use during the times specified in condition No. 1 above. The sign(s) shall be located in conspicuous locations along the Third Street frontage and Third Court. The signage shall be designed

in accordance with the City of Santa Monica's third Street Mall Design Guidelines and shall clearly state the times of availability to the public and any parking fee.

## 3. Valet Parking

- a) The applicant shall provide valet parking service during regular business hours to provide a total of 35 on-site parking spaces for use by the commercial development, for the life of the project.
- b) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development within the applicant's parcel or parcels. The deed restriction shall include legal descriptions of the applicant's entire parcel or parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### 4. Best Management Practices

The applicant shall implement structural and/or non-structural Best Management Practices (BMP's) designed to minimize pollutant loads contained in runoff prior to entering the storm water conveyance system and to maintain post-development peak runoff rate and average volume from the site at levels similar to pre-development conditions, to the extent feasible. The BMPs shall include, but are not limited to:

- Design elements that serve to minimize directly connected impervious area and maintain permeable space within the development shall be incorporated where feasible. Options include the use of alternative design features such as concrete grid driveways and/or pavers for walkways, and/or porous material for or near walkways and driveways;
- ii. Sweep parking lot(s) with a vacuum regenerative sweeper on a monthly basis;

- iii. Installation of catch basin inserts or filtration devices effective at trapping and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals and particulates, in addition to trash and large debris. Selected BMPs shall be of a design capacity capable of mitigating (infiltrating or treating) stormwater runoff from each runoff event up to and including the 85<sup>th</sup> percentile 24-hour runoff event for volume based BMPs and/or the 85<sup>th</sup> percentile, 1 hour event, with an appropriate safety factor, for flow-based BMPs;
- iv. Routine maintenance, including inspection and regular cleaning of approved BMPs, to ensure their effectiveness prior to, and during, each rainy season from October 15<sup>th</sup> through April 31<sup>st</sup> of each year. Debris and other water pollutants contained in BMP device(s) will be contained and disposed of in a proper manner on a regular basis. All BMP traps/separators and/or filters must be cleaned prior to the start of the winter storm season, no later than October 15<sup>th</sup> each year. The BMP's shall be maintained to uphold their functionality.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a plan indicating the type(s) of BMPs to be installed, sizing specifications where applicable, and the locations where the BMPs will be installed.

The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to he approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

#### IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

# A. <u>Project Description and Location</u>

The applicant proposes the demolition of an existing 26 space private parking lot and construction of a 3 story, 9,000 square foot commercial building with one subterranean level of 30 parking spaces with 5 additional tandem spaces provided through valet service. The first floor will consist of 1,029 square feet of retail and the second and third floor will consist of 7,968 square feet of general office.

The proposed site is located on Third Street between Wilshire Boulevard and California Avenue (see Exhibit #1 & 2). The site is located in the City's Downtown subarea under the certified Land Use Plan and is zoned C3- Downtown Commercial. The surrounding area consists of a mixture of residential, office, and retail uses. Along the northern side of Wilshire Boulevard, the area is zoned commercial and developed with office and retail uses. To the north of the proposed site the area is zoned and developed with multiple-family residential development.

#### C. Development

Section 30250 of the Coastal Act states in part that:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have a significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30251 of the Coastal Act states in part 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 landforms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The proposed project is located approximately 1/4 mile from the beach. In the general vicinity of the project site the area is developed with a mix of residential, commercial and office development. The immediate area is a transition area between the commercial retail uses along Wilshire Boulevard to the south, and the multi-family residential areas north of Wilshire Boulevard.

Height of surrounding development varies from one to six stories. For the Downtown Frame the certified LUP states that development shall not exceed three stories, 45-feet in height or six stories 84 feet, with site review. The proposed project will be three-stories, with a subterranean level, and 45-feet high, as measured from existing grade.

The proposed project is compatible in use and scale with existing development and is consistent with past Commission permit action for the area. The Commission,

therefore, finds that the proposed project will be compatible with the character and scale of the surrounding uses and with the certified LUP.

## D. Parking

Section 30211 of the Coastal Act states that:

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

Section 30252 of the Coastal Act states in Part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

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

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

The applicant proposes to provide 30 parking spaces, plus 5 tandem spaces, for a total of 35 parking spaces to support the 9,000 square foot (1,029 square feet of retail and 7,968 square feet of general office) mixed use commercial development.

The proposed project is located across the street from the Third Street Mall and two blocks inland from Palisades Park. Third Street Mall is a popular visitor serving commercial area which is approximately three blocks from the beach and Santa Monica Pier.

Palisades Park is a coastal bluff top park overlooking the Pacific Ocean. The park provides viewing opportunities as well as passive recreational opportunities to the public and direct access to the beach, via foot bridges across Pacific Coast Highway.

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and the availability of public access to the coast. Because the downtown area is within close proximity to a number of coastal recreational areas and visitor servicing uses, the amount of parking in the area is critical for continued access in the area. Therefore, in order to conform to the requirements of the Coastal Act, the proposed project must provide adequate support parking in order not to negatively impact parking for the visitor serving area of Main Street or for beach parking.

Based on City parking standards of 1 space per 300 square feet, the City requires 30 parking spaces. Although the City found the parking adequate to meet City parking standards, the Commission has consistently applied Commission parking standards to development within the Santa Monica area. In the Santa Monica area, the Commission has consistently required that general retail use provide parking at a rate of 1 space per 225 square feet of gross area and office use provide parking at a rate of 1 space per 250 square feet of gross area. Based on the proposed uses and gross square footage of 1,029 square feet of retail and 7,968 square feet of general office, the project will generate a parking demand of 35 parking spaces.

The Commission has required stricter standards than the City because of the area's close proximity to coastal recreational uses and visitor-serving uses and the potential adverse impacts that low-priority commercial uses can have on public parking if adequate support parking is not provided. In this particular case the applicant is proposing 30 spaces plus 5 tandem spaces with valet service, for a total of 35 spaces and is consistent with the Commission's parking standards.

In past Commission permit action the Commission has approved valet service to allow development to meet the parking requirements. The applicant has agreed to provide valet parking and has provided a parking plan for the valet spaces. However, to ensure that valet service will continue to operate during business hours and that any future property owners are made aware of this requirement, a deed restrict, requiring the valet parking, shall be recorded as a special condition.

Furthermore, given the location of the project to coastal recreational areas, and due to the additional traffic that will be generated by he project, the project will adversely impact traffic circulation and beach access due to the additional employees and customers generated by the proposed project. Moreover, Section 30222 of the Coastal Act states in part that lands suitable for visitor-serving, commercial-recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over general commercial development. The Commission has allowed general commercial uses within the City's downtown area if properly mitigated to ensure protection and enhancement of public access. To mitigate the adverse impacts the Commission has required that development within this area provide retail use only on the ground floors, as proposed by this project, and has required that the parking within the development be open to the general public on weekends, holidays, and after 5:00 P.M. during the week when the demand for parking is greatest among beachgoers and visitors to the coastal recreational areas. This mitigation measure is consistent with past Commission permit decisions for the area and with the City's Certified LUP, with suggested modifications. Policy No. 16 of the LUP, states that.

Parking facilities in new commercial, office, and mixed-use developments, including conversions of existing structures with ten or more parking spaces, shall be required to be available for public use during hours when the public beach parking lots are open and when the business is not in operation, which may include weekends, major holidays and evenings. The development shall be required to conspicuously advertise the availability of general

public access parking with appropriate signing. A fee may be charged for parking as long as it does not exceed the rate in effect at the public beach parking lots. If a mixed-use development contains residential uses, the residential parking spaces shall not be required to be available for public use.

To ensure that the impacts to public access are mitigated, consistent with past Commission action and consistent with the certified LUP, Special Condition No. 1 requires that the applicant provide public parking during non-business hours and holidays and include signage to notify the public of the availability of the parking. The Commission finds that only as conditioned will the proposed project be consistent with past Commission permit action for the area and with Section 30211, 30222, and 30252 of the Coastal Act and with applicable policies of the City's certified LUP.

## E. Control of Polluted Runoff

#### Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

#### Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project poses a potential source of pollution due to contaminated runoff from the proposed parking lot and other hardscape. To mitigate potential impacts the Commission has routinely required projects to incorporate best management practices with extensive recommendations and measures to reduce or prevent contaminants from running off the site. However, the City has a new state-of-the-art stromwater treatment facility that treats all dry weather storm runoff. Runoff from all new development is directed to existing stormdrains, which direct stormwater to the treatment facility. If the facility is designed and capable of mitigating stormwater

runoff from each runoff event up to and including the 85<sup>th</sup> percentile 24-hour runoff event, then this project will comply with the Best Management Practices (BMP's) as required in Special Condition No. 4. The Commission, therefore, finds that, as conditioned, the development will be consistent with Section 30230 and 30231 of the Coastal Act.

## F. 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.

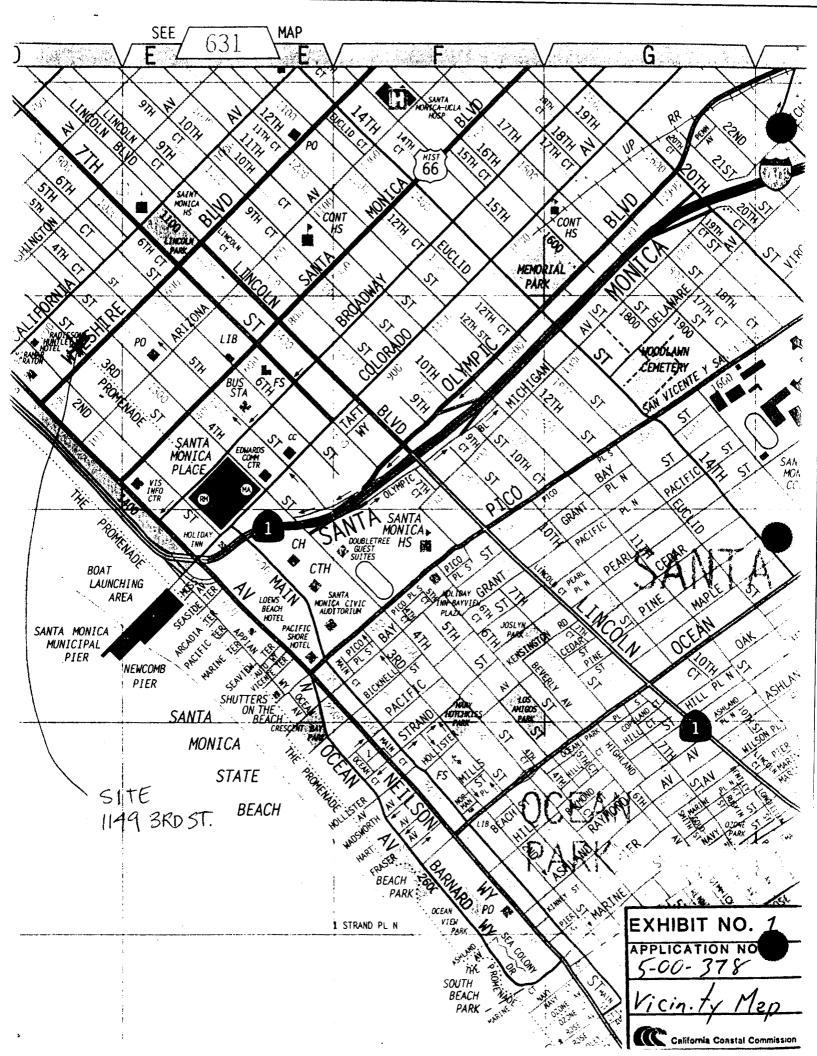
The subject site is suitable for commercial development. As conditioned the development will not adversely impact coastal resources or access. The Commission, therefore, finds that the proposed project, only as conditioned, will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare implementation for a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

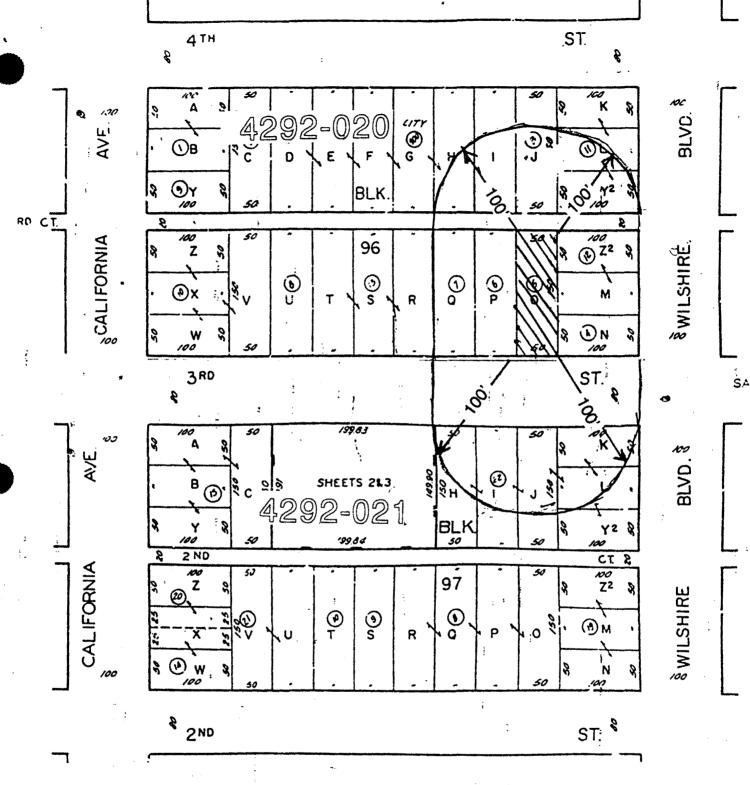
## G. <u>CEQA</u>

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 effect which the activity may have on the environment.

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





MAP, ASSESSORS PARCEL MAPS 4292-020 and 4292-021

100' RADIUS OF PARCEL LOT O BLK 96 TOWN OF SANTA MONICA

1149 3rd Street , Santa Monica 90403

7-18-2000

