

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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LONG BEACH, CA 90802-4416
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Filed: 7/17/95
49th Day: 9/4/95
180th Day: 1/13/96
Staff: A. Padilla *AP*
Staff Report: 10/10/95
Hearing Date: 11/14-17/95
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-95-140

APPLICANT: Dr. Mohamed Nasr

AGENT: Vahram K. Jebejian

PROJECT LOCATION: 2273 Warmouth Street, San Pedro

PROJECT DESCRIPTION: Addition of a 1,227 square foot second story, new entry structure, exterior stairway, and roof top deck to an existing 2,665 square foot single-family residence with attached 693 square foot garage.

Lot area:	10,220 square feet
Building coverage:	3,385 square feet
Parking spaces:	3
Zoning:	R1-1
Plan designation:	Low Density
Ht abv fin grade:	26 feet

LOCAL APPROVALS RECEIVED: Approval in Concept

SUBSTANTIVE FILE DOCUMENTS: San Pedro certified LUP

Staff recommends approval with a future improvements special condition.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application, or in the case of administrative permits, the date on which the permit is reported to the Commission. Construction shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Future Improvements

Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 5-95-140; and that any future improvements to the property will require a permit from the Coastal Commission or its successor agency. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

IV. Findings and Declarations.

A. Project Description

The applicant proposes to add a 1,227 square foot second story, new entry structure, exterior stairway, and roof top deck to an existing 2,665 square foot single-family residence with attached 693 square foot garage.

The proposed site is a 10,220 square foot lot located on Warmouth Street in the San Pedro area of the City of Los Angeles. The northern half of the lot, where the existing residence and swimming pool are located, is level. Approximately 40 feet south of the residence the lot begins to slope at a 1:1 gradient. The slope descends for approximately 170 feet down to the beach.

In addition to the existing single-story residence with attached garage, swimming pool and block walls along the side yards, recent site improvements include two retaining walls, fill, stairs, wood deck, and cement patio extension along the upper portions of the descending slope, south of the residence. These recent improvements are physically separate from the existing residence and the proposed second story addition. There are no records of permits issued for this recent development and staff is currently investigating this development as unpermitted development. This permit, however, is for the addition to the existing single-family residence and is separate from the development being investigated as unpermitted development. The granting of this permit does not in any way represent approval of the retaining walls, stairs and decking or an indication that the retaining walls, stairs, and decking were existing prior to the Coastal Act. The addition to the single-family residence is being reviewed exclusive of the development that is under investigation as unpermitted development and the standard of review is the Chapter 3 policies of the Coastal Act.

B. Geology

Section 30253 of the Coastal Act states:

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.

In addition, the certified LUP states in part that:

New development, including additions to and remodels of existing structures, along coastal bluffs shall not be approved unless it minimizes risk to life and property, assures structural stability and integrity for the economic lifetime of the development. . .

The existing residential structure, which was constructed in the early 1960's, is located on a bluff top within a level area in the northern half of the lot. The southern half of the lot slopes at a 1:1 gradient down to the beach. The proposed second story addition will be located within the footprint of the existing residence, except for approximately 2 to 3 foot overhangs along the northern and western portions of the residence.

The geologic report prepared by Solus Geotechnical Corp., May 1, 1995, indicates that the site is situated within the confines of a known ancient, inactive landslide. A referenced report (Robert Stone and Associates) also indicated that the landslide was inactive and stable. The Solus report concludes that there are no known active landslides or significant or potentially active faults in the surrounding area.

The City granted approval for the existing (original) residence with a geologic requirement that the residence be setback a minimum of 42 feet from the top of the slope to ensure geologic and soil stability. The proposed second story addition will not encroach further seaward than the existing residence. The proposed addition has received geologic approval from the the City's Department of Building and Safety.

Because the proposed project will be located within the footprint of the existing residence and will not encroach any further towards the bluff's edge than the existing residence the Commission finds that the addition will not adversely impact the stability and structural integrity of the bluff and will not contribute to erosion or alter the natural landforms along the bluff. However, to ensure that future development that may be exempt from Coastal Commission review will not contribute to erosion or alter the natural landform of the bluff, a special condition requiring that all future development on the site is reviewed and approved by the Commission is necessary. The Commission, therefore, finds that only as conditioned will the proposed project be consistent with Section 30253 of the Coastal Act and with the relevant policies of the LUP.

C. Visual Resources

Section 30251 of the Coastal Act states:

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 of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, the certified LUP states in part that:

No building or structure shall be erected or enlarged within that portion of the Coastal Zone designated for residential use which exceeds two stories or a height of 26 feet as measured from the average existing natural grade to the highest point of the roof or parapet wall of the building, whichever is higher. . .

The subject property and surrounding area is designated residential. The surrounding area consists of single-family residences that were constructed in the 1950's and 1960's. The height of the existing development in the general vicinity of the proposed site range from approximately 15 to 20 feet.

The project is proposed at a height of 26 feet, as measured from the average existing natural grade. The proposed project is not located within any of the visual corridors or scenic view sites designated in the certified LUP and will not significantly adversely impact any public views to or along the ocean. The Commission, therefore, finds that the proposed development, as conditioned, is compatible with the surrounding development and is consistent with Section 30251 of the Coastal Act and the applicable policies of the LUP.

D. Local Coastal Program

(a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

On September 12, 1990, the Commission certified, with suggested modifications, the Land Use plan portion of the San Pedro segment of the City of Los Angeles' Local Coastal Program. The certified LUP contains polices to guide the types, locations and intensity of future development in the San Pedro coastal zone. Among these polices are those specified in the preceding section regarding geology and visual resources. The proposed project is consistent with all relevant policies of the LUP. 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 implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. Unpermitted Development

Recent site improvements include two bluff face retaining walls, fill, stairs, a wood deck and a cement patio extension, along the upper portions of the descending slope, south of the existing residence. These recent improvements are physically separate from the existing residence and the proposed second story addition. There are no records of permits issued for this recent development and staff is currently investigating this development as unpermitted development.

Although unpermitted development may have taken place elsewhere on the property prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal permit.

F. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

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

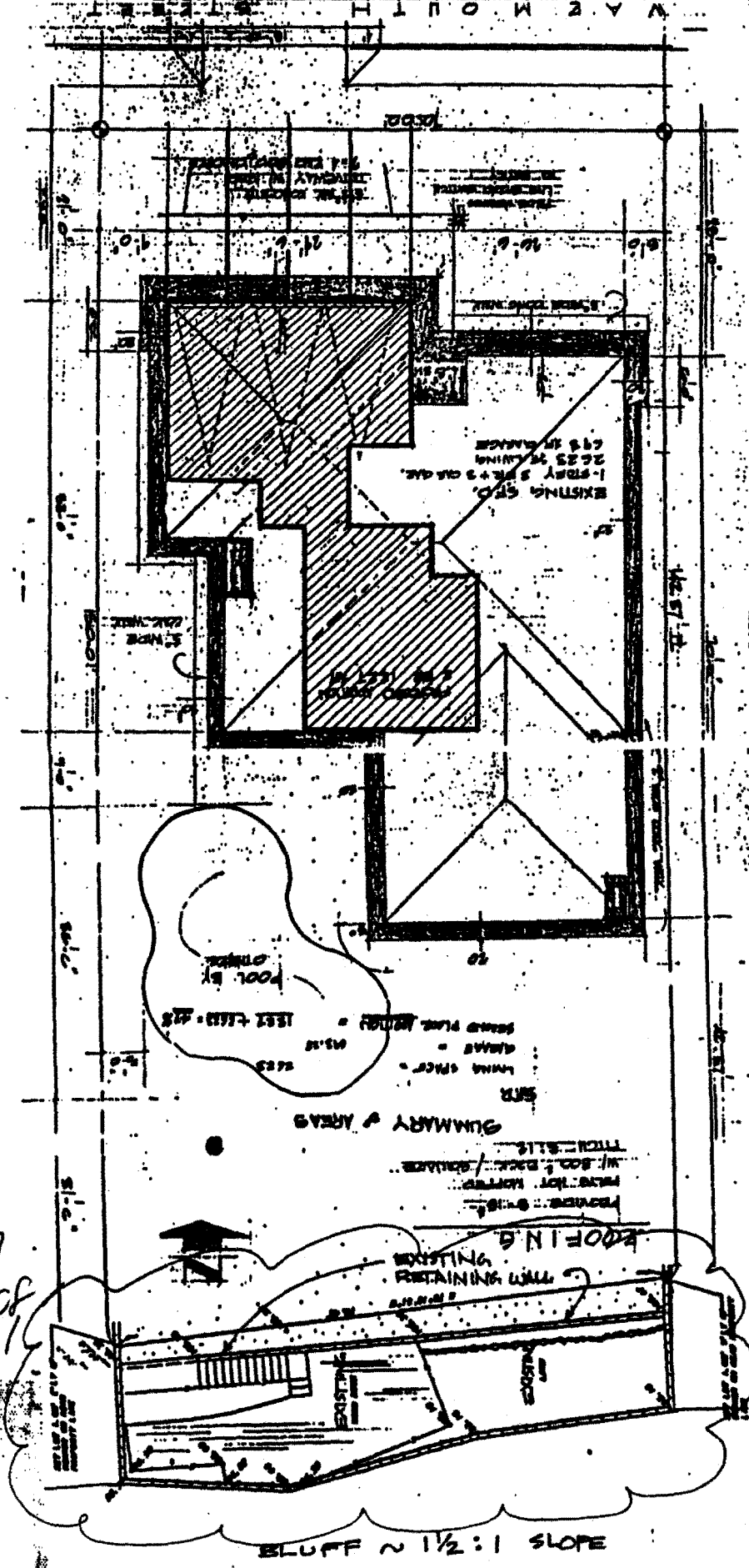
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EXHIBIT NO. 1
 APPLICATION NO.
 5-95-140
 Vicinity Map

VICINITY MAP

5-95-140



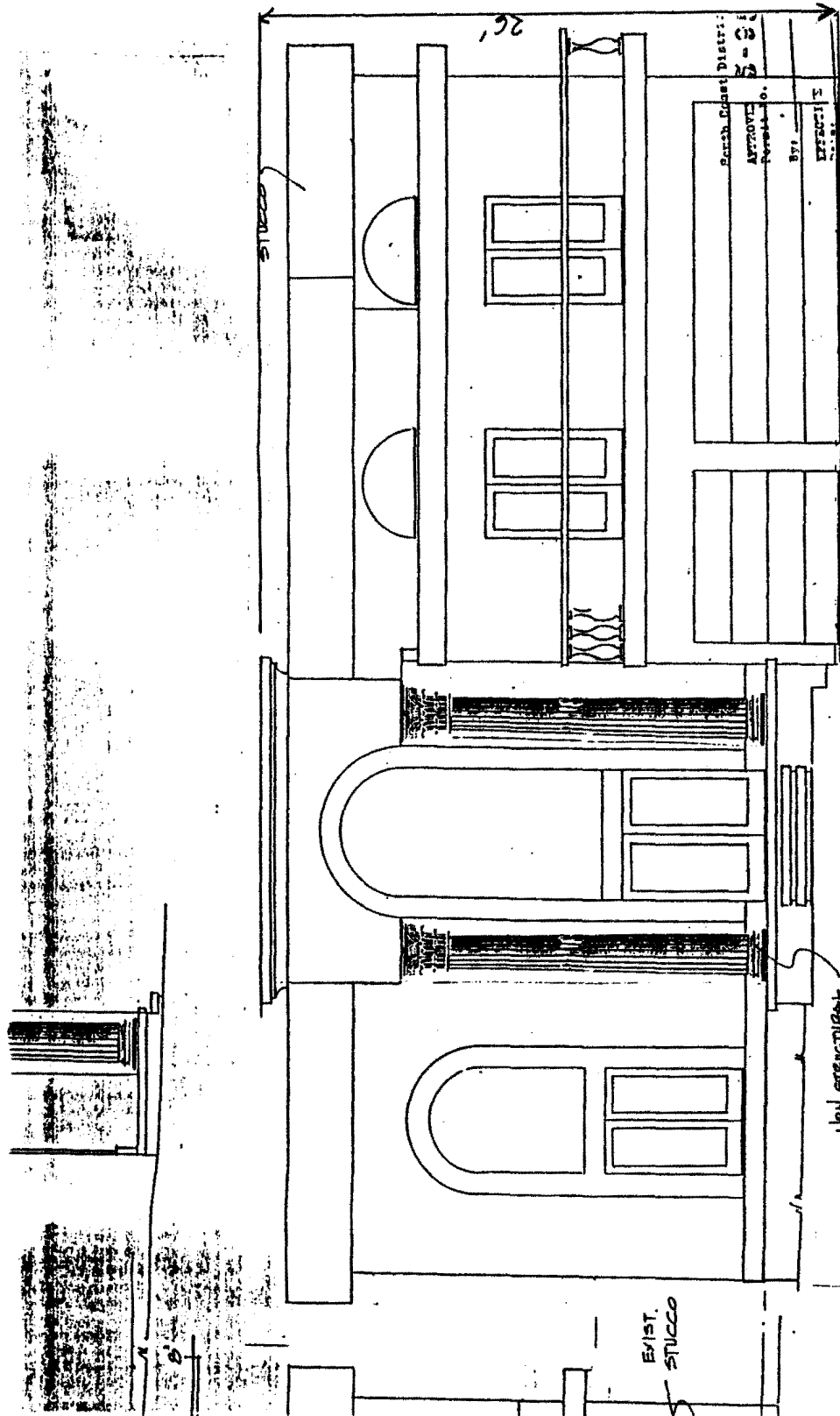
PLOT PLAN SCALE 1/8" = 1'-0"
 OF 96 TOTAL SHEETS

Not A
 Part of
 Approval

SUMMARY OF AREAS
 SURF
 LAND AREA = 48.33
 WATER AREA = 18.33
 TOTAL AREA = 66.66
 COVERED AREA = 10.00
 PAVED AREA = 10.00
 UNPAVED AREA = 56.66
 TOTAL PAVED AREA = 20.00
 TOTAL UNPAVED AREA = 46.66

EXHIBIT NO. 2
APPLICATION NO. 5-95-140
Site Plan
California Coastal Commission

PACIFIC OCEAN ~ 175' BELOW ST



(NORTH) FRONT ELEVATION 0 4 8

EXHIBIT NO. 3
APPLICATION NO. 5-95-140
Elevation
California Coastal Commission