

CALIFORNIA COASTAL COMMISSION

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**W11a**

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Staff:	A. Spencer-LB
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Hearing Date:	11/13/2019

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-19-0437

Applicant: 2632 Lincoln, LLC (Attn: George Taylor Scott)

Agent: Poon Designs (Attn: Charles Proffitt)

Location: 2632 Lincoln Boulevard, Santa Monica, Los Angeles County (APN 4287-016-049)

Project Description: Demolish an existing nonconforming structure located at the rear of an existing two-story office building, and convert 560 sq. ft. of garage area to office space

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing improvements to an existing two-story office building. The interior will be remodeled to bring the building up to building code standards. The existing attached garage (560 sq. ft. in area) will be converted to office space and incorporated into the existing office floor area. The accessory shed structure, which the applicant contends is a nonconforming structure as to structural support and setbacks, will be demolished, and an existing asphalt lot will be striped to provide seven on-site parking spaces to serve the office building. One of the seven proposed parking spaces will be ADA/van accessible.

The City of Santa Monica does not have a certified Local Coastal Program (LCP). However, the Commission certified the City of Santa Monica LUP in 1991. The standard of review for the proposed development is the Coastal Act; the certified LUP policies may be used as guidance.

The proposed project raises issue with regard to the public access policies of the Coastal Act. Specifically, the public access concern pertains to the availability of on-site parking to serve the intended office use. Given that the proposed project would result in 3,130 sq. ft. of office area, 13

vehicle parking spaces would be required for the project. Seven spaces are being proposed on-site, so the development would be deficient six spaces. The applicant has proposed a Transportation and Parking Management Plan (TPMP) in order to mitigate for the vehicle parking deficiency. The TPMP features the provision of at least four bicycle parking spaces in front of the project site and six free transit passes to employees who wish to utilize public transportation instead of driving their personal vehicles to offset the six parking space deficit.

Staff is recommending **approval** of the proposed coastal development permit with **two (2)** special conditions regarding: 1) submittal of a final revised Transportation and Parking Management Plan; and 2) recording of a generic deed restriction. As proposed and conditioned, the project can be found to be consistent with the relevant Chapter 3 Coastal Act policies. Furthermore, the project will not prejudice the ability of the City of Santa Monica to prepare a Local Coastal Program that is consistent with the Chapter 3 Coastal Act policies.

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EXHIBITS

[Exhibit 1 - Vicinity Map/Project Location](#)

[Exhibit 2 – Project Plans](#)

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I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

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.

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

This permit is granted subject to the following special conditions:

1. **Transportation and Parking Management Plan.**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and written approval of the Executive Director, two copies of a final revised plan for Transportation and Parking Management. The plan shall be prepared by a qualified planning or transportation professional. The plan shall apply to the permittee and any future successors or assigns, and shall indicate that:

1. The permittee/building operator shall cover the full cost of a monthly transit pass for any employee/lessee who will be using transit to get to work, up to six employees/lessees.

If more than six employees/lessees request a transit pass, the permittee/building operator may or may not elect to cover the cost of the excess transit passes.

2 The permittee/building operator shall maintain on-site parking for a minimum of 4 (four) bicycles.

3. The permittee/building operator shall maintain on-site parking for a minimum of 7 (seven) vehicles.

B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director, for review and approval, documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The applicant is proposing improvements to an existing two-story office building. The interior will be remodeled to bring the building up to building code standards. The existing attached garage (560 sq. ft. in area) will be converted to office space and incorporated into the existing office floor area. The accessory shed structure, which the applicant contends is a nonconforming structure as to structural support and setbacks, will be demolished, and an existing asphalt lot will be striped to provide seven onsite parking spaces to serve the office building. One of the seven proposed parking spaces will be ADA/van accessible ([Exhibit 2](#)).

The project site is a rectangular-shaped, 4,041 sq. ft. lot located in the Ocean Park area of Santa Monica, south of the Santa Monica Pier. The site is approximately 0.75 mile inland from the beach, and is surrounded by dense, primarily commercial development ([Exhibit 1](#)). A 25-ft. high, two-story, 2,982 sq. ft. office building and a partially enclosed shed are currently developed on the property. According to the applicant, the office building was constructed in 1977 under a local Building Permit Number B51453.

The City of Santa Monica does not have a certified Local Coastal Program (LCP). However, the Commission certified the City of Santa Monica LUP in 1991. The standard of review for the proposed development is the Coastal Act; the certified LUP policies may be used as guidance.

The project proposes to retain an office building located within an urbanized commercial area. There are no proposed changes to the 25-ft. building height, which is consistent with the 32-ft. height limit in the City's General Commercial zone where this project is located. Overall, the project is consistent with the character of the surrounding area, and is consistent with Section 30251.

The proposed project raises issue with regard to the public access policies of the Coastal Act. Specifically, the public access concern pertains to the availability of on-site vehicle parking to serve the intended office use.

Coastal Act Section 30210 states:

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

Coastal Act Section 30211 states:

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

In previous permit action, the Commission has imposed onsite parking standards at the rate of one space per 250 sq. ft. for general office uses. Given that the proposed project would result in 3,130 sq. ft. of office area, 13 vehicle parking spaces would be required for the project. Seven spaces are being proposed onsite, so the development would be deficient six spaces.

Although the proposed development is short on vehicle parking, the project site is located in an area that is easily accessible by public transportation. For example, the project site is located approximately 150 ft. from the City's Big Blue Bus station. This station houses Route 3 and Route R3, which provides service between Lincoln Boulevard in Santa Monica and the Los Angeles International Airport. The Route 3 bus also stops at the Downtown Santa Monica Expo Line Station (located 1.2 miles away from the project site), which connects Santa Monica to Downtown Los Angeles. Santa Monica is generally easily traversed by bus, bicycling, shared mobility devices, and walking. Employees of and visitors to the office would therefore not be limited to cars in order to access the project site.

Drawing on the City's robust public transportation system, the applicant has proposed a Transportation and Parking Management Plan (TPMP) in order to mitigate for the vehicle parking deficiency ([Exhibit 3](#)). The applicant has stated that they are working with the City to develop at least four bicycle parking spaces in front of the project site. Although bicycle spaces are not necessarily included in the total parking count for a development, they do provide mitigation by allowing employees and visitors to bike to the office instead of taking their car. In addition to the

proposed bicycle parking spaces, the applicant has agreed to provide six free transit passes to employees who wish to utilize public transportation instead of driving their personal vehicles. The six transit passes are intended to offset the six vehicle parking space deficit. In order to ensure that the provisions of the proposed TPMP are met, and that the TPMP is consistent with those previously approved in Santa Monica, the Commission imposes **Special Condition 1**. This condition requires the applicant to submit a final revised TPMP, which includes the commitment of the permittee and all future successors/building operators to provide the transit passes to employees/lessees and maintain four bicycle parking spaces and seven vehicle parking spaces.

The applicant has indicated that the office building would be leased out to a tenant or tenants, but the tenant(s) are not known at this time. In order to ensure that all future owners/operators of the building are aware of the conditions set forth in this permit, particularly the implementation of the TPMP, the Commission imposes **Special Condition 2**, requiring the applicant to record a deed restriction against the property. The deed restriction shall impose the TPMP condition in perpetuity for the current property owner and all successors.

B. DEVELOPMENT

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

C. DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes an additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

D. LOCAL COASTAL PROGRAM (LCP)

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. The Land Use Plan (LUP) for the City of Santa Monica was effectively certified in October, 1991, and the City is currently in the process of updating its LUP. The City has not at this time prepared an Implementation Plan that has been certified by the Coastal Commission. Therefore, the standard of review for proposed development in Santa Monica is the Chapter 3 policies of the Coastal Act, although the LUP may be used as guidance.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act, including Sections 30250, 30252 and 30253. Although this project is deficient in onsite parking, the applicant has proposed a Transportation and Parking Management plan that is sufficient to mitigate for the parking deficiency and that will not obstruct the public’s ability to access the coast.

As proposed and conditioned, this particular project would not prejudice the City's ability to prepare a LCP that is consistent with Chapter 3 of the Coastal Act.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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 City of Santa Monica determined that the project was exempt from CEQA requirements. Therefore, neither an EIR nor an Initial Study was prepared for the project.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including a special condition to address transportation and parking, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A - Substantive File Documents

- Santa Monica Land Use Plan, November 1991
- Transportation and Parking Management Plan*, Poon Designs Inc.