

CALIFORNIA COASTAL COMMISSION

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Th6a

Filed: 6/18/12
180th Day: 12/15/12
Staff: A. Padilla-LB
Staff Report: 9/20/12
Hearing Date: 10/10-12/12

STAFF REPORT: CONSENT CALENDAR

Application Number: 5-12-130

Applicant: Beach Club of Santa Monica

Agent: Will Sheppard

Project Location: 201 Palisades Beach Road, Santa Monica (APN 4293-014-001)

Project Description: The applicant proposes to demolish and replace an existing 2,700 square foot enclosed dining patio structure. Floor area, height and bulk will remain the same.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed development is located on a privately owned sandy beach parcel adjacent to Santa Monica State Beach, in the City of Santa Monica. The proposed development does not result in any seaward encroachment or use of State owned leased property or intensification of the site. Staff recommends **approval** with Special Conditions including: 1) construction and debris removal; 2) Assumption of risk; 3) future improvements; and 4) recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report.

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EXHIBITS

Exhibit 1-- Project Vicinity Map

Exhibit 2—Aerial

Exhibit 3—Parcel Map

Exhibit 4-- Site Plan

Exhibit 5-- Floor Plan

Exhibit 6-- Patio Elevations

Exhibit 7—Club Elevations

Exhibit 8—Rendering

I. MOTION AND RESOLUTION:

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:

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:

This permit is granted subject to the following 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 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 permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Construction Responsibilities and Debris Removal. Applicant shall not allow discharge of silt or debris into coastal waters as a result of this project. By acceptance of this permit, the applicant agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs.

- A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
 - B. Staging and storage of construction machinery and storage of debris shall not take place on the beach.
 - C. Any and all debris resulting from construction activities shall be removed from the beach area on a daily basis and disposed of at an appropriate location.
 - D. Machinery or construction materials are prohibited at all times in the subtidal or intertidal zones.
 - E. Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during project staging, demolition and construction. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines.
 - F. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
 - G. At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the beach or in the water, and that the project has not created any hazard to navigation.
- 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 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.
- 3. No Future Improvements Restriction.** This permit is only for the development described in coastal development permit No. **5-12-130**. 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 of land, shall require an amendment to Permit No. **5-12-130** 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.

- 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:

A. PROJECT DESCRIPTION AND LOCATION

The proposed project is located at 964 Palisades Beach Road (Pacific Coast Highway) between the first public road and the sea on a sandy oceanfront lot located adjacent to Santa Monica State Beach, in the City of Santa Monica (Exhibits 1 & 2). The proposed project site is a 72,000 square foot privately owned parcel that is developed with an approximately 32,000 square foot, one and two story private beach club building. The Beach Club also owns other adjacent parcels and leases from the State two parcels that are adjacent to and seaward of the club's private property.

The applicant proposes to demolish and replace an existing 19 foot high, 2,700 square foot enclosed dining patio structure, and foundation, that is part of the main building. The floor area, height and bulk will remain the same. The patio structure abuts the main building on the western side and is located completely on private property. The replacement structure will also be constructed completely on private property and will not encroach onto the adjacent lease parcel. The applicant is replacing the existing building due to seismic concerns. The new building will be built to current codes .

The existing structure to be demolished and reconstructed is adjacent to and landward of the western property line (1921 mean high tide line). The 1921 mean high tide line was formally established as part of a settlement (lease agreements) between State Lands, City of Santa Monica and the various property owners, as the legal property line between public and private property in this location. Although the Commission was not a party to the lease agreements, the Commission has required that

no private, permanent improvements extend beyond the 1921 mean high tide line. In this particular case all proposed development is located landward of the 1921 mean high tide line.

In past permit actions for the area, the Commission has consistently limited the height of development to 50 feet for all structures in the north beach subarea. The City currently limits development to a maximum height of 40 feet, but also requires projects to conform to a view envelope to protect views from the Palisades Park bluffs. The view envelope is measured from a height of 30 feet at the beach setback line to a point 5 feet above the bluff. The height of the proposed addition is lower than the Commission's maximum height limit and conforms to the City's view envelope restriction. The proposed replacement structure, since it is located adjacent to the existing main building and on the western or seaward side of the main building, will not be visible from the roadway (Palisades Beach Road, and will not interfere with any coastal views currently available from the roadway. The proposed structure will be visible from the beach, as one looks landward, however, the structure will blend with the existing main building and will not increase the footprint of the existing building.

The North Beach area contains the City's northern sandy beach area, beach clubs, single-family and multi-family residential development. The subject lot is located in the northern portion of the City within a row of beach clubs, residential development, and public beach parking lots. The beach area in front of the property is a broad beach, over 500 feet in width. Although the Beach Club has a lease parcel that extends 129 feet seaward from their private property, the beach area available to the public is over 350 feet wide. A 20-foot wide bicycle path is located approximately 180 feet seaward of the western property line on the public sandy beach. Vertical public access to the public beach is available just north of the beach club from the adjacent State Beach parking lot and pathway that extends from the parking lot to the bicycle path; and a State Beach parking lot located approximately 225 feet to the south. The proposed project will not impact the public access routes or impact public recreation. Furthermore, shoreline protective devices can have an adverse impact on public access; however, no shoreline protective device is being proposed, and due to the wide width of the beach, location of the Santa Monica breakwater, and Pier to the south, properties along the north beach area are generally protected from storm wave impacts and have not required shoreline protective devices.

B. 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 and 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 in **Special Condition No. 1**, 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.

C. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development that is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3

policies of the Coastal Act, **Special Condition No. 2** requiring all 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 must be imposed. **Special Condition No. 3** ensures that the applicant is aware of risks involved with development on or near the beach and that the applicant assumes the risks of injury and damage from such hazards in connection with this permitted development. **Special Condition No. 4** requires that the applicant record a deed restriction incorporating the permit and conditions of the permit. As conditioned, the development is in conformance with the Chapter 3 policies of the Coastal Act.

D. PUBLIC ACCESS

As proposed the development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. 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.

In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson way (Beach Overlay District), and the Santa Monica Pier. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications. The proposed project is located west of Ocean Avenue and is in the area excluded from the certified area of the Land Use Plan.

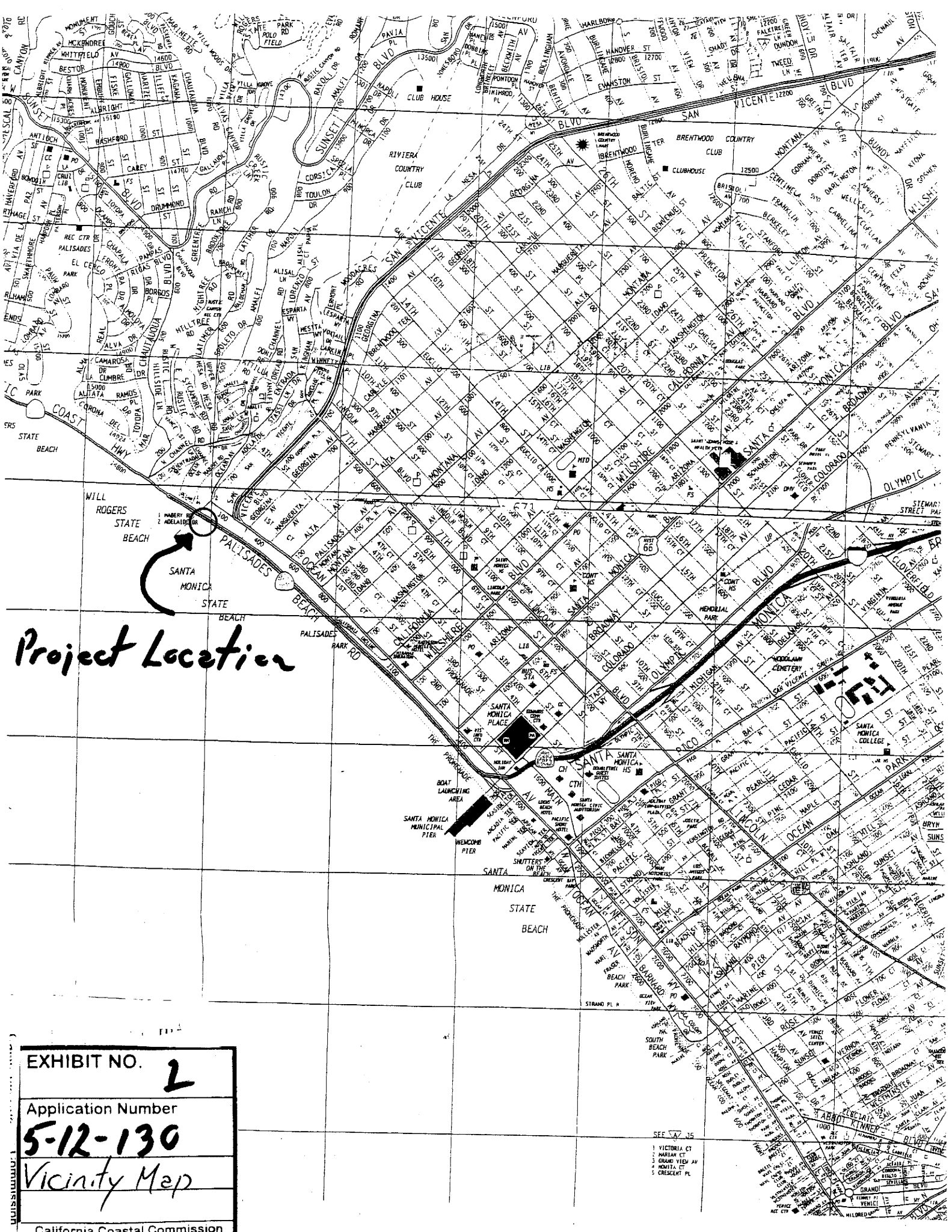
As conditioned the project will not adversely impact coastal resources and beach access. The Commission, therefore, finds that the proposed project will not be consistent with the Chapter 3 policies of the Coastal Act and will prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 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)(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.

5-12-130 (Beach Club of Santa Monica)

As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

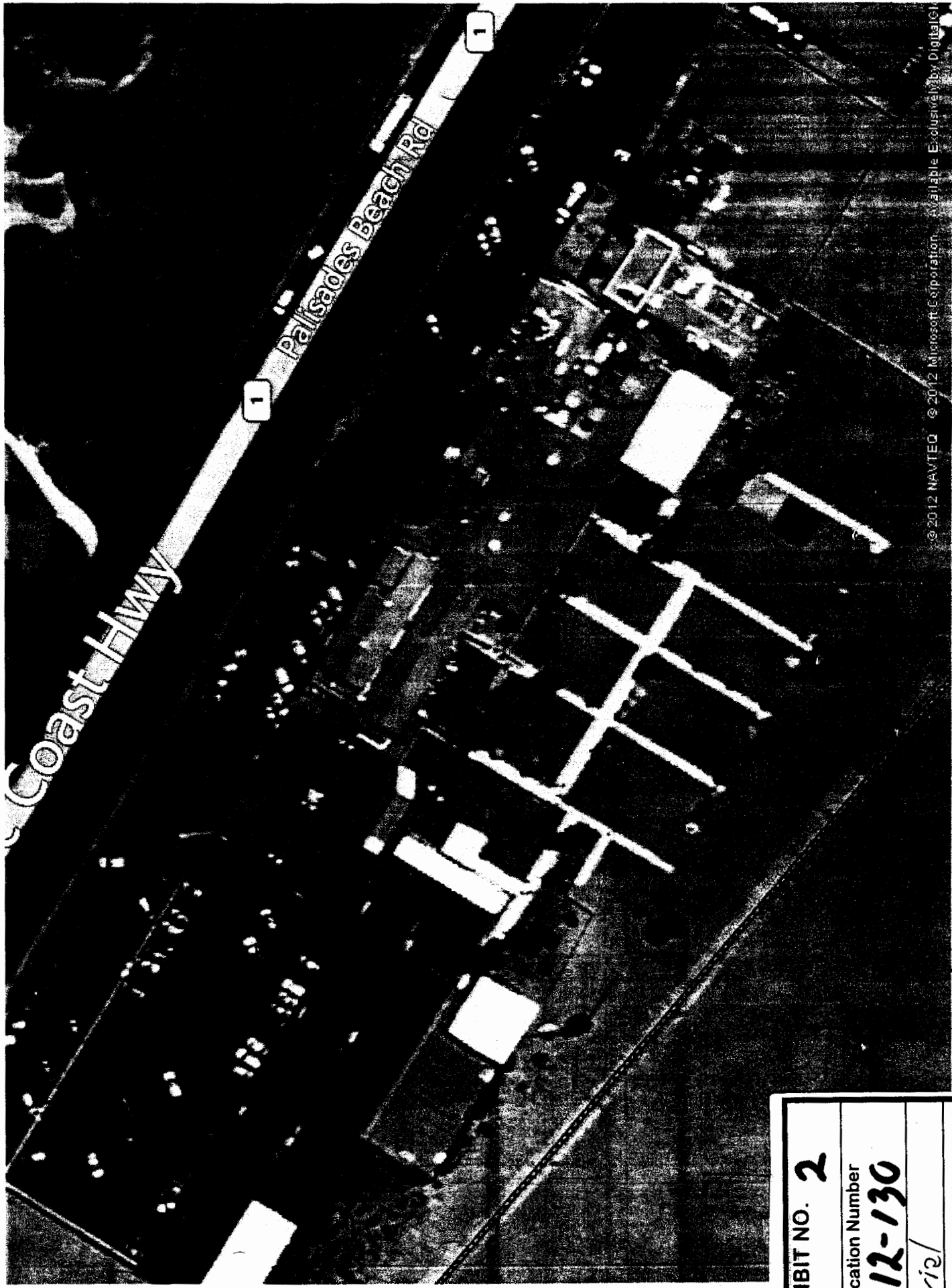


Project Location

EXHIBIT NO.	2
Application Number	5-12-130
<i>Vicinity Map</i>	
California Coastal Commission	

SEE MAP 35

- 1 VICTORIA CT
- 2 MARIAN CT
- 3 GRAND VIEW AV
- 4 MONITA CT
- 5 CRESCENT PL



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EXHIBIT NO. 2
Application Number 5-12-130
<i>Aerial</i>
California Coastal Commission

4293-017-001

1293 SHEET 1
SCALE 1" = 100'

1996

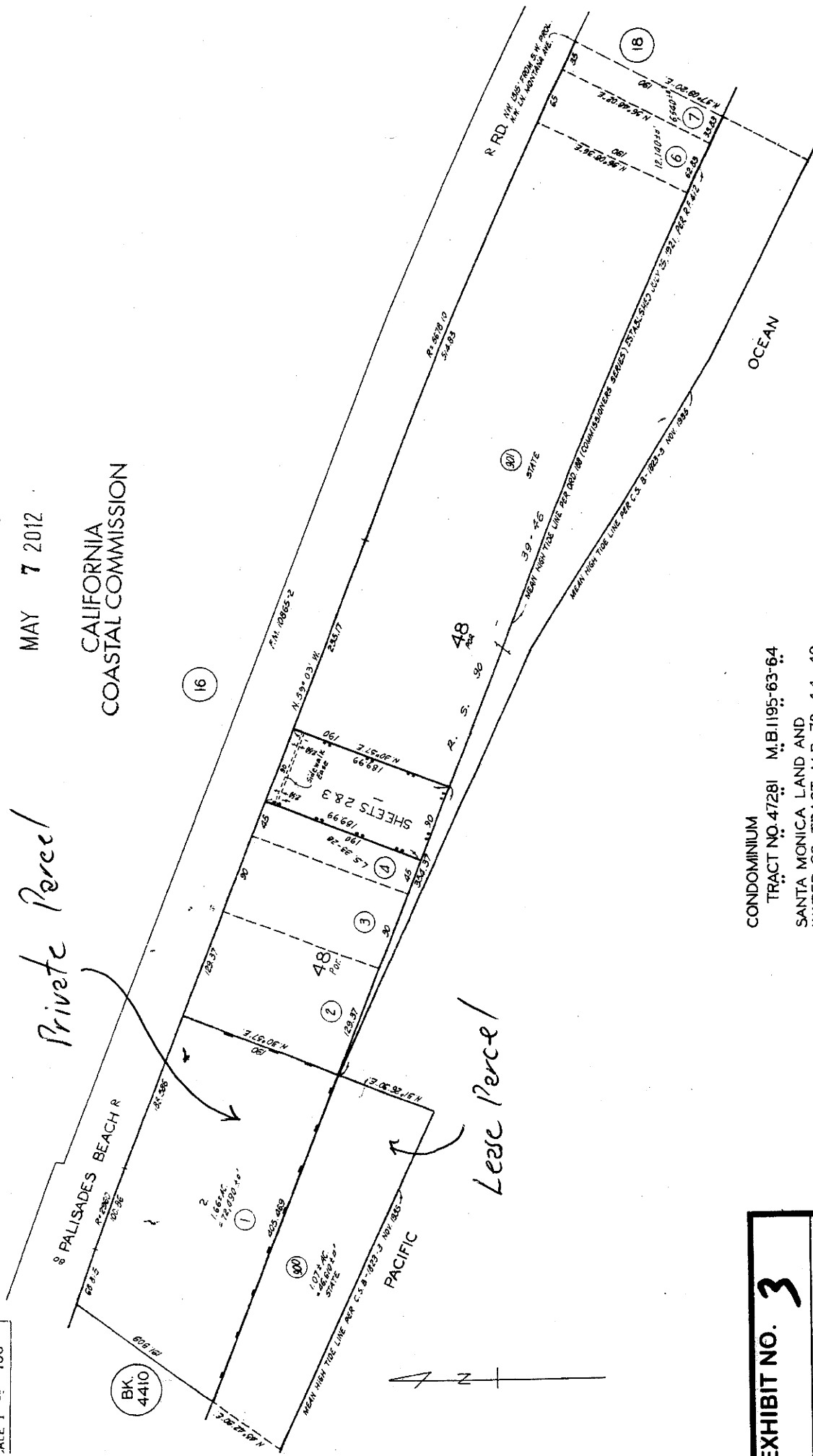
RECEIVED
South Coast Region

MAY 7 2012

CALIFORNIA
COASTAL COMMISSION

Private Parcel

Lease Parcel



CONDOMINIUM
 TRACT NO. 47281 M.B. 1195-63-64
 SANTA MONICA LAND AND
 WATER CO. TRACT M.R. 78-44-49
 TRACT NO. 11243 M.B. 199-39-40.

EXHIBIT NO. 3
Application Number 5-12-130
<i>Parcel Map</i>
California Coastal Commission

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

93042005002001-07
950209
95057705002001-07

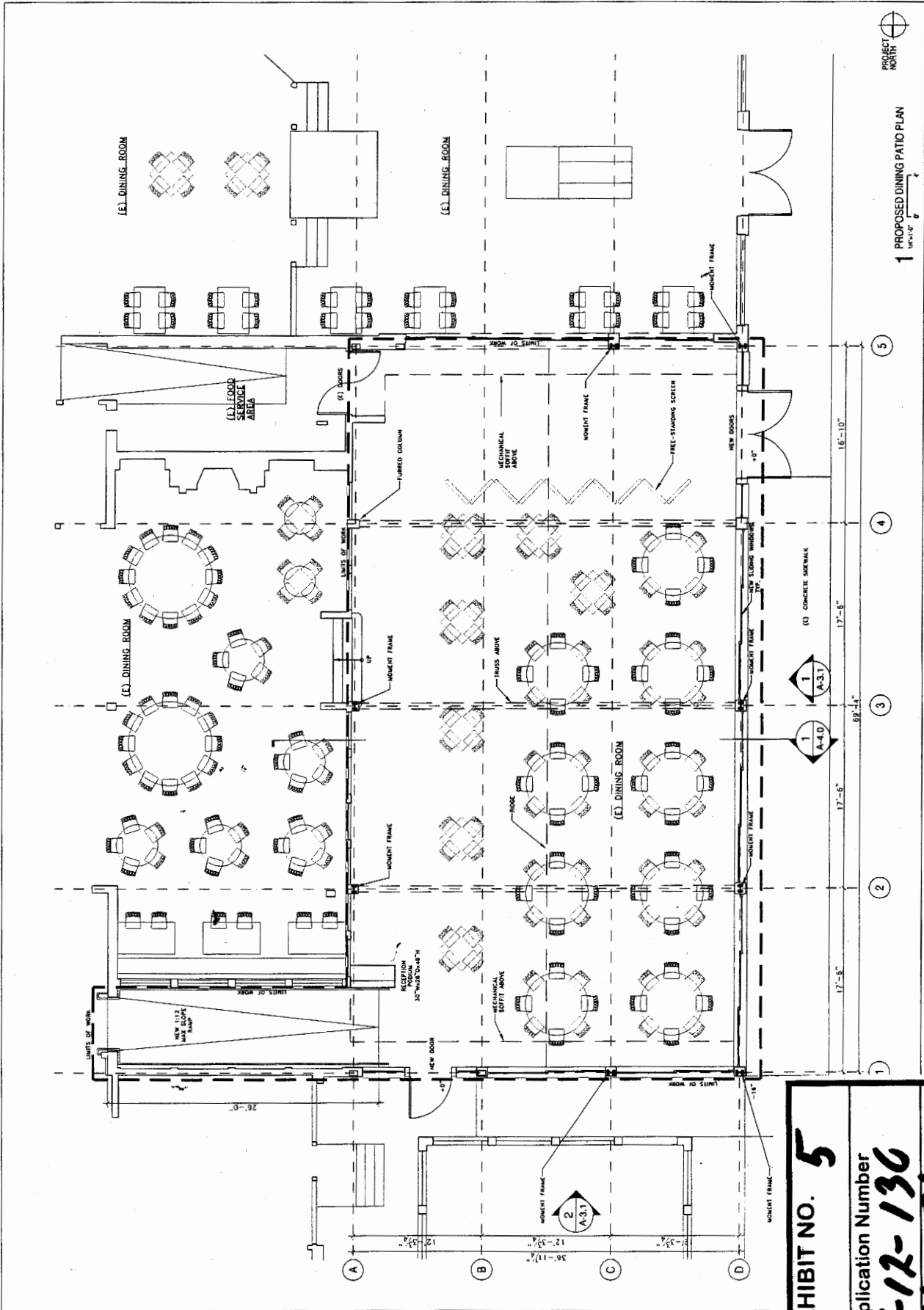
not for construction

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 BEACH CLUB OF SANTA MONICA RENOVATION
 201 PALMS BEACH RD
 SANTA MONICA, CALIFORNIA 90402

DATE: 04/20/12
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 PROJECT NO.: 2011-11

REASON NO. 044 CLEARANCE

Proposed Dining Patio Retrofit
A-2.3
 SCALE: AS SHOWN
 DRAWN BY: TEJIB
 PROJECT NO.: 2011-11



1 PROPOSED DINING PATIO PLAN
 1/8" = 1'-0"

EXHIBIT NO. 5
 Application Number
5-12-136
Flow Plan
 California Coastal Commission

not for construction

SHEPPARD ASSOCIATES
 ARCHITECTS/ENGINEERS
 100 MANCIPER DRIVE SUITE 114
 SAN MARINO, CALIFORNIA 91108
 J. SHEPPARD D. SHEPPARD
 ARCHITECTS/ENGINEERS
 201 PALMDES BEACH BLVD
 SANTA MONICA, CALIFORNIA 90402

Beach Club of
 Santa Monica Renovation
 201 Palmdes Beach Blvd
 Santa Monica, California
 90402

ISSUE NO. DATE
 1 04/13/12 REVISED
 2 05/21/12 COSTA COMMISSION

REVISION NO. DATE

Dining Patio
 Exterior Elevations
A-3.1
 SCALE: NOTED
 DRAWING NUMBER
 PROJECT NO.: 2011-171

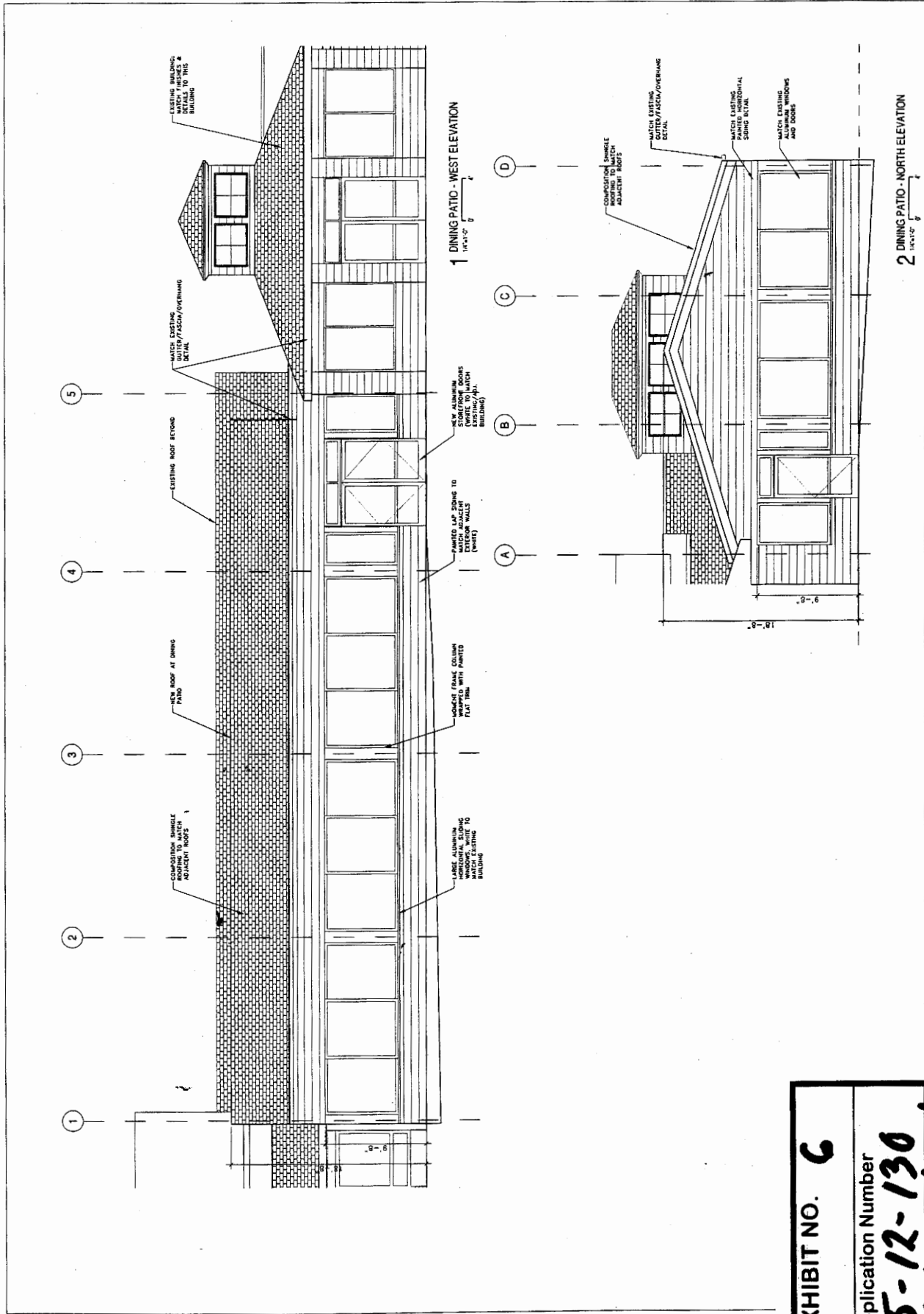


EXHIBIT NO. 6

Application Number
5-12-130

Patio Elevations

California Coastal Commission

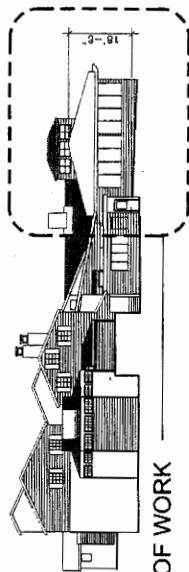
not for construction

SHEPPHARD ASSOCIATES ARCHITECTS * ENGINEERS
 6900 WINDHURST AVE SUITE 114
 LOS ANGELES, CA 90045
 714/350-0111
 FAX: 714/350-0111
 SHEPPHARD ASSOCIATES ARCHITECTS * ENGINEERS
 2011 WILSONS BEACH RD
 SANTA MONICA, CALIFORNIA 90402

Beach Club of Santa Monica Renovation
 2011 Wilsons Beach Rd
 Santa Monica, California 90402

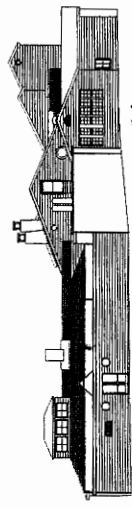
ISSUE
 A. REVISED
 1. SHEET AS SUBMITTED
 2. SHEET COSTA COMMISSION

Existing Exterior Elevations
A-30
 SCALE: ARCHITECTS DRAWING TITLE PROJECT NO.: 201101

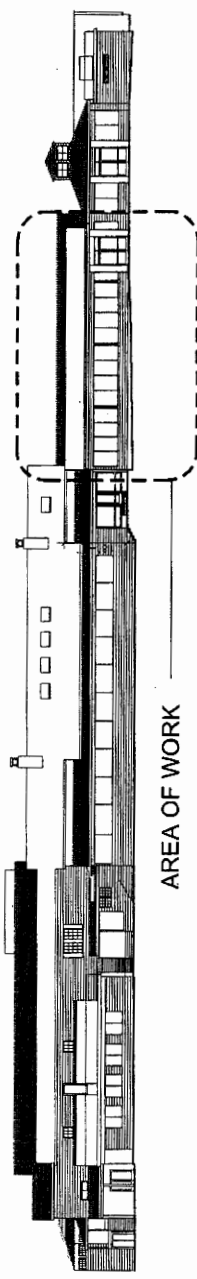


1 EXISTING NORTH ELEVATION
 1/8"=1'-0" 0' 6" 12'

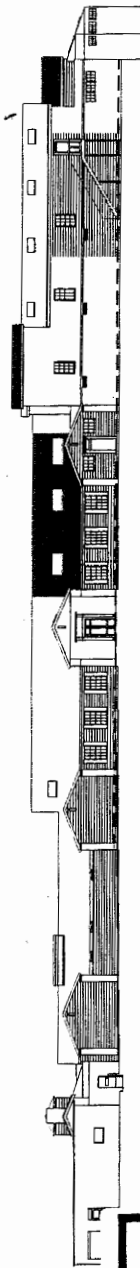
EXISTING FINISH MATERIALS:
 1. GREY COMPOSITION SHINGLE ROOF
 2. WHITE WOOD GRAIN HORIZONTAL SIDING
 3. WHITE FINISH ALUMINUM WINDOWS & DOORS
 4. WHITE FINISH ALUMINUM VINYL GUTTERS



2 EXISTING SOUTH ELEVATION
 1/8"=1'-0" 0' 6" 12'



3 EXISTING WEST ELEVATION
 1/8"=1'-0" 0' 6" 12'



4 EXISTING EAST ELEVATION
 1/8"=1'-0" 0' 6" 12'

EXHIBIT NO. 7
Application Number 5-12-130
Club El Estero
California Coastal Commission

not for construction

SHEPPHARD ASSOCIATES ARCHITECTS + ENGINEERS
600 MANCHESTER AVE SUITE 114
LOS ANGELES, CA 90005
714.261.4411

21013 ARBAMITTIN
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21013 ARBAMITTIN

Beach Club of Santa Monica Renovator
1711 Mission Beach Rd
Santa Monica, California
90402

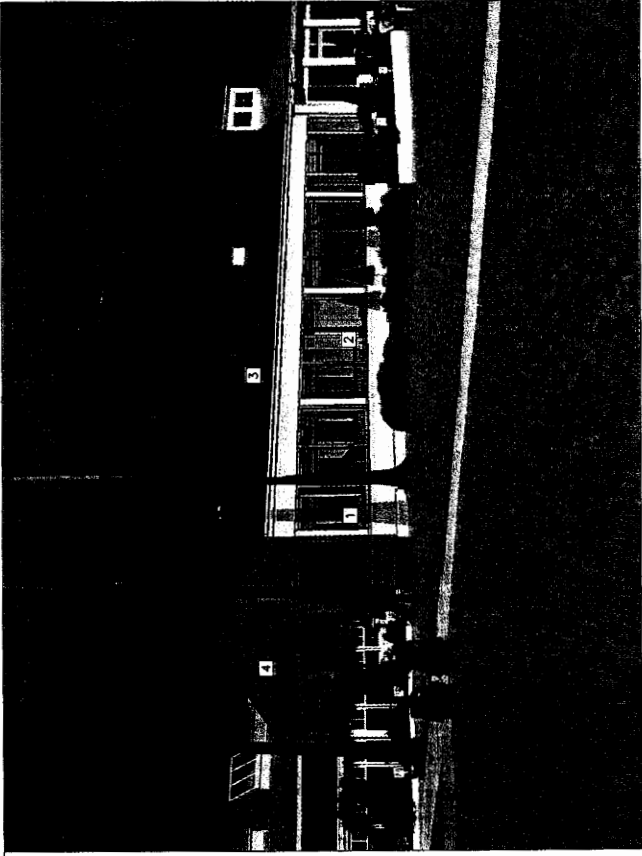
ISSUE NO. DATE
1 2/10/13 ARBAMITTIN
2 2/24/13 CAROL COMBERSON

ELEVATION NO. 02/01/13

Renderings

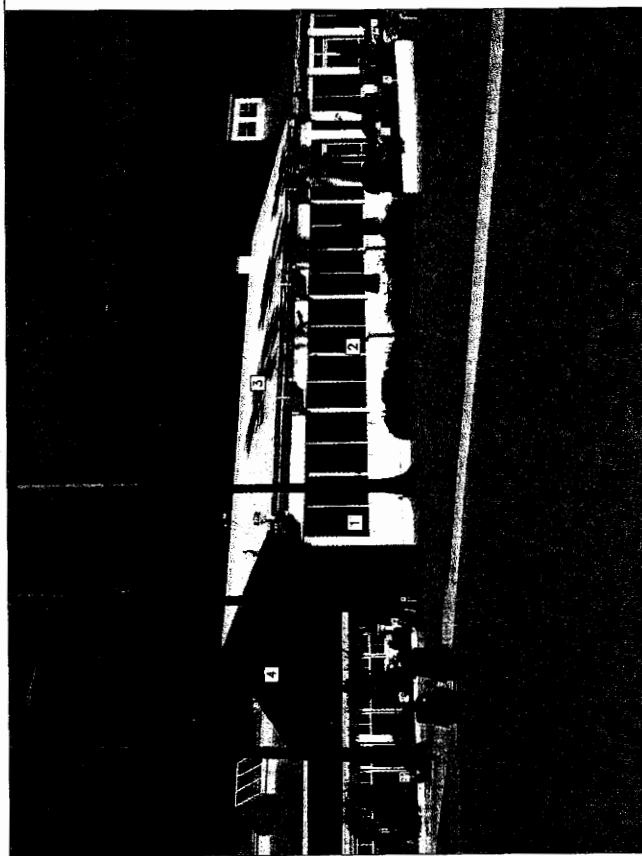
A-0.4A

SCALE: AS SHOWN
DRAWN BY: TELMO
PROJECT NO.: 2011-171



1 PROPOSED ELEVATION

- KEY NOTES - PROPOSED**
- 1 MOMENT FRAME COLUMN - WRAPPED W/ FLAT TRIM
 - 2 LARGE HORIZONTAL SLIDING WINDOWS
 - 3 COMPOSITION SHINGLE ROOF TO MATCH ADJACENT ROOFS
 - 4 PAINTED LAP SIDING AT GABLE



2 EXISTING ELEVATION

- KEY NOTES - EXISTING**
- 1 COLUMN - WITH LAP SIDING
 - 2 LARGE HORIZONTAL SLIDING WINDOWS
 - 3 FABRIC-WRAPPED ROOF TRUSS
 - 4 FABRIC-WRAPPED GABLE

EXHIBIT NO. 8
Application Number 5-12-136
Rendering
California Coastal Commission