

CALIFORNIA COASTAL COMMISSION

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**RECORD PACKET COPY**

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 Staff Report: 3/23/1999
 Hearing Date: 4/11-14/2000
 Commission Action:

STAFF REPORT: PERMIT AMENDMENT**APPLICATION NUMBER: 5-83-002-A2****APPLICANT: City of Santa Monica**

PROJECT LOCATION: Portions of Ocean Park Redevelopment Area bounded by Neilson Way, Barnard Way and Ocean Park Boulevard, in the City of Santa Monica.

PROJECT DESCRIPTION OF ORIGINAL PERMIT (A-318-76):

Replacement of existing public golf course and open space with 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.

DESCRIPTION OF PROPOSED AMENDMENT (FOURTH AMENDMENT):

Amend special condition requiring the provision of additional short-term parking along the north side of Ocean Park Boulevard, between Neilson Way and Barnard Way, to relocate 14 public parking spaces to Ocean Avenue, between Bicknell Avenue and Neilson Way. The spaces will be created through the elimination of one of two traffic lanes and restriping.

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.

DESCRIPTION OF FIRST AMENDMENT (A-318-76A):

Construction of a senior citizen housing portion of the redevelopment project. The proposed project would include 60 one-bedroom units of senior citizen low-income

rental housing and one 2-bedroom manager's unit, in a 4-story, 48 ft. high building covering 23,267 square feet, with thirty-one parking spaces.

DESCRIPTION OF SECOND AMENDMENT (A-318-76-A2):

Reduce the number of units to be rehabilitated from 27 to 22, and reduce the number of parking spaces required to accommodate the new residents of the rehabilitated units, allowing for a total of 21 spaces; construction of a six-foot fence to surround the rehabilitation project.

DESCRIPTION OF THIRD AMENDMENT (5-83-002A):

Approval of two different development plans for Phase II of the development approved in Permit NO. A-318-76 (see Exhibit no. 4 for a description of the two development plans).

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 conditionally approved. 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 amendment with special conditions.

USAGE NOTE:

To approve an amendment to a coastal development permit, the Commission must vote "yes" on a motion to approve the proposed permit amendment. The amendment is approved if a majority of Commissioners present vote "yes." (Public Resources Code § 30604.)

MOTION:

I move that the Commission approve the proposed amendment to Coastal Development Permit No. 5-83-002-A1 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the amendment as conditioned and 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. RESOLUTION TO APPROVE PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

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. Modify Special Condition No. B.8 of CDP no. 5-83-002A as follows (additions shown in underline, deletions in strikethrough):

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.~~

b. Along the south side of Ocean Park Boulevard between Neilson Way and Barnard Way (a minimum of 14 spaces).

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.

2. Add the following Special Conditions to the "Overall Conditions" of the Permit:

4. Ocean Avenue 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 14 metered (5-hour limit) public parking spaces on Ocean Avenue, between Bicknell Avenue and Neilson Way.

5. Construction of Ocean Avenue Parking Spaces

The 14 additional metered public parking spaces 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. 4.

6. Future Changes

With the acceptance of this permit the applicant agrees that any change in the hours or days of operation of the 14 short-term (5-hour minimum) metered parking spaces along Ocean Avenue, between Neilson Way and Bicknell Avenue, will require an amendment to this permit.

7. Condition Compliance

Within 60 days of Commission action on this amendment to the Coastal Development Permit, or within such additional time as the Executive Director may

grant for good cause, the applicant shall satisfy all conditions of approval required to be satisfied prior to issuance of the Coastal Development Permit, as amended. 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, as amended, shall remain in effect (See Exhibit no. 3 for conditions).

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The City is requesting to amend special condition no. B.8. of permit 5-83-2A to relocate 14 public on-street parking spaces along the north side of Ocean Park Boulevard, between Neilson Way and Barnard Way, to Ocean Avenue, between Bicknell Avenue and Neilson Way, in the City of Santa Monica. The existing 14 parking spaces are located within the first block inland of Barnard Way, which is the first public road paralleling the sea (See Exhibit No 1 & 2). The replacement spaces are located approximately 2000 feet from the existing parking spaces.

In 1977, the Commission approved a permit and subsequent amendments (#A318-76, amendments: A318-76-A1, A318-76-A2 and #5-83-2A) for a phased redevelopment project 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; and a public park located on the inland side of Barnard Way, across from the beach. The third amendment (5-83-2A) approved, with special conditions, two different development plans for Phase II of the development approved in Permit No. A-318-76. The permit amendment was approved with three sets of special conditions (A. Overall Conditions; B. Settlement Plan Conditions; and C. Alternate Plan Conditions). All special conditions were accepted and implemented by the applicant. Special condition #B.8 of the amendment required:

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.

The permit was issued in 1977, and all development has been completed along with the provision of the required on-street public parking. At this time there is no information as to how many parking spaces were added to the north or south side of Ocean Park Boulevard, between Neilson Way and Barnard Way. There are currently approximately 14 parking spaces on the north side of the street and 16 parking spaces on the south.

At the time permit No. A-318-76 was granted, there was on-street public parking on the north side of the street, which was residentially developed. Since the north side of the street currently provides approximately 14 spaces, which is the maximum number of spaces that can be provided (given the length of the street and curb cuts), it appears that the amount added under the previous permit was less than 14 spaces since the north side of the street was developed and provided some parking at that time. It is unclear how many spaces existed at the time.

Regardless of the actual number of on-street parking spaces added under the previous permit, the City is requesting to relocate the total number of spaces the street can physically provide (14 on-street public spaces) rather than the actual number added under the previous permit. The proposed location of the new parking spaces is approximately 2,000 feet from Ocean Park Boulevard. As with the existing parking spaces, the proposed new spaces are within the first block inland of the first public road paralleling the sea.

Currently, the 14 parking spaces on the north side of Ocean Park Boulevard are not available to the general public. In February 1984, the City established a preferential parking zone (Zone B) for resident parking only without the benefit of a Coastal Development Permit. The preferential parking zone was created to support the adjacent

residential neighborhood. Because of the preferential parking for residents only there are currently no short-term parking spaces for the general public along the north side of Ocean Park Boulevard.

The City is proposing to relocate the short-term public spaces to a new location so the existing public spaces on the north side of Ocean Park Boulevard will no longer be subject to the original permit restrictions identified in A-318-76. It is the City's intent, through a separate permit application, to request approval of a residential preferential parking district on the north side of Ocean Park Boulevard to support the neighborhood residents. The City has concurrently filed a permit application (5-99-046) to establish the parking district, which is currently scheduled for hearing by the Commission.

The proposed amendment was before the Commission in January 2000. The Commission expressed concerns with the adequacy of the City's replacement parking in this amendment application and in the City's preferential parking permit applications that were concurrently before the Commission, and asked the City to explore other alternative parking mitigation measures. After the City agreed, the Commission postponed the hearing on this item and the preferential parking permit applications.

B. Public Access and Recreation

The City is proposing to relocate 14 short-term on-street public parking spaces from an area adjacent to the beach and the City's South Beach park to an on-street public parking area, located approximately 2,000 feet to the north. 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 another location 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 also evaluated these concerns in inland areas near the beach which 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).

Two beach areas, between the Pier and the City's southern City boundary line, have been subject to a number of improvements. 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 for the area, 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. In CDP #5-83-002A the Commission found that the provision of additional parking was necessary 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.

The City is proposing to continue to provide public short-term parking in support of the recreational amenities and for coastal recreational visitors. The City proposes to relocate the 14 short-term on-street public parking spaces, currently located on Ocean Park Boulevard, to Ocean Avenue, between Bicknell Avenue and Neilson Way (see Exhibit no. 2). The new location is approximately 2,000 feet to the north of the existing location and on the first public road paralleling the sea.

Ocean Avenue, between Bicknell Avenue and Neilson Way, consists of two southbound lanes. There are currently 17 on-street metered parking spaces on the western side of the street and an island of 46 metered parking spaces on the eastern side, which is separated from Ocean Avenue by a median. The meters provide a maximum of 5-hours of parking at \$0.50 per hour.

The City will create an additional 14 short-term metered (5-hour time limit) spaces by reducing the two southbound lanes to one lane and providing additional metered spaces along the eastern side of Ocean Avenue (the City will provide a total of 25 new spaces within this segment of the street).

The City contends that by relocating the 14 short-term parking spaces to an area further to the north but still within the first block from the beach, the parking will continue to serve the short-term needs of the public for access to the beach and recreational uses. The relocated parking spaces will be located in an area with short-term parking and across from Crescent Bay Park, the "Linear Park", and in close proximity to the beach. Access from the proposed area to the beach is available either through the nearby Bicknell Avenue beach parking lot entrance or from Bay Street. Because of the proximity of the parking area to the beach and park areas, the existing parking spaces are heavily used by beachgoers and short-term coastal recreational visitors. Therefore, the additional parking will be used by beachgoers and recreationalist, and continue to serve the South Beach area.

The Commission finds that the City's proposal to re-allocate the 14 public parking spaces to Ocean Avenue 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 14 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. Therefore, special condition No. B.8 of CDP#5-83-002A will be amended to reflect that 14 public short-term parking spaces shall be provided along the eastern side of Ocean Park Boulevard, between Neilson Way and Barnard Way, instead of on the north side of the Ocean Park Boulevard. Two new special conditions are also added requiring submittal of plans prior to issuance of the amendment to the Coastal Development Permit and the construction of 14 new short-term metered (5-hour limit) public parking spaces on Ocean Avenue within 90 days of Commission action on this permit. Furthermore, 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. The Commission finds that, only as conditioned, will the proposed project be consistent with Sections 30210, 30211, 30212.5, 30213, 30214, 30223 and 30252(4) 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 at the subject site. 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.

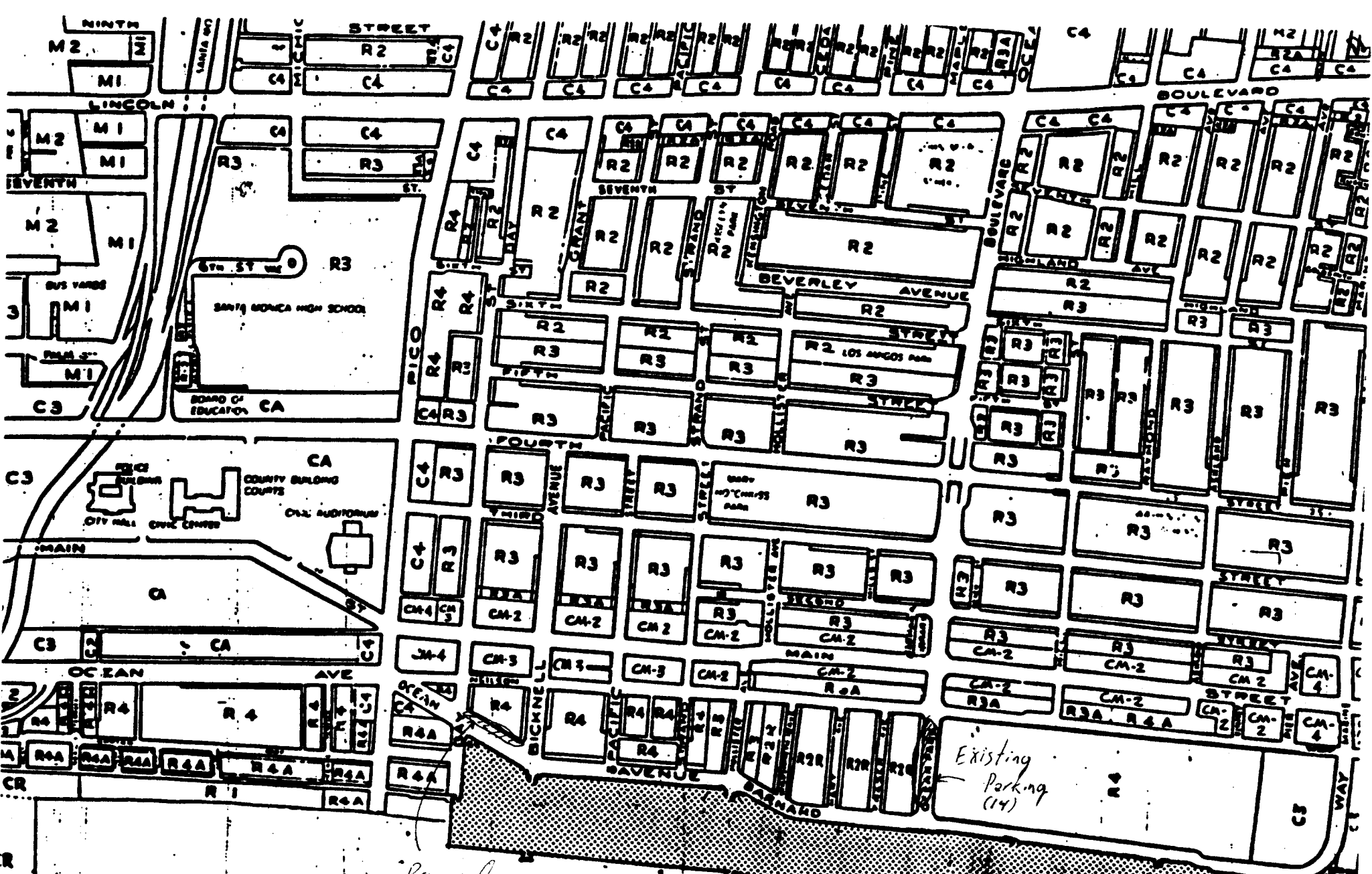


Project Site

Location of existing parking subject to this amendment request

EXHIBIT NO.	1
Application Number	5-83-002-AR
Project Site Location	
Zone B	
California Coastal Commission	

SEE ∇ J5
 1 VICTORIA CT
 2 MARLAN CT
 3 GRAND VIEW AV



Proposed Location of New Parking
Project Site

Beach Park
Santa Monica
Los Angeles City

EXHIBIT NO. 2
APPLICATION NO.
5-83-002-A2
Community Map

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 Bernard 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. 3
APPLICATION NO. 583-002-A2
List of Prior Conditions
California Coastal Commission

Exhibit C

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

D

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.

CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8

EXHIBIT NO. 4
Application Number 5-83-002-A2
Staff Report for 5-83-2-A
California Coastal Commission

TO: STATE COMMISSION AND INTERESTED PARTIES
FROM: MICHAEL L. FISCHER, EXECUTIVE DIRECTOR
SUBJECT: REQUEST FOR AMENDMENT TO PERMIT NO. 5-83-2-A (APPEAL NO. 318-76
SANTA MONICA REDEVELOPMENT AGENCY)

STAFF NOTE

The applicant, the Redevelopment Agency of the City of Santa Monica, has submitted an amendment request which proposes two different development plans for phase two of a planned redevelopment project in Ocean Park. The applicant has submitted both plans for approval instead of just one because of unique litigation problems between the applicant and its contractor The City Redevelopment Agency and its redeveloper have disagreed in the past on the design of the Phase II of the project. The redeveloper filed litigation against the City when the City failed to carry out its condition responsibilities required in the first permit approved by the Commission. The redeveloper contends he was prevented from fulfilling his permit conditions attached to the permit, and that Phase II could not go forward until the question of the parties' relative responsibilities was resolved.

The two parties have reached agreement over development of the project site: both parties advocate the Settlement Plan. The redeveloper however is, concerned that the Settlement Plan's implementation will be stopped by litigation filed by project opponents; therefore he would like an alternative plan approved by the Commission as a "fall-back" measure so that development costs can be recovered and the project completed. Thus, the Alternate Plan has been submitted as that fall-back plan, and would only be implemented if implementation of the Settlement Plan was halted due to litigation filed by project opponents.

The staff believes both plans can be found consistent with the Coastal Act policy concerns cited in the attached staff recommendation. The applicant has not asked the Commission to choose which of the two plans is better for achieving consistency with the Act; the critical question before the Commission is whether or not each of the two development plans can be found consistent with the Coastal Act. The staff believes the attached findings justify both plans' consistency with relevant Chapter 3 policies if approved subject to suggested conditions of approval. Therefore the staff recommends the Commission approve both plans as conditioned.

PROCEDURES:

In the case of permits issued by the Commission under the Coastal Act of 1976, the Commission's Administrative Regulations (Section 13166) permit applicants to request approval by the Commission of amendments to the project or permit conditions. The Commission may approve an amendment if it finds that the revised development is consistent with the Coastal Act. The staff recommends that the Commission continue the public hearing opened on January 27, 1983 in

5/24/83

San Pedro for additional public testimony on the proposed staff recommendation, and after closing the public hearing, vote on the request.

1. Project Description. 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 onsite 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.

Major Coastal Act issues raised by the project were the impacts of a major residential development within the community of Ocean Park, the need to protect coastal access and public recreational opportunities, the need to provide affordable housing within the scope of the residential development and the need to preserve coastal viewsheds. The Commission approved the project subject to conditions which required the applicant to: 1) provide a housing assistance and rehabilitation program (HARP) for the community of Ocean Park; 2) provide for a 60-unit senior citizen housing complex on the southeast portion of the site; 3) provide a beach access and park improvement program in addition to the planned onsite public park area; 4) provide for related street and freeway access improvements; and 5) rehabilitate 27 rental units owned by the City for affordable housing opportunities. A copy of the permit granted by the Commission is attached as Exhibit A.

The Commission has previously approved two amendment requests submitted by the applicant dealing with the construction of the senior citizen housing and the rehabilitation of the 27 rental units. The Commission also considered a request to revoke the amended permit allowing for the construction of the senior housing; the Commission denied the request on March 18, 1982.

2. 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 two phases of development (See Exhibit A). 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.

Although the City Redevelopment Agency has filed a formal amendment request, the violation of the original permit will not be automatically resolved by the submittal of the current amendment proposal. However, the enforcement of the permit's beach access/park improvements condition will be of primary concern in

reviewing the amendment request for consistency with Chapter 3 policies contained in the Coastal Act.

3. Proposed Amendment The applicant proposes two different development plans for Phase II of the development approved in Permit No. 318-76. The two additional plans are the result of a settlement of litigation between the City Redevelopment Agency and its contracted redeveloper over responsibilities for fulfillment of conditions attached to the original permit. The two plans are labelled the "Settlement Plan" and the "Alternate Plan". Both parties state a preference for developing a Settlement Plan over the Alternate Plan. The City Redevelopment Agency is committed to the implementation of the Settlement Plan; however, the Redevelopment Agency and its redeveloper would also like the Alternate Plan approved as a "fall-back" scheme if implementation of the Settlement Plan is delayed as a result of litigation already filed against the applicant by parties in opposition. If the Settlement Plan cannot go forward within a specified time frame agreed upon by the City Redevelopment Agency and its redeveloper, the Settlement Plan would be abandoned and the Alternate Plan would be implemented in its place.

a. Settlement Plan. The Settlement Plan would reduce the number of market-rate residential units from the previously approved 197 to a total of 150 units and would include a 1.5 acre parcel for the construction of a future affordable housing project, the size of which varies from 55 to 70 units. The previously approved onsite public park would be reduced so that a 1.5 acre housing site could be included in the development proposal located near the corner of Neilson Way and Ocean Park Boulevard. To compensate for the loss of onsite recreational space, the project plan would include major improvements to the southern portion of Santa Monica State Beach situated west of the project site, as well as alterations of the adjacent streets within the southern Ocean Park community. The plans involve extensive roadway modifications, redesign of beach parking lots, and the City's pedestrian promenade/bikepath, redesign of existing recreational facilities, green space and the paved parking area at the terminus of Ocean Park Boulevard so that a 4-acre "Ocean Park" would be created and the construction of additional beachfront recreational areas for all age groups. (A more detailed explanation of the Settlement Plan is included as Exhibit B.)

b. Alternate Plan. The Alternate Plan would reduce the number of market-rate units from 197 to 153 and would not include an onsite affordable housing project in the development proposal. The City Redevelopment Agency would adhere to the conditions set forth in the original HARP agreement, and would also construct and/or rehabilitate an additional 55-70 units of affordable housing. The onsite public park would not be reduced in size and would include six tennis court, 2 paddle-tennis courts, a basketball court, a children's look-out/play area, green space, and two vertical accessways through the project site. The Beach Access and Improvement Plan would be limited to parking lot landscaping and improvement of the pedestrian promenade/bikepath. (A more detailed description of the Alternate Plan is included as Exhibit C.)

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, an amendment for the proposed development on the grounds that, as conditioned, the amended 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 in conformity with the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Conditions

The amended permit is subject to the following conditions:

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.

III. Findings and Declarations

The Commission finds and declares as follows:

1. Open Space Needs and Opportunities for Public Recreation. The Ocean Park Redevelopment Area, even with the completion of Phase I of the redevelopment project, remains one of the largest parcels existing in the Venice-Santa Monica coastal area. As approved by the Commission in 1977, the project included on- and offsite recreational amenities pursuant to Section 30252(6) of the Coastal Act which provides:

The location and amount of new development should maintain and enhance public access to the coast by...(6) assuring that the

recreational needs of new residents will not overload nearby coastal recreational areas by correlating the amount of development with local park acquisition and development plans with the provisions of onsite recreational facilities to serve the new development.

As approved by the Commission, the project included a total of 5.89 acres of recreational space within the development; the project included two vertical accessways and a public park area on the project site. The project also included plans to landscape a portion of the southern Santa Monica State Beach parking lots directly west of the project site, and plans to formalize and separate uses on the pedestrian promenade/bikepath in existence along the southern Santa Monica beachfront to the west of the project site (Exhibit A). The Commission found that provisions of both on- and offsite public recreational amenities were essential for determining the project's consistency with Section 30252 of the Act.

a. Settlement Plan. If the Settlement Plan is implemented by the applicant, the previously approved onsite recreational space would be reduced. This reduction is achieved by eliminating one of the two vertical accessways, and some of the onsite park amenities (tennis courts, basketball courts and green space). Project opponents contend the Settlement Plan would offer public parkland for sale to the redeveloper so that additional residential units can be located within the project instead. The opponents contend the Commission found a larger onsite park to be necessary for determining Coastal Act consistency when it approved the original permit in 1977, and, because the Settlement Plan reduces that onsite park, the Plan is inconsistent with Section 30252 of the Act.

The applicant states the reduction of onsite park space is necessitated by the desire to include 55 to 70 units of affordable housing on the project site. The inclusion of additional housing units is achieved by reducing the amount of market-rate units to 150 instead of 193 as approved by the Commission, and by utilizing some of the space previously reserved for the development of the onsite park. Market-rate units have been moved seaward and to the south into the public park area, and a 1.5 acre parcel has been reserved at the corner of Ocean Park Boulevard and Neilson Way for the affordable housing complex. Rather than providing the original amount of onsite recreational space as approved, the applicant has proposed new recreational areas within the Santa Monica State Beach directly west of the project site, and along Barnard Way between Bicknell Street and the southern project limits (Exhibit B). The Settlement Plan proposes to construct a .85 acre recreational area directly south of the existing State Beach parking lot, a 3.94 acre park area directly west of the terminus of Ocean Park Boulevard (existing park, 1.11 acres, would increase in size to 3.94), and a 3.45 acre pedestrian promenade/buffer area along Barnard Way, as well as continuing to provide for landscaping in the southern State Beach parking lots. The Settlement Plan would increase the project's setback distance along Ocean Park Boulevard so that 8 feet can be added to the previously proposed 10-ft. setback area for development of green buffer. Finally, the Settlement Plan would still provide for improvement to the City's existing pedestrian promenade/bikepath along the southern beachfront. Implementation of the Settlement Plan creates a total of 10.40 acres of new recreational space both on and offsite. The applicant contends the Settlement

Plan provides for a greater amount of recreational amenities that the originally approved project envisioned.

The critical issue before the Commission is whether or not the recreational/access amenities included in the Settlement Plan are consistent with the intent of Section 30252 of the Coastal Act. The Commission must determine whether or not the amended project would provide adequate recreational support both on- and offsite so that adverse impacts on the quality of adjacent recreational areas are not caused by new residents after completion of the amended project. The Commission notes that Section 30252 does not only address the inclusion of onsite recreational areas in new development. Section 30252 provides that when new development is considered for approval, its size should be dictated by its ability to provide for its future occupants' recreational needs, as well as its ability to provide new recreational area for visitors to the coastal area. If a project cannot provide its needed recreational support space completely onsite, Section 30252 provides that new development projects must include enhancement plans for additional recreational space within the impacted community.

Even though the Settlement Plan actually increases the quality of recreational space both on- and offsite, the critical factor for Commission consideration is the quality of recreational space in the proposed amendment, not the quantity provided. The Commission believes that the design and accessibility of beach areas is the single most important factor governing the actual use of beaches in the State. The Settlement Plan would cause significant improvement to available recreational use areas along the oceanfront in Santa Monica, as well as it would cause significant enhancement to available coastal access routes to and along the oceanfront. Implementation of the Settlement Plan's recreational/access proposals would be consistent with Sections 30221 and 30223 of the Coastal Act which provide:

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. (30221)

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible. (30223)

Santa Monica State Beach draws over 20 million visitors annually, and is considered by the Commission to be the most heavily-utilized beach in the entire State. The 1979 Santa Monica State Beach Master Plan and the City's draft Land Use Plan (LUP) note the under-utilization of the southern State Beach south of the Municipal Pier, and the over-utilization of the northern State Beach north of the Pier. Both documents call for the enhancement of recreational opportunities along the southern beachfront to compensate for the over-utilization of the northern beachfront. The Commission notes that the Westside Communities portion of the Los Angeles County beachfront has been underutilized as public recreational area due to poor access and circulation planning for achieving traffic routes in and out of beach use areas. The Marina peninsula beachfront, located south of the project site, is an example of underutilization of an attractive beach area due to poorly designed traffic routes to the recreational amenities located along the shoreline. The

Commission finds the Settlement Plan will cause the City's southern beachfront to be enhanced so that less visitation and utilization of northern Los Angeles County beaches will take place after completion of development, and more southern Los Angeles County beachfront will be easily accessible for the public and more attractive to utilize due to additional recreational amenities. The Commission notes the regional importance of the Santa Monica State Beach and finds the Settlement Plan would actually implement several local and regional planning goals, thereby improving the quality of beachfront recreational opportunity for the general public, consistent with the policy concerns raised in Sections 30221 and 30223 of the Coastal Act.

Although the Settlement Plan would reduce onsite recreational space, it would still provide significant and varied onsite recreational support as well as substantial improvements to the adjacent public beachfront. The quality of recreational opportunity within the project site and adjacent area would be significantly improved under the Settlement Plan, and the Commission finds this enhancement of quality to be the overriding factor for determining the amended project's consistency with Section 30252 of the Coastal Act. Beach visitors arriving from central Los Angeles to Santa Monica do not come primarily in search of additional recreational opportunities located inland of the City's beachfront; they come to Santa Monica to enjoy the City's substantial beachfront recreational amenities. Because the Settlement Plan provides onsite recreational support space and provides significant improvements to available public recreational opportunities along the beachfront, the Commission finds that amended project to be consistent with Section 30252 of the Act.

The Commission notes the Settlement Plan would reduce onsite recreational space by 2.33 acres, but the revised onsite recreational space still offers varied recreational amenities available for all age levels to utilize. In addition, the Settlement Plan would develop .85 acres of existing paving as a senior citizen recreational area, would expand an existing public park facility located on the State Beach at the terminus of Ocean Park Boulevard by adding 2.33 acres of new space, and would create a public promenade/green landscape buffer along Barnard Way consisting of 3.45 acres of space. Thus, an additional 7.13 acres of space for public recreational use is offered in lieu of the reduction of 2.33 acres in recreational space on the project site.

The project opponents contend that the offsite recreational space should not be considered as new recreational public space since it currently exists as public space on the Santa Monica State Beach, and that recycling existing public space does not result in an increase of recreational support space within the Ocean Park community and adjacent beachfront. The Commission does not agree with this contention. The Commission believes the design and quality of public space is the critical factor in the subject amendment rather than the quantity. The offsite space proposed for recreational development in the Settlement Plan currently exists as paved support parking for the southern State Beach, and as paved lanes in the local streets bordering the development site. The Settlement Plan would redesign the parking area on the State Beach so that new recreational space can be achieved without a corresponding loss of coastal access parking or a loss of sandy beach. The narrowing of local streets enables the applicant to develop additional strip park areas and public promenades without adverse impacts on coastal access routes around the project site. Thus, although the space proposed for recreational development is already publically owned, it is not actual "recreational use" space, and the Commission has previously noted

the southern beachfront park is under utilized in its current state by regional beach-users. Moreover, the Commission believes quality of recreational use areas to be more important than quantity of recreational use areas for achieving consistency in the subject development with Section 30252 of the Act, due to the location of the project site next to the State's most heavily-visited beachfront. Because the Settlement Plan provides both on- and offsite recreational support, and because it would improve regional beachfront recreational areas available to the public, the Commission finds the Settlement Plan as conditioned to be consistent with Sections 30252, 30221 and 30223 of the Coastal Act.

b. Alternate Plan. If the Alternate Plan is implemented by the applicant, the amount of recreational space available onsite would not be altered from the amount previously approved. The conditions require the applicant to construct the onsite and offsite recreational improvements prior to completion of construction on the Phase II market-rate condominiums so that additional recreational opportunities can be realized before new residents are added to the City's population to utilize these recreational space areas. Because the Alternate Plan would not change the nature of recreational space on- or offsite from what was previously approved by the Commission, and because this recreational space would be in place prior to opening the Phase II residential units to new occupants, the Commission finds the intended effect of the decision made in 1977 has not been diminished by the current amendment request if the Alternate Plan is implemented. Therefore, the Commission finds that for the reasons expressed in its original approval, the Alternate Plan would provide adequate amounts of recreational space both on- and offsite for Phase II of the project, and the proposed amendment is consistent with Section 30252 of the Coastal Act of 1976.

c. Interim Park Need. As noted in the project description, the Commission has determined that the applicant is in violation of the previous terms and conditions attached to Permit No. 318-76, due to the failure to complete specified recreational use areas within the project site according to specified time frames. Phase I of the project has been constructed, but onsite recreational support areas for these Phase I occupants have not been constructed. Regardless of which of the two Plans is implemented, the special conditions require the applicant to develop interim park areas on the Phase II portion of the site so that Phase I recreational needs can be met prior to final resolution of development issues attached to the Phase II of the project (see Exhibit D). The Commission finds the special condition to be necessary to bring Phase I of the project into conformance with its previously required conditions of approval attached to the completion of Phase I development. These recreational conditions are necessary for finding the project consistent with the Coastal Act. Therefore the Commission finds the project as conditioned to immediately address the current deficiency of park space developed within the project complex, is consistent with both its previous action on Permit No. 318-76 and with relevant public recreational policies contained in Chapter 3 of the Act.

2. Coastal Access Issues. The project originally proposed the addition of approximately 400 residential units to the housing stock of Ocean Park, and in 1977, the Commission considered the impacts caused by new development on adjacent coastal access routes, and required adequate provisions of support parking, traffic control measures and public accessways. Due to the Santa

Monica State Beach area's regional importance, the Commission found the project must not adversely impact coastal beach access routes which bordered the project site.

a. Settlement Plan. The Settlement Plan proposes to implement five changes to vehicular and pedestrian access routes within and around the project site. First, the Settlement Plan proposes to relocate the main south beach parking lot entrance from Ocean Park Boulevard and Barnard Way, to Bicknell Street and Barnard Way, approximately seven blocks north. Second, the Settlement Plan proposes to narrow Ocean Park Boulevard between Neilson Way and Barnard Way, and Barnard Way between Bicknell and Barnard Way as it intersects with Neilson Way, from four-lane to two-lane streets. Third, the Settlement Plan would eliminate the second vertical accessway through the project site. Fourth, the Settlement Plan would alter existing on-street public parking, and by creating a new public park would cause a need for additional short-term parking near the site. Finally, the Settlement Plan proposes ingress/egress routes for the second phase of residential development which may impact adjacent access routes to and from the State Beach.

Project opponents believe the Settlement Plan would cause irreparable harm to residential traffic flow within Ocean Park. Project opponents believe two beach entrances to the south beach parking lots must be operated at all times to distribute beach traffic flow. They contend Ocean Park Boulevard and Barnard Way should not be narrowed since these two streets currently serve as major coastal access routes. They contend the second vertical accessway should not be eliminated from the project site, that ingress/egress routes should not be located on either Neilson Way or Ocean Park Boulevard and that short-term parking should be made available for the proposed public park and for needed residential parking in the Ocean Park residential community immediately north of the project site.

1) Beach Entrance Relocation. The Settlement Plan would move the major south beach parking lot entrance from Ocean Park Boulevard to Bicknell Street, seven blocks to the north of the current entrance. According to beach user surveys conducted by the City in preparing its Local Coastal Program, at least 64% of the south beach parking lot patrons arrive at the City's beachfront by utilizing the Santa Monica Freeway, with the vast majority of south beach parking lot users arriving either from the north by way of Pacific Coast Highway or from the east by way of the Santa Monica Freeway. Most local users arrive at the beach without use of a car; they walk or ride bicycles to the beachfront. The proposed relocation of the beach parking lot entrance to Bicknell would situate the main entrance closer to regional traffic routes in and out of the City's State Beach park area. In addition, the applicant would redesign the south beach parking lots to increase lot efficiency and to ease traffic circulation within the lots without reducing parking lot space capacity from its existing amount of 2400 spaces. Additional toll lanes and queuing areas would improve flow in and out of the beach parking lot entrance area, and mass transit entrances/exits and turn-about areas would be provided in the redesigned parking lots.

The Commission finds the proposed entrance relocation to be consistent with public access policies contained in Chapter 3 of the Coastal Act. The relocation would better serve regional access routes into the southern City beachfront, 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 southern beachfront parking areas. A secondary entrance at Ocean Park Boulevard would still be operated during peak beach use periods of the year to minimize traffic conflict onto residential streets north of the project site by equally distributing traffic in and out of the beach parking lots. The additional toll lane and queuing areas would ease traffic back-up problems onto local residential streets adjacent to the parking lots. In addition, mass transit service to the beachfront would be enhanced by the provision of bus-turn-around areas within the parking lot. The Commission notes that the majority of vehicular traffic into the south beach parking lots originates from regional traffic routes located to the north and east of the project site and the current beach parking lot entrance, and that the proposed relocation would improve access service for these regional beach visitors. Therefore, the Commission finds the proposed relocation to be consistent with all relevant public access policies contained in the Coastal Act.

2) Narrowing of Barnard Way and Ocean Park Boulevard. Currently, both Barnard Way and Ocean Park Boulevard are major coastal access routes into the south beach parking lots due to the location of the existing lot entrance. Ocean Park Boulevard serves as the main entrance to the beach lots, and most vehicular traffic comes from north-south traffic along Neilson Way to Ocean Park Boulevard and down to the beachfront. By relocating the main beach parking lot entrance to Bicknell Street 7 blocks to the north, the coastal access traffic flow on Ocean Park Boulevard and Barnard Way will decrease, and traffic flow onto Bicknell and Hollister, the latter serving as the main exit route to the freeway from the beachfront, will correspondingly increase. When Barnard Way was first constructed, the project site was proposed for redevelopment of 1400 new residential structures. City traffic engineers realized the addition of this amount of new residents would necessitate extra lane capacity along Barnard Way, and therefore developed a four-lane road next to the project site on its western and southern borders. Since density on the project site has been reduced to a level of approximately 420 units, the additional lane capacity along Barnard Way is no longer necessary to provide traffic service for the new residential development.

Since traffic flow in and out of the project does not merit a four-lane service road, and because beach-users would be relocated out of the project area to a beach parking lot entrance several blocks north of the project site, the Settlement Plan proposes to eliminate the extra lane capacity on Ocean Park Boulevard between Neilson Way and Barnard Way and on Barnard Way between Bicknell and Barnard Way as it intersects with Neilson Way. By eliminating two lanes from each road, additional pedestrian buffer areas can be created on both sides of these two roads, bikelanes can be constructed on both sides of the roads and extra support parking can be created to ease residential parking demand and short-term parking demand within the southern beachfront community. Both roads would change from coastal access routes to local residential streets, providing service to local residents within the adjacent community more than service for beach users who would be directed out of area to the main beach lot entry/exit routes. The Commission notes the proposed lane reductions have been studied for traffic impacts by the City Redevelopment Agency when preparing the proposed amendment request, and that the Redevelopment Agency traffic and planning consultants conclude lane reduction can occur without major impacts on coastal access routes relocated to the north, provided a major publicity

campaign is conducted to re-educate regional beach-users and local beach-users about the southern beach lot changes. The City's Traffic and Parking Engineer has also reviewed the proposed changes and believes the relocation and street-narrowing will improve access within this portion of the City. When the proposed amendment was under going local review, several Ocean Park residents, including planners and traffic consultants, were involved in formulating the proposed traffic changes within the community, and the project's original EIR consultant, who was also involved in the latest local planning effort, has indicated in correspondence to Commission staff that the proposed land reductions and beach lot entrance relocation both serve to improve traffic circulation conditions around the proposed development (Exhibit F). The EIR consultant and other traffic experts believe the two proposals will not adversely impact vehicular and pedestrian access in and out of the development or in and out of the beachfront. The Commission concurs with the opinions voiced by traffic and planning consultants during the local planning process. The Commission notes the heavy regional use of the City's beachfront and finds that if coastal regional access routes are located outside of the project area, additional new residents on the project site will not cause further conflict on available coastal access routes. Local traffic patterns can only be improved by the proposed relocation of beach traffic closer to freeway exits and entrances, and the proposed narrowing of Barnard Way and Ocean Park Boulevard will serve to enhance non-vehicular access needs existing locally, without diminishing the two roads' capacity to provide service as residential traffic corridors. After reviewing all of the available material on the proposed changes, the Commission concludes the street reductions can occur, provided the beach entrance relocation takes place prior to any lane reductions. The Commission finds the proposed lane reduction to be consistent with public access policies contained in Chapter 3 of the Act, and specifically Section 30252 of the Act which calls for the provision of nonvehicular access within projects to minimize conflict on coastal access routes.

3) Elimination of Hill Street Accessway. The Settlement Plan would remove the second vertical accessway from the development site plan, and would use the .29 acres of land previously reserved for the vertical accessway as additional setback area along Ocean Park Boulevard. The applicant states the Hill Street accessway as required by the original permit action is not in the direct vertical or lateral path of any source of pedestrian traffic coming from the eastern portion of the City. Pedestrians coming from the north along Neilson Way would utilize Ocean Park Boulevard for access to the beachfront. Pedestrians travelling south along Neilson Way would utilize either Barnard Way at Neilson Way, or the existing Ashland Street accessway through the southern portion of the project site. The residents of the redevelopment project similarly have the option of several routes through the project site.

The Commission notes that vertical access should be provided in new development at every 500 feet so that pedestrian access conflicts are minimized in new development projects. However, the Hill Street accessway would not be easily reached by the public, since it would dead-end onto Neilson Way without having a vertical pedestrian crossing lane across Neilson Way. Traffic engineers for the City have indicated a second traffic light cannot be installed at the Hill Street accessway due to safety needs on Neilson Way; there must be adequate interval space between traffic lights so that vehicular travel can be safely conducted adjacent to the project site. In addition, if vertical access is required at the Hill Street location, the accessway would travel vertically to

the market-rate portion of the site, then, due to the location of the Phase II subterranean parking garage, the accessway would have to jog south behind the townhome portion of the condominium site for a distance of 460 feet. The southern "jog" in the accessway would cause safety and maintenance problems due to its narrow width and its placement between two walls of residential development. The Commission finds the revised Hill Street accessway would cause unnecessary safety hazards due to the need to jog 460 feet south to provide access through the changed development. Because the access acreage would not be eliminated but moved north to Ocean Park Boulevard so that pedestrian access can be enhanced along the project's northern border, the Commission finds the proposed relocation to be consistent with the public access policies contained in Section 30200-30214.

4) Short-term Parking Needs. Currently, Ocean Park Boulevard provides surface parking opportunities along both sides of the street between Neilson Way and Barnard Way, and Barnard Way provides seven 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 onsite 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 project site. The conditions require 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 recreational 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. As conditioned to provide additional short-term parking, the Commission finds the Settlement Plan to be consistent with Section 30212.5 of the Act.

5) Ingress/Egress for the Proposed Residences. Due to the proposed street narrowing projects, the Commission notes that current use of Ocean Park Boulevard and Barnard Way could be impacted by further development on the project site if ingress/egress routes are not placed in areas where conflict with residential and beach traffic would be minimized. The Commission finds that additional ingress/egress routes for the project site should not be located on Neilson Way due to the existing heavy north-south traffic. The original EIR prepared for the project suggested that major entrances to the project be placed on Barnard Way as far away as is practically possible from the intersection of Ocean Park Boulevard and Barnard Way. Due to the need to minimize conflicts between beach and local residential traffic, the conditions attached to the Settlement Plan's approval require the relocation of one ingress/egress to the market-rate portion of Phase II from Ocean Park Boulevard to Barnard Way. One entrance/exit path to and from the affordable housing project site shall be provided on Ocean Park Boulevard. The Commission finds these ingress/egress changes to be necessitated by the proposed alterations of adjacent roads to the project and beachfront so that access conflicts are minimized, and therefore finds the project, as conditioned, to be consistent with traffic safety and coastal access policies contained in the Coastal Act.

6) Summary. The Settlement Plan proposes numerous changes to coastal access routes to and from the beachfront and around the project site. The Commission believes these changes will facilitate coastal access for regional users, the vast majority of which arrive by car from the North or from freeway routes located inland to the north of the project site. The changes will improve local residential traffic routes, will enhance pedestrian and bicycle access to the beachfront and will alleviate short-term parking demand by creating additional parking support. Although the original EIR did not specifically discuss the proposed beach entrance relocation or the proposed street narrowing project, the Commission notes the two proposals will not have adverse impacts on local coastal access routes; rather the project will have positive impacts which will serve to improve coastal and local access through and around the beachfront and project site. The Commission concurs with the opinions expressed by traffic consultants when the project was reviewed and approved at the local level, and finds the Settlement Plan access proposals to be consistent with the original intent of the permit issued in 1977, as well as with all relevant access policies contained in Chapter 3 of the Act.

b) Alternative Plan. If the Alternate Plan is implemented by the applicant, there would be no relocation of the beach parking lot entrances, no narrowing of lane capacity on Ocean Park Boulevard or Barnard Way, two vertical accessways would still be provided through the project site, and short-term parking for both local residents and for future users of the onsite park would exist in current amounts. Because the Alternate Plan proposes no additional changes to coastal and residential access routes, the Commission believes the original permit conditions and findings properly address all relevant coastal access issues, and finds that the Alternate Plan is consistent with public access policies contained in the Coastal Act.

3. Housing Issues. When the Commission approved the subject development request in 1977, Section 30213 of the Coastal Act stated "that housing opportunities for persons of low and moderate income shall be protected, encouraged, and where feasible, provided in new development proposals." Because the project site previously provided affordable housing for the Ocean Park community, the Commission found that replacement affordable housing requirements were necessary for consistency with Section 30213 of the Act. The applicant was required to implement a housing assistance and rehabilitation program (HARP), using tax increment monies made available by the sale of market-rate units in Phase I of the project to rehabilitate 80 units of existing housing stock in Ocean Park, to rehabilitate and lease 27 units of housing stock existing in Ocean Park to persons of low and moderate income and to reserve a portion of the project site for senior citizen housing. The applicant subsequently applied for an amendment to change the amount of units to be rehabilitated in the 27-unit project, and also received an amendment for the construction of 60 units of senior citizen housing. The HARP condition has not been met by the applicant.

a) Settlement Plan. If the Settlement Plan is implemented by the applicant, the HARP condition would be replaced by a new proposal to utilize a portion of the development site itself as the location of an affordable housing project, varying in size from 55 to 70 units. The new proposal would provide permanent affordable housing opportunities instead of the 20-year HARP program envisioned in the original housing condition.

Project opponents contend that the inclusion of an affordable housing project on the subject site reduces available open recreational space. They contend the Coastal Act no longer requires affordable housing compliance, and that open space should not be eliminated in favor of lower Coastal Act priority uses like residential development.

The Commission notes that the HARP housing requirement has not been finalized in a document legally recorded by the applicant, and pursuant to Coastal Act changes to Section 30213, the Commission is free to review the proposed amendment request's changes to affordable housing conditions previously required of the subject development. The Commission finds in the past the site provided significant affordable housing for the Ocean Park community, and that a proposal to actually locate replacement housing units on the project site instead of elsewhere in the adjacent Ocean Park area would be consistent with the intent of Section 30213 of the Act before it was amended to delete housing requirements. Moreover, since half of the originally approved development has been constructed and occupied, the previous permit requirements still must be met by the applicant even though affordable housing requirements are no longer included in the Coastal Act. The Commission finds the proposed increase in density is not so great as to affect the overall project density, since the maximum increase would raise the number of units previously approved onsite from 397 to 424 units, an increase of 27 units. Thus, the Commission believes the housing proposal included in the Settlement Plan is the functional equivalent of the housing program previously required.

The Commission hereby approves in concept the use of the 1.5 acre parcel located near the intersection of Ocean Park Boulevard and Neilson Way for an affordable housing project, provided the following elements are included in the actual coastal development permit for the construction of the affordable units. First, if the number of onsite housing units is less than the 80 units previously required by the Commission, the applicant must provide additional housing within the Ocean Park community to bring the affordable housing to a total of 80 units to be provided. Thus, the Settlement Plan's housing proposal would be the functional equivalent of the previous required HARP condition. Second, the housing units must not exceed height limitations placed on the rest of Phase II's residential structures; these height limitations are 57.5 ft. above average existing grade at Barnard Way and 54 ft. above average existing grade at Neilson Way. Third, access to and from the project site shall be located on Ocean Park Boulevard as far away as possible from the intersection of Neilson Way and Ocean Park Boulevard. Fourth, adequate support parking for the number of units proposed must be assured in project design. Finally, the affordable housing project must be completed concurrent with the completion of construction of the Phase II market-rate units. The Commission notes the affordable housing condition, the HARP condition, was to be actualized prior to the commencement of Phase II of the market-rate units under the original permit decision, and therefore finds the revised affordable housing conditions must be met before new market-rate units are available for occupancy on the subject site, so that adverse impacts on the affordable housing stock within the City are properly mitigated. The Commission finds that certain access, traffic and height concerns that exist for any additional units proposed for construction on the subject site, will also exist for the proposal to construct the affordable housing complex, and the Commission further finds additional access, traffic and height conditions to be necessary requirements of the proposed onsite affordable housing for the project's overall consistency with relevant portions of the

Coastal Act. The conditions attached to the Commission's approval in concept will ensure that all of the above-mentioned Coastal Act concerns will be addressed in the actual coastal development application to construct the affordable housing units; therefore, the Commission finds the replacement housing program to be consistent with all relevant portions of the Act and with the original decision on the development of the project site.

b. Alternate Plan. If the Alternate Plan is implemented by the applicant, the HARP condition previously required would still be met by the applicant; the HARP condition required the applicant to rehabilitate specific units of City-owned property for affordable housing opportunities under a 20-year program of ensured control over the rehabilitated units. In addition, the applicant would rehabilitate 55 to 70 units existing within Ocean Park and make the rehabilitated units available for an affordable housing program on a permanent basis. Thus, the applicant would rehabilitate as many as 150 units for available housing stock or as few as 135 units for future affordable housing opportunities within the Ocean Park community. The Commission notes that its previous approval only stipulated the rehabilitation of 80 units under HARP, and the Commission finds that the increase in rehabilitated units is not a Commission requirement, but an offer by the applicant. Because the Alternate Plan would provide more units than previously found necessary to mitigate the adverse impacts on affordable housing stock caused by the subject development, the Commission finds the Alternate Plan to be consistent with the intent of the original permit conditions. Therefore, the Commission finds the Alternate Plan to be consistent with relevant sections of the Coastal Act of 1976 in place at the time of the original decision on the project.

Project opponents have suggested that the applicant be required to provide 125 units under the HARP condition because of written offers by the developer to do so which exist in the permit file. The Commission notes that these are voluntary measures offered by the applicant, and that there is no Coastal Act policy requirement to justify an increase in affordable housing requirements. Project opponents also contend the HARP units will not be adequately protected as affordable housing opportunities pursuant to HUD guidelines previously utilized by the Commission when requirements of affordable units were made by the Commission. The Commission believes the housing protection program initiated by the City Redevelopment Agency will assure compliance with HUD guidelines and believes the proposal to permanently protect the affordability of the housing units will assure that the units will not be converted to market-rate units in the future. For these reasons, the Commission therefore finds the housing program proposed by the Alternate Plan to be consistent with the original decision on the project site and with Section 30213 before it was amended to delete affordable housing provisions from the Coastal Act.

4. Visual Concerns - Community Character. Section 30251 of the Act states that scenic and visual qualities of the coastal areas shall be protected in new development proposals and that permitted development shall be sited and designed to protect views to and along the coast as well as to be visually compatible with surrounding areas. Section 30253(5) of the Act also provides that where appropriate, new development shall protect special communities and neighborhoods which, because of unique characteristics, are popular visitor destination points for recreational uses. Project opponents contend Ocean Park is a special coastal community because it was one of the first Southern California residential subdivisions and also because of the very popular

beachfront located to the west of the Ocean Park Community. The opponents believe the Settlement Plan would cause adverse increases in density on the project site, and that previous height requirements made by the Commission in 1977 are being violated in the subject amendment request. The opponents contend public views available from Neilson Way will be blocked by the amendment project which would be inconsistent with both Sections 30251 and 30253(5).

a. Settlement Plan. If the Settlement Plan is implemented by the applicant, the following aspects of development relating to height concerns would be present: 1) there would be an increase in project density from the approved total of 397; 2) new residential structures would be placed on the undeveloped portions of the project site previously proposed as recreational /access space; 3) landscaping would occur along coastal access routes to the oceanfront and within the south beach parking lot; and 4) additional structures would be placed within the south beach parking lot.

First, the Commission notes that Ocean Park is not a designated special coastal community pursuant to Section 30253(5) of the Act, and it does not serve as a visitor-destination point in regional Los Angeles or statewide in California. The Santa Monica State Beach is the true recreational visitor-destination point and it extends the distance of the entire City limits. However, community character issues are of Commission concern since the existing community consists of low-level single-family residential dwellings, and new development should be visually consistent with its surrounding community. The project site itself is already severely impacted by the two, 17-story apartment structures built in the 1960's. The Phase II market-rate units will be similar to design to the Phase I market rate units and the redevelopment project site will be separated by 18-ft setback buffer zones as it interfaces with the adjacent housing stock on the northern boundary of the project. The Commission finds the proposed Phase II housing is not visually incompatible with adjacent residential structures onsite or offsite due to the additional landscaped green buffer and similar design in Phase II units design in Phase I units. The Commission also finds that the increase in density proposed under the Settlement Plan is insignificant when compared to the original density proposed for the project. If 55 affordable housing units are constructed, the total project density would be 409 units onsite. If as many as 70 housing units are constructed, the total project density would increase to 424 units. The Commission believes an increase of 27 units is not a major increase in project density when the size of the project site is considered and that other use elements of the Settlement Plan will serve to support the added increase in density. For example, additional recreational facilities will be provided for both beach regional visitors and local residents, and additional parking support will be provided along surface streets bordering the subject property. Adequate public services are available for the subject development, and signal lights exist at virtually every major intersection within the project vicinity to help control increases in traffic. The conditions require relocation of ingress/egress routes to minimize conflicts with local residential and beach traffic. The conditions also provide specific height limitations for the Phase II residential structures pursuant to height limitations discussed in the original decision made by the Commission in 1977. For these reasons, the Commission does not believe the increase in density on the project site will cause additional adverse impacts on available coastal resources.

Although additional residential units would be placed on a portion of the site previously reserved for public park development, the Commission finds that no public views will be blocked by the revised placement of residential units within the project. Private views available from Phase I residential units and from the existing 17-story apartment building will be blocked by the amendment project; however, the Commission finds Section 30251 pertains to the protection of public views and the Commission is not charged with the responsibility of protecting private views of the coastline.

In the original permit decision, it was noted that the proposed residential structures would have an average height of approximately 63.5 feet above grade, and the Commission found this height to be consistent with relevant visual concerns contained in the Act. In both of the two development plans for Phase II of the project, the applicant is proposing further reductions in height for the project site. The project site is a sloping parcel with a higher elevation in existing grade along Neilson Way than along Barnard Way. If residential structures are all proposed with identification height limitations, the structures along Neilson Way would appear larger than structures situated along Bernard Way.

The Commission has previously determined that the project site is suitable for residential development, and that a 63.5-ft. height limitation is adequate to assure protection of public views. Under the Settlement Plan, the applicant has further reduced the proposed heights of structures to address visual concerns voiced by residents who live to the north of the subject site. Stories have been eliminated and structures have been relocated to minimize the effect of new "wall" of residential structures along Ocean Park Boulevard. An utility easement previously reserved for development as a vertical accessway through the project (Hill Street) will still exist as an 8-ft. corridor of space between the existing 17-story structures and Phase II of the project. Furthermore, the conditions specify specific height requirements for the remaining residential structures located onsite. The conditions require units situated along Neilson Way to be limited in height to 54 feet above average existing grade (excluding elevator housings, chimneys, etc.) and require existing units situated along Barnard Way to be limited in height to 57.5 feet above average grade. The affordable housing units are similarly limited to heights required of market-rate units. The Commission believes these additional reductions in height help to preserve the existing community character within the vicinity of the project, and therefore finds the project as conditioned to provide additional height protection to be consistent with both Section 30251 and 30253(5) of the Act.

b. Alternate Plan. If the Alternate Plan is implemented by the applicant, there would be no need for further discussion of increases in density since the project would conform to or include less occupants than the original density proposed by the applicant. Under the Alternate Plan, the applicant is also relocating structures to minimize the visual effect of new residential buildings on the project site, and is also reducing stories proposed along Neilson Way in the market-rate structures. The conditions require the same height limitations of structures built pursuant to the Alternate Plan as are being required of structures being built pursuant to the Settlement Plan. Again, the Commission finds the additional reductions in height from the previously approved 63.5 ft. height limit will help to better preserve existing community character within the vicinity of project, and therefore finds the

Alternate Plan as conditioned to be consistent with Section 30251 and 30253(5) of the Coastal Act.

5. Local Coastal Program. The Land Use Plan (LUP) for the City of Santa Monica is currently undergoing review at the Planning Commission level of local planning. A new revised draft has been submitted to Commission staff for informal review. After the City planning staff and Commission staff have discussed issues of concern, the draft LUP will be further revised and introduced for formal adoption at the City Council level.

The draft LUP calls 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 Settlement Plan would help actualize some of these distant planning goals for the community.

The Commission has determined the Settlement Plan and the Alternate Plan as suggested for conditioned approval are consistent with all relevant Chapter 3 policy concerns in the Coastal Act; therefore, because the two plans are consistent with the Act, the Commission finds that approval of this amendment request will not prejudice the ability of the City of Santa Monica to produce a certifiable Local Coastal Program consistent with coastal policies contained in Chapter 3 of the Coastal Act of 1976.

