

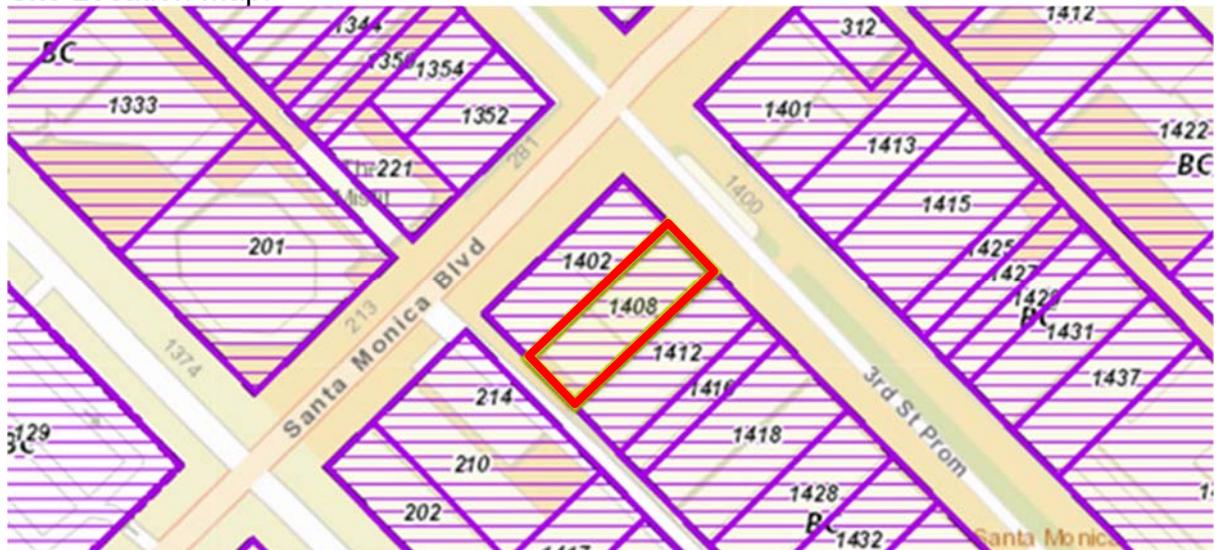


Planning Commission Report

Planning Commission Meeting: October 7, 2020		Agenda Item: 10-B
To:	Planning Commission	
From:	Jing Yeo, City Planning Division Manager	
Permit:	Development Review Permit 19ENT-0430	
Address:	1404-1408 3 rd Street Promenade	
Applicant:	Blatteis & Schnur, Inc. DBA Kenza Promenade, LLC	
Subject	Development Review Permit to construct a new Tier 2 three-story, 55-foot high, approximately 20,000 square-foot retail/commercial building above a 1,320 SF partial basement providing a long-term bicycle storage room, shower and changing room and a 2,935 SF roof terrace above the 3 rd floor on a 7,500 SF parcel.	

Zoning District	Bayside Conservation (BC) District of the DCP
Land Use Element Designation	Downtown Core
Parcel Area (SF)/Dimensions	7,500 SF/50' W x 150' D
Existing On-Site Improvements	Three-story retail/commercial building constructed in 1918
Rent Control Status	Exempt
Adjacent Zoning Districts & Land Uses	North: BC – Retail South: BC – Retail East: BC – Retail West: BC – Retail
Historic Resources Inventory	Subject property is not listed on the City's Historic Resources Inventory (HRI)

Site Location Map:



Recommended Action	1. Approve Development Review Permit 19ENT-0430
	2. Approve the Statement of Official Action

Executive Summary

The applicant requests approval of a Tier 2 Development Review Permit (DRP) to construct a new three-story retail/commercial building approximately 20,000 square feet in a contemporary style. The proposed building is situated above a 1,320 SF partial basement that provides a long-term bicycle storage room, a shower, and changing room. The project also incorporates a landscaped rooftop terrace approximately 2,935 SF with various seating configurations. No minimum onsite parking is required or provided due to the site’s location within the DCP and will be provided by City-owned parking structures located along 2nd and 4th Streets situated to the west and east of the site.

The project site is within the Third Street Promenade shopping district and is presently occupied by Chili Beans, LUSH, and the Los Angeles Performing Arts Conservancy (LAPAC) and is surrounded by various retailers, restaurants, offices and residential development. The parcel is approximately 7,500 SF located on the west side of the promenade south of Santa Monica Boulevard within the Bayside Conservation District of the Downtown Community Plan (DCP) and considered the pedestrian and economic pulse of the City and anchored by Third Street Promenade. The site was originally developed in 1918 with a three-story, approximately 17,300 SF retail/commercial building. The building has undergone numerous façade improvements through the years to accommodate various tenants.

The Landmarks Commission reviewed the demolition application for the building on May 13, 2019 and took no action. The 75-day waiting period ended on June 17, 2019.

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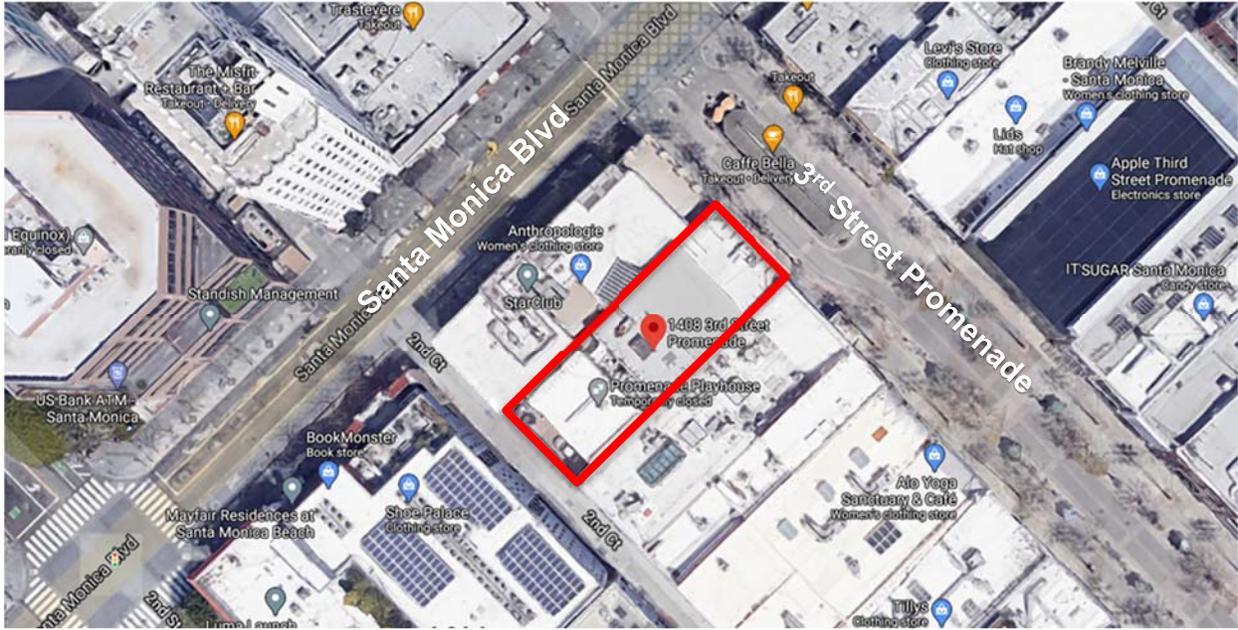


Figure 1: Aerial view of project site within the Bayside Conservation District



Figure 2: Existing building, tenants and façade design

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Figure 3: Project Rendering – Third Street Promenade (East) Elevation



Figure 4: Project Rendering – 2nd Court (West) Alley Elevation



Figure 5: View looking south towards the project site on the right side.



Figure 6: View looking north towards the project site on the left side.

Development Review Permit

The subject property is located within the Bayside Conservation District (Promenade). According to Santa Monica Municipal Code (SMMC) Section 9.10.050(A), a Development

Review Permit (DRP) is required for any project that exceeds Tier 1 maximum limits and for new construction and new additions to existing buildings of more than 10,000 SF of floor area located in Residential Districts. The proposed Tier 2, approximately 20,000 SF project exceeds both of these thresholds and therefore a Development Review Permit (DRP) is required for the project.

A Development Review Permit is intended to allow for the construction of certain projects provided that the building design, siting, and use are compatible with the site and neighborhood and the project does not result in adverse impacts on the surrounding area. As part of a DRP review, consideration should be given to the location size, massing, and placement of structures on a site, as well as to the location of proposed uses within a project. A DRP review shall also consist of an evaluation of a project's compliance with the development standards of the Zoning Ordinance. A determination of whether to approve a DRP shall take into account the potential impacts of a project, as evaluated under the aforementioned aspects of review, and weigh it against the public need for benefits derived from the project. Pursuant to SMMC Section 9.40.050, a Development Review Permit shall only be granted if the decision-making body determines that the project, as submitted or modified, conforms to all of the applicable criteria. The inability to make one of the following findings is grounds for denial of an application.

As detailed in this staff report and in the draft Statement of Official Action (Attachment B), staff believes that all of the required findings can be made in support of the requested DRP.

Background

The subject Development Review Permit application for a Tier 2 project was submitted on November 21, 2019. Since the original construction of the existing building in 1918, the site has never been redeveloped, but numerous façade modifications have been approved by the Architectural Review Board in the intervening years for various tenants. The project has been reviewed against the requirements of the BC District of the DCP and the Architectural Review Board has preliminarily reviewed the project design and provided comments before returning for a final review of the building design.

Architectural Review Board Preliminary Concept Review

As a Development Review Permit application, the proposed project was presented to the Architectural Review Board (ARB) for a preliminary conceptual review pursuant to Section 9.40.040 of the Zoning Ordinance. The project received preliminary design comments from the Architectural Review Board on May 4, 2020 as enumerated below while also noting the generally positive direction pursued by the project.

The Board provided the following comments:

- There is a general concern about the project's compatibility among other buildings on and with the character of the promenade. The building appears unnecessarily large in scale. Consider the overall scale and scale of the

architectural gestures. Introduce strategies on the upper levels on the ground floor.

- The project feels ungrounded. Consider how the building anchors and connects itself to the site and to the promenade.
- Explore mechanisms to connect the landscaped rooftop terrace to the ground floor.
- Integration of more solid surfaces into the front façade that is similar to or reflective of the successfully composed rear elevation would help diminish the appearance of an overtly transparent front façade.
- Due to the building's transparent appearance along the promenade, lighting design and lighting control will be an important consideration for both elevations particularly in tandem with existing promenade lighting design and illumination from other tenant spaces as to avoid over illumination of light to the area.
- Explore appropriate environmental strategies and incorporate into building design.
- Consider the adjoining buildings in treatment of the front façade. The adjoining buildings have a strong horizontal line at approximately 1.5 story.
- Consider how a potential second floor retail tenant would get representation and in general, how a store brand would be achieved on an all-glass façade.
- Consider mechanism for shading.
- Consider and explore how various elements and design aesthetics come together without appearing arbitrary or non-sequitur.
- Activate the alley.

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Figure 7: Original project rendering preliminarily reviewed by ARB on May 4, 2020.

Staff reviewed the revised design on June 19, 2020 and provided additional feedback to the applicant and the degree to which the project was modified to comply with the Board's preliminary comments.

Some modifications were made, but the degree of changes were minor and did not appear to fully address the Board's comments in developing a more cohesive design. Staff recommended additional changes to make the project more consistent with the Board's original feedback that was provided during the preliminary ARB review of the project. A full analysis of the project's design is discussed later in the report. The project will return to the ARB for a final review of its design, color, material, and landscaping after Planning Commission's approval of the DRP application.

Demolition Permit Review

The proposed project includes demolition of an existing structure is over 40 years of age, that was constructed in 1918. Neither building is listed on the Historic Resources Inventory. Pursuant to Santa Monica Municipal Code (SMMC) Section 9.25.040, a permit to demolish the existing improvements cannot be issued until all requirements of SMMC Section 9.25.040(E) are met prior to formal submittal of this Development Review Permit Application. The demolition application was filed on May 23, 2018 and the Landmarks Commission reviewed the demolition permit application on July 9, 2018 and took no action.

The 75-day waiting period ended on June 17, 2019 and no application for a landmark, a historic district, or a structure of merit was filed within this period.

Project Description

The proposed infill project is a new Tier 2 retail/commercial building comprising of approximately 20,000 SF of floor area within a three-story building above a partial 1,320 SF basement with areas for seven long-term bicycle parking, a shower, and changing room. Five short-term bicycle parking will be provided within the public right-of-way along Santa Monica Boulevard through a separate administrative review and approval process with the Mobility Division (SMMC Section 9.28.140.E.1.a.ii). The existing 3-story retail building will be demolished and has been reviewed by the Landmarks Commission with no action taken.

Tier	2
Height (feet)	55 feet
# of stories	3
Total SF	20,000 SF
Floor Area Ratio	2.67
# of residential units (residential SF) # of affordable	NA – no residential component is included within the proposed retail/commercial building.
Commercial SF	20,000 SF
Total # of parking spaces	None provided – no minimum parking is required in the DCP
Bicycle parking Long term Short term	7 spaces 5 spaces

Table 1: Project Components

The proposed retail/commercial building will provide retail spaces for future tenants consistent with the permitted land uses within the BC zoning district and does not require other administrative or discretionary applications aside from the Development Review Permit and final ARB review of the project's design, color, material, and landscaping.

As detailed further in this staff report, the proposed project complies with the required community benefits identified in SMMC Chapter 9.23 (Community Benefits).

Project Analysis

Site Planning

The in-fill rectangular parcel is an interior 7,500 square-foot lot located between Santa Monica Boulevard and Broadway on the west side of 3rd Street Promenade. Second Court alley is immediately west of the project site. The site is rectilinear in shape with a 50-foot frontage along the promenade and along 2nd Court Alley along the rear.

The new three-story building footprint extends to the property lines consistent with existing development pattern within the district and the downtown core in general. The front façade provides the primary pedestrian access and directly connects to a walk street that is the promenade. The rear elevation provides the required secondary access as well as back-of-house features such as a loading space, trash collection/recycling area, and transformer. Access to the basement will be from the rear. The two side north and south walls are party walls abutting the existing buildings.

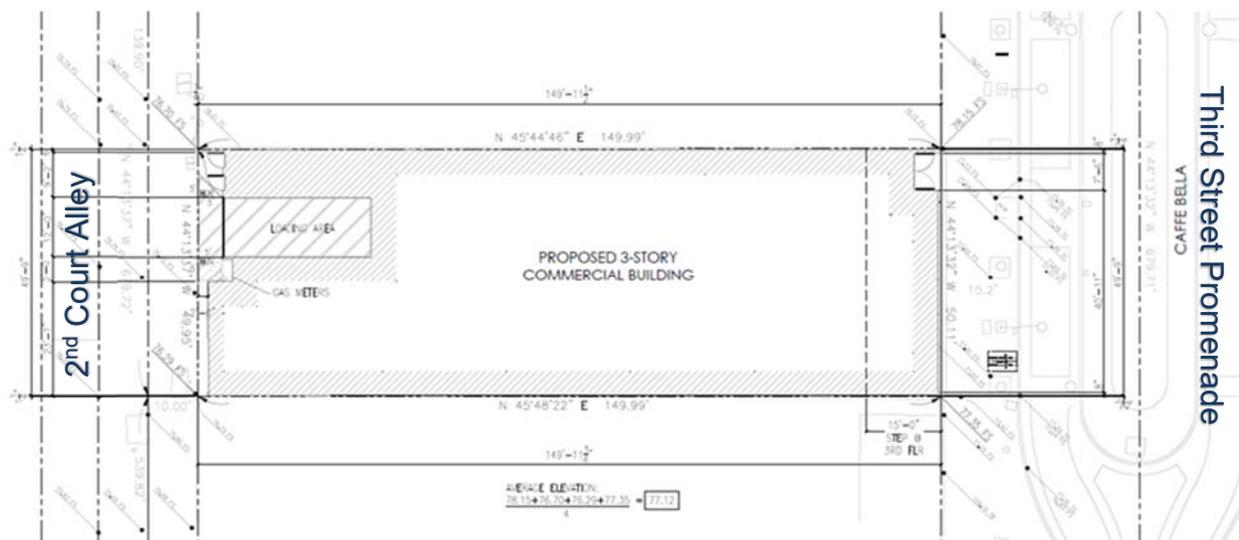


Figure 8: Site Plan

Building Design/Architectural Concept

The street-facing elevation is entirely clad in frameless glass and storefront systems resulting in a transparent façade adding to a seamless transition between private property and the public realm. The proposed design can be described as a glass box punctuated by a recessed third floor balcony, a recessed entry, and glazing. The design is informed by a number of existing buildings shown on Sheets A1.6 -1.8, particularly the Apple Store, which is located within the same block on the Promenade. The Promenade building inventory as illustrated in the submittal shows a variety of building typologies reflecting various scale and design within all three blocks of the Promenade. While there is a mix of architectural styles within the Promenade and surrounding downtown development, the building's simple design and its all-glass front façade make the project stand out from the surrounding storefronts. Unlike neighboring buildings, the alley or 2nd Street Court elevation of the proposed building is more transparent and echoes similar design elements to the front elevation by incorporating a storefront glazing system at the rear elevation. This elevation shows a framed glass box on top of a base. The rear alley elevation depicted on Sheet A4.4 is different from the front elevation due to its

composition of solids and void and application of materials. The side elevations are party walls that extend to the property lines and will be simply finished with concrete block as depicted on Sheet A4.3.

Since that meeting, the applicant has made changes that the project team believes address the Board’s comment.



Figure 9: Material and Color Board

Building Mass & Modulation

The success of the Promenade is attributed to its pedestrian scale created by the original buildings and their associated height and scale. Newer buildings within the district are stepped back at the upper levels to achieve and maintain a consistent human scale among the historic Promenade buildings. The surrounding context consists of older and refurbished buildings ranging from one- to three-story commercial, retail, restaurant and office buildings as illustrated on Sheets A1.1 - A1.4. The proposed three-story retail-commercial building is consistent with the pattern of development in the immediate vicinity.

The front and most visible façade is primarily treated with seamless glass and storefront system glazing that opens to the Promenade. The third floor is recessed with a 15-foot deep balcony, also treated with glass railing. The recessed third floor helps break the two-story glass façade below it, which helps minimize the appearance of a taller building from the pedestrian perspective.

The front elevation is comprised of seamless and storefront glass punctuated by a steel moment frame. The storefront glass system on the third level and rear elevation creates a more pronounced pattern created by the vertical and horizontal mullions, while the first and second floor is seamless or butt-joint glazing. In general, the positioning of the glass panels and windows lend a vertical design expression on the front façade. The rear façade depicts a more varied and balanced composition due to the mix of materials

incorporated into the elevation resulting in appropriate solid and void surfaces. The extensive glazing throughout the project coupled with the tall glass panels provide visual transparency into and out of the building. The Board commented on how the level of transparency may impact the overall design and scale of the project.

Open Space

According to the development standards for the Bayside Conservation District, open space is not required for new development on lot width of 50 feet or less. The project site measures 50 feet wide by 150 feet deep and buildings are permitted to extent to the front and side property lines without setback. Although a minimal two-foot setback along the rear adjacent to an alley is required. For this reason, no landscape or open space will be provided on the ground level making the proposal consistent with the majority of existing development within the BC district in general, but particularly with buildings fronting the Promenade.

Although not required, the project will incorporate a 2,935 square foot landscaped roof terrace. The open space will encompass a variety of landscape materials, including trees and outdoor furniture within various seating configurations within a flexible space as illustrated on Sheet A3.5. The roof terrace will be accessible from the main stairs and elevator within the tenant space on the ground floor. This design allows views onto the Promenade while softening the perimeter that abuts the north and south buildings with landscaping. The landscaped roof terrace is a unique feature that expands on the existing network of open spaces in downtown's central retail district. This design feature extends a sense of openness, green space, and seating opportunities that currently exist on the Promenade upward to the project site in a similar manner and can be enjoyed by the building's occupants and/or shoppers. The balcony on the third floor (Sheet A3.4) below the roof terrace is a different design from the roof deck, but provides additional outdoor open space and overlook the Promenade's main thoroughfare.

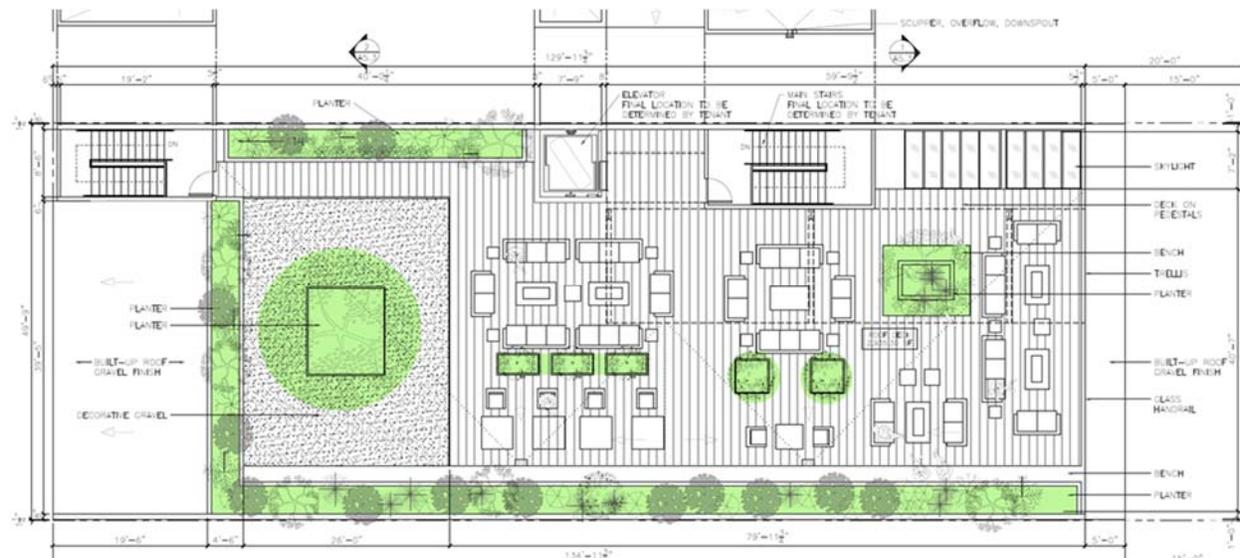


Figure 10: Roof Terrace

Pedestrian Orientation/Active Commercial Design

The project interfaces with the public realm and the Promenade by locating the building to the front property line to maintain and achieve consistency with existing buildings within

the shopping district. The seamless integration to the walk street is further amplified by the simply-treated transparent all-glass façade framed by a steel moment frame extending the entire width of the front elevation with the exception of the 7'-6" wide recessed entry at the northeast corner of the building. This design allows unobstructed visibility into and out of the building on all levels. The project's orientation to the pedestrian realm is further strengthened by a 15-foot deep approximately 580 SF balcony on the third level that directly connects to the Promenade. Further up at the roof deck level, the landscaped terrace is a direct extension of the Promenade's hallmark walk street design by providing additional opportunities for visual interactions and connection between the building and its occupants with the public spaces below in an intentionally unique and site specific way. The varied aspects of the design help the proposal connect to visitors/shoppers and maintain Third Street Promenade as a lively and active shopping district.

Parking & Access

Vehicle Parking

The project site is located in the Bayside Conservation (BC) District of the Downtown Community Plan (DCP). According to the DCP, projects that are within the boundary of the DCP do not require any parking minimum regardless of the intended land use. As such, the project will not be providing any onsite parking facilities. Instead, the anticipated parking demand will be served by ten existing City-owned public parking structures located along 2nd and 4th Street, which are immediately to the east and west of Third Street Promenade, but provide parking for the entire downtown core. This parking arrangement is consistent with the existing building and uses currently on the project site.

Bicycle Parking

Code requirements specify a minimum of 12 long- and short-term bicycle parking spaces be provided in combination for the proposed project. The project complies with this requirement by providing 12 total spaces as further detailed by assigned use in Table 2 below:

Use	Bicycle Parking Requirement		Provided
<u>Commercial</u> 20,000 square feet	<u>Long-term</u> 1 space per 3,000 square feet; minimum 4 spaces.	7 spaces	7 spaces
	<u>Short-term</u> 1 space per 4,000 square feet; minimum 4 spaces.	5 spaces	5 spaces
Long-term		7 spaces	7 spaces
Short-term		5 spaces	5 spaces

Table 2: Bicycle Parking

As shown, the proposed number of bicycle parking spaces complies with the minimum requirements of the Zoning Ordinance. Long-term bicycle parking for the employees are

located in the basement bike storage room that is accessible from 2nd Court Alley. Short-term bicycle parking for the commercial users of the building would be located off-site on the public right-of-way along Santa Monica Boulevard and adjacent to the sidewalk. This location is one lot north of the project site. While this arrangement and location is permitted by Code, a separate review and approval is required by the Mobility Division. The final design, number, and location of bicycle parking stalls will be reviewed by the City's Mobility Division for compliance with the requirements of the Zoning Ordinance as part of the plan check process prior to the issuance of building permits.

Zoning Code Compliance

The project is located in the BC District of the Downtown Community Plan (DCP), specifically on Third Street Promenade, which establishes property development standards that govern height, FAR, and setbacks of the proposed building. The BC District is noted as the pedestrian and economic heart of the City with Third Street Promenade as the spine of the retail district that offers a broad range of building types, retail, restaurants, office space and other service-related uses. Additionally, the land use regulations of the district support and encourage a diverse entertainment and cultural venues and development in general should support and serve the local community. The BC district is also seen as a transition from downtown to nearby recreational facilities and amenities at the beach, pier, and Palisades Park and offer visitors the convenience of park once while visiting a number of destinations in the area.

To that end, the DCP supports the continued expansion of the central retail district by capitalizing on the vibrancy, energy, and pedestrian traffic on the Promenade and surrounding streets by focusing on creating active ground floor uses and storefronts with an emphasis on pedestrian orientation and human scale development to ensure continued walkability, vibrancy, and success of the district.

While the Zoning Ordinance contains general development standards that are applicable to all commercial and mixed-use districts addressing active commercial uses, pedestrian orientation, build-to line, and daylight plane adjacent to residential districts. The BC district also prescribes unique development standards to encourage building forms and setbacks that are conducive to a achieving an active design that supporting and sustaining an appropriate human scale, pedestrian-oriented shopping and commercial district.

As proposed, the project complies with all development standards applicable to the site within the BC zoning district. Attachment A to this staff report contains a detailed comparison of these development standards and the proposed project.

Tier 2 Community Benefits

In accordance with SMMC Chapter 9.23 (Community Benefits), projects that exceed the maximum height or FAR allowed for Tier 1 projects are required to provide the community benefits outlined in subsection 9.23.030 of the Chapter. The purpose of the community benefits is to ensure that projects exceeding the base height and FAR of a respective

zoning district provide community benefits that enhance the City's community character, in accordance of Chapter 9.23:

1. *Affordable Housing Commercial Linkage Fee Program* Non-residential and mixed-use projects shall pay a housing mitigation fee 23 percent above the base Affordable Housing Commercial Linkage Fee as required by SMMC Chapter 9.68, for that portion of the commercial floor area above the maximum Tier 1 floor area. Additionally, when applicable, the ordinance establishing the fee allows for a credit in the calculation of the Affordable Housing Commercial Linkage Fee for the amount of square footage demolished in an existing building. There is an existing building on the project site totaling about 17,312 square feet, which will be credited to the new project. This building is proposed to be demolished. The estimated Affordable Housing Commercial Linkage Fee is \$61,386.09. This is only an estimate; the final fee amount will be calculated based on the final mix of uses and floor area during plan check.
2. *Transportation Impact Fee Program*
Non-residential and mixed-use projects shall pay a Transportation Impact Fee (TIF) 23 percent above the base TIF, as required by SMMC Chapter 9.66, for that portion of the floor area above the maximum Tier 1 floor area. Additionally, when applicable, the ordinance establishing the fee allows for a credit in the calculation of the TIF for the amount of square footage demolished in an existing building. There is an existing building on the project site totaling about 17,312 square feet, which will be credited to the new project. Based on the demolition credit for the existing building, no TIF fee would be required for the replacement project.
3. *Parks and Recreation Development Impact Fee Program*
All Tier 2 projects shall pay an additional Open Space Fee (OSF) 23 percent above the base fee required by Chapter 9.67, Open Space Fee Program, for that portion of the floor area above the maximum Tier 1 floor area. Additionally, when applicable, the ordinance establishing the fee allows for a credit in the calculation of the TIF for the amount of square footage demolished in an existing building. There is an existing building on the project site totaling about 17,312 square feet, which will be credited to the new project. Both buildings will be demolished. The estimated Parks and Recreation Development Impact Fee is \$21,570.87. This is only an estimate; the final fee amount will be calculated based on the final mix of uses and floor area during plan check.
4. *Transportation Demand Management (TDM) Plan*
All Tier 2 projects shall include the following Transportation Demand Management measures in addition to those required by Chapter 9.53, Transportation Demand Management:
 1. For non-residential components of projects, provide the following:
 - a. A transportation allowance equivalent to at least 75% of the cost of a monthly regional transit pass, in accordance with Section 9.53.130(B)(2)(b)(viii).

- b. Bike valet, free of charge, during all automobile valet operating hours.

The applicant submitted a preliminary TDM Plan that has been reviewed by the City's Mobility Division. The TDM Plan includes the following:

- A transportation information center/screen for the commercial and residential uses;
- Assignment of a Project Transportation Coordinator responsible for the implementation and monitoring of the TDM Plan;
- Free on-site shared bicycles for resident and guest use;
- AVR target of 2.2 for the commercial uses;
- Parking cash-out for the commercial employees;
- Incentives for employees that live within ½-mile of workplace; and
- Commuter matching services.

The property owner shall ensure that compliance with the Developer TDM Plan is included as a requirement in lease documents and any other agreements for occupancy in the project in order to inform and commit project occupants to applicable measures of the approved Developer TDM Plan. Additionally, annual surveys will be conducted to determine vehicle trip behaviors and interest in information on ridesharing opportunities (for commercial uses). The information collected shall be reported to the City's Transportation Demand Manager annually for review.

Land Use & Circulation Element (LUCE) and Downtown Community Plan (DCP) Consistency

The project is located in Bayside Conservation district of the Downtown Community Plan (DCP) and designated by the General Plan Land Use and Circulation Element as the Downtown Core. The goals and policies contained in the LUCE specific to the Downtown Core are implemented through the Downtown Community Plan (DCP) and other provisions of the Zoning Ordinance, such as implementation of Tier 2 projects. The proposed Tier 2 retail/commercial project complies with all of the development standards outlined in the Zoning Ordinance.

The proposal is a three-story, approximately 20,000 square-foot retail/commercial building located within the Bayside Conservation district of the DCP, specifically known as Third Street Promenade. The project site is located on the west side of the Promenade between Santa Monica Boulevard and Broadway within a short walking distance of the Expo Line downtown station at Colorado Avenue and 4th Street which serves the entire district. The Expo Line conveniently links employees to employers and visitors and tourists to shopping and dining destinations as well as recreational facilities within downtown, beach, pier, and Palisades Park.

The proposed project supports a range of Citywide Land Use Goals and Policies, including Policies LU4.4 (Pedestrian-Oriented Design), LU4.7 (Pedestrian, Bicycle and Transit Access), LU6.2 (Vital Downtown), LU8.1 (Transportation Demand Management), LU8.3 (Pedestrian, Bicycle and Transit Connections), LU15.3 (Context-Sensitive Design) and LU15.7 (Street-Level Pedestrian-Oriented) in achieving a pedestrian-oriented design

and pedestrian, bicycle and transit access by engaging pedestrians with ground floor uses, building design, site planning, massing that will promote a vibrant street life and emphasize transit and bicycle access within an urban setting. The project is a low-rise retail/commercial building that will extend to the property lines and features an all-glass transparent façade along the Promenade within the City's signature shopping district. Its siting and design are conducive to a walk street and maintain visual consistency into the building and with existing development. The new space is intended for future retail and/or commercial tenant(s) that will create an active storefront(s). The project location within the downtown core is easily served by various modes of public transit, including bus lines, the Expo Line light rail that terminates at Colorado Avenue and 4th Street southeast of the site as well as a network shared mobility lanes that accommodate bicycles and scooters.

The project's strategic location within a downtown district promotes Goal D1 in helping maintain downtown's competitive advantage as a premier local and regional shopping, dining, and entertainment destination, and support its evolution in order to respond to changing market conditions along with Policies D1.1 and D1.3 to expand and diversify retail and dining opportunities in downtown that directly supports Third Street Promenade as an important destination and an important center of activity for the need of the entire community. More importantly, Policy D1.5 intends to direct and focus new investment in the area of the Downtown District that are accessible to transit, accommodate mixed-use development, contribute to the pedestrian-oriented environment and support substantial community benefits in various key and prominent areas near downtown.

The new building has the potential in attracting new retail or commercial uses to the Promenade and in turn create a balanced mix of uses in the Downtown that reinforces its role as the greatest concentration of activity in the City as identified by Goal D7 which is further supported by Policy D7.1 to encourage a broad mix of uses that creates dynamic activity in both the daytime and evening hours including retail.

As identified by the Downtown Community Plan (DCP), the proposed project and its future tenant(s) will meet Goal LU3 by helping ensure that Santa Monica's downtown continues to be the economic center for the City, providing a diverse and flexible mix of uses that can meet future resident, business and visitor demand.

As proposed, the project complies with these goals and policies identified by both the LUCE and the DCP in that the new retail/commercial building is designed with a transparent façade that seamlessly integrates with the adjoining walk street that is the Promenade.

Potential for Housing Development

The Planning Commission has previously requested an analysis of housing potential when permits for commercial projects are being considered. Various housing types are permitted on the upper levels under both a Tier 1, Tier 2 and 100% Affordable Housing projects within the BC district fronting the Promenade allowing up to 2.25 FAR, 2.75 FAR, and 3.25 FAR, respectively. Based on a 7,500 SF lot, the FAR amounts to a floor area ratio of 16,875 SF for a Tier 1 housing project and 20,635 SF for a Tier 2 project and 24,375 SF for a 100% affordable housing project. Due to a relatively small overall lot size

and width for a downtown site coupled with its interior location on the Promenade, it is generally atypical to see a housing project proposed as developers may find it challenging to achieve an attractive and livable residential component on a large scale. A housing project is encumbered by a different set of development standards and life and safety requirements for access to air, light, circulation as well as ingress and egress to name a few making it especially challenging on a 50-foot wide lot that abuts two existing buildings of comparable heights. These conditions would ultimately impact the design, livability of the units and quality of life for the occupants. For these reasons, the exclusion of residential units above the ground floor commercial tenant space(s) is a consistent feature among similar properties within the three blocks that make up the Promenade.

Environmental Status

The proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15182, which exempts projects that are consistent with a specific plan adopted pursuant to Title 7, Division 1, Chapter 3, Article 8 of the Government Code. Specifically, the proposed project meets all of the criteria prescribed in Section 15182:

- The project has a floor area ratio of at least 0.75.
- The project is located within a transit priority area, which is defined in Public Resources Code section 20199(a)(7) as an area within 0.5 mile of a major transit stop.
- The project is consistent with a specific plan for which an EIR was certified (Downtown Specific Plan EIR was certified in 2017).
- The project is consistent with the general use designation, density, building intensity, and applicable policies of SCAG's Sustainable Communities Strategy/Regional Transportation Plan.

Moreover, the project, including the property and any existing improvements have been reviewed, and for the purposes of CEQA, determined not to constitute a significant historic resource. Notwithstanding this CEQA determination, because the existing structures proposed for demolition are over 40 years old, a permit to demolish the existing improvements will not be issued until the Landmarks Commission reviews the demolition permit application and all requirements of Interim Zoning Ordinance 2592 (CCS) are met.

The Landmarks Commission held a preliminary hearing on the demolition permit on May 13, 2019 and determined that there is no credible evidence in the record to proceed with a further public hearing to determine whether the buildings or structures meet the criteria for a City Landmark or Structure of Merit. The end of the 75-day waiting period ended on June 17, 2019.

Alternative Actions

In addition to the recommended action, the Planning Commission could consider the following with respect to the project if supported by the evidentiary record and consistent with applicable legal requirements:

- A1. Continue the project for specific reasons, consistent with applicable deadlines and with agreement from the applicant
- A2. Articulate revised findings and/or conditions to Approve OR Deny, with or without prejudice, the subject applications

Conclusion

The applicant is requesting approval of a Development Review Permit (DRP) for a proposed Tier 2, three-story, 55-foot high, approximately 20,000 square-foot retail/commercial building above a partial 1,320 SF basement. Due to the site location within the downtown core, specifically the Bayside Conservation District of the DCP, parking minimum for the intended uses is not required by Code. The proposed building is a replacement of an existing and similar retail/commercial building on site. Parking demand generated by the future tenant(s) will be provided within existing City-owned public parking structures located along 2nd and 4th Streets much like the existing condition. The building's mass and scale are generally informed by the surrounding development context and other retail/restaurant/service-related buildings fronting the Promenade. The project design is also influenced by the surrounding original, historic or remodeled buildings as well as other design precedents. As a Tier 2 project, required community benefits consistent with SMMC Chapter 9.23 will be met and as outlined in the staff report. Further, all of the required findings for a DRP application set forth in SMMC Section 9.41.060 can be made in the affirmative. Staff recommends approval of the project as conditioned.

Prepared by: Rathar Duong, Associate Planner

Attachments

- A. General Plan and Municipal Code Compliance Worksheet
- B. Draft Statement of Official Action
- C. Public Notification & Comment Material
- D. Project Plans