

CALIFORNIA COASTAL COMMISSION

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**TU 13d**

Filed: 1/5/06
49th Day: 2/23/06
180th Day: 7/4/06
Staff: AJP-LB
Staff Report: 2/9/06
Hearing Date: 3/7-10/06
Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER:** 5-06-05**APPLICANT:** Stephen Rumph**PROJECT LOCATION:** 161 Hollister Avenue, Santa Monica

PROJECT DESCRIPTION: Construction of a new 1,450 square foot, 27.5 feet high, two-story single-family residence, with roof deck, and no on-site parking, on a vacant 2,156 square foot lot. The applicant is required by the City to maintain two residential parking permits for the beach parking lots.

Lot Area:	2,156 square feet
Building Coverage:	756 square feet
Pavement Coverage:	100 square feet
Landscape Coverage:	120 square feet
Parking Spaces:	None
Zoning:	OP-2 (Ocean Park Low Density Multiple Residential)
Ht above final grade:	27'-6"

LOCAL APPROVALS RECEIVED: Variance 05-015

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with a special conditions requiring that in-lieu of on-site parking the applicant provide and maintain two residential overnight parking permits for the project for the adjacent Neilson Way public parking lots and is prohibited from using the City's beach parking lots for residential permit parking; and recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report. As conditioned, the proposed project conforms with all applicable policies of the Coastal Act.

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-06-005 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Parking

The applicant, and all successors in interest, shall be required to maintain for the life of the project two valid overnight residential parking permits issued by the City of Santa Monica for the public parking lot located along Neilson Way (Lot no. 11 or 26), generally depicted in Exhibit No. 7 of the staff report. Said parking permits shall only be usable by occupants of the permitted single-family residence. The applicant, and any future successor in interest, is prohibited from obtaining overnight parking permits for any of the beach parking lots.

2. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes the construction of a new 1,450 square foot, two-story single-family residence on a vacant lot measuring approximately 21 foot wide by 100 feet long for a total area of 12,156 square feet. The project will not provide any on-site parking. In lieu of on-site parking, the applicant is required by the City to maintain two residential overnight parking permits for the nearby beach parking lots. The subject property is located at the

northwest corner of Hollister Avenue and Neilson Way in the Ocean Park area of the City of Santa Monica (see Exhibit No. 2 & 3). The subject property is a substandard legal lot with respect to its size of 2,156 square feet, and dimensions of approximately 21 feet in width by 100 feet in length. Current City zoning requires a minimum lot size of 5,000 square feet, with a minimum width of 50 feet. The lot was created prior to the Coastal Act.

The applicant has been granted a parking variance by the City to maintain at all times two residential parking permits for use at two nearby public beach lots. The parking permits, which will be issued by the City, will allow the applicant to park in the City's beach parking lots No. 4S and 5S, 24-hours a day, 7 days a week. The two beach lots are located approximately 400 feet west of the project site, near the intersection of Hollister Avenue and Barnard Way, on the seaward side of Barnard Way (see Exhibit No. 7 for location of parking lots).

The surrounding development consists of single-family and multi-family residential units west of Neilson Way and public parking lots and commercial development east of Neilson Way.

B. Public Access/Parking

Section 30211 of the Coastal Act states that:

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

Section 30252 of the Coastal Act states in Part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

In addition, policy #20 of the Santa Monica certified Land Use Plan states in part that:

New development shall provide adequate parking to meet all demands created by the development...

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and the availability of public access to the coast. Because the project site is located in a residential neighborhood within close proximity to a number of coastal recreational areas and visitor servicing uses, the provision of adequate on-site parking is critical for continued public beach access in the area. Furthermore, the Commission has consistently addressed both public and private parking issues in order to protect the ability of beach visitors who depend on the automobile to access the beach. Therefore, in order to conform to the requirements of the Coastal Act, the proposed project must provide adequate support parking in order not to negatively impact public beach parking.

The proposed project is located in a developed residential neighborhood that is bounded by Pico Boulevard to the north, Neilson Way to the east, Ocean Park Boulevard to the south, and Ocean Avenue/Barnard Way to the west. To the west of Ocean Avenue/Barnard Way is the beach and public beach parking lots. Neilson Way is a four-lane street and is one of the main access roads for north-south bound traffic through this area of the City. The area is mainly comprised of older single-family residences and residential duplexes on 25-30 foot wide substandard lots. The majority of the residential structures are older structures built between the 1920's and 1950's. These structures have limited to no on-site parking. There are only a few structures (single-family residents) within this area that were recently built and provide at least two on-site parking spaces per residential unit. Public parking for the area is provided by two large beach parking lots adjacent to and west of Ocean Avenue/Barnard Way and four separate lots located adjacent to and east of Neilson Way. The beach lots provide a total of 2,406 spaces and the Neilson Way lots provide approximately 361 metered spaces. The Neilson Way lots were developed for visitors to the visitor-commercial area along Main Street, which is located one street inland from Neilson Way.

To alleviate the residential parking problems within this beach area and other similar neighborhoods, the City has, for over 30 years, instituted a residential overnight beach parking program that allows residents living within one block from the beach to purchase parking permits (\$11/month) for the beach lots. The permits allow residents to park in the adjacent beach lots 24 hours a day, 7 days a week. In addition to the residential parking permit program, the City created preferential parking zones in this area and other surrounding neighborhoods to preserve street parking for residents, or limit the hours of public parking. In this neighborhood, the preferential parking zone includes Hollister Avenue and seven other surrounding streets. The zone was created by the City in 1984, and prohibits public parking without a permit at all times. Permits are only available to residents living within the zone. The zone was created by the City without the benefit of a coastal development permit. The Commission subsequently approved a coastal development permit, with conditions, including the requirement of replacement public parking in 1999 [CDP No. 5-99-046 (City of Santa Monica)].

Although the preferential parking zone prohibits public parking on the streets and preserves the streets in the zone for residential parking only, the City and the Commission has routinely required that all new residential development provide two off-street parking spaces per unit in order to support the parking demand generated by the residence and to minimize the adverse impact that inadequate off-street parking could have on public parking and beach access. This required parking ratio assumes that each unit will generate two cars during non-working hours, and that guests, or in instances of a two car family with one parking space, will utilize the preferential system to park on the street. By providing two off-street parking spaces, the new structure would not worsen the already impacted parking situation in this neighborhood.

In this particular case, the proposed single-family residence is being proposed with no on-site parking. However, the proposed project site is unique in its size and development constraints. The lot is less than half the size of the City's minimum legal lot size of 5,000 square feet and is one of the last, or the last vacant lot in this residential neighborhood. The lot is located at the northwest corner of Hollister Avenue and Neilson Way, and both a signal light and handicapped sidewalk ramp occupy the only possible locations along Hollister Avenue where a driveway into the project site could be placed. After a thorough analysis of the specifics of the lot, the City granted

the applicant a parking variance. In lieu of providing on-site parking, the variance requires that the applicant maintain at all times two residential overnight parking permits at the nearby public beach lots located west of Ocean Avenue/Barnard Way. The permits, which will be issued by the City, will allow the applicant to park in the City's beach parking lots No. 4S and 5S (see Exhibit No. 7), 24-hours a day, 7 days a week.

As stated by the City, due to the location of the project site, the provision of on-site parking would create a safety hazard to the property owner and to vehicles traveling along Neilson Way. And providing ingress/egress from the Hollister Avenue because of the lots narrow width and close proximity to the Neilson Way and Hollister Avenue street corner, would adversely impact vehicle and pedestrian access at the corner, including the existing and required Americans with Disability Act (ADA) sidewalk access. The City found that there were extenuating circumstances surrounding this property and granted the variance to allow the applicant to provide no off-street parking. The City's Findings and Determination on the variance states in part that:

(a)...Due to the unique location and substandard size of the subject property, the City's Transportation Management Division has determined that creation of a driveway curb cut providing ingress/egress to on-site parking spaces would create an unsafe condition for drivers and for pedestrians traveling in the immediate area. The addition of a driveway curb cut providing access to on-site parking spaces would require a vehicle exiting the site to back out onto Neilson Way or require the removal of existing infrastructure on Hollister Avenue installed for the purpose of facilitating safe vehicle and pedestrian travel. The City's Transportation Management Division has indicated that they will not approve a driveway curb cut and concurs that a waiver of the on-site parking requirement is necessary to preserve public safety in the immediate area. Therefore, the applicant cannot provide the two on-site parking spaces for construction of a new single-family residence required pursuant to Santa Monica Municipal Code (SMMC) Section 9.04.10.08.040.

(b)... In lieu of providing on-site parking, the applicant will be required to maintain at all times two (2) valid residential parking permits at public beach lots #4S or #5S which allow beach-adjacent residents to park in the lots 24 hours a day/7 days a week. The granting of the subject variance will preserve the existing public infrastructure located at the intersection of Hollister Avenue and Neilson Way that was installed to improve vehicle and pedestrian safety in the area.

Although the City's granting of a parking variance is to minimize potential impacts to residential street parking in the neighborhood, the lack of on-site parking, use of public beach parking lots as support parking for residential development, and limited on-street parking in the area, could have an adverse impact on public beach access.

From the Pier to the City's southern boundary line, the City provides approximately 2,948 spaces within 5 public beach lots (see Exhibit no. 7). The largest lots are the two lots (No. 4S--2030 Barnard Way and No. 5S--2600 Barnard Way) located south of Pico Boulevard (South Beach area) and designated as the public parking lots to be used by the applicant. These two beach lots provide 2,406 spaces or approximately 81% of the total beachfront parking supply south of the pier. Based on past surveys conducted for the City, the demand for the South Beach lots do not reach capacity. Parking utilization varies between 39-67% even during the summer peak beach

period. However, it has been estimated that approximately 7.5 million visitors came to Santa Monica beaches in 1998 during the summer, between July and September (County of Los Angeles Fire Department, Lifeguard Division), with beach attendance increasing by approximately 20% since 1972. With each subsequent year, as Southern California's population increases, the amount of visitors to the beach will increase and there will be an increase in the demand for public parking within the beach lots and surrounding area. Therefore, beach parking should be protected for public use and should not be made available to support new residential development.

Given the location of the project to the beach and lack of public on-street parking, the project will adversely impact beach access by usurping public beach parking. Although the public cannot park on the adjacent street or other nearby streets due to the preferential parking zone restrictions, the lack of on-site parking, and heavily impacted street parking caused by residential demand, could force the residential demand onto other nearby public streets that are available for public parking, or into other parking areas, such as public lots used for beach parking, as is the case for this project.

To minimize the parking impacts along the public streets for residents and the public, and to protect the current supply of public beach parking within the beach parking lots, an alternative to the use of the public beach lots are the public lots located along Neilson Way. The Neilson Way lots are located one block (approximately 300 feet) inland of the beach area and across the street from the project site. Two of the four Neilson Way parking lots are immediately across the street from the project site and would be convenient and easily accessible by the applicant. Although the close proximity of the Neilson Way public parking lots to the beach and hourly rate make them attractive for short-term beach use by those familiar with the area, the beach lots are more heavily used by the public due to their high visibility and close proximity to the beach. Therefore, the use of the Neilson Way lots for residential parking for this single residential development will not have as significant an impact to public beach access as compared to using the beach parking lots.

In discussions with the City planning staff, City staff indicated that they do not currently issue residential parking permits for the Neilson Way parking lots; however, if the Commission does not allow the use of the beach lots, the City indicated that they would further investigate parking alternatives, including the possibility of issuing parking permits for the Neilson Way lots for this particular development. The City expressed concern regarding setting a precedent by allowing this residential development use of the Neilson Way parking lots, which were intended to support the visitor-serving commercial area along Main Street. However, based on a review of parcel maps and the area, this lot is fairly unique in its size and constraints, and it is highly unlikely that there would be any new residential development that would not be able to provide on-site parking because of similar constraints and request use of the Neilson Way parking lots. Furthermore, over the years, the Commission has reviewed and approved Coastal Development Permits for a number of new residential projects in the area, and all projects have been able to provide the required on-site parking. Therefore, requiring the applicant to obtain and maintain residential overnight parking permits for the Neilson Way parking lots should not increase residential use of the Neilson Way parking lots. Therefore, to ensure that the impacts to public beach access are mitigated, Special Condition No. 1 requires that the applicant provide and maintain for the life of the project, two valid residential overnight parking permits for the City's Neilson Way parking lots no. 26 or no. 11, generally depicted in

Exhibit No. xx of this staff report. The Commission finds that only as conditioned will the proposed project be consistent with past Commission permit action for the area and with Section 30211 and 30252 of the Coastal Act and with applicable policies of the City's certified LUP.

C. Development

Section 30250 of the Coastal Act states in part that:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have a significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30251 of the Coastal Act states in part that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The project property consists of a single 2,156 square foot lot in a residentially developed neighborhood in the Ocean Park Residential area of the City of Santa Monica. The site is located on Hollister Avenue, at the eastern end of the residentially developed block that extends from Barnard Way to the west to Neilson Way to the east. The site is one block from the beach. The proposed development will consist of a two story, 27.5 foot high, as measured from existing grade, 1,450 square foot single-family residence.

The area is residentially developed with a mix of single and multi-family residential structures. Existing residential development ranges from one to three stories in height. The certified LUP limits heights to R3 and R4 standards, which allow heights to 40 to 45 feet. However, the current City zoning for the property is OP-2, which limits heights to a maximum of 30 feet, from existing grade. The proposed residential project will be 27.5 feet high, as measured from existing grade.

As proposed, the project will be consistent with the character of the surrounding area. Furthermore, because of the developed nature of the area, the proposed project will not have any impact on coastal views. The Commission, therefore, finds that the project will be consistent with the view protection policies of the Coastal Act, will not adversely impact the visual resources of the surrounding area, and therefore, is consistent with Sections 30250 and 30251 of the Coastal Act.

D. Control of Polluted Runoff

Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project poses a potential source of pollution due to contaminated runoff from on-site run-off from roof and hardscape. Increase urban runoff due to increase in impervious surfaces from the site can carry pollutants and sediment from the site into the City's storm drains and into the Santa Monica Bay. To mitigate potential impacts the Commission has routinely required projects to incorporate best management practices with extensive recommendations and measures to reduce or prevent contaminants from running off the site.

Urban runoff and pollution of the bay are important issues with the City of Santa Monica. The City, to mitigate potential impacts caused by development, has adopted an Urban Runoff Pollution Ordinance. The ordinance is designed to reduce the amount of urban runoff pollution from sites. The ordinance requires projects to incorporate best management practices with extensive recommendations and measures to reduce or prevent contaminants from running off the site during construction and operation of the proposed development. The proposed project includes a drywell to allow infiltration of site runoff, consistent with the City's requirements.

Furthermore, the City has constructed a new state-of-the-art stormwater treatment facility that treats all dry weather storm runoff. Runoff from all new development is directed to existing stormdrains, which direct stormwater to the treatment facility.

As proposed, the project will incorporate effective Best Management Practice and help improve the quality of Santa Monica bay. The Commission, therefore, finds that the proposed project will improve water quality consistent with Section 30231 of Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local

Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

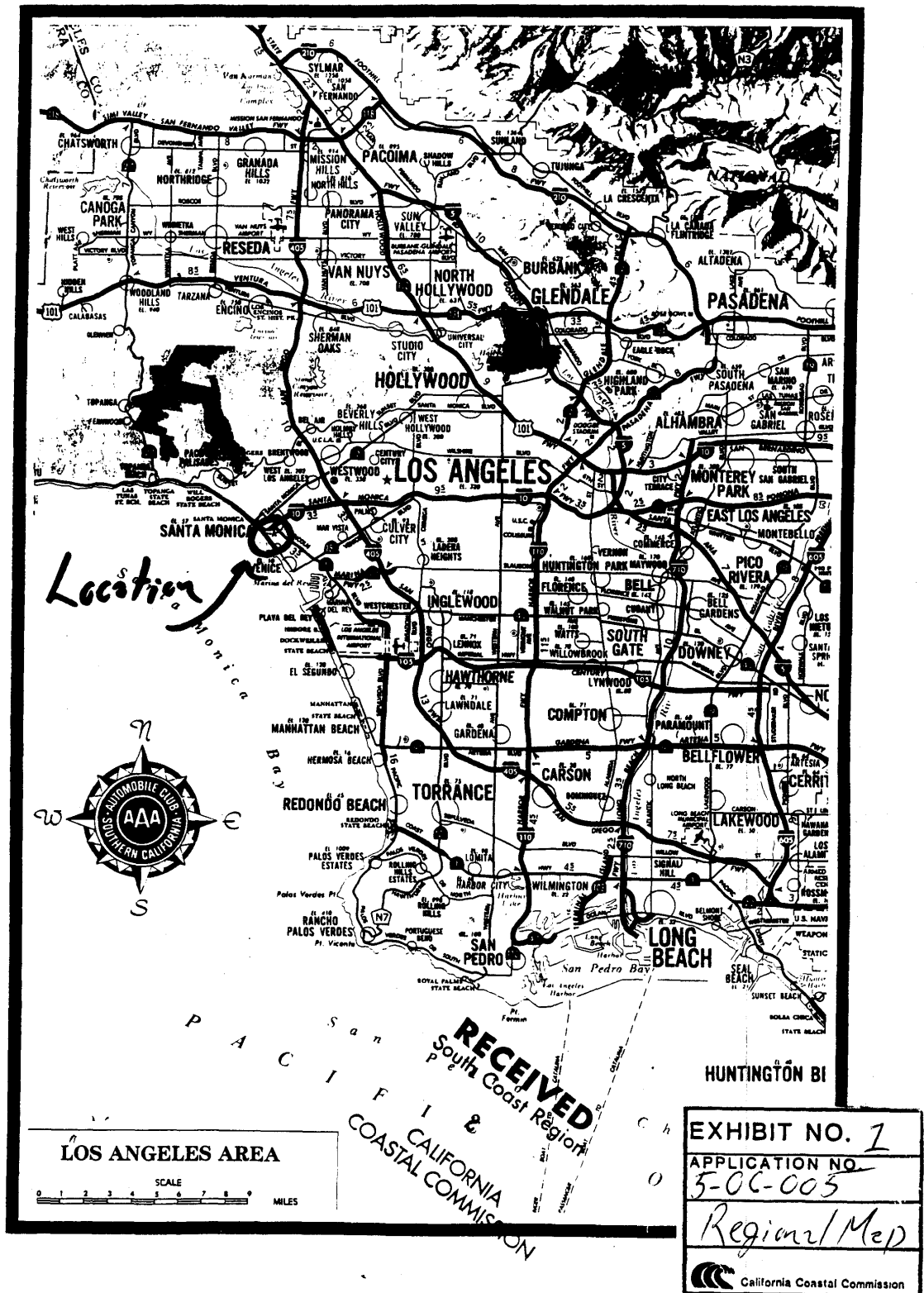
In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson Way (Beach Overlay District), and the Santa Monica Pier. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications.

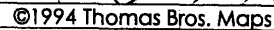
The subject site is suitable for residential development. As conditioned the development will not adversely impact coastal resources or access. The Commission, therefore, finds that the proposed project, only as conditioned, will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare implementation for a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. CEQA

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

There are no negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.



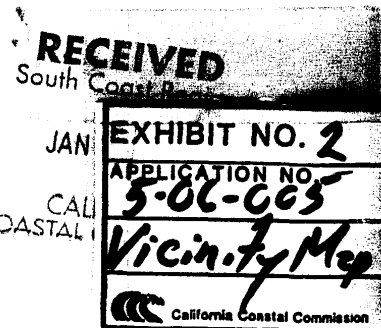


VICINITY MAP

SITE : 159 HOLLISTER AVENUE

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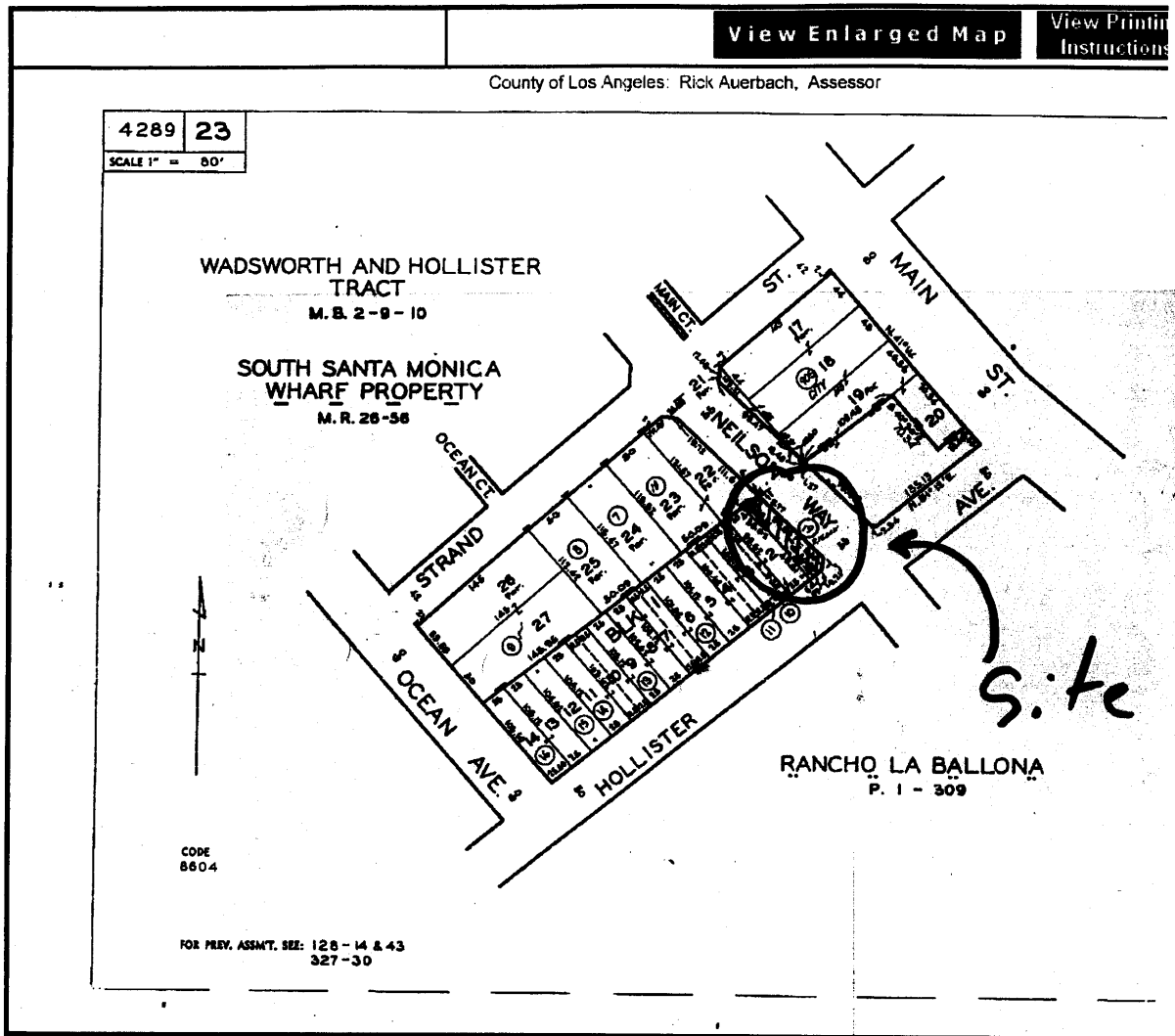


EXHIBIT NO. 3
Application Number 5-06-005
Parcel Map
California Coastal Commission

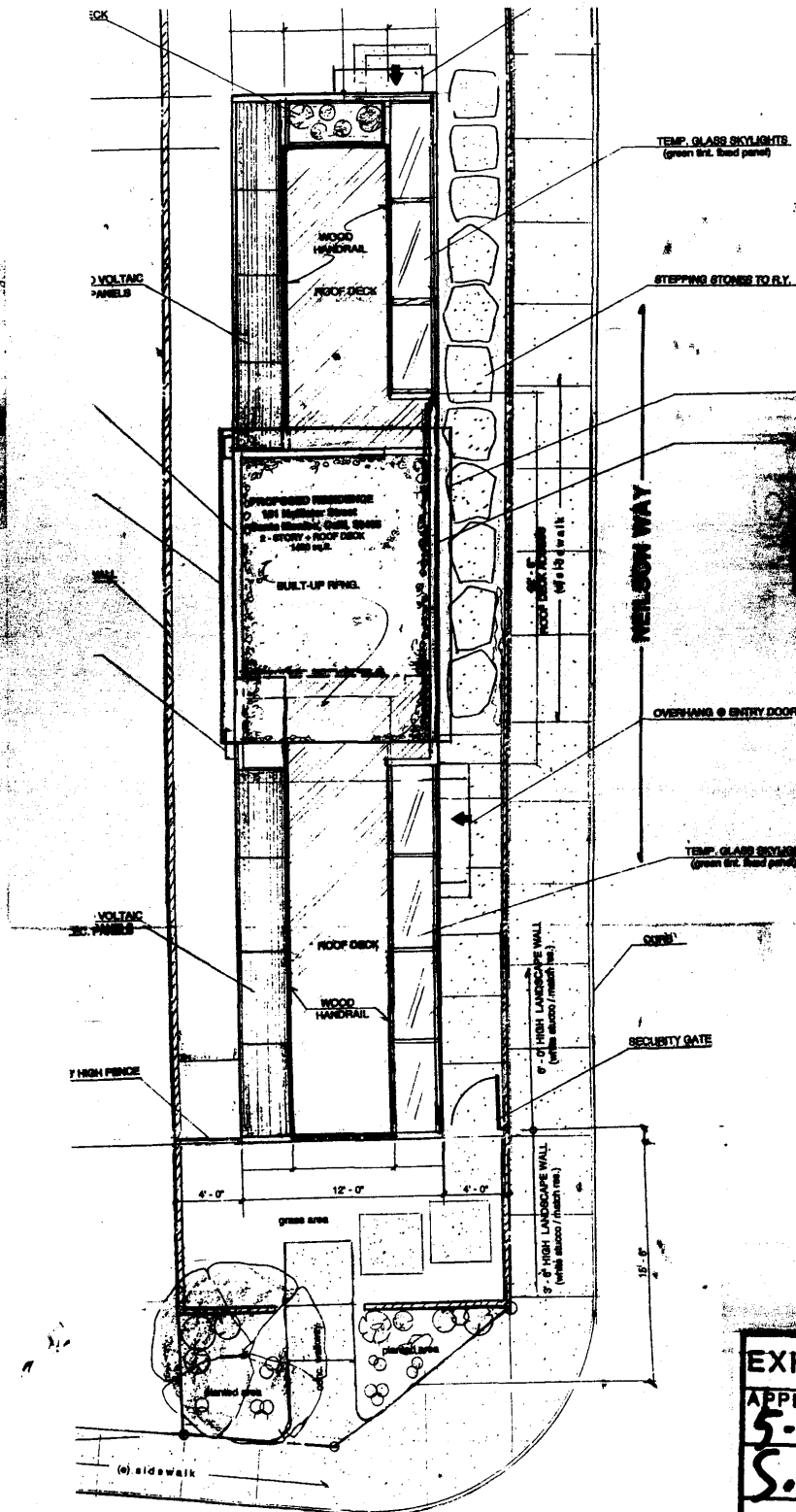


EXHIBIT NO. 4
APPLICATION NO.
5-06-005
Site Plan
California Coastal Commission

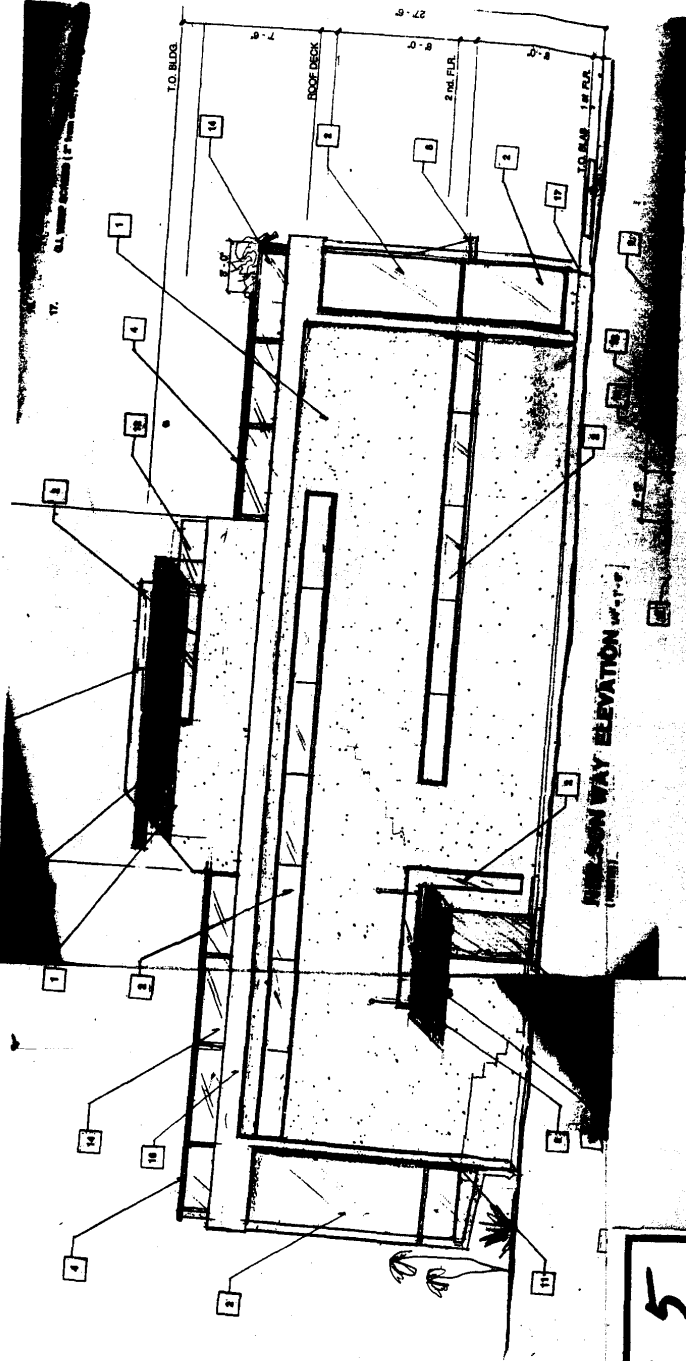


EXHIBIT NO.	5
Application Number	5-06-005
Elevation	(North)
California Coastal Commission	

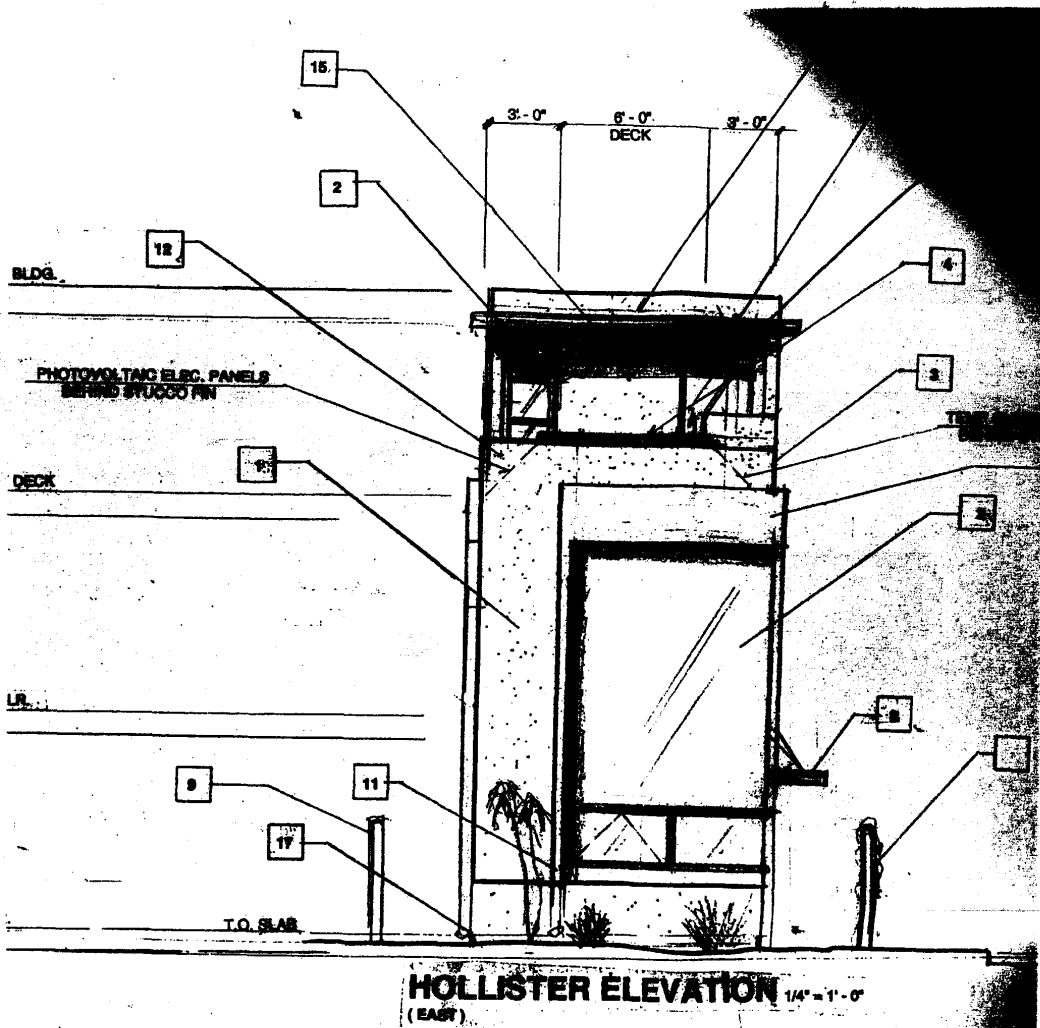


EXHIBIT NO. 6
APPLICATION NO.
5-06-005
Elevation
(East)
California Coastal Commission

