

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 200 OceanGate, Suite 1000
 Long Beach, CA 90802-4302
 (2) 590-5071



Filed: 6/20/01
 49th Day: 8/8/01
 180th Day: 12/17/01
 Staff: AJP-LB
 Staff Report: 8/20/01
 Hearing Date: 9/11-14/01
 Commission Action:

Tu 24b

RECORD PACKET COPY

STAFF REPORT: MATERIAL AMENDMENT

APPLICATION NUMBER: 5-85-224-A1
APPLICANT: City of Santa Monica
PROJECT LOCATION: 1431 Second Street, Santa Monica

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Modification of five-story, 356 space, municipal parking structure to include the replacement of 17 parking spaces with 7,500 square feet gross retail space at the ground floor street frontage and the restripping of the structure to provide compact, motorcycle and handicapped parking spaces, adding 18 parking spaces for a total of 374 spaces.

DESCRIPTION OF PROPOSED FIRST AMENDMENT: After the fact permit request to allow the conversion of 5,818 square feet of commercial space to education facility, and revise Special Condition no. 1 of the original permit to include "educational facility" as an allowable use of the commercial space.

SUBSTANTIVE FILE DOCUMENTS: City of Santa Monica certified, with suggested modifications, LUP

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development with the proposed amendment, subject to the conditions to allow Emeritus College as a permitted use and that any future change to the number of classes or hours during the weekend will require review to determine if an amendment is necessary, is consistent with the requirements of the Coastal Act.

Procedural Note: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,

- 2) Objection is made to the Executive Director's determination of immateriality, or,
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change to the project as originally described. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

STAFF RECOMMENDATION:

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

MOTION: *I move that the Commission approve Coastal Development Permit #5-85-224-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 permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit amendment for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONSConditions of Original Permit

The development is subject to the following Special Conditions:

1. The applicant shall submit a written agreement, the form and content subject to the review and approval of the Executive Director, which restricts the use of the commercial space created by this permit to visitor-serving retail use
2. All future development of the six public parking structures within the downtown Parking and Business Improvement Area shall require a Coastal Development Permit.

Conditions Changed by Amendment

Condition No. 1 of the original Permit shall be amended as follows (changes are shown as strikeout and underline):

1. The applicant shall submit a written agreement, the form and content subject to the review and approval of the Executive Director, which restricts the use of the 7,500

gross square foot commercial space created by this permit to visitor-serving retail use and/or to use as an Emeritus College.

Add the Following New Condition

3. Future changes

Any future proposed changes to the number of classes, or hours classes are offered during the weekend, shall be reviewed and approved by the Executive Director to determine if an amendment to this permit will be required.

Note: Unless specifically altered by this amendment, all conditions imposed on the previously approved permit shall remain in effect (See Exhibit no. 4)

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant, the City of Santa Monica requests an after the fact permit request to allow the conversion of 5,818 square feet of commercial space to education facility, and revise Special Condition no. 1 of the original permit to include "education facility" as an allowable use of the commercial space.

The existing commercial space is located on the ground floor of a multi-level municipal parking structure (Parking Structure No. 2), located at 1431 Second Street, between Broadway and Arizona Avenue, in the City of Santa Monica.

The City's proposed use would be an educational facility known as "Emeritus College". Emeritus College is associated with the Santa Monica Community College. Emeritus College provides instructional programs for older adults. Although the programs are structured towards older adults, adults of all ages are welcomed. Classes are offered Monday through Saturday, with classes running approximately 1 to 2 ½ hours. The 5,818 square feet provides five four classrooms, an exercise room, display/gallery space and office space.

B. History

In 1985, the Commission approved a permit to allow the City of Santa Monica to modify a five-story, 356 space, municipal parking structure. The modifications included the replacement of 17 parking spaces with 7,500 gross square feet of retail space along the

ground floor street frontage, restriping of the structure to provide compact spaces, motorcycle and handicapped spaces, and the addition of 18 parking spaces to increase the total number of parking spaces to 374 spaces.

The parking structure is located on Second Street, between Broadway and Santa Monica Boulevard, within the downtown Third Street Mall. The parking structure is one of six municipal parking structures located within the downtown Parking Assessment District.

In approving the permit the Commission found that the parking supply, within the downtown parking district, could become overburdened by long-term office parking demand, thereby displacing parking for higher priority visitor-serving retail use and coastal recreational users. Therefore, the Commission required a special condition to restrict the use of the commercial spaces to visitor-serving retail use.

In 1994, Emeritus College moved into approximately 5,818 square feet of the 7,500 gross square feet of the approved commercial area. An existing beauty saloon occupies 1,187 square feet adjacent to the college. Commission staff recently became aware of the conversion when the college contacted staff to discuss permit requirements for proposed interior remodeling. Once the college became aware of the use restrictions placed on the 1985 coastal permit, the City was contacted, and the City worked diligently to submit a permit application to resolve any issues.

C. Public Access/Parking

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 30252 of the Coastal Act states:

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

The proposed project is located within the City of Santa Monica's downtown Parking Assessment District. The boundaries of the Parking District are Fourth Court, Broadway, First Court, and Wilshire Boulevard. The Parking District was formed to levy an additional businesses license tax and an annual ad valorem assessment to development within the area to pay for and to provide parking to all business within its boundaries. Parking within the Parking District is provided in six parking structures located within a four-block area. A total of approximately 3,128 parking spaces are provided by the six structures. Of this total, 2,480 spaces are available to the public (Parking Analysis Update for the Third Street Promenade/Bayside District, October 1993, prepared by Meyer, Mohaddes

Associates). Businesses located within the boundaries of the Parking District are not required to provide on-site parking.

Although projects within the Parking District are not required to provide parking, the parking supply within the district must be adequate to support the demand generated by existing and new developments that do not provide their own parking or are deficient in their supply of on-site parking. Individual development impacts within the District is considered cumulative since downtown visitors will generally move from one parking structure to the next depending on the availability within each structure. Therefore, parking demand and supply is analyzed based on the entire parking assessment district.

According to the 1993 parking demand analysis for the Third Street Promenade, the current day (between 9:00 AM and 6:00 PM) peak utilization rate for all six parking structures is approximately 1,453 vehicles (56% utilization rate) and occurs between 2:00 to 3:00 P.M during the weekday. During this time the demand for public spaces during the weekday is approximately 1,587 spaces (64% utilization rate). During the weekend the peak utilization is 1,388 spaces (56% utilization rate). Therefore, according to this study there is a surplus of approximately 893 spaces at peak times on the weekdays and 1,388 spaces at peak times on weekends.

Subsequent to the 1993 update, a more recent parking study, *City of Santa Monica downtown Parking management Program* report, prepared by KAKU Associates, was prepared for the City in April 2000. According to the report, weekday peak utilization for the public spaces within the district is approximately 75%, and occurs between 2:00 p.m. and 4:00 p.m. Weekend peak utilization is approximately 88% and occurs between 9:00 p.m. and 10 p.m. on Saturdays. During the peak weekend beach use period, which occurs between 2:00 p.m. and 3:00 p.m., the peak parking utilization rate is approximately 72%. Therefore, approximately 694 parking spaces within the district's parking structures are available for public use during the peak weekend beach use period.

Based on the Commission's parking standard of 1 space per 3 students, the proposed 5,818 square foot educational facility would generate a parking demand of approximately 47 parking spaces. As retail space, there would be a demand of 26 parking spaces. Therefore, an educational facility would generate a demand of 21 additional parking spaces compared to retail use. Based on the City's parking studies, there is an adequate supply of parking within the district to support the increased demand that would be generated by the educational facility. However, in coastal development permit no. 5-85-224, the Commission was concerned with the short-term and long-term parking needs of the district. In permit 5-85-224 the Commission found:

Office development has a greater impact on parking than retail use. Office development, particularly professional offices where there are few if any, patrons and the parking demand is from office tenants and employees tie up parking spaces for an 8- to 10-hour period. On the contrary there are more customers than

employees of a retail development and the parking turnover rate allows several vehicles to utilize the same space during the same 8- to 10-hour period.

If an office type use was permitted the parking dynamics would be different than the demand created by retail use. Office use would generate more long-term parking, where parking may be occupied all day by employees. With retail use parking would be occupied for shorter periods and will have a higher turn-over rate as compared to office use. Therefore, with retail use there would be a greater availability of spaces throughout the day for use by retail patrons and beach and recreational users.

The City argues that the proposed use is not an office use and, as currently operated, does not impose a long-term parking burden. In support of the City's position, the college recently conducted a survey. The survey indicated that 76% of the respondents drove and 23% used public transportation, walked or biked. Of the respondents that drove, 84% parked fewer than 3 hours, and 15% parked fewer than five hours. Based on this information staff concurs with the City in that the parking generated by the proposed institutional use will have a higher turn-over rate than office use.

Furthermore, since 1985, through the construction of additional parking levels atop existing parking structures, the City has increased the supply of parking spaces within the parking assessment district from 2,749 spaces to approximately 3,128. Through the addition and reallocation of spaces (short-term, permit spaces and leased spaces), the number of spaces available for short-term public parking has increased from 1,354 to 2,480 spaces. Therefore, since the Commission approved the original permit in 1985, the City has increased the number of spaces available for short-term parking by 1,126 spaces.

Moreover, the majority of the classes are held during the week which is a non-peak beach use period and will not adversely impact beach and recreational parking. The classes offered on Saturday are limited to approximately 10 classes between 8 a.m. and 3 p.m. With the limited number of weekend classes, the short turn-over rate, and the available supply of parking during this time, there will not be a significant impact on short-term parking within the parking district or surrounding area. However, the Emeritus College is unique in terms of type of educational facility and students that attend. The majority of students attending this educational facility are over 60 years old and attend only one to two classes per day with limited classes on Saturday. Other educational facilities may have a different student make up with students attending more classes per day and parking longer. Other educational facilities may have a greater impact on the availability of parking, especially on the weekend, and significantly reduce the number of short-term spaces that would be available for visitor-serving uses and beach and recreational use. Allowing the City to amend the permit to allow "educational facility" as a permitted use would allow all types of institutional uses. Such uses could adversely impact the availability of short-term parking. In discussions with the City, it is not the City's intent on allowing other educational facilities within this structure, but only to allow the proposed Emeritus College, as an "educational facility". Therefore, to ensure that Emeritus College, because of its unique operation, is the only educational facility permitted, special condition

no. 1 is amended to allow "Emeritus College" as an educational facility. Furthermore, any change to the number of classes or hours may adversely impact public parking. Therefore, an added condition is necessary to ensure that any change to the number or hours classes are offered during the weekend will require review by the Executive Director to determine if an amendment to this permit will be required. The Commission finds, that only as condition will the proposed amendment be consistent with Sections 30211 and 30256 of the Coastal Act.

D. Local Coastal Program

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

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

The certified Land Use Plan designated the proposed site as Downtown Commercial. Under the City's current zoning the proposed new uses are permitted uses and consistent with Land Use Plan designation. As conditioned, the project will not adversely impact coastal resources and beach access. The Commission, therefore, finds that the proposed project will not be consistent with the Chapter 3 policies of the Coastal Act and will prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. Unpermitted Development

In 1994 the City permitted the conversion of a portion of the commercial space to an educational facility. Coastal development permit no. 5-85-224 restricted use of the commercial space to visitor-serving retail use. There are no records of permits issued for converting the commercial space to an educational facility. 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.

F. 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)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

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

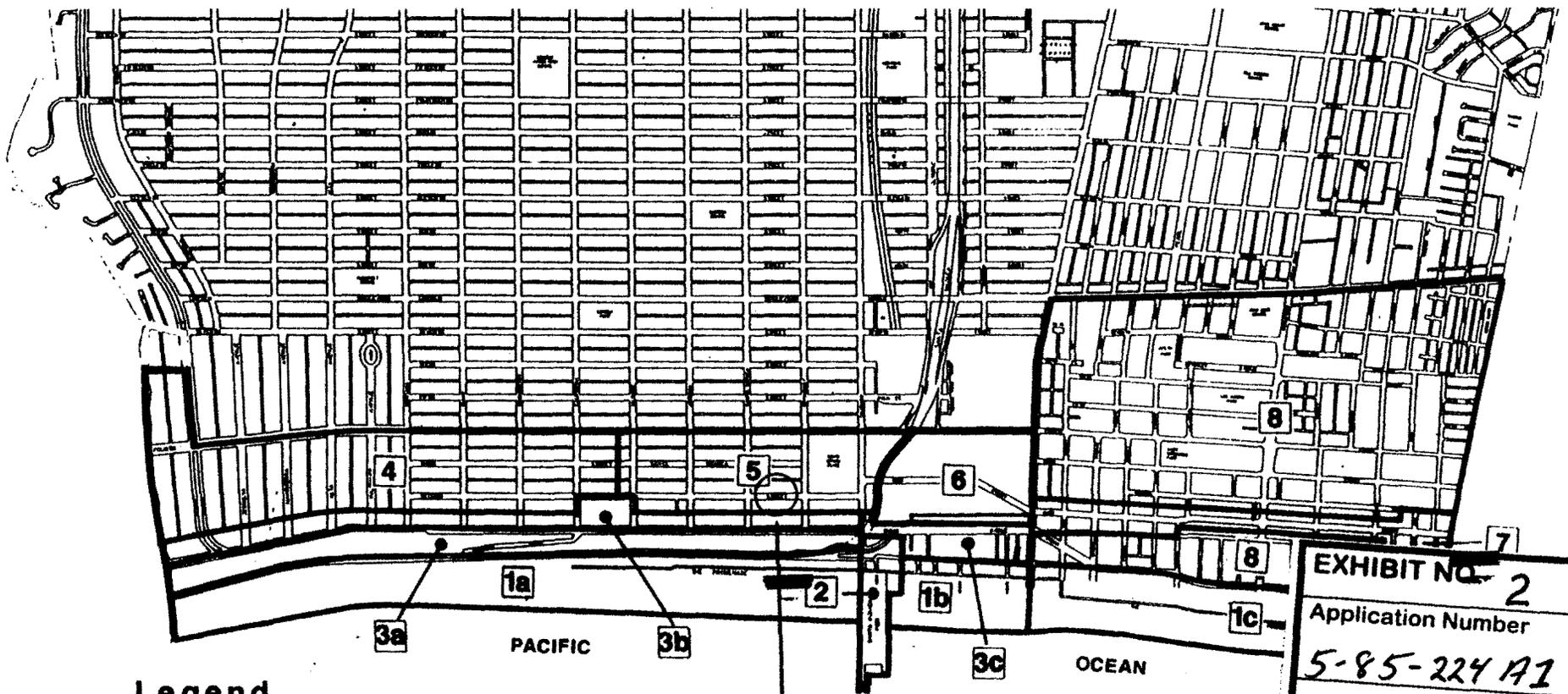


Site

EXHIBIT NO. 1
Application Number 5-85-224A1
<i>Vicinity Map</i>
California Coastal Commission

Location Map

CALIFORNIA COASTAL COMMISSION
Region



Legend

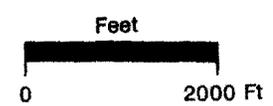
- 1 SANTA MONICA STATE BEACH
- 2 SANTA MONICA PIER
- 3 OCEAN AVENUE AND PALISADES PARK
- 4 NORTH SIDE RESIDENTIAL
- 5 DOWNTOWN
- 6 CIVIC CENTER AND RAND SITE
- 7 MAIN STREET FROM PICO BOULEVARD TO SOUTH CITY LINE (SPECIAL COMMERCIAL DISTRICT)
- 8 OCEAN PARK

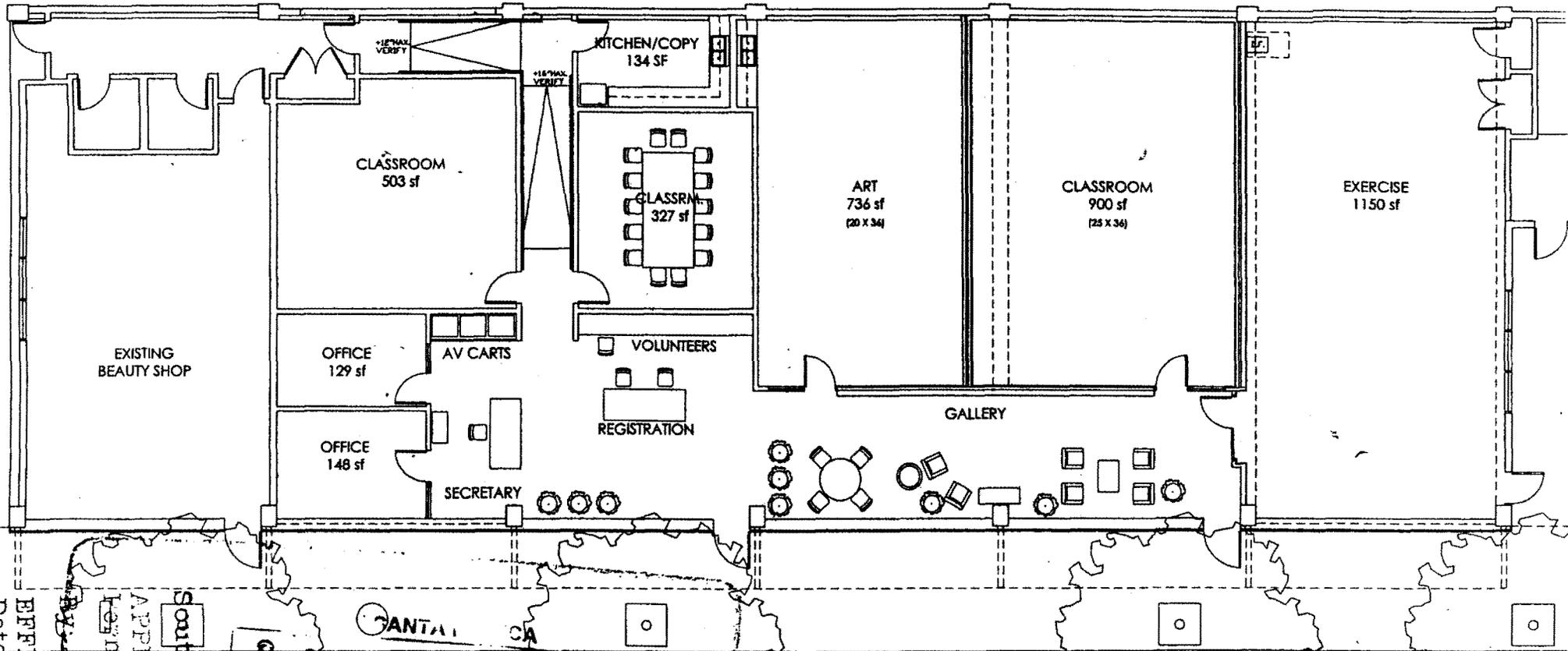
Site location

EXHIBIT NO. 2
Application Number
5-85-224 A1
Site Location
California Coastal Commission

Coastal Zone Sub-Areas

SANTA MONICA LOCAL COASTAL PROGRAM





APPROVED
 5-85-224 A1
 South Coast District Planning
 EFFECTIVE
 Date:

SANTA MONICA, CA
 City Planning Department
 APPROVAL IN CONCEPT
 NOT... shall be... for review... additional... conditions... issuance of...
 use plans... require... to... cy.

PROPOSED PLAN

EMERITUS COLLEGE
 1433 2nd Street
 Santa Monica

EXHIBIT NO. 3
Application Number
5-85-224 A1
Floor Plan
California Coastal Commission

About Emeritus

About Emeritus College

What is Emeritus?

How to Reach Us

Emeritus Staff

Emeritus Advisory Board

Emeritus Volunteers

SMC Board of Trustees

What is Emeritus?

Emeritus College is a model program established in 1975 by the Santa Monica Community College District Board of Trustees to serve older adults. A professional staff guided by the Emeritus College Advisory Board administers the program. Certificated college faculty provide a quality instructional program. Our invaluable volunteers assist in making this program responsive to student needs.

Goals: The goals of the program are to provide education and mental and physical stimulation in the follow areas:

- **Consumer Information:** financial management, entitlements, auto repair, home repair, current events, theater review and home gardening
- **Skill Development:** calligraphy, computer training, writing, language and fine arts
- **Personal Growth:** coping with aging, medical information, assertiveness training and widow support
- **Self Expression:** performing arts classes in music and theater, fine arts, writing
- **Health Maintenance:** aerobic, strength, flexibility, meditative classes including stress management, yoga, qi gong and tai chi

How to Reach Us:

Our convenient offices are located at:
1433 Second Street
Santa Monica, CA 90401
(310) 434-4306
emeritus@smc.edu

Emeritus College Staff:

Maggie Hall, *Associate Dean, Emeritus College*
Vivian Rankin-Scales, *Program Coordinator*

RECEIVED
South Coast Region

JUN 20 2001

CALIFORNIA
COASTAL COMMISSION

5-85-224A1

EXHIBIT NO. 4
APPLICATION NO. 5-85-224 A1
Information on Emeritus College

 California Coastal Commission

JUN 20 2001

Emeritus College
Student Statistics -- Spring 2001

CALIFORNIA
COASTAL COMMISSION

Zip Code	# of students
90401*	61
90402*	170
90403*	337
90404*	208
90405*	236
90406*	2
90291	60
90294	1
90066	145
90064	78
90025	117
90049	208
90272	167
Others	848
Total	2638

Location Breakdown	# of students
Santa Monica Residents	1,014
Outside of Santa Monica	1,638
Total	2,638

* Santa Monica Zip Codes

Emeritus Unduplicated headcount		2,634 students	
Age Range	# students	Gender	# students
20	2	Female	2,017
21- 25	6	Male	593
26- 30	3	Unknown	24
31- 35	4		
40- 45	15	First Language	
46- 50	31	English YES	1,366
51- 55	21	English NO	1,268
56- 60	63		
61- 65	147	Education	
66- 70	285	Non-grad	181
71- 75	412	Adv.HS	1
76- 80	576	Adult Dpl	3
81- 85	567	HS Diploma	628
86- 90	326	GED	13
91- 95	133	Crt. Prof	6
96+	43	Foreign	61
		AA	199
		BA +	829
		Unknown	6

"zip count" .ppg 2001

EXHIBIT NO. 5
APPLICATION NO.
5-85-224 A1
Statistical I
on College



California Coastal Commission

**Emeritus College Program of Santa Monica College
Transportation and Parking Survey**

This survey was given to selected classes May 9 -11.
Many respondents come more than once a week.

Total Surveys 386

*Twenty-four respondents used more than one transportation mode resulting in this total figure.

*Transport Response	410					
Private Auto	313			76.3%		
Alone		236	57.6%			
Carpool		74	18.0%			
Drop - off		3	0.7%			
Total Non-Private Auto	97			23.7%		
Public Transport	58		14.1%			
Reg. Bus or taxi		57	13.9%			
Disabled persons' van or taxi		1	0.2%			
Walk	38		9.3%			
Bike	1		0.2%			
Parking Responses	278					
< 3.0 hrs		232	83.5%			
3 - 5 hrs		41	14.7%			
Subtotal < 5.0 hrs				98.2%		
5 - 8 hrs		5	1.8%			
8 + hrs		0	0.0%			
Business Patronage	299	Regular	Occasional	Not Often	None	Unknown
		149	115	35	21	87
		49.8%	38.5%	11.7%	7.0%	29.1%
		88.0%				
					Yes	No
If you patronize businesses would you do so if you did not come to EC classes?					138	173
						56%
Do you bring visitors to downtown Santa Monica to see Emeritus College?					153	168
					48%	

5/17

Emeritus College
1433 2nd Street
<http://www.smc.edu/emeritus/default.htm>

Hours of Operation: SPRING, FALL, SUMMER, and WINTER SEMESTERS
Office is open Monday through Friday 8:00 am to 5:00 pm
Classes are held Monday through Saturday.

Classes meet once a week and run approximately one to two hours and
½ hours long.

Class Fees: Classes are free unless otherwise noted in the class description.

Attachments: Schedule of Classes - Summer 2001 and Spring 2001



City of
Santa Monica

June 7, 2001

Executive Director
California Coastal Commission
South Coast Area
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302

Resource Management Department
Economic Development Division
3223 Donald Douglas Loop South, Suite 2
Santa Monica, CA 90405-3279

Telephone (310) 458-8763

EXHIBIT NO. 6
Application Number 5-85-224 A1
Letter from City
California Coastal Commission

RE: PERMIT NO. 5-85-224 A1

Pursuant to Article 5, §13164 of the California Code of Regulations, the City of Santa Monica requests that the above referenced California Coastal Commission permit be amended to include 'educational facility' as an acceptable use for commercial space located within a municipal parking structure.

Specifically, the City requests an after-the-fact authorization for the 1994 unpermitted conversion of a 7,500 sf. retail space into an educational facility known as Emeritus College for Older Adults (operated by Santa Monica Community College). The Commission's approval of the proposed permit amendment would allow Emeritus College to lawfully operate at its present location and move forward with interior renovation plans.

The City believes that the amendment as proposed would not lessen or avoid the intended effect of the permit as originally approved by the Coastal Commission despite special condition #1 which restricts the use of the commercial space to visitor-serving retail. Upon our review of staff's findings and declarations, it is apparent that the intent of the permit was to solely prohibit commercial office use from the project.

Section IV, B of the Coastal Commission staff report for the permit states:

"Office development has a greater impact on parking than retail use. Office development, particularly professional offices where there are few if any, patrons and the parking demand is from office tenants and employees tie up parking spaces for an 8- to 10-hour period. On the contrary there are more customers than employees of a retail development and the parking turnover rate allows several vehicles to utilize the same space during the same 8- to 10-hour period.

...the Commission is concerned that the parking supply will be become overburdened by long-term office parking demand, thereby displacing parking for higher priority visitor-serving retail use and perhaps parking for coastal recreational users. Therefore the proposed project has been conditioned to restrict the use of the commercial space to visitor-serving retail use."

The staff report summary states:

"Staff recommends approval subject to Standard Conditions and Special Conditions restricting commercial office use of the proposed project and requiring a CDP for any future development of the six Third Street Mall parking structures."

The proposed use is not an office, and the participants in the College do not impose a long-term parking burden on local visitor-serving retail and coastal recreational users.

To confirm the short-term nature of their participant's parking demand, the College recently conducted a survey which revealed that 58% of the respondents drove to the College alone, 18% carpooled, and 23% used public transportation, walked or biked. Of the respondents that drove, 84% parked less than 3 hours, and 15% parked less than five hours, far short of the 8-to 10-hour period an office use would utilize. The survey also showed that 88% of the respondents regularly or occasionally patronize nearby businesses before and after classes. 56% said that they would not patronize these businesses if they did not attend Emeritus College and 48% said they bring visitors to downtown Santa Monica to see Emeritus College.

Unlike office space, the proposed use supports visitor-serving activities through the students' patronage of neighboring businesses, short-term parking needs, as well as the College's sponsorship of public events throughout the year, including symposiums, workshops, art fairs and festivals. Moreover, the proposed remodeling that drives this amendment request is to incorporate a gallery display and meeting area specifically intended to serve both the community and visitors.

Emeritus College is an integral and valuable part of our community, and we hope that our request for a permit amendment be approved so that Emeritus Collage may continue to serve our community.

Sincerely,



Mark Richter
Economic Development Division Manager

Attachments:

- ◆ Amendment Request Form
- ◆ Approved in Concept/Local Agency Review Form
- ◆ Two sets of proposed floor plans stamped "Approved in Concept" and storefront rendering
- ◆ Emeritus College current floor plan
- ◆ Mailing list of property owners, tenants and residents within 100 feet of Emeritus College
- ◆ Stamped, addressed envelopes for notification
- ◆ Supporting Documentation
 - Emeritus College Schedule of Classes, Spring and Summer 2001
 - Emeritus College Student Statistics, Spring 2001
 - Emeritus College Transportation and Parking Survey, Spring 2001
 - "About Emeritus College" & "Featured Articles" pages from Emeritus College website

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
390-5071



EXHIBIT NO. 7
Application Number 5-85-224/A1
Copy of Original Perm.t.
California Coastal Commission

FILED: 5/ 2/85
49th DAY: 6/20/85
180th DAY: 10/29/85
STAFF: T. Henry: do
STAFF REPORT: 8/ 1/85
HEARING DATE: 8/14-16/85

REGULAR CALENDARSTAFF REPORT AND RECOMMENDATION

Application No. 5-85-224

Applicant: City of Santa Monica Agent: Stanley E. Scholl, Dir.
1685 Main Street General Services
Santa Monica, CA 90401 City of Santa Monica

Description: Modification of five-story, 356 space, municipal parking structure to include the replacement of 17 parking spaces with 7,500 sq. ft. gross retail space at the ground floor street frontage and the restripping of the structure to provide compact, motorcycle and handicapped parking spaces, adding 18 parking spaces for a total of 374 spaces.

Site: 1431 Second Street (Parking Structure #2)
Santa Monica, Los Angeles County.
APN: 4291-016-901

SUMMARY:

Staff recommends approval subject to Standard Conditions and Special Conditions restricting commercial office use of the proposed project and requiring a CDP for any future development of the six Third Street Mall parking structures.

Substantive File Documents:

1. Los Angeles County Regional Interpretive Guidelines.
2. City of Santa Monica Central Business District Parking Analysis 1981, by Mohle, Perry & Associates.
3. Third Street Mall Specific Plan Technical Background Report dated December 17, 1984 by Envicom Corporation, et al.
4. Draft Parking Analysis of the Third Street Mall Specific Plan Area dated June 25, 1985 by Koku & Associates.
5. Letter from Coastal Commission Enforcement Officer, V-5-85-SNM-31, to Ray Davis, City Parking and Traffic Engineer dated March 8, 1985.

6. Letter from Coastal Commission Enforcement Officer to Ray Davis dated May 23, 1985.
7. Permit No. 5-84-781 (McDade/Shidler Mngt. Group).

STAFF RECOMMENDATION

Staff recommends the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See Attachment X.

III. Special Conditions:

The development is subject to the following Special Conditions:

1. The applicant shall submit a written agreement, the form and content subject to the review and approval of the Executive Director, which restricts the use of the commercial space created by this permit to visitor-serving retail use.
2. All future development of the six public parking structures within the Downtown Parking and Business Improvement Area shall require a Coastal Development Permit.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Project Description and History.

The proposed project is the conversion of a 356-space, five-story public parking structure to retail and parking use by the replacement of 17 ground floor street fronting parking spaces with 7,500 sq. ft. of gross retail space (X, 7211 sq. ft. net). The structure is to be restriped to provide compact, motorcycle and handicapped spaces, resulting in 18 additional spaces for a total of 374 spaces. The structure is located on Second Street between Broadway and Santa Monica Boulevard within the downtown Third Street Mall, approximately 500 feet east of

Palisades Park, the coastal blufftop park near the Santa Monica Pier (see Exhibit 1 - Vicinity Map).

The proposed municipal development has already occurred without a Coastal Development Permit and is near completion. In March of 1985 the Commission was notified of the potential violation, and the work was confirmed by the Santa Monica City Parking and Traffic Engineer. The initial violation letter dated March 8, 1985, requested the City to apply for a permit for the work by March 22, 1985. The application submitted on March 25, 1985, was incomplete and was not completed until May 1, 1985, at which time, it was scheduled for hearing at the June 11 - 14, 1985, Commission meeting. The City requested a 49-day waiver, requesting to be rescheduled for the July 9 - 12, 1985, meeting to allow Commission staff time to review an updated parking analysis of the subject area that was to be completed by their consultant in mid-June. The parking study was not completed as anticipated, and the application was again postponed to the July 23-25, 1985, meeting. The application was postponed a third time and rescheduled to the August 14-16, 1985, meeting to allow City and Commission staff time to work out conditions acceptable to both.

B. Public Access Parking.

Section 30252 of the Coastal Act states:

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The proposed development will replace 17 Second Street frontage parking spaces within Parking Structure #2 with 7,500 sq. ft. gross retail space. Restripping of the structure to create 32 percent compact spaces along with three motorcycle and five handicapped parking spaces, however, will add 18 parking spaces thereby replacing the parking eliminated by the proposed retail use. The retail space would require 33 parking spaces according to the Interpretive Guidelines. However, the City points out that the development is located within the downtown Parking Assessment District and therefore is not required to provide its own parking.

The Parking and Business Improvement Area, referred to as the Downtown Parking District, was formed in 1965 to levy additional business license tax and an annual ad valorem assessment to development within the Area to pay for six parking structures which were completed in 1970. The

assessment district encompasses the 37.7 acre Third Street Mall Specific Plan Area which is bounded by Wilshire Boulevard on the north, Broadway on the south, Second and Fourth Streets on the west and east, respectively, and the 4.25 acres of property between Fourth Street and Fourth Court on the east and Second Street and First Court on the west (see Exhibit 2). The six municipal structures provide a total of 2,749 parking spaces, 1,354 (49 percent) being free three-hour limited spaces, 577 (21 percent) permit spaces and the remaining 818 (30 percent) are leased to large office developments in the district.

The proposed project is located approximately 500 feet east of a heavily used coastal recreation area, Palisades Park, a coastal blufftop park overlooking the Pacific Ocean and the Santa Monica Pier which is located at the west end of Colorado Boulevard, one block south of Broadway. It is unlikely that many Pier visitors use the Third Street Mall parking structures since there are approximately 275 parking spaces on the Pier and a 720-space parking lot immediately north of the Pier. However, the probability that Palisades Park visitors use these free three-hour Mall parking structures is greater since they are located only one block away and Ocean Avenue on-street metered parking is inadequate. Given the location of the Mall in reference to the Santa Monica Pier and the Palisades Park adverse impact on coastal access could result if the parking supply is inadequate to meet the demand of development within the assessment district. The parking impact of individual development within an assessment district is cumulative since patrons of a development located nearest a structure where parking is unavailable will park in the next nearest structure where there is parking. Therefore in the analysis of the subject development proposed by the City, it is important to analyze the parking availability throughout the six assessment district parking structures.

In reviewing the proposed application, staff's concern was the already heavy utilization of the subject parking structure without the proposed intensification of use by adding commercial space in areas currently used for parking. In approving recent development within the assessment district, both City and Commission staff have expressed concern over the near capacity status of some of the parking structures. In 1981, a detailed parking analysis was made to determine the level of average and peak usage of the six structures within the assessment district. The Mohle, Perry and Associates study, done in April and May, provided information on both weekday and Saturday, average and peak occupancy rates of the 2,749 three-hour limited, permit and reserved parking spaces within the structures. The study indicated that peak weekday use occurred between 11:00 a.m. and 2:00 p.m. and between 1:00 p.m. and 3:00 p.m. on Saturdays. In June of 1985, the peak parking utilization analysis was updated by Kaku Associates, assuming the peak usage occurred during the same time frame as determined in the 1981 study. The 1981 study showed that the three-hour spaces of the subject structure had a weekday average occupancy rate of 79 percent and 90 percent on Saturdays. Peak weekday use was 95 percent and 99 percent on Saturdays. In 1985, utilization figures at 93 percent and 98 percent, respectively, remain high despite the fact that 8.4 percent of the parcels within the Third Street Mall

are either undeveloped or have vacant structures (excluding parking structures, streets, alleys, and courtyards), according to the December 1984 Third Street Mall Specific Plan Study (see Exhibits 3 and 4).

The concern that the subject parking structure is beginning to reach its capacity is supported by the above figures. Analysis of the parking utilization rate throughout the assessment district indicates that two more structures have average occupancy rates at or above 80 percent with peak occupancy above 80 percent in four of the six structures. The provision of parking to meet the peak demand is costly and perhaps an inefficient use of land when the peak demand occurs infrequently. Then the provision of parking to meet the average demand seems more appropriate. However, there is only an average difference of 9 percent between the average parking demand and the peak demand during the week and a 14 percent difference on Saturdays, amongst the six structures, according to the 1981 study. Therefore, the 1985 peak occupancy parking analysis provides a fairly good indicator of average parking demand within this area.

The proposed development does not create a significant increase in the parking demand which would require the provision of additional parking capacity in the short term. However, the Commission is concerned with the long term parking needs of the assessment district given the above parking utilization figures, the recent trend toward intensification of current development and Mall revitalization plans currently at the local planning level. Analysis of the type of development within the assessment district and the parking utilization pattern would seem to suggest that commercial office tenants and employees are not using the long term permit spaces as planned but are parking in the free three-hour spaces designated for patrons of the Mall businesses, causing the demand for short term parking to appear greater than it actually is. The Commission would expect to see better management and policing of the structures to assure that long term users are obtaining permits and parking only in the permit designated spaces.

Improvements to the management of the parking structures are especially needed in light of the recent trend of development within the district moving toward more intensive land uses, such as general retail to restaurant development and even more so, retail to professional office use. Thirty percent of the parking spaces within the district are reserved for the exclusive use of three large developments. Two of the three uses are office developments, and the third is retail. However, the 278 spaces leased to the retail use is reserved for their employee carpool parking, located in the subject parking structure. An additional 577 spaces are reserved for long term parking throughout the six structures. Despite the fact that nearly 30 percent of development within the assessment district is office development, the permit parking spaces have an average utilization during the week of only 36 percent. Better management will free up more three-hour spaces needed for retail users and allow additional retail development, a priority land use under the Coastal Act.

Office development has a greater impact on parking than retail use. Office development, particularly professional offices where there are few if any, patrons and the parking demand is from office tenants and employees, tie up parking spaces for an 8- to 10-hour period. On the contrary, there are more customers than employees of a retail development and the parking turnover rate allows several vehicles to utilize the same parking space during the same 8 - 10-hour period. The presence of several retail businesses allows the use of the shared use parking concept due to this turnover. When retail uses are converted to office use the shared use system no longer works. Given what appears to be a recent trend toward two- and three-story office/retail development where only one-third is retail use and two-thirds office development, the Commission is concerned that the parking supply will become overburdened by long-term office parking demand, thereby, displacing parking for higher priority visitor-serving retail use and perhaps parking for coastal recreational users. Therefore, the proposed project has been conditioned to restrict the use of the commercial space to visitor-serving retail use. As conditioned the project is consistent with Section 30252 of the Coastal Act. The Commission would expect to see the provision of additional parking throughout the assessment district through restripping of the other five structures as well as the constriction of additional levels to the structures as office development continues. The setting of a ceiling on office development is also a useful tool in lessening the demand for additional parking until it can be provided. These issues should be appropriately addressed by the applicant in the upcoming LCP.

C. Appropriateness of Use.

Section 30222 of the Coastal Act addresses priority land uses in the Coastal Zone. Visitor-serving commercial uses have priority over office, general commercial and other uses. Additionally Section 30250 (a) of the Coastal Act states that commercial development shall be located in areas already committed to development where it can be accommodated. The proposed development located within the downtown area as conditioned to restrict its use to visitor-serving retail use, is consistent with Sections 30222 and 30250(a) of the Coastal Act.

D. Local Coastal Program.

Section 30604 of the Act states in part:

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the ... commission ... 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...

The Santa Monica Local Coastal Program (LCP) has not yet been submitted by the City for Commission action, despite the City being given pilot program status in 1978. As a LCP pilot program City, Santa Monica was to be among the first coastal cities with an approved local coastal plan for shoreline development. After being labelled a pilot program city, Santa Monica's political leadership has dictated several changes in land use policies since 1978; the leadership of the City has changed significantly approximately every two years. This series of changes in leadership and policy direction has made it difficult for the local planners to finalize a land use document for submittal to the Commission for certification.

However, the Commission did review and comment upon a draft LUP submitted in 1983, and Commission staff expects a new draft LUP submittal by early fall based upon a recent meeting with the City Manager. The 1983 draft LUP document includes a discussion of the intensification of land use within the downtown area and its increased pressure on the parking supply within the assessment district. Policies calling for the possible future participation of the assessment district in a shuttle arrangement in order to bring beachgoers into the commercial area as well as to reduce competition between beachgoers and shoppers for street capacity are also discussed.

The City is in the planning stages of a Third Street Mall revitalization program through a Third Street Mall Specific Plan. The Commission expects to see the parking management issues and the provision of additional capacity addressed in the LCP process. The Commission also notes that the 39.7-acre Third Street Mall Specific Plan Area, while encompassing the six parking structures of the parking assessment district, does not include all the properties within the assessment district boundaries. Approximately four acres of commercially zoned property which also relies on the parking spaces within the parking district have been excluded from this Specific Plan Area. This development and the potential buildout must also be included in any analysis of the future parking demand on the six parking structures.

As conditioned, the proposed development is consistent with all past reviewed LUP policies as well as with all relevant Chapter 3 Coastal Act policies cited herein; therefore, the Commission finds the proposed development as conditioned to be consistent with Section 30604 of the Coastal Act.

E. Violation.

Although development has taken place 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. Approval of this permit does not constitute a waiver of any legal action with

regard to any violation of the Coastal Act that may have occurred, nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal Permit.