

CALIFORNIA COASTAL COMMISSION

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**TH 15d.**

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 49th Day: 9/08/04
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 Staff: AJP-LB
 Staff Report: 9/14/04
 Hearing Date: 2/16-18/04
 Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER:** 5-04-296**APPLICANT:** Paul and Beth Guez**PROJECT LOCATION:** 972 Palisades Beach Road, Santa Monica (Los Angeles County)**PROJECT DESCRIPTION:** Addition of 1,793 square feet of habitable space and a 482 square foot garage, to an existing two-story 3,737.5 square foot single-family residence.

Lot Area:	10,968 sq. ft.
Building Coverage:	1,188 sq.ft.
Pavement Coverage:	35 sq. ft.
Landscape Coverage:	5,670.5 sq. ft.
Zoning:	R2B—Low Density Residential
Ht above final grade:	16'-8" feet

LOCAL APPROVALS RECEIVED: City of Santa Monica Approval in Concept**SUBSTANTIVE FILE DOCUMENTS:** CDPs 5-99-401(Check Investments); (5-97-199(Risa, Inc); 5-97-112(Ephraim); 5-96-109(Warschaw); 5-03-369(Rosenthal)**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of the proposed development with no special conditions.

I. STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

MOTION: *I move that the Commission approve coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California 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 alternative 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 term or 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

None

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The proposed project involves the addition of a total of 1,793 square feet of habitable area and an attached 482 square foot garage to an existing 3,737 square foot, two-story single-family residence, with attached garage. A 379.5 square foot portion of the addition will extend the residence approximately 15 feet seaward from the most seaward portion of the existing residence. The proposed additions will be 16'-8" and 28' in height. In addition to the existing residence, the 10,968 square foot lot is improved with a swimming pool on the seaward side of the residence, landscaping, and perimeter property fence/wall.

The proposed project site is located at 972 Palisades Beach Road (Pacific Coast Highway), in the City of Santa Monica. The property consists of two adjoining lots, each measuring 30 feet wide by 183 feet deep for a total area of 10,980 square feet. The property is a beach fronting lot located north of the Santa Monica Pier, in the North Beach area of the City of Santa Monica, on the western (seaward) side of Palisades Beach Road in the R2B (Low Density Multiple Family Residential/Parking Overlay) District.

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 allows residential development but prohibits hotel and motel development, and restaurants over 2,000 square feet, in the Beach Overlay District.

The proposed project was scheduled on the Commission's consent calendar on October 2004. However, the project was postponed because prior to the hearing staff became aware that approximately 1,895 square feet of the existing residence was constructed without the benefit of a coastal permit. The applicant was originally applying for a 379.5 square foot addition to the existing residence on the seaward side of the residence (see exhibit No. 4). After staff became aware of the previous addition through a neighbor's inquiry, it was

determined that approximately 1,895 square feet was previously added along the northern portion of the residence onto the adjoining lot without a coastal development permit (See Exhibit No. 4). The addition was done by a previous owner. The applicant was asked by staff for additional information regarding the previous addition and they researched the matter at the City and provided the requested information.

B. Access

Sections 30210, 30211 of the Coastal Act require that new development provide maximum public access and recreation opportunities and avoid interference with the public's right of acquired access

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

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

The proposed project is located on the beach, adjacent to and west of Palisades Beach Road (Pacific Coast Highway), in the City's North Beach area. 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 and public beach parking lots. The beach area in front of the property is a broad beach, over 500 feet in width. Due to the width of the beach and the Santa Monica breakwater, properties are protected from storm wave impacts and have not required shoreline protective devices.

The existing single-family residence and addition are located landward of the 1921 mean high tide line, which was formally established by survey as the legal property line between public and private property in this location, as part of a settlement (lease agreements) between State Lands, City of Santa Monica and the various property owners. Although the Commission was not a party to the lease agreements, the Commission has required that no private, permanent improvements extend beyond the 1921 mean high tide line. In this particular case all proposed development is located over 75 feet inland of the 1921 mean high tide line.

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Moreover, the project combines

two buildable lots together, eliminating the potential for a second single-family residence in the area and reducing density in the area. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 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 addition will be a maximum of two-stories, 26-feet high, as measured from existing grade. In past permit actions 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. The proposed project is lower than the Commission's maximum height limit and the City's view envelope restriction.

Furthermore, the proposed development will be set back 78 feet from the front property line (1921 Mean High Tide Line) and will be consistent with the set backs in the surrounding area.

As proposed, the project is consistent with past Commission permit action regarding height and parking requirements. 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, therefore, finds that the proposed project is consistent with Sections 30250 and 30251 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 hardscape. The City, to mitigate potential impacts, 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. 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.

The proposed project will compile with the City water quality requirements. The Commission, therefore, finds that, as proposed, the development will be consistent with Section 30230 and 30231 of the Coastal Act.

E. Unpermitted Development

Development has occurred on site without benefit of the required coastal development permit. In 1998, the subject property consisted of two separate single-family lots (107 and 108) under separate ownership. Lot 107 was improved with a single-family residence and Lot 108 was vacant. The Commission approved a permit (No. 5-98-180) for the construction of a 1,617 square foot single-family residence on Lot 108. The approved single-family residence was never constructed. Sometime after Commission approval of the permit, the owner of Lot 108 sold the property to the owner of Lot 107 (previous owner) and the owner of Lot 107 used Lot 108 to add to the existing single-family residence on Lot 107, thereby combining the two lots. The addition was issued a building permit by the City, but the addition did not receive a coastal development permit. The work that was undertaken constitutes development that requires a coastal development permit.

Consideration of the permit amendment application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

F. Local Coastal Program

Coastal Act section 30604(a) states:

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.

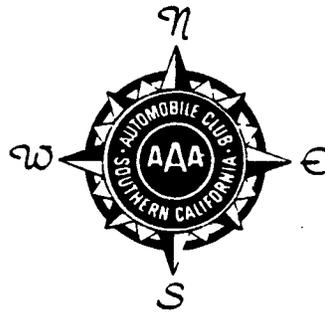
Because the applicant is adding to an existing single-family residence and the project site is located within an area consisting of residential development, the Commission finds it can approve the development. As proposed project will not adversely impact coastal resources or access. The Commission, 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).

G. California Environmental Quality Act.

There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as submitted, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



Project Location

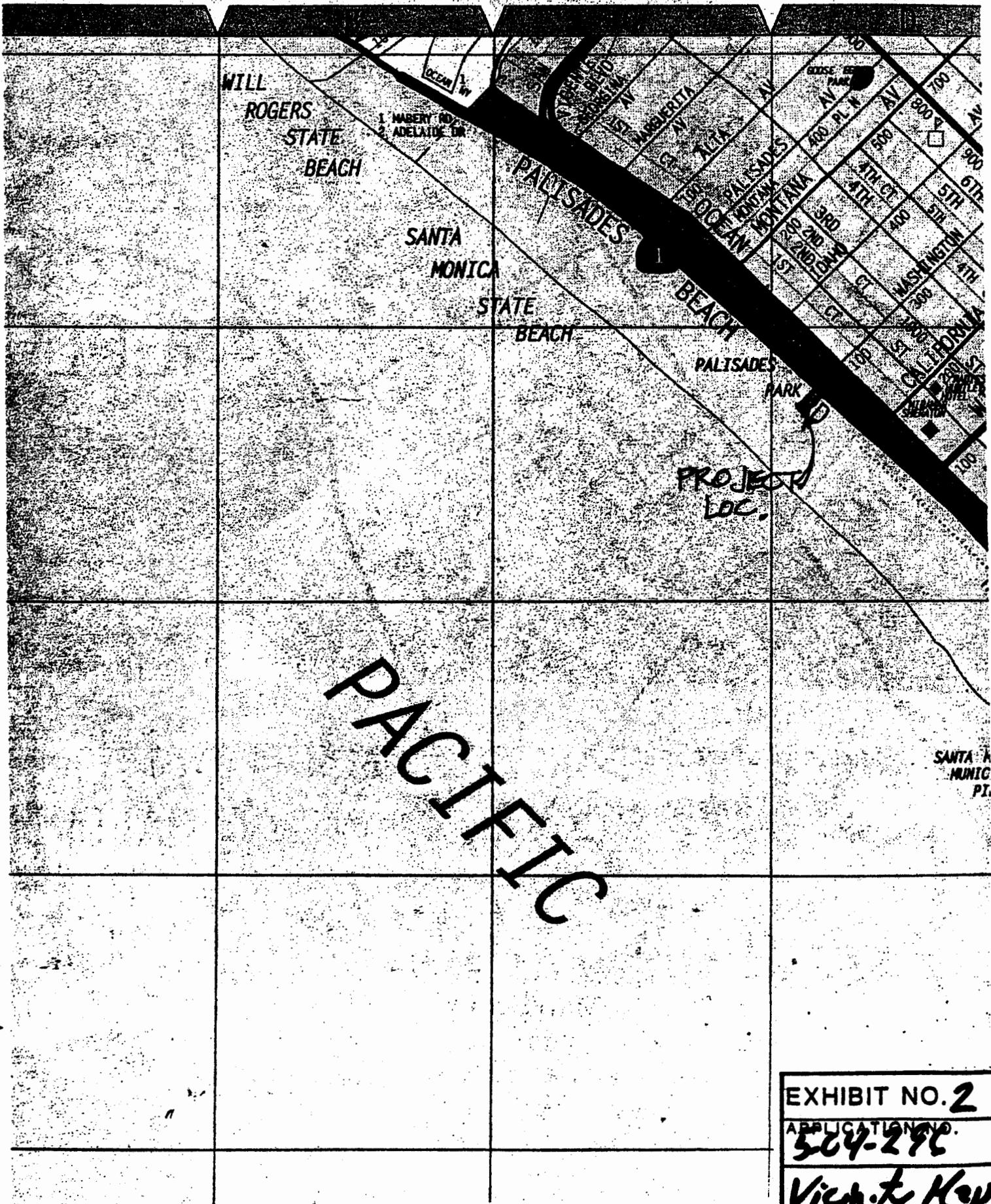


LOS ANGELES AREA



RECEIVED
 South Coast Region
 CALIFORNIA
 COASTAL COMMISSION

EXHIBIT NO. 1
APPLICATION NO. 5-04-296
<i>Regional Map</i>
 California Coastal Commission



WILL
ROGERS
STATE
BEACH

1. HABERY RD
2. ADELATUE DR

SANTA
MONICA
STATE
BEACH

PALISADES
BEACH

PROJECT
LOC.

PACIFIC

SANTA MONICA
PT.

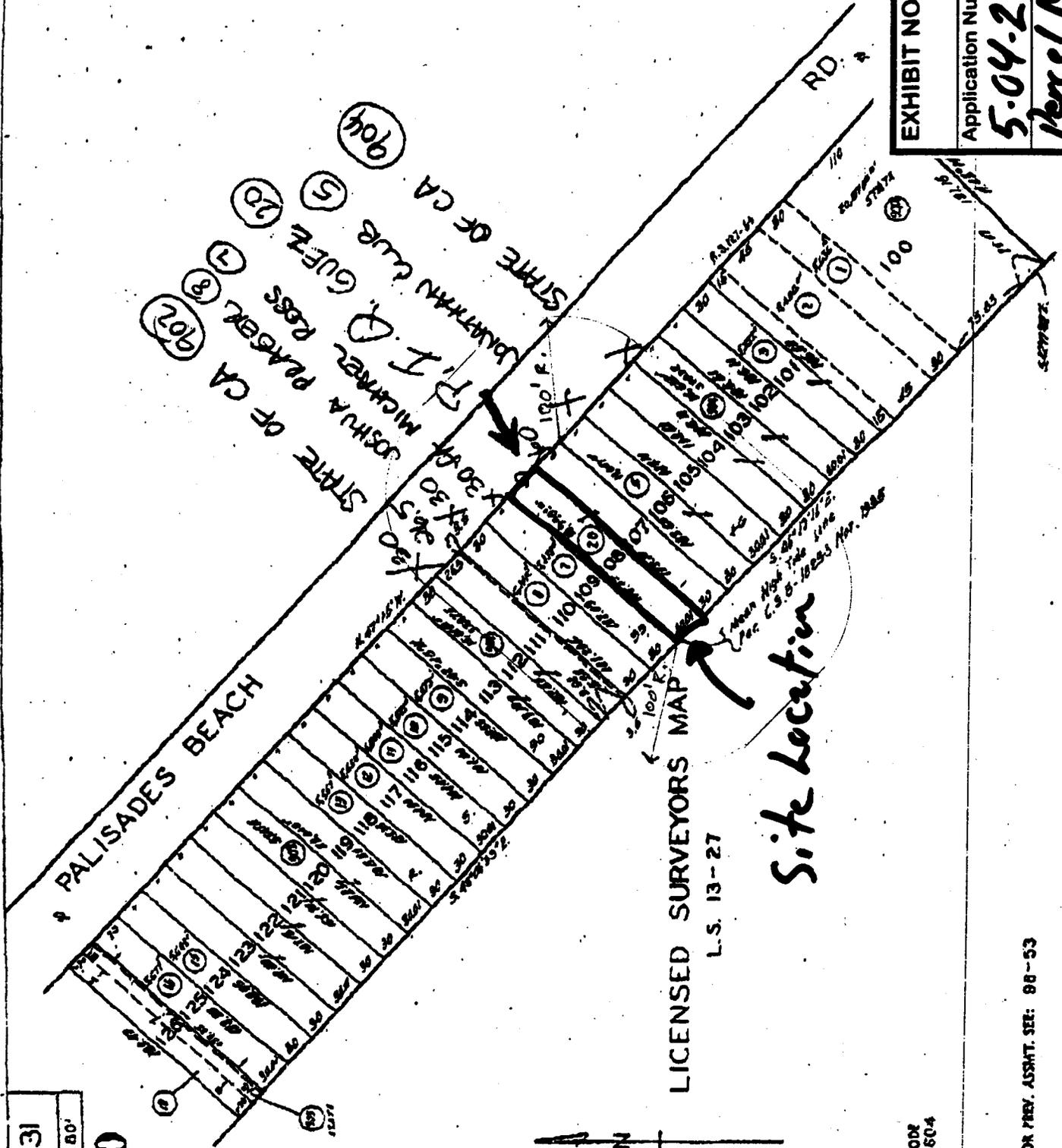
EXHIBIT NO. 2
APPLICATION NO. 504-298
Vicinity Map
 California Coastal Commission

4292 31

SCALE 1" = 60'

2000

#0924 P.092/002

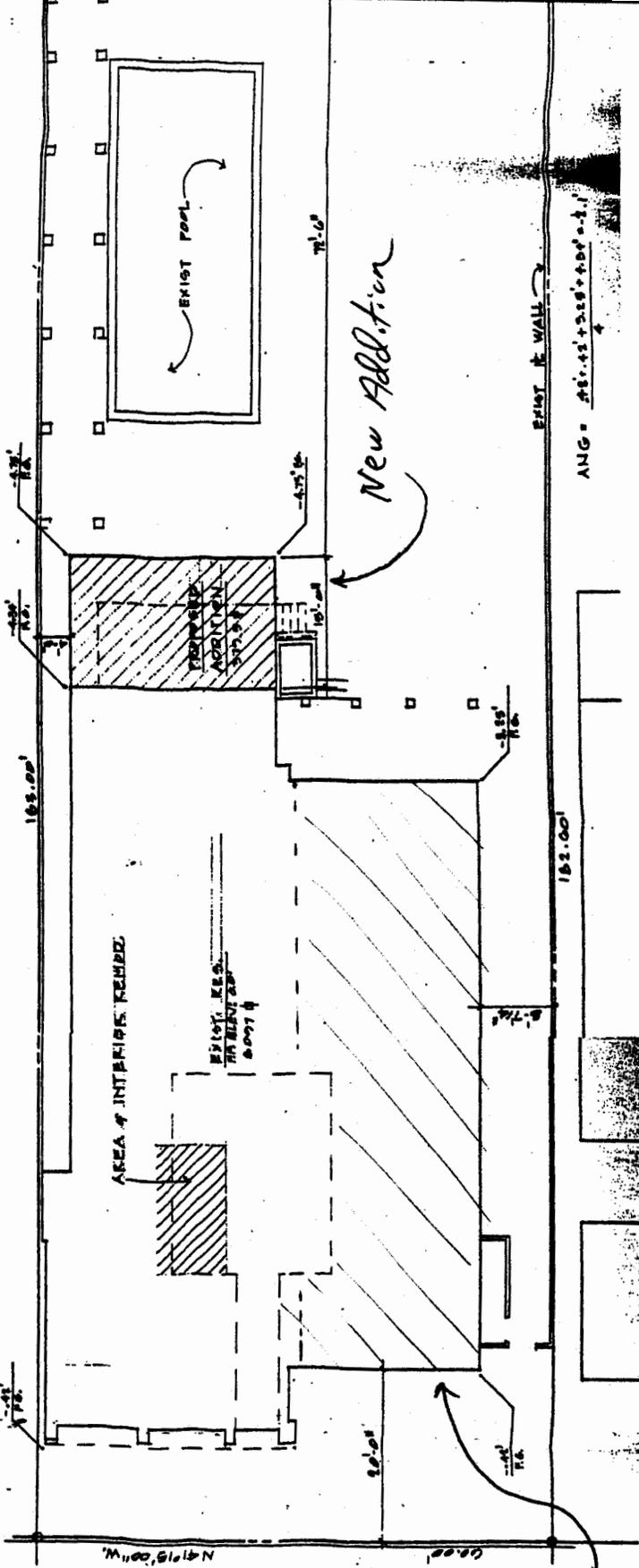


CODE 8604

EXHIBIT NO. 3
Application Number 5-04-296
Parcel Map
California Coastal Commission

NO. 1393 FOR PREV. ASSHT. SEE: 88-53

02/02/1993 10:20



Addition previously constructed

EXHIBIT NO.	4
Application Number	504296
	Site Plan
California Coastal Commission	

EXHIBIT NO. 5

Application Number

5-04-296

Section

California Coastal Commission

