CALIFORNIA COASTAL COMMISSION

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Filed: 2/14/12 49th Day: 4/03/12 180th Day: 8/12/12 Staff: AJP-LB Staff Report: 4/17/12 Hearing Date: 5/9-11/12

Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-12-047

APPLICANT: Hagy Beizberg

AGENT: Christopher Arntzen

PROJECT LOCATION: 2321 Main Street/207 Hollister Avenue, Santa Monica

PROJECT DESCRIPTION: Construction of a LEED certified mixed use residential and commercial development consisting of two single-family residences, 1,478 square feet of ground floor retail, 2,000 square feet of office, and 19 parking spaces with three car lifts.

Lot Area: 10,309 square feet Building Coverage: 2,695 square feet Pavement Coverage: 6,419 square feet Landscape Coverage: 1,195 square feet

Parking Spaces: 19

Zoning: Residential/Commercial

Ht above final grade: 27 feet

LOCAL APPROVALS RECEIVED: City of Santa Monica Approval in Concept; Administrative Approval Determination; Variance 11VARR012, 13, and 14.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions on the basis that the project, as conditioned conforms with the public access policies of the Coastal Act. Special Conditions include; 1) maintenance of autolift;2) parking signage; 3) parking space allocation;4) participation in a parking, car pool and transit incentive program; 5) water quality; 6) no future improvements restriction; and 7) recordation of a deed restriction against the property referencing all of the Standard and Special Conditions contained in this staff report.

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STAFF RECOMMENDATION:

I. <u>STAFF RECOMMENDATION</u>:

Staff recommends that the Commission adopt the following resolution to <u>APPROVE</u> 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. SPECIAL CONDITIONS

1. Maintenance of Autolifts

The applicant/property owner shall maintain and operate all three proposed mechanical car lifts, for a total of 6 parking spaces for office use in proper working order at all times for the life of the project.

2. Parking Allocation

The proposed development shall provide a minimum total of 19 parking spaces for the proposed retail, office and residential uses within the three individual parcels, as depicted in Exhibit No. 3. The parking shall be allocated as follows:

Retail-- 7 parking spaces
Office-- 8 parking spaces

Residential-- 4 parking spaces

Any proposed changes to the approved parking plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

3. Parking Signage

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a signage plan showing that all on-site parking is properly designated as residential, office or retail parking.

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

4. Parking, Car Pool and Transit Incentive Program

- a) The applicant shall provide for a parking, carpool and transit incentive program as follows:
- (1) The applicant shall actively encourage employee participation in a Transportation Ride Sharing Program.
- (2) A public transit fare reimbursement program shall be implemented by the applicant. The system shall be in effect for at least a 30-year period. The applicant shall provide for partial reimbursement to one hundred percent of the employees of the development for public transit fare to and from work.
- (3) The applicant shall provide a bicycle parking area, free of charge, on the property.
- (4) The applicant shall assume responsibility for providing notification to all future occupants of the development of the provisions of this special condition. The notification program shall be implemented during the first month of occupancy of the new development.

5. Water Quality Standards

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

6. No Future Improvements Restriction

This permit is only for the development described in coastal development permit No. **5-12-047**. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the type, density or intensity of use land, shall require an amendment to Permit No. **5-12-047** from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government, unless the Exectuvie Director determines that no additional amendment or coastal development permit is required.

7. 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.

III. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. **Project Description and Location**

The applicant proposes the construction of a LEED certified mixed use residential and commercial development consisting of two single-family residences; 1,478 square feet of ground floor retail; 2,000 square feet of office; and 19 parking spaces with three autolifts. The subject site consists of three contiguous parcels, under common ownership, totaling 10,309 square feet in area. Each parcel will be developed as follows:

Parcel A: 803 square feet of retail; 2,000 square feet of office space; 7 parking spaces

Parcel B: 675 square feet of Retail; one 2,352 square foot single-family residence; 9 parking spaces

Parcel C: one 1,636 square foot single-family residence; 3 parking spaces

Retail space will be located on the ground floors along Main Street and Hollister Avenue on parcels (A and B) with office space on the second floor on parcel A; and residential above the retail space on parcel B. Parcel C will be developed with a two-story residence. The three buildings will be 2-stories and 27 feet high. The 19 parking spaces for the entire development will be provided over the three parcels within a common or shared parking area. Access to the shared parking area will be located off of Main Street. Approximately 1,195 square feet of landscaping will be provided along the ground floor and on the roof. Bicycle racks will be provided on-site.

The subject site is located northwest of the Main Street and Hollister Avenue intersection, in the southern portion of the City of Santa Monica (see Exhibit No. 1 and 2) and is currently vacant. The parcels have frontage along Main Street and Hollister Avenue. The City of Santa Monica's certified Land Use Plan designates the project site as Ocean Park Low Density Multifamily Residential (OP2) and Main Street Commercial (CM2). The site is two blocks east of the Santa Monica State beach. Main Street is developed with commercial uses and to the east of Main Street the area is developed with single and multi-family residential.

B. Coastal Access--Parking

The proposed project is located approximately two blocks from the City's South Beach area. Main Street has evolved over the years from small scale neighborhood serving retail uses to trendy restaurants, art galleries, specialty-retail establishments and offices over ground floor retail. The City's certified LUP states that:

Many of the buildings along Main Street date from before World War II, and do not provide offstreet parking. Main Street has metered parking on the street and in several public parking lots. These lots include a small lot at Strand Street, a larger lot south of Hollister Avenue, and a major lot between Kinney and Hill streets behind the businesses located on Main Street. In recent years, several office buildings and mixed use retail and office structures have been built. The newer buildings provide off-street parking sufficient for their own needs.

This recycling has caused parking shortages along Main Street and the surrounding areas due to inadequate on-site parking, and competition for street parking from visitors to Main Street, residents that live immediately east of Main Street where inadequate residential parking also exists, and from beachgoers that use the area for beach 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. . .

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 . . .

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 the visitor serving area of Main Street or for beach parking.

The applicant is proposing to provide a total of 19 on-site parking spaces within a common parking area for the use of the two residential units, 2,000 square feet of office and 1,478 square feet of retail space (see Exhibit No. 3). Based on City parking standards, the City would require 16 parking spaces. Although the project meets the City's parking standards, the Commission has consistently applied Commission parking standards to development within the Santa Monica area. Based on the Commission's parking standard of 2 parking spaces per residential unit; one space per 250 square feet of office; and one space per 225 of retail, the proposed project will require a total of 19 parking spaces. The applicant will provide adequate parking to meet the Commission's parking requirements. However, 6 of the 19 parking spaces will be provided through a mechanical parking lift system (autolift), where one vehicle is raised to allow another car to park beneath (see Exhibit No. 3). In past permit action the Commission has approved the use of autolifts for providing required parking [CDP No. 5-94-172(Calstar); 5-99-116(Barnard); and 5-01-031(Greene)]. The concern the Commission has had in the past with autolifts is the maintenance and continued operation of the lifts. If lifts are not maintained or operated as proposed the number of parking spaces are effectively reduced which would adversely impact public access by increasing the demand for on-street parking. Therefore, to ensure that the applicant is aware that the autolifts should be maintained and operated to provide 6 functional parking spaces for a total of 19 parking spaces for the entire development, Special Condition No. 1 is necessary requiring the applicant to maintain and operate the autolifts for the life of the project. Special Condition No. 2 is necessary to ensure that all parking, as allocated for the various uses, will be provided for the development within the three parcels and any proposed change shall be reported to the Executive Director to determine if a permit amendment is necessary.

To minimize parking conflicts all parking should include signage to designate the parking for the various uses. The City requires mixed-use residential/commercial projects to include signage to separate the residential parking from commercial use and the applicant has indicated that the autolifts will be designated for and used by the office tenant, allowing use of the surface spaces for the residential and retail uses, and will include signs. To ensure that the parking is adequately signed, special condition No. 3 requires the submittal of a parking signage plan.

Furthermore, the increase in commercial development along Main Street will increase the amount of traffic in the area which may adversely impact access to visitor-serving areas and to the nearby beach. In past Commission permit action, the Commission has required that commercial businesses participate in a parking and transit incentive program to mitigate traffic impacts. The City has

conditioned their approvals with similar requirements. The applicant has agreed to participate in a parking, car pool and transit incentive program to encourage employees to use alternative means of transportation (Special Condition No. 4). The Commission, therefore, finds that only as conditioned will the project not adversely impact coastal access and will be consistent with Section 30211 and 30252 of the Coastal Act and with the 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 proposed project is located on Main Street and Hollister Avenue. Main Street has evolved over the years from small scale neighborhood serving retail uses to trendy restaurants, art galleries, specialty-retail establishments and offices over ground floor retail. The City's certified LUP states that:

Main Street is the closest commercially zoned area to the South Beach area, and has evolved during the past two decades from a commercial street of low-intensity development to a specialty shopping and visitor serving area. There has been a marked increase in the number of restaurants, art galleries, antique, and specialty-retail establishments, and traffic. Most of this activity is concentrated south of Ocean Park Boulevard. Recent development north of Ocean Park Boulevard includes offices over ground floor retail, furniture and accessory showrooms, gymnasiums and dance studios, and some restaurants...

In the general vicinity of the project site the area is developed with various one and two-story commercial businesses along Main Street, and residential development to the east. The certified LUP limits height along the Main Street commercial area and the OP2 area to two- stories, 27 feet. The proposed building heights will be two- stories and 27 feet above finished grade (see Exhibit No. 5-10). Therefore, the proposed project is compatible in use and scale with existing development and is consistent with past Commission permit actions for the area. The Commission, therefore, finds that the proposed project will be compatible with the character and scale of the surrounding uses and with the certified LUP.

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 lot and other hardscape and from the proposed restaurant use. To mitigate potential 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. 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.

The proposed project will include landscaping, permeable hardscape, green deck filtering along roof and infiltration pit to reduce and treat off-site runoff, per City requirements.

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. Therefore, the proposed project is consistent with past Commission actions with regard to water quality requirements and will minimize water quality impacts. Special Condition No. 5 provides that, with the acceptance of this permit, the applicant agrees 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. Future Improvements

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition (Special Condition No. 6) must be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

F. <u>Deed Restriction</u>

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned (Special Condition No. 7), this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

G. 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 certified Land Use Plan designated the proposed site as Main Street Commercial. Under the City's current zoning the proposed new uses are permitted uses and consistent with Land Use Plan designation. As conditioned the project will not adversely impact coastal resources and beach access. The Commission, therefore, finds that the proposed project will not be consistent with the Chapter 3 policies of the Coastal Act and will prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. California Environmental Quality Act

Section 13096 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)(A) of CEQA prohibits a

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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.

As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

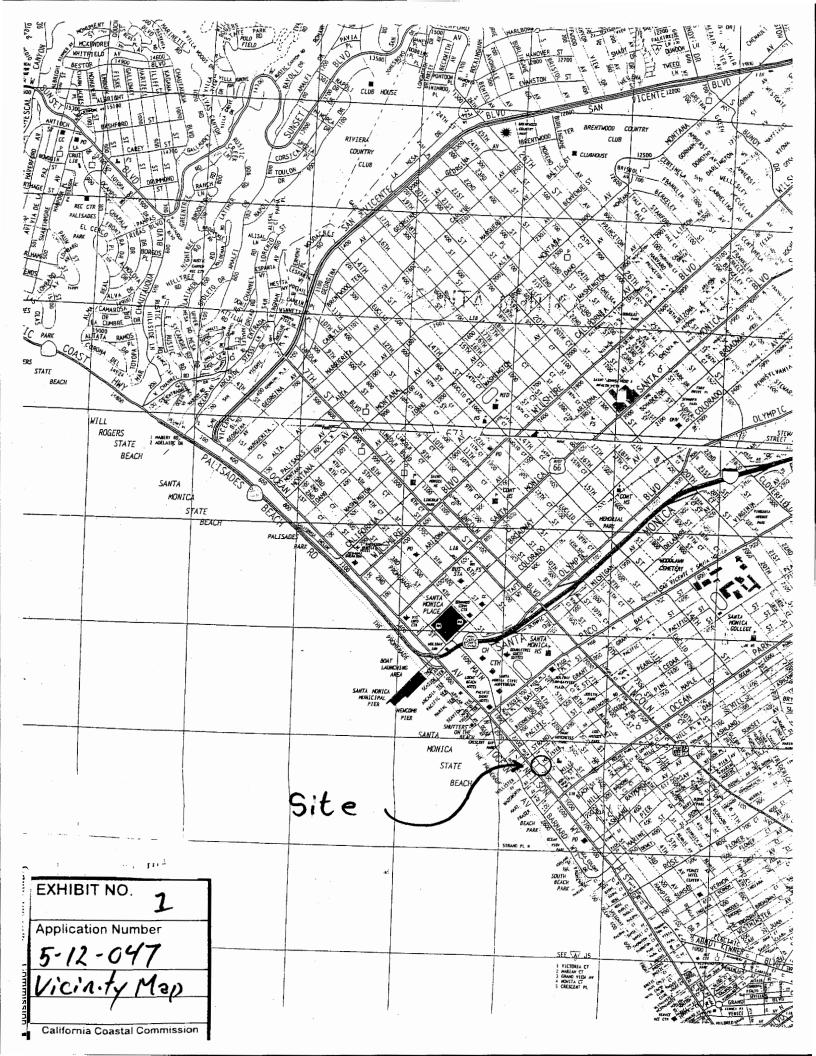
APPENDIX

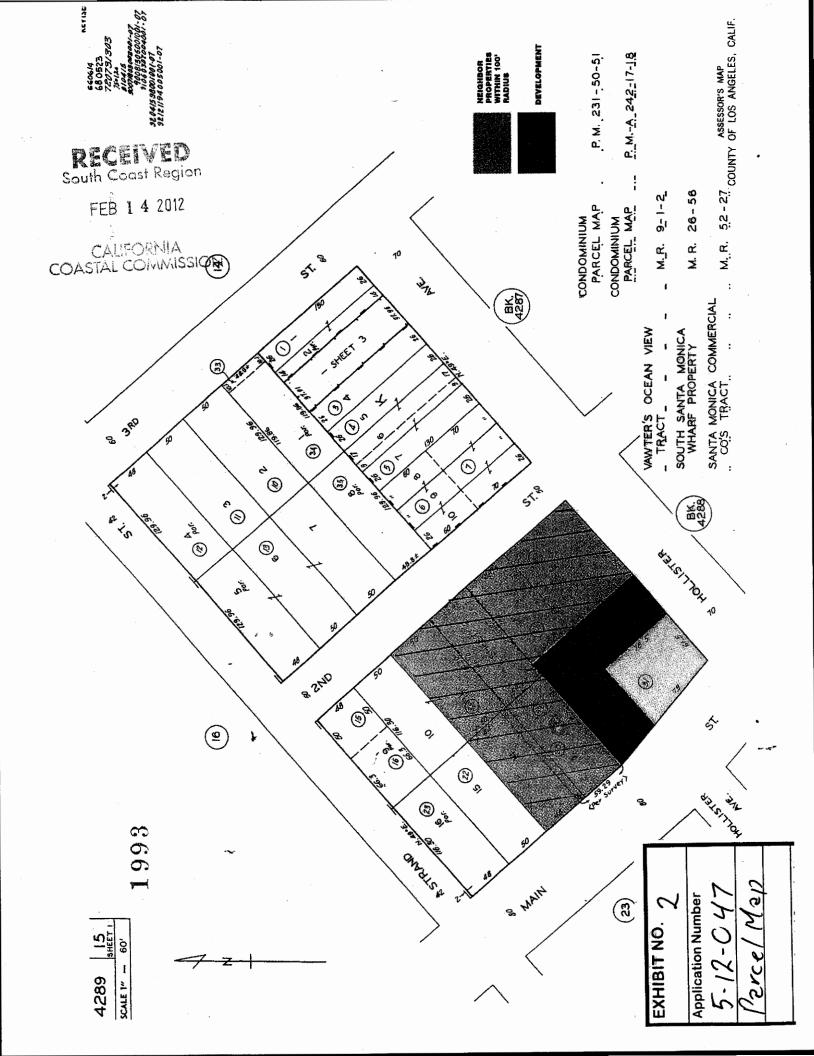
SUBSTANTIVE FILE DOCUMENTS:

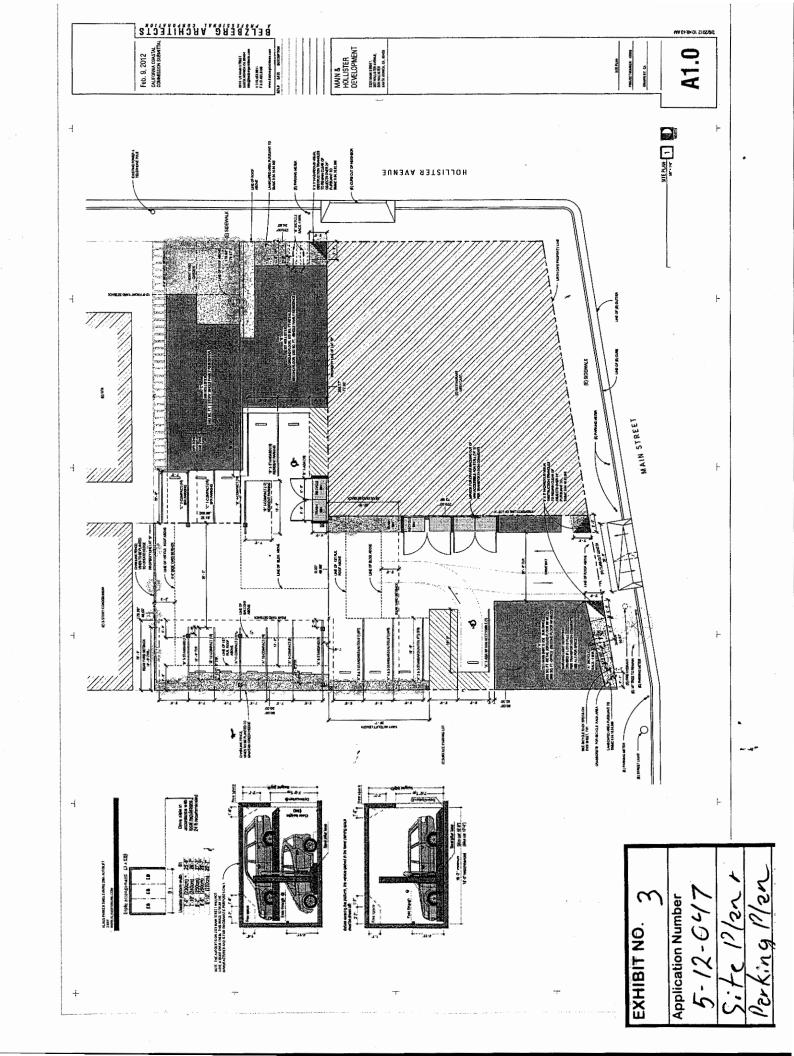
- 1. Coastal Development Permit No. 5-94-172(Calstar); 5-99-116(Barnard); and 5-01-031(Greene)].
- 2. City of Santa Monica's certified LUP.

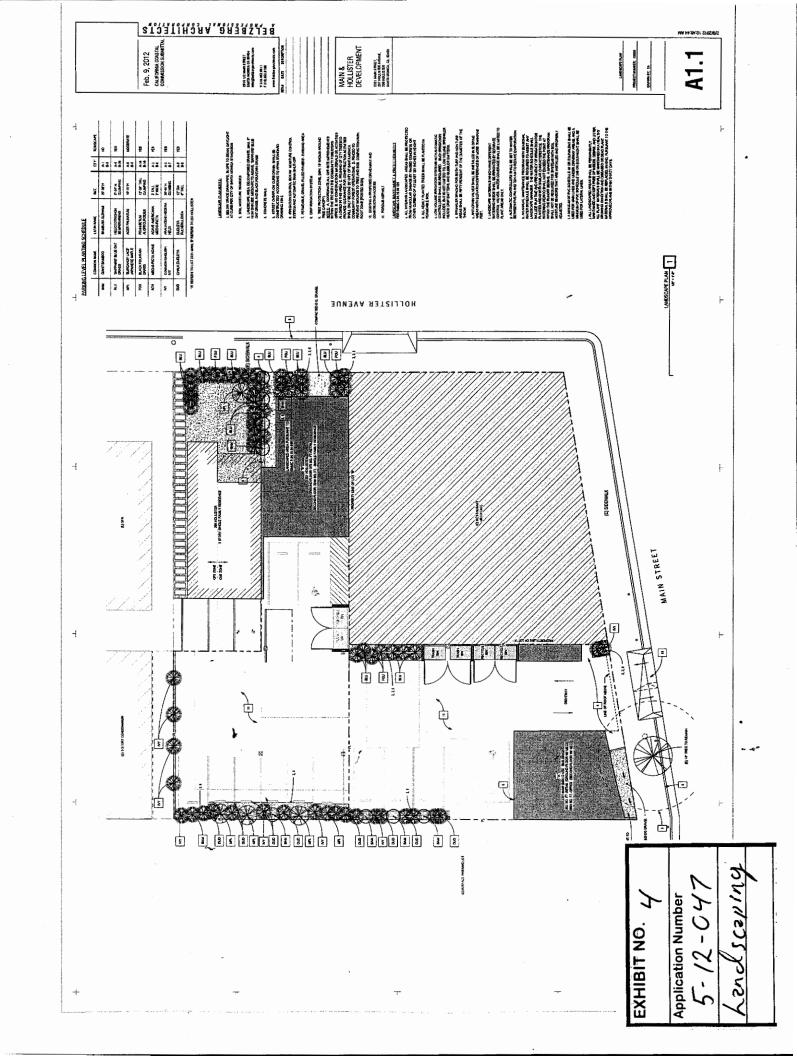
STANDARD CONDITIONS:

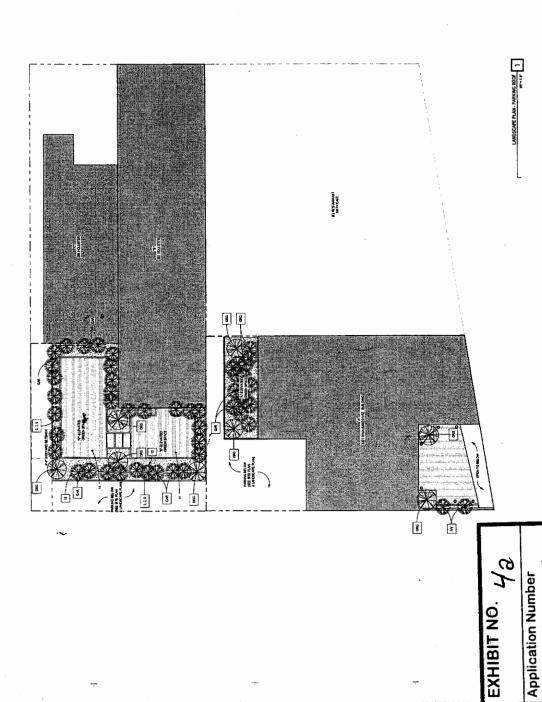
- 1. <u>Notice of Receipt and Acknowledgment.</u> The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. <u>Expiration.</u> If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. 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. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> 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. <u>Terms and Conditions Run with the Land.</u> 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.











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