

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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(562) 590-5071

**FR 6b****RECORD PACKET COPY**

Filed: 7/01/04
49th Day: 8/19/04
180th Day: 12/28/04
Staff: AJP-LB
Staff Report: 8/18/04
Hearing Date: 9/8-10/04
Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NUMBER:** 5-04-129**APPLICANT:** Nealand & Suzanne Napoleon**AGENT:** John Ilkcagla**PROJECT LOCATION:** 6939 Trolley Way, Playa del Rey

PROJECT DESCRIPTION: Demolition of a two-story single-family residence and construction of a three story, 3,551 square foot, single-family residence with attached two-car garage.

Lot Area:	3,330 square feet
Building Coverage:	1,569 square feet
Pavement Coverage:	233 square feet
Landscape Coverage:	1,537 square feet
Parking Spaces:	2
Zoning:	R3-1, Medium Density Residential
Ht above existing grade:	37 feet

LOCAL APPROVALS RECEIVED: Approval in Concept**SUBSTANTIVE FILE DOCUMENTS:** CDP No. 5-01-089(Stone)**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission approve the proposed project with special conditions requiring: 1) conformance with geotechnical recommendations; 2) no future shoreline protective device; 3) assumption of risk, and 4) and recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report.

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 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. Conformance with Geotechnical Recommendations

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit grading and foundation plans for the review and approval of the Executive Director. The approved foundation plans shall include plans for the retaining walls, subdrains and footings. These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations contained in the Soils Engineering Report prepared by Schick Geotechnical, Inc., dated February 8, 2004. The approved development shall be constructed in accordance with the plans approved by the Executive Director. Any deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

2. No Future Shoreline Protective Device

A. By acceptance of this Permit, the applicant agrees, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-04-129 including, but not limited to, the residence, foundations, decks, or driveway, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

B. By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including the house, garage, foundations, decks, or driveway, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

3. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves or flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury

and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

4. 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.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

Demolition of a two-story single-family residence and construction of a three story 37 foot high, as measured from existing grade, 3,551 square foot, single-family residence with attached two-car garage. The dwelling unit and decks will be set back a minimum of 15 feet from the western property line consistent with past Commission permit action for this beachfront area. The structure is also consistent with the 37 foot height limit established by the Commission through past permit action. Runoff will be controlled through the incorporation of landscaping, porous concrete for the driveway for site infiltration, and gravel beds for the downspouts.

The site is a beachfront lot located between the first public road and the sea. The 3,330 square foot lot is located between Trolleyway and Dockweiler Beach (Exhibit #2), and is within a developed residential area. There is an approximately 500-foot wide sandy

beach between the subject property and the mean high tide line. A bike path is located on the beach approximately 200 feet seaward of the site.

The site is located directly inland of a groin and 2,000 feet southeast of the jetties for Ballona Creek and Marina Del Rey. Down coast of the site is a series of additional groins. The Wave Runup & Coastal Hazard Study, prepared by Skelly Engineering (June 2004), states that these structures in combination stabilize the shoreline. The report concludes that wave runup and overtopping will not significantly impact this site.

Vertical public access to the beach is available to pedestrians via the terminus of Culver Boulevard, which is approximately 30 feet to the north, and a 10-foot wide public right-of-way located approximately 140 feet to the south, near Montreal Street.

B. Access

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. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. Development

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

D. Hazard

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future can not be allowed due to the adverse impacts such devices have upon public access, visual resources and shoreline processes. To minimize the projects impact on shoreline process, and to minimize risks to life and property the development has been conditioned to: require an appropriate set-back from the water, prohibit construction of protective devices (such as a seawall) in the future, for landscaping which is limited to primarily native and non-invasive drought tolerant plants and require that the applicant and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

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 one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Standard and Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

F. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("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 Playa del Rey planning area has neither a certified Land Use Plan or Implementation Plan. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project 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 of the Coastal Act.

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.

702

SEE MAP 672

MARINA
DEL REYMARINA DEL REY
CAPTAINS COAST GUARD STATION

90094

WESTCHESTER

90045

LOS ANGELES

WESTCHESTER

VISTA DEL MAR PARK

LOS ANGELES
INTERNATIONAL
AIRPORTGLENN
ANDERSON

SEGUNDO

COPYRIGHT 2001 Thomas Reed Map Co.

SEE 703

SEE V A2

- 1 VIA DEL REY
- 2 UNION JACK HALL
- 3 VORAGE CT
- 4 VORAGE HALL
- 5 WESTVIEW CT
- 6 WESTVIEW HALL
- 7 CHANNEL POINTE CT
- 8 CHANNEL POINTE HALL
- 9 VIA MARINA CT

EXHIBIT NO.

1

Application Number

5-04-129

Vicinity Map

California Coastal Commission

AIR 5-2004

RECEIVED
South Coast Region

County of Los Angeles: Rick Auerbach, Assessor

4116 32
SCALE 1" = 60'

1986

PACIFIC
AVE.

BLVD.

TROLLEY

PACIFIC

OCEAN

TROLLEYWAY

MONTREAL

FOWLING

VISTA DEL MAR

TRACT NO. 8573
M.B. 103 - 19 - 20

7-2-1

CODE
66

FOR PREV. ASSMT. SEE: 572 - 44 & 45

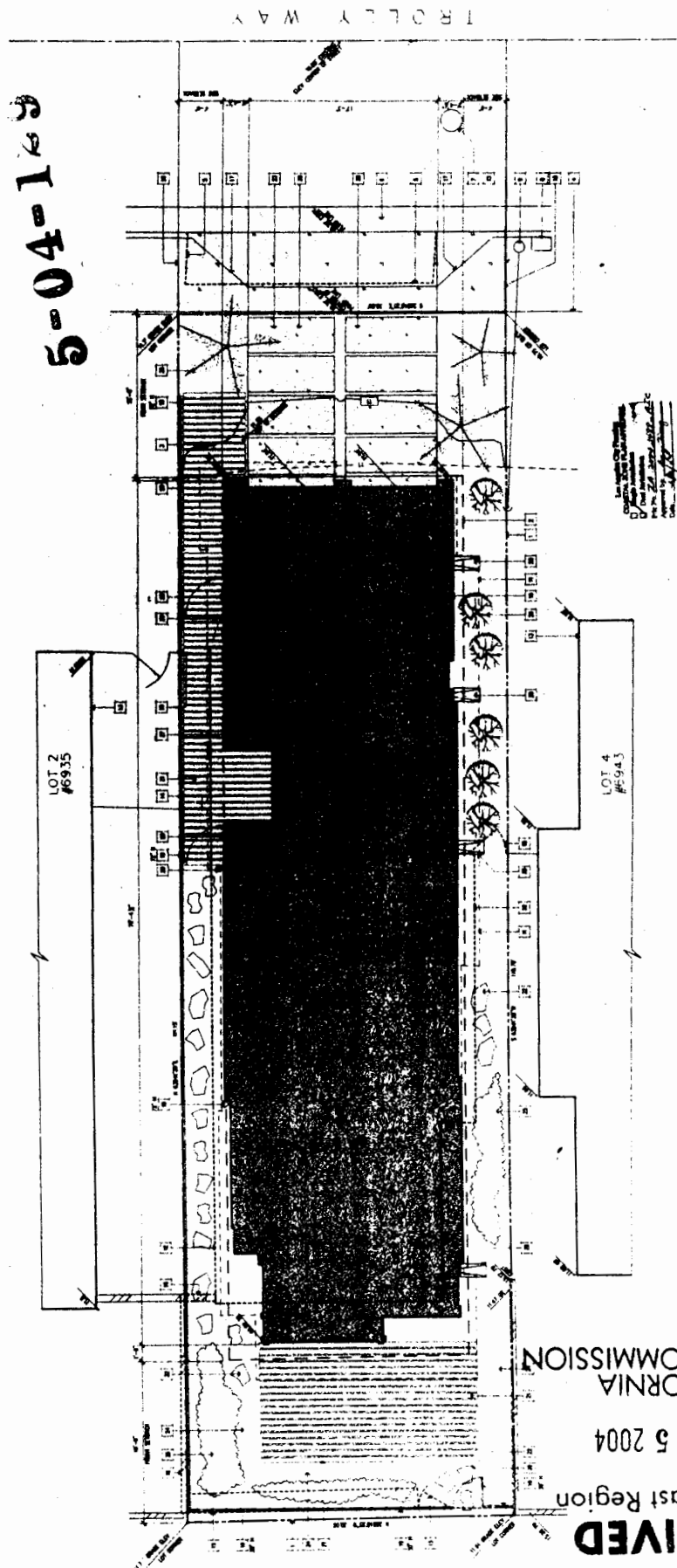
CONDOMINIUM
PARCEL MAP
P.M. 125-67

EXHIBIT NO. 2

Application Number

5-04-129

Parcel Map



RECEIVED
 South Coast Region
 APR 5 2004
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Site Plan			
<p>Key Notes</p> <p>1. ALL DIMENSIONS ARE IN FEET AND INCHES.</p> <p>2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR EASEMENT.</p> <p>3. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR EASEMENT.</p> <p>4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR EASEMENT.</p> <p>5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR EASEMENT.</p> <p>6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR EASEMENT.</p> <p>7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR EASEMENT.</p> <p>8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR EASEMENT.</p> <p>9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR EASEMENT.</p> <p>10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR EASEMENT.</p>	<p>Project Directory</p> <p>1. Project Name: Napoleon Residence</p> <p>2. Project Address: 1st No. 211, 1st Pl. 211</p> <p>3. Project Owner: Napoleon Residence</p> <p>4. Project Architect: E B T A Architects</p> <p>5. Project Engineer: E B T A Architects</p> <p>6. Project Surveyor: E B T A Architects</p> <p>7. Project Planner: E B T A Architects</p> <p>8. Project Designer: E B T A Architects</p> <p>9. Project Contractor: E B T A Architects</p> <p>10. Project Installer: E B T A Architects</p>	<p>Project Data</p> <p>1. Project Name: Napoleon Residence</p> <p>2. Project Address: 1st No. 211, 1st Pl. 211</p> <p>3. Project Owner: Napoleon Residence</p> <p>4. Project Architect: E B T A Architects</p> <p>5. Project Engineer: E B T A Architects</p> <p>6. Project Surveyor: E B T A Architects</p> <p>7. Project Planner: E B T A Architects</p> <p>8. Project Designer: E B T A Architects</p> <p>9. Project Contractor: E B T A Architects</p> <p>10. Project Installer: E B T A Architects</p>	<p>Sheet Index</p> <p>1. Sheet Name: Napoleon Residence</p> <p>2. Sheet Number: 001</p> <p>3. Sheet Date: 01/01/00</p> <p>4. Sheet Author: E B T A Architects</p> <p>5. Sheet Designer: E B T A Architects</p> <p>6. Sheet Engineer: E B T A Architects</p> <p>7. Sheet Surveyor: E B T A Architects</p> <p>8. Sheet Planner: E B T A Architects</p> <p>9. Sheet Designer: E B T A Architects</p> <p>10. Sheet Contractor: E B T A Architects</p>

EXHIBIT NO. 3

Application Number

5-04-129

Site Plan

California Coastal Commission

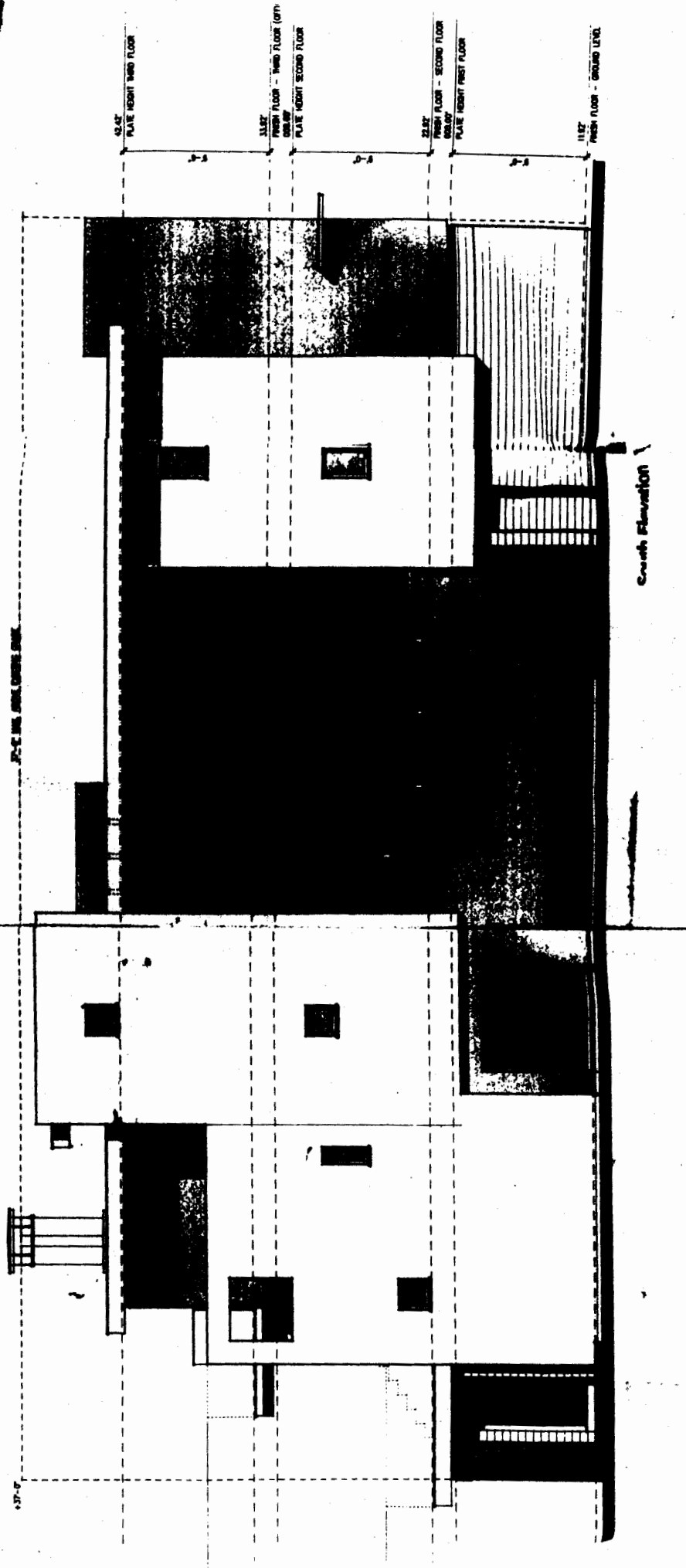


EXHIBIT NO.	4
Application Number	5-04-129
Elevation	1
California Coastal Commission	