

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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**RECORD PACKET COPY****TH18h**

Filed: 8/25/04
 49th Day: 10/13/04
 180th Day: 2/21/05
 Staff: AJP-LB
 Staff Report: 10/22/04
 Hearing Date: 11/17-19/04
 Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER:** 5-04-346**APPLICANT:** Sea View Investment Co. LLC**AGENT:** Killefer Flammang Architects**PROJECT LOCATION:** 1751 Appian Way, Santa Monica**PROJECT DESCRIPTION:** construction of a three story, 39'-2" high, 22,387 square foot, 13-unit apartment building with two levels of subterranean parking for 34 cars.

Lot Area:	13,949 sq. ft.
Building Coverage:	6,972 sq. ft.
Landscape Coverage:	2,590 sq. ft.
Parking Spaces:	34
Zoning:	R3-Medium Density Residential
Ht above final grade:	39'-2"

LOCAL APPROVALS RECEIVED: Approval in Concept; Administrative Approval 02-033.**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** with special conditions on the basis that the project, as conditioned, conforms with the public access and resource protection policies of the Coastal Act. Special Conditions include, water quality, and conformance with geologic recommendations.

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-04-346 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. **Water Quality Standards**

With the acceptance of this permit the applicant agrees to comply with all applicable City of Santa Monica water quality requirements under the City's Municipal Code, as required by the City, that are in effect at the time of approval of this permit.

2. **Conformance of Design and Construction Plans to Geotechnical Report**

A. All final design and construction plans, including foundations, floor plans and grading shall be consistent with all recommendations contained in the Soil Investigation report dated August 9, 2004. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

B. The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. **FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to construct a three story, 39'-2" high, 21,720 square foot, 13-unit residential development with two levels of subterranean parking for 34 cars, and approximately 12,400 cubic yards of total grading (10,900 cy of cut and 1,500 cy of fill).

The project site is located on the inland side of Appian Way approximately 1,000 feet south of the Santa Monica Pier and approximately 435 feet north of Pico Boulevard, in the City of Santa Monica.

The lot is approximately 95 feet wide along Appian Way and approximately 143 to 148 feet deep. The property rises approximately 27 feet at the rear of the property above Appian Way. The lot ascends easterly approximately 55 feet at approximately a 2:1 gradient and continues to ascend on an average gradient of 8:1 to the eastern property line. The proposed project will occupy approximately 6,972 square feet of the 13,949 square foot lot, or approximately 49% of the site.

The site is currently vacant. The site was developed with a craftsman style house. The previous development was demolished in 1994. The surrounding area is developed with a hotel with subterranean parking to the north, single-family residential development to the east, single and multi-family residential to the south, and a public beach parking lot to the west and across Appian Way. West of the parking lot is the City's pedestrian promenade and sandy beach. An approximately six foot wide improved public pedestrian walkway, Seaview Terrace, is located adjacent to and along the southern property line extending from Appian Way to Ocean Avenue.

B. 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 proposed project will consist of a three story, 39'-2" high, 21,720 square foot, 13 unit residential development with 34 parking spaces within a two level subterranean garage. The project site is zoned R3-medium density residential. The site was previously developed with residential development. The 13,949 square foot R3 medium density residential zoned lot is located between hotel development to the north, zoned RVC, and R3 medium density zoned residential lots to the south. The adjacent RVC zoning allows a mix of residential and commercial development with height limits of 45 feet. The R3 zoning allows medium density

residential development up to 1 dwelling unit per 1250 square feet of parcel area, and a maximum building height of 40 feet.

Under the City's maximum unit density, the 13,949 square foot parcel would be allowed 11.16 units. However, the proposed project was granted a 25% State density bonus allowing a maximum of 14 units. The applicant is proposing 13 units, one less than the maximum allowed.

The proposed project has been designed to be compatible with the development in the surrounding area. To the north and adjacent to the project is an approximately 56 foot high, 175 room hotel. To the northwest and seaward of the project, is a 9 story, 178 unit residential building. To the south and across the pedestrian walkway are two-story single and multi-family residential buildings. The proposed building's scale is consistent with the surrounding area and will conform to the pattern of surrounding development.

Public coastal views are to the west from and along Appian Way which fronts the project's western property line. The pedestrian walkway, Seaview Terrace, located adjacent to and south of the property, provides limited beach and ocean views directly west and over the existing public beach parking lot, and to a limited extent, out over the vacant property. Views across the property are limited due to existing 9 story residential development located to the northwest and across Appian Way. The proposed project will be setback 10'-9" from the northern edge of the walkway, with a 20 foot front yard setback from Appian Way. These setbacks will help minimize the visual impact from the pedestrian walkway. As proposed the project's height, bulk and location of the project will not have an adverse impact on coastal views or scenic resources and will be visually compatible with the surrounding area. The Commission, therefore, finds that the proposed project will be compatible with the character and scale of the surrounding uses and with Sections 30250 and 30251 of the Coastal Act.

C. Parking

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. 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 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities. 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. . .

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 parking for coastal access.

Through past Commission permit action the Commission has established for multi-family residential development a parking ratio of 2 parking spaces per unit, plus 1 guest parking space per every 4 units. Based on this parking ratio, the proposed 13-unit project would require 29 parking spaces. The proposed development will provide a total of 34 parking spaces within two levels of parking. As proposed the project is providing the Commission required parking, plus 5 additional parking spaces. The Commission, therefore, finds that, as proposed, the project will not adversely impact coastal access and will be consistent with Section 30211 and 30252 of the Coastal Act.

D. Control of Polluted Runoff

Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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 the proposed parking garage and site runoff. To mitigate potential water quality impacts, the City has adopted an Urban Runoff Ordinance. The ordinance requires projects to incorporate best management practices with extensive recommendations and measures to reduce or prevent contaminants from running off the site. The City requires all new development to achieve twenty- percent reduction of the projected runoff for the site and the use of oil and water separators or clarifiers to remove petroleum-based contaminants and other pollutants. The City's Best Management Practices are designed to treat, infiltrate or filter the amount of stormwater runoff up to the 85% percentile for a 24 hour storm event. Furthermore, the City has 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.

Coastal Commission water quality staff has previously reviewed the City of Santa Monica's water quality standards for similar projects and have determined that the City's standards are consistent with standards imposed by the Commission. To ensure that the development complies with the City requirements, special condition No. 1 is necessary that requires the applicant to agree to comply with the water quality requirements of the City. The Commission, therefore, finds that, as conditioned, the development will be consistent with Section 30230 and 30231 of the Coastal Act.

E. Geology

Section 30253 of the Coastal Act states in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The proposed project will be built into the existing slope and will require approximately 12,400 cubic yards of total grading (10,900 cy of cut and 1,500 cy of fill) for the construction of the subterranean garage. Retaining walls will be incorporated into the building design within the excavated area.

The applicant has submitted a Soil Investigation reports prepared by Pacific Geosoils, Inc., dated August 9, 2004. According to the report the site consists of fine sand, silt and clay to a depth of 71 feet. The report states that there are no known faults in the area. The closest fault, the south branch of the Santa Monica fault is approximately 7,000 feet to the north. According to the report the potential of ground rupture from fault displacement is considered very low due the distance of the fault from the project site.

The report also states that the site is locate outside of the liquefaction zone, based on the "Seismic Hazard Zones" map issued by the State of California. Based on calculations for liquefaction, the potential for liquefaction at the project site is considered unlikely.

The report concludes that development of the site is feasible from a geotechnical engineering viewpoint provided their recommendations are incorporated into the design. Recommendations include foundation design and construction. To ensure that the recommendations made by the consultants are implemented, the applicant shall submit plans reviewed and approved by their geotechnical consultants indicating that all recommendations have been incorporated into the design. The Commission, therefore, finds that only as conditioned will the proposed development be consistent with Section 30253 of the Coastal Act and the certified LUP.

F. 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), the Santa Monica Pier and the Civic Center. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications. The proposed project is located west of Ocean Avenue and is located in the area of deferred certification.

As conditioned the project will not adversely impact coastal resources and beach 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 a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

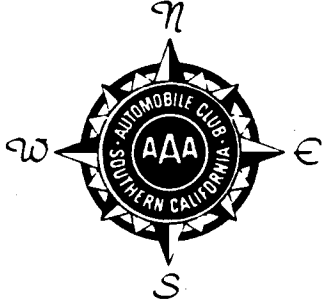
G. CEQA

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)(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.

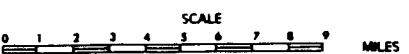
There are no negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.



Project Location



LOS ANGELES AREA



RECEIVED
South Coast Region
CALIFORNIA
COASTAL COMMISSION

HUNTINGTON BI
EXHIBIT NO. 2
APPLICATION NO. 5-04-346
<i>Regional Map</i>
California Coastal Commission



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VICINITY MAP

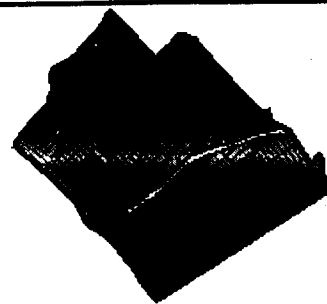
SITE : 1751 APPIAN WAY

EXHIBIT NO.	2
Application Number	5-04-346
	<i>Vicinity Map</i>

5-04-346

GC MAPPING SERVICE
711 MISSION ST. SUITE B
SOUTH PASADENA CA 91030
 (800) 444-1000

Santa Monica Property Information



site



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EXHIBIT NO.	3
Application Number	5-04-346
	Parcel Map

BUILDING DEPARTMENT NOTES

1. ALL PROJECTS TO COMPLY WITH BUILDING DEPARTMENT NOTES AND PREPARED BY THE BUREAU OF ENGINEERING.
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TREE PROTECTION ZONE GUIDELINES

1. TREES WITHIN THE PUBLIC RIGHT OF WAY SHALL BE PROTECTED BY A TREE PROTECTION ZONE (TPZ). THE TPZ SHALL BE ESTABLISHED BY A TREE PROTECTION ZONE SIGN AND SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
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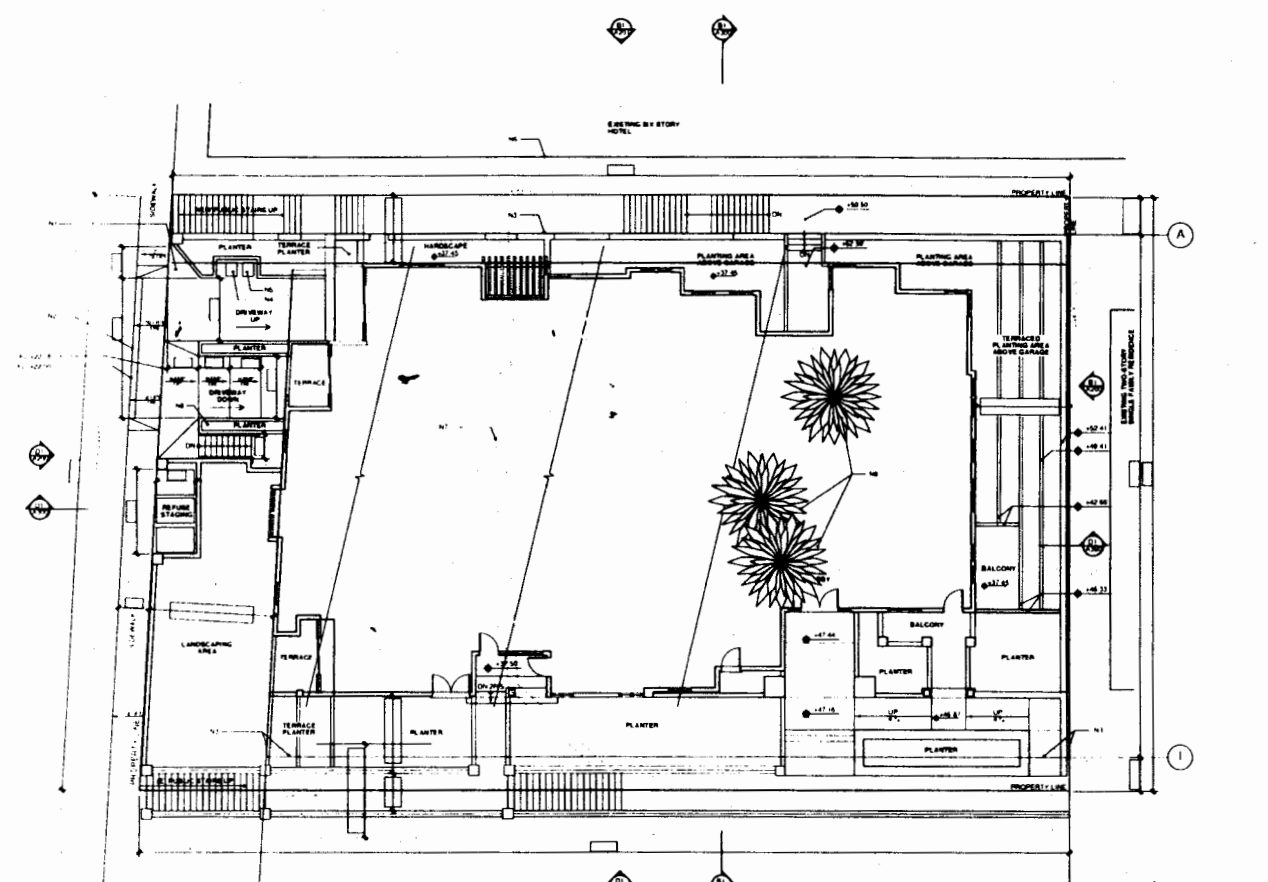


EXHIBIT NO. 4

Application Number
5-04-346
Site Plan

California Coastal Commission

EXISTING TWO STORY APARTMENT BUILDING

5-04-346

EXISTING TWO STORY SINGLE FAMILY RESIDENCE

EXISTING TWO STORY SINGLE FAMILY RESIDENCE

South Coast Community College
 AUG 28 2004
 Coastal Commission

SEAVIEW TERRACE

PLAN CHECK SUBMITTAL

DATE: 7/25/04

DATE: 8/11/04

DATE: 10/13/04

Site Plan

A100

EXHIBIT NO. 5

Application Number

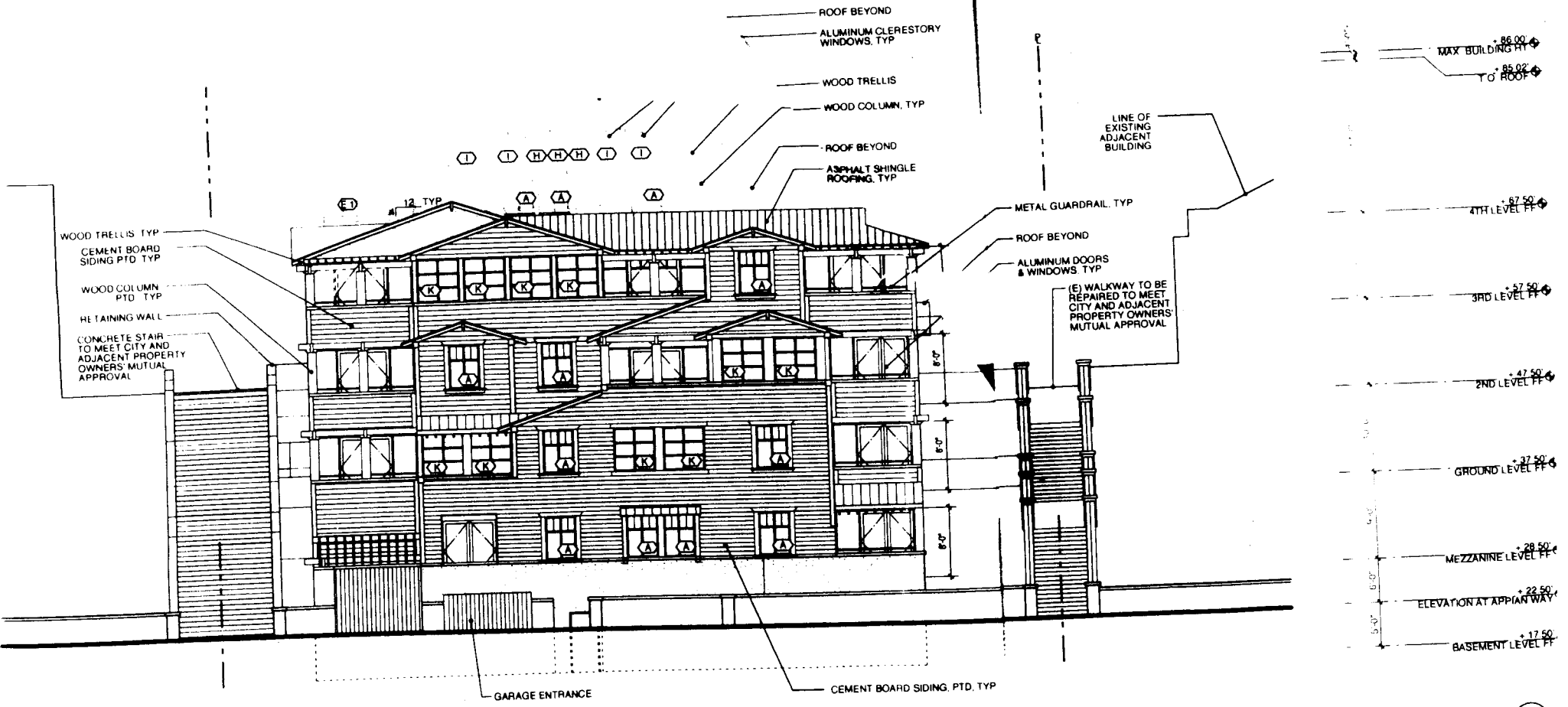
5-04-342
Elevation

California Coastal Commission

EAST ELEVATION
SCALE 1/8" = 1'-0"

B1

LINE OF (E) ADJACENT



WEST ELEVATION

D1

