

CALIFORNIA COASTAL COMMISSION

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



Th 6b

Filed: 10/15/12
180th Day: 4/23/13
Staff: A. Padilla-LB
Staff Report: 10/22/12
Hearing Date: 11/14-16/12

STAFF REPORT: CONSENT CALENDAR

Application Number: 5-12-223

Applicant: 924 PBR LLC

Agent: Appleton & Associates

Location: 924 Palisades Beach Road, Santa Monica (APN 4292-031-015)

Project Description: The applicant proposes to add approximately 23 square feet to an existing 737 square foot recreational room/cabana; remodel/reconfigure existing pool; add a 105 square foot second and third story balcony to the existing three-story 4,830 square foot single-family residence; and remove wooden fence and other minor State beach encroachments.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed development with special conditions regarding: 1) Removal of private fence from State property; 2) Fence design plans; 3) assumption of risk, 4) future improvements; 5) compliance with City water quality requirements; and 6) recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	3
II. STANDARD CONDITIONS	3
III. SPECIAL CONDITIONS	4
IV. FINDINGS AND DECLARATIONS	5
A. PROJECT DESCRIPTION AND LOCATION.....	5
B. PUBLIC ACCESS.....	5
C. DEVELOPMENT.....	7
D. DEED RESTRICTION.....	7
E. LOCAL COASTAL PROGRAM.....	8
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	8

EXHIBITS

Exhibit 1-- Project Vicinity Map

Exhibit 2—Parcel Map

Exhibit 3—Aerial Photo

Exhibit 4-- Site Plan

Exhibit 5-- Elevations

Exhibit 6—Existing Survey

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. **Removal of all Development Seaward of 1921 Mean High Tide Line.** By acceptance of this permit, the applicant agrees to remove, prior to issuance of the Certificate of Compliance, all development, including, but not limited to fencing, hardscape and landscaping that encroaches beyond the 1921 mean high tide line, which was formally established by survey as the legal property line between public and private property in this location as part of a settlement (lease agreements) between State Lands, City of Santa Monica, and the various property owners (as generally depicted in **Exhibit No. 6**).
2. **Future Improvements Restriction.** This permit is only for the development described in coastal development permit No. **5-12-223**. 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. **5-12-223** 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:

A. PROJECT DESCRIPTION AND LOCATION

The proposed project involves the remodel of an existing 737 square foot recreational room/cabana by adding approximately 23 square feet; adding 105 square foot second and third story balconies to the existing three-story 4,830 square foot single-family residence; remodel/reconfigure existing pool; and remove wooden fence, hardscape and landscaping that encroach onto State beach (see **Exhibit No. 4 & 5**).

The proposed project site is located along Palisades Beach Road (Pacific Coast Highway), north of the Santa Monica Pier, in the North Beach area of the City of Santa Monica (see **Exhibit No. 1**). The lot, measures approximately 30 feet wide by 182 feet deep, and is a beach fronting lot (see **Exhibit No. 2 & 3**). 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, single-family and multi-family residential development. The subject lot is located within a row of residentially developed lots and public beach parking lots. 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.

The subject property is improved with a single-family residence near the frontage road, a recreational room/cabana at the rear of the property, or western portion of the property, and a swimming pool between the two structures. The main residence is setback approximately 110 feet from the western property line (1921 mean high tide line) with a raised 18 foot deep deck extending seaward of the house. The cabana is setback approximately 3.5 feet from the western property line.

The 1921 mean high tide line (MHTL) was formally established by survey as the legal property line between public and private property in this location as part of a 1982 settlement (lease agreements) between State Lands, City of Santa Monica and the various private property owners. The lease agreements allowed existing development seaward of the 1921 MHTL to remain and to be maintained by the individual property owners; however, property owners were not allowed to “reconstruct or otherwise improve the same in any manner whatsoever without written permission of the State Lands Commission”. Although the Coastal Commission was not a party to the lease agreements, the Commission has required that no new private, permanent improvements extend beyond the 1921 mean high tide line. In this particular case all proposed development is located landward of the 1921 MHTL. However, an existing side yard property fence, landscaping and pavers encroach from approximately 3 feet to 28 feet seaward of the 1921 MHTL. This development was allowed by State Lands, and the City, to remain under the 1982 lease agreement; however, the lease has expired and there has been no further lease action regarding the encroachments.

B. PUBLIC ACCESS

Sections 30210 and 30211 of the Coastal Act require that new development provide maximum public access and recreation opportunities and avoid interference with the public’s right of acquired access.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The proposed project is located on the beach, adjacent to and west of Palisades Beach Road (Pacific Coast Highway), in the City of Santa Monica's North Beach area. 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 adjacent to a single-family residence to the north and a public beach parking lot to the south. The beach area in front of the property is a broad beach, over 500 feet in width.

The existing single-family residence and proposed additions to the main residence and existing cabana are all located landward of the 1921 MHTL (see **Exhibit No. 6**). However, the property does have existing improvements that encroach onto State Lands. These improvements include approximately 28 linear feet of the existing wooden sideyard fence, landscaping (bushes and potted plants), and pavers.

Over the years the Commission has reviewed and permitted a number of projects in the North beach area. The Commission has allowed property owners to keep existing minor improvements, such as fences, hardscape and landscaping, that encroached beyond the 1921 MHTL, unless the development was being demolished and replaced. All new development, including replacing existing improvements, has been required to be located landward of the 1921 MHTL. One of the previous property owners did have a lease agreement for the encroachments (fence and pavers), but the lease has expired without being renewed. As part of this application the applicant, and current property owner, has agreed to remove all 1921 MHTL encroachments from State property. To ensure that the fence is located landward of the 1921 MHTL **Special Condition No. 1** requires, prior to the issuance of the Certificate of Occupancy, the submittal of a revised site plan showing the removal and relocation of all development from the seaward side of the 1921 MHTL (see **Exhibit No. 6**). By removing the encroachments on this property, and as other properties redevelop and remove their encroachments, additional sandy beach area will become available which will further widen the beach and free up additional beach area for public use.

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 and with the removal of all State beach encroachments public access along the beach will be enhanced. As conditioned the development conforms with Sections 30210 through 30211 of the Coastal Act

C. DEVELOPMENT

Section 30250 of the Coastal Act states in part that:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have a significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30251 of the Coastal Act states in part that:

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 surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The proposed project is located in an area of the north beach subarea that is developed with a mix of single and multiple-family residences. The proposed addition to the cabana will be landward of the existing most seaward structure and the addition of a second and third story balcony to the main residence will also be landward of the most seaward structure. The proposed addition to the cabana will be on the eastern side of the cabana and set back 40 feet from the rear (western) property line. The second and third story balconies will be setback approximately 105 feet from the rear property line. The proposed improvements will not add to the height of the existing structures.

The Commission has consistently required that development comply with a structural and deck stringline, or the pattern of development in the surrounding area, to minimize the seaward encroachment as properties redevelop along the beachfront. In this case, no interior square footage will be added to the main residential structure and the proposed balconies will not encroach beyond the adjacent residential decks or balconies. The 23 square foot addition to the cabana will be on the eastern side of the cabana and will not cause any further seaward encroachment of the existing cabana. As proposed, the project is consistent with past Commission permit action regarding additions to structures on the beach. The project as proposed is consistent with the character and scale of the surrounding area and with past Commission permit action for the area. The Commission, therefore, finds that the proposed project is consistent with Sections 30230, 30250 and 30251 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 (**Special Condition No. 3**), 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.

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. The Pacific Palisades area of the City of Los Angeles has neither a certified LCP nor a certified Land Use Plan. As conditioned, the proposed development will be 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.

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.

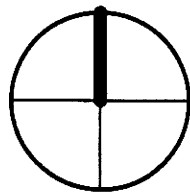
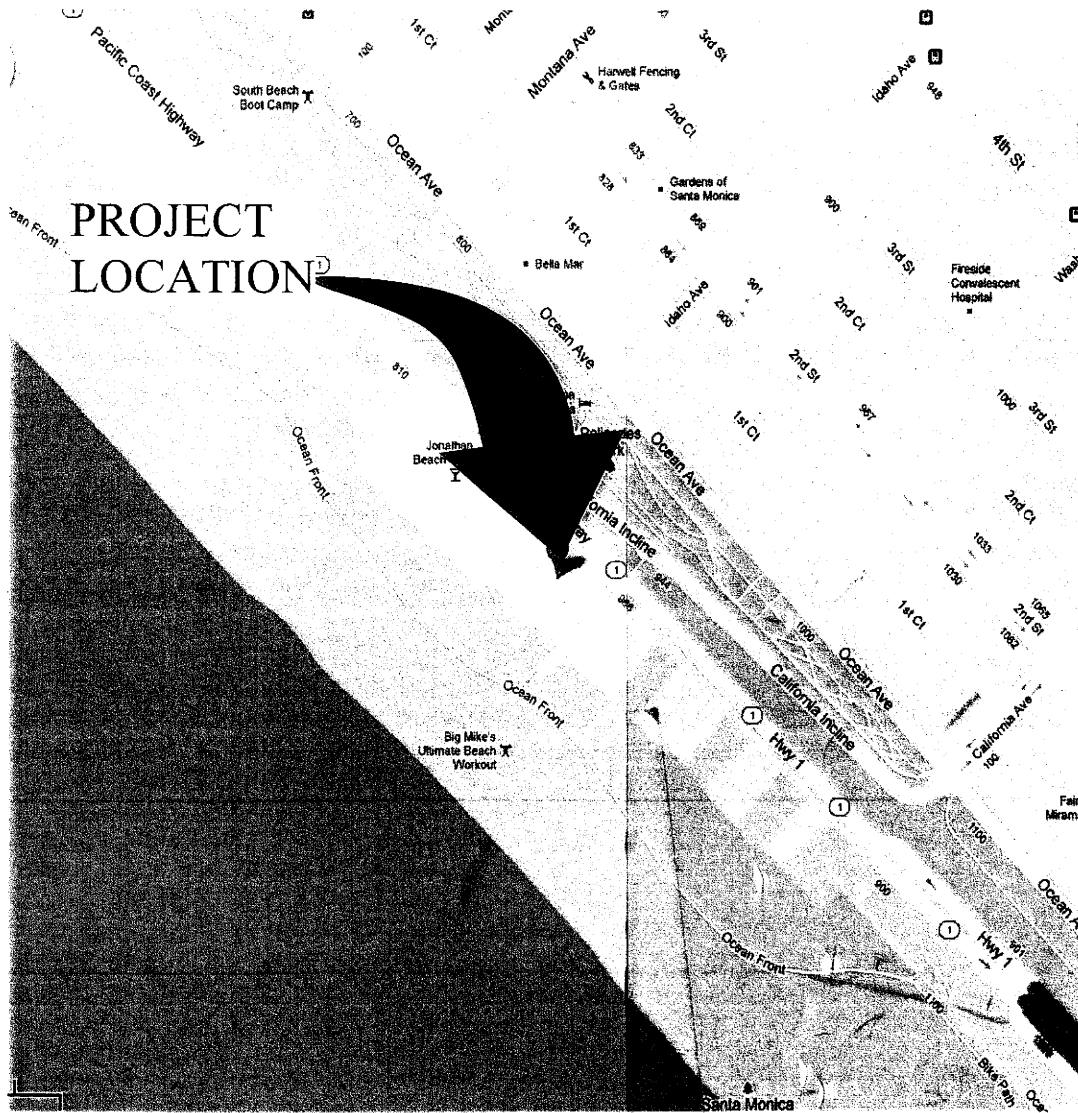
As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

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South Coast Region

AUG 17 2012

5-12-223

CALIFORNIA
COASTAL COMMISSION



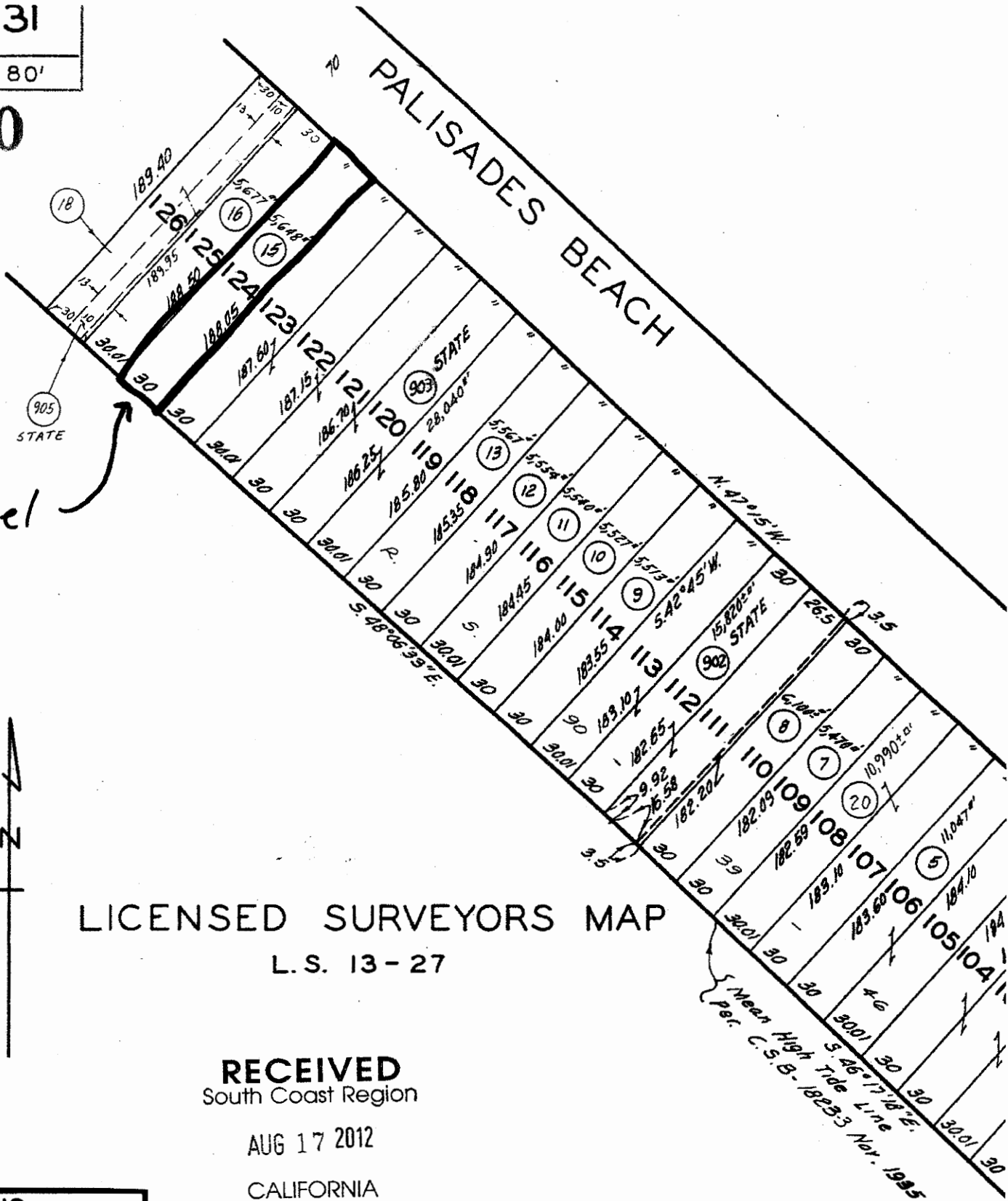
VICINITY MAP (not to scale)

EXHIBIT NO.	1
Application Number	5-12-223
	Vicinity Map
California Coastal Commission	

4292 | 31

SCALE 1" = 80'

2000



Parcel →



LICENSED SURVEYORS MAP

L. S. 13 - 27

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South Coast Region

AUG 17 2012

CALIFORNIA
COASTAL COMMISSION

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EXHIBIT NO. 2
Application Number 5-12-223
Parcel Map
California Coastal Commission

SEE: 96-53

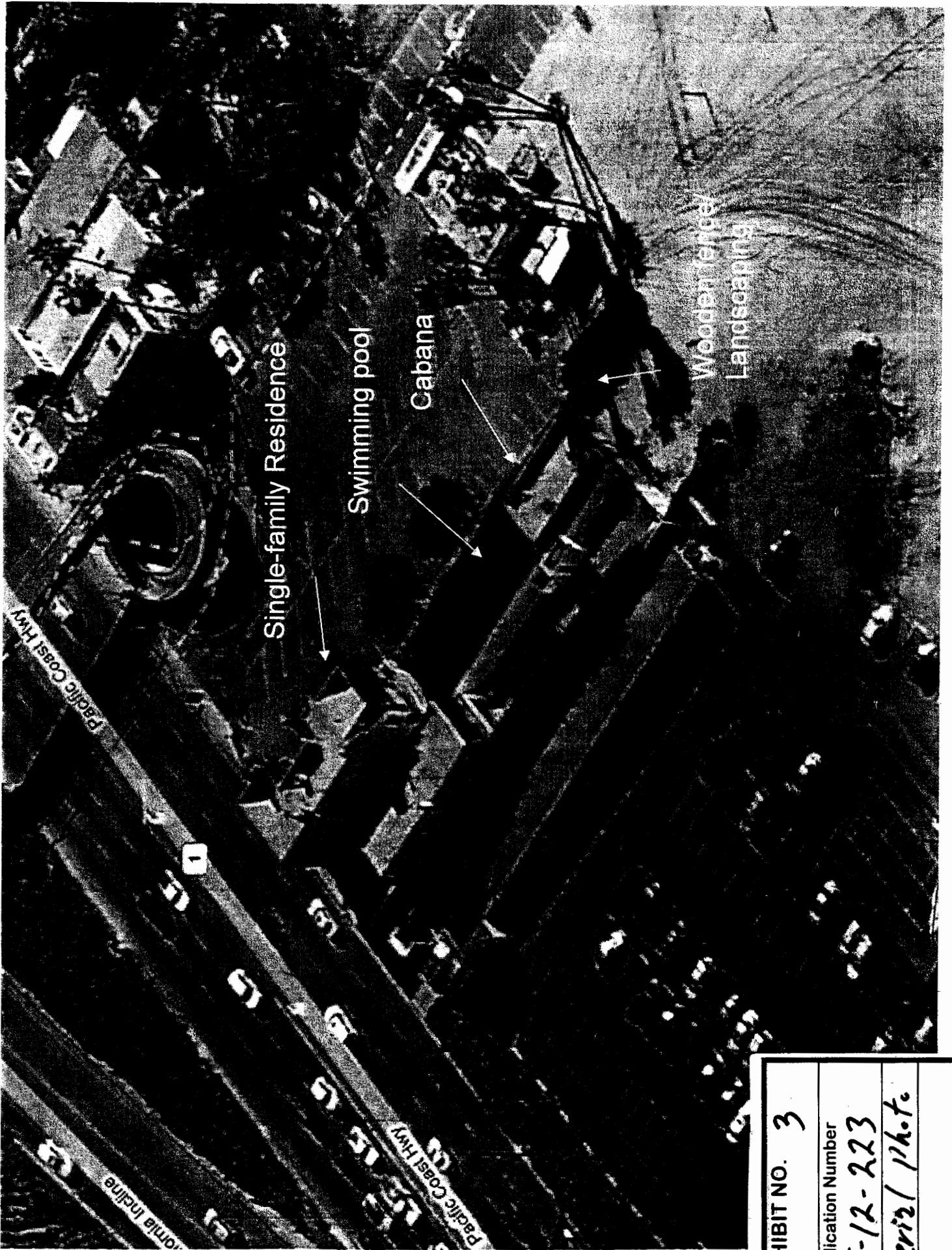


EXHIBIT NO. 3
Application Number 5-12-223
Perizl photo
California Coastal Commission

1566 17th Street
 San Mateo, CA 94404
 ARCHITECTS
 Appletton & Associates, Inc.
 310.828.0400
 FAX 310.828.0331

924 Palisades Beach Road
 Palisades Beach Road
 SITE PLAN

DATE: 05/05/08
 DRAWN: J.M.
 SCALE: 1" = 32'-0"
 SHEET NO.: 1/01
 PROJECT NO.: 120137

A1.0

DRAFT

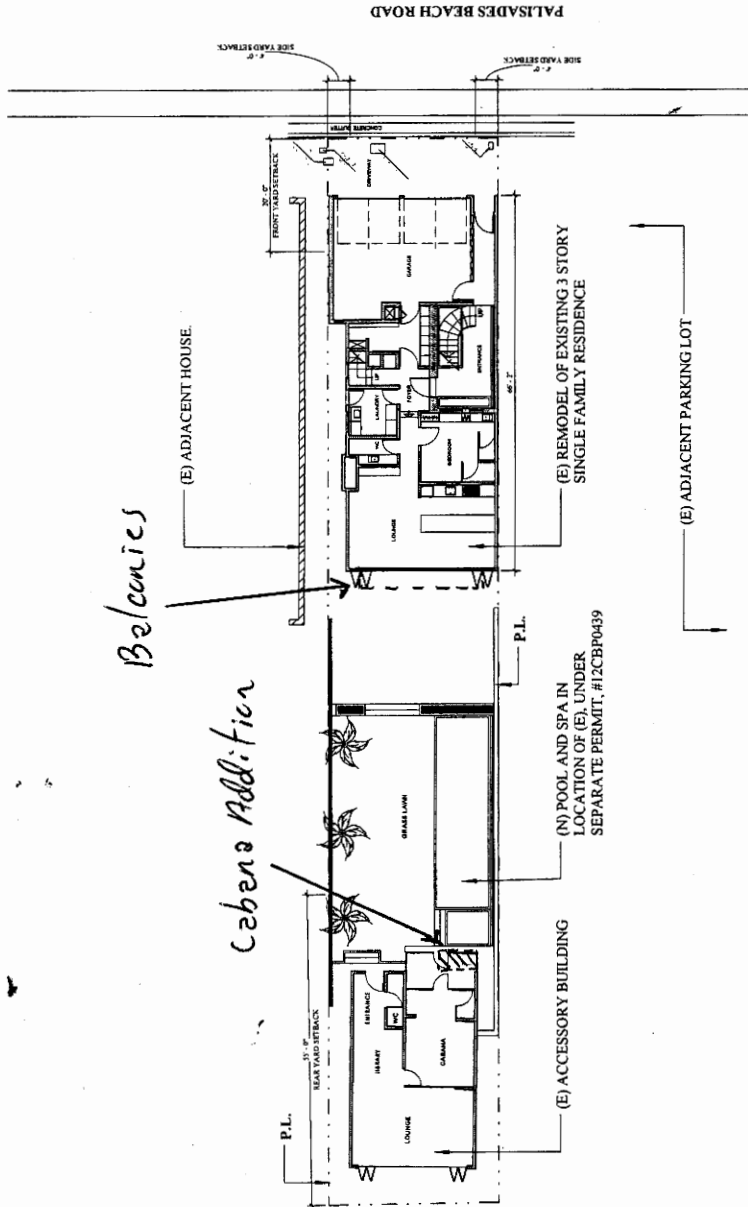


EXHIBIT NO. 4
Application Number 5-12-223
Site Plan
California Coastal Commission

DRAFT

924 Palisades Beach Road

BUILDING ELEVATIONS

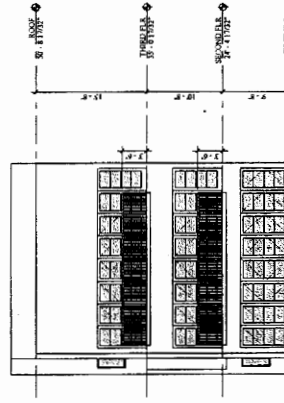
Appleton & Associates, INC
ARCHITECTS

1555 7TH STREET
SANTA MONICA, CA 90404
PHONE 310 280 0420
FAX 310 280 0371

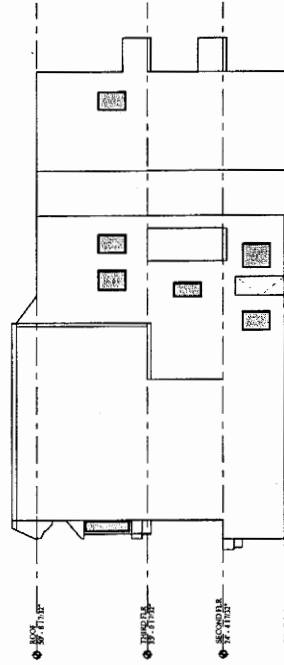
3 SHEETS

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DRAWN: ANNA
CHECKED: JESSIE
PROJECT: 100106

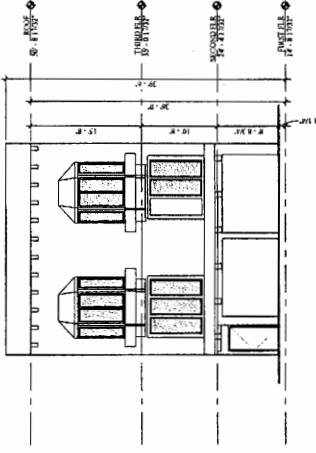
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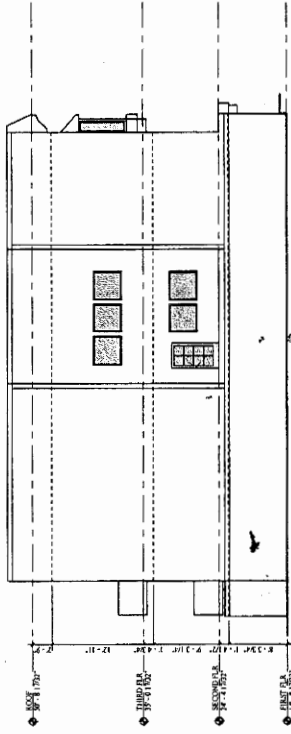
2 BUILDING ELEVATION - SOUTH
1/8" = 1'-0"



3 BUILDING ELEVATION - WEST
1/8" = 1'-0"



1 BUILDING ELEVATION - NORTH
1/8" = 1'-0"



4 BUILDING ELEVATION - EAST
1/8" = 1'-0"

EXHIBIT NO. 5
Application Number 5-12-223
Elevations
California Coastal Commission

1 0512147E

Appleton & Associates, Inc.
 ARCHITECTS
 1566 17th Street
 Santa Monica, CA 90401
 FAX 310.828.0371
 310.828.0320

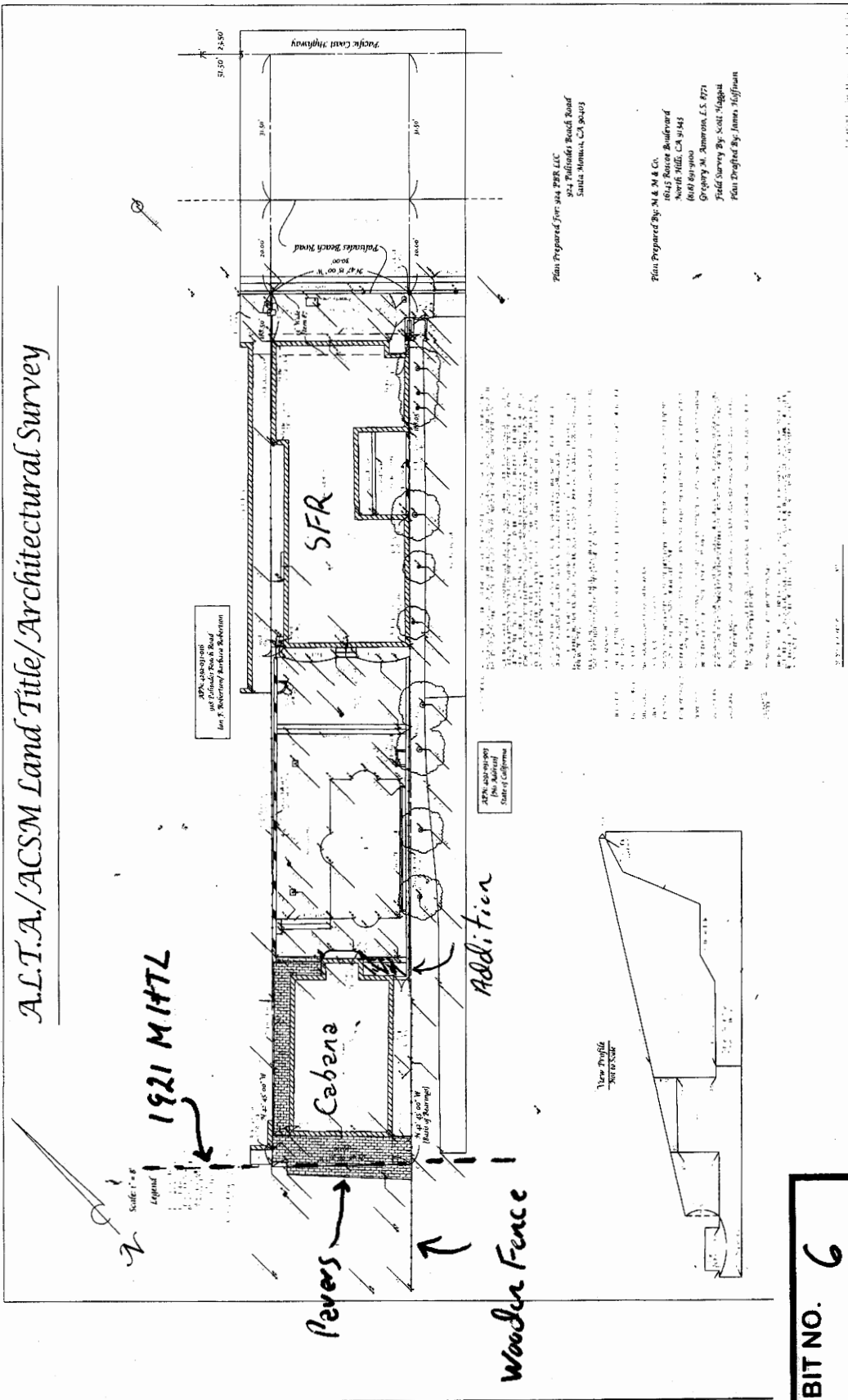
EXISTING SURVEY

924 Palisades Beach Road
 924 Palisades Beach Road

Sheet No.	10512147E
Date	11/20/07
Scale	1" = 10'-0"
Project No.	10512147

SURVEY

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EXHIBIT NO. 6
Application Number 5-12-223
<i>Existing Survey</i>
California Coastal Commission