

CALIFORNIA COASTAL COMMISSION

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Filed: 9/17/04
 49th Day: 11/5/04
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 Staff: AJP-LB
 Staff Report: 11/15/04
 Hearing Date: 12/8-10/04
 Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER:** 5-04-375**APPLICANT:** Western Urban Ventures, LLC**AGENT:** Lee Christopher Johnson**PROJECT LOCATION:** 2216 Main Street, Santa Monica

PROJECT DESCRIPTION: Construction of a mixed-use project with 250 square feet of retail space on the ground floor along Main Street and 7 residential units above. A 16 space parking garage will be provided on the ground floor behind the retail space, with 12 of the spaces provided through a mechanical parking lift system.

Lot Area:	5,200 square feet
Building Coverage:	4,923 square feet
Pavement Coverage:	277 square feet
Landscape Coverage:	0
Parking Spaces:	16
Zoning:	CM3-Main Street Commercial
Ht above final grade:	35 feet

LOCAL APPROVALS RECEIVED: Approval in Concept

SUBSTANTIVE FILE DOCUMENTS: Santa Monica certified Land Use Plan; CDP No. 5-94-172(Calstar) & 5-99-116(Barnard).

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: 1) maintenance and operation of the mechanical car lifts; 2) provision of signage, 3) water quality mitigation; and 4) recordation of a deed restriction against the property referencing all of the Standard and Special Conditions contained in this staff report.

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-04-375 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 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit 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 alternatives 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. **Maintenance of Car Lifts**

The applicant/property owner shall maintain and operate all six proposed mechanical car lifts, for a total of 12 residential parking spaces provided through the use of lifts, in proper working order at all times for the life of the project. In addition to the 12 spaces provided through lifts, the applicant will provide 3 additional spaces for a total residential supply of 15 parking spaces.

2. **Parking 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 that all on-site parking is properly designated as residential or commercial 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.

3. **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.

4. **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 the construction of a 10,400 square foot, 35 foot high (finished grade), 3-story mixed use building, consisting of 250 square feet of retail space on the ground floor along the frontage road (Main Street), 7 residential units (6 studio and 1 three-bedroom) on the second and third floors, and a 3,910 square foot first floor garage providing 16 parking spaces, with 12 of the spaces provided through a mechanical parking lift system (six lifts providing two spaces each).

The project site is located on Main Street between Pacific Street and Strand Street, in the Main Street Commercial area of the City of Santa Monica. The lot has 40 feet of frontage along Main Street and is 130 feet deep, with alley access (Main Court) at the rear of the lot.

The site is two blocks east of the Santa Monica State beach. The surrounding area is currently developed with commercial uses. The City of Santa Monica's certified Land Use Plan designates the project site as Main Street Commercial.

B. Coastal Access

The proposed project is located on Main Street between Pacific Street and Strand Street. Main Street is approximately two blocks from the City's South Beach area. As stated above, 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:

Many of the buildings along Main Street date from before World War II, and do not provide off-street parking. Main Street has metered parking on the street and in several public parking lots. These lots include a small lot at Strand Street, a larger lot south of Hollister Avenue, and a major lot between Kinney and Hill streets behind the businesses located on Main Street. In recent years, several office buildings and mixed use retail and office structures have been built. The newer buildings provide off-street parking sufficient for their own needs.

This recycling has caused parking shortages along Main Street and the surrounding areas due to inadequate on-site parking, and competition for street parking from visitors to Main Street, residents that live immediately east of Main Street where inadequate residential parking also exists, and from beachgoers that use the area for beach parking. 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. . .

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

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

Therefore, in order to conform to the requirements of the Coastal Act, the proposed project must provide adequate support parking in order not to negatively impact parking for the visitor serving area of Main Street or for beach parking.

The applicant is proposing to provide 16 on-site parking spaces for the 250 square foot retail space and 7 residential units. Six of the residential units are studio apartments, ranging from 573 square feet to 671 square feet. The seventh unit is a full size unit (3 bedrooms). The retail space will have one assigned parking space. Fifteen spaces will be assigned to the residential units. Twelve of the 15 residential spaces will be provided through a mechanical parking lift system, where one vehicle is raised to allow another car to park beneath.

The City of Santa Monica requires 1 space per residential studio, 1 space per full size residential unit, plus 1 guest parking per every five units, and 1 space for 300 square feet of retail. Based on the City's parking requirements the project requires 9 parking spaces for the residential portion of the project plus 1 space for the retail use for a total of 10 parking spaces.

Although the project meets the City's parking standards, the Commission has consistently applied Commission parking standards to development within the Santa Monica area. Based on the Commission's parking standard of 2 parking space per residential unit, plus one guest space for every seven units; and 1 parking space per 225 square feet of retail space, the proposed project will require 15 residential parking spaces and 1 retail space for a total of 16 parking spaces.

The applicant is proposing to provide 16 parking spaces as required by the Commission parking standards, with 12 residential spaces provided through mechanical car lifts (six lifts providing two spaces each). In past permit action the Commission has approved the use of

mechanical car lifts for providing required parking [CDP No. 5-94-172(Calstar) & 5-99-116(Barnard)]. The concern the Commission has had in the past with mechanical lifts is the maintenance and continued operation of the lifts. If lifts are not maintained or operated as proposed the number of parking spaces are effectively reduced which would adversely impact public access by increasing the demand for on-street parking. Therefore, to ensure that the applicant is aware that the mechanical lifts should be maintained and operated to provide 12 functional parking spaces, a special condition is necessary requiring the applicant to record a deed restriction agreeing that the lifts will be maintained and operated for the life of the project. Furthermore, although the retail space will be small and may not generate a significant amount of on-site parking demand and the one retail space will probably be used by the retail proprietor, the parking spaces should have adequate signage to designate spaces for residential parking and the parking space for commercial use, to minimize parking conflicts. The City also requires mixed-use residential/commercial projects to include signage to separate the residential parking from commercial use. Therefore, special condition No. 2 requires the submittal of a parking signage plan. 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.

C. Development

Section 30250 of the Coastal Act states in part that:

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

Section 30251 of the Coastal Act states in part that:

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

The proposed project is located on Main Street. 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...

In the general vicinity of the project site the area is developed with various one and two-story commercial businesses along Main Street, and single and multi-family residential development a block away to the east and west. The certified LUP limits height along the Main Street commercial area to four stories, 47 feet. The proposed commercial project will be three stories, and 35 feet above finished grade.

Policy No. 116 of the City's LUP states in part that:

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.

The proposed project includes 250 square feet of retail space on the ground floor along the Main Street frontage with residential on the second and third floor. The Commission has approved other mixed-use projects along Main Street, with ground floor commercial. However, in this project the retail space is fairly small in area in order to provide adequate area for parking to support the project. The small retail space raises concerns that visitor-serving commercial space is being sacrificed for residential use, which is a low priority use under the Coastal Act. The increase in residential density along Main Street's commercial corridor could cumulatively usurp additional visitor-serving space, increase residential parking demand in the visitor-serving area whereby reducing available parking for visitors, and create access impacts due to increase non-visitor-serving traffic.

In this case, the lot is small, totaling 5,200 square feet in area, with 40 feet of frontage and 130 feet deep. Increasing the retail space would require additional parking which cannot be accommodated on the lot without significantly reducing the residential units. According to the applicant, because of the small size of the lot, it is economically infeasible to provide additional parking and reduce the number of residential units.

Staff discussed this issue with Santa Monica planning staff. They indicated that although there are similar sized lots in the immediate area, the lot is relatively small for the Main Street commercial area and they have not seen a pattern of these small lots being developed with small retail spaces to maximize the residential use. Most lots along Main Street are larger and have more street frontage, which will allow them to have larger commercial areas.

Because this project, with small retail space along Main Street, is the only one that has come before the Commission, and there is no indication that this will become a prevalent pattern along Main Street, this particular project will not have a significant adverse impact on coastal access or resources. However, in the future, if other lots begin to develop with similar small commercial spaces to maximize residential use, this pattern of development could have a

cumulative adverse impact on coastal access and visitor-serving uses. Therefore, in the future, if similar projects are proposed on small lots along Main Street, the individual and cumulative impacts will be addressed. This project represents a good compromise between residential and commercial development on a small lot where development is constrained by the lot size and parking requirements. The proposed project will not individually or cumulatively impact Main Street as a mixed commercial and residential street. As proposed, the project is compatible in use and scale with existing development and is consistent with past Commission permit action for the area. The Commission, therefore, finds that the proposed project will be compatible with the character and scale of the surrounding uses, consistent with Sections 30250 and 30251 of the Coastal Act, and with the applicable policies of the 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 and from the proposed restaurant use. To mitigate potential impacts, the City 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. 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. Therefore, the proposed project is consistent with past Commission action with regards to water quality requirements and will minimize water quality impacts. As a condition, with the acceptance of this permit, the applicant agrees 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

(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 Main Street 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.

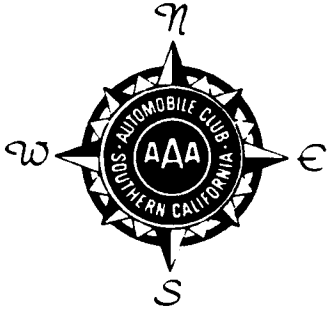
An alternative to the project is to provide a larger commercial area. This alternative would generate a larger parking demand that could only be accommodated on-site through subterranean parking or adding a second level for parking. However, because of the parking demand and small size of the lot, this alternative would not be economically viable.

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.



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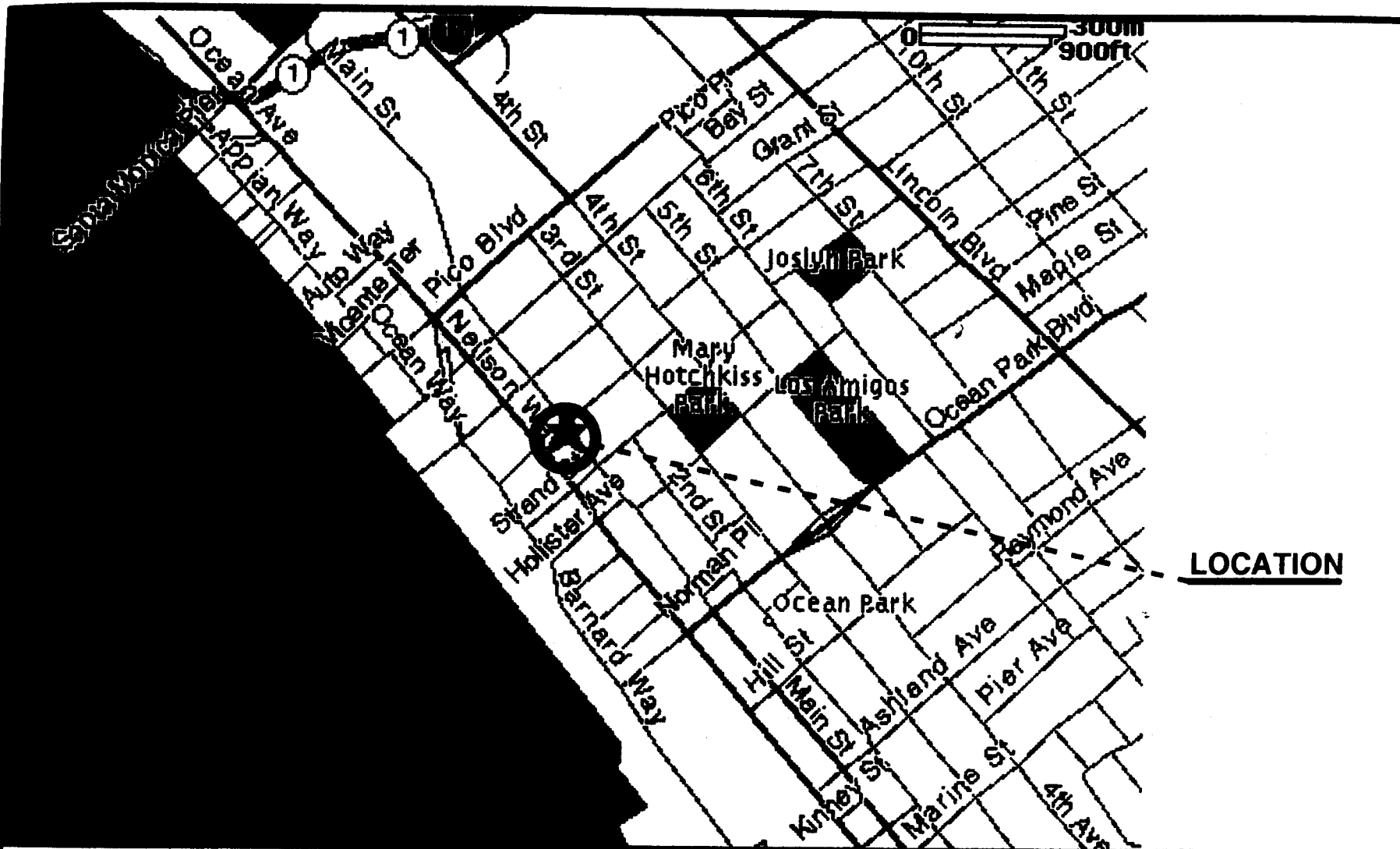
LOS ANGELES AREA



RECEIVED
 South Coast Region
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HUNTINGTON BI
 EXHIBIT NO. 2
 APPLICATION NO.
 5-04-375
 Regional Map





LOCATION

LOCATION

SCALE: NTS

Project 6 STUDIOS AND ONE THREE BEDROOM UNIT
W/ ON GRADE COMMERCIAL AND PARKING

Occupancy Group R1, S3

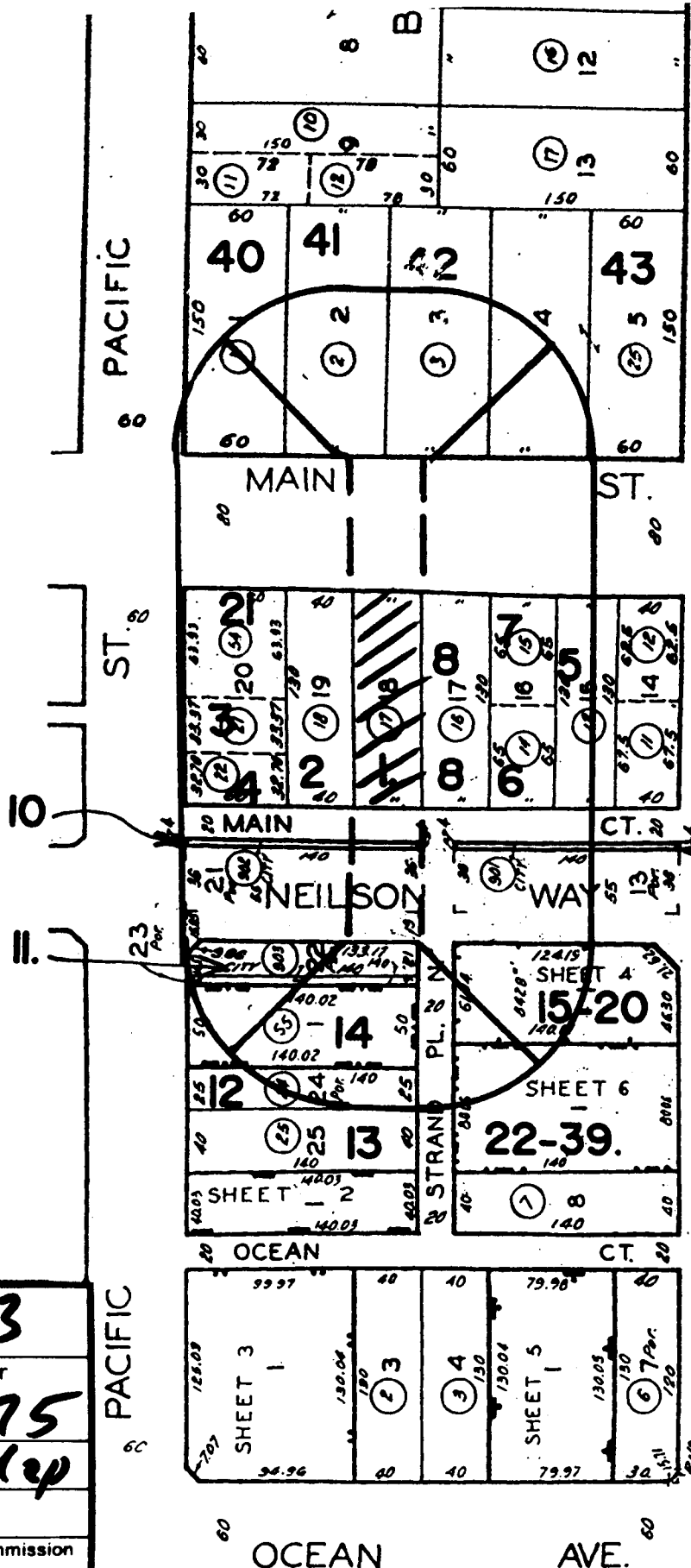
EXHIBIT NO. 2

Application Number

5-04-375

Vicinity Map

EXHIBIT NO.	3
Application Number	5-04-375
	Parcel Map
California Coastal Commission	



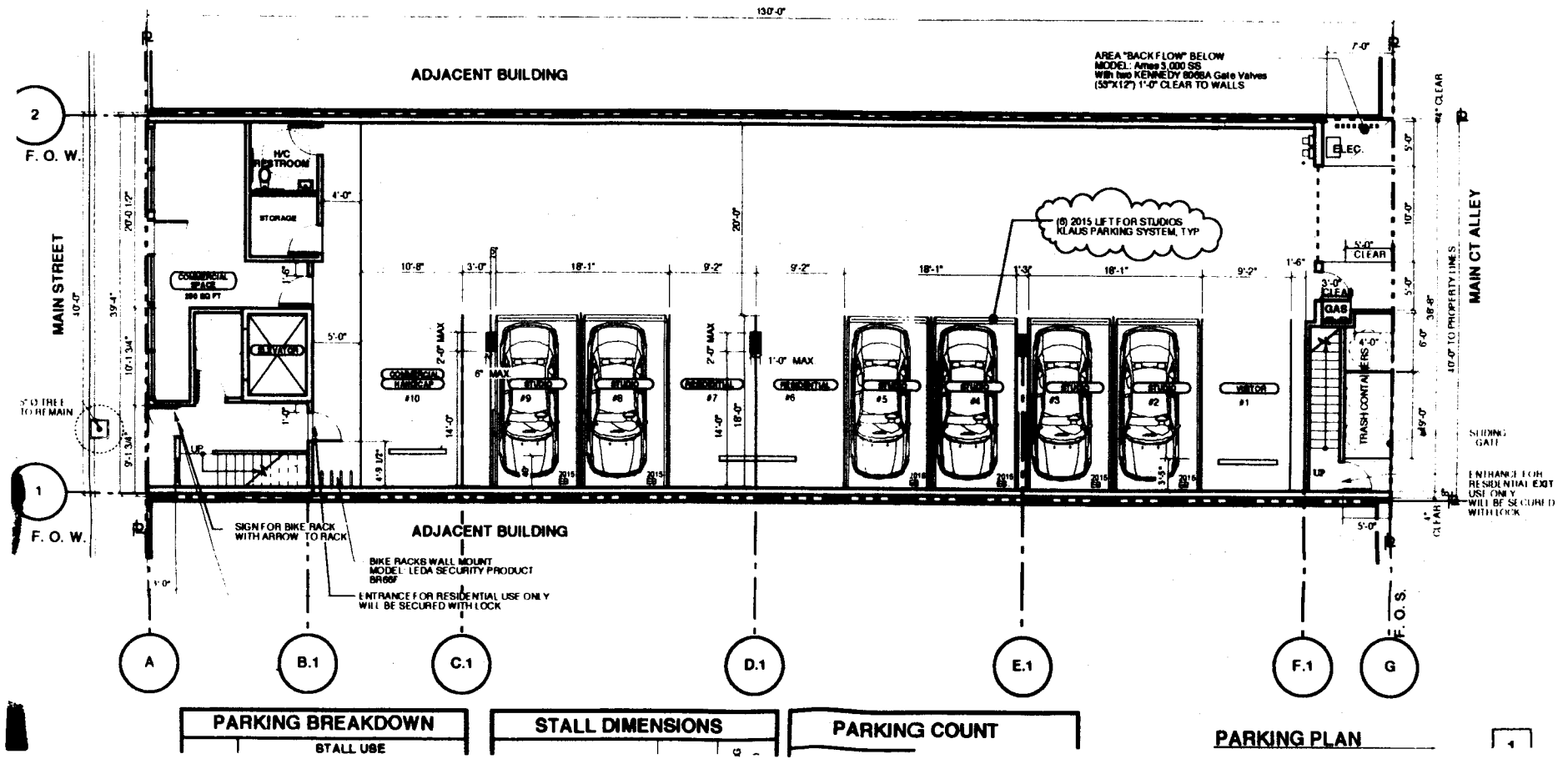
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PARKING BREAKDOWN	
STALL USE	

STALL DIMENSIONS	

PARKING COUNT	

PARKING PLAN

EXHIBIT NO. 4
Application Number 5-04-35
Site Plan 1 First Floor Plan
California Coastal Commission

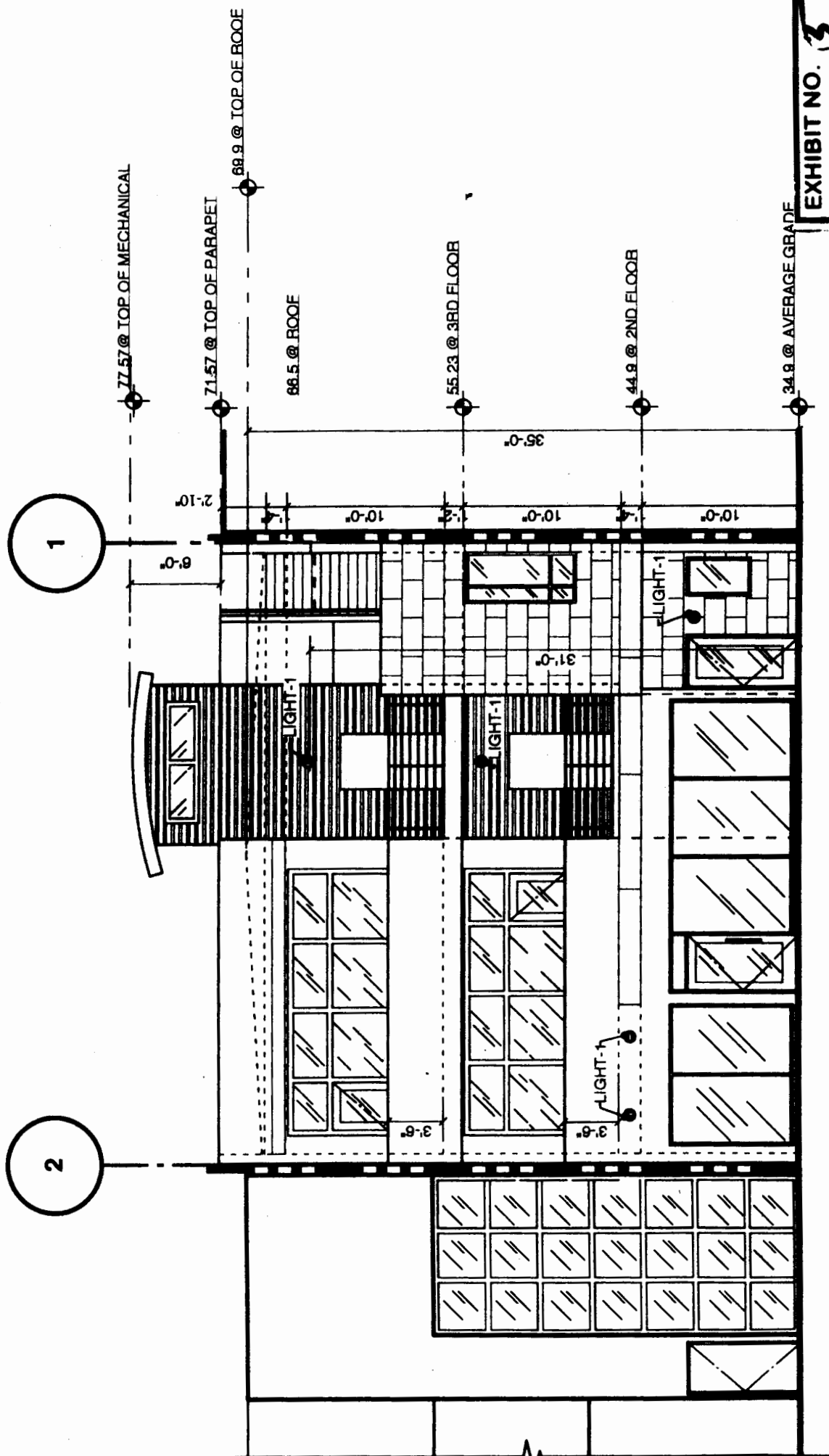


EXHIBIT NO. 3
 Application Number
5-04-375
Main Street
Elevation
 California Coastal Commission

1

MAIN STREET ELEVATION

SCALE: 1/8"=1'-0"

