

CALIFORNIA COASTAL COMMISSION

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W18a

LCP-5-SNM-22-0041-1 (CITY OF SANTA MONICA)

NOVEMBER 30, 2023

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Exhibit 1 – City of Santa Monica Resolution No. 11444

City Council Meeting: July 14, 2022

Santa Monica, California

RESOLUTION NUMBER 11444 (CCS)

(City Council Series)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA
ADOPTING AN AMENDMENT TO THE 1992 LOCAL COASTAL PROGRAM LAND
USE PLAN PERTAINING TO NEW DEVELOPMENT LOCATED AT
129 SANTA MONICA BOULEVARD, 101 SANTA MONICA BOULEVARD,
1327 OCEAN AVENUE, 1333 OCEAN AVENUE, AND 1337 OCEAN AVENUE, IN THE
CITY OF SANTA MONICA**

WHEREAS, the California Coastal Act of 1976 (Public Resources Code sections 30000, *et seq.*) (the “Coastal Act”) provides that each local government lying, in whole or part, within the coastal zone shall prepare a local coastal program (LCP) for that portion of the coastal zone within its jurisdiction; and

WHEREAS, LCPs consist of a Land Use Plan (LUP) and Implementation Plan (IP); and

WHEREAS, an LCP becomes fully certified only after the California Coastal Commission certifies conformity of the LUP and IP with the policies of the Coastal Act; and

WHEREAS, upon certification, the LUP policies will form the standard of review for issuance of coastal development permits (“CDPs”) within the coastal zone; and

WHEREAS, upon certification of the IP, the authority to issue CDPs would be transferred from the Coastal Commission to the City, except within the area of “original jurisdiction” as set forth in the Coastal Act; and

WHEREAS, the City adopted its current LUP in 1992, however, the Coastal Commission only certified the City’s 1992 LUP in part, and never certified a City LCP; and

WHEREAS, because a City LCP has never been certified by the Coastal Commission, all development proposed in Santa Monica’s Coastal Zone still requires Coastal Commission approval of a CDP(s) once all City entitlements are obtained; and

WHEREAS, the City obtained a grant from the State of California to update the City’s LUP for full certification and prepared an updated draft LUP to replace the 1992 LUP (the “Draft LUP”); and

WHEREAS, the Draft LUP describes the planning area’s land use and environmental conditions, identifies issues, and contains land use policies and maps that complement adopted City policies and satisfy the intent of the Coastal Act; and

WHEREAS, the Draft LUP includes a new section of policies that will guide coastal adaptation for anticipated climate change-induced sea level rise that is already measurable along California’s coast; and

WHEREAS, the Planning Commission held a study session on the Draft LUP on March 21, 2018, and the Commissioners and public speakers provided comments on a variety of policy areas; and

WHEREAS, the Planning Commission held a public hearing on July 18, 2018, to consider the Draft LUP, and recommended approval of the Draft LUP, as modified by certain changes attached as an addendum to the Commission's resolution; and

WHEREAS, the City Council held a public hearing on October 9, 2018, to consider the Draft LUP, and found that the Draft LUP, as modified by certain changes, is consistent with the General Plan and Coastal Act policies; and

WHEREAS, the City Council held a public hearing on July 23, 2019, to consider a modified resolution adopting the Draft LUP confirming that the Local Coastal Program is intended to be carried out consistent with the California Coastal Act and the process by which the resolution shall take effect, and adopted such resolution; and

WHEREAS, the Draft LUP has not been certified by the California Coastal Commission as of this date; and

WHEREAS, pursuant to California Government Code Section 65864, *et seq.*, and Chapter 9.60 of the Santa Monica Municipal Code (collectively, the "Development Agreement Statutes"), the City is authorized to enter into binding development agreements with persons or entities having a legal or equitable interest in real property for the development of such real property; and

WHEREAS, BELLE VUE PLAZA, a California limited partnership, and OCEAN AVENUE PARTNERS, LLC, a Delaware limited liability company (collectively the "Developer") are the owners of approximately 82,570 square feet of land located in the City of Santa Monica, State of California, commonly known as 101 Santa Monica Boulevard, 1337 Ocean Avenue, 1333 Ocean Avenue, 1327 Ocean Avenue and 129 Santa Monica Boulevard (the "Property"), which is currently improved with: (1) a two-

story mixed-use commercial/residential structure with a rooftop penthouse apartment (the “101 Santa Monica Boulevard Building”) and surface parking, (2) a two-story building that was originally built in 1926, is a City-designated Landmark (LC-04-LM-005) and is in commercial use (the “Spanish Colonial Revival Landmark”), a detached one-story rear structure that is in commercial use (the “1337 Ocean Avenue Rear Structure”), and surface parking, (3) a two-story building that was originally built in 1906, is a City-designated Landmark (LC-01LM-001) and is in commercial use (the “Queen Anne Landmark”), a separate two-story rear structure that is in commercial use and is connected to the 1333 Ocean Avenue Landmark by an unenclosed catwalk and staircase (the “1333 Ocean Avenue Rear Structure”), and surface parking, (4) a two-story building that is in commercial use (the “1327 Ocean Avenue Building”) and surface parking, (5) and approximately 30,000 square feet of land commonly known as 129 Santa Monica Boulevard (the “Second Street Parcel”) that is currently improved with surface parking; and

WHEREAS, the City has included the Property within the Downtown Core land use designation under the City’s 2010 Land Use and Circulation Element of its General Plan (the “LUCE”), and LUCE Policy D1.5 designates the Property as one of seven sites in the Downtown District to focus new investment given its accessibility to transit and ability to accommodate mixed-use development, contribute to the pedestrian-oriented environment, and support substantial community benefits; and

WHEREAS, the LUCE did not establish maximum building height limits, floor area ratios (“FAR”), or other specific development standards (e.g., setbacks and step

backs) for new buildings within the Downtown Core designation; instead, the LUCE deferred such standards to a future Downtown specific plan; and

WHEREAS, on February 28, 2013, Developer filed an application for a Development Agreement, pursuant to Santa Monica Municipal Code (“SMMC”) Section 9.60.020 (the “Development Application”), which was designated by the City as Application No. 13DEV- 004 and which proposes a mixed-use project with a hotel, residences, a cultural uses campus, ground floor pedestrian-oriented restaurant and retail uses and subterranean parking; the originally filed plans (the “2013” Plans”) proposed, among other things, 125 hotel rooms, 22 residential condominium units, 19 replacement rental apartments, 5 affordable rental apartments, a cultural uses campus including preservation and adaptive re-use of the Spanish Colonial Revival Landmark and Queen Anne Landmark, ground floor restaurants and retail, an observation deck, a maximum height of 244 feet and a 4.0 FAR; and

WHEREAS, as further described below, the Development Application was revised and refined since the initial filing but has always included hotel, residential, cultural uses, pedestrian-oriented retail/restaurant uses, and subterranean parking, as is more fully described in the proposed Development Agreement (the “Development Agreement”); and

WHEREAS, in August 2017, the City adopted the Downtown Community Plan (“DCP”), a specific plan governing the Downtown including the Property. The Property is located within the DCP’s Ocean Transition District, Bayside Conservation District and the Established Large Site (“ELS”) Overlay designations. The ELS Overlay is provided for three sites in the Downtown that the DCP indicated have the potential to

accommodate significant new development and provide significant community benefits. The ELS Overlay designation allows any project on the Property to request approval for development of up to 130 feet in height and a 4.0 FAR subject to the project being processed through a development agreement, as well as compliance with other specified requirements. Table 2A.4 of the DCP lists three “preferred” community benefits for a project on the Property: affordable housing, cultural institution, and historic preservation, all of which are components of the current proposed project; and

WHEREAS, after adoption of the DCP, the 2013 Plans were revised to conform with the DCP. In comparison to the 2013 Plans, revised plans filed in 2018 (the “2018 Plans”), included, among other things, elimination of the residential condominiums and their replacement with 100% rental apartments (including more affordable housing), reduced density (2.95 FAR), a reduced hotel program, and reduced height (maximum height of 130 feet); and

WHEREAS, on February 20, 2018, the Architectural Review Board held a public hearing to preliminarily review and provide feedback on the 2018 Plans; and

WHEREAS, on March 12, 2018, the Landmarks Commission held a public hearing to preliminarily review and provide feedback on the 2018 Plans; and

WHEREAS, on May 2, 2018, the Planning Commission held a public hearing to preliminarily review and provide feedback on the 2018 Plans; and

WHEREAS, on June 12, 2018, the City Council held a public hearing to preliminarily review and provide feedback on the 2018 Plans; and

WHEREAS, the 2018 Plans were revised in response to feedback from the Architectural Review Board, Landmarks Commission, Planning Commission, City

Council and members of the public; and

WHEREAS, the current proposed project (the “Project”) now includes, among other things: (1) a full-service hotel located in the central area of the Ocean Avenue Parcel (the “Hotel Building”), (2) a cultural uses campus that is located north of the Hotel Building on the Ocean Avenue Parcel and is comprised of a new building (the “Cultural Uses Building”) and the relocated Spanish Colonial Revival Landmark and Queen Anne Landmark, which would be rehabilitated for adaptive reuse as part of the cultural uses campus, and open space (the “Cultural Uses Campus”), (3) a building with restaurant/retail uses that is located near the corner of Ocean Avenue and Santa Monica Boulevard on the Ocean Avenue Parcel (the “Corner Building”), (4) a mixed-use residential apartment building with ground floor retail/restaurant space located on the Ocean Avenue Parcel near the corner of Santa Monica Boulevard and First Court Alley (the “Santa Monica Boulevard Building”), (5) a mixed-use building(s) with retail/restaurant space located in the ground floor/podium level and residential apartments located within three separate forms/structures situated above the podium level on the Second Street Parcel (the “Second Street Building(s)”), (6) a publicly-accessible observation deck at the top of the Hotel Building, (7) substantial open space, including publicly-accessible open space, (8) subterranean space, including for vehicle and bicycle parking, and (9) substantial other project features and community benefits; and

WHEREAS, the Property is located in the California Coastal Zone, and as explained above, the City does not have a certified LCP; and

WHEREAS, the Second Street Parcel is located within Subarea 5 (Downtown Core) and the remaining four parcels are located within Subarea 3B (Ocean Avenue North of the Pier) in the 1992 LUP. The Draft LUP reflects the LUCE and DCP policies with respect to the Property's development standards. The entire Property is located within Subarea 5, Downtown District of the Draft LUP; and

WHEREAS, on December 15, 2020, Developer filed an application seeking an amendment to the 1992 LUP (the "1992 LUP Amendment") to be consistent with the DCP and Draft LUP policies. The 1992 LUP Amendment, as it has been modified, would add a new policy to the 1992 LUP as follows:

If the properties located on the north side of Santa Monica Boulevard between Ocean Avenue and Second Street commonly referred to as 129 Santa Monica Boulevard, 101 Santa Monica Boulevard, 1327 Ocean Avenue, 1333 Ocean Avenue, 1337 Ocean Avenue (the "**Established Large Site**") are redeveloped as a comprehensive project pursuant to a development agreement, then the development standards in Policies 67 and 71 and the corresponding development intensities shown on Map 15 shall not apply to such new project on the Established Large Site, and the project shall instead not exceed 130 feet, with no limitation on the number of stories, and a cumulative maximum 2.95 F.A.R across the Established Large Site; and

WHEREAS, to aid in the redevelopment of the Property, the City and Developer desire to allow Developer to demolish the existing improvements except for the Queen Anne Landmark and Spanish Colonial Revival Landmark and construct a new mixed-use hotel, residential, and cultural uses project with ground floor retail and subterranean parking; and

WHEREAS, the City prepared and circulated for public review and comment a Draft Environmental Impact Report (the "DEIR") pursuant to the California

Environmental Quality Act (“CEQA”) and designated as SCH No. 2018121060 to evaluate the Project’s potential environmental impacts. Following close of the comment period, the City prepared a Final Environmental Impact Report pursuant to CEQA (the “EIR”); and

WHEREAS, the primary purpose of the Project is to redevelop the Property with a new mixed-use project that includes a full-service hotel, residential apartments including replacement rent-control apartments, market rate and deed-restricted affordable apartments, a new Cultural Uses Campus which includes the rehabilitation and adaptive reuse of the Queen Anne Landmark and Spanish Colonial Revival Landmark with cultural uses, pedestrian-friendly ground floor retail/restaurant uses, subterranean parking, creates union jobs, includes significant open space including publicly-accessible observation deck, and other benefits to the community consistent with the LUCE, DCP, 1992 LUP as amended, and Draft LUP; and

WHEREAS, the City Council has determined that a development agreement is appropriate for the proposed development of the Project on the Property; and

WHEREAS, the Development Agreement will (1) eliminate uncertainty in planning for the Project and result in the orderly development of the Project, (2) assure installation of necessary improvements on the Property, (3) provide for public infrastructure and services appropriate to development of the Project, (4) preserve substantial City discretion in reviewing the Project’s design in accordance with Article 6 of the Development Agreement, (5) secure for the City improvements that benefit the public, (6) ensure the provision of community benefits as envisioned in the LUCE and

DCP, and (7) otherwise achieve the goals and purposes for which the Development Agreement Statutes were enacted; and

WHEREAS, the Development Agreement is consistent with the public health, safety, and welfare needs of the residents of the City and the surrounding region. The City has specifically considered and approved the impact and benefits of the development of the Project on the Property in accordance with the Development Agreement. Consistent with the DCP, the Project will provide a number of significant project features and community benefits as set forth in Sections 2.7 and 2.8 of the Development Agreement; and

WHEREAS, the City Council has found that the provisions of the Development Agreement are consistent with the relevant provisions of the City's General Plan, including the LUCE, the DCP, the 1992 LUP as amended by the 1992 LUP Amendment, and the Draft LUP; and

WHEREAS, on May 18, 2022 the City's Planning Commission held a duly noticed public hearing on the Development Application (as it has been modified), the EIR, the 1992 LUP Amendment, and the Development Agreement, and at such hearing, subject to certain modifications, the Planning Commission recommended that the City Council certify the EIR, and approve the 1992 LUP Amendment and the Project including the Development Agreement; and

WHEREAS, on July 14, 2022, the City Council held a duly noticed public hearing on the Development Application (as it has been modified), the EIR, the 1992 LUP Amendment, and the Development Agreement, and at such hearing the City certified the EIR and adopted a Statement of Overriding Considerations and Mitigation

Monitoring Plan, and considered this Resolution approving the 1992 LUP Amendment; and

WHEREAS, the 1992 LUP Amendment is consistent in principle with the goals, objectives, policies, land uses, and programs specified in the adopted LUCE, DCP, 1992 LUP, and Draft LUP. Specifically, the proposed mixed-use hotel project includes lodging, retail, food and beverage, and Cultural facilities uses along with market-rate and deed restricted affordable residential units in a manner that protects water quality and does not adversely impact public access to the shoreline and along the coast, and provides visitor-serving uses on the east side of Ocean Avenue as outlined by the 1992 LUP and Draft LUP. Specifically, per New Development Policy 64, the subject property is located on the east side of Ocean Avenue in subarea 3b and shall accommodate new visitor-serving uses including hotels, restaurants, commercial recreational uses, and visitor serving retail uses. Residential uses are permitted on upper floors. Further, the proposed Project includes a range of community benefits and incorporates a wide range of sustainable design features and commitments into its design and operations. These include dual plumbing and use of recycled water, 100% Green Power, implementation of a TDM Program, inclusion of an on-site system for rainwater capture and reuse, and EV vehicle charging infrastructure. The Project will provide new deed-restricted affordable housing units, replacement rent-controlled housing units and new market-rate residential units in order to provide more housing opportunities in non-sensitive Coastal Zone areas. The proposed Project would redevelop underutilized buildings and surface parking lots and provide a hotel with up to 120 hotel rooms. This Project therefore provides new lodging opportunities and new subterranean parking in the City's Coastal

Zone. The Project also includes a Cultural Uses Campus that incorporates and rehabilitates two City-designated landmarks, is designed to attract and exhibit works of significant local, international, established and emerging artists, including architects, and will have discounted entry fees for all students/youth. The Project includes a rooftop observation/viewing deck that would be open to the public. Moreover, the Project will also provide monetary contributions that would support mobility, construction of affordable housing, parks and recreation, and early childhood initiatives. As such, the proposed Project is consistent with the policies applicable to the site as set forth in the both the 1992 LUP and the Draft LUP; and

WHEREAS, the public health, safety, and general welfare require the adoption of the 1992 LUP Amendment in that the general welfare of the City is enhanced when the development of a mixed use hotel, residential, cultural uses, and restaurant/retail project includes market-rate, rent-controlled, and deed restricted affordable housing that will serve a variety of family sizes and income levels. The proposed Project will also provide numerous project and community benefits, including a Cultural Uses Campus and publicly-accessible open space. The proposed Project will also provide visitor-serving uses and increase transient occupancy taxes paid to the City which will in turn support the general welfare by allowing the City to provided needed services and programs to the community.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The above referenced recitals are true and correct and incorporated herein by reference.

SECTION 2. The City Council has reviewed, considered, and hereby adopts the 1992 LUP Amendment as shown in **Exhibit A**.

SECTION 3. The City Council hereby certifies that the 1992 LUP, as amended by the 1992 LUP Amendment, is intended to be carried out in a manner fully consistent with the California Coastal Act.

SECTION 4. The City Manager is directed to submit the 1992 LUP Amendment to the Coastal Commission for certification in accordance with the Coastal Act.

SECTION 5. This resolution shall take effect automatically upon Coastal Commission approval of the 1992 LUP Amendment in whole and without any proposed modifications; alternatively, this resolution shall take effect upon adoption by the City Council upon Coastal Commission approval of the 1992 LUP Amendment in part or with proposed modifications.

APPROVED AS TO FORM:

DocuSigned by:

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DOUGLAS SLOAN
City Attorney

Exhibit 2 – Proposed New LUP Policy

EXHIBIT A

AMENDMENT TO THE 1992 LUP

Add a new policy to the 1992 LUP as follows:

If the properties located on the north side of Santa Monica Boulevard between Ocean Avenue and Second Street commonly referred to as 129 Santa Monica Boulevard, 101 Santa Monica Boulevard, 1327 Ocean Avenue, 1333 Ocean Avenue, 1337 Ocean Avenue (the “Established Large Site”) are redeveloped as a comprehensive project pursuant to a development agreement, then the development standards in Policies 67 and 71 and the corresponding development intensities shown on Map 15 shall not apply to such new project on the Established Large Site, and the project shall instead not exceed 130 feet, with no limitation on the number of stories, and a cumulative maximum 2.95 F.A.R across the Established Large Site.

Exhibit 3 – Proposed New LUP Policy

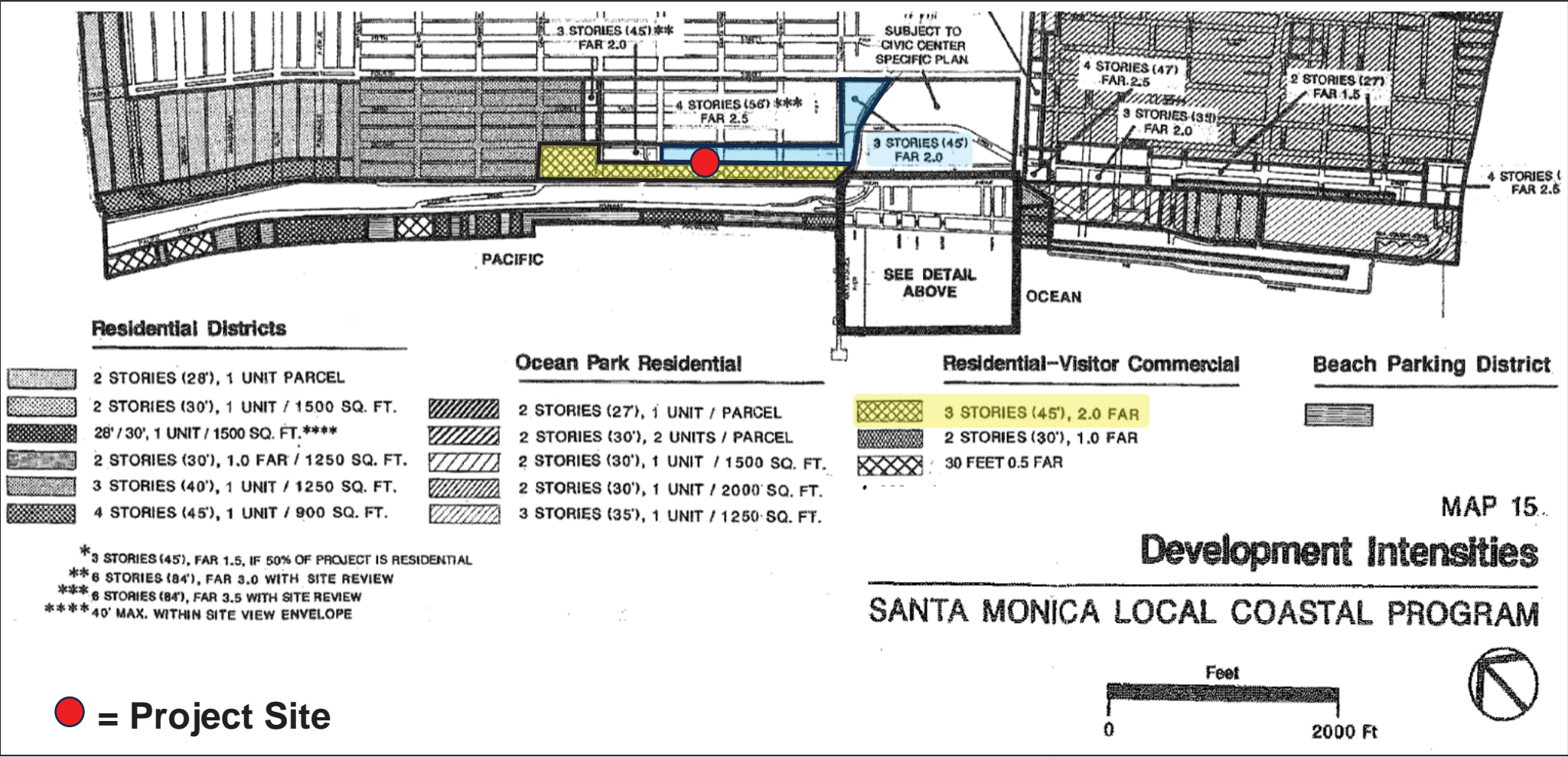
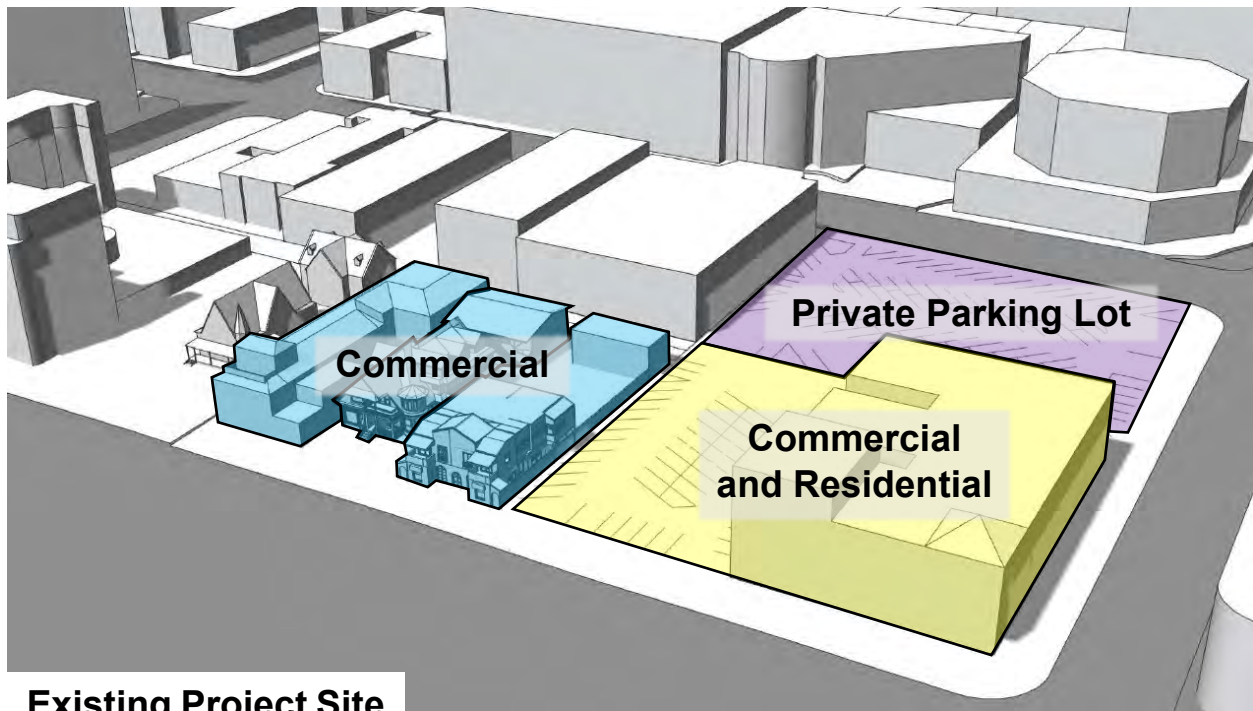
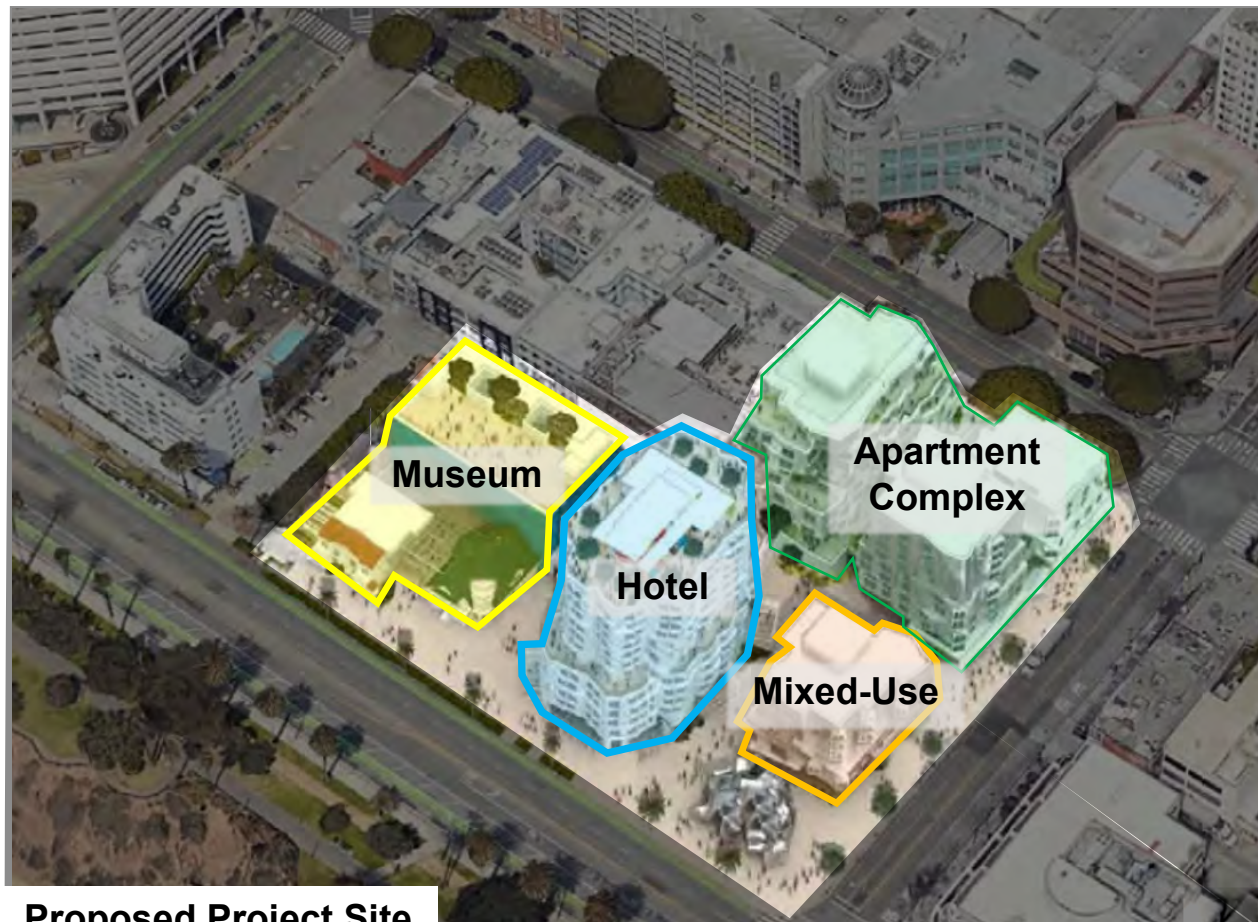


Exhibit 4 – Project Location and Rendering





Existing Project Site



Proposed Project Site

Note: The distribution of proposed uses has been simplified in this figure for illustrative purposes.