

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
(562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV



F18

Prepared June 2, 2022 (for the June 10, 2022 Hearing)

To: Commissioners and Interested Parties
From: Steve Hudson, South Coast District Deputy Director
Subject: **South Coast District Deputy Director's Report for Los Angeles County for June 2022**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Coast District Office are being reported to the Commission on June 10, 2022. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on June 10th.

With respect to the June 10th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on June 10, 2022 (see attached)

Waivers

- 5-22-0287-W, MLB Activities (Santa Monica)
- 5-22-0290-W, Tramonto Investors LLC
Remodel and Addition (Pacific Palisades)

Coastal Development Permit Extensions

- 5-19-0983-E1, Mixed-use building (Santa Monica)
- 5-19-1064-E1, GRT Portfolio Properties Santa Monica, LLC: GRT Santa Monica Two LLC (Santa Monica)

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May 27, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-22-0287-W

Applicants: Major League Baseball (MLB) and On Location Inc.

Location: Santa Monica Pier and adjacent beach, Santa Monica (Los Angeles County)
(APN: 4290-023-902)

Proposed Development: Three-day temporary event (nine days including set up and take down) on approx. 84,000 sq. ft. of Santa Monica Pier public parking lot and 20,600 sq. ft. of public beach adjacent to the Santa Monica Pier from 7/15/2022 - 7/17/2022 between the hours of approximately 9:00am to 7:00pm. Event setup will occur from 7/11/2022 - 7/14/2022 and event take down will occur from 7/17/2022 - 7/19/2022. The event will be free to the public. Approximately 342 parking spaces will be reserved for the event.

Rationale: The project site is located on a portion of Santa Monica Pier and the adjacent beach south of the pier, between the first public road and the sea. The project site is designated as Residential – Visitor Commercial by the City of Santa Monica's certified Land Use Plan (LUP). The proposed event is limited in duration to a maximum of three days (nine days including set up and take down) as outlined in the description above and includes the placement of non-permanent structures, including but not limited to bleachers, perimeter fencing, portable toilets, and an entryway arch feature. Event setup will require heavy machinery (e.g., forklift), but at no time will the machinery remain on the beach after installation and take down each day and night. The applicant received an approval in concept from the City of Santa Monica on April 28, 2022.

To minimize adverse public access impacts, truck unloading will occur during the hours of 10:00pm to 8:00am for event set up. Truck loading will occur during the hours of 8:00pm to 8:00am for event take down. If temporary closure of the bicycle and pedestrian path is

Coastal Development Permit De Minimis Waiver

5-22-0287-W

necessary during event installation and take down, a flag person will be on site to temporarily stop bicycle and pedestrian traffic. Impacts/closures will be limited to no more than 5 minutes at a time.

The event includes exclusive use of all 271 public parking spaces in the Santa Monica Pier parking lot and 71 of the approximately 1,171 public parking spaces in lot 1 North (located adjacent to the north of the pier). No ADA parking will be impacted in Lot 1 North. To offset the use of public parking, the applicants will promote the use of the Metro Bike Share program, public transportation to and from the event, and offer free bike valet for the duration of the event. The bike valet will be located on the beach along the bike path. A Traffic Management Plan will be developed in cooperation with the City of Santa Monica. As a result, the temporary use of the parking spaces will not significantly impact coastal access in the area.

The event space on the pier will have 6 ft. high perimeter chain-link fencing with scrim and the beach event area will have 4 ft. high “bike rack” barricade perimeter fencing. Greeters and wayfinding signage will be placed in parking lot 1 North, the bike path, and the Santa Monica pier indicating the entrance points to the event. The signage will also indicate the event is free and open to the public. Event goers will be able to digitally pre-register for activities or walk-in directly to participate in activities. Additional security staffing for the event will receive customer service briefings and will wear yellow and black athletic polos to reduce the appearance of a private event and avoid deterring the public from attending the event.

The event includes a waste management and sustainability plan that promotes proper waste collection and recycling practices, plastic pollution reduction measures, and the donation of leftover food locally. The applicants will prohibit the use of single-use plastic cups, utensils, or any other service ware; prohibit the use of expanded polystyrene items (aka Styrofoam); prohibit the use of plastic bags on-site; prohibit the sale/distribution of all beverages in plastic bottles; and prohibit the use of plastic straws and only provide reusable straws, paper straws or straws made from naturally occurring materials, upon request. Three water refill stations will be placed throughout the event premises to support the use of reusable water bottles. Additionally, a no-smoking policy will be enforced on the Santa Monica Pier and adjacent beach. Educational signage will promote and encourage the use of reusable items and stage announcements will encourage continued recycling throughout the event.

Furthermore, the applicant will implement best management practices including the removal and disposal of all trash, waste, oil, grease, and other materials that may be deposited within the event area incidental to public use of the beach and adjacent parking facilities; the event sites will be cleared of trash by the end of each day of event activities including setup and breakdown; and offer a contained space for storage of all cleaning materials and fuel located off and away from the beach. Additionally, to assist in keeping Santa Monica beach clean, MLB will monetarily support the Heal the Bay beach cleanup on July 16, 2022.

Coastal Development Permit De Minimis Waiver
5-22-0287-W

Nighttime lighting will be minimized to levels necessary to provide pedestrian and on-site security; will be shielded and focused downward and inward toward the event; and red lights will be minimized to that only necessary for security and safety warning purposes.

The proposed event will not result in significant adverse impacts on visual or coastal resources, public access, or public recreation opportunities. The proposed development is consistent with past Commission actions in the area, the certified Land Use Plan, and the Chapter 3 policies of the Coastal Act. In addition, the proposed project will not prejudice the ability for the City of Santa Monica to prepare a Local Coastal Program that is consistent with the Coastal Act.

This waiver will not become effective until reported to the Commission at its June 2022 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Jennifer Doyle
Coastal Program Analyst

cc: Commissioners/File

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LONG BEACH, CALIFORNIA 90802-4830
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June 2, 2022

**Coastal Development Permit Waiver
Improvements to Existing Structures
or Repair and Maintenance
Coastal Act Section 30610**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-22-0290-W **Applicant:** Tramonto Investors, LLC

Location: 17357 Tramonto Drive, Pacific Palisades, Los Angeles, Los Angeles County (APN: 441-602-4042)

Proposed Development: Remodel and addition to a single-family residence consisting of approximately 350 sq. ft. addition (after-the-fact), approximately 240 sq. ft. roof deck addition, and new elevator roof access structure (4 ft. increase over highest existing roof structure); resulting in a two-story, 33 foot high, 4,800 square foot single-family residence, with roof deck, swimming pool, and attached 3-car garage.

Rationale: The project site is not located between the sea and first public road and is in an established Pacific Palisades residential area in the City of Los Angeles. The site is designated as low-density (R1-1) in the City's uncertified zoning code. The proposed project is compatible with the character of the surrounding pattern of development. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, will not prejudice the City's ability to prepare a Certified Local Coastal Program, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **June 8-10, 2022** meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

John Ainsworth
Executive Director

Eric Stevens
District Supervisor

cc: Commissioners/File

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**OBJECTION RECEIVED TO EXECUTIVE DIRECTOR'S DETERMINATION**

DATE: May 27, 2022

TO: Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: Objection to Executive Director's Determination Regarding Coastal Development Permit (CDP) Extension No. 5-19-0983-E1

On February 7, 2022, the applicant submitted an application for a one-year Time Extension to Coastal Development Permit (CDP) No. 5-19-0983. This permit was previously approved by the Coastal Commission on July 10, 2020 and authorized:

Construction of an 81,630 sq. ft., 5-story mixed-use building with 83 apartment units including 16 affordable units for very-low income households, a corner cafe and a 105,995 sq. ft. 2 level 273 parking space subterranean garage on an existing parking lot.

at: 1828 Ocean Ave, Santa Monica (Los Angeles County) (APN(s): 4290-020-045, 4290-020-041)

The Executive Director determined on April 26, 2022, that there were no changed circumstances affecting the proposed development's consistency with the Coastal Act. Prior to reporting the Determination to the Commission at the May 13, 2022 Commission meeting, the Deputy Director noted that the South Coast District Office received two letters of objection to the extension request. The Deputy Director removed the extension request from the Deputy Director's Report. Notice of this determination was posted at the project site and emailed to all known interested parties. Pursuant to the Commission's Regulations, 14 Cal. Admin. Code Section 13169(c):

If the executive director received a written objection to his or her determination but concludes that the objection does not identify changed circumstances that may affect the consistency of the development with the Coastal Act or a certified local coastal program, if applicable, the executive director shall report this conclusion to the commission at the same time that the executive director reports the determination to the commission in accordance with subsection (b) above. The executive director shall provide

a copy of the letter(s) of objection to the commission with the report. If three commissioners object to the extension on grounds that there may be changed circumstances that affect consistency, the executive director shall schedule the extension for hearing(s) in accordance with subsection (d) below. If three commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit.

Two letters of objection to the time extension were received within 10 working days of the mailed notice. One letter, dated May 09, 2022, is from Christopher Cote on behalf of SOAR (South Ocean Avenue Residents) (**Exhibit 1**). The second letter, dated May 09, 2022, is from Greg Cole (**Exhibit 2**).

The letter from Christopher Cote objects to the extension request on a shortfall of police and parking capacity monitoring caused by COVID and an increased homeless population living in the area. Christopher Cotes also contends that the project's traffic study was flawed because it did not reflect summer or holiday traffic patterns.

The letter from Gregory Cole also contends that the project's traffic study was flawed because it did not reflect summer or holiday traffic patterns. In addition, Gregory Cole objects to the extension because he asserts that there has been an incremental increase in the number of heat days, limitations on water use, growing threats to the electrical grid and ease of pandemic restrictions and that these conditions will increase demand for beach access and make traffic in the area worse. Gregory Cole also contends that current traffic conditions have worsened due to various vehicle traffic lane reductions and the opening of a nearby sports field; that construction trucks will block traffic and remove available parking; and that new residents and commercial guests are not familiar with the area and will further worsen traffic.

Section 13169(c) of Title 14 of the California Code of Regulations states, in part, that, in order to deny an extension request, objections must identify changed circumstances that may affect the consistency of the development with the Coastal Act. In the case of CDP No. 5-19-0983, the standard of review is consistency with the Chapter 3 policies of the Coastal Act.

The letters mainly object to the Commission's original approval of the subject coastal development permit based on the project's temporary construction impacts, the existing and potential for increased traffic in the area, and the traffic data used in the traffic study. However, the Executive Director notes that the issues raised in the objection letters were fully addressed in the project's EIR and fully evaluated by the Commission in its approval of CDP 5-19-0983. In addition, any construction-related impacts to parking are temporary, and the Commission required pursuant to a Special Condition of the permit that the applicant submit a construction staging and corridor plan prior to the issuance of the CDP.

The objections related to climate change and the resulting potential for increased beach use are general in nature and do not draw conclusions about the subject development

and moreover, these, conditions existed and were understood at the time the Commission acted on the underlying CDP and do not constitute changed circumstances. Therefore, these are not changed circumstances that would affect the project's consistency with the Coastal Act.

Staff confirmed that no lane reductions took place on the main travel routes for the subject project (Ocean Avenue between Pico Blvd. and Colorado Avenue; Pico Blvd. between Appian Way/Nielson Way and 4th Street; and Main Street between Colorado Avenue and Pico Blvd since 2020). However, outside of this area, the southbound side of Ocean Avenue becomes one lane starting approximately a half a mile north of the project site beginning at Broadway in Downtown Santa Monica. Ocean Avenue returns to the original two lanes prior to the pier and several blocks before Olympic Blvd. and the 10 FWY exit. Again, the objection regarding several street improvements such as those mentioned above are not changed circumstances that would affect the project's consistency with the Coastal Act.

The new sports field was approved by the Commission in 2019, prior to the approval of the subject development in 2020. Furthermore, the sports field was considered in the subject project's EIR (under the Civic Center Specific Plan) and factored into the modeling of potential future traffic impacts and is therefore not changed circumstances that would affect the project's consistency with the Coastal Act.

Objections regarding police and parking monitoring, the increased homeless population, and that the new residents and customers unfamiliar with the area will slow beach traffic, are not changed circumstances that would affect the subject development's consistency with the Coastal Act.

Therefore, for the reasons stated above, the Executive Director has determined that there are no changed circumstances that affect the development's conformity with the Chapter 3 policies of the Coastal Act. As required by Section 13169(c) of Title 14 of the California Code of Regulations, the Executive Director is reporting this conclusion to the Commission along with copies of the objection letters and a response letter from the applicant's representative. If three Commissioners object to the extension on the grounds that there may be circumstances that affect the development's consistency with the Coastal Act, the Executive Director shall schedule the extension for a public hearing in accordance with Section 13169(d) of Title 14 of the California Code of Regulations. If three Commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit. In this case, the approval of the extension request would extend the expiration date of CDP No. 5-19-0983 until July 10, 2023, one year from the previous date of expiration.

If you have any questions about this determination, please contact Jennifer Doyle at jennifer.doyle@coastal.ca.gov.

South Ocean Avenue Residents



ATTENTION JACK AINSWORTH, EXECUTIVE DIRECTOR

May 3, 2022

We, the South Ocean Avenue Residents group, or SOAR, respectfully object to the automatic extension of 5-19-0983 by the Coastal Commission, applied for by NXT2 SHUTTERS PROPCO, LLC.

WHAT'S CHANGED

We have a chronic shortfall of both police and parking capacity monitoring caused by COVID and the increased homeless population living in the area since 2020. Shutters and Casa Del Mar are owned by the Edward Thomas Group, the same company that owns NXT2 SHUTTERS PROPCO, LLC. Since 2020, they have added a security officer who stands outside all day protecting their customers. They know things are different.

In 2020, the commission used traffic studies that in no way reflected summer or holiday traffic patterns. In 2020, there was unmitigated, and therefore potentially lethal, gridlock on beach days. But now, there is less, rather than more city manpower to protect the average beachgoer and the city's local residents.

We feel that the request for extension should be put on the Coastal Commission's agenda for discussion.

Thank you,

Christopher Côté on behalf of SOAR

PLEASE CONFIRM RECEIPT

RECEIVED
South Coast Region

MAY 09 2022

CALIFORNIA
COASTAL COMMISSION

17 Vicente Terrace, Santa Monica 90401 (310) 714-4884

California Coastal Commission
5-19-0983-E1
Exhibit 1
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May 3, 2020

John Ainsworth, Executive Director
Jennifer Doyle, Coastal Program Analyst
California Coastal Commission
South Coast District Office
301 E. Ocean Blvd, Suite 300
Long Beach California 90802-4830

RECEIVED
South Coast Region

MAY 09 2022

**CALIFORNIA
COASTAL COMMISSION**

RE: your letter of April 27, 2022 re: NXT2 Shutters Propco, LLC 5-19-0983 Extension

Dear Coastal Commission representatives,

As a long-time resident and home owner near this project site, I have received your letter informing me that there are no changed circumstances for this project and a decision to permit it will go forward by executive decision without a response or objection. This letter is to inform the Coastal Commission of changed circumstances and formally object to this decision for the following reasons:

1) A mandate of the Coastal Commission is to protect coastal/ beach access. The project site is at the intersection of Pico and Ocean which feeds directly into Appian Way, the gateway to Santa Monica Beach parking lots north of Pico. Beach traffic from all of inland Los Angeles and neighboring inland areas collect and feeds down the 10 freeway to exit into Santa Monica and exit at Lincoln or Fourth St and down Pico to the beach. Other beach traffic from 10 Fwy comes down Olympic and turns right down Ocean to Pico, often turning right at the site of this project. The project site location is at critical junction for beach parking lot access.

2) Obviously, the demand for beach access via this major route is much higher in the summer months and on weekends and the only valid assessment of the impact of this or any other project on beach access has to be a consideration of the impact on the many high demand days when it is hot and especially in the inland areas and on weekends and holidays. Yet, during the approval process for this project, the assessment of traffic impact was absolutely not at these times, but rather at times of minimum demand. Therefore, the City planners and Coastal Commission have based the approvals on very misleading and inaccurate data as it relates to traffic and coastal/ beach access.

3) Speaking for myself and the other neighborhood residents who are here during summer and on holidays when traffic impact was never properly assessed, we all know that on high demand hot summer days the existing traffic back up on the 10 Fwy at Lincoln and 4th and Pico and on Ocean and on Appian Way. The parking lots fill up but cars still line up trying to get into them further blocking traffic. Cars line up in the alleys and residents can't get in or out of their garages. And fire, ambulance and police can't get in for emergency access. During high beach demand days, it often takes 30 minutes to move a block or two. We get out and walk home to bring medicine or frozen food in. And then when the Shutters and Casa Del Mar owners host big events or have deliveries, they line Appian with trucks and limousines and SUVs dropping

off or waiting for guests and this creates an additional traffic jam and gridlock on Appian going south and cars can't even give up heading to the beach parking lots and turn around- as many do now. This is the current circumstances with Coastal access in the seasonal and holiday and weekend reality, and not the absurdly inaccurate traffic flow data derived from off-peak Tues or Wed morning data collection that was provided to the decision makers approving this project.

4) The situation and circumstances have grown worse since the 2020 approval and will inevitably continue to grow worse with global warming and more record heat days in the years and decades to come because they will prompt Los Angelenos and Inland Empire residents to try to cool off with air-conditioning, pools, sprinklers, fountains and even fire-hydrants -or flock to the beach. The claim of no change in circumstances here denies the steady incremental reality of our future California.

5) The recent post 2020 approval California state declaration of drought and emergency limitations on water use are in fact new circumstances that coupled with more heat increase demand for more beach access, not less beach access demand. There is no increase in supply, there is a perfectly foreseeable increase in demand for beach access.

5) The summer heat-driven demand for beach/ coastal access was mitigated by the 2020 pandemic stay at home and tourism halt-now more or less over- but now we have some relief and a newly emerging post-pandemic increase in demand for the beach area and entertainment.

6) Summer beach access demand has been mitigated by air conditioning and air conditioning places extreme demands on our electrical grid. In fact, our grid has new issues. After the 2020 project approval, wild-fire and other threats to the grid have only grown. In 2021, the "California Energy Commission staff showed that there is a potential shortfall of over 4,000 MW if an extreme weather event occurs. And, California's increasing wildfire challenges also threaten California's ability to import power, a critical component of meeting California's energy needs... Governor Newsom issued an Emergency Proclamation on July 30, 2021 to free up energy supply to meet demand during extreme heat events and wildfires." In fact, after the approval in 2020 we had our first summer brownouts in 20 years as energy demand for Western states rises and we lost some wind power production. Judging by the traffic jam, it seemed that everyone headed to the beach. But it takes years to develop the energy supply and we can only expect more beach traffic with every.

6) The area surrounding the project site was originally developed with summer homes to escape the Los Angeles summer heat that drives coastal access demand. Now with millions more people with automobiles, beach access demands are typically from groups and families driving to beach. Since the project was approved in 2020, we have had a massive increase in energy costs that now drive high inflation and discourage air conditioning use by lower income residents-even without brownouts. Because traffic jams increase energy use at inflated prices,

traffic jams on the 10 Fwy to beach parking increase the costs for beach access for residents with stretched finances.

7) Since the approval in 2020, the city of Santa Monica has removed a lane on Ocean Blvd south to automobile traffic down to the pier, thus creating new gridlock on Ocean and a bottleneck adding to the slow speed of traffic coming down Olympic from the 10 and down 4th and Pico to the Ocean and Pico intersection, the Project site in question.

8) Feb 2021 the City of Santa Monica opened a new playing field at 4th and Pico that creates new traffic and demand during soccer practice matches and other sports events, most notably when the parents line up on 4th blocking traffic from the 10 Fwy headed to Pico and adding to the traffic demand during peak weekend use.

8) Since the 2020 approval, Main street/ second street have been reduced to one lane with new bike lanes and a redesign that limits alternative access to beach parking.

9) The proposed construction of the 5 story 83 unit project and cafe at 1828 Ocean Ave at the corner of Pico and Ocean (4290-020-045, 4290-020-041) will inevitably add to the existing problems and in fact cause massive traffic jams during the excavation of the 2 level below grade parking garage and in the subsequent years of construction. The trucks will line up and have no place to go except sit on Ocean and block traffic, now newly since approval, only one lane running north to south. Pico is now only one lane going south after Ocean. The construction will also remove available parking. We residents saw all of this happen before with high rise hotels and other projects surrounding us, each one with a claim of no substantive impact. The cumulative long term environmental damage, traffic and incremental impacts of multiple developments are obvious. And yet, each project claims to have no impact or only a minor impact. But like one bullet or bomb in a war, they all add up.

10) Once the project is completed it adds 83 units and a cafe and their guests entering and leaving to intensify the traffic jam during the current peak use that is already a terrible bottleneck for coastal access. Further, the existing parking lot is currently used by hotel valets who must take cars from Shutters and Casa hotel entrances east on Pico and then across the Pico dividing strip across traffic and into their parking lot. Their valets are trained and very experienced on how to safely do this and get from eastbound Pico across the westbound Pico beach traffic down to Appian that is already always jammed on days with peak demand. But the residents, guests and cafe visitors of this new project will lack this familiarity and inevitably further slow the flow of beach traffic as they also try to get in and out with obvious increases in frustration, altercations and accidents.

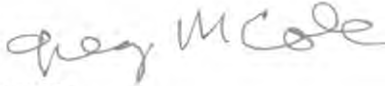
In summary, there are multiple important changes post 2020 approval in and along the road and routes to the beach parking lots that impact coastal access. There are also changes to the factors driving demand for beach access and strong reasons to anticipate more demand for access. This project sets up an additional bottleneck for beach access which will clearly have a major negative impact during its construction as well as a prolonged negative impact after its

completion. The original assessment of traffic impact was egregiously flawed in its sampling during low beach access demand days and it completely failed to adequately account for the high current holiday, week end and summer demands. It also failed to consider reasonable projections of future demands.

It is up to the Coastal Commission to protect California's current and future beach access. This project should be reconsidered and only go forward after a proper assessment of the impact on weekend traffic in July-Sept and the inflow and outflow both east and west on Pico from their 273 space restricted use parking garage.

Sincerely,

Greg M Cole



18 Seaview Terrace

Santa Monica, Ca. 90401

310-433-0010



3197-A Airport Loop Drive
Costa Mesa, CA 92626-3424
T (949)640-8999
F (714)434-1111
www.gaineslaw.com

May 24, 2022

BY EMAIL

Jennifer Doyle
California Coastal Commission
301 E. Ocean Blvd., Suite 300
Long Beach, California 90802

Re: Application for Extension of Permit CDP 5-19-083 (NXT2SHUTTERS PROPCO LLC)

Dear Jennifer:

I am writing to you on behalf of NXT2SHUTTERS PROPCO, LLC, the Permittee under CDP 5-19-0983 for the construction of an 83 unit apartment building with 16 very low income units and commercial use on the ground floor at 1828 Ocean Avenue, Santa Monica. On May 13, 2022, Steve Hudson, as Deputy Director for the South Coast District (Los Angeles County) presented a written report to the California Coastal Commission indicting that the Deputy Director had found grounds to extend the time for commencement of development under Standard Condition 2 to CDP 5-19-0983 for an additional year. Prior to presenting the Deputy Director's Report as Item 17 on the Commission's agenda, Hudson indicated that the South Coast District Office had received two letters in opposition to the extension. Hudson withdrew the report for the extension of CDP 5-19-0983 and expressed to the Commission that it would likely come back to the Commission on the next Deputy Director's Report with a written response to the letters of objection.

You have previously sent to me (1) a letter dated May 3, 2020 from South Ocean Avenue Residents ("SOAR"); and (2) a letter dated May 3, 2020 from Greg Cole. Under Calif. Code of Regs., Title 14, §13069(c), if the executive director receives a written objection to his or her determination but concludes that the objection does not identify changed circumstances that may affect the consistency of the development with the Coastal Act or a certified local coastal program, if applicable, the executive director shall report this conclusion to the commission at the same time that the executive director reports the determination to the commission. . . . "

The Permittee requests that the Deputy Director conclude that the objection does not identify changed circumstances that may affect the consistency of the development with the Coastal Act.

1. SOAR Letter.

The May 3, 2022 letter from SOAR states that there is a shortfall of parking and police, and an increase in homeless population. SOAR raised the issue of the limited available street parking both by letter to the Commission and at the Commission public hearing on July 10, 2020. At the

hearing SOAR was represented by Sally Reinman who claimed that the area suffered from insufficient parking. SOAR's unsigned letter made the same claim as well as alleged gridlock. No evidence is presented today to show any change from 2020. No evidence is presented that there are fewer police resources or more homeless persons, but even if each circumstance was shown to exist, it does not change the consistency of the development with the Coastal Act.

2. Cole Letter.

The May 3, 2022 from Greg M. Cole raises 10 issues. The first 3 issues relate to existing traffic, congestion and parking. As a popular beach location, the area does encounter occasional congestion at peak times. But this is not a change from 2020. The congestion in the area was described in detail by Cole's neighbors, Stephanie Barbanell and Jerry Bass at 18 Seaview Terrace. Barbanell and Bass sent a letter claiming inadequate traffic data, gridlock and lack of parking. These are the same issues raised in Cole's first 3 paragraphs. These paragraphs make no claim of any changed circumstance.

Paragraph 4 claims that since 2020 the traffic and parking has grown worse. No evidence is presented to support this claim. Even if there were evidence that traffic or parking was worse in 2022 than in 2020, at the time of the Commission approval on July 10, 2020, the Commission was aware of public transit improvements and imposed Special Conditions 2, 5 and 6 to address parking, transportation demand mitigation, and construction impacts. The essential part of Cole's complaint is that there is public demand to go to the beach which interferes with his use and enjoyment as a resident. This is a complaint that has been extant in Santa Monica for almost 100 years.

Paragraph 5 claims that post-Covid will see increases in public access to the shoreline. No evidence is presented. Even if 2022 sees greater public use of the beaches in the area, there is no evidence that this will be an increase from the pre-Covid years in the 2010's.

The first Paragraph 6 claims that inadequate electrical power will increase traffic because non-beach owners or residents will be unable to use air conditioning, without which more people will go to the beach. Increased public access and use of the beach is a policy objective of the Coastal Act. It is not clear what Coastal Act policy would apply to alleged increase in public use due to lack of electrical power.

The second Paragraph 6 continues a bizarre argument that increases in energy costs will discourage air conditioning use and increase the quantity of persons not using air conditioning to go to the beach. Cole goes on to claim that more lower income residence will go to the beach because they can least afford air conditioning. The claim is that most will come by car. No evidence in support of these claims is offered. This is no more than speculation. If lower income residents in non-beach areas of Los Angeles County are leaving to go to the beach because they cannot afford air conditioning, it is more likely that greater use would be made of the significant increases in public transportation options to the beach described at page 15 of Commission 2020 findings.

Paragraph 7 claims that a lane has been removed from Ocean Blvd (properly named Ocean Avenue) in the southbound direction at the access to the Santa Monica Pier. This location is 1,900 feet north of the project site. Cole claims this creates a new gridlock on Ocean Avenue and a bottleneck which slows speed of traffic on Olympic, 4th Street, and Pico Boulevard. There is no evidence that any of this is true.

The first Paragraph 8 claims that the playing fields at 4th and Pico has increased traffic congestion. The Commission approved these playing field on March 6, 2019 in CDP 5-18-0767. The Seventh Addendum to the Civic Center Specific Plan EIR addressed the environmental impacts of the City's new playing fields. At that time, the 1828 Ocean Avenue project was part of the reasonably foreseeable projects. The City also provided detailed parking data which was known to the Commission prior to the 2020 approval of CDP 5-19-0983. Increases in traffic, if any have occurred, were anticipated at the time of the July 10, 2020 approval.

The second Paragraph 8 claims that Main Street and Second Street have been reduced to one lane with new bike lanes and a redesign that limits alternative access to beach parking. Neither Main Street nor Second Street served the Permittee's property. It is not clear how these changes affect the consistency of the project with the Coastal Act.

Paragraph 9 repeats claims that were made prior to the July 10, 2020 approval of CDP 5-19-0983 about construction impacts to traffic and access. The Commission imposed Special Condition 5 for a construction staging and corridor plan to show no impacts to public access.

Paragraph 10 repeats the claim that the project will increase traffic congestion because new residents will not be as experienced as valets for the Casa del Mar and Shutters Hotels that serve visitor to the coast. Therefore, the new residents' inexperience will contribute to traffic jams. This is not a changed circumstance. In any event, the hotel valets will enjoy an entirely separate entrance to the parking garage at 1828 Ocean Avenue from the residents. After a very short period of time, residents will learn how to enter and leave the building with their vehicles.

Finally, the letter claims that the original traffic impact assessment was "egregiously flawed" and "failed to consider reasonable projections of future demands". Neither statement shows a changed circumstance, all of the traffic assessments were before both the City and the Commission prior to approval, and the traffic assessments were performed in a professional manner fully consistent with the practices of the industry.

Very truly yours,

Sherman L. Stacey

SHERMAN L. STACEY

SLS:ck

cc; Thomas Slatkin

Kenneth Kutcher, Esq.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
PH (562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV

**OBJECTION RECEIVED TO EXECUTIVE DIRECTOR'S DETERMINATION**

DATE: May 19, 2022

TO: Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: Objection to Executive Director's Determination Regarding Coastal Development Permit (CDP) Extension No. 5-19-1064-E1

On March 9, 2022, the applicant (US 216 Pico Owner, LLC) submitted an application for a one-year time extension to Coastal Development Permit (CDP) No. 5-19-1064. This permit was previously approved by the Coastal Commission on June 10, 2020 and authorized:

Demolition of 24,014-sq. ft. bowling alley and 6,251-sq. ft. mixed-use building; and construction of two clusters of approximately 36-ft. high (above natural grade), three-story mixed-use buildings totaling approximately 97,456-sq. ft. with 105 residential rental units (eight of which will be affordable units) and 10,606 sq. ft. of ground floor commercial space. The project includes 229 vehicle parking spaces in a two-level subterranean parking garage and 185 bicycle parking spaces. The project also includes a total of approximately 7,751 sq. ft. of patio/balcony areas, and additional landscaping and hardscape improvements.

at: 216-248 Pico Boulevard, Santa Monica, Los Angeles County (APNs: 4289-019-023; 4289-019-022; 4289-019-021; 4289-019-019; 4289-019-018; 4289-019-017)

The Executive Director determined on April 26, 2022, that there were no changed circumstances affecting the proposed development's consistency with the Coastal Act. This Determination was reported to the Commission at the May 13, 2022 Commission meeting. Notice of this determination was posted at the project site and emailed to all known interested parties. Pursuant to the Commission's Regulations, 14 Cal. Admin. Code Section 13169(c):

If the executive director received a written objection to his or her determination but concludes that the objection does not identify changed circumstances that may affect the consistency of the development with the Coastal Act or a certified local coastal program, if applicable, the executive director shall report this conclusion to the commission at the same time

that the executive director reports the determination to the commission in accordance with subsection (b) above. The executive director shall provide a copy of the letter(s) of objection to the commission with the report. If three commissioners object to the extension on grounds that there may be changed circumstances that affect consistency, the executive director shall schedule the extension for hearing(s) in accordance with subsection (d) below. If three commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit.

Emails of objection/concern from local residents of the City of Santa Monica to the time extension were received within 10 working days of the mailed notice. The first correspondence, dated May 4, 2022 (and supplemented May 10 and 11, 2022), is from Anne Pearson and states that she objects to the extension of the subject permit because she asserts that the project has been revised from a three-story structure to a five-story structure without a CDP or CDP amendment, in addition to other alleged unauthorized changes to the Commission-approved development (**Exhibit 1**). The second correspondence, dated May 10, 2022, is from Arlene Rosenblatt and raises similar concerns about alleged unauthorized changes to the Commission-approved development (**Exhibit 2**).

Section 13169(c) of Title 14 of the California Code of Regulations states, in part, that, in order to deny an extension request, objections must identify changed circumstances that may affect the consistency of the development with the Coastal Act. In the case of CDP No. 5-19-1064, the standard of review is consistency with the Chapter 3 policies of the Coastal Act. The objections suggest that the applicant is not in compliance with CDP 5-19-1064 because they allege the project has been substantially amended without the proper clearances.

However, it has been confirmed that no changes to the Commission-approved project have been made, only assertions have been made about a potential change in the future to the project description. A separate entitlement application for a new and different project (a five-story mixed-use density bonus project) has recently been proposed by the property owner of the subject site (216-248 Pico Boulevard, Santa Monica), which is currently going through the initial local approval process. Should the City grant the initial required local approvals for the separate application, the property owner is still required to apply for a CDP amendment or new CDP with the Coastal Commission for any potential changes to the previously approved development at the subject site.

Therefore, for the reasons stated above, the Executive Director has determined that there are no changed circumstances that affect the development's conformity with the Chapter 3 policies of the Coastal Act. As required by Section 13169(c) of Title 14 of the California Code of Regulations, the Executive Director is reporting this conclusion to the Commission along with copies of the objection letters. If three Commissioners object to the extension on the grounds that there may be circumstances that affect the development's consistency with the Coastal Act, the Executive Director shall schedule

the extension for a public hearing in accordance with Section 13169(d) of Title 14 of the California Code of Regulations. If three Commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit. In this case, the approval of the extension request would extend the expiration date of CDP No. 5-19-1064 until July 10, 2023, one year from the previous date of expiration.

216-248 Pico Boulevard, Santa Monica, CA - Objection to Coastal Development Permit

Anne Pearson <anne.pearson249@gmail.com>

Wed 5/4/2022 10:45 AM

To: Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>; Alvarado, Marlene@Coastal <Marlene.Alvarado@coastal.ca.gov>

Cc: DAVID PISARRA <david@pisarra.com>; Luke Sader <luquesader@gmail.com>; martine coupal-sikes <martinecoupal@gmail.com>; Chez Luna <marianne@well.com>; Rick Sikes <ricksikes1234@gmail.com>

As a Neighbor to the proposed property (APNs: 4. 289-019-023; 4289-019-022; 4289-019-021; 4289-019-019; 4289-019-018; 4289-019-017)

Our properties are less than 700 ft from the proposed redevelopment project at 216 and 234 Pico Ave. Yesterday, May 3rd, we received the notice of extension dated April 29, regarding the demolition of bowling alley and adding a 97, 456 sq. foot mixed use building. Please note as we have pointed out before the proposed property does not satisfy the requirements of Interim Zoning Ordinance No. 2633 and the 12th Supplement to the Executive Order of the Director of Emergency Services. It is clear the residents within 750 ft. of the project continue not to be duly notified.

Secondly, we are concerned about the proposed height of the structures. 58 ft is proposed. That is higher than all the residential and multi family structures in the area. Will we be allowed to develop similarly tall structures on our properties? The Santa Monica website suggests that the proposed development is only three stories. Why is it now five stories?

Additionally, is there going to be roof access for the unit owners making the structure actually 6 stories?

Thirdly, we are concerned about the density proposed. This neighborhood is already filled with multi family rental properties. Another 200 units serves no productive purpose. It will result in over crowding of the present resources and facilities. Every weekend this neighborhood is inundated with beach goers making street parking impossible. Another 200 families will do nothing but exacerbate the already crowded conditions. Again, the Santa Monica city website suggest a much lower density of 105 additional units. Why was this changed and who approved the changes?

Fourthly, my neighbors adjacent to the proposed development rely on access to alley ingress and egress for access to their homes and garages. What provisions are made to ensure ingress and egress will not be interrupted during the construction process and thereafter.

Fifth, what is the nature and use of the proposed commercial units? Again, depend

Anne E. Pearson
227 Bay Street
Santa Monica, CA. 90405
310-365-4241

Coastal Commission
Exhibit 1
Page 1 of 6

Re: 216-248 Pico Boulevard, Santa Monica, CA - Objection to Coastal Development Permit

Anne Pearson <anne.pearson249@gmail.com>

Tue 5/10/2022 7:13 PM

To: Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>; Alvarado, Marlene@Coastal <Marlene.Alvarado@coastal.ca.gov>

Cc: Rick Sikes <ricksikes1234@gmail.com>; DAVID PISARRA <david@pisarra.com>; Luke Sader <lukesader@gmail.com>; Chez Luna <marianne@well.com>; martine coupal-sikes <martinecoupal@gmail.com>; Susanne Tarleton <drstarleton@gmail.com>; Ann Behringer <annbehringer@gmail.com>; Arlene Rosenblatt <arlenesid@gmail.com>

Ms. Alvarado,

Thank you for getting back to me regarding the property (APNs: 4. 289-019-023; 4289-019-022; 4289-019-021; 4289-019-019; 4289-019-018; 4289-019-017) 216 - 234 Pico. The original property was approved at three (3) stories. The builders will be building 5 stories which is a significant modification to the original approval and the property should be delayed until it goes through the appropriate channels if not shut down completely.

Thank you

Anne E. Pearson
227 Bay Street
Santa Monica, CA. 90405
310-365-4241

On Wed, May 4, 2022 at 1:45 PM Anne Pearson <anne.pearson249@gmail.com> wrote:

As a Neighbor to the proposed property (APNs: 4. 289-019-023; 4289-019-022; 4289-019-021; 4289-019-019; 4289-019-018; 4289-019-017)

Our properties are less than 700 ft from the proposed redevelopment project at 216 and 234 Pico Ave. Yesterday, May 3rd, we received the notice of extension dated April 29, regarding the demolition of bowling alley and adding a 97, 456 sq. foot mixed use building.

Please note as we have pointed out before the proposed property does not satisfy the requirements of Interim Zoning Ordinance No. 2633 and the 12th Supplement to the Executive Order of the Director of Emergency Services. It is clear the residents within 750 ft. of the project continue not to be duly notified.

Secondly, we are concerned about the proposed height of the structures. 58 ft is proposed. That is higher than all the residential and multi family structures in the area. Will we be allowed to develop similarly tall structures on our properties? The Santa Monica website suggests that the proposed development is only three stories. Why is it now five stories?

Additionally, is there going to be roof access for the unit owners making the structure actually 6 stories?

Thirdly, we are concerned about the density proposed. This neighborhood is already filled with multi family rental properties. Another 200 units serves no productive purpose. It will result in over crowding of the present resources and facilities. Every weekend this neighborhood is inundated with beach goers making street parking impossible. Another 200 families will do nothing but exacerbate the already crowded conditions. Again, the

Coastal Commission
Exhibit 1
Page 2 of 6

Santa Monica city website suggest a much lower density of 105 additional units. Why was this changed and who approved the changes?

Fourthly, my neighbors adjacent to the proposed development rely on access to alley ingress and egress for access to their homes and garages. What provisions are made to ensure ingress and egress will not be interrupted during the construction process and thereafter.

Fifth, what is the nature and use of the proposed commercial units? Again, depend

Anne E. Pearson
227 Bay Street
Santa Monica, CA. 90405
310-365-4241

216 -234 Pico Changes from 3 story rendering to 5 story mixed use

Anne Pearson <anne.pearson249@gmail.com>

Wed 5/11/2022 1:11 PM

To: Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>; Alvarado, Marlene@Coastal <Marlene.Alvarado@coastal.ca.gov>
Marlena,

I hope this is enough evidence, the original rendering of three (3) stories and the developers request to update their plans to a five (5) story facility. As you can see the plans are now significantly different. I am attaching some questions we had, when first receiving notice of the "updated" plans for the property on 216-234 Pico Boulevard Property.

Our neighborhood adjacent to the alley from the Bowling Alley were surprised to receive notice of proposed a five story apartment building being built behind our homes on Pico. The meeting was planned for community concern on Thursday, September 23rd at 7:30 pm however was cancelled to December 2021 when the neighborhood complained about not receiving notice re: Updated Plans

We did not receive notice until a neighbor a few blocks away sent notice to me,,in further research, I noted the projects both the KFA and City links refer to a much smaller project; the one proposed in the notice is almost twice as large, and towers at 58 feet/5 stories instead of the 3 in renderings in links.

Please see below the renderings supported by the city....which encompasses three (3) stories. The changes to a five (5) story building are different

This is on the City's website:

<https://www.smgov.net/Departments/PCD/Projects/234-Pico-Blvd-Mixed-Use-Project/>

Additionally I am providing updated plans provided by the developers of the five (5) stories they now intend to build, please see attached

Here are my questions so far:

- Substantially larger than 2018 proposal (city + kfa websites)
 - 5 levels vs. 3 (towering at 58 feet)
 - 200 units vs. 105
 - 384 parking vs. 231
 - How does it fit with zoning ordinance and SaMo approved development plans?
 - 3-D model to show how projects fits with neighborhood heights?
 - Parking access Main Court: traffic impact + on-street parking impact
 - (visitors) Roofdeck: intended use?
 - Ground floor "neighborhood serving" retail: what type of retail?
 - Planned construction hours (re. Civic starts at 6am)
 - Ingress and Egress of our already crowded 18 foot width alley
 - (noted with telephone poles already encroaching on space.
1. Specifically, we are concerned about the proposed height of the structures. 58 ft is proposed. That is higher than all the residential and multi family structures in the area. Will we be allowed to develop similarly tall structures on our properties? The Santa Monica website suggests that the proposed development is only three stories. Why is it now five stories?
 2. Additionally, is there going to be roof access for the unit owners making the structure actually 6 stories?
 3. We are also concerned about the density proposed. This neighborhood is already filled with multifamily rental properties. Another 200 units serves no productive purpose. It will result in over crowding of the present resources and facilities. Every weekend this neighborhood is inundated with beach goers making street parking impossible. Another 200 families will do nothing but exacerbate the already crowded conditions. Again, the Santa Monica city website suggest a much lower density of 105 additional units. Why was this changed and who approved the changes?
 4. My neighbors adjacent to the proposed development rely on access to alley ingress and egress for access to their

Coastal Commission
Exhibit 1
Page 4 of 6

homes and garages. What provisions are made to ensure ingress and egress will not be interrupted during the construction process and thereafter.

5. Fifth, what is the nature and use of the proposed commercial units? Again, depending on the use an issue with access is presented for the adjacent neighbors during delivery times, as well as, increased traffic into an already crowded neighborhood.

This is from the original building of three stories, and stayed on the website for the City of Santa Monica after the Developers notified us of five (5) stories. Please check the website link of what the developer originally planned

234 Pico Blvd Mixed-Use Project 216-234 Pico Blvd Mixed Use Project

Filed: 1/11/2018

Tier 2, mixed-use residential and commercial project consisting of 105 residential rental units and 10,803 square feet of retail/restaurant space. It is configured as two distinct building clusters, three-stories in height, framing interior courtyard spaces offering passive landscaped spaces and active recreational amenities. The project also retains the Landmark "BOWL" sign.

234 Pico Rendering August 2018

97,455 sq. ft. total (10,973 commercial)

Virtual Community Meeting for

234 Pico Avenue, Santa Monica – Administrative Approval

Project Address: 216 and 234 Pico Ave, Santa Monica, CA 90405

Meeting Date and Time: Thursday, December 9th, 2021 @ 6:00pm – 7:00pm

Virtual Meeting Access: The meeting can be accessed at <https://us02web.zoom.us/j/84915903124> or by dialing in at (US) +1 669 900 9128, Meeting ID: 849 1590 3124

You are invited to attend a virtual community meeting to review the concept design for a new mixed-use development proposed at 216-234 Pico Ave. The proposed development would replace existing commercial/office buildings.

The proposed project consists of a 5-story mixed-use building across two structures including 199 residential units (including 20 deed-restricted affordable units), ground floor neighborhood-serving retail space, and 3 levels of subterranean parking with 366 total parking spaces and 301 total bicycle parking spaces. The proposed height of the project is 58 feet.

Pursuant to Interim Zoning Ordinance No. 2633 and the 12th Supplement to the Executive Order of the Director of Emergency Services Declaring a Local Emergency, prior to submittal of an Administrative Approval application, applicant shall conduct a virtual community meeting with property owners and tenant within a 750-foot radius of the proposed project.

For more information about the project please visit <https://www.234pico.com>.

Bowling alley and adjacent property

Arlene Rosenblatt <arlenesid@gmail.com>

Tue 5/10/2022 8:12 PM

To: Alvarado, Marlene@Coastal <Marlene.Alvarado@coastal.ca.gov>

My property is on Bay Street, directly behind the property where the new construction will be. I am very concerned that the new plans are for the building to have more floors and more units than originally planned. The congestion of cars that this will cause in the neighborhood is unacceptable and dangerous. I thought the original 3 story building was putting too many cars using the alley and now you are adding more!

Also the construction will probably take about a year and during that time all of us on Bay Street who have our garages opening on to the alley will have difficulty getting out because of all the construction equipment. What provisions will be made for that?

Arlene Rosenblatt

Coastal Commission
Exhibit 2
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