

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
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Filed: 6/18/96  
 49th Day: 8/6/96  
 180th Day: 12/15/96  
 Staff: AJP-LB *SP*  
 Staff Report:  
 Hearing Date: 8/13-16/96  
 Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-96-128

APPLICANT: Sam, Ilona, and Paul Kalt

PROJECT LOCATION: 1307 Palisades Beach Road, Santa Monica

PROJECT DESCRIPTION: Demolition of five rental units and construction of a 40 foot high, 2,623 square foot single-family residence with a tuck under two car garage and area for two additional parking spaces.

|                    |                        |
|--------------------|------------------------|
| Lot area:          | 2,495 square feet      |
| Building coverage: | 1,224 square feet      |
| Parking spaces:    | 4                      |
| Zoning:            | R2B-medium residential |
| Plan designation:  | Residential            |
| Ht abv fin grade:  | 40 feet                |

LOCAL APPROVALS RECEIVED: Approval in Concept; Variance #95-006

SUBSTANTIVE FILE DOCUMENTS:

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed project with no special conditions.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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: None

#### IV. Findings and Declarations.

##### A. Project Description and Background

The applicant proposes to demolish a five rental units and construct a 4-story, 40 foot high, 2,623 square foot single-family residence, with 356 square foot tucked under 2-car garage and turn-around area for two additional parking spaces.

The subject property consists of a single lot totalling approximately 2,495 square feet (25 foot by 99.75 foot). The lot is currently developed with five rental units. The lot is a beach fronting lot located north of the Santa Monica Pier, in the North Beach area of the City of Santa Monica, west (seaward) of Palisades Beach Road in the R2B (Los Density Multiple Family Residential/Parking Overlay) District.

The North Beach area contains the City's northern sandy beach area, beach clubs, the "Gold Coast" single-family residential neighborhood, and multi-family residential development. The subject lot is located within a row of residentially developed lots consisting of a mix of single and multiple family residences. This area of single and multiple-family residences is the first residential row or tract north of the pier. There are approximately 30-40 residences in this tract. The subject lot is located in the northern end of this tract.

To the north and south of the parcel are multiple-family residences; to the east is Palisades Beach Road (Pacific Coast Highway) and Palisades Park bluffs; and to the west is the paved Ocean Front Walk (Promenade) and the beach.

The subject lot and surrounding area is located within the City's Beach Overlay District. The Beach Overlay District includes the area west (seaward) of Ocean Avenue and Neilson Way (excluding the Pier area). The Beach Overlay District was created with the passage of a voter initiative (referred to as Proposition S). The initiative prohibits hotel and motel development, and restaurants over 2,000 square feet, in the Beach Overlay District.

In 1992, Commission denied the LCP for the Beach Overlay District and denied certification because the Commission found that Proposition S discouraged visitor serving uses along the beach resulting in an adverse impact on coastal recreation and access. In an earlier action in 1987, the Commission certified, with suggested modifications, a LUP that included the area presently known as the Beach Overlay District. In its action in 1987, the Commission found that the submitted LUP would also result in adverse impacts on coastal access and recreational opportunities and denied the LUP as submitted and approved it with suggested modifications to mitigate any adverse impacts. As modified the 1987 LUP allowed limited residential development with a small amount of commercial development in the north beach area. The 1987 LUP certification has lapsed.

The proposed project received an Approval in Concept and a Zoning Variance from the City. The zoning variance is for reducing the side yard setbacks and garage width.

**B. Recreation--Ocean Front**

Section 30221 of the Coastal Act States:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

As stated, the proposed project is located between the first public road and the sea. The Coastal Act requires that public coastal recreational facilities shall have priority over other types of development on any private land suitable for such use. Sections 30221 and 30222 gives priority land use to visitor-serving commercial and public recreational facilities on public and private oceanfront and upland areas where necessary.

In acting on the 1992 LUP submittal, the Commission found that the LUP, which incorporated the provisions of Proposition S, discouraged visitor serving uses along the beach, resulting in an adverse impact on coastal access and recreation, and the LUP did not adequately mitigate these and other adverse impacts. Therefore, the Commission could not find the LUP consistent with Section 30221 and 30222 of the Coastal Act.

In the 1987 certified LUP, the Commission found that maximum public access was not being provided on the beach, especially in the north beach area, and allowing private residential development along the north beach would adversely impact public access and would preclude higher priority recreational uses. Therefore, the Commission required a modification to Policy 59 of the LUP, which, as modified, stated in part:

. . . High density residential development shall not be allowed on lots which are currently designated for but not built out to the high density level. Development on these lots shall not exceed their existing density and shall be redesignated as such. Residential development shall be allowed only on those parcels which are currently both developed with and zoned for private residential use. . . Residential development of properties currently developed with beach clubs or other recreational uses shall be prohibited. These parcels shall accommodate beach related visitor-serving recreational and commercial uses including but not limited to overnight visitor accommodations and public parking uses. . .

As modified, the 1987 LUP allowed residential use on lots currently developed with residential use, however, the lots were not allowed to exceed their existing densities in order to minimize the impacts to recreational and access opportunities. In this particular case the applicant is demolishing five rental units and constructing a single-family residences.

The subject property is located within a residential tract, north of the Santa Monica Pier, consisting of mainly older single and multiple family residences with some recycling occurring. This area, because of its proximity to a State beach parking lot and the Pier, would normally be suitable for visitor-serving commercial development. One of the basic Coastal Act goals is to maximize public recreation and access to the beaches. However, this project is located on a narrow, 25 foot lot, between a new single-family residence and a multiple-family residence and within a residential tract that has been recycling over the years with new single-family residences. Because of the size and location of the lot, the lot is not suitable for visitor-serving commercial development. The Commission, therefore, finds that as proposed the project will be consistent with Sections 30221 and 30222 of the Coastal Act.

### 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 land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The proposed project is located in an area of the north beach subarea that is developed with a mix of single and multiple-family residences. Residential structures range from one to three-stories, with a maximum height of 40 feet.

The proposed project will be four-stories, 40 feet high, as measured from existing grade. In past permit action for the area the Commission has consistently limited the height of development to 50 feet for all structures in the north beach subarea. The City currently limits development to a maximum height of 40 feet but also requires projects to conform to a view envelope to protect views from the Palisades Park bluffs. The view envelope is measured from a height of 30 feet at the beach set back line to a point 5 feet above the bluff. As proposed, the project is consistent with past Commission permit action regarding height and with the City's view envelope height limit. The project as proposed is consistent with the character and scale of the surrounding area and with past Commission permit action for the area. The Commission finds, therefore, that the proposed project is consistent with Sections 30250 and 30251 of the Coastal Act.

#### D. Local Coastal Program

(a) 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.

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 area within the Beach Overlay District was excluded from certification due to Proposition S discouraging visitor serving uses along the beach resulting in an adverse impact on coastal access and recreation. In deferring this area the Commission found that, although Proposition S and its limitations on development were a result of a voters initiative, the policies of the LUP were inadequate to achieve the basic Coastal Act goal of maximizing public access and recreation to the State beach and did not ensure that development would not interfere with the public's right of access to the sea.

The subject site, because of its proximity to the State beach and Santa Monica Pier, is suitable for visitor-serving commercial development. However, because the applicant is adding to an existing single-family residence staff is recommending approval of the development. As proposed the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare Land Use Plan policies for the Beach Overlay District (deferred area) and a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

#### E. CEQA

Section 13096(a) of the Commission's administrative 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)(i) 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 impact 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.

E. J. BYER GROUP, INC.

ENGINEERING CONSULTING FIRM

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VICINITY MAP

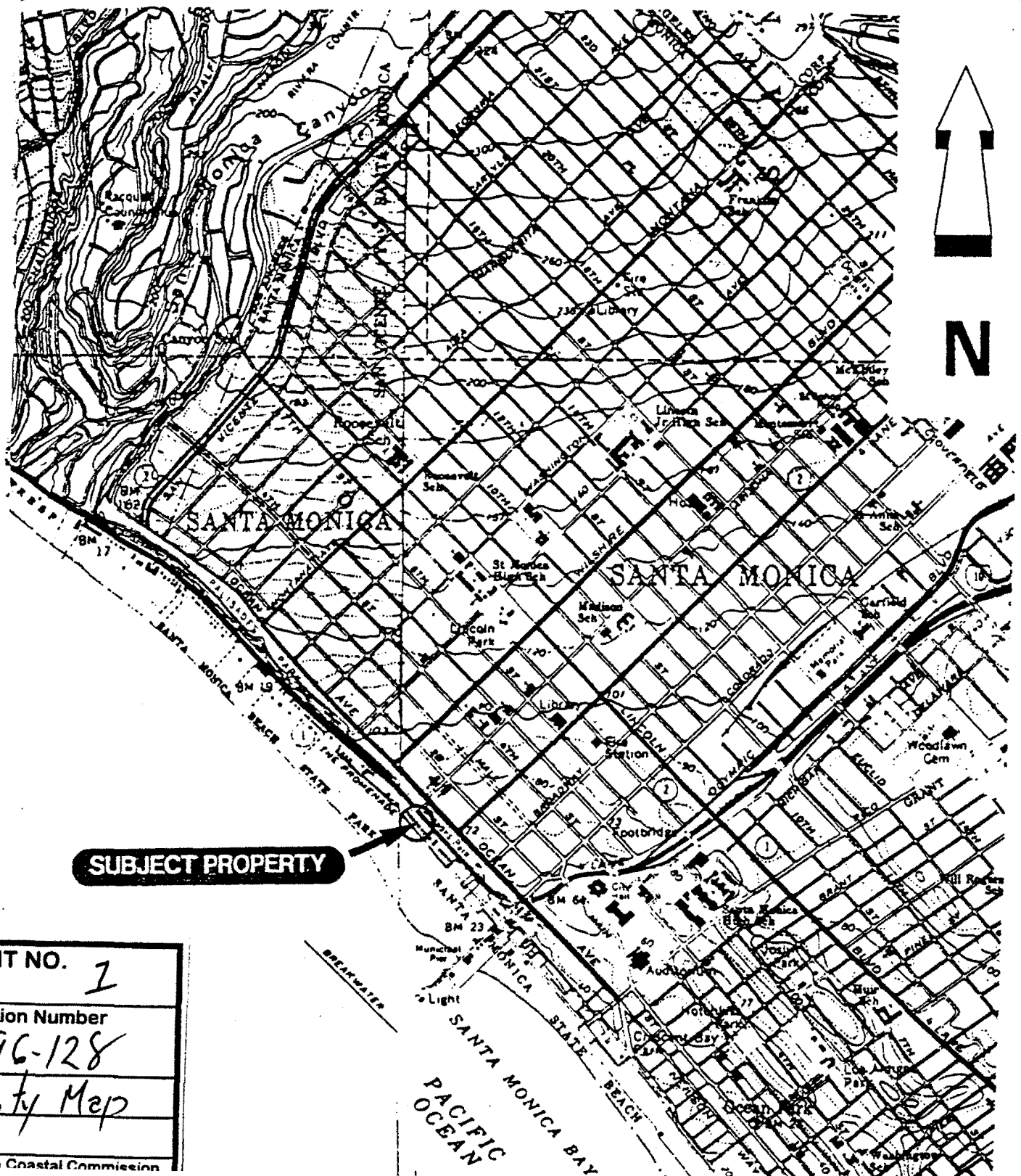
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KALT

CONSULTANT: SDW

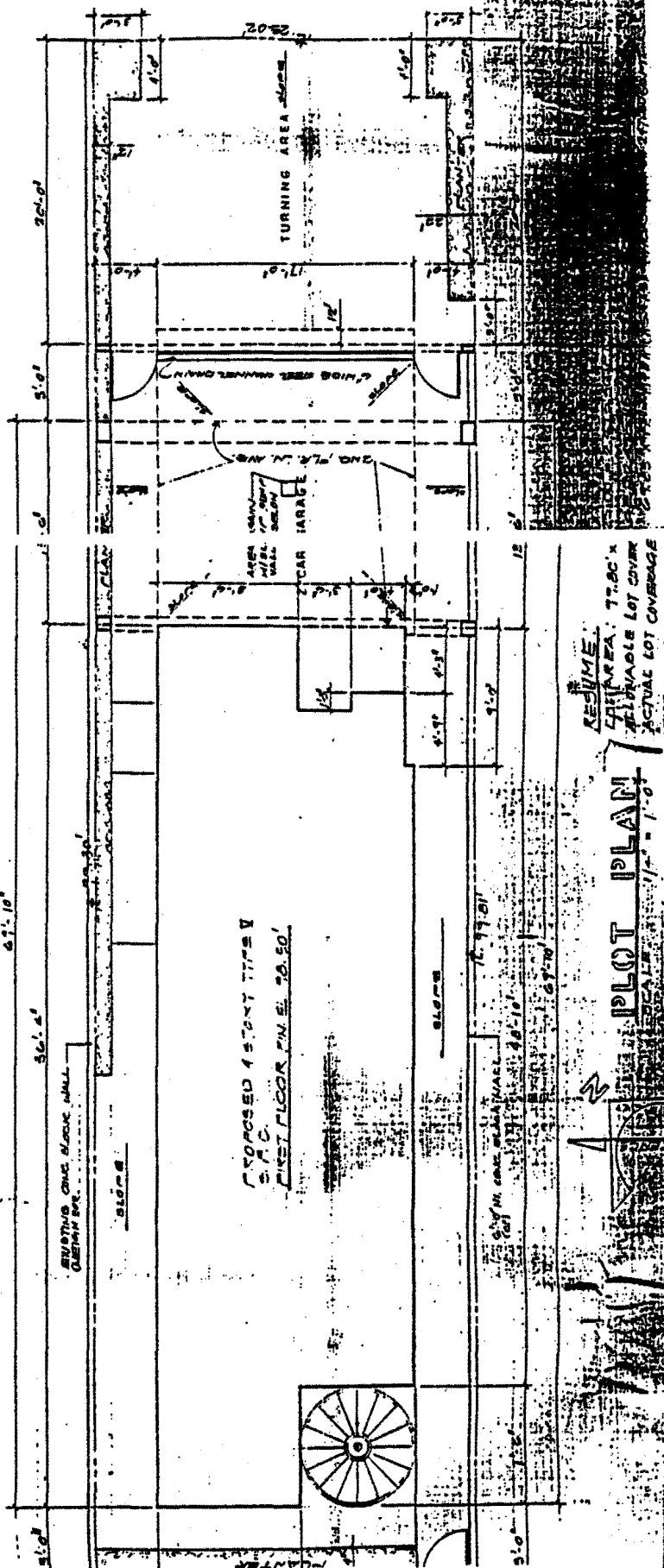
SCALE: 1"=2,000'

SOURCE: U.S.G. S. TOPOGRAPHIC MAP (7.5' series) BEVERLY HILLS AND TOPANGA QUADRANGLES



**SUBJECT PROPERTY**

|                                    |
|------------------------------------|
| EXHIBIT NO. <u>1</u>               |
| Application Number <u>5-96-128</u> |
| <u>Vicinity Map</u>                |
| California Coastal Commission      |

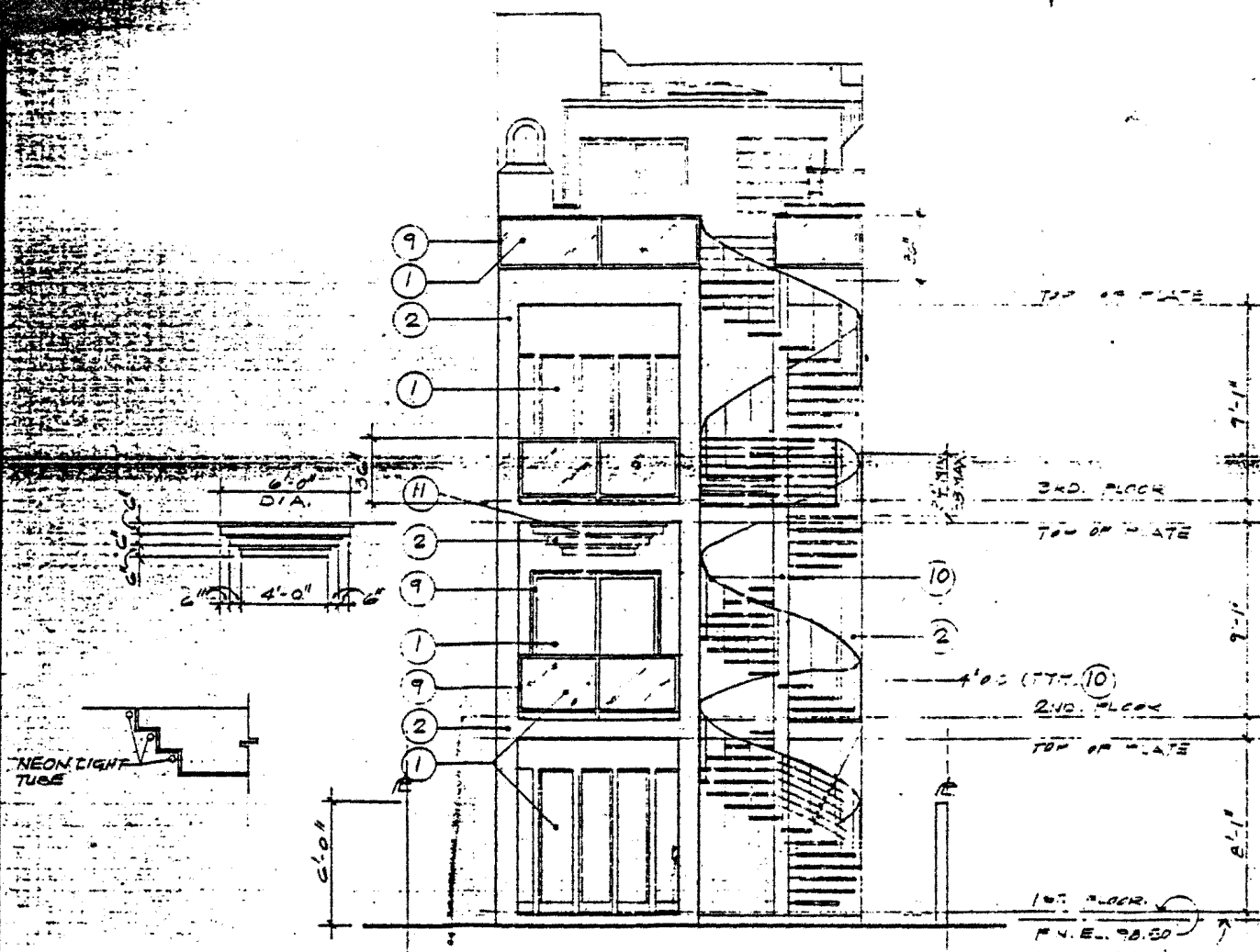


RESUME  
 LOT AREA: 77.80' x  
 PERMISSIBLE LOT COVER  
 ACTUAL LOT COVERAGE

2  
 PLOT PLAN  
 1/2" = 1'-0"

|                                |
|--------------------------------|
| EXHIBIT NO. 2                  |
| Application Number<br>5-96-128 |
| Site Plan                      |
| California Coastal Commission  |





|                                       |
|---------------------------------------|
| <b>EXHIBIT NO. 3</b>                  |
| Application Number<br><b>5-96-128</b> |
| <i>Elevation Drawing</i>              |
| California Coastal Commission         |