

**CALIFORNIA COASTAL COMMISSION**

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# W17a

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Staff: V. Lee-LB  
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## STAFF REPORT: PERMIT AMENDMENT

**Application No.:** P-3-20-78-2978-A1  
**Applicant:** 2918 3<sup>rd</sup> St, LLC  
**Agent:** Clayton Young  
**Location:** 2918 3<sup>rd</sup> Street, Santa Monica, Los Angeles County  
(APN: 4287-024-005)

**Description of Original Project Approved Pursuant to Permit No. P-3-20-78-2978:**  
Demolition of existing single-family dwelling and construct a 3-unit apartment building, 24 ft. above centerline of frontage road, 6 on-site parking spaces with conditions.

**Description of Pending Permit Amendment No. P-3-20-78-2978-A1:** Demolition of an existing detached 900 sq. ft. carport, construction of a 2-story 19'-4" high 1,164 sq. ft. detached structure with 2 ADUs, conversion of a portion of the basement level of the existing 3-unit apartment into a 700 sq. ft. attached ADU, and retention of 2 uncovered on-site parking spaces.

**Staff Recommendation:** Approval with conditions.

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## SUMMARY OF STAFF RECOMMENDATION

The project site is a 6,500 sq. ft., rectangular-shaped lot located approximately 0.25 miles inland of the public beach at 2918 3<sup>rd</sup> Street in the City of Santa Monica. The existing triplex was approved on June 5, 1978 by the Commission (Ref: P-3-20-78-2978, [Exhibit 7](#)). P-3-20-78-2978 allowed for the demolition of a single-family dwelling, and construction of a 3-unit apartment building with 6 on-site parking spaces (a detached 5-space carport in the rear yard and a 1-car garage in the basement level of the residential building).

The current proposal before the Commission is to amend P-3-20-78-2978 to allow for the addition of 3 ADUs on-site. The applicant proposes to demolish the 900 sq. ft., 5-space carport located in the rear yard and construct a 2-story, 19'-4" high detached residential structure with two 582 sq. ft. ADUs in that location, and convert existing laundry, storage, 1-car garage, and crawl space in the basement level of the triplex into a 700 sq. ft. attached ADU. A total of 2 uncovered parking spaces are proposed in the rear yard, next to the proposed detached ADU structure. Because the subject lot currently developed with an existing triplex is deed restricted to limit use of the structure to 3 rental units, this amendment request also proposes to amend Special Condition 1 of the 1978 permit to allow for the addition of 3 ADUs.

The primary concern regarding the proposed project is the potential for adverse impacts to public coastal access due to lost on-site parking spaces. The applicant proposes to demolish the existing 5-car carport, convert a 1-car garage, laundry, storage, and crawl space into an attached ADU, and place 2 uncovered parking spaces in the rear yard, thereby reducing the number of on-site parking spaces from 6 spaces to 2 spaces. The loss of 4 on-site parking spaces poses a potential for the tenants of the lot to take up on-street public parking spaces, leading to adverse impact to public's ability to access the coast.

However, based on the submitted alternatives analyses prepared by the applicant, it appears that the applicant can propose a maximum of 5 on-site parking spaces, while still accommodating the addition of 3 ADUs. Therefore, the Commission imposes **Special Condition 3**, which requires the applicant to submit revised plans that incorporate a total of 5 on-site parking spaces. The plans shall be reviewed and approved by the City, in order to ensure that the proposed parking spaces are consistent with the City's municipal code related to parking. **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 that was previously recorded.

Commission staff recommends approval of the coastal development permit amendment application P-3-20-78-2978-A1 as conditioned. The motion and resolution can be found on **Page 5**.

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

**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.

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. P-3-20-78-2978 envisioned in the Commission's June 1978 action approving the project with conditions. Therefore, the Executive Director accepted the amendment request.

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## **EXHIBITS**

[Exhibit 1 – Vicinity Map and Project Site](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – Alternatives Analyses to Preserve the Maximum Number of On-site Parking  
Spaces](#)

[Exhibit 4 – Existing Legal Nonconforming Carport](#)

[Exhibit 5 – Feasibility Analysis for Second Story ADU on top of Existing Carport](#)

[Exhibit 6 – Alternative with Smaller Attached ADU and a 1-Car Garage](#)

[Exhibit 7 – Coastal Development Permit P-3-20-78-2978](#)

## MOTION AND RESOLUTION

### Motion:

I move that the Commission **approve** Coastal Development Permit Amendment No. P-3-20-78-2978-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. P-3-20-78-2978-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.

## 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.

Unless specifically altered by this amendment, all regular and special conditions attached to Coastal Development Permit P-3-20-78-2978, as amended, remain in effect. Language to be deleted is shown in ~~strike-out~~ and new language is shown in **bold, underlined**.

## Standard Conditions

~~IV. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.~~

~~V. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.~~

~~VI. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.~~

1. **Notice of Receipt and Acknowledgment. The permit amendment is not valid and development shall not commence until a copy of the permit amendment, signed by the applicant or authorized agent, acknowledging receipt of the permit amendment and acceptance of the terms and conditions, is returned to the Commission office.**
2. **Expiration. If development has not commenced, the permit amendment 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 amendment 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.**

## Special Conditions

1. ~~Prior to issuance of permit, applicant shall submit a deed restriction for recording limiting the use of the structure to three rental units only,~~ **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 3 and shall include a plan showing the location of the on-site parking spaces within the**

**subject property 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 restriction recorded as Instrument No. 78-781020, recorded on July 5, 1978.**

3. **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit for the review and approval of the Executive Director, two (2) full size sets of revised plans that have been reviewed and approved by the City of Santa Monica, which demonstrate the following:**

**A. A total of 5 on-site parking spaces shall be provided.**

**The applicants shall undertake development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.**

## **FINDINGS AND DECLARATIONS**

### **A. Project Description and Background**

The project site is a 6,500 sq. ft., rectangular-shaped lot located approximately 0.25 miles inland of the public beach at 2918 3<sup>rd</sup> Street in the City of Santa Monica ([Exhibit 1](#)). The certified land use designation of the site is Ocean Park – Low Density Multiple Residential.

The existing triplex was approved on June 5, 1978 by the Commission pursuant to the original permit ([Exhibit 7](#)). P-3-20-78-2978 allowed for the demolition of a single-family dwelling and construction of a 3-unit apartment building with 6 on-site parking spaces (a detached 5-space carport in the rear yard and a 1-car garage in the basement level of the residential building). Pursuant to Special Condition 1 of the 1978 permit, the Commission required the applicant to record a deed restriction limiting the use of the structure to 3 rental units only. On July 5, 1978, the previous property owner recorded the deed restriction with the County of Los Angeles (Instrument No. 78-781020). On July 18, 1978, the Commission confirmed compliance with the conditions of approval and issued the permit.

The current proposal before the Commission is to amend P-3-20-78-2978 to allow for the construction of a total of 3 ADUs on-site. The applicant proposes to demolish the 900 sq. ft., 5-space carport and construct a 2-story, 19'-4" high detached residential structure with two 582 sq. ft. ADUs in the rear yard, and convert existing laundry, storage, 1-car garage, and crawl space in the basement level of the triplex into a 700 sq. ft. attached ADU ([Exhibit 2](#)). A total of 2 uncovered parking spaces are proposed in the rear yard. Because the subject lot currently developed with an existing triplex is deed restricted to limit use of the structure to 3 rental units, this amendment request also proposes to amend Special Condition 1 of the 1978 permit to allow for the addition of 3 ADUs.

### **Standard of Review**

The standard of review for this development is the Chapter 3 policies of the Coastal Act. In August 1992, the Commission certified the land use portion of the City of Santa Monica's Local Coastal Program (LCP). The City does not have a certified Implementation Plan, and therefore does not have a fully certified LCP. Coastal Act Section 30604(a) states that, prior to certification of a LCP, a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Coastal Act; the certified LUP may be used as guidance.

### **B. Public Access**

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

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, in part:

New development shall provide adequate parking to meet all demands created by the development. With the exception of development with 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...

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. Providing sufficient on-site parking with proposed development is necessary to protect public parking for members of the public who wish to access the coast. The uncertified Santa Monica zoning code requires 2 parking spaces per unit with more than 2 bedrooms, for a total of 6 required on-site parking spaces for the existing triplex. The zoning code does not require the provision of parking spaces for ADUs on this site, since the proposed ADUs are located within one-half mile walking distance of public transit.<sup>1</sup>

The primary concern regarding the proposed project is the potential for adverse impacts to public coastal access due to lost on-site parking spaces. The project site is located 0.25 miles inland of the public beach and near the parking-impacted area of Venice in the City of Los Angeles. Part of the applicant's proposal before the Commission is to demolish an existing 5-car carport, convert a 1-car garage, laundry, storage, and crawl space into an attached ADU, and place 2 uncovered parking spaces in the rear yard, thereby reducing the number of on-site parking from 6 spaces to 2 spaces. The applicant contends that the reduction in parking count is consistent with the recently implemented state ADU law<sup>2</sup> and Santa Monica zoning code, which prohibit local governments from imposing parking standards for an accessory dwelling unit when the unit is located within one-half mile walking distance of public transit. The proposed development is 0.1 miles from the nearest bus station at Main and Marine Street, and there are seven Santa Monica Big Blue Bus lines within a 0.5-mile walk, including a Rapid Line. However, neither the state ADU law nor the local zoning code constitutes a standard of review for CDP applications before the Commission, and the loss of 4 on-site parking spaces poses a potential for the tenants to take up on-street public parking spaces, leading to an adverse impact to the public's ability to access the coast.

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<sup>1</sup> Santa Monica Municipal Code 9.31.025.Q.2.a.

<sup>2</sup> Government Code Section 65852.2(d)

In response to this concern, the applicant has submitted a series of alternatives analyses to preserve the maximum number of on-site parking spaces ([Exhibit 3](#)). The applicant explored various alternatives that modified the proposed footprint of the detached 2-unit ADU structure and relocated uncovered parking spaces and concluded that the currently proposed configuration would preserve the maximum parking count of 2, consistent with the City's municipal code related to parking and ADU. The applicant also clarified that one of the biggest constraints that limited the number of parking spaces was the City-required 21' x 7.5' trash enclosure area<sup>3</sup> in the rear yard. However, since the submittal of the CDP application to the Commission, the City has determined that the trash enclosure requirements will not apply to ADU projects. Considering the alleviation, the applicant has clarified that a total of 4 uncovered parking spaces<sup>4</sup> are feasible in the rear yard with minimal modification to the proposed detached ADU structure.

In addition, the applicant identified that the existing 5-car carport is a legal non-conforming structure with regards to the required rear-yard and side-yard setbacks pursuant to current Santa Monica Municipal Code and that this nonconformity enabled the structure to accommodate 5 legal parking spaces. In other words, if the carport were to be demolished and reconstructed today pursuant to City's current zoning code, it could not be reconstructed with 5 parking spaces<sup>5</sup> even when 2 of the 5 parking spaces were proposed as compact in size ([Exhibit 4](#)).

The applicant has also considered an alternative to leave the existing carport intact and build second floor ADUs on top of the carport. However, due to the need to place a stairway to access the second story ADUs, this alternative is only achievable with a reduction of 1 space in the carport, resulting in only 4 parking spaces ([Exhibit 5](#)). The applicant further noted that this alternative poses a seismic risk with the first floor being parking only, and that it adds considerable structural cost associated with cantilevering the second story off the eastern end of the carport to create a livable space and incorporating additional structural members to add shear strength to the carport. Therefore, with all the site constraints considered, it appears that a maximum of 4 parking spaces can feasibly be arranged in the rear yard, whether or not the existing carport is demolished to accommodate this ADU project.

The project also proposes to convert existing 1-car garage, laundry, storage, and crawl space into an attached 700 sq. ft. ADU in the basement level of the existing triplex. This attached 1-car garage is necessary to support the parking needs of the existing triplex,

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<sup>3</sup> Santa Monica Municipal Code 9.21.130.C.2. requires a minimum dimension of 21'x7.5' for multi-unit developments between 3-10 units.

<sup>4</sup> 3 regular and 1 compact in size.

<sup>5</sup> Santa Monica Municipal Code 9.28.120.P. allows a maximum of 40% of parking spaces to be compact. The carport could not contain 5 parking spaces even when 2 of the 5 parking spaces were proposed as compact parking.

and there appears to be a feasible alternative of proposing a smaller, approximately 490 sq. ft. attached ADU with a 1-car garage ([Exhibit 6](#)). The applicant is currently reviewing the feasibility of this design.

Therefore, in aggregate, it appears that the applicant can propose 5 on-site parking spaces,<sup>6</sup> while still accommodating the addition of 3 ADUs. The currently proposed parking count of 2 would not preserve the maximum amount of parking necessary to support the existing triplex. The Commission imposes **Special Condition 3**, which requires the applicant to submit revised plans that incorporate a total of 5 on-site parking spaces. The plans shall be reviewed and approved by the City, to ensure that the proposed parking spaces are consistent with the City's municipal code related to parking. **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 that was previously recorded.

Even though the revised project would result in an aggregate loss of 1 on-site parking space, this approach is a reasonable compromise when considering the fact that the existing 5-car carport is a legal non-conforming structure and that it would only be able to accommodate 4 legal parking spaces if it were to be rebuilt in compliance with current City zoning standards. As conditioned, the project would ensure the maximum amount of parking that can feasibly be placed on-site, consistent with the City's zoning ordinance related to parking.

The Commission has received at least two similar pending projects in Santa Monica that propose to convert existing parking spaces into ADUs (Ref: CDP application Nos.5-21-0085 and 5-21-0164). The Commission will analyze these projects based on case-specific facts as well as their cumulative impacts on public access and community character to ensure that these projects, in conjunction with the current proposal, would not have any adverse impact on coastal resources.

Thus, the project, as conditioned and as analyzed on a case-by-case basis of the project's unique circumstances, can be found consistent with Sections 30210, 30211, and 30252 of the Coastal Act and the public access provisions of the certified Santa Monica LUP.

## **C. Community Character and Visual Resources**

Section 30251 of the Coastal Act states, in pertinent 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

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<sup>6</sup> 4 spaces in the rear yard and 1 space in the basement level of the existing duplex. See [Exhibit 6](#).

with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

LUP Policy 46 states:

The scenic and visual qualities of the Coastal Zone shall be considered and protected as an important public resource. Public views to, from, and along the ocean, the Pier, Inspiration Point and Palisades Park shall be protected. 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 surrounding areas and restore and quality in visually degraded areas.

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Santa Monica LUP Policy 46 similarly protects scenic and visual qualities of the Coastal Zone and require development be visually compatible with the surrounding areas.

The proposed development would demolish a single-story carport and construct a new 19'-2" high detached ADU structure. However, due to the downward sloping nature of the lot with more than 15' of height differential from the eastern to western property line, the new ADU structure will not be visible from public streets.

In addition, the underlying 1978 permit's staff report that approved demolition of a previously existing single-family residence and construction of the currently existing triplex discussed that one of the critical concerns in the Ocean Park area at that time was the effect that new multiple-family unit development was having on the character and economic mix of the Ocean Park community. With respect to this concern, Special Condition 1 of P-3-20-78-2978 required the previous property owner to record a deed restriction (Instrument No. 78-781020) limiting the use of the structure to 3 rental units only. The Commission finds that the currently proposed 3 additional units in the form of ADUs will not change the community character of the Ocean Park community, when viewed in conjunction with the statewide effort to provide housing opportunities. Therefore, **Special Condition 1** of this permit amendment requires the current applicant to record a deed restriction that supersedes the previous deed restriction No. 78-781020, as discussed in the Public Access section of this staff report.

The proposed development is not visible from public areas including the ocean, the Pier, Inspiration Point and Palisades Park, and is therefore not anticipated to adversely affect existing public views. The project would not change the community character of Ocean Park in the City of Santa Monica. Therefore, the Commission finds the proposed development is consistent with Section 30251 of the Coastal Act and the visual resource policies of the certified LUP.

## **D. Local Coastal Program**

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

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LUP for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

## **E. California Environmental Quality Act**

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by findings showing the approval, 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 Commission’s regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).)

In this case, the City of Santa Monica is the lead agency, and the Commission is a responsible agency for the purposes of CEQA. The City of Santa Monica determined that the proposed development is exempt for the purposes of CEQA. The preceding findings of this staff report, incorporated herein by reference, disclose the relevant coastal resource impacts of the proposed project. In addition, the proposed project has been conditioned in order to minimize and mitigate impacts to coastal resources consistent with Chapter 3 of the Coastal Act. No public comments regarding potential significant adverse environmental effects of the project were received by the Commission prior to preparation of the staff report. 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, either individually or cumulatively with other past, present, or reasonably foreseeable probable future projects. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified 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**

- Coastal Development Permit Application No. P-3-20-78-2978 and associated file documents.
- Coastal Development Permit Application No. P-3-20-78-2978-A1 and associated file documents.

## **APPENDIX B – STANDARD AND SPECIAL CONDITIONS PURSUANT TO CDP NO. P-3-20-78-2978 THROUGH CDP AMENDMENT NO. P-3-20-78-2978-A1**

**NOTE:** This Appendix B provides a list of all standard and special conditions imposed pursuant to Coastal Development Permit P-3-20-78-2978, as approved by the Commission in its original action and modified and/or supplemented by CDP Amendment No. P-3-20-78-2978-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.

### **Standard Conditions**

- 1. Notice of Receipt and Acknowledgment.** The permit amendment is not valid and development shall not commence until a copy of the permit amendment, signed by the applicant or authorized agent, acknowledging receipt of the permit amendment and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit amendment 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 amendment 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

### **Special Conditions**

- 1. 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 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 restriction recorded as Instrument No. 78-781020, recorded on July 5, 1978.**

- 2.** Prior to issuance of permit, applicant shall submit evidence that public notice has been placed in a newspaper of general circulation, such as the Evening Outlook for a period of ten (10) working days; such notice will describe the structure and announce the availability of a structure for removal and relocation; the availability period will commence the day of the first notice and last 60 consecutive calendar days thereafter and shall be stated as such in the public notice, if after the 60<sup>th</sup> day there are no requests for relocation the permit will be issued (providing all other conditions are satisfied) allowing demolition and construction of the approved project; if relocation occurs prior to expiration of the 60-day period, evidence shall be supplied to verify that fact and the permit can be issued (providing other conditions are met).
- 3. PRIOR TO ISSUANE OF COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit for the review and approval of the Executive Director, two (2) full size sets of revised plans that have been reviewed and approved by the City of Santa Monica, which demonstrate the following:**
  - A. A total of 5 on-site parking spaces shall be provided pursuant to City of Santa Monica's parking regulations.**

**The applicants shall undertake development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.**