

**CALIFORNIA COASTAL COMMISSION**

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# W12b

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## STAFF REPORT: MATERIAL AMENDMENT

<b>Application No.:</b>	<b>5-07-343-A2</b>
<b>Applicant:</b>	<b>Macerich SMP LP</b>
<b>Agent:</b>	<b>Stephen Logan, Macerich SMP LP</b>
<b>Location:</b>	<b>315 Colorado Avenue, Suite 300, City of Santa Monica, Los Angeles County</b>
<b>Project Description:</b>	Conversion of the approximately 50,000 square feet of retail space on the third level of the Santa Monica Place Bloomingdale's Building into an approximately 50,000 square-foot; 22-28 feet high above existing roof (approximately 78 feet above existing grade for over 50 % of the roof area and 84 feet above existing grade for the other 50% of the roof area); up to 13 screen cinema complex with a seating capacity of up to 1,500 seats.
<b>Staff Recommendation:</b>	Approval with conditions

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## SUMMARY OF STAFF RECOMMENDATION

The applicant, Macerich SMP LP, proposes to convert approximately 50,000 square feet of retail space on the third level of the Santa Monica Place (SMP) Bloomingdale's Building into an approximately 50,000 square-foot; 22-28 feet high above existing roof (approximately 78 feet above existing grade for over 50 % of the roof area and 84 feet above existing grade for the other 50% of the roof area); multi-screen cinema complex with up to 13 movie theaters and a seating capacity of up to 1,500 seats. No change to the existing parking supply is proposed.

Potential adverse impacts to visual resources and public access are associated with this project.

Santa Monica Place (SMP) is located at the southern end of the Third Street Promenade in an area designated by the City of Santa Monica General Plan 2010 Land Use and Circulation Element as the Downtown Core. Santa Monica Place sits on the superblock bound by Broadway Avenue to the north, 4<sup>th</sup> street to the east, Colorado Avenue to the south, and 2<sup>nd</sup> Street to the west. The Bloomingdale's Building is located in the SMP's east building quadrant, at the intersection of Colorado Avenue and 4<sup>th</sup> Street. The subject site is located in a highly developed area and is surrounded by a mix of land uses, including commercial, office, and residential.

The project would not modify the existing parking supply of approximately 1,853 parking spaces located on-site in Parking Structures 7 and 8. Additionally, SMP has 482 off-site parking spaces located in the Santa Monica Civic Center Parking Structure (354 parking spaces) and Santa Monica surface parking lot (100 parking spaces and 128 with the use of valet stacking), both approximately two blocks south of the SMP along 4<sup>th</sup> street.

The shared parking analysis indicates that SMP's total parking supply can satisfy the weekday and weekend peak parking demand during the peak period for the Project, which is in July, August, and December. In addition, SMP's use of the Civic Center Parking Structure for 354 of its off-site parking spaces should not create any conflicts with competing demand for the Civic Center Parking Structure because the Structure's current supply is expected to exceed both current and future demand.

The projected increase in height by approximately 22 to 28 feet for the proposed project, when added to the existing height of SMP, will result in an approximate total building height of 78 feet above existing grade for over 50 % of the roof area and 84 feet above existing grade for the other 50% of the roof area. The proposed height will not adversely impact coastal visual resources in the area for the proposed project will be placed entirely within the footprint of the existing two-story mall, which is located within a densely development area with existing limited channelized coastal views along Colorado Avenue.

A cinema in this location will be consistent with the mix of commercial, office, and residential uses in the area. And runoff from the structure is not expected to impact water quality, because the proposed project will be placed within the existing footprint of the mall.

To ensure that any potential adverse impacts are addressed, Commission staff is recommending **Special Conditions 1 through 4**, which would incorporate into this permit: 1) a requirement to seek an amendment to this permit for any future development; 2) a requirement to seek approval from the Commission for any changes to the current parking allocation; 3) conformance with the City of Santa Monica's water quality standards; and 4) use of best management practices. As conditioned, the proposed development is consistent with both the City of Santa Monica certified Land Use Plan, and Chapter Three policies of the Coastal Act.

Commission staff recommends **approval** of coastal development permit application No. 5-07-343-A2, as conditioned.

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## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-07-343-A2 subject to the conditions set forth in the staff recommendation.*

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

### Resolution:

*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:

This permit is granted subject to the following 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 on which the Commission voted on the application. 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 of 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:

This permit is granted subject to the following special conditions:

1. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-07-343-A2. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-07-343-A2. Accordingly, any future improvements to Santa Monica Place authorized by this permit, including but not limited to, repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-07-343-A2 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
2. **Parking Supply.** Any change to the current on-site (1,853) parking spaces and off-site (482) parking spaces allocated for use by Santa Monica Place, as described in this amendment, shall be maintained and made available during the hours of operation of Santa Monica Place. Any proposed change to the quantity or location of the parking spaces shall require an amendment to Permit No. 5-07-343-A2 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government, unless the Executive Director determines that no amendment or coastal development permit 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. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.**

The permittee shall comply with the following construction-related requirements:

- a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.

- c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

#### **IV. FINDINGS AND DECLARATIONS:**

##### **A. PROJECT DESCRIPTION AND LOCATION**

The applicant, Macerich SMP LP, is proposing to convert the entitled, but vacant, approximately 50,000 square feet of retail space on the third level of the Santa Monica Place Bloomingdale's Building into an approximately 50,000 square-foot; approximately 22-28 feet high above existing roof (approximately 78 feet above existing grade for over 50 % of the roof area and 84 feet above existing grade for the other 50% of the roof area); multi-screen cinema complex with up to 13 movie theaters and a seating capacity of up to 1,500 seats. The proposed use is compatible with the uses expected in a shopping mall of this kind, and no additional floor area above the existing floor area is proposed.

The proposed project is located in the Downtown Commercial District of the City of Santa Monica, Los Angeles County (**Exhibit 1**). The subject site is located in a highly developed area, just west of Second Street, which is one block inland of Palisades Park and the bluffs, and two to three blocks from the beach (**Exhibit 2**). The subject site and surrounding area is zoned C3-Downtown Commercial, which allows general retail, office, residential, hotel, and visitor-serving uses. Santa Monica Place (SMP) is currently a three-level, open-air downtown shopping center located at the southern end of the Third Street Promenade in an area designated by the City of Santa Monica General Plan 2010 Land Use and Circulation Element as the Downtown Core. Santa Monica Place sits on the superblock bound by Broadway Avenue to the north, 4<sup>th</sup> street to the east, Colorado Avenue to the south, and 2<sup>nd</sup> Street to the west. The Bloomingdale's Building is located in the SMP's east building quadrant, at the intersection of Colorado Avenue and 4<sup>th</sup> Street (**Exhibit 3**).

Santa Monica Place is surrounded by a mix of land uses, including commercial, office, and residential. Land uses to the south across Colorado Avenue from the Bloomingdale's Building include the two-story Sears Building and the single-story Leaf & Petal Nursery. Across the intersection of Colorado Boulevard and 4<sup>th</sup> Street consist of the Exposition Light Rail line Downtown Santa Monica station, which is currently under construction. Multi-story commercial office buildings are located east and south of the Expo LRT Downtown Santa Monica station. Land uses across 4<sup>th</sup> Street from the Bloomingdale's Building include the single-story Bank of the West building, the six-story Luxe@1539 mixed-use building, the single-story Salvation Army building, and the two-story Ken Edwards Community Center for Seniors. North of the Ken Edwards Community Center, at the intersection of 4<sup>th</sup> Street/Broadway Avenues, is the two-story Bay Builders Exchange Building. SMP's retail, restaurant, and parking uses are located adjacent to the northwest and northeast sides of the Bloomingdale's Building.

Beyond the SMP, land uses across Colorado Avenue include the seven-story Wyndham Hotel and Santa Monica (I-10) Freeway. Across 2<sup>nd</sup> Street from SMP is 1540 Second Street, which is a four-story building containing fast-food, retail, and commercial uses, the Shore Hotel, and various retail uses. Across Broadway Avenue from SMP is the Third Street Promenade, which includes retail, residential, and commercial land uses. A seven-story mixed-use building containing ground-level retail and commercial/residential uses on the upper floors is located at 1543 Third Street Promenade, directly across Broadway Avenue from the primary vehicle ingress/egress driveway for SMP Parking Structure 7.

Santa Monica Place opened as a three-story indoor shopping center in 1980. Significant renovations were completed in 1990, and minor renovations were completed in 1996. The mall was recently renovated and converted to an outdoor mall (Coastal Development Permit No. 5-07-343-A1). The renovation reduced the gross leasable square to a total of 548,322 square feet.

Under the SMP Final IS/MND, Macerich SMP LP was permitted to develop a total gross leasable area (GLA) of 548,322 square feet, which currently consists of 54,492 square feet of restaurant GLA and 493,830 square feet of currently entitled retail GLA. The proposed conversion of existing retail space into a Cinema at issue here has never been occupied by a retail tenant, but has been used in the past as management and special event space.

Santa Monica Place currently provides approximately 1,853 parking stalls located on-site in Parking Structures 7 and 8, which are located on the north and south quadrants of the SMP. Santa Monica Place also leases off-site parking spaces in the Santa Monica Civic Center Parking Structure (354 spaces) and Santa Monica Civic Center surface parking lot (100 spaces and up to 128 spaces with use of valet stacking), approximately two blocks south of SMP along 4<sup>th</sup> Street and adjacent to the Santa Monica City Hall and the Santa Monica Civic Auditorium (CDPs 5-07-343A1; 5-08-233, and Exemption 5-10-096-X). In addition, there are six public parking garages, numerous private lots, and street parking spaces available in Downtown Santa Monica.

**Staff Note:** The original underlying permit is A-69-76. The letter “A” preceding the numbers denotes that the Regional Commission’s decision was appealed to the State Commission. Since the time of approval of the original permit the Commission’s permit numbering system has changed, therefore, subsequent amendments to permits with the older numbering system are given a new permit number followed by the letter “A”.

## **B. PUBLIC ACCESS**

Coastal Act Section 30210 states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Coastal Act Section 30211 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.*

Coastal Act Section 30252 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. . .*



Santa Monica Land Use Plan Policy 20 provides, in part:

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

The project would not modify the existing parking supply of approximately 1,853 parking spaces located on-site in Parking Structures 7 and 8, and 482 off-site parking spaces located in the Santa Monica Civic Center Parking Structure and the Santa Monica surface parking lot, both approximately two blocks south of the SMP along 4<sup>th</sup> street. Of SMP's total on-site and off-site supply of 2,335 parking spaces, 354 off-site parking spaces are located in the Civic Center Parking Structure with the remaining 100 (128 with valet stacking) located in the Civic Center Parking Lot.

Civic Center Parking Structure provides a total of 882 parking spaces and is used by Civic Center employee permit parking, and for public parking. The Civic Center Parking Lot provides 975 parking spaces and is only available for employee permit parking.

Santa Monica Place has accumulated 482 off-site parking spaces over a number of years through a couple of separate Commission actions. SMP was originally granted 278 off-site parking spaces pursuant to CDP A-69-76. On November 14, 2008, the Commission approved CDP 5-08-233 for improvements to parking structures 7 and 8, resulting in the loss of 76 on-site parking spaces to SMP. On July 30, 2010, the Commission approved an Exemption to provide public valet parking service for Santa Monica Place shopping center within parking structure No.8 located at Santa Monica Place, and the Civic Center parking lot, which allowed the use of 100 spaces within the Civic Center Parking lot. The Civic Center parking (lot and structure) are currently used by SMP for employee permit parking. The parking permits are distributed by the City. The Civic Center parking structure is also available during the day and night for general public parking.

Public transit options to SMP include bus lines operated by Metro and Santa Monica's Big Blue Bus system. The Metro 720 bus line maintains a bus stop at the intersection of Colorado Avenue and 4<sup>th</sup> Street. Santa Monica's Big Blue Bus maintains a bus stop across Colorado Avenue from the SMP that serves bus line nos. 2, 3, 4, 5, 9, and 20. The Metro 720 bus line also utilizes this bus stop. In addition, the Downtown Santa Monica station for the Expo LRT is currently under construction across the intersection of Colorado Avenue and 4<sup>th</sup> Street from the Bloomingdale's Building. And, the proposed project would be operated in accordance with the City approved SMP Transportation Demand Management Program.

Construction is expected to take place over a 14-month period, starting in summer 2014 with completion expected by Fall 2015. Construction staging for equipment storage and material stockpiling would occur within the exterior walls, at other interior areas of the SMP, and along Colorado Avenue and 4<sup>th</sup> Street. It is Commission staff's understanding that the Construction Impact Mitigation Plan required pursuant to mitigation measure TRAF-1 will ensure that impacts to public access are minimized through various measures including, but not limited to, the requirement for maintenance of two unobstructed lanes of traffic in both directions along 4<sup>th</sup> Street during construction; a requirement that no work encroaches into the existing bus stop on southbound 4<sup>th</sup> Street; coordination with other nearby construction projects; and directional and guide signage to assist pedestrian and vehicular access. Any cumulative impacts to public

access resulting from construction of this project, the Expo Line, Colorado Esplanade, and the 5<sup>th</sup> and Colorado Hotel projects would be mitigated through TRAF-1 as well.

As originally approved by the City and the Commission, the mall's parking supply was based on the City's Redevelopment Agency parking standard of 4 parking spaces per 1,000 square feet. Based on this standard, the proposed theater would require 200 parking spaces, however, based on the City's current Municipal Code requirements – which is now more restrictive than it was when the mall was first approved – the theater would be required to provide 375 parking spaces.

Despite having less than the required amount of parking, according to the *Shared Parking Analysis for the Proposed Cinema at Santa Monica Place*, prepared by Gibson Transportation Consulting, Inc. (December 2013), SMP's current supply is sufficient to meet the peak parking demands even without the reduced parking demands resulting from the opening of the Exposition Line station in Downtown Santa Monica (projected opening is approximately early 2016). Shared parking is an established concept whereby parking spaces (usually in central business districts, suburban commercial districts, and other areas where land uses are combined) are used to serve two or more individual land uses, and has been an accepted practice by the Commission in determining adequate parking for proposed developments.

The parking analysis takes into account both the hourly variations in parking demand among the various land uses and the synergy created among the land uses within a mixed-use development. Sufficient parking is available to meet the demand and support the development of the Cinemas, even if the opening of the Expo LRT were delayed. In fact, the shared parking analysis indicates that the peak month demand would occur in July and August, and peak demand would not exceed 2,015 spaces on either a weekday or weekend as weekday peak demand is projected to be 1,948 spaces and weekend peak demand is projected to be 2,175 spaces. And, even if the opening of the Expo Line were to be delayed until June 2016, the peak weekday and weekend parking demand is projected to be 2,132 spaces, which still results in a projected overall supply of 203 spaces. The parking analysis notes a second peak month in December, likely due to the holiday season, but again the peak demand for December is not expected to exceed the available parking supply both before and after the opening of the Expo Line.

Accordingly, the shared parking analysis indicates that the total parking supply at SMP can satisfy the project peak parking demand on a weekday and weekend during the peak month of the year for the Project, which is in July, August, and December. In addition, monthly parking occupancy surveys of Santa Monica's parking structures indicate that while Civic Center Parking Structure is highly utilized during the weekday with peak usage from approximately 10AM to 3PM, demand subsides over the weekend. Aside from the summer months, demand for beach parking is generally considered to be greatest during the middle of the day on the weekends, when the Civic Center Structure experiences lower demand. As for Parking Structures 7 and 8, parking surveys show that demand during the day remains steady with a sufficient supply to meet that demand. The parking surveys also indicate that demand for Structures 7 and 8 increases over the weekend. Still the supply remains adequate to meet the demand. And it should be noted that in such a mixed-use environment, a cinema is considered a complementary land use to retail with little overlap in their hourly demand patterns as retail parking is more intensive during the daytime and cinema demand increases during the evening when parking for beach access declines. Therefore, future demand for parking is not projected to increase significantly over current demand.

To ensure that adequate parking remains available to the public, Special Condition 2 requires an amendment to this permit or a coastal development permit for any change to the quantity or location of the current 1,853 on-site parking spaces and 482 off-site parking spaces – as described in this amendment – allocated for use by Santa Monica Place.

Based on the shared parking analysis and parking surveys, SMP's current supply of on-site parking in Parking Structures 7 and 8, and off-site parking in the Civic Center Parking Structure and Civic Center Parking Lot is sufficient to meet current and projected future demand. Again, should any unanticipated parking shortages arise in the Civic Center Parking Structure or Civic Center Parking Lot, the City has the authority to reallocate SMP's off-site parking. As a result, the Commission believes that the Civic Center Parking Structure and Civic Center Parking Lot can be used for to satisfy SMP's off-site parking requirement without adverse impacts to public access. This analysis also takes into account the demand for parking within the Civic Center Structure from current and foreseeable future projects in the immediate area. Therefore, the proposed project is consistent with applicable policies of the City's certified LUP, and Sections 30201, 30211, 30252, and 30212.5 of the Coastal Act.

## C. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

*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 alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Santa Monica Land Use Plan Policy 46 states, in part, that:

*...Permitted development including public works of art shall be sited and designed to:*

- a. Protect views to and along the ocean and scenic coastal areas*
- b. Minimize the alteration of natural landforms; and*
- c. Be visually compatible with the character of the surrounding areas and restore and enhance visual quality in visually degraded areas.*

Santa Monica Land Use Plan Policy 49 states:

*The City shall develop standards to assure that new development along Adelaide Drive and all other scenic corridors and designated viewing areas, as identified in the Scenic and Visual Resources Map#13, is designed and sited to be visually compatible with the character of the surrounding areas, restores and enhances visual quality in visually degraded areas, and protects public views to the coast and*

*scenic coastal areas. Public views shall means views to the ocean from the public right of way of streets and designated public viewing areas.*

Due to the highly developed nature and flat topography of the area, views of the Santa Monica Mountains, the Pacific Ocean, the coastline, Palisades Park, and Santa Monica Pier entrance sign are channelized along streets (**Exhibit 4**). Public views of the Pacific Ocean, and Santa Monica Pier entrance sign are visible to motorists and pedestrians traveling west on Colorado Avenue. Public views of the Santa Monica Mountains are visible to pedestrians and motorists traveling north on 4<sup>th</sup> Street.

Nearby developments include the seven-story Wyndham Hotel building across Colorado Avenue at approximately 77 feet high; the six-story LUXE@1539 mixed-use building across 4<sup>th</sup> street at approximately 65 feet high; the six-story condominium building on 5<sup>th</sup> street east of SMP at approximately 70 feet high; and the seven-story mixed-use building at the south end of the Third Street Promenade, across Broadway Avenue from the SMP at approximately 70 feet high.

To accommodate proposed stadium seating, the existing roofline of the Bloomingdale's Building will be raised approximately 22 to 28 feet, from a current height of 56 feet above existing grade to a height of 78 feet above grade for 50% of the roof area and up to 84 feet above existing grade for the other 50% of the roof area (**Exhibit 5**). The walls of the proposed project are stepped back approximately 8 to 10 feet from the existing parapet walls to maintain the integrity of the existing building design and to reduce the perceived mass of the extended building height.

No public views or private views to the ocean or other valued visual or scenic resources would be obstructed due to the increased building height. There are no public views from the south of SMP from elevated vantage points that would be obstructed by the increased building height, because existing development already obstructs views of the Santa Monica Mountains from these vantage points. Ground-level public views along Colorado Avenue would remain unobstructed for motorists and pedestrians, because the development would occur within existing footprint of the Bloomingdale's Building (**Exhibit 6**).

While the City of Santa Monica requires approval of a Development Agreement for this project because the project exceeds the currently rezoned 32 foot height limit within the Downtown Core, the City of Santa Monica certified Land Use Plan allows heights to 4 stories (56 feet), and 6 stories (84 feet) with site review. The proposed project will not exceed 84 feet above existing grade, therefore, it is consistent with the City's certified LUP. In addition, as previously stated, the height of the structure is not expected to adversely impact visual resources because it will be placed within the footprint of an existing structure, which is located within a densely development with limited channelized views in all directions in the vicinity of the project location. Finally, the temporary barriers used to screen construction areas from public view will include fencing, delineators, and k-rail which will also not affect public views. Therefore, the proposed project is consistent with Section 30251 of the Coastal Act, and the City's certified Coastal Land Use Plan.

## **D. NEW DEVELOPMENT**

Section 30231 of the Coastal Act 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.*

Section 30240 of the Coastal Act states:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30250 of the Coastal Act states in part:

*(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 significant adverse effects, either individually or cumulatively, on coastal resources....*

The proposed project is a conversion of existing vacant retail space into a visitor-serving multi-screen cinema within SMP in the downtown commercial area of Santa Monica. As previously stated, the proposed project is located one block east of Palisades Park and bluffs, and two to three blocks from the beach. The Commission in prior actions on Coastal permits has indicated that downtown Santa Monica is a location in which new commercial development should be concentrated. Furthermore, policy #70 of the City's certified LUP states that:

*Allowable uses shall include retail, pedestrian oriented, visitor-serving commercial, public parking uses and other complementary uses (such as hotels, offices, cultural facilities, restaurants, social services, and housing).*

Surrounding uses include low and high rise office and mixed use buildings, surface parking lots, parking structures, restaurants and other commercial establishments. The proposed project will continue the commercial use of the mall and will be consistent with existing uses in the downtown area, as well as

with the character of the area. The Commission, therefore, finds that the project as conditioned will be consistent with applicable policies of the City's certified LUP and with Sections 30231, 30240, and 30250 of the Coastal Act.

## **E. WATER QUALITY**

Section 30230 of the Coastal Act 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 of the Coastal Act 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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30232 of the Coastal Act states:

*Protection against spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

Here, the proposed project will not require excavation or ground-disturbing activities, and will be built entirely within the footprint of the existing development with no increase in the amount of hardscape. Accordingly, runoff during the operational phase of the project is not expected to increase. Project construction, however, would require the use of construction-related hazardous materials, including petroleum products, paints and solvents, and detergents. The use of such materials would be in accordance with applicable regulations, including the City of Santa Monica Urban Runoff Pollution Ordinance. Best Management Practices (BMPs), pollutant control measures, and good housekeeping practices are to be employed during both the construction and operational phases of the project to reduce the discharge of polluted runoff from the Bloomingdale's Building. And Special Condition 3 ensures that additional BMPs are to be followed. Therefore, the proposed project would be consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

## **F. LOCAL COASTAL PROGRAM**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (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 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.*

In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson Way (Beach Overlay District), and the Santa Monica Pier. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications. The area within the Beach Overlay District was excluded from certification due to Proposition S discouraging visitor-serving uses along the beach, resulting in an adverse impact on coastal access and recreation. In deferring this area the Commission found that, although Proposition S and its limitations on development were a result of a voters initiative, the policies of the LUP were inadequate to achieve the basic Coastal Act goal of maximizing public access and recreation to the State beach and did not ensure that development would not interfere with the public's right of access to the sea.

As conditioned, the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the proposed project, as conditioned will be consistent with the Chapter 3 policies of the Coastal Act, the City's certified LUP, and will not prejudice the ability of the City to prepare Land Use Plan policies for the Beach Overlay District (deferred area) and a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

## **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096(a) 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

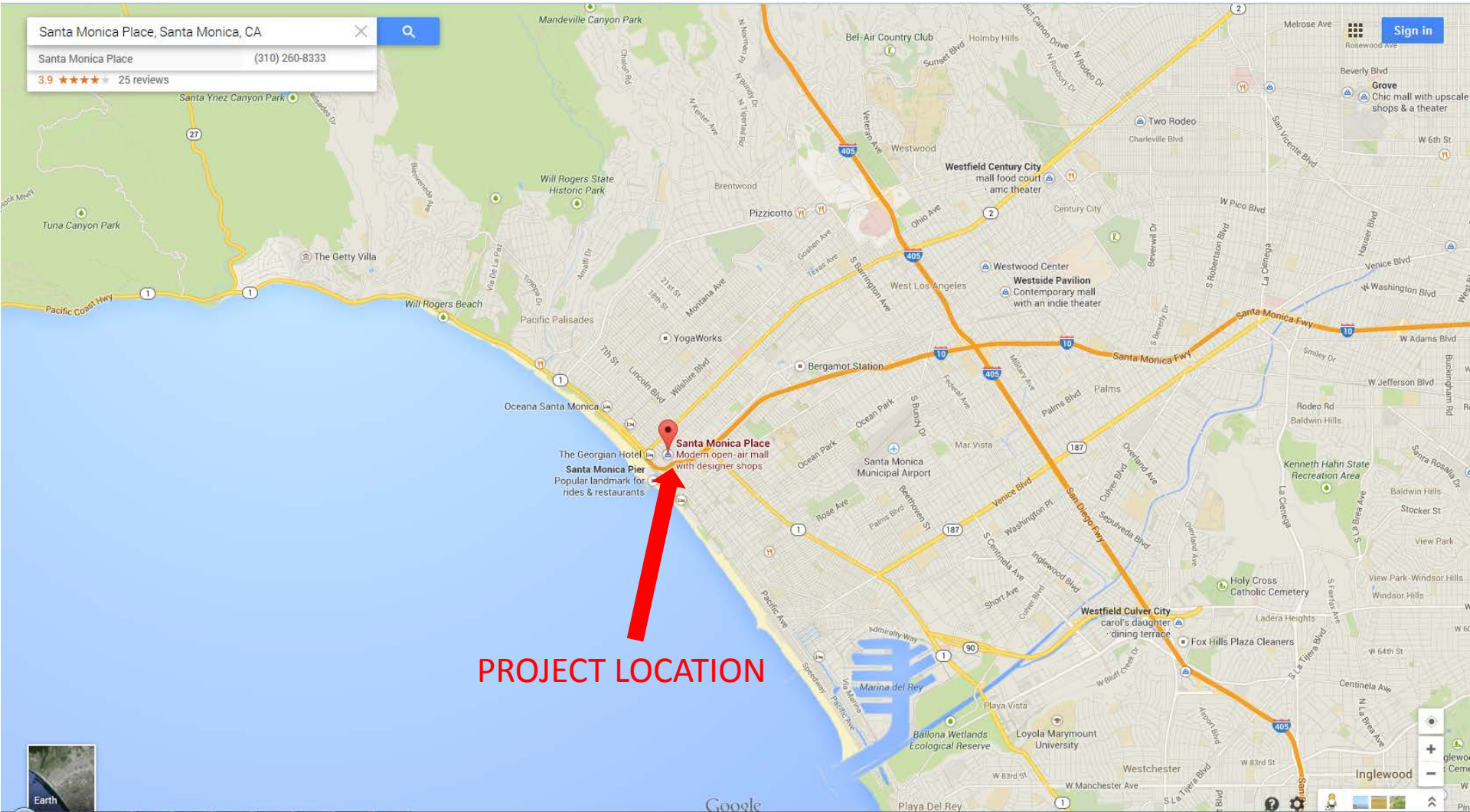
measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, 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.

## **APPENDIX A**

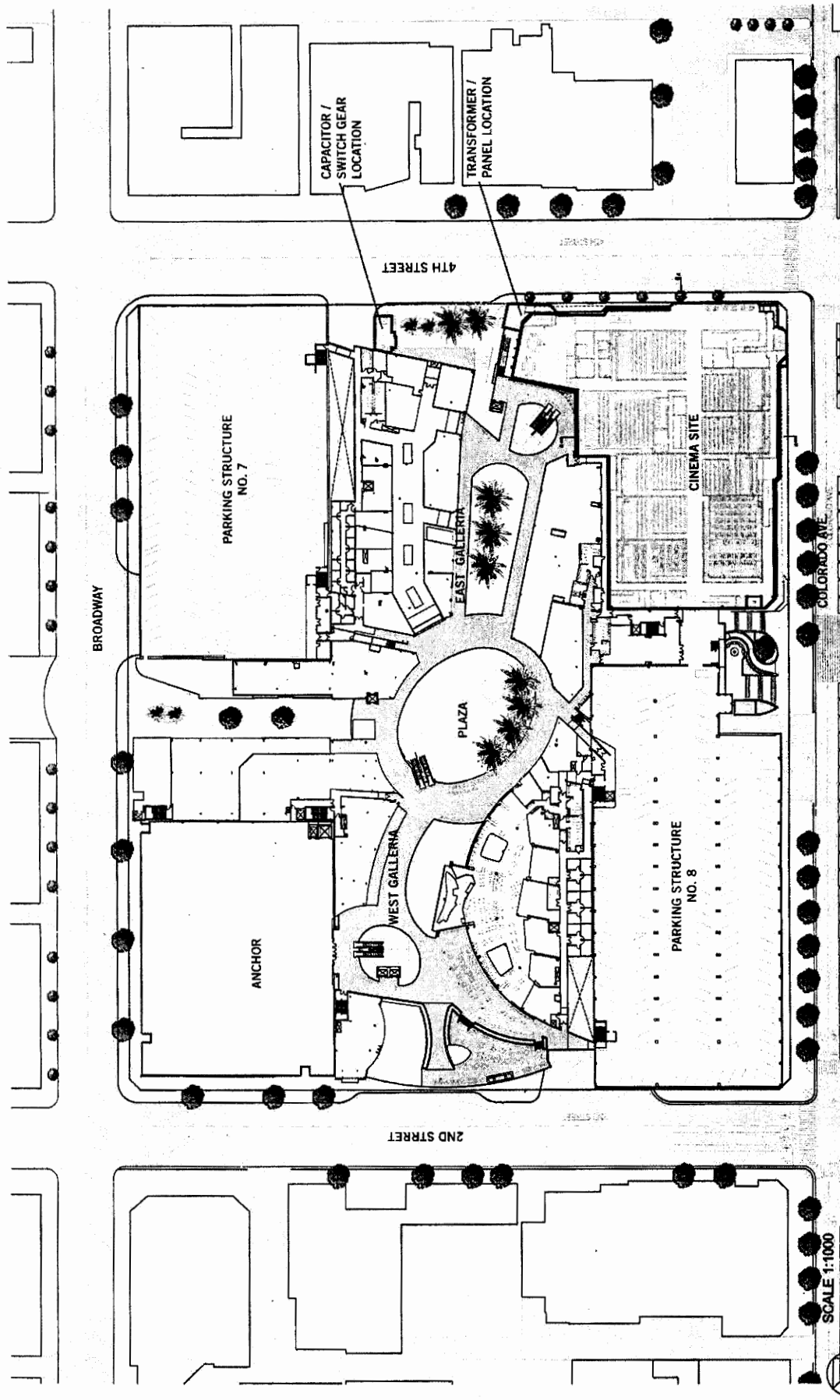
**Substantive File Documents:** City of Santa Monica certified Land Use Plan (1992); Coastal Development Permit Application File No. 5-07-343-A2; Santa Monica Place Cinemas Project Initial Study/Mitigated Negative Declaration (2014); *Shared Parking Analysis for the Proposed Cinema at Santa Monica Place*, prepared by Gibson Transportation Consulting, Inc. (December 2013); CDP No. 5-07-343-A1; 5-04-291, 5-03-489, 5-94-172, 5-88-062, 5-84-866, 5-81-554, A-253-80, and A-69-76.







California Coastal  
Commission



SCHEMATIC DESIGN

04/22/012

EXHIBIT NO. 3
APPLICATION NO. 5-07-343-A2
FLOOR PLAN 1 OF 1
California Coastal Commission

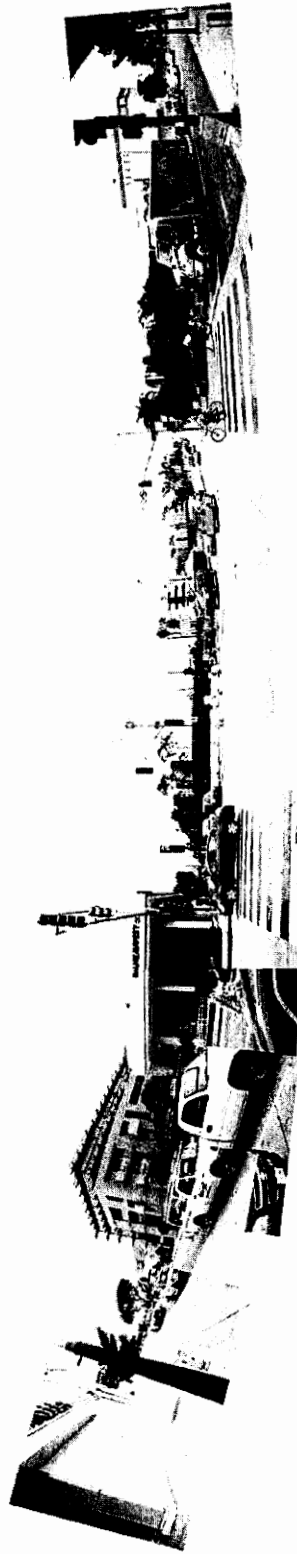
SANTA MONICA PLACE CINEMAS  
Santa Monica, CA



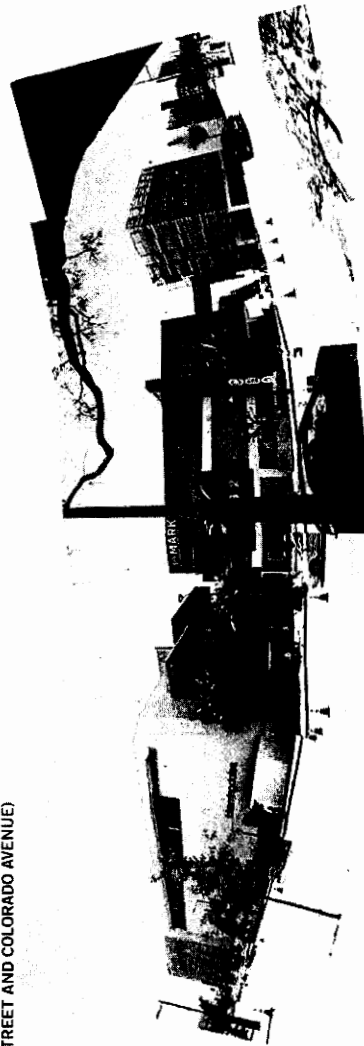




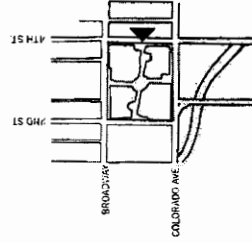
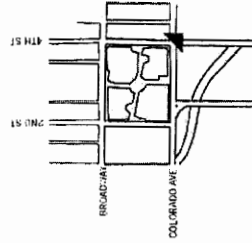
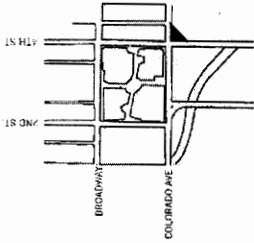
WEST VIEW (DOWN 4TH STREET AND COLORADO AVENUE)



EAST VIEW (DOWN 4TH STREET AND COLORADO AVENUE)




VIEWS OF 4TH STREET (SOUTHWEST SIDE OF STREET)



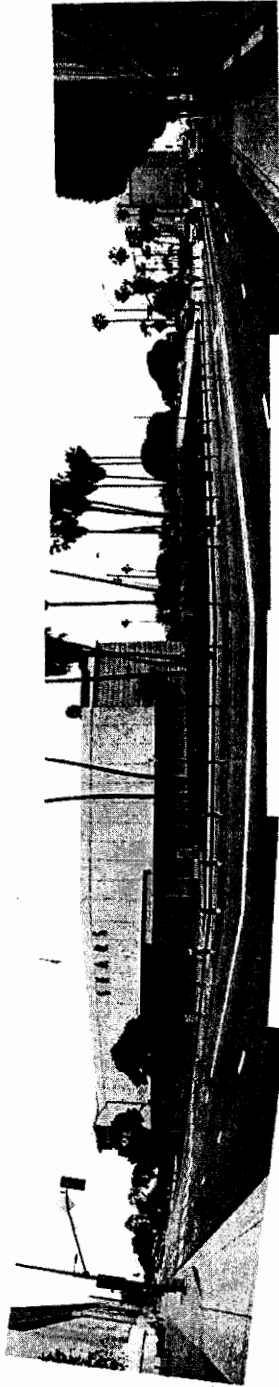
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04.22.2014

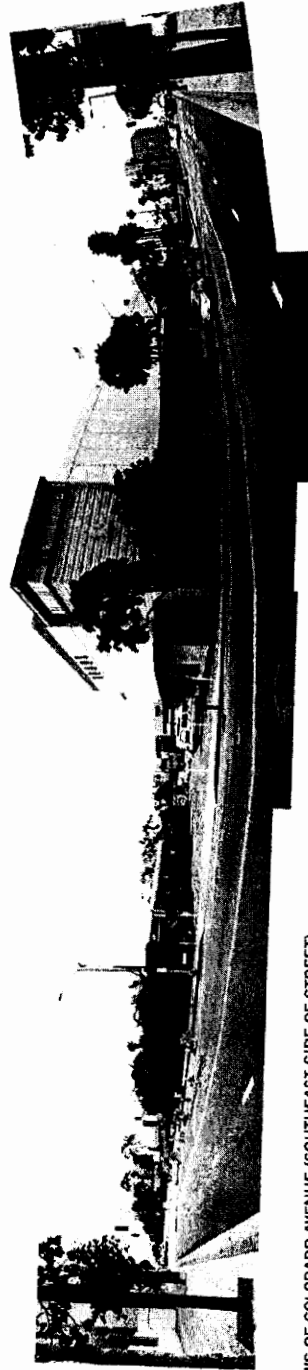
<b>EXHIBIT NO. 4</b>
<b>APPLICATION NO.</b> 5-07-343-A2
<b>EXISTING STREET LAYOUT</b> VIEWS 1 of 2
 California Coastal Commission

SANTA MONICA PLACE CINEMAS  
Santa Monica, CA





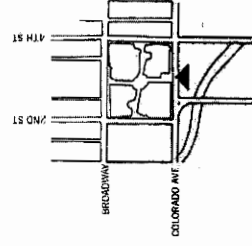
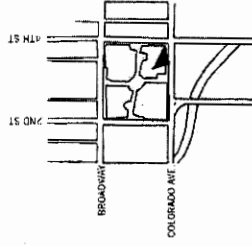
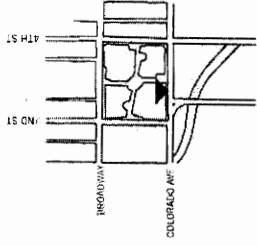
VIEWS OF COLORADO AVENUE (SOUTHEAST SIDE OF STREET)



VIEWS OF COLORADO AVENUE (SOUTHEAST SIDE OF STREET)




VIEWS OF COLORADO AVENUE (NORTHWEST SIDE OF STREET)



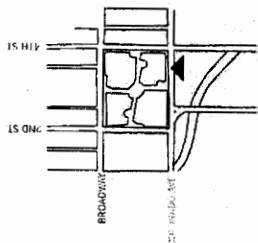
CHEMATIC DESIGN

04/29/2014

<b>EXHIBIT NO. 4</b>
<b>APPLICATION NO.</b> 5-07-343-A2
<b>EXISTING STREET LEVEL</b> VIEWS 2 OF 2
 California Coastal Commission

SANTA MONICA PLACE CINEMAS  
Santa Monica, CA





PT - 1  
TERRACOTTA  
COLOR PAINT

PL-1  
SMOOTH  
PLASTER



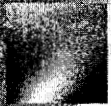
MI-3  
ALUM. AND RESIN



MT-2  
GREEN  
SCREEN



MT-1  
BLACK  
ANODIZED



GL-3  
GLAZING  
TINTED



GL-2  
GLAZING  
CLEAR



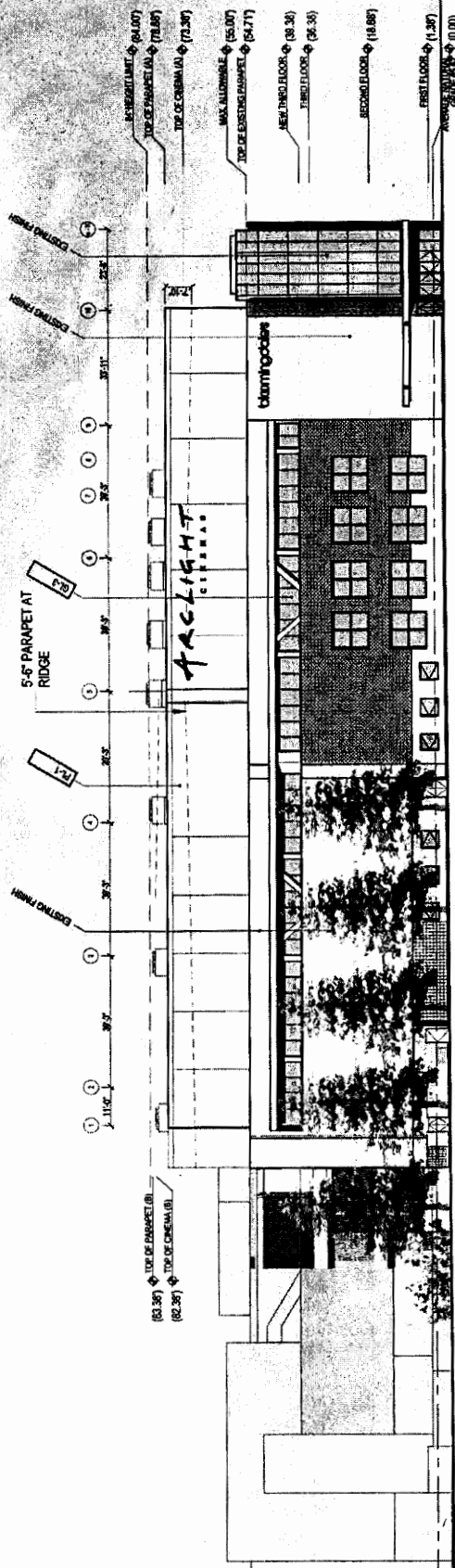
GLAZED  
GLAZED  
CLEAR



BR-2  
TERRACOTTA  
CLADDING



BR-1  
TERRACOTTA  
BAGUETTE  
SCREEN



SCALE 1/32"=1'-0"



SANTA MONICA PLACE CINEMAS  
Santa Monica, CA



**EXHIBIT NO. 5**

**APPLICATION NO.**

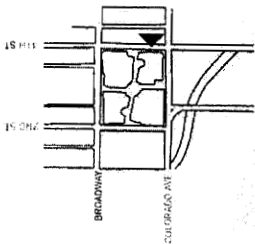
5-07-343-A2

ELEVATION

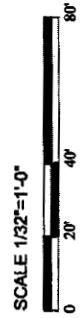
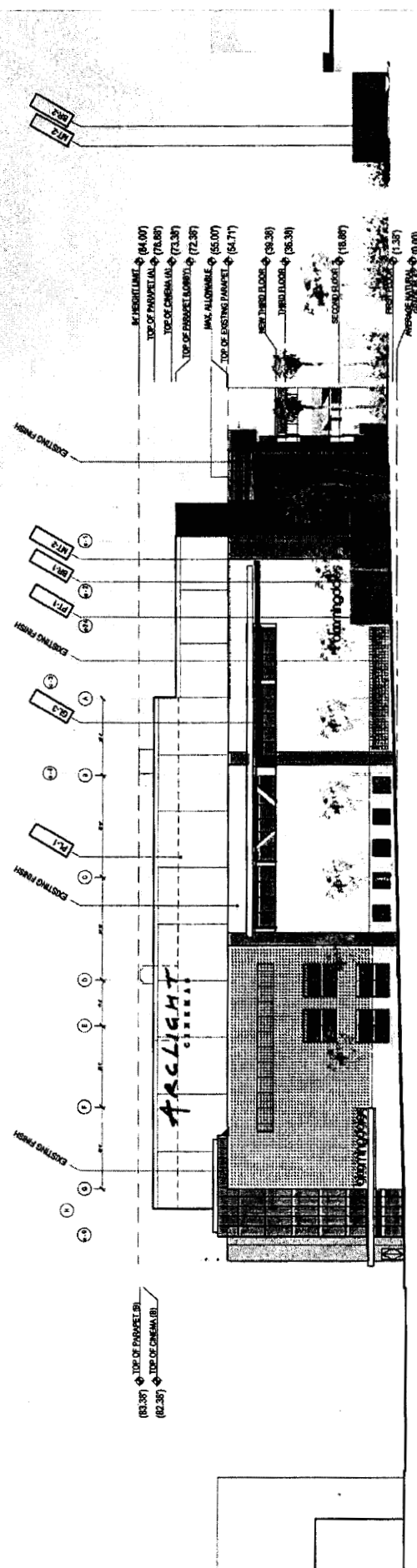
1 of 2



California Coastal Commission



- BR - 1 TERRACOTTA BAGUETTE SCREEN
- BR - 2 TERRACOTTA CLADDING
- GL - 1 BUTT GLAZED CLEAR
- GL - 2 GLAZING CLEAR
- GL - 3 GLAZING TINTED
- MT - 1 BLACK ANODIZED
- MT - 2 GREEN SCREEN
- MT - 3 ALUM. AND RESIN SIGNAGE
- PL - 1 SMOOTH PLASTER
- PT - 1 TERRACOTTA COLOR PAINT



SCALE 1/32"=1'-0"

EXHIBIT NO. 5

APPLICATION NO.  
5-07-343-A2

ELEVATION  
- 2 OF 2

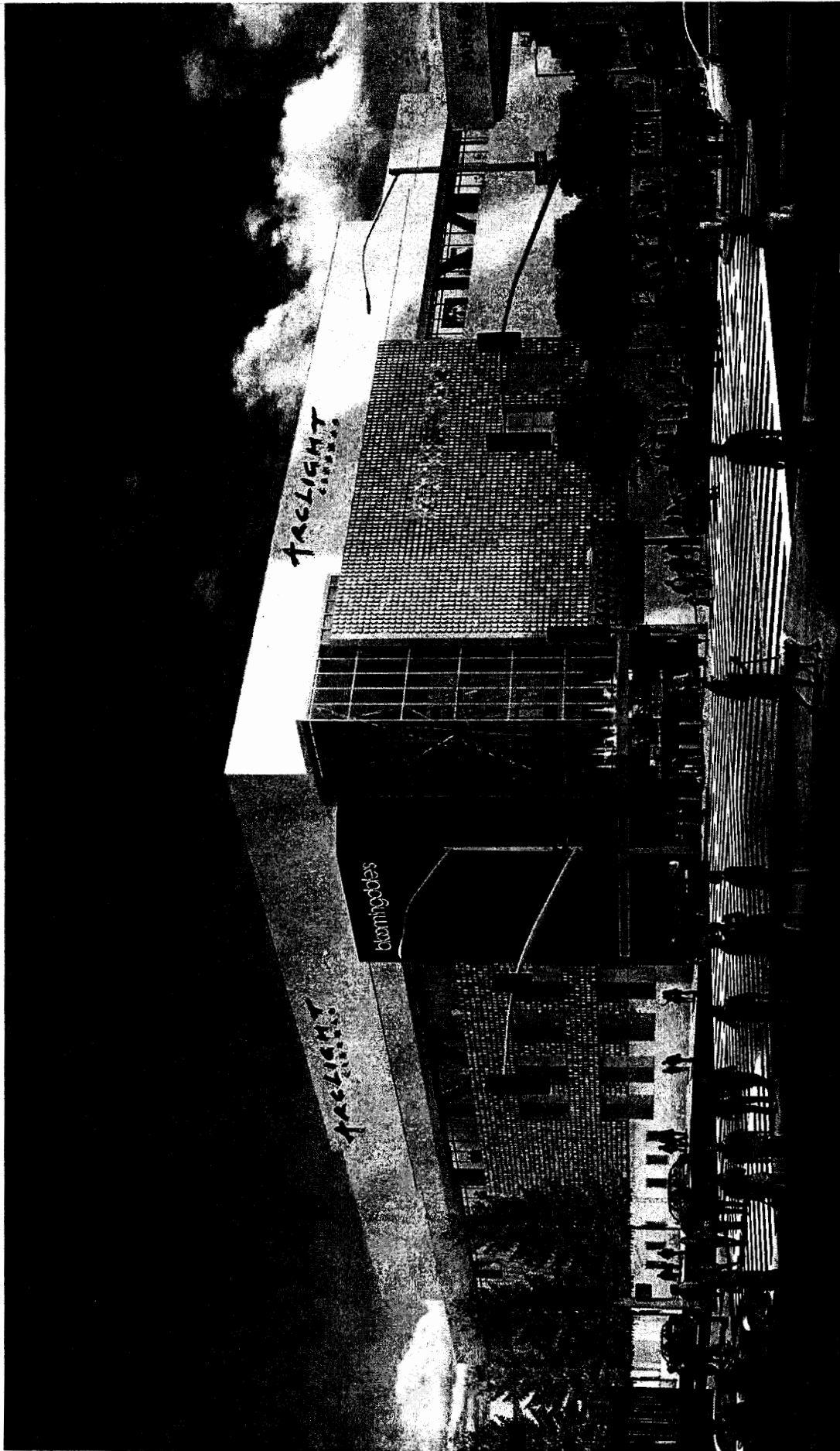
California Coastal Commission

SANTA MONICA PLACE CINEMAS  
Santa Monica, CA

MACERICH


JERDE

SWS



04/22/2014

SCHEMATIC DESIGN

EXHIBIT NO. 6
APPLICATION NO. 5-07-343-AB
PENDING 1. OF 2
 California Coastal Commission

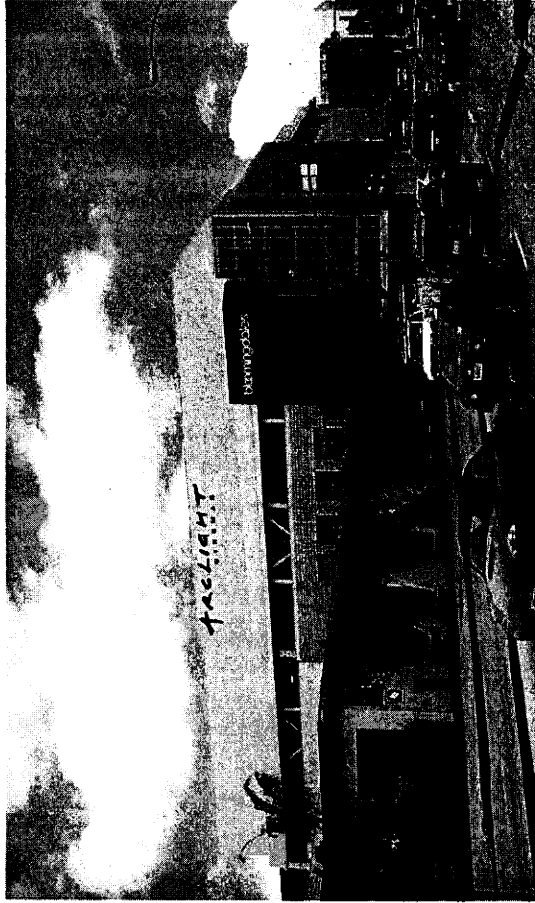
SANTA MONICA PLACE CINEMAS  
Santa Monica, CA

MACERICH JEROME SMS





VIEW LOOKING SOUTHWEST ON COLORADO AVE.



VIEW LOOKING NORTHWEST ON 4TH STREET



VIEW LOOKING NORTHEAST ON COLORADO AVENUE



VIEW LOOKING SOUTHEAST ON 4TH STREET



SANTA MONICA PLACE CINEMAS  
Santa Monica, CA

EXHIBIT NO. 6
APPLICATION NO. 5-07-343-A2
RENDERING 2 OF 2
California Capital Commission