

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



FR 6h

RECORD PACKET COPY

Filed: 7/08/04
49th Day: 8/26/04
180th Day: 1/04/05
Staff: AJP-LB
Staff Report: 8/18/04
Hearing Date: 9/8-10/04
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-04-243

APPLICANT: Vergil & Fay Best

PROJECT LOCATION: 2105 Paseo del Mar, San Pedro

PROJECT DESCRIPTION: Addition of approximately 650 square feet of interior space and trellis to an existing 2,400 square foot, one-story single-family residence.

Lot Area:	11,081 square feet
Building Coverage:	600 square feet
Zoning:	R-1, single-family
Ht above final grade:	18 feet

LOCAL APPROVALS RECEIVED: Approval in Concept NO. ZA 04-3788

SUBSTANTIVE FILE DOCUMENTS: San Pedro certified LUP, with suggested modifications; Coastal Development Permits 5-91-728(Gaudaur), 5-94-185 (Hantzis); 5-04-086(Johnson).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed project with special conditions requiring: 1) conformance with geologic and soil recommendations; 2) assumption of risk; and 3) 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 of Design and Construction Plans to Geotechnical Report

A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Soil Engineering Report prepared by NorCAL Engineering, dated July 17, 2003. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

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

2. 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 landslide, bluff retreat, erosion, and earth movement; (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.

3. 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

The proposed project involves the construction of a 650 square foot, 18 foot high addition, with trellis, to an existing 2,400 square foot, one-story single-family residence. The new addition will be located on the street side of the residence, between the existing residential structure and detached garage.

The proposed project site is located on a coastal bluff top lot, on the seaward side of Paseo del Mar, in the San Pedro community of the City of Los Angeles. The area is residentially developed with single-family residences adjacent to the property along the bluff and single and multi-family residential development inland of Paseo del Mar.

The lot measures approximately 65 feet wide by 175 feet deep. From the street, the property is relatively flat for a distance of 120 feet, where the property descends approximately 125 feet to a beach parking lot below. The existing single-family residence is setback approximately 18-25 feet from the bluff edge. An existing patio extends from the residential structure to approximately the bluff edge. The proposed addition will be located landward of the existing residence, and will be approximately 52 feet from the bluff edge.

Since all new development will be located behind and landward of the existing residence, and Section 30235 of the Coastal Act allows bluff or shoreline protective devices to protect existing development, which in this case is seaward of the proposed addition, it is not necessary to condition the new development proposed under this permit for no future bluff or shoreline protective devices.

A Geotechnical Soils Engineering report, prepared by NorCal Engineering and a Geologic Report, prepared by Art Keene, were reviewed and approved by the City of Los Angeles' Grading Section of the Department of Building and Safety. The reports' recommendations include foundation, grading, excavation, and drainage requirements.

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. 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 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 actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

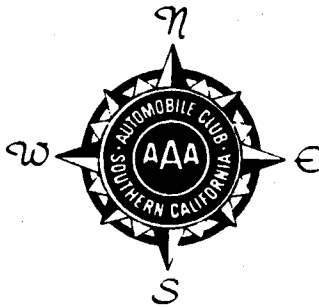
E. Local Coastal Program

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. 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 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.

F. 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.



LOS ANGELES AREA

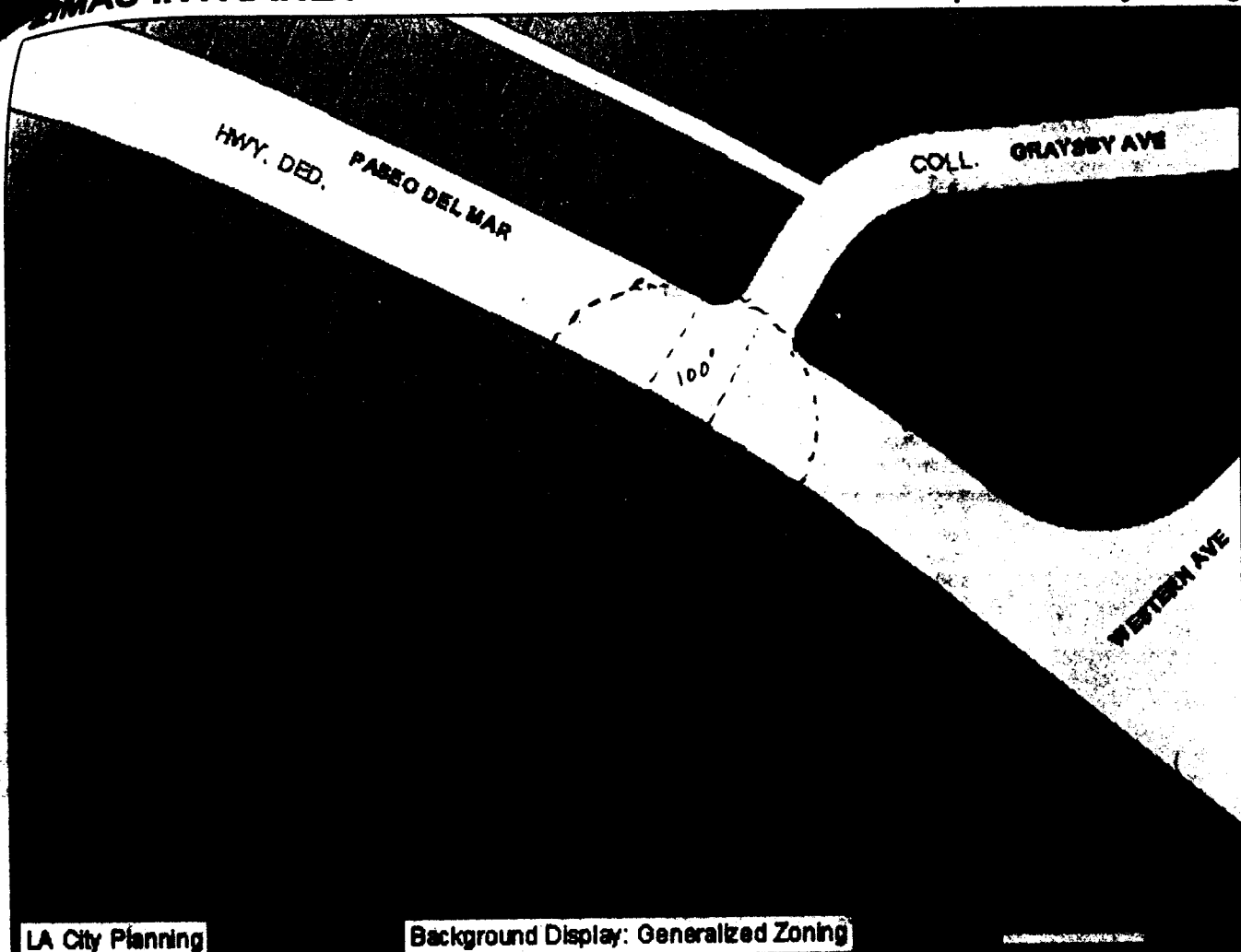
SCALE

0 1 2 3 4 5 6 7 8 9 MILES

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EXHIBIT NO. 1
APPLICATION NO. 5-04-243
Vicinity Map
California Coastal Commission



LA City Planning

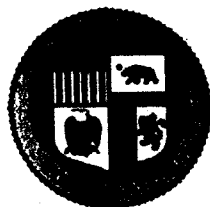
Background Display: Generalized Zoning

Generalized Zoning

-  **OS**
-  **A, RA**
-  **RE, RS, R1, RU, RZ, RW1**
-  **R2, RD, RMP, RW2, R3, R4, R5**
-  **ADP, C1, C1.5, C2, C4, C5, CR, CW, LASED, WC**
-  **CM, MR, CCS, M1, M2, M3, SL**
-  **P, PB**
-  **PF**
-  **HILLSIDE**

Property Information

Address:	2105 W PASEO DEL MAR
APN:	7563004012
Tract:	TR 19457
Block:	None
Lot:	1
Arb:	2
PIN #:	009B189 517
Zoning:	R1-1XL
General Plan:	Low Residential



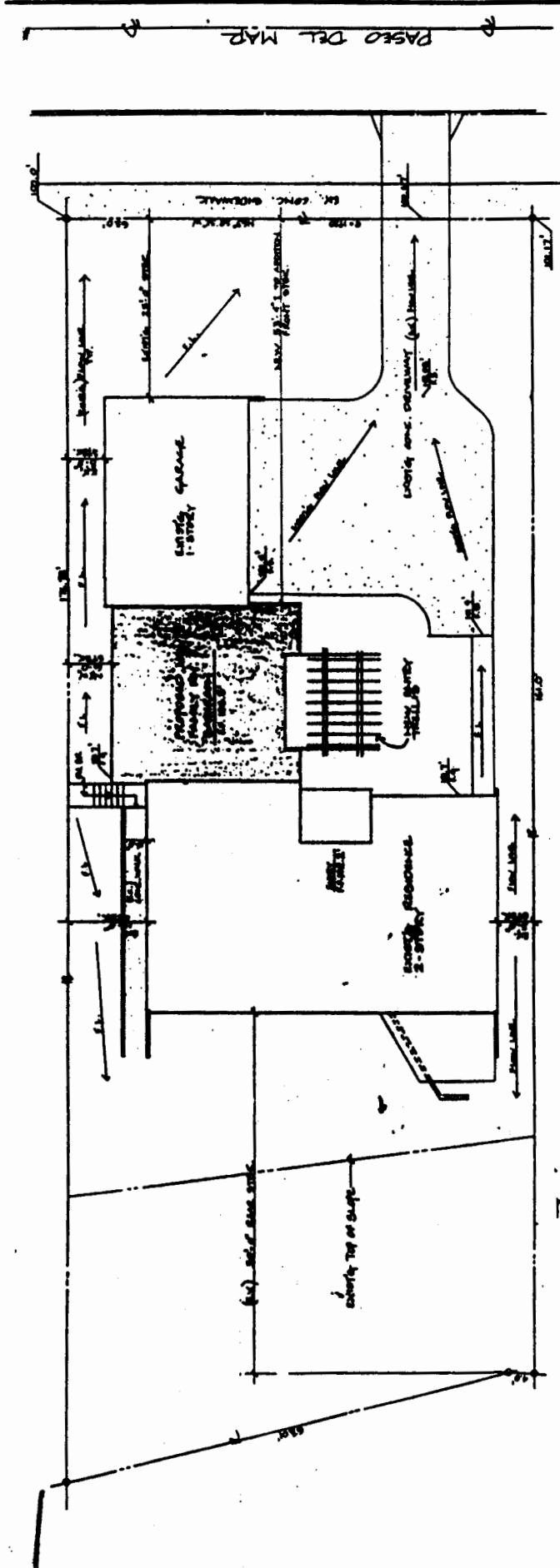
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EXHIBIT NO. 2

APPLICATION NO.

5-04-293

Perce/Zoning Map



SITE PLAN
1/8"=1'-0"

NOTES:
- PROVIDE 30' MIN. CLEAR ACCESS AROUND MAJOR BUILDINGS

City of Los Angeles - Department of Building and Safety
Division 12 - Building Division

Project: 2145 W. PASEO DEL MAR
Owner: VERGIL BEST
Architect: LARRY PERI
Address: 2145 W. PASEO DEL MAR, LOS ANGELES, CA 90007

Project Description: CONCEPTUAL SITE PLAN FOR A PROPOSED DEVELOPMENT

Project Data:
Parcel No.: 1234567890
Map No.: 1234567890
Map Date: 01/01/2000
Map Scale: 1"=100'

Project Data:
Project Name: 2145 W. PASEO DEL MAR
Project Address: 2145 W. PASEO DEL MAR, LOS ANGELES, CA 90007
Project Owner: VERGIL BEST
Project Architect: LARRY PERI
Project Engineer: LARRY PERI
Project Designer: LARRY PERI
Project Draftsman: LARRY PERI
Project Date: 09/05/2005

Project Data:
Project Name: 2145 W. PASEO DEL MAR
Project Address: 2145 W. PASEO DEL MAR, LOS ANGELES, CA 90007
Project Owner: VERGIL BEST
Project Architect: LARRY PERI
Project Engineer: LARRY PERI
Project Designer: LARRY PERI
Project Draftsman: LARRY PERI
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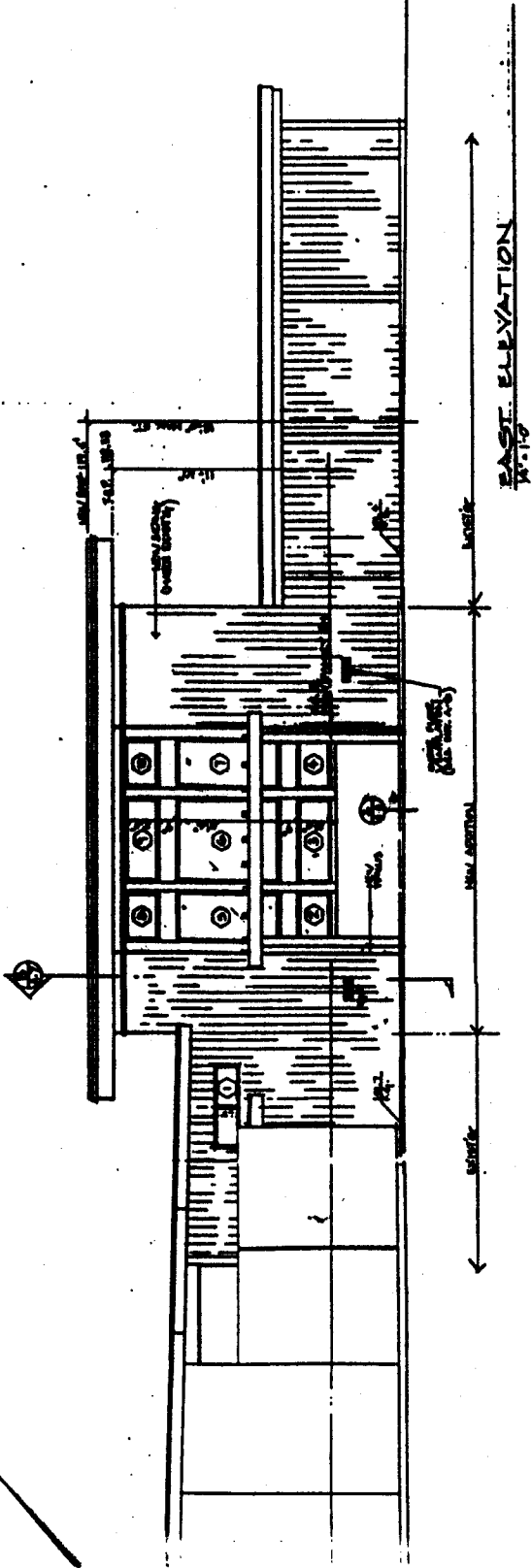
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EXHIBIT NO. 3

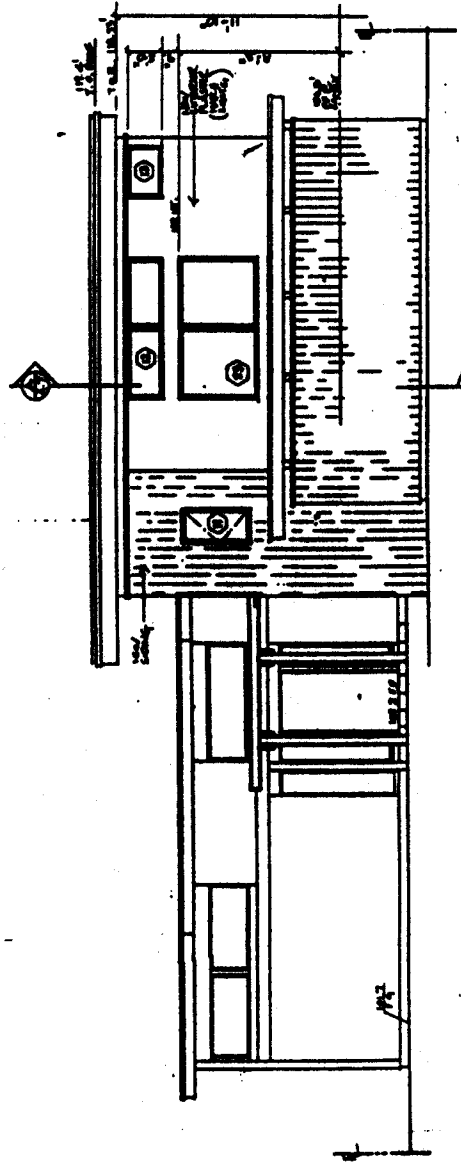
Application Number
504-243

Site Plan

California Coastal Commission



EAST ELEVATION
18'-0"



NORTH ELEVATION (front)
18'-0"

EXHIBIT NO. 4

Application Number

5-04-243

Plans

California Coastal Commission

VERGIL BEST

ARCHITECT
PLANNING

LARRY P
A. L.

OF 1000 01
REVISION 01/10 01/10

DATE: 01/10/10
BY: 01/10/10

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