



City of
Santa MonicaSM

City of Santa Monica
City Planning Division

PLANNING COMMISSION STATEMENT OF OFFICIAL ACTION

PROJECT INFORMATION

CASE NUMBER: 19ENT-0441 and 19ENT-0442

LOCATION: 1820 Broadway

APPLICANT: Kwanza Jones

PROPERTY OWNER: 1820 Broadway LLC

CASE PLANNER: Scott Albright, Senior Planner

REQUEST: Conditional Use Permit to allow the operation of a creative office use within an existing building whose floor area would be expanded by more than 50 percent, and a Variance to reduce the number of required parking spaces, increase the number of allowable compact spaces, and provide a non-dedicated loading space in conjunction with a new creative business that is focused on fitness, wellness, and personal development known as Supercharged. The creative office use would be located on a 5,000 square foot parcel in the Mixed-Use Boulevard Low zoning district and operated within an existing one-story building that would be remodeled and expanded to a height of two stories and contain 9,675 square feet of floor area, which includes a 3,457 square foot basement.

CEQA STATUS: The proposed creative office use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15303 (Class 3), New Construction or Conversion of Small Structures.

PLANNING COMMISSION ACTION

June 17, 2020 Determination Date
 Approved based on the following findings and subject to the conditions below.
 Denied.
 Other:

EFFECTIVE DATES OF ACTIONS IF NOT APPEALED:	July 2, 2020
EXPIRATION DATE OF ANY PERMITS GRANTED: (2 years pursuant to SMMC + 2 years pursuant to executive order extension)	July 2, 2024
LENGTH OF ANY POSSIBLE EXTENSION OF EXPIRATION DATES*:	6 months

* Any request for an extension of the expiration date must be received in the City Planning Division prior to expiration of this permit.

Each and all of the findings and determinations are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. All summaries of information contained herein or in the findings are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

FINDINGS:

CONDITIONAL USE PERMIT FINDINGS

1. The proposed creative office use is conditionally allowed within the Mixed-Use Boulevard Low (MUBL) Zoning District and complies with all of the applicable provisions of the "City of Santa Monica Comprehensive Zoning Ordinance" and all other titles of the Municipal Code. Creative office uses within a building whose floor area would be expanded by more than 50 percent are specifically identified in SMMC Section 9.11.020 as permitted subject to the issuance of a Conditional Use Permit by the Planning Commission.
2. The proposed use is consistent with the Goals and Policies specified for the Mixed-Use Boulevard Low land use district and the specific goals, policies, and objective of the Broadway corridor established in the General Plan (LUCE). The LUCE establishes an overall vision for area designated as Mixed-Use Boulevard Low (Chapter 2.1, page 2.1-34) whereas development should maximize human-scale elements and at the ground floor encourage uses including active, local-serving and service-oriented commercial uses with the exception of Broadway where small creative commercial uses are also permitted. Chapter 2.4 of the LUCE specifically

addresses the character of Broadway envisioning this particular section of Broadway as a “one to three story mixed use corridor that continues and maintains a creative office use pattern” (page. 2.4-19) and “features residential, retail, small-scale industrial and locally-oriented incubator spaces” (page 2.4-24.) The LUCE also describes Broadway as “a transit and major east-west bicycle route” and a “primary east-west bicycle thoroughfare” (pages 2.4-19, 24.).

3. The subject parcel is physically suitable for the type of land use being proposed, in that the approximate 5,000 square foot parcel is adequate in size to accommodate a creative office use within an expanded building facility and its ancillary uses in a manner that will be fully compliant with any relevant zoning requirements with the exception of parking to which Variances are being sought. The LUCE recognizes the challenge of providing parking for redeveloping sites in this specific segment of Broadway where it is noted that providing parking at this site is challenging. To this point, the LUCE notes: “The 50-foot depth of parcels fronting on Broadway severely limits the development of sufficient parking to support the redevelopment of parcels.”
4. The proposed use is compatible with any of the land uses presently on the subject parcel if the present land uses are to remain, in that the proposed creative office use will be operated in a rehabilitated building that will be expanded in size. Currently the owner has a business license allowing for physical training and fitness which are ancillary components to the proposed Supercharged creative office use and business model.
5. The proposed use is compatible with existing and permissible land uses within the district and the general area in which the proposed use is to be located, in that the subject property is zoned Mixed-Use Boulevard Low which allows creative office uses within existing buildings outright and conditionally allows for creative office uses within buildings that will be expanded in floor area by more than 50 percent. The proposed Supercharged offices would comply with the definition of a creative office use as defined in SMMC 9.51.030(B)(19)(b). The proposed creative office use will also be compatible with the surrounding land uses which include a two-story retail/commercial building to the east, a one-story auto body/repair shop to the north (across Broadway), an early education facility/preschool to the west (across 18th Court), and an early education facility/preschool to the south. In order to address and respond to any issues or complaints that may arise within the neighborhood, the applicant is volunteering, as a condition of approval, to designate an on-site contact person to serve as a neighborhood liaison to address any concerns related to the project’s operation. In addition, a condition of approval related to potential noise related issues is included to minimize potential impacts to nearby residential development resulting from use of the uncovered outdoor patio space along the south elevation of the building.
6. The physical location or placement of the use on the site is compatible with and relates harmoniously to the surrounding neighborhood, in that the proposed

Supercharge creative office use will be compatible with the surrounding land uses, which include a two-story retail/commercial building to the east, a one-story auto body/repair shop to the north (across Broadway), an early education facility/preschool to the west (across 18th Court), and an early education facility/preschool to the south. In order to address and respond to any issues or complaints that may arise within the neighborhood, the applicant is volunteering, as a condition of approval, to designate an on-site contact person to serve as a neighborhood liaison to address any concerns related to the project's operation.

7. Based on environmental review, the proposed project has no potentially significant environmental impacts or any potentially significant environmental impacts have been reduced to a less than significant because of mitigation measures incorporated in the project or a Statement of Overriding Considerations has been adopted. The requested Conditional Use Permit to allow to the operation of a creative office use within a building whose floor area would be expanded by more than 50 percent is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline Section 15303 (Class 3), New Construction or Conversion of Small Structures.
8. The proposed creative office use would not be detrimental to the public interest, health, safety, convenience, or general welfare in that its operation would be compatible within the context of its commercial surroundings and would be subject to voluntary operational standards and conditions of approval to provide the necessary safeguards against any environmental or neighborhood impacts.

VARIANCE FINDINGS

1. There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, mature trees, location, surroundings, identification as a Historic Resource, or to the intended use or development of the property that do not apply to other properties in the vicinity under an identical zoning classification.

Variance for Reduction in Number of Parking Spaces

The subject property is a substandard-sized lot for the MUBL district in terms of its size (5,000 square feet whereas 7,500 square feet is the minimum) and in its dimension (100 feet of length whereas 150 feet is the minimum). A standard lot has more site area available to address the provision of parking on-site. Staff has analyzed parcels along the Broadway corridor that have a similar MUBL zoning classification in order to establish the extent of non-compliant parcel attributes. Within a local context (between 17th Court and 19th Court, one full block in each direction from the subject property), there are 26 parcels within this corridor in total. Of the 26, three parcels or 11.5 percent of the properties (including the subject property) are undersized in lot attributes of size and/or dimension. Within a larger context of the Broadway corridor specifically identified and addressed within the LUCE (between 20th Street and Lincoln Boulevard), 22 percent of the 106 parcels are undersized in either dimension and/or total site area. These facts confirm the

special circumstances and exceptional characteristics that are unique to the subject property and hinder the ability to provide the required amount of parking on-site. Because the project includes the sustainable practice of retaining and reusing the existing building, the site is even further hampered with the provision of on-site improvements. The additional site area afforded with a standard sized and dimensioned parcel allows more alternatives to be feasible including a subterranean garage or an automated parking system. Thus, unlike other properties under an identical zoning classification, providing the required 14 parking spaces, is effectively precluded by the special circumstances of the property. The adopted LUCE in its discussion on the current conditions, trends, and issues affecting the Broadway corridor (Chapter 2.4, page 2.4-24) acknowledges the potential on-site parking constraint resulting from the substandard lot dimensions currently found in the stretch of Broadway between 20th Street and Lincoln Boulevard.

Variance for Non-Dedicated Loading Space

The subject property is a substandard-sized lot for the MUBL district in terms of its size (5,000 square feet whereas 7,500 square feet is the minimum) and in its dimension (100 feet of length whereas 150 feet is the minimum). A standard lot has more site area available to address the provision of required site improvements including a dedicated loading space. Staff has analyzed parcels along the Broadway corridor that have a similar MUBL zoning classification in order to establish the extent of non-compliant parcel attributes. Within a local context (between 17th Court and 19th Court, one full block in each direction from the subject property), there are 26 parcels within this corridor in total. Of the 26, three parcels or 11.5 percent of the properties (including the subject property) are undersized in lot attributes of size and/or dimension. Within a larger context of the Broadway corridor specifically identified and addressed within the LUCE (between 20th Street and Lincoln Boulevard), 22 percent of the 106 parcels are undersized in either dimension and/or total site area. These facts confirm the special circumstances and exceptional characteristics that are unique to the subject property and hinder the ability to provide the dedicated loading space on-site. Because the project includes the sustainable practice of retaining and reusing the existing building, the site is even further hampered with the provision of on-site improvements. The additional site area afforded with a standard sized and dimensioned parcel allows more flexibility for the design of the entire site including the necessary site improvements associated with development including a dedicated loading space. Thus, unlike other properties under an identical zoning classification, providing the dedicated loading space is effectively precluded by the special circumstances of the property.

Variance for Higher Percentage of Compact Parking

The subject property is a substandard-sized lot for the MUBL district in terms of its size (5,000 square feet whereas 7,500 square feet is the minimum) and in its dimension (100 feet of length whereas 150 feet is the minimum). A standard lot has more site area available to address the provision of parking and other required

site improvements. Because the project includes the sustainable practice of retaining and reusing the existing building, the site is even further hampered with the provision of on-site improvements. The additional site area afforded with a standard sized and dimensioned parcel allows more alternatives to be feasible including a subterranean garage or an automated parking system and would allow for an additional standard-sized parking space, which would allow for a conforming amount of compact parking. Thus, unlike other properties under an identical zoning classification, providing the maximum of forty percent compact parking spaces is effectively precluded by the special circumstances of the property. The adopted LUCE in its discussion on the current conditions, trends, and issues affecting the Broadway corridor (Chapter 2.4, page 2.4-24) acknowledges the potential on-site parking constraint resulting from the substandard lot dimensions currently found in the stretch of Broadway between 20th Street and Lincoln Boulevard.

2. The granting of such variance will not be detrimental nor injurious to the property or improvements in the general vicinity and District in which the property is located.

Variance for Reduction in Number of Parking Spaces

It is anticipated that there will be adequate onsite parking to accommodate the proposed creative office use during peak periods. Additionally, the project site is located in a City that provides diverse transportation options including a location within walking distance to the Metro “E” (Expo) light rail line, Big Blue Bus bus lines along Broadway, dedicated bicycle lanes immediately adjacent to the subject property along Broadway, and Breeze Bikeshare in close proximity. It is anticipated that a number of employees and visitors will utilize these and other alternative modes of transport which will ultimately reduce parking demand. Project specific conditions of approval will require a minimum of 18 bicycle parking spaces to be provided and maintained for use at the project, supporting alternative transit to the property, and enhanced TDM measures would also be included as a condition of approval to encourage employees to use alternative transit modes and to provide employees with incentives to rideshare or use alternative commute modes. Finally, a condition of approval is also included formally requiring the applicant to provide an on-site attendant or designate an employee to maximize efficiency of the on-site parking during hours that the project is open to the public in order to facilitate parking and loading. The alternative transportation modes within the vicinity will provide options to driving and reduce demand for on-site parking, and the use of an on-site attendant to monitor demand and facilitate parking will allow the creative office use to function without being detrimental nor injurious to properties within the general vicinity.

Variance for Non-Dedicated Loading Space

The granting of a variance for a non-dedicated loading space will not be detrimental or injurious to the property or improvements in the general vicinity and District in which the property is located in that the proposed flex loading space is adequate. Loading will be encouraged to occur outside of the peak periods and, given the proposed creative office use and small scale of the proposed project, is expected to be minimal. In addition, Mobility Division staff has reviewed and

approved in concept the applicant's Parking Loading Operations Plan (PLOP) and agrees that the proposed parking and loading configuration is acceptable given the project's site constraints. As a result, the proposed parking variance for a non-dedicated loading space would not create any parking or circulation impacts to the property or improvements in the surrounding area.

Variance for Higher Percentage of Compact Parking

The granting of the variance to provide a higher percentage of compact parking spaces will not be detrimental or injurious to the property or improvements in the general vicinity and District in which the property is located in that the higher number of compact spaces allows the project to provide additional parking spaces than it would be able to provide otherwise on this constrained parcel, thereby increasing the project's ability to accommodate parking demand and reducing the likelihood there will be negative parking impacts on the surrounding area.

3. The strict application of the provisions of this Ordinance would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships.

Variance for Reduction in Number of Parking Spaces

Providing the prescribed minimum number of parking spaces, is precluded by the special circumstances related to the property given the physical constraints of this legal nonconforming, undersized lot. A standard lot with similar existing improvements has approximately fifty percent more site area to address these requirements, and a standard lot with smaller or no existing improvements has even more space. This additional site area allows standard lots and lots with smaller or no existing improvements to provide more parking on-site, and allow other alternatives such as subterranean garages or mechanized parking systems to be considered. A reduction in the project scope to only adhere to the maximum number of parking spaces that can be accommodated on-site (seven spaces) would eliminate approximately 3,100 square feet from the project.

Variance for Non-Dedicated Loading Space

Providing a dedicated loading space on-site is precluded by the special circumstances related to the property given the physical constraints of this legal nonconforming, undersized lot. A standard lot with similar existing improvements has approximately fifty percent more site area to address loading requirements, and a standard lot with smaller or no existing improvements has even more space. This additional site area provided on a standard sized parcel would allow a dedicated loading space to be provided. In addition, the strict application of the Ordinance would result in the practical difficulty and unnecessary hardship of further reducing the area available to provide the code-prescribed parking spaces simply to accommodate loading that may be unnecessary 24 hours a day.

Variance for Higher Percentage of Compact Parking

The 40 percent standard-to-compact parking ratio is precluded by the special circumstances related to the property given the physical constraints of this legal

nonconforming, undersized lot. A standard lot with similar existing improvements has approximately fifty percent more site area to address these requirements, and a standard lot with smaller or no existing improvements has even more space. This additional site area allows standard lots and lots with smaller or no existing improvements to provide more parking spaces of standard size and dimension. In addition, the strict application of the Ordinance would result in the practical difficulty and unnecessary hardship of further reducing the amount of parking that could be provided on-site. The higher number of compact spaces allows the project to provide additional parking spaces than it would be able to provide otherwise on this constrained parcel.

4. The granting of a variance will not be contrary to or in conflict with the general purposes and intent of this Ordinance, nor to the goals, objectives, and policies of the General Plan and any applicable Specific Plan.

Variance for Reduction in Number of Parking Spaces

Granting the variance to reduce the number of required parking spaces to be provided on-site would further LUCE Policy E1.1 to “make land use decisions that respond to changing market conditions and meet the needs of City residents,” in that the variance would allow for a contemporary, creative office use that responds to the changing economy, that would provide local jobs, and that would otherwise be precluded without the variances requested. Moreover, granting the variance furthers the LUCE’s goal to “facilitate the growth of creative-related business uses in the City” (LUCE Goal E3) and the LUCE’s policy for Broadway to “encourage a mix of residential, small scale retail, and creative arts uses between 20th Street and Lincoln Boulevard” (LUCE Policy B7.3). In addition, the project furthers LUCE Policy B8.1 to “design new development along Broadway to complement the street’s function as a cycling route through the City” and furthers the TDM Ordinance’s (SMMC Ch. 9.28) purpose to support the LUCE’s objective of creating a more sustainable community by making more efficient modes of transportation—walking, biking, transit, and carpooling more attractive. Finally, consistent with SMMC Section 9.28.090(B), Staff has reviewed and approved in concept the applicant’s Parking Loading Operations Plan (PLOP) and agrees that the proposed parking is acceptable given the project’s site constraints.

Variance for Non-Dedicated Loading Space

Specifically, granting the variance to allow a non-dedicated loading space would further LUCE Policy E1.1 to “make land use decisions that respond to changing market conditions and meet the needs of City residents,” in that the variance would allow for a contemporary, creative office use that responds to the changing economy, that would provide local jobs, and that would otherwise be precluded without the variances requested. Moreover, granting the variance furthers the LUCE’s goal to “facilitate the growth of creative-related business uses in the City” (LUCE Goal E3) and the LUCE’s policy for Broadway to “encourage a mix of residential, small scale retail, and creative arts uses between 20th Street and Lincoln Boulevard” (LUCE Policy B7.3). Finally, consistent with SMMC Section 9.28.090(B), Staff has reviewed and approved in concept the applicant’s Parking

Loading Operations Plan (PLOP) and agrees that the proposed loading configuration is acceptable given the project's site constraints.

Variance for Higher Percentage of Compact Parking

Granting the variance to increase the maximum allowable amount of compact parking spaces from 40 percent to 47 percent would only affect one parking space, resulting in an increase in the amount of parking that could be provided on-site. The granting of this variance furthers LUCE Policy E1.1 to "make land use decisions that respond to changing market conditions and meet the needs of City residents," in that the variance would allow for a contemporary, creative office use that responds to the changing economy, that would provide local jobs, and that would otherwise be precluded without the variances requested. Moreover, granting the variance furthers the LUCE's goal to "facilitate the growth of creative-related business uses in the City" (LUCE Goal E3) and the LUCE's policy for Broadway to "encourage a mix of residential, small scale retail, and creative arts uses between 20th Street and Lincoln Boulevard" (LUCE Policy B7.3). Staff has reviewed and approved in concept the applicant's Parking Loading Operations Plan (PLOP) and agrees that the proposed parking design and configuration is acceptable given the project's site constraints.

5. The variance would not impair the integrity and character of the District in which it is to be located.

Variance for Reduction in Number of Parking Spaces

Granting the variance to reduce the required amount of on-site parking would not impair the integrity and character of the district but will enhance its overall character as a pedestrian-oriented district as envisioned by the LUCE. The reduced parking requirement would foster the property's use as creative office, which is supported by the LUCE's goal to "facilitate the growth of creative-related business uses in the City" (LUCE Goal E3) and the LUCE's policy for Broadway to "encourage a mix of residential, small scale retail, and creative arts uses between 20th Street and Lincoln Boulevard." (LUCE Policy B7.3.) In addition, the project site is located in an area of the City that has many alternative modes of transportation available. It is within walking distance to the Metro "E" (Expo) Line, in close proximity to several Big Blue Bus lines, near several bicycle lanes and Breeze Bikeshare hubs, and directly adjacent to the Broadway bike lanes and a Big Blue Bus stop. Thus, it is anticipated that employees and visitors will utilize public transit resulting in an anticipated lower on-site parking demand and reducing parking impacts to the surrounding area. These transportation options will encourage alternative means of access to the site and lessen demand for automobile use and parking, and encouraging the retention of the area's pedestrian oriented character. Project specific conditions will also protect the project the integrity and character of the District including the provision of additional on-site bicycle parking, enhanced TDM measures, and the provision of an onsite parking attendant to control and monitor on-site parking. As volunteered by the applicant an internal company employee will be designated as the neighborhood liaison to receive and address complaints from neighbors.

Variance for Non-Dedicated Loading Space

The granting of the variance to allow a non-dedicated loading space would not impair the integrity and character of the District in that it would allow the project to provide additional and more efficient onsite parking in order to accommodate the project parking demand during business hours and would allow loading to occupy a portion of the parking area during less busy times, or times when the creative offices are not in use. Given the business model and creative content to which the Supercharged office use adheres, demand for loading should be minimal, which would reduce or eliminate impacts that might otherwise be detrimental to the surrounding neighborhood. Finally, granting the variance would not impair the integrity and character of the district in that it would foster the property's use as creative office, which is supported by the LUCE's goal to "facilitate the growth of creative-related business uses in the City" (LUCE Goal E3) and the LUCE's policy for Broadway to "encourage a mix of residential, small scale retail, and creative arts uses between 20th Street and Lincoln Boulevard." (LUCE Policy B7.3.) Accordingly, granting the variance would support the integrity and character of the district as envisioned by the LUCE.

Variance for Higher Percentage of Compact Parking

The granting of the variance to allow more than forty percent compact parking would not impair the integrity and character of the District in that it would allow the project to provide additional onsite parking in order to accommodate the project parking demand which would reduce or eliminate potential parking impacts that might otherwise be detrimental to the surrounding neighborhood. A net increase of one additional compact space results. Finally, granting the variance would not impair the integrity and character of the district in that it would foster the property's use as creative office, which is supported by the LUCE's goal to "facilitate the growth of creative-related business uses in the City" (LUCE Goal E3) and the LUCE's policy for Broadway to "encourage a mix of residential, small scale retail, and creative arts uses between 20th Street and Lincoln Boulevard." (LUCE Policy B7.3.) Accordingly, granting the variance would support the integrity and character of the district as envisioned by the LUCE.

6. The subject site is physically suitable for the proposed variance

Variance for Reduction in Number of Parking Spaces

The physical characteristics of the property, including its small, substandard lot size and dimensions, and the existing improvements to be retained and incorporated into the project preclude the number of parking spaces otherwise prescribed by code. Further, the subject site's configuration with its 100 feet of frontage along 18th Court alley, where the typical MUBL parcel in the vicinity would only have 50 feet of frontage along a service alley, makes it physically suitable for the proposed variance by increasing design flexibility to maximize the number of

spaces that can be provided on-site afforded by the tandem arrangement and the lack of an access driveway.

Variance for Non-Dedicated Loading Space

The physical characteristics of the property, including its small, substandard lot size and dimensions, and the existing improvements to be retained and incorporated into the project preclude a dedicated loading space otherwise prescribed by code. Further, the subject site's configuration with its 100 feet of frontage along 18th Court alley, where the typical MUBL parcel in the vicinity would only have 50 feet of frontage along a service alley, provides greater opportunity for loading from the service alley without impacting or hindering other site improvements.

Variance for Higher Percentage of Compact Parking

The physical characteristics of the property, including its small, substandard lot size and dimensions, and the existing improvements to be retained and incorporated into the project preclude the standard-to-compact parking ratio, prescribed by code. Further, the subject site's configuration with its 100 feet of frontage along 18th Court alley, where the typical MUBL parcel in the vicinity would only have 50 feet of frontage along a service alley, along with the higher ratio of compact spaces enables design flexibility that maximizes the number of on-site parking spaces available.

7. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed variance would not be detrimental to public health and safety.

Variance for Reduction in Number of Parking Spaces

The subject property is located within a developed urbanized environment that is adequately served by existing infrastructure, public utilities, and services. The approval of the variance to reduce the amount of required on-site parking will not create a need for additional utilities or services.

Variance for Non-Dedicated Loading Space

The subject property is located within a developed urbanized environment that is adequately served by existing infrastructure, public utilities, and services. The approval of the variance to allow a non-dedicated loading space on-site will not create a need for additional utilities or services.

Variance for Higher Percentage of Compact Parking

The subject property is located within a developed urbanized environment that is adequately served by existing infrastructure, public utilities, and services. The approval of the variance to allow a higher percentage of compact parking will not create a need for additional utilities or services.

8. There will be adequate provisions for public access to serve the subject variance proposal.

Variance for Reduction in Number of Parking Spaces

The site has direct access to the public sidewalk along Broadway. Automobile access to the proposed on-site parking is provided from 18th Court, a dedicated service alley. Furthermore, the project site is well served by public transit and bicycle infrastructure that increase public access to the site. The site is also within walking distance to the Metro "E" (Expo) Line, in close proximity to several Metro and Big Blue Bus lines, near several bicycle lanes and Breeze bikeshare hubs, and directly adjacent to the Broadway bike lanes and a Big Blue Bus stop.

Variance for Non-Dedicated Loading Space

The site has direct access to the public sidewalk along Broadway. Automobile access to the proposed on-site parking and non-dedicated loading space is provided from 18th Court, a dedicated service alley. Furthermore, the project site is well served by public transit and bicycle infrastructure that increase public access to the site. The site is also within walking distance to the Metro "E" (Expo) Line, in close proximity to several Metro and Big Blue Bus lines, near several bicycle lanes and Breeze bikeshare hubs, and directly adjacent to the Broadway bike lanes and a Big Blue Bus stop.

Variance for Higher Percentage of Compact Parking

The site has direct access to the public sidewalk along Broadway. Automobile access to the proposed on-site parking is provided from 18th Court, a dedicated service alley. Furthermore, the project site is well served by public transit and bicycle infrastructure that increase public access to the site. The site is also within walking distance to the Metro "E" (Expo) Line, in close proximity to several Metro and Big Blue Bus lines, near several bicycle lanes and Breeze bikeshare hubs, and directly adjacent to the Broadway bike lanes and a Big Blue Bus stop.

9. For the reduction of the automobile parking space requirements, the reduction is based and conditioned upon an approved parking reduction plan that incorporates transportation control measures that have been demonstrated to be effective in reducing parking needs and that are monitored, periodically reviewed for continued effectiveness, and enforced by the City as contained in Chapter 9.28, Parking, Loading, and Circulation. The reduction is based and conditioned upon a robust TDM plan and a thorough Parking and Loading Operations Plan that are designed to be effective in reducing parking needs and are specifically tailored to this site and this desirable creative office use. The applicant will meet any applicable TDM reporting requirements consistent with SMMC chapter 9.53.
10. The strict application of the provisions of this Ordinance would result in unreasonable deprivation of the use or enjoyment of the property.

Variance for Reduction in Number of Parking Spaces

The applicant is an owner-occupant that bought the property for her own business and has made a substantial economic commitment to this neighborhood. The applicant has worked extensively and in good faith with Staff through the review and approval of the Parking and Loading Operations Plan (PLOP) to provide the maximum of amount of parking possible in a configuration acceptable to the City, and has proposed a Transportation Demand Management plan that achieves above-code required measures to mitigate parking impacts. The strict application of the provisions of this Ordinance, however, would prevent the applicant's proposed project because, due to the property's substandard lot size and the existing improvements that occupy the front (north) half of the site area, the number of parking spaces prescribed by code cannot feasibly be provided together with the code-prescribed ADA path of travel, trash and recycling enclosures, bicycle parking, transformer(s), and other requirements. A reduction in the project scope to only adhere to the maximum number of parking spaces that can be accommodated on-site (seven spaces) would eliminate approximately 3,100 square feet from the project which would make the project infeasible and deprive the owner of full use of the project site in accordance with the development parameters established for parcels zoned MUBL.

Variance for Non-Dedicated Loading Space

The applicant is an owner-occupant that bought the property for her own business and has made a substantial economic commitment to this neighborhood. The applicant has worked extensively and in good faith with Staff through the review and approval of the Parking and Loading Operations Plan (PLOP) to accommodate on-site loading in a configuration acceptable to the City, and has proposed a Transportation Demand Management plan that achieves above-code required measures to mitigate parking impacts. The strict application of the provisions of this Ordinance, however, would prevent the applicant's proposed project because, due to the property's substandard lot size and the existing improvements that occupy the front (north) half of the site area, a dedicated loading area as prescribed by code cannot feasibly be provided together with the code-prescribed ADA path of travel, trash and recycling enclosures, automobile parking, bicycle parking, transformer(s), and other requirements. A reduction in the project scope to accommodate a dedicated loading zone loading is impractical given the project's small scale and proposed single "tenant" use and would make the project infeasible and deprive the owner of full use of the project site in accordance with the development parameters established for parcels zoned MUBL.

Variance for Higher Percentage of Compact Parking

The applicant is an owner-occupant that bought the property for her own business and has made a substantial economic commitment to this neighborhood. The applicant has worked extensively and in good faith with Staff through the review and approval of the Parking and Loading Operations Plan (PLOP) to provide the maximum of amount of parking possible in a configuration acceptable to the City, and has proposed a Transportation Demand Management plan that achieves above-code required measures to mitigate parking impacts. The strict application

of the provisions of this Ordinance, however, would prevent the applicant's proposed project because, due to the property's substandard lot size and the existing improvements that occupy the front (north) half of the site area, the number of parking spaces prescribed by code cannot feasibly be provided together with the code-prescribed ADA path of travel, trash and recycling enclosures, bicycle parking, transformer(s), and other requirements. A reduction in the project scope to only adhere to the maximum number of parking spaces that can be accommodated on-site (seven spaces) would eliminate approximately 3,100 square feet from the project which would make the project infeasible and deprive the owner of full use of the project site in accordance with the development parameters established for parcels zoned as MUBL.

CONDITIONS OF APPROVAL:

PLANNING AND COMMUNITY DEVELOPMENT

Project Specific Conditions

1. The upper level outdoor patio located along the south elevation of the building shall not be occupied during the hours of 10:00 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.
2. No amplified noise and/or music of any kind shall be permitted on any of the outdoor patio spaces.
3. The outdoor patios shall be redesigned in consideration of privacy concerns of the existing pre-school and residential development west of the subject site.
4. The applicant shall designate an on-site attendant or employee during hours that the project is open to the public in order to facilitate parking and loading.
5. An on-site contact person shall be designated to serve as a neighborhood liaison to address any neighborhood concerns related to the project. Applicable contact information shall be posted on the applicant's website.
6. The applicant shall work with the City's Mobility division and the adjacent property owners to explore the feasibility of providing a loading zone on Broadway in front of the project or at adjacent properties.
7. A minimum of 19 bicycle parking spaces, as shown on the approved plans, shall be provided and maintained for use.
8. Prior to the issuance of any building permit, the applicant shall work with staff within the Mobility Division to revise the proposed Transportation Demand Management (TDM) Plan on-file with the City to include the following changes:

- Increase the transportation allowance for employees to 100 percent;
 - Include a local hiring policy provision; and
 - Require valet parking during normal operational hours.
8. The Architectural Review Board in its review shall pay particular attention to the following:
- Competing vertical lines of the building design;
 - General massing and long horizontal lines at top of the building;
 - Overall massing and flatness of the building walls along the street and alley; and
 - Increased transparency of at least 5 feet at the building corner intersection with the alley and parking lot to reduce the visual hazard for exiting automobiles and pedestrians.

Administrative

9. The Planning Commission's approval, conditions of approval, or denial of these applications may be appealed to the City Council if the appeal is filed with the Zoning Administrator within fourteen consecutive days following the date of the Planning Commission's determination in the manner provided in SMMC Section 9.37.130. Any appeal must be made in the form required by the Zoning Administrator. The approval of this permit shall expire if the rights granted are not exercised within four years of the permit's effective date. Exercise of rights shall mean issuance of a building permit to commence construction, or actual commencement of the use granted by this conditional use permit if a building permit is not required.
10. Within ten days of City Planning Division transmittal of the Statement of Official Action, project applicant shall sign and return a copy of the Statement of Official Action prepared by the City Planning Division, agreeing to the conditions of approval and acknowledging that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval. By signing same, applicant shall not thereby waive any legal rights applicant may possess regarding said conditions. The signed Statement shall be returned to the City Planning Division. Failure to comply with this condition shall constitute grounds for potential permit revocation.
11. Within thirty (30) days after final approval of the project, a sign shall be posted on site stating the date and nature of the approval. The sign shall be posted in accordance with the Zoning Administrator guidelines and shall remain in place until a building permit is issued for the project. The sign shall be removed promptly when a building permit is issued for the project or upon expiration of the Conditional Use Permit and/or Variance.
12. Prior to issuance of a Business License, the applicant shall post a notice at the building entry stating that the site is regulated by a Conditional Use Permit and the

Statement of Official Action, which includes the establishment's conditions of approval, the establishment's approved floor plan, is available upon request. This notice shall remain posted at all times the establishment is in operation.

13. In the event permittee violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals or certificates of occupancy shall be issued until such violation has been fully remedied.
14. Applicant shall defend, indemnify, and hold harmless the City and its boards, commissions, agents, officers, and employees (collectively, "City") from any claims, actions, or proceedings (individually referenced as "Claim" and collectively referenced as "Claims") against the City to attack, set aside, void, or annul, the approval of 19ENT-0441 and/or 19ENT-0442 or any Claims brought against the City due to the acts or omissions in any way connected to the Applicant's project. City shall promptly notify the applicant of any Claim and shall cooperate fully in the defense. Nothing contained in this paragraph prohibits the City from participating in the defense of any Claims, if both of the following occur:
 - i. The City bears its own attorney's fees and costs.
 - ii. The City defends the action in good faith.
 - iii. Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.
 - iv. In the event any such action is commenced to attack, set aside, void or annul all, or any, provisions of any approvals granted for the Project, or is commenced for any other reason against the City for the act or omissions relating to the Applicant's project, within fourteen (14) days following notice of such action from the City, the Applicant shall file with the City a performance bond or irrevocable letter of credit, or other form of security satisfactory to the City ("the Security") in a form satisfactory to the City, and in the amount of \$100,000 to ensure applicant's performance of its defense, indemnity and hold harmless obligations to City. The Security amount shall not limit the Applicant's obligations to the City hereunder. The failure of the Applicant to provide the Security shall be deemed an express acknowledgment and agreement by the Applicant that the City shall have the authority and right, without consent of the Applicant, to revoke the approvals granted hereunder.

Conformance with Approved Plans

15. This approval is for those plans dated May 2020, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.
16. Minor amendments to the plans shall be subject to approval by the Director of Planning. A significant change in the approved concept shall be subject to

Planning Commission Review. Construction shall be in conformance with the plans submitted or as modified by the Planning Commission, Architectural Review Board or Director of Planning.

17. Project plans shall be subject to complete Code Compliance review when the building plans are submitted for plan check and shall comply with all applicable provisions of Article IX of the Municipal Code and all other pertinent ordinances and General Plan policies of the City of Santa Monica prior to building permit issuance.

Fees

18. As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city fee schedule.

Project Operations

19. The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.
20. The project shall at all times comply with the provisions of the Noise Ordinance (SMMC Chapter 4.12).
21. All on-site parking spaces for employee or customer use shall be clearly identified as such with either signage or pavement markings.

Standard Conditions

22. Mechanical equipment shall not be located on the side of any building which is adjacent to a residential building on the adjoining lot, unless otherwise permitted by applicable regulations. Roof locations may be used when the mechanical equipment is installed within a sound-rated parapet enclosure.
23. Final approval of any mechanical equipment installation will require a noise test in compliance with SMMC Section 4.12.040. Equipment for the test shall be provided by the owner or contractor and the test shall be conducted by the owner or contractor. A copy of the noise test results on mechanical equipment shall be submitted to the Community Noise Officer for review to ensure that noise levels do not exceed maximum allowable levels for the applicable noise zone.

- 24. Final parking lot layout and specifications shall be subject to the review and approval of the Mobility Division.
- 25. The property owner shall insure any graffiti on the site is promptly removed through compliance with the City's graffiti removal program.

VOTE

Ayes: Fonda-Bonardi, Fresco, Landres, McKinnon, Paster, Ries, Lambert

Nays: None

Abstain: None

Absent: None

NOTICE

If this is a final decision not subject to further appeal under the City of Santa Monica Comprehensive Land Use and Zoning Ordinance, the time within which judicial review of this decision must be sought is governed by Code of Civil Procedure Section 1094.6, which provision has been adopted by the City pursuant to Municipal Code Section 1.16.010.

I hereby certify that this Statement of Official Action accurately reflects the final determination of the Planning Commission of the City of Santa Monica.

Leslie Lambert, Chairperson

Date

Acknowledgement by Permit Holder

I hereby agree to the above conditions of approval and acknowledge that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval.

Print Name and Title

Date
