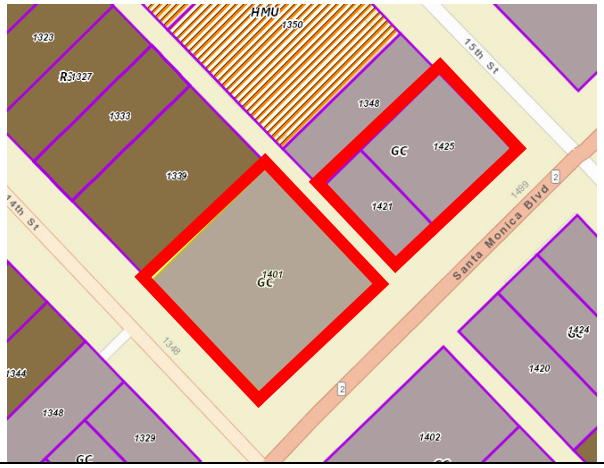
Planning Commission Report

	Planning Commission Meeting: **March 3, 2021**	Agenda Item: **9-A**
To:	Planning Commission	
From:	Jing Yeo, City Planning Division Manager	
Permit:	20ENT-0226 & 0227 (Conditional Use Permit) & 21ENT-0004 (Minor Modification)	
Address:	1401 and 1421-1425 Santa Monica Boulevard	
Applicant:	Nadir Hossain	
Subject	Conditional Use Permit (20ENT-0226 & 0227) to allow the operation of a 62-stall electric vehicle Recharging Facility with solar canopies, restrooms, and support equipment split between two project sites on either side of 14th Court alley and a Minor Modification (20ENT-0004) for reduced drive aisle widths.	

Zoning District	General Commercial (GC)
Land Use Element Designation	General Commercial
Parcel Area (SF)/Dimensions	1401 Santa Monica Blvd: 150' x150' = 22,500 SF 1421-1425 Santa Monica Blvd: 150' x 100' = 15,000 SF
Existing On-Site Improvements	1401 Santa Monica Blvd: vacant lot and office building. 1421-1425 Santa Monica Blvd: vacant lot
Rent Control Status	Commercial Property – N/A
Adjacent Zoning Districts & Land Uses	**1401 Santa Monica Boulevard** **North:** Multi-Unit Residential (R3) – Multi-Unit Building **South**: General Commercial (GC) – Mini Dealership **East**: GC – 1421-1425 Santa Monica Boulevard **West**: GC – Restaurant (Truxton's)
	1421-1425 Santa Monica Boulevard **North:** GC / Healthcare Mixed Use (HMU) – Parking Lot / Acute Rehab / Nursing Facility **South**: GC – Retail (Multiple) **East**: GC – Lexus Dealership **West**: GC – 1401 Santa Monica Boulevard
Historic Resources Inventory	None of the improvements are listed on the HRI
Recommended Action	1. Approve Conditional Use Permit 20ENT-0226 2. Approve Conditional Use Permit 20ENT-0227 3. Approve Minor Modification Permit 21ENT-0004 4. Adopt the Statement of Official Action

Site Location Map:



Executive Summary

The applicant is proposing an electric vehicle Recharging Facility to serve Tesla brand vehicles on two adjacent sites bisected by an alley (14th Court alley). Pursuant to SMMC 9.11.020 Alternative Fuel and Recharging Facilities are permitted within the General Commercial (GC) zoning district subject to approval of a Conditional Use Permit. A Minor Modification is being requested to reduce the required drive aisle width at 1401 Santa Monica Boulevard.

The 1401 Santa Monica Boulevard site ("western lot") is developed with a small office building most recently operated as an auto dealership but currently used for seasonal events. The 1421-1425 Santa Monica Boulevard site ("eastern lot") is currently two vacant lots, which will be tied prior to construction.

In addition to the required Minor Modification and Conditional Use Permit findings provided in this report, the following issues should be considered by the Planning Commission in its review of the proposed requests:

- The compatibility of a Recharging Facility within the context of the land uses in the surrounding neighborhood.
- The effectiveness of the recommended conditions of approval in minimizing any potential adverse impacts to the surrounding neighborhood in conjunction with the operation of a Recharging Facility.
- Whether the proposed project is consistent with the LUCE's vision, goals, and policies for Santa Monica Boulevard; supports the City's public objectives for creating attractive, multi-modal, mixed-use boulevards; increases market-rate and affordable housing production; and auto-related uses which contribute to the desired character and pedestrian experience.

The Zoning Ordinance does not establish specific standards for Recharging Facilities and it not clear that the Zoning Ordinance intended the landscaping standards for parking areas in SMMC Section 9.26.050 to apply to Recharging Facilities, since there could be an inherent conflict between solar energy systems and landscaping

requirements. As a result, staff has used the landscaping standards for parking areas in SMMC Section 9.26.050 as guidance for review of the project to ensure as much consistency as possible between the intent of landscaping standards and the proposed Recharging Facilities.

Project Description

The facility proposes Tesla Supercharger equipment enabling a Tesla vehicle to charge in 30 to 45 minutes. There are three types of charging stations for electric vehicles (EVs). EVs can be charged at a 110 Volt outlet taking about 30-40 hours for a full charge. A Level 2 charger which is a 240 Volt outlet takes 5-8 hours to fully charge. There are many Level 2 chargers throughout Santa Monica. A Level 3 charger or Fast Charger can provide a full charge in 30 to 45 minutes. Proposed is the second Tesla Supercharging station, as there are currently 10 Level 3 chargers at the roof of the Santa Monica Place Mall parking structure.

The project will be developed in three phases; 1) upon issuance of the subject entitlements Tesla will operate a temporary charging facility on the western lot while undertaking the remainder of the permitting process for the permanent facility, 2) upon issuance of building permits the eastern lot will begin construction, 3) once the eastern lot is developed and operating the western lot will begin construction. The western lot's temporary facility will consist of a truck mounted recharging facility capable of charging eight cars at a time by using a large "mega charger" battery.

Surrounding uses along Santa Monica Boulevard are primarily retail/restaurants and auto dealerships in one- or two-story buildings. The neighborhood northeast of the subject site is zoned Healthcare Mixed Use (HMU) and is developed with a mix of multi-unit residential and medical office buildings. The UCLA hospital and related facilities are one block north on Arizona Avenue. Two story multi-unit residences dominate the neighborhood to the northwest including the parcel immediately adjacent to 1401 Santa Monica Boulevard.

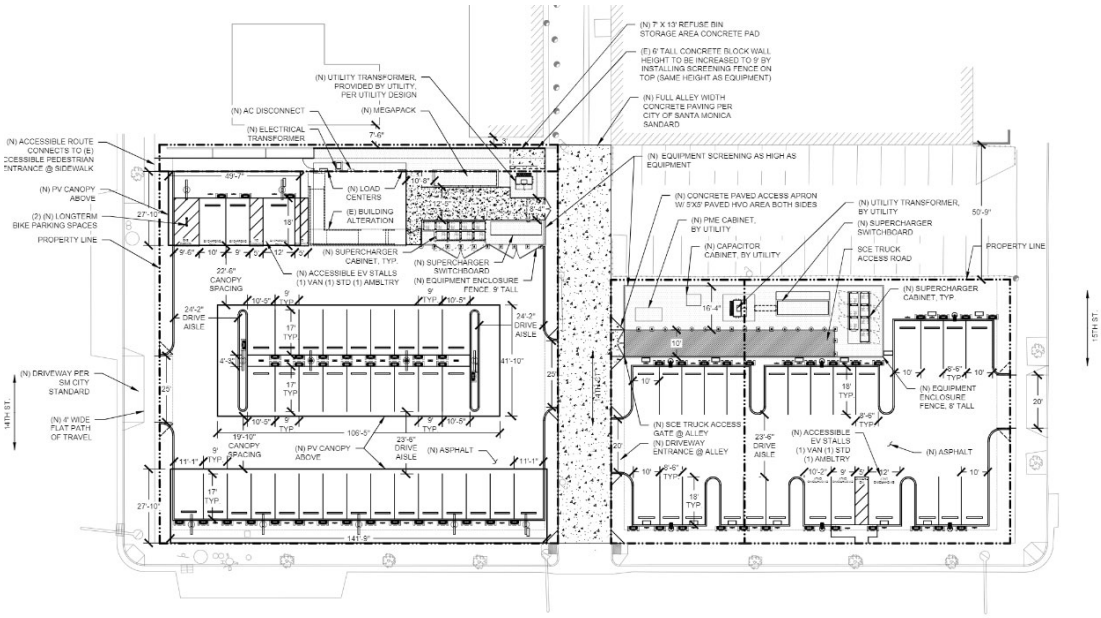
Site Plan

The eastern lot proposes 26 vehicle charging stalls on a standard surface parking lot. The facility on the western lot will be developed with 36 vehicle charging stalls, restrooms, and photovoltaic canopies. The existing office building will be converted to ADA accessible restrooms. Screened support equipment is proposed along the north property line at both properties. A condition of approval has been included to limit the height of the screen wall to 8'-0" on the north property line of the west lot because, as proposed, the wall exceeds the allowed height within a side setback.

Two-way vehicular access to the site is provided at both 14th and 15th Streets as well as at the alley. Alley access points on the two properties will be offset by approximately 20 feet from one another requiring a slight turn to drive between the two sites. The existing 70' wide driveway on 14th Street is being reduced in width to 25' and moved further from the intersection with Santa Monica Boulevard. Each site provides a single pedestrian

access path; on the west lot it is in the northwest corner accessing 14th Street, the east lot direct access is provided to Santa Monica Boulevard.

A minimum of 5' of landscape will be provided along all property lines of both sites. The western lot abuts a residentially zoned parcel requiring a 10' setback along the north elevation which must be at least 50% landscaped. As proposed the 10' setback is planted with palm trees, a condition of approval has been included to provide a different species with greater canopy to establish a better buffer. In addition to landscape buffers along Public-Right-of-Way (PROW), parking lots must provide at least 1 tree for every 1,200 SF of parking and circulation surface and with sufficient canopy to shade at least 50% of the paved surface to reduce the heat island effect. The eastern lot is meeting the minimum shading requirements with trees, per Code. The western lot cannot meet the minimum number of required trees due to conflicts with the proposed solar panels. Since the parking lot landscape standards are being implemented as guidance for the recharging facility instead of code requirements it was determined that solar panels could be counted towards the shading requirements as they would provide similar shading as well as support LUCE Goal S4, which establishes increasing the use of renewable energy in the City. By using the shade provide by the solar panels as well as the addition to four new trees the western lot meets the intent of the minimum shade requirement.



Operations

The self-service Recharging Facility is proposed to be operated 24 hours per-day and would serve the roughly 950 Tesla owners in Santa Monica. Based on other similar facilities in urban locations operated by Tesla, the applicant anticipates approximately 100 vehicle charge sessions per day over a period of 16 hours, with the highest usage on weekend days. It is anticipated that the station will primarily serve drivers that live and work nearby, particularly in multi-unit dwellings who do not have access to an electric vehicle charging station at their residence. Based on other similar stations, the busiest times will likely utilize 30% of the chargers, and therefore no vehicle stacking is

anticipated. The applicant indicates that full utilization of all 62 chargers is expected to occur only once or twice a year during major travel holidays such as Christmas and Thanksgiving. No fulltime attendant is proposed onsite, although regular maintenance will be conducted per the attached maintenance plan. Restroom access is limited to Tesla owners with a passcode accessible through their dashboard computer. The charging ports provided are proprietary to Tesla vehicles preventing non-Tesla vehicles from using the facility.

The City's Municipal Code does not establish operational standards specific to Recharging Facilities. However, the project is most similar to a parking lot and therefore staff's review of the project was guided by the intent of applicable landscape, dimensional, and lighting standards detailed in the Municipal Code. Additional conditions of approval have been included such as daily cleaning, a community liaison with an emergency contact, and a prohibition on certain noisy maintenance activities at night.

Analysis

Neighborhood Compatibility:

The proposed recharging facility will generate vehicular traffic from Tesla owners needing to charge their vehicles. To create a safer pedestrian experience on Santa Monica Boulevard vehicular entrances are located on side streets (14th Street, 15th Street and alley) and not on Santa Monica Boulevard. To create a positive pedestrian experience significant landscaping both internal to the site and at the perimeter is proposed while the solar panel supports also provide a sculptural aesthetic. The recharging facility will attract potential customers to the area who, with a few minutes available during charging, may choose to patronize one of the surrounding businesses activating the subject site that has long served as little more than a surface parking lot.

Based on anticipated number of vehicle charging sessions noted above, the amount of traffic generated by the site is relatively small and not more intensive then other retail or office uses permitted by right. While west of the location had an elevated incidence of collisions during the period of 2006-16, the intersection of Santa Monica Boulevard and 14th Street is not included in Vision Zero program top ten intersections of concern. Effort has been made to reduce conflicts at the site by shifting the 14th Street driveway from the existing location further north from Santa Monica Boulevard, and by allowing multiple access locations to permit right turn entry and exit in each direction. Additional wayfinding to prohibit left turns where appropriate and provide directions to major destinations such as the San Diego Freeway (I-405), Santa Monica Freeway (I-10) or the beach may also be helpful to direct drivers and has been included as a condition of approval.

Immediately north of the western lot is a two-story multi-unit residential building. As previously discussed, several conditions of approval have been included to reduce potential compatibility issues with the residential use and other surrounding uses.

Analysis of Housing Potential

Encouraging the creation of housing throughout the city (H4.1) and along Santa Monica Boulevard (B5.1 & B4.9) is a recurring goal and policy of the LUCE. The subject sites are zoned as General Commercial (GC) where mixed-use housing is a permitted use. While residential units are not a part of the proposed project and not relevant to the Conditional Use Permit findings, an estimate of the housing potential (in-lieu of the recharging facility) is being provided as a point of information based on prior Planning Commission direction. If developed under Tier 2 standards, with 1.5 FAR, the subject sites qualify for a combined 56,250 SF ((22,500 SF + 15,000 SF) x 1.5 = 56,250 SF) of floor area and an estimated 70 residential units (56,250 SF / 704 SF per unit = 27 on the east lot and 43 on the west lot). The estimate assumes minimum required active commercial uses of 3,600 SF[1] on the ground floor of each lot and average unit size of 704 sf based on recent projects. While the potential for housing units may be lost in the near term, the recharging facility is a conditionally permitted use which expands ownership options for electric vehicles by providing nearby Tesla owners without private charging at home, or visitors to the area, a place to quickly charge their Tesla. While the LUCE specifically encourages the development of affordable and workforce housing in proximity to transit (B4.9) providing a key infrastructure element to support electric vehicle ownership close to existing housing may accomplish a similar goal by broadening access to sustainable transportation options.

Conformance with Land Use and Circulation Element (LUCE)

The subject property is designated as General Commercial (GC) in the Land Use and Circulation Element (LUCE). The subject stretch of Santa Monica Boulevard between 20th Street and Lincoln Boulevard is identified in the LUCE as Santa Monica's Auto Row for its prevalence of auto dealerships (LUCE 2.4-11). The LUCE recognizes the importance of Santa Monica Boulevard's auto dealership and auto oriented uses, encouraging them to remain (B5.8) and upgrade their facilities to a more urban and pedestrian friendly format (B5.5). The long-term vision for Santa Monica Boulevard is as a "pedestrian-preferred transit street with active retail on ground floors" (B4.6) and discouraging "limited pedestrian access uses" (B4.7). Developed exclusively as a vehicle recharging facility the proposed use provides limited pedestrian access and offers no ground floor street front or retail component but is an auto oriented support use which is otherwise appropriate along Santa Monica's Auto Row.

LUCE Goal B4 for this section of Santa Monica Boulevard seeks to create a multi-modal, mixed-use boulevard that provides residents, employees, and visitors with an inviting pedestrian environment. Goal B5 reasserts the desire for mixed-use developments while emphasizing the need to create an attractive boulevard recognizing the distinct automotive character of Santa Monica Boulevard between Lincoln and 20th Street. The proposed Recharging Facility contributes directly to the LUCE goals by

[1] Pursuant to SMMC 9.11.030(A)(2) the ground-floor street frontage along boulevards must have active commercial uses for an average depth of 40 feet for 60% of the frontage. 60% of the 150 ft frontage on Santa Monica Boulevard multiplied by the 40-foot depth = 3,600 SF of required active commercial area per site.

providing an alternative transportation facility not represented on Santa Monica Boulevard while providing attractive landscaping at the street front and thereby aesthetically improving the subject site (B4.12).

Proposed Minor Modification

A Minor Modification is requested to allow a reduction in drive aisle widths on the western lot. Code allows a 23'-6" wide drive aisle to be used with 9'-0" wide stalls. While most of the drive aisle at the western lot meets the minimum width, a pinch point at the equipment enclosure reduces the drive aisle width to 23'-1" requiring a Minor Modification. Existing site conditions, specifically the existing building location and its necessary ADA upgrades, as well as access and setback requirements for the electrical equipment limit the potential configuration, dimensions, and location of the proposed support equipment, parking, and drive aisle. Project requirements for the electrical equipment and trash room are not readily modified and greatly limits the ability for the full Code required drive aisle width to be provided throughout the property.

Minor Modifications can be requested for certain parking, loading and circulation dimensional requirements if the modification to the standards does not result in a reduction of required parking and loading spaces for projects. Accordingly, the Planning Commission may grant relief from the drive aisle dimensional requirements.

A decision to grant a Minor Modification shall be based on the following findings:

A. The approval of the minor modification is justified by site conditions, location of existing improvements, architecture or sustainability considerations, or retention of historic features or mature trees;

B. The requested modification is consistent with the General Plan and any applicable area or specific plan;

C. The project as modified meets the intent and purpose of the applicable zone district and is in substantial compliance with the district regulations;

D. The parcels sharing common parcel lines with the subject parcel will not be adversely affected as a result of approval or conditional approval of the minor modification, including but not limited to, impacts on privacy, sunlight, or air; and

E. The approval or conditional approval of the minor modification will not be detrimental to the health, safety, or general welfare of persons residing or working on the site.

The applicant explored alternatives with the City's Mobility staff, who concluded that allowing a small pinch point with drive aisles less than 23'-6" would be better practice than to require stalls of varying widths, or requiring all stalls along the aisle to be widened to accommodate a relatively short condition.

Environmental Analysis
The proposed project is categorically exempt from CEQA pursuant to Sections 15303 and 15311 of the CEQA Guidelines. Section 15303 provides exemption for a class of projects (Class 3) consisting of the construction of limited numbers of new, small facilities or structures. Section 15311 provides exemption for a class of projects (Class 11) consisting of the construction of minor structures accessory to existing commercial, industrial, or institutional facilities, including small parking lots. The project would pave an approximately 37,500 SF area on two lots at 14th Street and Santa Monica Boulevard to construct an electric vehicle Recharging Facility and modify an existing 630 SF accessory building. In addition, none of the exceptions specified in Section 15300.2 of CEQA Guidelines would apply that would preclude the use of this CEQA exemption - The project site is not located in a sensitive environment, the project will not have a significant effect on the environment, the project would not damage scenic resources, the project would not be located on a hazardous waste site; and the project would not cause a change to a historical resource. Therefore, this project is categorically exempt per Section 15303 and 15311 of the CEQA Guidelines.

Additionally, CEQA applies only to projects that have the potential for causing a significant effect on the environment. A project is not subject to CEQA under CEQA Guidelines Section 15061(b)(3) "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." The proposed electric vehicle recharging facility would serve electric vehicles and would not generate greenhouse gas emissions. Additionally, since electric vehicles are relatively quieter than gas powered vehicles, the project would result in decreased noise levels. Furthermore, given its urban location and size of the project, the project would not generate significant transportation impacts, including an increase in Citywide vehicles miles traveled. The project would also install permeable pavement and would comply with requirements in the City's Sustainable Management and Urban Runoff Ordinance to reduce pollutants in runoff. Therefore, no significant impact to hydrology/water quality would occur.

Alternative Actions:
In addition to the recommended action, the Planning Commission could consider the following with respect to the project if supported by the evidentiary record and consistent with applicable legal requirements:

A1. Continue the project for specific reasons (note as applicable), consistent with applicable deadlines and with agreement from the applicant
A2. Articulate revised findings and/or conditions to Approve OR Deny, with or without prejudice, the subject application

Conclusion
The proposed recharging facility is an exclusively auto-oriented use proposed along a stretch of Santa Monica Boulevard where auto sales and auto related facilities are encouraged in the LUCE when properly designed to address the pedestrian experience. Staff believes that with the proposed conditions to address the surrounding uses and

pedestrian experience the project meets all required findings and as such the Planning Commission should approve the proposed project.

Prepared by: James Combs, Associate Planner
Stephanie Reich, AIA, LEED AP, Design & Historic Preservation Planner

Attachments

A. General Plan and Municipal Code Compliance Worksheet
B. Draft Statement of Official Action
C. Public Notification & Comment Material
D. Photographs
E. Project Plans
F. Applicant's Cover Letter
G. Applicant's Maintenance Program

https://smgov365.sharepoint.com/teams/pcdsp/CityPlanning/PC/STRPT/2020/20ENT-0226 (1401 Santa Monica Blvd) CUP.docx