

**CALIFORNIA COASTAL COMMISSION**

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**F5b**

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**STAFF REPORT: CONSENT CALENDAR**

**Application No.:** 5-20-0070

**Applicant:** Ekaterini G. Hantas and Jonathan Quincy Smith

**Agent:** Christopher Stage

**Location:** 156 Fraser Avenue, Santa Monica, Los Angeles County (APN: 4288-019-002)

**Project Description:** Substantial renovation and expansion of an existing historical one-story with basement, 1,166 sq. ft., 18-ft. high single-family residence and demolition of an existing detached non-conforming structure; resulting in a two-story with basement 2,589 sq. ft., 28-ft. high single-family residence with an attached 279 sq. ft. junior accessory dwelling unit.

**Staff Recommendation:** Approval with conditions.

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**SUMMARY OF STAFF RECOMMENDATION**

The proposed project is the substantial renovation and expansion of an existing historical one-story with basement, 1,166 sq. ft., 18-ft. high single-family residence; resulting in a two-story with basement 2,589 sq. ft., 28-ft. high single-family residence with an attached 279 sq. ft. Junior Accessory Dwelling Unit (JADU). The project site is located at 156 Fraser Avenue, Santa Monica in the County of Los Angeles. The

Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act.

The subject site contains an existing historic home and the site is listed on the Historical Resources Inventory (HRI) for the City of Santa Monica. The site has never had parking or a garage on-site and there is no parking proposed as part of the development. The applicant explored the alternative of constructing parking in the front yard by moving a portion of the house back. Due to its listing on the HRI, the City will not allow certain historical elements of the single-family residence to be altered or demolished, such as the front façade which includes the front porch. In this location there is no alleyway and no other possible alternative locations for onsite parking. In addition to retaining the structure and integrity of the character-defining front porch, there are minimal side setbacks on the lot, therefore parking cannot be feasibly provided in the front yard or at the sides of the residence. However, the proposed project will not adversely impact coastal access or the availability of on-street parking near the proposed development.

The proposed development involves the demolition of the non-conforming, detached 575 sq. ft. residential unit. In order to retain the same density on the property, the proposed development includes the construction of an attached Junior Accessory Dwelling Unit (JADU). **Special Condition 1** requires the applicants to maintain the new attached unit as a JADU for the life of the development. **Special Condition 2** requires the applicants to record a deed restriction against the property, referencing the Special Conditions of this permit.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 5-20-0070, as conditioned. The motion to carry out the staff recommendation is on **page 4** of the staff report.

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## EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Site Plans](#)

## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission **approve** the 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 the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

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 applicant 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 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. **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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

- 1. Retention of On-Site Unit as an Accessory Dwelling Unit.** The development approved by Coastal Development Permit No. 5-20-0070 is for the renovation and expansion of an existing historical single-family residence with a Junior Accessory Dwelling Unit (JADU). The applicant and all assigns/successors shall maintain the JADU as a separate residential unit. At no point may the JADU be incorporated into the single-family residence or converted to a non-residential use.
- 2. Deed Restriction.** PRIOR TO ISSUANCE OF THIS 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

#### A. Project Description and Location

The project site is located at 156 Fraser Avenue in the City of Santa Monica ([Exhibit 1](#)). The lot is zoned R2 (Low Density Residential) and the proposed project is consistent with all the R2 zoning policies. The subject lot is 2,608 sq. ft. The subject site is located within a row of residentially developed, R2 lots that are mostly single unit dwellings. Public access to a sandy beach is located approximately 800 feet southwest of the project site.

The subject site is currently developed with an historical one-story 1,166 sq. ft., 18-ft. high single-family residence with a basement and a non-conforming, detached 575 sq. ft. unit in the rear of the property. The applicant proposes to substantially renovate the primary structure while maintaining its historic features, resulting in a two-story with basement 2,589 sq. ft., 28-ft. high single-family residence with an attached 279 sq. ft. JADU and demolish the existing detached non-conforming 575 sq. ft. structure on the rear of the property ([Exhibit 2](#)).

The project proposes to expand the existing 167 sq. ft. basement by 873 sq. ft. for a new basement totaling 1,040 sq. ft. The project also proposes to expand the existing 999 sq. ft. first floor by 87 sq. ft. for a total of 1,086 sq. ft. The first floor will also incorporate the newly added 279 sq. ft. JADU with its own side entrance, kitchen, and bathroom. The project proposes to add on a new second story of 742 sq. ft. which would be setback behind the original roof ridgeline to minimize the appearance of the second story from the street. The overall height of the proposed dwelling would be 28-ft., which complies with the allowable height of 30-ft. permitted in the R2 district. The proposed landscaping will total an area of 197 sq. ft. and consists of native plants or non-native drought tolerant plants, which are non-invasive. The proposed development also includes the construction of a pool and spa in the back yard. The applicant also proposes to demolish the existing, detached 575 sq. ft. non-conforming rear unit on the lot.

The project site is not located between the first public road and the sea and it is located approximately 800 feet from the nearest sandy beach. The subject site is not located in a hazardous area and the proposed development's expected life of 75 years is not expected to be subject to coastal hazards such as flooding, sea-level rise, coastal erosion and wave uprush.

## **B. Public Access**

The subject site is located on the City of Santa Monica's Historic Resource Inventory (HRI) as individually eligible for listing as a Santa Monica Landmark and as a contributor to the potential South Beach Residential Historic District. According to the HRI, the property is significant for conveying patterns of residential development that shaped the Ocean Park neighborhood of Santa Monica in the early decades of the twentieth century. The City's HRI has not been reviewed or approved by the Commission and is not a standard of review for this application. However, since the home is listed on the HRI, the City of Santa Monica has required that any proposed development retain the structure's character-defining features, which include its Craftsman vernacular, front porch, and original roof pitch.

The subject property was originally constructed in 1910 as a multi-unit residential development with two separate dwelling units and no on-site parking. The proposed development would renovate and expand the primary structure, or the front unit, and would demolish the rear unit. Generally, the proposed development would trigger the need for two parking spots, pursuant to Santa Monica Municipal Code Section 9.28.020(D)(1), as the proposed development exceeds the 50% redevelopment threshold (583 sq. ft. of the existing 1,166 sq. ft), however, due to the necessity to maintain the historical elements of the front façade which takes up the majority of the width of the lot's frontage, the City granted the applicant a variance for parking feasibly cannot be provided on-site.

The subject property has a 3-ft. side yard setback on the left side and a 12-inch side yard setback on the right side. The lot is 27.5-ft wide and the front façade of the single-

family residence takes up most of the lot width. The configuration of the existing front façade and the relatively narrow width of the lot does not allow for driveway parking on either side of the single-family residence. The applicant submitted an illustration to show the feasibility of providing a parallel parking space in the front of the single-family residence. In addition to showing that onsite parking is infeasible within the side yard setbacks, the illustration also shows that a parking space cannot be feasibly located in the front of the single-family residence without demolishing historical elements of the front porch. Furthermore, even if the parking space could fit on site, it would require the residents to back across the neighbor's driveway, the public sidewalk and the existing tree to park a vehicle in the front yard area, in front of the existing front porch. Additionally, there is no vehicular access to the rear of the property. Therefore, given the City's restraints to maintain the front porch as it is, there is no feasible way to provide parking at 156 Fraser Avenue. Past Commission action in this area has consistently required 2 parking spaces per residential unit, in this case, the Commission would ordinarily require a total of 4 spaces onsite were it not for the site constraints and the historic status.

The subject site is located in a neighborhood that is fully developed with primarily one- and two-story, single-unit dwellings and a small number of low-scale, multi-unit dwellings. The project site is located in the potential South Beach Residential Historic District. 60 of the 103 properties in the potential district are potential contributors and 43 are potential non-contributors to the district. 7 properties within the district identified as both district potential contributors and as potentially individually eligible resources. The subject property at 156 Fraser Avenue is one of the 7 properties as it is one of the few residential buildings from this developmental period of neighborhood growth. The project site was developed in 1910 when on-site parking was not required. Currently, some of the dwellings in the potential district have parking, while others are not able to accommodate parking on-site while maintaining the building's historic integrity. The proposed project is consistent with the existing community character of the neighborhood.

While this home is located only approximately 800 feet from Santa Monica State Beach, the lack of parking does not have a negative impact on public access. Fraser Avenue is subject to a preferential parking program for residents only. Several preferential parking programs were already established throughout the City prior to passage of the Coastal Act, and over the years a few more were approved by the Commission under very limited circumstances. The residents at the subject property are allotted parking permits to park on the public street. The property owners at 156 Fraser currently have two permits for each of the households on the property. However, once the demolition of the rear unit takes place, the property owners will only be allotted two parking permits in total.

This site is near the vast municipal Ocean Park parking lot immediately adjacent to the beach which, according to parking studies provided by the City, is an underutilized lot and has sufficient capacity for visitor parking. Because the street is currently not available for public access parking, and because visitors to the beach park in the nearby

beach lot, the redevelopment of this site without parking will not have a significant impact on public access to the area.

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. As conditioned, the Commission finds that the development conforms with Sections 30210 through 30214, Section 30220 through 30224, and 30252 of the Coastal Act.

### **C. Water Quality**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. To address these concerns, the development as proposed, incorporates design features to minimize the infiltration of water and the effect of construction and post construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, the use of non-invasive drought tolerant vegetation, and for the use of post construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

### **D. Development**

On July 24, 2018, the rear unit was approved for demolition by the City's Landmarks Commission and on August 28, 2018, the subject property was approved to be removed from the rental market via the Ellis Act process. The Coastal Act directs the Commission to encourage affordable housing (Section 30604) and to require that new development be concentrated in already developed areas that are able to accommodate it and which minimize vehicle miles traveled (Section 30250 and 30253(e)). Previously, the Commission has required maintenance of the number of residential units on a site when consistent with local zoning by approving projects that include Accessory Dwelling Unit (ADU) or a Junior Accessory Dwelling Unit (JADU) in addition to the main dwelling unit. Although the City of Santa Monica's certified LUP limits development on this R2 zoned property to one unit per 1,500 sq. ft. on each parcel, it does not preclude ADUs from being developed in conjunction with a new or existing single-family residence. Therefore, the development of the JADU is consistent with the certified LUP and consistent with Section 30250 of the Coastal Act. The Commission imposes **Special Condition 1**, which requires the retention of the on-site JADU for the life of the development. Also, the Commission imposes **Special Condition 2**, which requires the landowner(s) to record a generic deed restriction recording that the terms of this permit run with the land.

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. Therefore, the



Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

### **E. Deed Restriction**

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 **Special Condition 2**, which requires that the property owner(s) record(s) 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, this permit ensures that any prospective future owner will receive notice of the restrictions and/or obligations imposed on the use and enjoyment of the land.

### **F. Local Coastal Program (LCP)**

Coastal Act section 30604(a) states that, prior to certification of an LCP, a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan ("LUP") for Santa Monica was effectively certified on September 15, 1992 upon the City's adoption of the Commission's suggested modifications. The City does not yet have a certified Implementation Plan. Therefore, the Chapter 3 policies of the Coastal Act are the standard of review and the certified LUP is used as guidance. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

### **G. California Environmental Quality Act**

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by findings showing the approval, as conditioned, 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. The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).)

In this case, the City of Santa Monica is the lead agency and the Commission is a responsible agency for the purposes of CEQA. The City of Santa Monica determined that the proposed development is exempt from CEQA review (Class 1) in a determination dated January 8, 2020. As a responsible agency under CEQA, the Commission has determined that the proposed project, as conditioned, is consistent

with the marine resources, water quality, and public access policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

5-20-0070  
Hantas and Smith

## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

Santa Monica Land Use Plan (1992)