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May 29, 2020

VIA E-MAIL

Santa Monica Planning Commission
1685 Main Street, Room 212
Santa Monica, CA 90401

Re: 1820 Broadway (also addressed as 1822 and 1822 1/2 Broadway)
Applicant: 1820 Broadway, LLC (Kwanza Jones)
Application Nos. 19ENT-0441 (CUP) and 19ENT-0442 (VAR)
Hearing Date: June 3, 2020
Agenda Item: 8-A
Our File No. 22499.001

Dear Commissioners:

This letter is submitted of behalf of Kwanza Jones, the owner of the property located at 1820 Broadway (hereafter, the "Project Site") regarding her proposed owner-operator, creative office project focused on fitness, wellbeing, wellness, and personal empowerment (hereafter, the "Project"). The Project will be occupied by SUPERCHARGED, Kwanza's modern, multi-faceted business that will create, edit, and produce fitness and wellbeing content onsite and then distribute that content through its online and app-based platforms.

This is a small, 50' x 100' site, and a small Tier 1, 32'/two-story (with basement), development is being pursued to fit on the site. Ms. Jones bought the property to move her fitness/empowerment tech company to Santa Monica. A Conditional Use Permit (19ENT-0441) is being sought in order to permit the creative office use, and a Variance (19ENT-0442) is being sought due to the constrained Project Site in order to provide less parking than required by Code as well as minor deviations from the parking standards. An Administrative Permit will be obtained for the additional floor area (approximately 6,520 SF net new floor area, 9,675 gross), which is allowed as of right.

Ms. Jones' applications for these entitlements were filed in November 2019 after first filing a demolition permit application (as required by the Zoning Ordinance) in November 2018 (for which no further proceedings were initiated by the Landmarks Commission), a pre-submittal application in December 2018, and Parking and Loading Operations Plan ("PLOP") in May 2019 in order to develop the most efficient parking

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layout. As discussed in Section V of this letter, the required findings for granting a variance can be made based on the special circumstances and characteristics of the property, including its substandard size and the resulting infeasibility of subterranean and mechanical parking, as well as the intention to retain more than 50% of the load bearing walls of the existing commercial building.

For the reasons explained herein, we support City Staff's recommendation to approve the Conditional Use Permit and Variance, but with a slight change to Project Specific Condition #1, which City Staff has agreed to revise to match up with the Noise Ordinance as follows:

1. The upper level outdoor patio located along the south elevation of the building shall not be occupied during the hours of **10:00** ~~8:00~~ PM to 7:00 AM. This space shall be used as ancillary common space for the building tenants and shall not be utilized as an event space.

I. BACKGROUND & EXISTING CONDITIONS

The Project Site consists of one substandard, 50' x 100' lot located on the southeast corner of Broadway and 18th Court.

The Project Site is currently improved with an approximately 2,500 SF commercial building, which will be retained, and a vacant single-family home, which will be removed. The single-family home is rent controlled, but not price controlled, has been vacant for about 5 years (since about February 2015), and was vacant when it was purchased by the current owner. A demolition permit application for the Project Site (18BLD-8521) was filed on November 13, 2018. The 75-day waiting period for that application ran on January 27, 2019; no action was taken by the Landmarks Commission, and no Landmark or Structure of Merit application was initiated.

The Project Site is located in an extremely transit rich area, approximately 2 ½ blocks (1/3 mile) from the 17th Street/Santa Monica College Expo Line station, within a 1/2 mile of ten Breeze Bikeshare hubs, close to a variety of Metro and Big Blue Bus Stops, and immediately adjacent to Broadway's dedicated east-west bicycle lanes and a Route 42 Big Blue Bus stop.

The City's Historic Context Statement also recognizes this area's importance as a historically African-American community and states that "in the 1940s and 1950s, Broadway in the Pico neighborhood served as the home of several black-owned

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businesses.” (Historic Context Statement, March 2018, p. 290.) Several important businesses and cultural institutions near the project site were established to serve the African-American community during this period, including Gilbert’s Grocery and Soda Fountain at 18th and Broadway (now demolished), the Calvary Baptist Church at 20th and Broadway, and the Crescent Bay Masonic Lodge at 1720 Broadway. (Historic Context Statement, March 2018, p. 290.)

II. PROJECT DESCRIPTION

As referenced in the Staff Report, this is a Tier 1, 32’/two-story (with basement) creative office project with ground floor retail and fitness/programming components. The project proposes a 1.24 FAR (1.25 allowed) and approximately 9,675 SF of gross floor area (6,520 SF net), including approximately 3,457 SF of basement.



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This is not a speculative office project. The project will relocate Kwanza's business, SUPERCHARGED, from Marina Del Rey to Santa Monica. Part of SUPERCHARGED's business model is to host small/micro fitness classes, wellness workshops, and personal development lectures on site. Its primary business model, however, is to film, edit, and then distribute this content to a much wider audience using its mobile app and online platforms, giving its end users live and on-demand access to SUPERCHARGED's classes/workshops/lectures as they want it.

All of the content, including the music used in the fitness classes and workshops, will be produced on site. The classes/workshops/lectures will primarily occur in the ground/floor fitness/programming space in the northwest corner of the Project along Broadway, activating the corner. Production and editing will primarily occur in the basement (which, being dark and underground, is well suited for production and editing), and other leadership, creative, and administrative functions will be located on the 2nd floor. There will be a storefront retail component open to the public located just inside the entry doors along Broadway, also activating the space.

Our client anticipates that approximately a dozen employees will be sited at the Project Site. It is and will continue to be a diversified workforce. Furthermore, because a significant portion of the business is digital, and because SUPERCHARGED, like many such tech businesses, employs many millennials, various employees will have flex schedules or work remotely depending on their responsibilities and the evolving needs of the business. Indeed, the COVID-19 has proved out the work-from-home concept, both for SUPERCHARGED and various other businesses, and our client anticipates that this trend will continue.

III. SUCCESSFUL COMMUNITY OUTREACH

The outreach for this Project has been successful and positive. Two project team members introduced the Project at Mid-City Neighbors events on January 21st, 2020 and February 18th, 2020. The project team also reached out to the Pico Neighborhood Association in February 2020. A community meeting for nearby residents was held at the Project Site on Wednesday, February 19th, 2020. Two Mid-City Neighbors board members attended the meeting and were positive and supportive of the Project. A second community meeting for nearby businesses was held on February 26. Flyers were distributed in the project vicinity in advance of the meetings. The project team also reached out to the adjacent preschools to discuss the Project. (However, although the preschools acknowledged the invitation, no other response was received.)

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**IV.
THE PROJECT SITE IS APPROPRIATE
FOR A CREATIVE OFFICE USE**

This project supports fitness, wellness, and wellbeing—objectives that are encouraged by the City through its Wellbeing Project, Wellbeing Index, and various City policies. To this point, the City recently identified “health” as a critical outcome that City activity should be organized around and directed towards achieving. (City of Santa Monica, Framework for a Sustainable City of Wellbeing, FY 2019-2021, p. 4.)

The LUCE also supports a creative office use at the Project Site and recognizes Broadway between 20th Street and Lincoln Boulevard as “a low-scale mixed-use environment continuing the pattern of the City’s creative office use.” (LUCE p. 2.4-19.) To this point, the LUCE makes it a policy to “[e]ncourage a mix of residential, small scale retail and creative arts uses between 20th Street and Lincoln Boulevard” (LUCE, Policy B7.3) and notes that “Broadway has the potential to become an interesting and vibrant boulevard that takes advantage of its mixed-use designation to provide spaces for artists, small offices, and a variety of housing types.” (LUCE, p. 2.4-23.)

In addition, the project will help activate the street by showcasing the micro fitness classes/workshops/lectures taking place in the ground floor fitness/programming space via large storefront windows along the Broadway façade. To this same point, an outdoor patio is proposed for the second floor along Broadway, which will serve both as a nice design amenity for the workforce and as visual interest for passersby. This small business creative office project and its diverse workforce are a great fit that should be a welcome addition for this stretch of Broadway.

**V.
A VARIANCE TO DEVIATE FROM THE PARKING
STANDARDS IS NECESSARY DUE TO THE
CONSTRAINTS OF THE PROJECT SITE**

Santa Monica has consistently supported reduced parking requirements and getting people out of their cars. This project promotes those positions.

Here, a parking variance is being sought to provide less parking than is required by Code. In addition, in order to promote the efficient use of parking on this small site and to provide as many parking spaces as possible, variances are also being sought to permit a higher-than-code-allowed compact parking ratio, as well as a non-dedicated loading space.

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A. Parking Requirements & Site Constraints

As described in the Staff Report, the strict application of the parking standards would require 14 parking spaces. Due to the project's site constraints, however, only 7 at-grade tandem parking spaces can be provided.

Providing parking at this site is uniquely challenging. To this point, the LUCE recognizes that "the 50-foot depth of parcels fronting on Broadway severely limits the development of sufficient parking to support the redevelopment of parcels." (LUCE, p. 2.4-24.) Further, parking studies by the project architect confirm that subterranean parking and mechanical parking are infeasible. Specifically:

- **Subterranean parking is infeasible because:**
 - An expensive and inefficient subterranean garage results in only 4 parking spaces (i.e., less than the number of spaces achieved by the project as proposed).
 - The applicant would lose the entire basement program area, which is useful editing space.
 - There would not be enough room for an ADA parking space or onsite loading area.
 - Subterranean parking would interfere with the trash receptacles/pickup.

- **Mechanical parking is also infeasible because:**
 - An expensive and inefficient mechanical parking system would only result in 9 spaces (as opposed to the 7 spaces proposed).
 - The applicant would lose the entire basement program area, which is useful editing space.
 - Mechanical parking would conflict with bike parking and walkway clearance.
 - Mechanical parking would conflict with the trash receptacles/pickup.
 - Mechanical parking would conflict with ADA parking.
 - At the presubmittal meeting held on January 10, 2019, the Fire Department also expressed reservations about the safety and walkway clearances needed for mechanical parking.

Accordingly, 14 spaces cannot be provided, and strict application of the parking standards would prevent the benefits of the proposed Project. Instead, seven tandem parking spaces (including one ADA space) are proposed, to be accessed from 18th Court alley and to be monitored by a parking attendant. A non-dedicated loading space will also be provided, to be used outside of peak hours. Approximately 18 bicycle

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parking spaces will also be provided, well in excess of the minimum bicycle parking required. No curb cuts on Broadway are proposed.

In developing this parking plan, the project team worked closely with the Mobility Division to maximize the number of at-grade parking spaces. A Parking, Loading, and Operations Plan (“PLOP”) was submitted, revised, and resubmitted to Mobility to confirm the acceptability of the parking layout given the site constraints. Senior Transportation Planner Peter Dzewaltowski reviewed the plans and confirmed satisfaction as to the City’s size, safety and configuration standards and determined that the proposed parking layout is acceptable provided that the above-mentioned variances are obtained.

B. The Findings for a Parking Variance Can Be Made

The findings for a parking variance set forth in Municipal Code Section 9.42.040 can be made, and we support the draft variance findings set forth in Staff’s draft Statement of Official Action.

Importantly, this Project Site is unique in that the property is a small, substandard lot, approximately 50’ x 100’ in size, and in that there are existing improvements to be retained that occupy approximately half of the site area. This severely limits the site area in which parking and loading can be provided. A standard lot with similar improvements, by contrast, would have about twice as much site area to provide for parking, and a standard lot with no or smaller improvements would have even more space. Here, given the substandard lot size and the need to provide parking behind the existing improvements, as well as the need to provide for the code-required trash and recycling enclosures, ADA path of travel, bicycle parking, transformer(s), and other requirements, there is simply not enough space for the ramp or equipment necessary to make subterranean parking, mechanical parking, or a parking garage feasible. Strictly applying the City’s parking standards, then, would work an unnecessary hardship and result in an unreasonable deprivation of the use or enjoyment of the property as additional parking is not possible, and requiring it would effectively preclude the project.

At the same time, however, the Project mitigates any potential parking impacts through its site location and project features. Notably, the Project Site is located in an extremely transit rich area near a Metro Expo Line station and next to the Broadway bike lanes and a Big Blue Bus stop, and all nearby residentially zoned parcels are protected by Preferential Parking Zones (PPZs). In addition, the owner has worked earnestly and in good faith with the Mobility Division to develop a Parking and Loading Operations Plan (PLOP) to provide the maximum of amount of parking possible in a configuration acceptable to the City. The owner has proposed above-code required

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bicycle parking. And the owner has proposed a Transportation Demand Management plan that achieves above-code required measures to mitigate parking, loading, and circulation impacts. Accordingly, any potential parking impacts will be mitigated, granting the variance will not be injurious or detrimental to the surrounding neighborhood, and granting the variance is appropriate.

C. City Policy Supports a Parking Variance and a Parking Variance Is Appropriate at the Project Site

The LUCE recognizes that providing parking on this section of Broadway is challenging due to site constraints. (See LUCE, p. 2.4-24.) The LUCE also describes and envisions Broadway as a key transit corridor, especially for bicycling, noting that “Broadway features enhanced pedestrian and transit facilities and improved bicycle pathways [that] enhance Broadway’s role as the bicycle gateway to Downtown.” (LUCE, p. 2.4-19.) And, as to this particular portion of Broadway, the LUCE states, “Bicycle routes are enhanced to enforce Broadway’s role as a primary east-west bicycle thoroughfare.” (LUCE, p. 2.4-24.) The City’s Bike Action Plan likewise describes Broadway as “the primary east-west bicycling corridor in the central part of the city. This bikeway provides access to offices in the eastern part of the City and to Downtown destinations, as well as West Los Angeles.” (BAP, p. A-7.) The Project enhances this vision for Broadway in that it promotes bicycling by providing higher-than-code required bike parking and in that it will promote alternative transit modes through an aggressive TDM plan.

The Project also supports City policies, ordinances, and planning documents that encourage reducing minimum parking requirements and getting people out of their cars. The City’s Downtown Community Plan, for example, has zero minimum parking requirements. (See SMMC § 9.28.040(A)(6).) The City’s Bike Action Plan, likewise, “encourage[s] more people in Santa Monica to ride bikes for fun and as an alternative to driving.” (BAP, p. ES-3.) The City’s Climate Action Plan makes it an objective to “convert 50% of local trips to foot, bike, scooter, and skateboard” transit modes and “25% of commuter trips to transit.” (CAAP, pp. 16, 29.) The City’s Pedestrian Action Plan encourages residents and commuters to get out of their cars and recognizes that “walking is part of the sustainable Santa Monica lifestyle and enhances wellbeing.” (PAP, p. 20.) And the City’s TDM Ordinance states a purpose (among other things) to “reduc[e] automobile dependence” and “increasing reliance on public transit, ridesharing, walking, carsharing, cycling, and focusing development in areas close to transit and employment.” (SMMC § 9.53.010.) Here, the project will further those policies in that it will aggressively encourage pedestrian, bicycle, and public transit commute modes through an aggressive TDM plan and higher than code required

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bicycle parking and in that, given the Project's location in an extremely transit rich area, it is uniquely situated to do so.

D. An Aggressive TDM Plan Will Reduce Parking Demand for the Project

In order to help reduce parking demand for the Project, the applicant has proposed an aggressive TDM plan that is more ambitious and far more detailed than the preliminary TDM plan generally required for project applications.

This includes, among other things, a 75% transportation allowance, a Guaranteed Ride Home program, EV charging station(s), above-code-required bicycle parking, employee showers and lockers, and a detailed implementation plan. This TDM plan is also designed to take advantage of the project's location in a transit rich area and to further encourage the project's already car-divorced millennial workforce to use alternative transit modes. These measures will help reduce parking demand and ensure that the proposed parking is sufficient to meet project needs.

**VI.
REFINE ONE OF THE SPECIAL PROJECTS CONDITION**

On page 7, the Staff Report references the "outdoor, uncovered patio space on the second floor level . . . specific to the patio along the rear (south) elevation" and indicates concern to protect against "negative noise impacts to residential development if left unregulated." To address this concern, Staff recommends a condition that prohibits use of that patio as an event space. In addition, the condition regulating afterhours use of that particular patio.

The hours of use specified in Project Specific Condition #1 do not match up with the Noise Ordinance regulations as to exterior noise standards. Specifically, Noise Ordinance Section 4.12.060 provides as follows for residential zones:

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Noise Zone	Time Interval	Allowable Leq	
		15-minute continuous measurement period	5-minute continuous measurement period
I	Monday—Friday		
	10 p.m. to 7 a.m.:	50 dBA	55 dBA
	7 a.m. to 10 p.m.:	60 dBA	65 dBA
	Saturday and Sunday		
	10 p.m. to 8 a.m.:	50 dBA	55 dBA
	8 a.m. to 10 p.m.:	60 dBA	65 dBA

Per our recent discussions with City Staff, Staff has agreed to revise Project Special Condition 1 in order to match up with the corresponding time specified in the Noise Ordinance, as follows:

1. The upper level outdoor patio located along the south elevation of the building shall not be occupied during the hours of **10:00** ~~8:00~~ PM to 7:00 AM. This space shall be used as ancillary common space for the building tenants and shall not be utilized as an event space.

**VII.
 CONCLUSION**

For the foregoing reasons, we support Staff’s recommendation to approve the Conditional Use Permit and Variance and to adopt the proposed Statement of Official Action (with Project Special Condition #1 revised in order to reference 10 pm rather than 8 pm for outdoor use of the rear patio, as now supported by City Staff). This slight time change does not affect the additional limitation against use of that rear patio as event space.

Sincerely,



Jackson D. McNeill

cc: David Martin
 Jing Yeo

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