

CALIFORNIA COASTAL COMMISSION

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**Th9a**

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-16-1033

Applicants: Santa Monica Community College District

Agent: Parker Environmental Consultants, LLC

Project Location: 1802 4th Street, Santa Monica, Los Angeles County

Project Description: Replacement of 230 parking spaces located in the City of Santa Monica Civic Center's public surface parking lot with an Early Childhood Lab School ("ECLS") consisting of three (3) one- to two-story (approx. 23-ft. to 37-ft. high above finished grade) buildings totaling approximately 24,000 gross sq. ft. (net 19,152 sq. ft.), a gross total of approximately 32,381 sq. ft. of active and passive outdoor space for child play areas and landscaping, and 15 short-term surface parking spaces.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The project site is currently developed with 230 parking spaces, located approximately 0.28 miles inland of the beach. The project site is located in a large surface parking lot that provides a total of 1,009 parking stalls within the City of Santa Monica's Auditorium Special Use District ("District"). The District is owned and operated by City. The applicant, Santa Monica Community College District ("SMC"), has a signed lease with the City to operate the proposed Early Childhood Lab School¹ ("ECLS") project.

The primary issue raised by the proposed development concerns potential impacts to public access, and the appropriateness of approving the proposed project given the importance of maximizing public coastal access. The proposed ECLS will displace 230 public parking spaces within the Civic

¹ Previously the proposed project was called the Early Childhood Education Center ("ECEC"). It has been renamed the Early Childhood Lab School ("ECLS").

Auditorium surface parking lot and will generate a demand of approximately 55 parking spaces. However, based on the current inventory, the Civic Center surface parking lot and parking structure provide an adequate supply of parking to support the proposed change of use. In addition, the proposed development includes 15 short-term surface parking spaces. Therefore, in this particular case, the proposed project is not expected to adversely impact public coastal access.

Staff is recommending **APPROVAL** of the proposed coastal development permit with special conditions to assure that the proposed project is consistent with the Chapter 3 policies of the Coastal Act. The conditions are: **1)** future improvements; **2)** permit compliance; **3)** best management practices; and **4)** drought-tolerant, non-invasive landscaping.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Santa Monica only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

- Exhibit 1 – Project Location
- Exhibit 2 – Project Plans & Elevations
- Exhibit 3 – Letters of Support
- Exhibit 4 – Letters of Opposition
- Exhibit 5 – Applicant’s Response to Public Correspondence
- Exhibit 6 – City’s Response to Public Correspondence

I. MOTION AND RESOLUTION

Staff recommends that the Commission **approve** the permit application with special conditions.

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-16-1033 pursuant to the staff recommendation.*

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:

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 will 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 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. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-16-1033. Pursuant to Title 14 California Code of Regulations Section 13253(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. 5-16-1033. Accordingly, any future improvements to the Early Childhood Lab School authorized by this Coastal Development Permit No. 5-16-1033 shall require an amendment to Permit No. 5-16-1033 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government. In addition thereto, an amendment to CDP No. 5-16-1033 from the Commission or an additional CDP from the Commission or from the applicable certified local government shall be required for any repair or maintenance identified as requiring a permit in PRC Section 30610(d) and Title 14 CCR Sections 13252(a)-(b).
2. **Permit Compliance.** All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions imposed herein. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this Coastal Development Permit No. 5-16-1033 is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.
3. **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(s) 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.

4. Landscaping – Drought Tolerant, Non-Invasive Plants.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) sets of revised landscaping plans, which shall include and be consistent with the following:
 - i. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or

allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf> and <http://ucanr.edu/sites/WUCOLS/files/183488.pdf>).

- ii. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT DESCRIPTION AND LOCATION

The applicant is proposing to replace 230 parking spaces currently available in the City of Santa Monica Civic Center’s public surface parking lot with an Early Childhood Lab School (“ECLS”) consisting of three (3) one- to two-story (approximately 23-ft. to 37-ft. high) buildings totaling approximately 24,000 gross sq. ft. (net 19,152 sq. ft.), a gross total of approximately 32,381 sq. ft. of active and passive outdoor space for child play areas and landscaping, and 15 short-term surface parking spaces (**Exhibit 2**). The 15 short-term parking spaces will be designated for pick-up and drop off with a maximum 30 minute parking limit. The proposed ECLS will provide childcare for up to 110 children from ages 12 weeks to 5 years of age, as well as two Santa Monica College (“SMC”) classrooms for up to 90 students in the SMC’s Early Childhood Education Program. The proposed development will be comprised of three buildings: Administration, Preschool, and Infant-Toddler.

The proposed Administration building will consist of two stories and a clerestory with a maximum height of 37 ft. above finished grade and will total approximately 12,013 sq. ft. The Preschool and Infant-Toddler buildings will both consist of a single story with a height 23 ft. above finished grade, and gross square footage of approximately 5,420 sq. ft. and 6,660 gross sq. ft., respectively.

The subject site is approximately 60,480 sq. ft. (1.39 acres) currently developed with 230 parking spaces, located approximately 0.28 miles inland of the beach. The project site is located in a large surface parking lot that provides a total of 1,009 parking stalls within the Auditorium Special Use District (“District”) (**Exhibit 1**). The District is bounded by Pico Boulevard on the south, Fourth Street on the east, Main Street on the west, and Civic Center Drive on the north. The District is within the City of Santa Monica’s (“City”) larger Civic Center Specific Plan (“CCSP”) area, which encompasses a number of areas including a total of five special use districts and is bounded by Pico Boulevard on the south, Fourth Street on the east, Ocean Avenue on the west, and Colorado Avenue on the north. The project site will be bordered by the surrounding surface parking, the Civic Center Garage structure, the Santa Monica Courthouse, and the Civic Auditorium, 4th Street, and Santa Monica High School located across 4th street (see **Exhibit 1**). The District is owned and operated by City. The applicant, Santa Monica Community College District (“SMC”), has a signed lease with

the City to operate the proposed ECLS project. The currently proposed development has been approved by the State Architect and is consistent with the surrounding land uses.

B. PROJECT HISTORY

This item (CDP Application No. 5-16-1033) and the City's application for a City Hall addition (CDP Application No. 5-17-0429) were originally scheduled on the Consent Calendar for the September 2017 Commission meeting, but both items were postponed following the receipt of public correspondence to allow additional review time and to address the issues raised. These items are now scheduled on the Regular Calendar for a full hearing at the October 2017 Commission meeting in San Diego County, which is considered to be "local" to the South Coast District.

The South Coast District Office received nine letters dated September 5-14, 2017 in support of the proposed project from: State Senator Ben Allen; State Assemblymember Richard Bloom; Supervisor Sheila Kuehl, Board of Supervisors County of Los Angeles; Dr. Andrew Walzer, Chair of Santa Monica College Board of Trustees, Dr. Kathryn Jeffery, Superintendent, Santa Monica College; Ted Winterer, Mayor, City of Santa Monica; and members of the Child Care & Early Education Task Force (**Exhibit 3**).

Commission staff received three letters/emails (one letter with seven signatures), dated September 8, 2017, from residents of the City of Santa Monica in opposition to the proposed development, requesting that both items be postponed for the next local Commission meeting in December in Orange County (**Exhibit 4**). Issues raised in these letters relate to what they characterize as the City's piecemeal approach to planning for the Santa Monica Civic Center area, the applicant's failure to give adequate public noticing, and parking and public access.

Parker Environmental Consultants submitted a letter dated September 22, 2017 (**Exhibit 5**) on behalf of the applicant, and the City of Santa Monica submitted a letter dated September 25, 2017 (**Exhibit 6**), both in response to the concerns raised by opponents of the project.

With regard to the claim of piecemeal planning for the Civic Center area, opponents of the projects argue all projects planned in the City's Civic Center Specific Plan ("CCSP"), including the projects presently before the Commission and other future development, should be considered concurrently. The City has indicated that it is currently in the planning stages for additional development included in the CCSP, such as the construction of a multi-purpose sports field and the rehabilitation and expansion of the Civic Auditorium. However, although the CCSP has been adopted by the City, it has not been submitted to or certified by the Coastal Commission. In addition, the Santa Monica College's Early Childhood School Lab ("ECLS") project and the City's application for a City Hall expansion received local approval from the City prior to being successively submitted to the Commission in separate applications. The Commission is required to act on these applications by certain deadlines under the Permit Streamlining Act and may not delay consideration of the applications so as to hear all projects together². The future sports field and auditorium expansion projects are not presently before the Commission. The applicant and the City assert that extensive due process has been provided for consideration of all relevant issues as the projects currently

² However, separate review does not mean that cumulative impacts of the projects may be ignored. Rather, the Commission must analyze the cumulative impacts of past, present, and reasonably foreseeable future projects on public access, as it has done here.

before the Commission had hearings conducted by the City's Planning Commission, City Council, and now the Coastal Commission.

Regarding public noticing, opponents argue that the applicant failed to adequately notice the public of the pending application submitted to the Coastal Commission. Pursuant to Section 13054 of the Coastal Commission's Regulations, the applicant is required to provide the Commission a list of property owners and tenants that are within 100 ft. of the perimeter of the project property, along with a list of known interested parties. The applicant is also required to provide stamped envelopes addressed to those entities so that public hearing notices can be mailed to them. In addition, posting notices are required to be placed in conspicuous locations at the project site, or as close as possible to the site of the proposed development.

Pursuant to the Commission's Regulations, the applicant provided the stamped envelopes addressed to the list of property owners and tenants within the 100 ft. radius and a list of known interested parties to which hearing notices were prepared and mailed by Commission staff. Moreover, the applicant has provided evidence that a notice of the pending application has been properly posted at the project site in accordance with the Commission's regulations since November 28, 2016 (**Exhibit 5**).

Issues related to public access are addressed in Section C (Public Access) below.

C. PUBLIC ACCESS

Section 30210 of the Coastal Act 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.

Section 30211 of the Coastal Act states:

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

Section 30212(a) of the Coastal Act states:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

As previously stated above, the project site is located in one of the districts of the CCSP area. This District is located 0.18-mile inland of the beach in the City of Santa Monica. The District consists of the Civic Center surface parking lot and the Civic Auditorium.

Historically, this parking lot served events conducted at the Civic Auditorium, which is a multi-purpose convention center that opened in 1958. In 2008, the abutting Civic Parking Structure in the Civic Center Core District of the CCSP area was constructed, which added 770 parking spaces to the Civic Center area. The Civic Center surface lot and parking garage (“Civic Parking Facility”) include a total of 1,779 spaces. The Civic Parking Facility serves the Civic Center uses (i.e. City Hall, Civic Auditorium, Santa Monica Courthouse, Public Safety Facility), as well as coastal events (e.g. Twilight concert Series), general public parking, and Santa Monica High School staff and students through monthly passes during the non-peak summer season. In addition, approximately 100 of the 230 parking spaces extant at the project site were leased to Macerich SMP LP and served a valet parking program; this lease, however, expired on December 31, 2016 and was not renewed.

The proposed development includes the removal/displacement of approximately 230 extant public surface parking stalls to accommodate the ECLS project. ECLS will provide childcare for up to 110 children from ages 12 weeks to 5 years of age. Approximately 25 staff members and administrators will work on-site in these classrooms and child care facilities, which will generate a parking demand of 25 parking spaces, based on the City’s calculations. The proposed ECLS will also provide two Santa Monica College (“SMC”) classrooms for up to 90 students in the SMC’s Early Childhood Education Program. These students have the potential to generate additional parking demand if they do not utilize alternative modes of transportation to arrive to ECLS as assumed by the City. Based on the Coastal Commission’s Interpretative Guidelines for Professional or Trade Schools, one space is required for every three students, or in this case 30 parking spaces. To determine whether or not the proposed project will be adequately supported by the Civic Parking Facility, a supply of 285 parking spaces³ must be currently available to mitigate for the increase in demand and displacement of parking anticipated as a result of the proposed development to avoid any adverse impacts to public coastal access.

The applicant is proposing 15 short term parking spaces to separately address the need for parents to drop-off and pick-up their children from ECLS.

Because of the project site’s proximity to the State beach and its location in a public parking lot, development in the parking lot could adversely impact public access to the beach by reducing the total parking inventory near the coast. If the parking demand generated by development within the CCSP area exceeds the supply of parking that is currently available to the public and for CCSP area uses, visitors of the Civic Center uses will utilize the offsite parking that is needed to support general beachgoers, strollers, bicyclists, and joggers that depend on and use the parking that is available in the general vicinity of the coast. Therefore, in order to find that the proposed project is consistent with the access policies of the Coastal Act, the Commission must find that the parking demand generated by the proposed development is adequately supported by the supply of parking available for new uses in the District or that the project is making other provisions to satisfy this transportation demand. In addition, it must find that removal of 230 existing spaces will not impair access to the coast.

³ Required Parking Supply = spaces currently available to be displaced (230) + generated demand (25 + 30) = 285 parking spaces.

It should be noted that there is another application concurrently before the Commission for a large addition to Santa Monica's City Hall to house the City Service Building in the Civic Center Core District of the CCSP area (CDP Application No. 5-17-0429), which will also be served by the Civic Parking Facility. The increase in parking demand anticipated to be generated by this project is estimated to be 90 parking spaces.

Current parking utilization data of the Civic Parking Facility (surface parking lot and parking garage) has been provided and indicates that there is an adequate supply of parking to support the proposed development. According to utilization data collected for the Civic Center surface parking lot for the month of March 2017, occupancy did not exceed 60%, with a minimum of 400 parking spaces available on a weekday, and did not exceed 40%, with a minimum of 600 parking spaces available on the weekend. This lower utilization rate may be due, in part, to the Civic Auditorium not being fully operational since 2012 due to earthquake damage; the East Wing of the auditorium is available for limited public events and the Main Hall is available for limited events and film rentals that are not accessible to the general public. Based on July-August 2016 utilization data for the Civic Center Garage, the minimum number of parking spaces available in the parking structure during typical peak weekday period is on average approximately 25%, or 192 parking spaces, and approximately 50%, or 385 parking spaces, on the weekend. In addition, bicycle parking facilities for employees and visitors will be provided as part of the proposed project to accommodate 27 bicycles onsite. Therefore, it is reasonably foreseeable that the Civic Parking Facility (surface parking lot and parking garage) will adequately support the new ECLS development.

Moreover, ECLS will operate the childcare facilities Monday through Friday from 7 a.m. to 6:00pm. Limited instructional courses will operate from 7:00 a.m. to approximately 10:00 p.m. Monday through Saturday. The project site will have limited Saturday activities and no activities on holidays when the visitor serving recreational uses within the Coastal Zone are in high demand.

Downtown Santa Monica is unique in that the City is constantly working on ensuring that the downtown area is transit-oriented. An example of such efforts includes the founding of an Emissions Reduction Program. This program makes use of the Metro Expo Line stations that recently opened, which are less $\frac{1}{4}$ -mile from the project site, and of the public bike share system recently established downtown, which are within walking distance to the beach and the City's Municipal Pier. The close proximity and accessibility of the project site to the alternative transportation will help reduce parking demand at the project site.

To ensure adverse impacts to coastal resources and public access are avoided, any future improvements to ECLS authorized by this Coastal Development Permit No. 5-16-1033, including, but not limited to repair and maintenance, will require an amendment to Permit No. 5-16-1033 from the Commission as imposed by **Special Condition 1**. The Commission imposes **Special Condition 2** to ensure permit compliance.

Opponents of the project argue that the existing parking supply is inadequate and will not allow for future projects within the Civic Center area. However, as described in greater detail above, the existing supply of 1,779 parking spaces has been determined to be adequate to support the proposed uses and reasonably foreseeable future uses associated with the proposed City Hall addition. As for future development within the Civic Center area, the City is currently planning the future rehabilitation and future expansion of the Civic Auditorium and construction of a multi-purpose

sports field within the Auditorium Special Use District. For any future development in the Civic Center Area, the City will need to continue to evaluate parking demand and availability to ensure that the parking supply at the Civic Center area is adequate to mitigate for any proposed future increase in demand and/or displacement of parking to avoid any adverse impacts to public coastal access.

The City asserts that tying the fate of the Parking Facility to coastal access is moot due to the project site's location just within the border of the Coastal Zone. However, as previously stated, development in close proximity to the coast within the Coastal Zone boundary, such as the project site, has potential to adversely impact public coastal access. This is especially so if the development becomes a popular visitor destination with the potential to generate a high demand such as, but not limited to, a multi-purpose sports field. The City nevertheless recognizes the need to address parking and public coastal access for any new uses in this area. Therefore, the City is presently conducting a comprehensive parking analysis to assess the demand and effects of the future development, and to fully address the adequacy of parking and to provide solutions to avoid any future, cumulative adverse impacts to public coastal access that might result from future approval of other projects in this area.

D. VISUAL RESOURCES & COMMUNITY CHARACTER

Section 30251 of the Coastal Act states, in relevant part:

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 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...

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. The applicant is proposing an Early Childhood Lab School consisting of three one- to two-story (approximately 23-ft. to 37-ft. high) buildings totaling approximately 24,000 gross sq. ft. The proposed development will be located inland of a five-story, 69-ft. high (as measured from centerline of frontage road), 320,409 sq. ft. building. The proposed development is not anticipated to adversely impact coastal views. In addition, the proposed development will be visually compatible with the surrounding multi-story buildings including the Civic Center Garage structure, Santa Monica Courthouse, Civic Auditorium, and Santa Monica High School. Therefore, the Commission finds the proposed development is consistent with Section 30251 of the Coastal Act.

E. BIOLOGICAL RESOURCES

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 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 30230 of the Coastal Act requires that marine resources be maintained, enhanced, and where feasible, restored, and further requires that uses of the marine environment shall sustain the biological productivity of coastal waters. Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters be maintained, and where feasible, restored through measures aimed at reducing water resource impacts from proposed development. Section 30232 of the Coastal Act requires protection against the spillage of crude oil, gas, petroleum products, or hazardous materials in relation to any development.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. Because the project site is located in close proximity to the coast and runoff from construction can impact the beach and ocean, the Commission imposes construction-related requirements and best management practices under **Special Condition 3** in order to minimize adverse construction-related impacts upon marine resources and for erosion control.

Drainage from the roof drains, gutters, and downspouts will be diverted into retention areas with subdrain pipes for onsite water infiltration, as well as directed to the street's main storm drain system. In addition, the applicant is proposing landscaping with both low and moderate water use plants. The Commission typically requires that all new landscaping comprise of only low water use, non-invasive plants (Low WUCOLS Ranking) as identified by the California Department of Water Resources. Therefore, the Commission imposes **Special Condition 4**, which requires the submittal

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of revised landscaping plants, and the installation of non-invasive, drought-tolerant vegetation (low water use plants only) and water-conservative irrigation systems.

Therefore, the Commission finds that, as conditioned to require construction-related requirements and best management practices and non-invasive drought tolerant landscaping the development will be consistent with Sections 30230, 30231 and 30240 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with 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, except for the areas of deferred certification. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications.

Although the City of Santa Monica has a certified LUP, the project is located within one of the areas of deferred certification. As discussed above, the proposed development, as conditioned, is consistent with Chapter 3 of the Coastal Act. Therefore the Commission finds that approval of this project, as conditioned, will not prejudice the ability of the City of Santa Monica from preparing a total Local Coastal Program for the areas of deferred certification that conforms with and is adequate to carry out the Chapter 3 policies of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the Commission's 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.

The development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Special conditions imposed will mitigate adverse impacts to coastal resources and public access. The special conditions address the following issues: **1)** future improvements; **2)** permit compliance; **3)** best management practices; and **4)** drought-tolerant, non-invasive landscaping. As conditioned, the Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect of the proposed project, that there are no remaining significant environmental impacts within the meaning of CEQA, and that the project is consistent with CEQA.

APPENDIX A- SUBSTANTIVE FILE DOCUMENTS

- City of Santa Monica certified Land Use Plan
- Coastal Development Permit Application No. 5-17-0429 (City Services Building)
- City of Santa Monica Civic Center Specific Plan

- Civic Center Specific Plan Comprehensive Update, Downtown Redevelopment Plan Amendment and Associated Development, Final EIR, SCH# 2003011074, October 2004.
- Fifth Addendum to the Civic Center Specific Plan EIR, April 2015
- Preliminary Geotechnical Investigation, Early Childhood Education Center, Civic Center Drive, City of Santa Monica by GEOLABS-WESTLAKE VILLAGE, January 21, 2016.