

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 5/071/03
49th Day: 6/25/03
180th Day: 11/03/03
Staff: AJP-LB
Staff Report: 6/17/03
Hearing Date: 7/8-11/03

W 9g.**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-03-143**RECORD PACKET COPY****APPLICANT:** Palisades Urban Ventures I, LLC.**AGENT:** Matt Fisher**PROJECT LOCATION:** 212 Marine Street, Santa Monica

PROJECT DESCRIPTION: Construction of a 4 story, 47-foot high, mixed-use residential and commercial project, with 77 parking spaces, with 8 additional tandem spaces provided through valet service, on a 24,089 square foot parcel. The residential component of the project will provide a total of 21 units, in approximately 33,915 square feet, and the ground floor commercial will have approximately 8,956 square feet.

Building Coverage:	21,931 sq. ft.
Pavement Coverage:	1,839 sq. ft.
Landscape Coverage:	319 sq ft
Parking Spaces:	85
Ht above existing grade:	47 ft

LOCAL APPROVALS RECEIVED: City of Santa Monica Approval in Concept, Development Review Permit 01-011; Conditional Use Permit 02-023; Tract map 01-008.

SUBSTANTIVE FILE DOCUMENTS: Santa Monica certified Land Use Plan

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions on the basis that the project, as conditioned, conforms with the public access and resource protection policies of the Coastal Act. Special Conditions include valet parking; parking, car pool and transit incentive program; public parking availability, parking signage, water quality mitigation; and recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR 5-03-143:

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

MOTION: *I move that the Commission approve Coastal Development Permit #5-03-143 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. STANDARD CONDITIONS:

1. 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 CONDITIONS**

1. **Attendant Parking**

The applicant shall provide attendant parking service during regular business hours to provide a total of 40 on-site parking spaces for use by the commercial development, for the life of the project.

2. **Parking, Car Pool and Transit Incentive Program**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide for review and approval by the Executive Director, a parking, carpool and transit incentive program as follows:

- (1) The applicant shall actively encourage employee participation in a Transportation Ride Sharing.
- (2) A public transit fare reimbursement program shall be implemented by the applicant. The system shall be in effect for at least a 30-year period. The applicant shall provide for partial reimbursement to one hundred percent of the employees of the development for public transit fare to and from work.
- (3) The applicant shall provide a bicycle parking area, free of charge, on the property.
- (4) The applicant shall implement a publicity program, the contents of which is subject to the review and approval of the Executive Director, that indicates how the future occupants of the development will be made aware of the provisions of this special condition. The publicity program shall be implemented during the first month of occupancy of the new development.

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

3. **Public Parking**

The on-site parking provided by the project shall be open for public parking after business hours during the hours when the public beach parking lots are open, which includes weekdays, weekends, and holidays. If a fee is charged, rates shall not exceed that charged at the public beach parking lots.

4. **Public Signage**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant will submit, for the review and written approval of the Executive Director, a signage plan showing the size, wording and location of signs. The signage shall be located in conspicuous locations along the Main Street frontage and near the entrance of the parking area, informing the public of the availability and location of the public parking.

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

5. **Water Quality Standards**

With the acceptance of this permit the applicant agrees to comply with all applicable City of Santa Monica water quality requirements as required under the City's Municipal Code that are in effect at the time of approval of this permit.

6. **Deed Restriction**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to construct a 4-story, 45,563 square foot mixed-use residential and commercial projects, with 77 ground floor and subterranean parking spaces, with 8 additional spaces provided in tandem with a valet service, on a 24,089 square foot vacant parcel. The residential component of the project will total 21 units (studio), in approximately 33,915 square feet, and the ground floor commercial will have approximately 8,956 square feet.

The proposed project is located at the southeast corner of Main and Marine Streets in the City of Santa Monica. The property has frontage on Main Street, Marine Street, Second Street and Dewey Court (an alley that borders Santa Monica and the City of Los Angeles).

B. Development

Section 30250 of the Coastal Act states in part that:

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

Section 30251 of the Coastal Act states in part that:

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

The proposed project is located on Main Street in the City of Santa Monica. Main Street has evolved over the years from small scale neighborhood serving retail uses to trendy restaurants, art galleries, specialty-retail establishments and offices over ground floor retail. The City's certified LUP states that:

Main Street is the closest commercially zoned area to the South Beach area, and has evolved during the past two decades from a commercial street of low-intensity

development to a specialty shopping and visitor serving area. There has been a marked increase in the number of restaurants, art galleries, antique, and specialty-retail establishments, and traffic. Most of this activity is concentrated south of Ocean Park Boulevard. Recent development north of Ocean Park Boulevard includes offices over ground floor retail, furniture and accessory showrooms, gymnasiums and dance studios, and some restaurants...

Policy #116 of the LUP states:

In conformance with the Zoning Ordinance provisions, Main Street shall provide neighborhood commercial uses along with visitor serving retail uses. New development which significantly impacts coastal access or other coastal resources in an adverse way shall not be allowed. Residential uses may be allowed in mixed-use development provided that no portion of the residential use is located on the ground floor fronting Main Street.

Policy #117 of the LUP states:

Development on Main Street shall comply with the CM2, CM3, and CM4 District Standards.

The proposed project will consist of a mixed-use project consisting of residential and visitor-serving commercial on the ground floor fronting Main Street and a portion along Marine Street. The ground floor development will consist of approximately 8,956 square feet of commercial space.

The property is zoned CM4 (Main Street Commercial). The mixed-use project is a permitted use under the zoning. The CM4 allows a maximum height of 47 feet. The project, with is proposed with a maximum height of 47 feet is consistent with the height limit in the CM4 zone.

The proposed project has been designed to be compatible with the development in the surrounding area. Development in the immediate area consist of four and five story buildings. The project is consistent with the mass, scale, bulk, and height as other structures in this area of Main Street.

The proposed height, bulk and location of the project will not have an adverse impact on coastal views or scenic resources. The proposed project is located approximately two blocks from the Santa Monica beach and because of the project's location and existing development between the project site and the ocean, the proposed building will not interfere with any public coastal views or scenic resources. The Commission, therefore, finds that the proposed project will be compatible with the character and scale of the surrounding uses and with Sections 30250 and 30251 of the Coastal Act.

C. Coastal Access

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and the availability of public access to the coast. Section 30211 of the Coastal Act states that:

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

Section 30252 of the Coastal Act requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities. Section 30252 of the Coastal Act states in part:

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

Therefore, in order to conform to the requirements of the Coastal Act, the proposed project must provide adequate support parking in order not to negatively impact parking for coastal access. The applicant is proposing to provide 77 parking spaces with 8 tandem spaces for a total of 85 parking spaces on the ground floor and one level of subterranean parking. Vehicular access is provided from Second Street. Based on the City's approval, and as required by the City's Zoning Code, parking within the garage for the residential parking spaces will be segregated from the commercial parking spaces to allow for full separate and secure access to residential parking spaces 24 hours per day.

Based on City parking standards of 1 space per 300 square feet, the City requires 30 parking spaces for the 8,950 square feet of commercial and 26 spaces for the 21 residential (studio) units (1 space per studio unit, plus 5 guest spaces) for a total parking requirement of 77 spaces. Although the City found the parking provide by the project adequate to meet City parking standards, the Commission has consistently applied Commission parking standards to development within the Santa Monica area. In the Santa Monica area, the Commission has consistently required that general retail use provide parking at a rate of 1 space per 225 square feet of gross area and residential use provide parking at a rate of 2 spaces per unit. Based on the Commission's parking standards, the mixed use project will generate a parking demand of 85 parking spaces (45 spaces for the residential units and 40 spaces for the commercial use).

The Commission has required stricter standards than the City because of the area's close proximity to coastal recreational uses and visitor-serving uses and the shortage of parking in the area. In this particular case the applicant is proposing 77 spaces, plus 8 tandem spaces with attendant (valet) service for the commercial use, for a total of 85 spaces, consistent with the Commission's parking standards.

In past coastal development permit action in the area the Commission has allowed attendant parking for project to meet the Commission's parking requirements. The

applicant has agreed to provide attendant parking and has provided a parking plan for the 85 spaces. However, to ensure that parking attendant service will continue to operate during business hours and that any future property owners are made aware of this requirement, a deed restriction, requiring the attendant parking, shall be recorded as a special condition.

Because of the location of the proposed project adjacent to the visitor-serving Main Street and close proximity to the beach and beach parking areas, traffic generated by the development could have an adverse impact on public beach access. Impacts could be caused by increased traffic congestion that could deter the public from coming to the area, and from increased on-street parking demand from residents and visitors, employees, and customers that elect to park off-site. To mitigate potential access impacts the City's Land Use Plan Policy #16 requires that parking facilities, of commercial, office, and mixed-use developments that provide 10 or more parking spaces, shall be made available to the general public when the business is not in operation. This increases the availability of public parking and reduces the impact that projects have on beach access due to increase traffic and parking demands. Because the commercial use will be visitor serving retail, parking will be available to the general public during the operating hours of the businesses. However, the applicant has not proposed specific operating hours and availability of the parking. Because of the projects' location, the parking could be a valuable reservoir of public parking, especially during the weekends and holidays, if the businesses are closed and the commercial parking spaces are not used. Therefore, it is necessary to require the commercial parking spaces to be available to the general public after business hours during regular beach parking lot hours, on the weekends and holidays. The applicant has agreed to provide the parking to the general public during these hours. Furthermore, to ensure that the public is aware of the location and availability of the parking the applicant shall provide signage along Main Street and at the entrance to the parking garage directing the public to the parking area. The applicant shall submit a signage plan, for the review and approval of the Executive Director, showing the location, size and wording to be used.

To further mitigate access and traffic impacts, the Commission, in past coastal development permit action, has required that commercial businesses participate in a parking and transit incentive program, which encourages use in ride sharing, alternative and mass transit. To ensure that all future owners are aware of these requirements, it is necessary to require that the applicant record a deed restriction referencing all of the standard and special conditions contained in this staff report. The Commission, therefore, finds that only as conditioned will the project not adversely impact coastal access and will be consistent with Section 30211 and 30252 of the Coastal Act and with the applicable policies of the City's certified LUP.

D. Control of Polluted Runoff

Section 30230 states:

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

Section 30231 states:

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

The proposed project poses a potential source of pollution due to contaminated runoff from the proposed parking lot and other hardscape. The City, to mitigate potential impacts for all development, has adopted an Urban Runoff Ordinance. The ordinance requires projects to incorporate best management practices with extensive recommendations and measures to reduce or prevent contaminants from running off the site. The City requires all new development to achieve twenty- percent reduction of the projected runoff for the site and the use of oil and water separators or clarifiers to remove petroleum-based contaminants and other pollutants. The City's Best Management Practices are designed to treat, infiltrate or filter the amount of stormwater runoff up to the 85% percentile for a 24 hour storm event. Furthermore, the City has a new state-of-the-art stormwater treatment facility that treats all dry weather storm runoff. Runoff from all new development is directed to existing stormdrains, which direct stormwater to the treatment facility.

Coastal Commission water quality staff has previously reviewed the City of Santa Monica's water quality standards for similar projects and have determined that the City's standards are consistent with standards imposed by the Commission. To ensure that the development complies with the City requirements, a special condition is necessary that requires the applicant to agree to comply with the water quality requirements of the City. The Commission, therefore, finds that, as conditioned, the development will be consistent with Section 30230 and 30231 of the Coastal Act.

E. Local Coastal Program

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

(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.

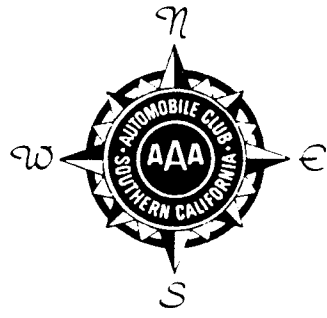
In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson way (Beach Overlay District), and the Civic Center/RAND area. On September 15, 1992, the City of Santa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

Under the City's current zoning, the proposed new use is a permitted use. As conditioned the project will not adversely impact coastal resources and beach access. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal 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 conditioned, all potential adverse impacts have been adequately mitigated. 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

SCALE
0 1 2 3 4 5 6 7 8 9
MILES

EXHIBIT NO. 1

Application Number
5-03-143

Area Map

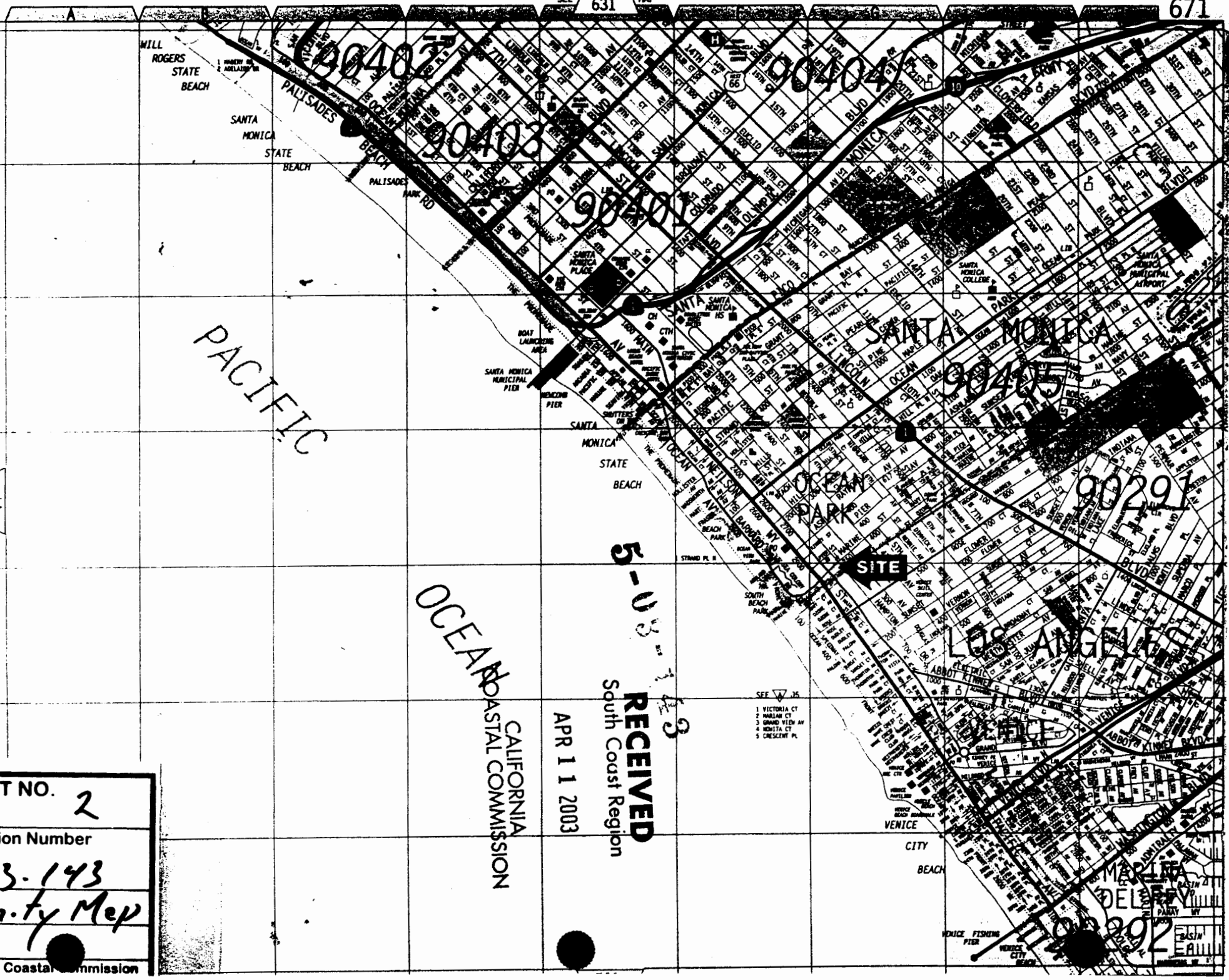
California Coastal Commission

HUNTINGTON BI

Channel
O C E A

Thomas Bros. Maps

MAP VI



PACIFIC

OCEAN CALIFORNIA
COASTAL COMMISSION

APR 11 2003

RECEIVED
South Coast Region

5-03-143

- SEE V. 16
- 1 VICTORIA CT
 - 2 HIGHLAND CT
 - 3 GRAND VIEW AV
 - 4 HENRIETTA CT
 - 5 CRESCENT PL

EXHIBIT NO.	2
Application Number	5-03-143
Vicinity Map	
California Coastal Commission	

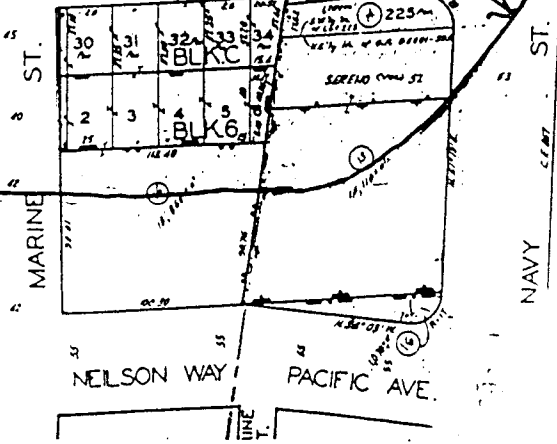
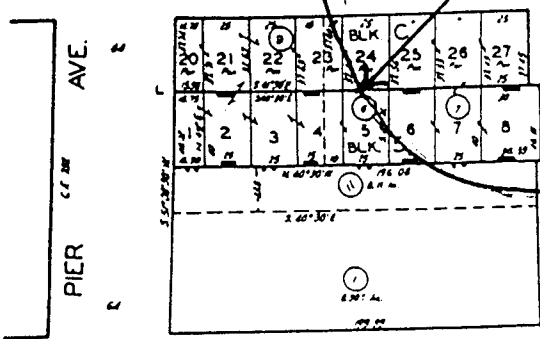
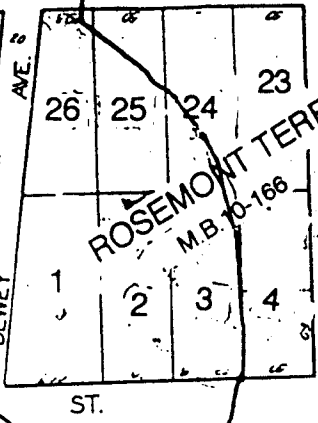
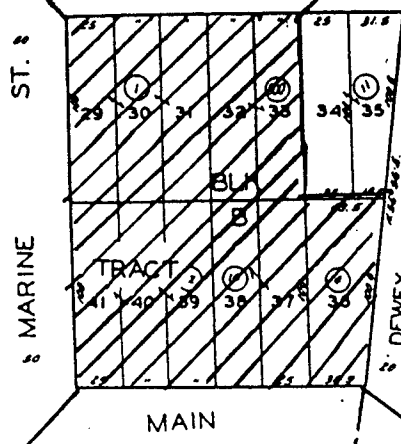
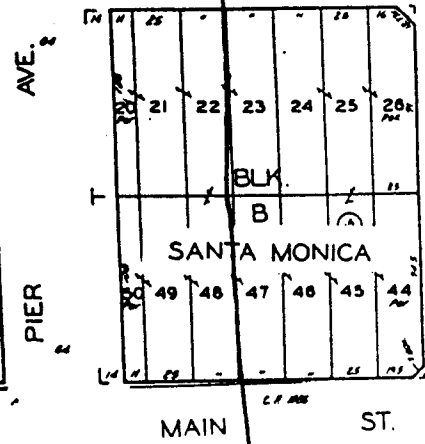
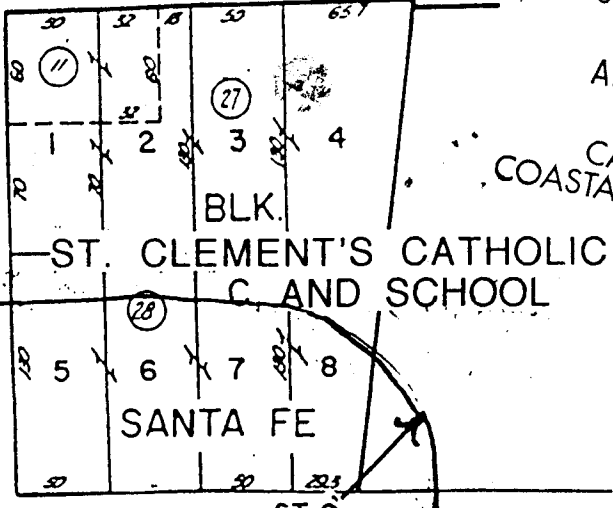
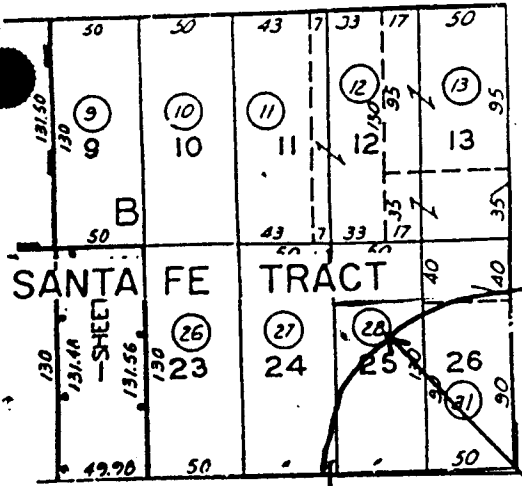
3RD ST. 8

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CALIFORNIA
COASTAL COMMISSION

ST. CLEMENT'S CATHOLIC CHURCH
C. AND SCHOOL

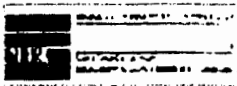


ROSEMONT TERRACE
M.B. 10-166

43

100' RADIUS MAP
 212 MARINE ST.
 SANTA MONICA, 90405
 ASSESSORS PARCEL NO. 4288-005
 LOTS 29,30,31,36,37,38,39,40 & 41
 BLOCK B SANTA MONICA TRACT
 3-7-2003

EXHIBIT NO. 3
APPLICATION NO. 5-03-143
Parcel Map
California Coastal Commission



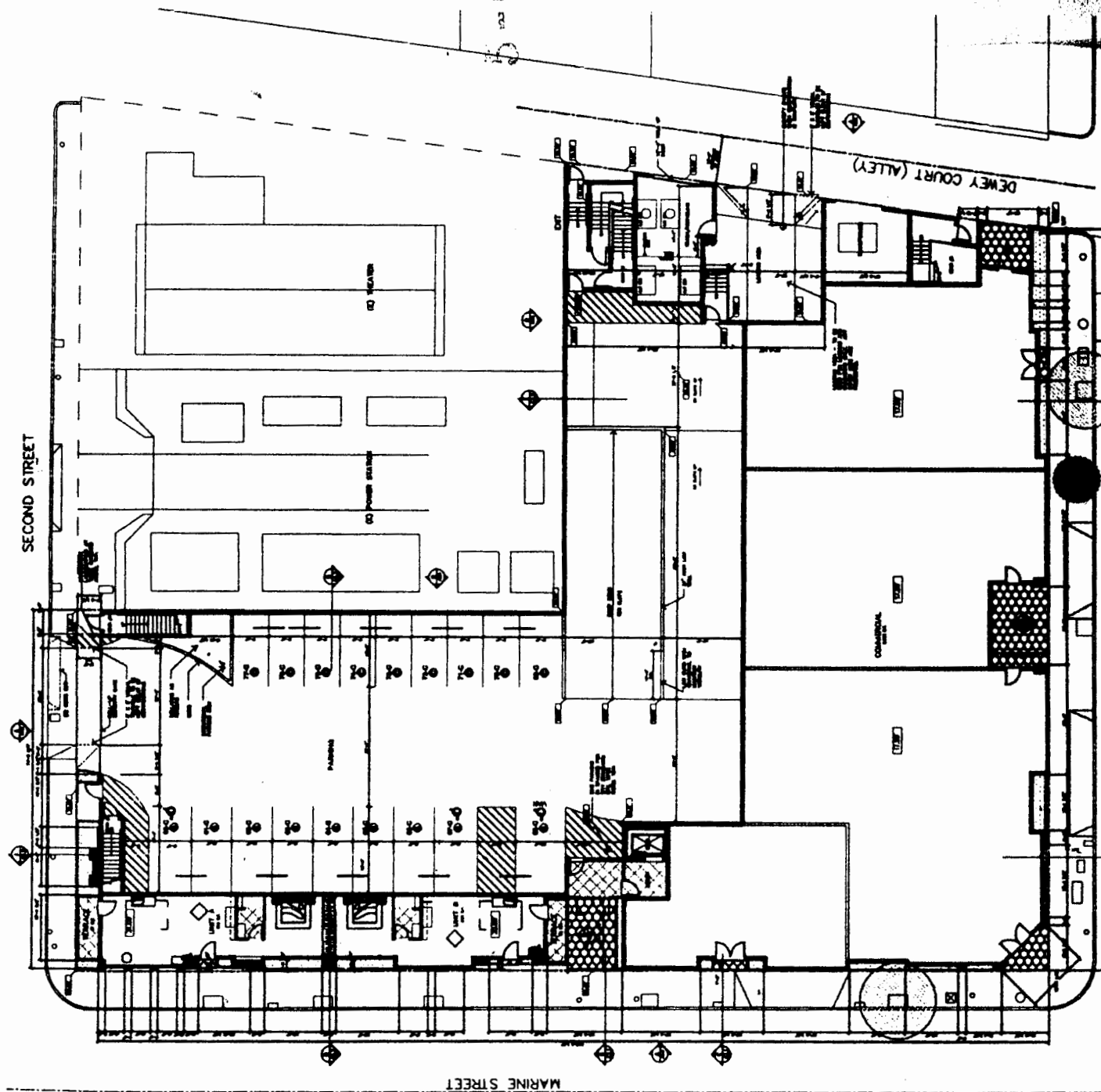
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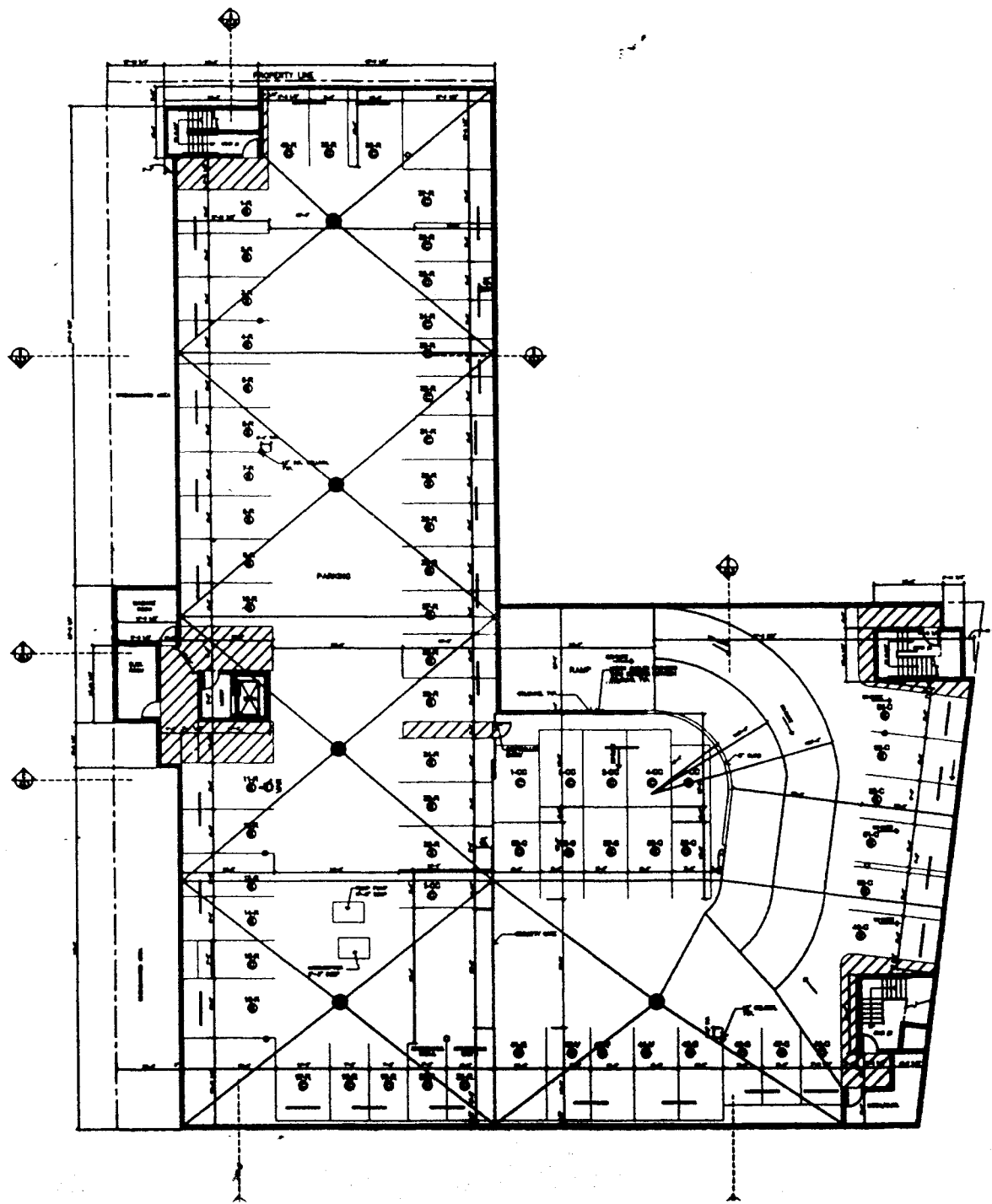
EXHIBIT NO. 4
Application Number 5-03-143
Site Plan First Floor



SECOND STREET

MARINE STREET

DEWEY COURT (ALLEY)



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APR 11 2003

EXHIBIT NO. 5

Application Number

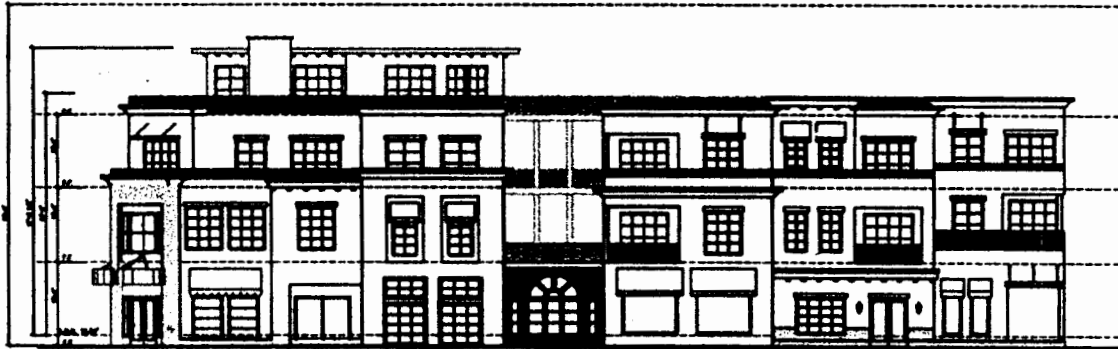
5-03-143

Subterranean
 Parking

California Coastal Commission

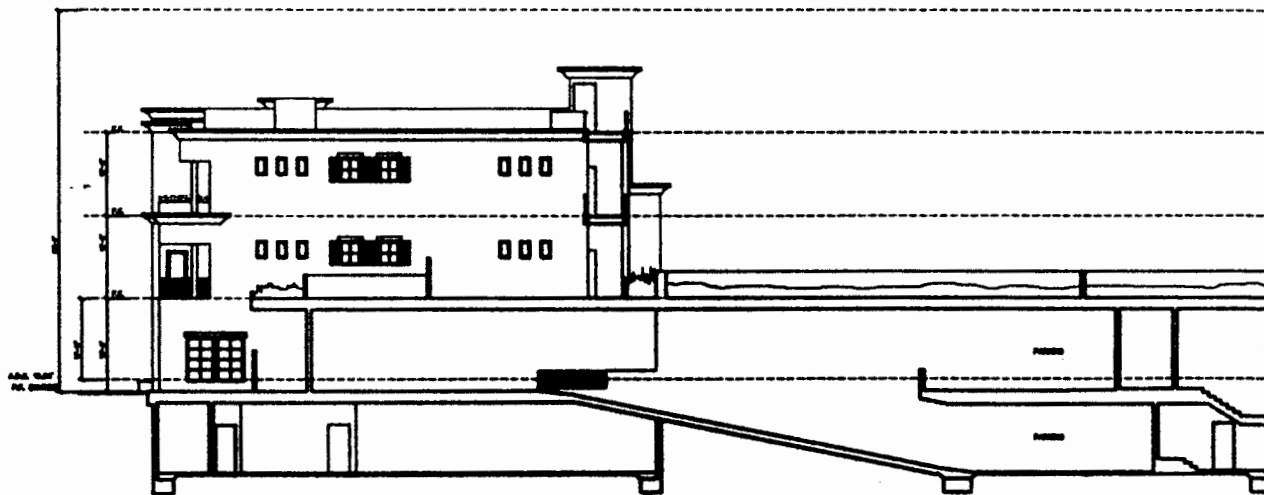
03

4 STORY COMMERCIAL
BUILDING



© MAIN STREET

43



© COURTYARD (MAIN STREET)

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CALIFORNIA
COAST
EXHIBIT NO. **C**
Application Number
5-03-143
Election