

CALIFORNIA COASTAL COMMISSION

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



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RECORD PACKET COPY

Filed: 6/07/05
 49th Day: 7/26/05
 180th Day: 12/4/05
 Staff: AJP-LB
 Staff Report: 7/14/05
 Hearing Date: 8/9-12/05
 Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-05-217

APPLICANT: Dean Maltzman

AGENT: Peter Merlin, RTK Architects

PROJECT LOCATION: 1333 Palisades Beach Road, Santa Monica (Los Angeles County)

PROJECT DESCRIPTION: Construction of a four-story, 40 foot high, 3,362 square foot, single-family residence, with attached two car garage.

Lot Area:	2,500 sq. ft.
Building Coverage:	1,287 sq.ft.
Pavement Coverage:	813 sq. ft.
Landscape Coverage:	400 sq. ft.
Zoning:	R2B—Low Density Residential
Ht above final grade:	40 feet

LOCAL APPROVALS RECEIVED: City of Santa Monica Approval in Concept

SUBSTANTIVE FILE DOCUMENTS: CDPs 5-99-401(Check Investments); (5-97-199(Risa, Inc); 5-97-112(Ephraim); 5-96-109(Warschaw); 5-03-369(Rosenthal)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed development with special conditions regarding assumption of risk, future improvements and recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report.

I. 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 term or 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. 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.

2. No Future Improvements Restriction

This permit is only for the development described in coastal development permit No. 5-05-217. 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 density or intensity of use land, shall require an amendment to Permit No. 5-05-217 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.

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 3,362 square foot, four-story, 40 foot high, single-family residence, with tucked under two car garage and area for two guest parking spaces, and on-site urban run-off mitigation measures.

The proposed project site is a vacant lot located at 1333 Palisades Beach Road (Pacific Coast Highway), in the City of Santa Monica. The lot, measuring 25 feet wide by 100 feet deep, is a beach fronting lot located north of the Santa Monica Pier, in the North Beach area of the City of Santa Monica. The lot is zoned R2B (Low Density Multiple Family Residential/Parking Overlay).

The North Beach area contains the City's northern sandy beach area, beach clubs, the "Gold Coast" single-family residential neighborhood, and multi-family residential development. The subject lot is located within a row of residentially developed lots and public beach parking lots. A 20-foot wide pedestrian and bicycle promenade abuts the property along the western property line. The beach area in front of the property is a broad beach, over 500 feet in width. Due to the width of the beach and the location of the Santa Monica breakwater, properties along the north beach area are generally protected from storm wave impacts and have not required shoreline protective devices.

The residential structure will be setback 15 feet from the centerline of the promenade consistent with City requirements and past Commission permit action on development along with area. Furthermore, the proposed project is consistent with the City's 40-foot maximum height limit and Palisades Bluff viewshed requirements, and is below the Coastal Commission's 50-foot height limit for this area.

The City requires all new development to reduce the projected runoff for the site. The City's Best Management Practices are designed to treat, infiltrate or filter the amount of stormwater runoff up to the 85% percentile for a 24 hour storm event. The applicant is proposing to install a drywell or similar drainage device and the use of grasscrete for the driveway and landscaping to reduce stormwater runoff, consistent with the City's requirements.

B. Access

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. Development

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: require a future improvements condition and to require that the landowner 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.

D. Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize 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, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, 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 with 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.

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 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.

F. Local Coastal Program

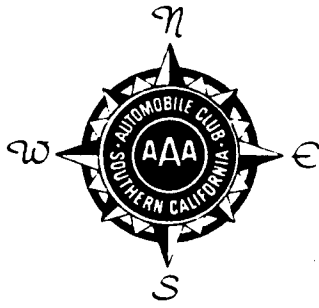
Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Santa Monica has neither a certified LCP nor a certified Land Use Plan for the North Beach area. 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 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 conditioned, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



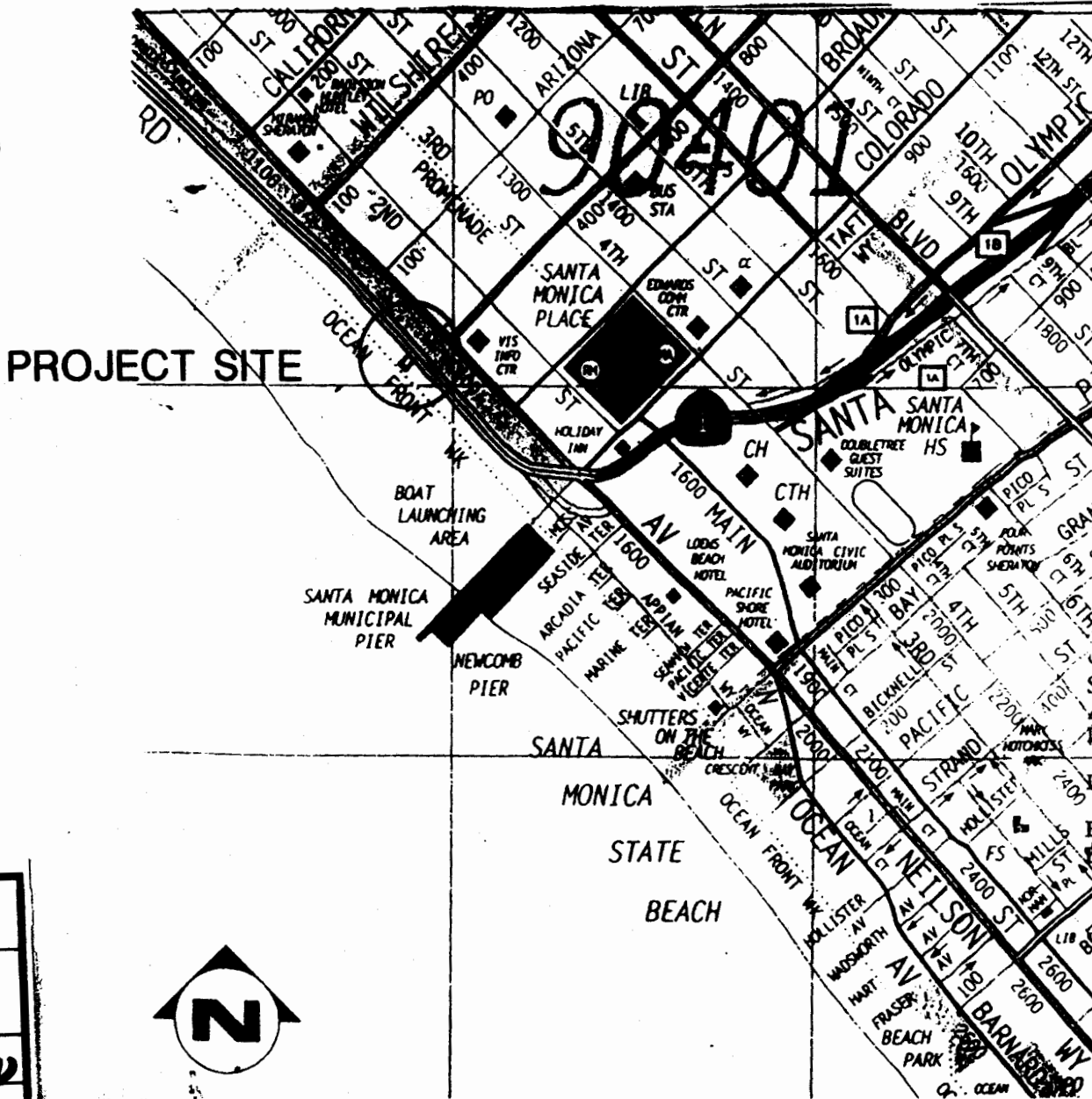
Site Location



HUNTINGTON BI

EXHIBIT NO. 2
 APPLICATION NO.
 5-05-217
 Regional Map
 California Coastal Commission

VICINITY MAP



TITLE SHEET / NOTES
LOT 26

DEAN MALTZMAN RESIDENCE
PROPOSED SINGLE FAMILY HOME
1339 PALISADES BEACH ROAD
SANTA MONICA, 09401 CALIFORNIA

Job No. _____
Submit Date _____
Issue Date _____
Drawn By _____
Checked _____

California Coastal Commission
South Coast District Office
APPROVED Permit No. 217
By _____
EFFECTIVE DATE _____

EXHIBIT NO. **2**
Application Number
5-05-217
Vicinity Map
California Coastal Commission



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16 DECEMBER 2004



Reprints

View Enlarged Map

View Full Map Instructions

County of Los Angeles: Rick Auerbach, Assessor

4291 | 31
SCALE 1" = 80'

1999

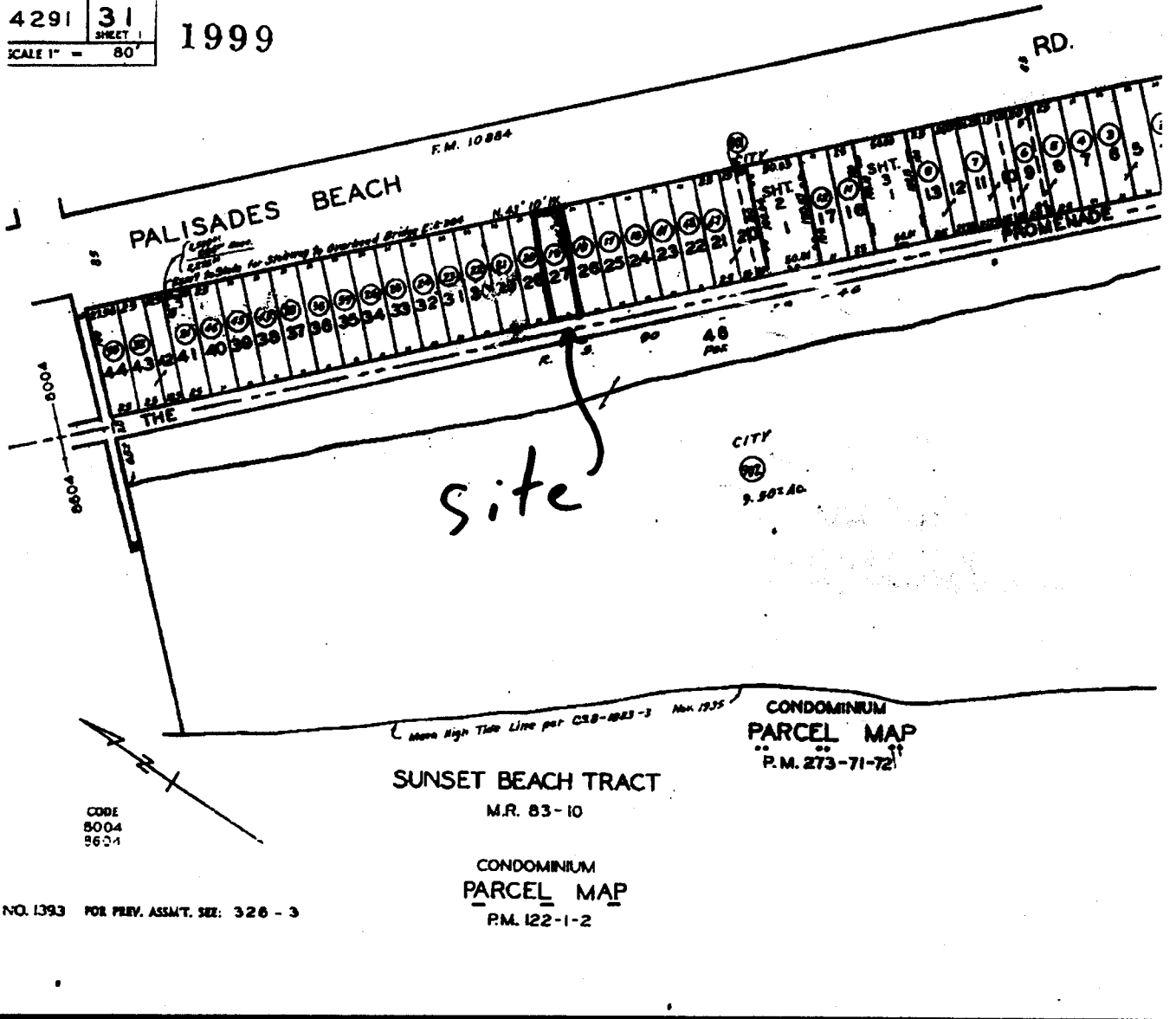


EXHIBIT NO.	3
Application Number	5-05-217
	Parcel Map
California Coastal Commission	

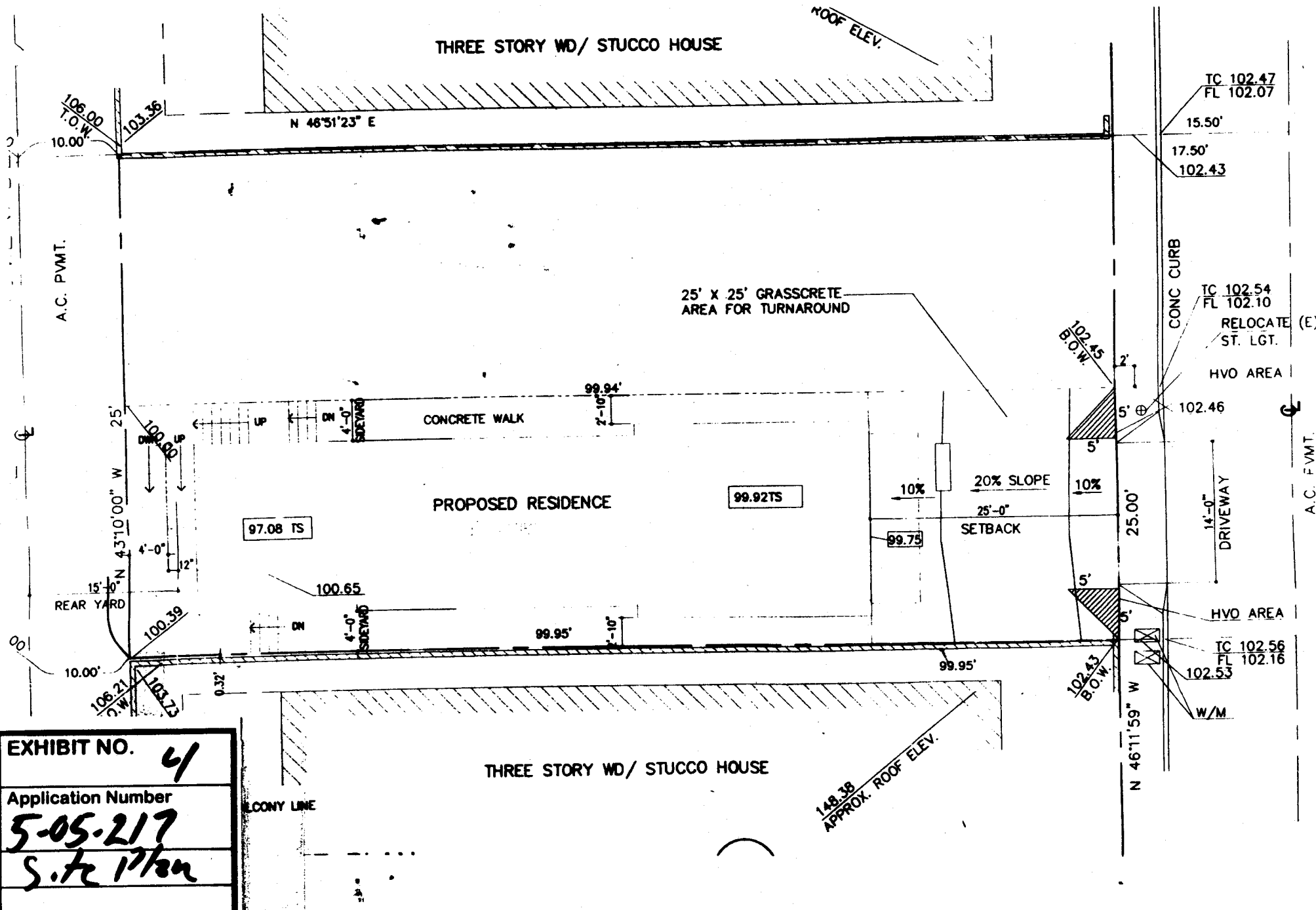


EXHIBIT NO. 4/

Application Number
5-05-217
Site Plan

California Coastal Commission

ELEV. 97.08

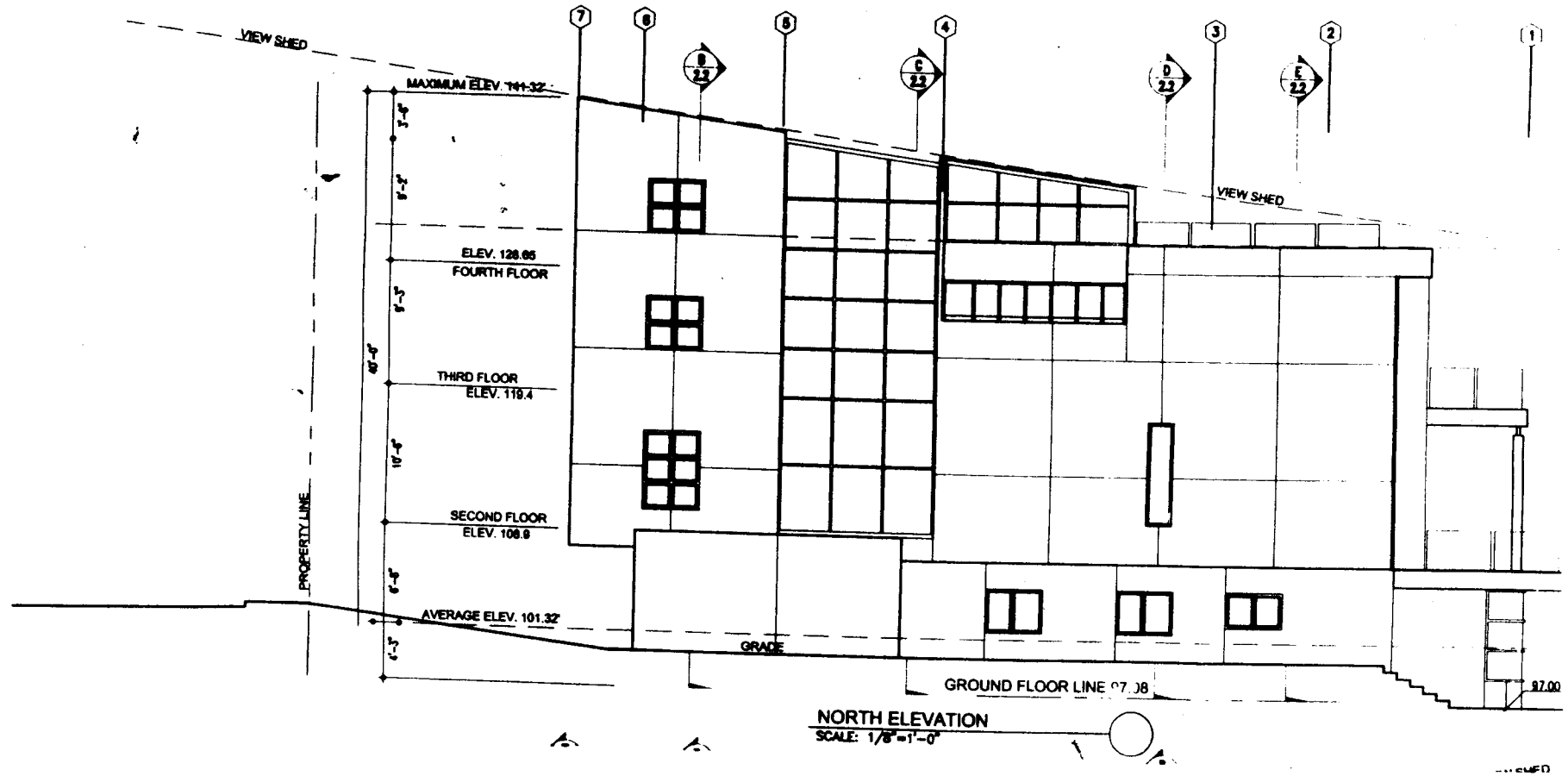


EXHIBIT NO.	5
Application Number	5-05-217
Elevation	North
California Coastal Commission	

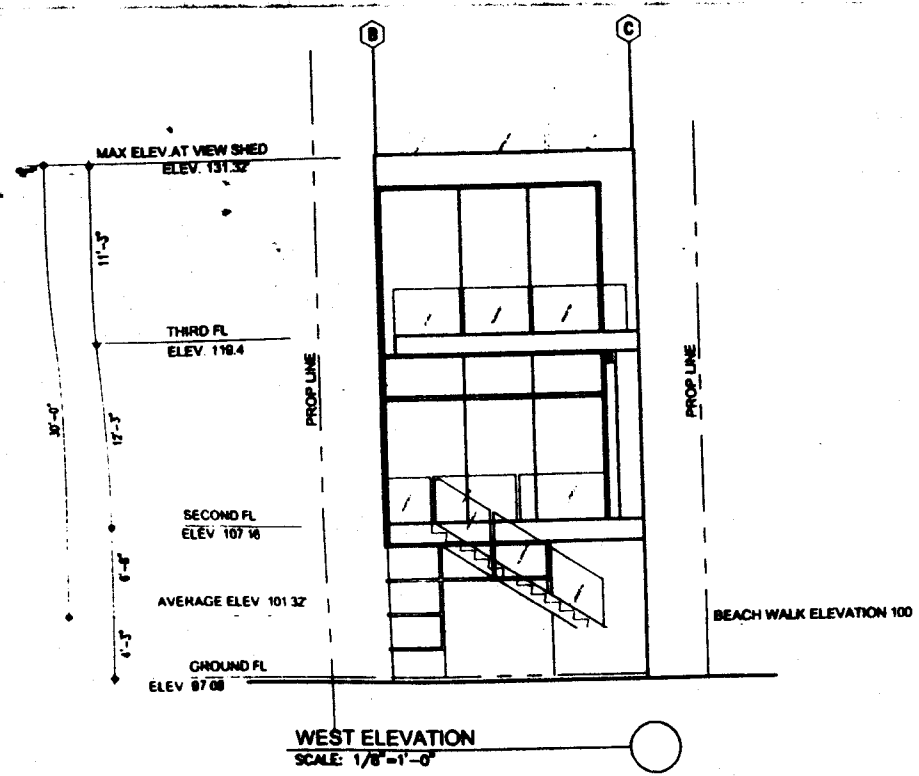


EXHIBIT NO.	6
Application Number	5-05-217
	Elevation
	West
California Coastal Commission	