

CALIFORNIA COASTAL COMMISSION

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

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Filed: 8/14/03
49th Day: 10/02/03
180th Day: 2/10/04
Staff: AJP-LB
Staff Report: 9/15/03
Hearing Date: 10/8-10/03
Commission Action:

**STAFF REPORT: MATERIAL AMENDMENT****APPLICATION NUMBER:** 5-85-224-A2**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.

DESCRIPTION OF PROPOSED SECOND AMENDMENT: Allow the conversion of 2,000 square feet of the 5,818 square foot commercial space to a temporary public safety office, and corresponding modification of Special Condition no. 1 of the existing permit to allow use of space as a public safety office.

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 the temporary safety facility as a permitted use, 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-A2 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. 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 CONDITIONSConditions of Original Permit, as previously amended:

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 7,500 gross square foot space created by this permit to visitor-serving retail use and/or to use as an Emeritus College.

2. All future ^{of} development of the six public parking structures within the downtown Parking and Business Improvement Area shall require a Coastal Development Permit.

Condition Changed by Amendment No. 2:

Condition No. 1 of the original Permit, as previously amended, 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 space created by this permit to visitor-serving retail use and/or to use as an ~~Emeritus College~~ temporary (3 years) public safety office.

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 a permit request to allow the conversion of 2,000 square feet of the existing 5,818 square feet of commercial space within parking structure no. 6 to a temporary (3 years) public safety office (police bicycle patrol substation), and revise Special Condition no. 1 of the original permit to include "public safety office" 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. 6), located at 1431 Second Street, between Broadway and Arizona Avenue, in the City of Santa Monica.

The City operates six parking structures in the downtown area. The City has scheduled three of the parking structures to be demolished and reconstructed, and three to be retrofitted, for seismic safety purposes and to increase parking and improve circulation. The work on the six structures will be phased to minimize impacts to parking (the City will submit coastal development permit applications once plans for the structures are finalized). The first structure scheduled to be demolished and reconstructed is parking structure no 6. Demolition is due to begin in 2006. Therefore, the City is requesting a temporary use for the commercial space until the structure is demolished, at which time the City will look for another site for the substation.

According to the City, the new substation is necessary to provide a larger space for the existing Third Street Mall/Downtown police bicycle patrol unit, which has been located at the mall in an existing office space, since 1993. The City currently maintains a 1,300 square foot bicycle patrol office substation within parking structure no. 3 (1320 4th Street) and a 200 square foot Kiosk on the Promenade (1400 Third Street Promenade). The office site in parking structure no. 3 provides changing room/lockers, bicycle storage and maintenance area for the seven man bike patrol unit. The kiosk staffs one to two personnel, and provides public safety information. The two public safety facilities will be consolidated into one facility within parking structure no. 6.

Because of the scheduled future demolition of the parking structure, Emeritus College decided not to extend its current lease in the parking structure and found a new site. The loss of the tenant left the City with a vacant commercial space with a short lease period. The City attempted to find a new retail tenant for the space, but due to the large size of the space and short lease period, the City has not been able to find a new retail tenant. Therefore, the City is planning to relocate the existing public safety facilities currently located within the Third Street Promenade area, into 2,000 square feet of the commercial area in parking structure no 6, and lease out the remaining 3,818 square feet of commercial area, to smaller individual retailers.

B. Permit 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, restripping 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 2001, the Commission approved the City's first amendment request to allow an educational facility (Emeritus College) in 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. The Commission found that due to the limited

operating hours and minimal impact to short-term parking, the proposed use would not adversely impact parking for visitor-serving retail use and coastal recreational users.

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.

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 no. 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 use were permitted, the parking pattern would differ from the pattern 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.

In this particular case, the City is planning to consolidate two existing public safety facilities currently located within the Downtown Third Street Promenade into one facility at the existing commercial space located in parking structure no. 6. One existing site is located on the Promenade within a kiosk, providing approximately 200 square feet. The second existing site is a 1,300 square foot office, located within parking structure no. 3, at 1320 4th Street. The office site provides changing room/lockers, bicycle storage and maintenance area for the bike patrol.

According to the City, the existing office facility at parking structure no. 3 is too small for the bicycle patrol unit, and removing the public safety use from the kiosk space on the promenade will allow a more appropriate use, such as, visitor-serving use. The consolidation of the two facilities will not increase the number of safety personnel. Although the public safety facility parking demand is long-term parking, the parking demand generated by the use within the parking district will not increase since the City is consolidating existing facilities. Moreover, the downtown parking structures have a current surplus of approximately 694 spaces at peak beach use times on weekends. Therefore, there is an adequate supply of parking to meet any additional demand in the event that there was an increase in parking demand generated by the use.

The Commission finds, that security is a necessary use for visitor-serving areas, such as malls, that attract large number of visitors, and consolidating the existing public safety facilities will provide space for other visitor-serving uses. As conditioned, to allow the public safety facility as a permitted use, there will not be any adverse impacts to public access. The Commission finds, that as condition, the proposed amendment is 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.

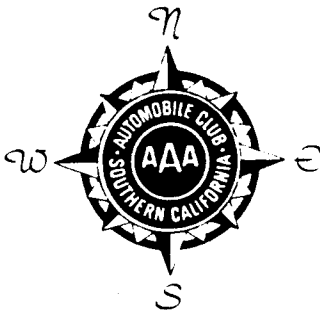
In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson way (Beach Overlay District), and the Santa Monica Pier. On September 15, 1992, the City of Santa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

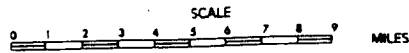
F. California Environmental Quality Act

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.



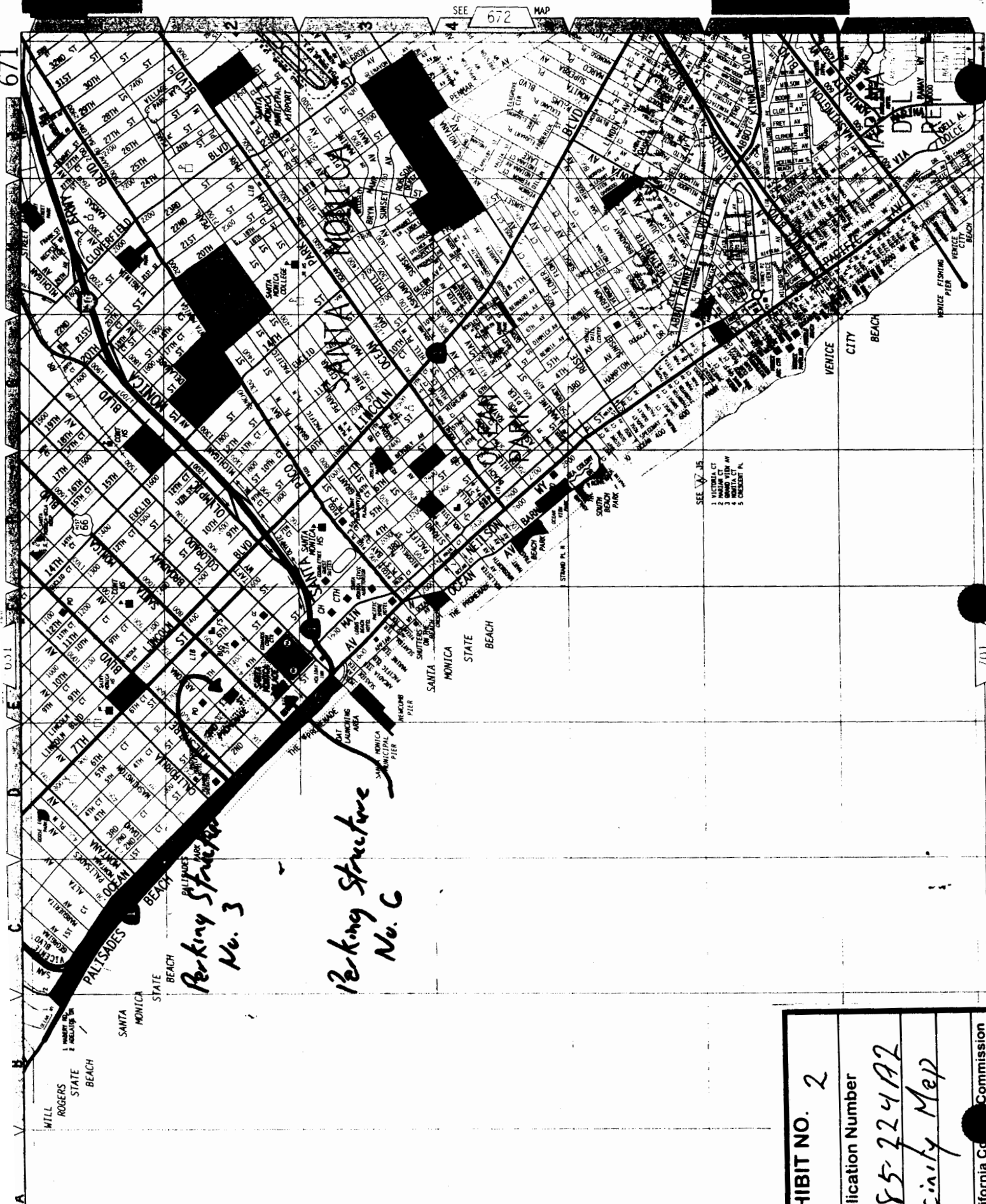
LOS ANGELES AREA



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HUNTINGTON 81

EXHIBIT NO. 1
APPLICATION NO.
5-85-224-A2
Regional Map



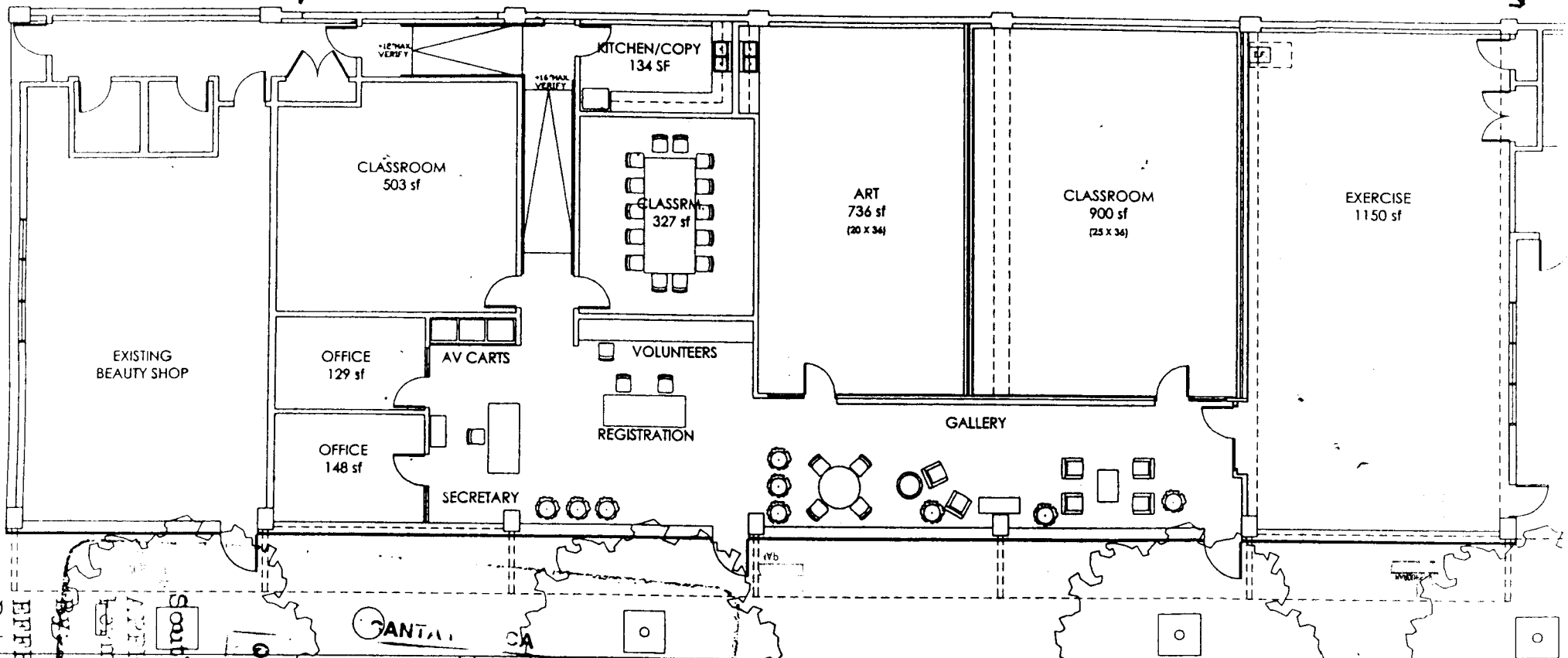
SEE 672 MAP

SEE V. 35
1. INTERST CT
2. MAIN ST
3. OCEAN BLVD
4. VENICE BLVD
5. VENICE BLVD

SEE 101

EXHIBIT NO. 2
Application Number 5-85-22492
Vicinity Map
California Commission

*Area to be converted
to Public Safety Facility*



APPROVED
Date: _____
EFFECTIVE

South Coast District PD/PLS

NOTED
shall be
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additional
conditions
issuance of
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use plans
require
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DATE 1-11-14
Comm. *[Signature]*
California Coastal Commission
15-11-14 C

PROPOSED

EXHIBIT NO. 3
Application Number 5-85-224192
Existing floor area to be converted to California Coastal Commission Substation

