

CALIFORNIA COASTAL COMMISSION

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W16a

Filed: 08/11/20
180th Day: 02/07/21
Staff: VL-LB
Staff Report: 10/16/20
Hearing Date: 11/04/20

STAFF REPORT: PERMIT AMENDMENT

Application No.: 5-84-866-A1
Applicant: 1522 2nd Street, LLC
Agent: Harding Larmore Kutcher & Kozal, LLP
Location: 1520 2nd Street, Santa Monica, Los Angeles County
(APN: 4291-028-023)

Description of Original Project Approved Pursuant to Permit No. 5-84-866:
Construct a 3,883 s. ft., two-story office addition with a loft on a lot with an existing 3,935 sq. ft., one-story office building, a 1,200 sq. ft. patio area and 10 parking spaces. Sixteen additional parking spaces are proposed off-site.

Description of Permit Amendment No. 5-84-866-A1: Remodel the existing commercial office to include 1) soft-story seismic retrofit, 2) establish ADA parking and loading zones, 3) expand on-site refuse/recycling location, 4) façade renovation (cladding, windows, paint), and 5) remodel existing internal courtyard. The improvements to the ADA parking and refuse area will result in a loss of two on-site parking spaces (from 10 spaces to 8 spaces). The project proposes to increase off-site parking from 16 to 18 spaces to make up for the loss of two on-site parking spaces.

SUMMARY OF STAFF RECOMMENDATION

The project site consists of a 7,500 sq. ft. lot on Second Street in Santa Monica that is developed with a 3-story, approximately 7,818 sq. ft. office building with ground floor parking in the rear of the building. The existing building was approved by the Commission in 1981 (Ref: CDP P-81-7858) as a rehabilitation of a vacant commercial structure to professional office use.

In 1985, the Commission approved a 3,883 square foot addition to the building (Ref: CDP 5-84-866). This underlying CDP required that the property owner record a deed restriction to maintain 16 offsite parking spaces to serve the additional office square footage.

The subject amendment proposes to remodel the structure (soft-story seismic retrofit, façade renovation, and internal courtyard renovation) and ADA parking improvements, associated loading zone, and changes to the refuse area in the parking lot. Consequently, the project proposes to remove two onsite parking spaces, lease two additional offsite parking spaces, implement a transportation demand management (TDM) program, and provide two onsite bicycle parking spaces.

The issues before the Commission in the subject proposal mainly concern the potential impact to public access. The applicant proposes to remove two onsite parking spaces; to make up for the loss of two onsite parking spaces and to ensure there are no impacts to public access as a result of the project, the applicant proposes to secure a lease for two additional offsite parking spaces. The potential adverse impact to public access resulting from the loss of two onsite parking spaces is further mitigated by the applicant's proposal to incorporate a TDM program and provide onsite bicycle parking.

Commission Staff recommends approval of the amendment request with revisions to Standard Conditions 1 (Notice of Receipt and Acknowledgement) and 3 (Compliance); and Special Condition 1 (Deed Restriction). The conditions of the underlying permit, as revised, continue to apply. Commission Staff additionally recommends Special Condition 2 (Required Parking) and Special Condition 3 (Final TDM Program).

Commission staff recommends approval of coastal development permit application 5-84-866-A1 as conditioned.

PROCEDURAL NOTES: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change, or
- 2) Objection is made to the Executive Director's determination of immateriality, and at least three Commissioners object to the executive directors' designation of immateriality at the next Commission meeting, or the Executive Director determines that the objection raises an issue of conformity with the Coastal Act or certified Local Coastal Program.

5-84-866-A1 (1522 2nd Street, LLC)

In this case, the Executive Director has determined that the proposed amendment is a material change that affects conditions required for the purpose of protecting coastal access.

Section 13166(a) of the Commission's Regulations also calls for the Executive Director to reject a permit amendment request if it would lessen or avoid the intended effect of the previously approved permit.

The proposed amendment would not lessen the intended effect of Coastal Development Permit No. 5-84-866 envisioned in the Commission's April 1985 action approving the project with conditions. Therefore, the Executive Director accepted the amendment request.

PLEASE NOTE THAT THIS WILL BE A VIRTUAL MEETING. As a result of the COVID-19 emergency and the Governor's Executive Orders N-29-20 and N-33-20, this Coastal Commission meeting will occur virtually through video and teleconference. Please see the Coastal Commission's Virtual Hearing Procedures posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904- 5202.

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APPENDICES

Appendix A – Substantive File Documents

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EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – Transportation Demand Management Program](#)

[Exhibit 4 – Onsite Parking](#)

[Exhibit 5 – Parking Lease Agreement](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit Amendment No. 5-84-866-A1, pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit amendment 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 Coastal Development Permit Amendment No. 5-84-866-A1 on the grounds that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. CHANGES TO CONDITIONS

NOTE: Appendix B, attached, includes all standard and special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by all subsequent amendments, including this amendment number 1. All of the Commission's adopted special conditions, and any changes in the project description proposed by the applicant and approved by the Commission in this or previous actions, continue to apply in their most recently approved form unless explicitly changed in this action. New conditions and modifications to existing conditions imposed in this action on Amendment 1 are shown in the following section. Within Appendix B, changes to the previously approved special conditions are also shown in **bold**. This will result in one set of adopted special conditions.

A. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit **amendment 5-84-866-A1** is not valid and development **authorized by permit amendment 5-84-866-A1** shall not commence until a copy of the permit **amendment**, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for the permit, **as modified by the application for the permit amendment**, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

B. Special Conditions

Special Condition No. 1 shall be replaced with the new condition provided below.

~~1. Prior to transmittal of permit, applicant shall record a deed restriction to run with the land, binding on all successors and heirs, subject to the review and approval of the Executive Director, which states that for the life of this permit the applicant shall have in effect a lease for 16 (sixteen) off-site parking spaces for the use of the proposed project during the hours of operation of the business or until parking is provided on-site or in a manner consistent with the Santa Monica LUP which may be subsequently approved.~~

1. Transportation and Parking Deed Restriction.
PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall execute and record documents(s) in a form and content acceptable to the Executive Director, restricting the use and enjoyment of the parcel by: requiring the provision of parking resources as described in Special Condition 2 and requiring implementation of a Transportation Demand Management Program as described in Special Condition 3 which shall be included as an exhibit to the recorded document(s). The recorded document(s) shall include a legal description and corresponding graphic depiction of the legal parcel(s) subject to this permit. The deed restriction shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner in perpetuity.

The deed restriction shall supersede and replace the deed restrictions recorded as Instrument Nos. 85-425125 and 85-538477, recorded on April 16, 1985 and May 13, 1985, respectively.

2. Required Parking.
BY ACCEPTANCE OF THIS PERMIT, the applicant agrees to maintain the required parking for the life of the development. The landowner shall maintain a total of 8 onsite parking spaces (8 tandem, one of which is ADA) which shall remain available to serve the employees and visitors of the building for the life of the development. The onsite parking described above is depicted on the site plan attached to this staff report as [Exhibit 4](#). The landowner shall also maintain a total of 18 offsite parking spaces to serve the employees and visitors of the building for the life of the development.

Any future changes to the onsite or offsite parking shall require an amendment to CDP 5-84-866 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall provide evidence of the off-site lease agreement for 18 spaces.

3. Final Transportation Demand Management Program.

BY ACCEPTANCE OF THIS PERMIT, the applicant agrees to implement the Transportation Demand Management Program received on June 12, 2020 (attached as [Exhibit 3](#)) and to maintain the program at all times for the life of the development which includes, but is not limited to, the following:

i. The applicant and its successors and assigns shall actively encourage employee participation in a Transportation Ride Sharing program.

ii. A public transit fare reimbursement program shall be implemented by the applicant or its successors and assigns. The applicant (or tenants of the office space) shall offer full (100 percent) reimbursement of public transit fare to and from work to all employees of the development, provided that the employee purchases a monthly regional public transit pass of the employee's choice and does not occupy a parking space.

iii. The applicant and its successors and assigns shall provide a minimum of two secure bicycle parking spaces, free of charge, on the property. All bicycle parking spaces shall be shared among and equally available to all of the employees of the building.

iv. The applicant and its successors and assigns shall implement a publicity program, the contents of which is subject to the review and approval of the Executive Director, that indicates how the future occupants of the development will be made aware of the provisions of this special condition. The publicity program shall be implemented during the first month of occupancy for new tenants or new employees and shall be distributed to employees annually thereafter for the life of the development.

Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur without a Coastal Commission approved amendment to this coastal development permit amendment unless the Executive Director determines that no amendment is required.

III. FINDINGS AND DECLARATIONS

A. Project Description and Background

The project site consists of a commercial office building on a 7,500 sq. ft. lot located at 1520 2nd Street in Santa Monica bounded by Broadway to the north and Colorado Ave. to the south ([Exhibit 1](#)). The Santa Monica Land Use Plan (LUP) designates this project site as being located within the Downtown Commercial land use district. The existing structure underwent a rehabilitation and conversion to professional office use as approved by the Commission in 1981 (P-81-7858). The existing structure was constructed in 1914 with deficient parking (lacking 6 parking spaces) but, when the Commission approved the renovation (approved by P-81-7858) the applicant was not required to provide additional parking at that time.

In 1985, the Commission approved CDP No. 5-84-866, which authorized a 3,883 sq. ft. addition to the rear portion of the existing 3,935 sq. ft. office building, resulting in a 7,818 sq. ft. office building with 10 tandem on-site parking spaces. The Commission required 16 additional parking spaces to support the additional office space. The findings of the staff report used the 1981 Los Angeles Regional Guidelines to determine the appropriate number of parking spaces (one parking space for each 250 sq. ft. of gross floor area of office use). The onsite parking lot was limited, and therefore, the Commission approved the proposal for the applicant to secure 16 off-site parking spaces.

The applicant proposes to amend CDP No. 5-84-866 to authorize the remodeling of the existing office building to include: 1) soft-story seismic retrofit, 2) establish ADA parking and loading zone, 3) expand on-site refuse/recycling location, 4) façade renovation (cladding, windows, paint), and 5) remodel existing internal courtyard. There is no change in existing floor area or use of the structure and the proposed changes do not represent a major remodel or trigger any existing non-conformities to be corrected at this time. The project would result in a loss of two on-site parking spaces (from 10 spaces to 8 spaces) due to the City-required new ADA parking space, associated loading zone, and new refuse area ([Exhibit 2](#)). In order to make up for the loss of two on-site parking spaces, the project proposes to increase the required number of off-site parking from 16 to 18 spaces.

B. Public Access

Coastal Act Section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal

recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

LUP Policy 20 states:

New development shall provide adequate parking to meet all demands created by the development. With the exception of development within the Third Street Assessment District and at the Santa Monica Pier, required off-street parking spaces shall be located on the parcel or building site. In commercial or industrial districts, off-street parking may be located off the parcel or building site if each of the following conditions are satisfied: 1) the property is located within 1,000 feet of the perimeter of the parcel or building site and commences within 300 feet of the perimeter. This distance shall be computed from the nearest point of the parking area; 2) the property on which the parking spaces are provided is zoned for parking uses and owned in fee by the owner of the parcel of building site which is subject to the parking space requirements; and 3) additional documents, covenants, deed restrictions, or other agreements deemed necessary by the Zoning Administrator are executed to assure that the required parking spaces are maintained off site for the life of the project. The Zoning Administrator will determine, on a case by case basis, the appropriate document to be executed.

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and the availability of public access to the coast. Section 30252 of the Coastal Act requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development with public transportation. The Coastal Act prioritizes the protection of public access to the coast and, in Section 30252, specifically identifies adequate parking as an important component of new development.

Therefore, in order to conform to the requirements of the Coastal Act, the proposed project must provide adequate parking or alternative modes of transportation to avoid negatively impacting coastal access. Providing adequate on-site parking with proposed development is necessary in order to protect public beach parking for members of the public who wish to access the coast.

The City's certified LUP does not include required minimum parking ratios for office use. However, the Commission has in the past required the provision of one parking space per 250 sq. ft. of office use in Santa Monica (Ref: CDP Nos. 5-04-291 and 5-12-047). Here, the previous CDP No. 5-84-866 required the provision of 16 additional parking spaces off-site to account for the addition of 3,883 sq. ft., and the subject amendment proposes to remove 2 on-site parking spaces and replace that loss of parking by increasing the previously required 16 off-site parking to 18 spaces. Because there is no proposed increase in square footage, the overall parking requirements of the structure would remain unchanged, with no change in use or intensification of the structure.

The applicant noted that the loss of two parking spaces is unavoidable due to the mandatory seismic retrofitting, which has triggered new ADA parking and required refuse storage. The applicant also noted that maintaining the existing 10 on-site parking spaces

in conjunction with the proposed project is infeasible because the structure is already built out to the lot-line, leaving no room for additional expansion in order to add new on-site parking spaces. The use of a mechanical lift is also infeasible because the parking lot, which is tucked under the existing second floor office at the rear portion of the structure, does not meet the 16-foot clearance for installation of such lift. Therefore, the proposed increase in provision of off-site parking spaces is the best feasible alternative to make up for the lost parking spaces.

The applicant has provided a parking study by Linscott, Law & Greenspan, Engineers (LLG) which concludes that the project “will provide sufficient parking to meet the forecast parking demand [and that] ... the recommended on-site parking supply is consistent with the parking rate recommended by the Nelson Nygaard parking study.” The Nelson Nygaard report reviewed a minimum parking rate for general office development projects in Transit Orientated Development (TOD) areas of one space per 1,000 sq. ft. stating, “there is a large and growing body of work showing that parking demand is significantly lower near transit of all kinds. The effect is reinforced in dense, high quality, mixed use environments that attract people and entice them to walk.” LLG provided in-depth detail about the abundance of public transit options and bike infrastructure available in the Downtown area. However, the parking study did not include an analysis of the actual expected parking demand of the subject structure. The applicant is proposing to increase the offsite parking in order to maintain the current number of parking spaces.

Although the applicant's parking study did not recommend providing offsite parking to meet parking demand for the expanded office space, the applicant has proposed to provide a total of 18 offsite parking spaces at the Shore Hotel, a nearby hotel located west of the property. The parking at the Shore Hotel would be accessible from 1st Court, a small alley street, between the project site and the Shore Hotel ([Exhibit 1](#)). The applicant has provided an active parking lease agreement with the Shore Hotel that ensures 18 parking spaces will be made available to tenants and other occupants of the 1520 2nd St. structure ([Exhibit 5](#)). The Shore Hotel was permitted (CDP 5-18-0872) with a surplus of parking needed to support the hotel uses. This proposed off-site parking location will not reduce the parking available for the general public and will not decrease the supply of necessary hotel-use parking.

The additional offsite parking is necessary for the subject project to meet the ADA requirements and refuse collection requirements per City code, and will minimize any potential impacts to public access.

In those cases where on-site parking is not feasible to meet parking demand, in general, the Commission has approved projects that rely on parking at offsite locations (Ref: 5-16-0478/10 Washington Boulevard, Venice), consistent with the requirements of Section 30252 of the Coastal Act, where:

1. The proposed offsite parking provides an adequate capacity to meet the demands of the project;

2. The proposed offsite parking supply is near the proposed project and be accessible for convenient use by the target group that the offsite parking serves;
3. The proposed offsite parking supply is available for convenient use during the hours that the parking is needed to meet the demands of the project; and
4. The proposed offsite parking supply is available to meet the demands of the project on a permanent or long-term basis.

Without these minimum protections in place, offsite parking provided as part of a proposed development may not offset the increased parking demand created by the proposed development, which could affect public access to the coast because patrons of the development would be more likely to park at other off-site locations that are more convenient, thereby impeding the public's ability to use street parking to access the coast.

Policy 20 of the certified LUP for Santa Monica, which provides guidance for assessing a project's consistency with Chapter 3 policies, but is not the standard of review, imposes additional requirements on projects that propose to meet parking demand through off-site parking. The Policy requires that offsite parking be within 1,000 feet of the subject site, to which this project does conform. The Policy also requires that deed restrictions or lease agreements be required, as necessary, which will be addressed through the conditions of approval. Lastly, the policy requires that the off-site parking location is "...owned in fee by the owner of the parcel of building site which is subject to the parking space requirements." This project does not satisfy this portion of LUP Policy 20 because the off-site location is not owned by the owner of the site for the proposed development. However, the requirement for off-site parking for the subject structure was permitted by the Commission prior to the certification of the LUP in 1992, and the lease for off-site parking was in effect prior to the implementation of LUP Policy 20. The applicant requests to maintain the off-site parking and expand it from 16 to 18 spaces. The newly permitted Shore Hotel is immediately next door to the subject site and has a surplus of parking. The proposed parking lease with the Shore Hotel for 18 spaces, like the former parking lease for 16 spaces at an offsite location, would not meet the Policy requirement for parking on a site owned by the applicant, but it also does not represent an expansion of the non-conformity with the policy. In the case of the proposed project, the applicant has shown that there are no feasible alternatives to provide additional parking onsite without demolishing the existing building. Because there are no alternatives, and the applicant has maintained 16 off-site parking spaces since originally required and is not expanding the non-conformity with the LUP policies, and because the off-site parking arrangement is consistent with Coastal Act public access policies, the proposal for off-site parking can be approved.

It should also be noted that the City of Santa Monica is in the process of updating the LUP to address this issue by specifically allowing for more flexibility in providing for offsite parking for new development projects. As such, due to the unique nature of this application, approval of this permit will not prejudice the certification of the City's LCP.

Other measures proposed by the applicant will further mitigate potential impacts to public access. For example, the applicant proposes to implement a Transportation Demand Management (TDM) Program ([Exhibit 3](#)), which will include onsite transportation information, a Project Transportation Coordinator, provision of 2 onsite bicycle parking spaces, and other programmatic elements. The transportation information is proposed to be provided in physical locations and through digital means. Such information will include, but is not limited to maps, routes and schedules for public transit routes; bicycle route and facility information; and ridesharing promotions material supplied by commuter-oriented organizations. The TDM Plan will include, but is not limited to, a new employee orientation; parking cash out program; and a transportation allowance.

To maintain adequate parking and ensure that public access would not be adversely impacted, the Commission imposes three special conditions. Special Condition 2 incorporates the applicant's proposal to maintain the onsite and offsite parking for the life of the development, and Special Condition 3 requires the implementation of the TDM program to further mitigate potential impacts to public access. Special Condition 1 requires that, prior to issuance of the CDP amendment, the applicant must execute and record a deed restriction to memorialize and independently impose the requirements of this permit. This deed restriction shall supersede and replace the deed restriction recorded.

Therefore, the project as conditioned, would not adversely impact public access, and the Commission finds that the development is consistent with the public access sections of the Coastal Act.

C. Visual Resources

Section 30251 of the Coastal Act states, in 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 the surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

LUP Policy 46 states, in part:

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

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

Section 30251 of the Coastal Act requires development to be sited and designed to protect views to and along the ocean and in scenic coastal areas. The proposed site is located on the west side of 2nd Street and west of Santa Monica Place. Santa Monica Place is a three-level, enclosed downtown shopping center, which along with the Third Street Promenade, forms the City's downtown retail core. The LUP's Scenic and Visual Resources Map designates the area west of the Santa Monica Place shopping center as a Scenic Corridor. The proposed project is located within the view corridor of Santa Monica Place.

The project proposes to remodel the existing structure, which includes soft-story seismic retrofit, façade renovation, and internal courtyard remodeling. No change to the footprint or the height of the structure is proposed. As such, the project does not impact the Santa Monica Place view corridor, nor will public views be impacted by the proposed development. Therefore, the proposed development is consistent with the visual resource policies of the Coastal Act and the certified LUP.

D. Local Coastal Program

The Coastal Act requires that the Commission consider the effect on a local coastal program when it approves a project. Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act:

Section 30604 (a) of the Coastal Act states:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). The City of Santa Monica has a certified Land Use Plan (LUP). The City of Santa Monica Land Use Plan was effectively certified in August 1992. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Santa Monica LUP is advisory in nature and may provide guidance.

E. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit application 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.

In this case, the City of Santa Monica is the lead agency and the Commission is the responsible agency for the purposes of CEQA. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate potential impacts, 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

- CDP Application No. 5-84-866
- Linscott, Law & Greenspan, Engineers (LLG), June 9, 2020. Parking Demand Study for the Proposed Office Project at 1520 Second Street. LLG Ref: 5-20-0509-1
- Certified Santa Monica Land Use Plan (August 1992)

APPENDIX B – Standard and Special Conditions pursuant to CDP No. 5-84-866 through CDP Amendment No. 5-84-866-A1

NOTE: This Appendix B provides a list of all standard and special conditions imposed pursuant to Coastal Development Permit 5-84-866, as approved by the Commission in its original action and modified and/or supplemented by CDP Amendment No. 5-84-866-A1. Any changes, pursuant to amendment A1, from the previously approved special conditions are shown in **bold**. Thus, this Appendix B provides an aggregate list of all currently applicable adopted special conditions.

A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit **amendment 5-84-866-A1** is not valid and development **authorized by permit amendment 5-84-866-A1** shall not commence until a copy of the permit **amendment**, signed by the applicant 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. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for the permit, **as modified by the application for the permit amendment**, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. **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.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

Special Condition No. 1 shall be replaced with the new condition provided below.

1. Prior to transmittal of permit, applicant shall record a deed restriction to run with the land, binding on all successors and heirs, subject to the review and approval of the Executive Director, which states that for the life of this permit the applicant shall have in effect a lease for 16 (sixteen) off-site parking spaces for the use of the proposed project during the hours of operation of the business or until parking is provided on-site or in a manner consistent with the Santa Monica LUP which may be subsequently approved.

1. Transportation and Parking Deed Restriction.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall execute and record document(s) in a form and content acceptable to the Executive Director, restricting the use and enjoyment of the parcel by: requiring the provision of parking resources as described in Special Condition 2 and requiring implementation of a Transportation Demand Management Program as described in Special Condition 3 which shall be included as an exhibit to the recorded document(s). The recorded document(s) shall include a legal description and corresponding graphic depiction of the legal parcel(s) subject to this permit. The deed restriction shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner in perpetuity.

The deed restriction shall supersede and replace the deed restrictions recorded as Instrument Nos. 85-425125 and 85-538477, recorded on April 16, 1985 and May 13, 1985, respectively.

2. Required Parking.

BY ACCEPTANCE OF THIS PERMIT, the applicant agrees to maintain the required parking for the life of the development. The landowner shall maintain a total of 8 onsite parking spaces (8 tandem, one of which is ADA) which shall remain available to serve the employees and visitors of the building for the life of the development. The onsite parking described above is depicted on the site plan attached to this staff report as Exhibit 4. The landowner shall also maintain a total of 18 offsite parking spaces to serve the employees and visitors of the building for the life of the development. Any future changes to the onsite or offsite parking shall require an amendment to CDP 5-84-866 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall provide evidence of the off-site lease agreement for 18 spaces.

3. Final Transportation Demand Management Program.

BY ACCEPTANCE OF THIS PERMIT, the applicant agrees to implement the Transportation Demand Management Program received on June 12, 2020

(attached as [Exhibit 3](#)) and to maintain the program at all times for the life of the development which includes, but is not limited to, the following:

i. The applicant and its successors and assigns shall actively encourage employee participation in a Transportation Ride Sharing program.

ii. A public transit fare reimbursement program shall be implemented by the applicant or its successors and assigns. The applicant (or tenants of the office space) shall offer full (100 percent) reimbursement of public transit fare to and from work to all employees of the development, provided that the employee purchases a monthly regional public transit pass of the employee's choice and does not occupy a parking space.

iii. The applicant and its successors and assigns shall provide a minimum of two secure bicycle parking spaces, free of charge, on the property. All bicycle parking spaces shall be shared among and equally available to all of the employees of the building.

iv. The applicant and its successors and assigns shall implement a publicity program, the contents of which is subject to the review and approval of the Executive Director, that indicates how the future occupants of the development will be made aware of the provisions of this special condition. The publicity program shall be implemented during the first month of occupancy for new tenants or new employees and shall be distributed to employees annually thereafter for the life of the development.

Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur without a Coastal Commission approved amendment to this coastal development permit amendment unless the Executive Director determines that no amendment is required.