

CALIFORNIA COASTAL COMMISSION

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Staff: A. Dobson-LB
Staff Report: 3/20/2015
Hearing Date: 4/17/2015

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-14-1756

Applicant: Ziad Ghandour

Agent: Steven Somers

Location: 547 Palisades Beach Rd., Santa Monica, Los Angeles County

Project Description: Demolish existing 4,250 sq. ft. single family residence and construct a 39 ft. high, 3 story plus basement, 7,450 sq. ft. single family residence and remodel the existing 2 car detached garage and construct a pool with a total of 1,971 cubic yards of grading on a 8,408 sq. ft. beach front lot.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Commission staff is recommending **APPROVAL** of the proposed single family residence. The project site is on a beach front lot, immediately adjacent to a public beach and a public parking lot. The project is consistent with past Commission approvals and will not, as conditioned, impact public access. Commission staff recommends approval with conditions relating to hazards, construction responsibilities and staging, assumption of risk, and no future development and no shoreline protection devices, conformance to recommendations, landscaping, bird-strike prevention, car lift maintenance, water quality, and a deed restriction.

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EXHIBITS

Exhibit No. 1 – Location and project site

Exhibit No. 2 – Plans

Exhibit No. 3 – Elevations

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the 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 of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the 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 alternatives 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 of 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:

This permit is granted subject to the following 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 flooding, sea level rise, erosion and wave uprush; (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. **Bird Strike Prevention.** Ocean front deck railing systems, fences, screen walls and gates subject to this permit shall use materials designed to minimize bird-strikes with the deck railing, fence, or gate. Such materials may consist, all or in part, of wood; wrought iron; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless they contain UV-reflective glazing that is visible to birds or appliqués (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency are also used. Any appliqués used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one appliqué for every 3 foot by 3 foot area) and the recommendations of the Executive Director. Use of opaque or partially opaque materials is preferred to clean glass or Plexiglas and appliqués. All materials and appliqués shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications and as recommended by the Executive Director.
 - A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit final revised plans showing the location, design, height and materials of fences, screen walls and gates for the review and approval of the Executive Director. Said plans shall reflect the requirements of this special condition.
 - B. The permittee shall undertake development in accordance with the approval 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.

3. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris**
 - A. The permittee shall comply with the following construction-related requirements:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to water, wind, rain, or dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The applicant shall develop and implement spill prevention and control measures;
- (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

4. Future Development. Pursuant to Title 14 California Code of Regulations Section 13250(b) (6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-14-1756. Accordingly, any future improvements to the single-family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-14-1756 from the

Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

5. Final Plans Conforming to Geotechnical Recommendations

- A. All final design and construction plans shall be consistent with all recommendations contained in *Geotechnical Engineering Investigation Exploration for 547 Palisades Beach Road*, by Irvine Geotechnical, Inc. on June 26, 2014. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director’s review and approval, two full sets of plans with evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced report.
- C. 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 unless the Executive Director determines that no amendment is legally required.

6. Construction Staging Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and approval of the Executive Director a construction staging plan that does not utilize any public sidewalks, parking lots, or public streets for construction staging areas. The construction staging shall not take place on any sandy areas or beach.

7. Landscaping - Drought Tolerant, Non Invasive Plants. Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

8. Car lifts. The applicant/property owner shall maintain and operate all mechanical car lifts, for a total of 4 parking spaces onsite, in proper working order at all times for the life of the project.

9. Water Quality Standards. With the acceptance of this permit the applicant agrees to the following:

- A. The applicant shall comply with all applicable City of Santa Monica water quality requirements as required under the City’s Municipal Code that are in effect at the time of approval of this permit.

- B. The applicant shall obtain approval and appropriate permits from RWQCB for temporary dewatering onsite during construction.
- C. The project will not require any permanent dewatering devices or methods.

10. No Future Shoreline Protective Device

- A. By acceptance of this permit, the applicant and landowner agrees, on behalf of himself and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-14-1756 including, but not limited to, the residence, garage and foundations and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or any other coastal hazards in the future. By acceptance of this permit, the applicant and landowner hereby waives, on behalf of himself 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 and landowner further agree, on behalf of himself and all successors and assigns, that the landowner(s) shall remove the development authorized by this permit, including the residence, garage and foundations if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach or are submerged before they are removed, the landowner(s) 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 and relocated any salvageable portions of the development inland. Such removal shall require a coastal development permit.

- 11. 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 parcels 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 Location & Description

The proposed project involves the demolition of a 4,250 sq. ft. single-family residence and the construction of a 7,450 sq. ft. (including basement), three-story, 40 ft. high, single-family residence over a basement. The existing detached two-car garage has an existing 724 sq. ft. guest suite above the garage. The first floor 675 sq. ft. 2 car garage will be remodeled to accommodate subterranean car lifts and an approximately 200 sq. ft. storage area. The remodel will include no more than 30% demolition of the existing exterior walls of the garage. Two parking spaces will be provided underground with the subterranean car-lifts, while 2 spaces will be aboveground in the garage. The existing guest suite above the garage will be completely demolished and a 748 sq. ft. guest suite will be constructed above the remodeled garage. The total height of the garage and second floor guest suite will be 23 ft. 6 in. Lastly, a new swimming pool will be constructed seaward of the house on the 8,408 sq. ft. beach front lot. Eight (8) 24 in. concrete piles located along the seaward side of the home will support the basement and 26 inch thick concrete mat foundation. The same mat foundation will be used for the pool. Twelve inch thick concrete walls would line the basement. The concrete basement walls are designed to resist hydrostatic pressure and will be waterproofed. The sides of the basement will be filled with gravel and a drain wrapped in filter fabric. Basements are a consistent feature of homes in this area of Santa Monica.

The existing curb cut onto PCH is 40 feet long, and the proposed new curb cut, due to the remodeled garage, will be the full length of the property. Because of the garage remodel and new curb cut, the project also involves the relocation of an existing fire hydrant approximately 11 feet south. There is no public parking permitted on the street on Palisades Beach road, so the change in curb cut will not remove any public parking spaces.

The proposed project received an approval in concept from the City of Santa Monica Planning Department (14CST020). The site is located at 547 Palisades Beach Road (Pacific Coast Highway), north of the Santa Monica Pier, in the North Beach area of the City of Santa Monica (**EXHIBIT #1**). The lot, is a beach fronting lot and zoned R2B (Low Density Multiple Family Residential/Beach Overlay). The North Beach area provides a broad beach, over 500 feet in width. The North Beach area contains the City's northern sandy beach area, beach clubs and single-family and multi-family residential developments. The subject lot is located within a row of residentially developed lots and public beach parking lots. An approximately 16 ft. wide bicycle path is located on the sandy beach approximately 150 ft. west of the property line.

The existing front yard setback (driveway) area is 14 ft. 8 in. long. The zoning code for this area requires a front yard setback of 20 feet minimum. The applicant has proposed to remodel the garage, instead of demolish the garage in order to retain this reduced front yard setback. Similarly, the side yard setbacks do not conform to the current zoning code. A zero foot setback is proposed on the north side of the existing garage and a 4 ft. 6in. setback is proposed on the south side. Again, the retention of the garage footprint allows the applicant to retain the existing zero foot side yard setback. The City of Santa Monica has provided local approval of the project with the existing non-conforming setbacks.

The height of the proposed garage with second floor guest suite is 23 ft. 6.in. The zoning code R2B allows for a maximum of 23 feet for two story structures. However, accessory structures are allowed up to 24 feet maximum. The garage and accessory structure meet these requirements.

The proposed project is consistent with the City's 40-foot maximum height limit and Palisades Bluff view shed requirements (see 9.04.08.62.060), and is below the Coastal Commission's 50-foot height limit for this area (**Exhibit 3**). The proposed residence will be setback approximately 55 ft. from the western property line. The proposed pool, spa and paving will be located at ground level between the western property line and proposed residence, consistent with the pattern of development in the area.

Due to the width of the beach and the location of the Santa Monica Pier and breakwater, properties along the beach are generally protected from storm wave impacts and have not required shoreline protective devices. Previous wave run-up analysis studies for the Santa Monica beach area that examined the impact of wave run-up and wave induced flooding (i.e. overtopping) in the area under extreme oceanographic conditions over the next 75 years, found that, based upon beach width and the presence of the pier structure and a breakwater located off shore of the North Beach area, it is extremely unlikely that the shoreline will erode significantly in the next 75 years. The submitted coastal hazards study indicated that with sea level rise, under extreme conditions, the house will be protected from wave action by approximately 400 feet of beach, because the beach in this location is very wide today, stretching approximately 790 feet from the mean high tide line to the property line.

Furthermore, the applicant is constructing the proposed development within an area that already contains development. In the case of the proposed project, the applicant does not propose the construction of any shoreline protective device to protect the proposed development. 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.

However, the hazards report did indicate that with the rise in sea level, there will also be a rise in ground water. The finished floor elevation of the first floor will remain outside of the potential flood elevation, but the basement and the foundation will be submerged. Ground water will be as high as 3 feet beneath grade in 75 years at this location, which means that everything belowground will be submerged in ground water, except for the top 3 feet. The applicants have proposed to make the basement habitable space and to waterproof the basement walls.

The caissons under the beach-front side of the building will be designed to hold the building down. Because of the high water table, the waterproofed basement is buoyant and acts similar to a boat, while the displacement forces of the ground water push up causing the building to float. The structure above the west end of the basement is not heavy enough to hold the building down so the caissons are designed to hold the structure down and in place, against the ground water it pushing up.

The construction of the foundation, basement, and caissons is significant and if the property will be subject to wave attack and flooding from sea level rise over the next 75 years, then this structure could constitute shoreline armoring. However, the property will not be subject to these hazards

over the next 75 years. The structure will be significant and essentially “unmovable” in the time when sea level rise and wave attack does pose a threat. With a significant basement, caissons and foundation the home will not be able to be raised or relocated further inland, setback from the ocean hazards.

Constructing new development within areas of high flood potential, and high groundwater flood potential, is inherently risky. The project is subject to the special condition “assumption of risk” wherein the applicant acknowledges the risk and agrees to construct the project anyway.

The existing single-family residence is located landward of 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. 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.

Due to the limited parking in the area, the Commission has required single-family residences along Palisades Beach Road to provide four parking spaces. The project will provide two parking spaces within an attached garage and two additional parking spaces underground for total of four on-site parking spaces. Two parking spaces are proposed underground, through a subterranean car lift. The Commission has in the past allowed the use of car lifts to fulfill parking requirements as long as they are maintained and inspected regularly.

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 roof drains that lead to trench drains underneath the basement for onsite percolation and one rain barrel will be installed onsite. Gravel and permeable paving will be used in the rear yard 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. WATER QUALITY

The proposed site was previously developed with a residential structure. The proposed project will not significantly increase site runoff from the previous development and the project will comply with the City of Santa Monica’s water quality requirements. 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.

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. HAZARDS

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 an appropriate set-back from the water; require a drainage and runoff control plan to direct, treat, and minimize the flow of water offsite; prohibit construction of protective devices (such as a seawall) in the future; 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.

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 (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

PROJECT SITE

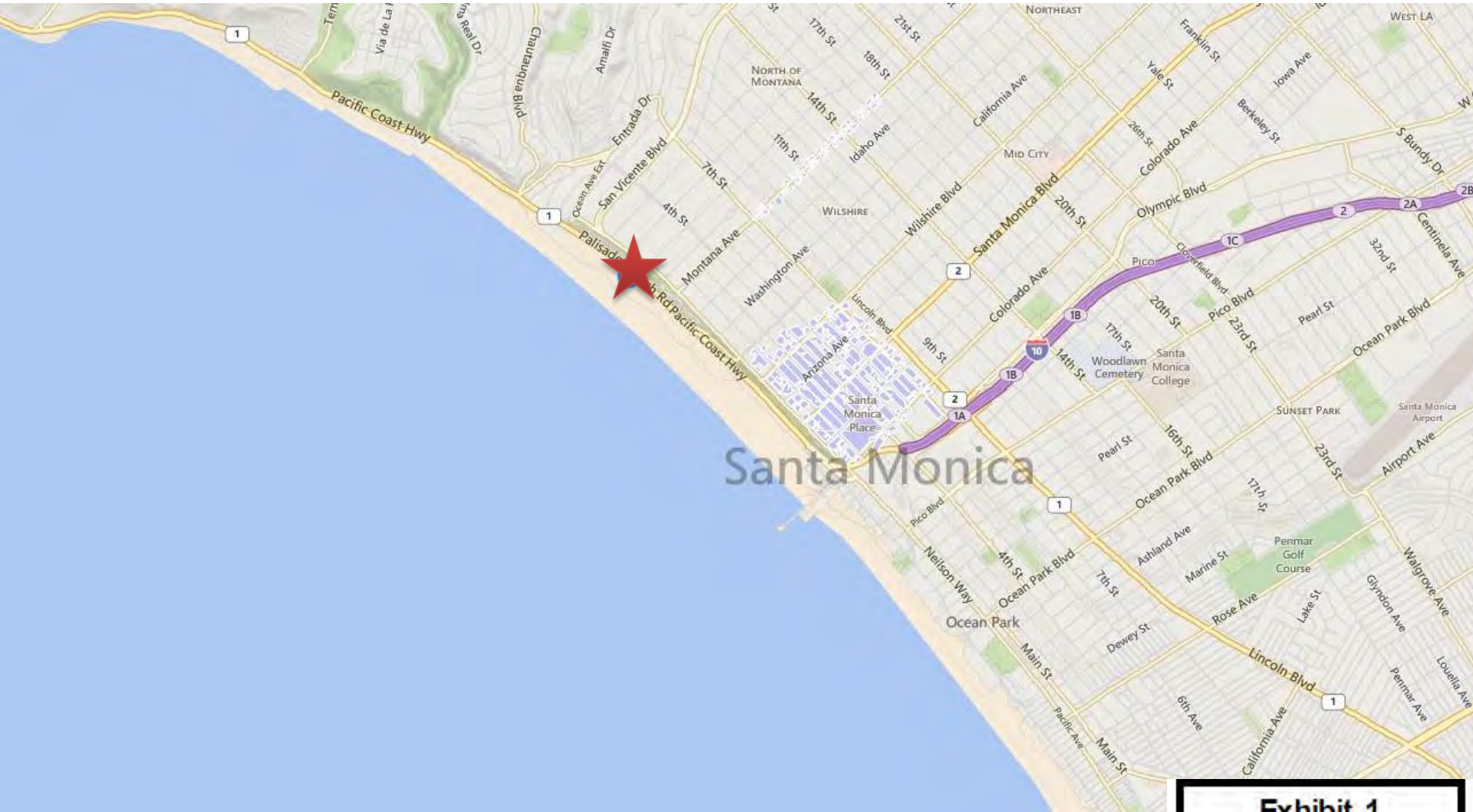



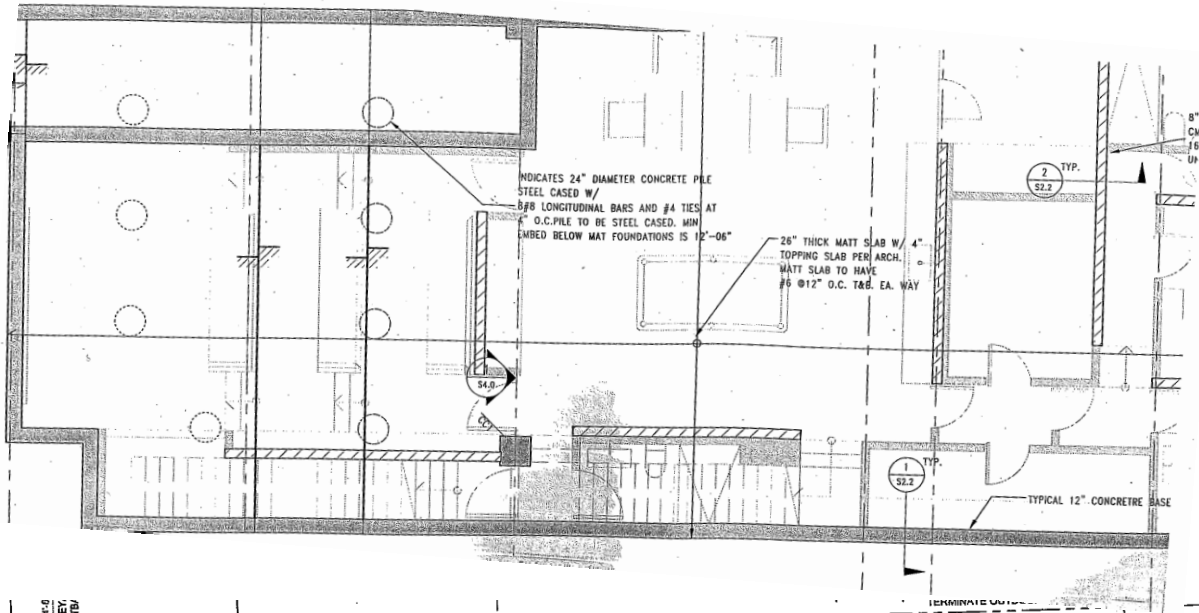
Exhibit 1	
	California Coastal Commission

PROJECT SITE

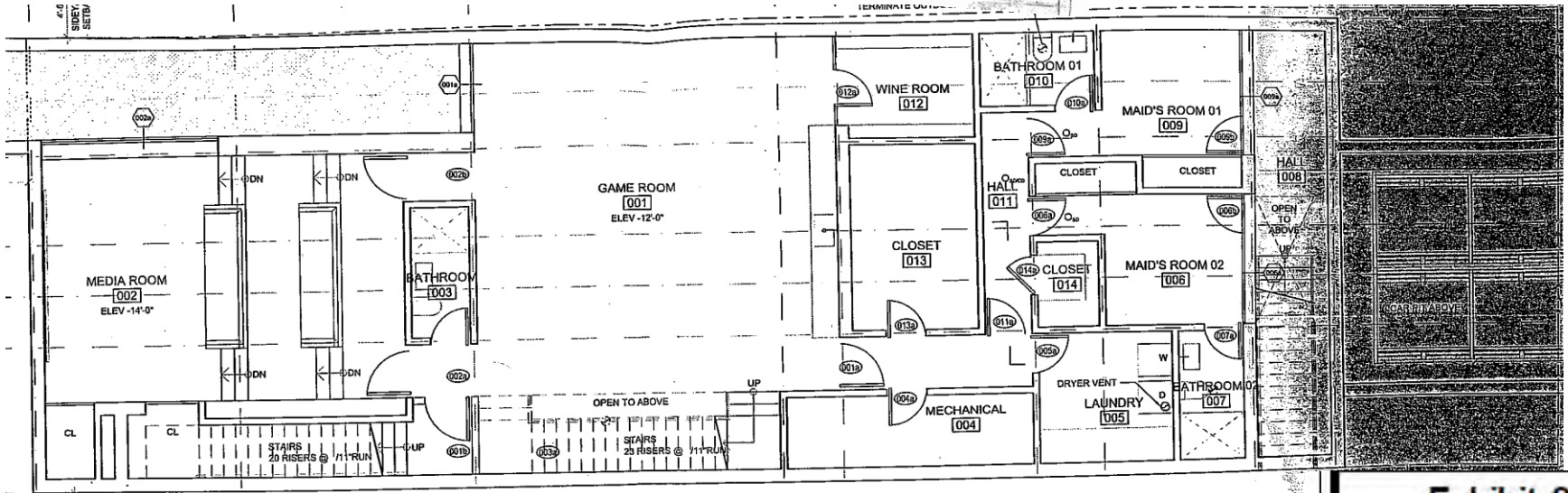


Exhibit 1	
	California Coastal Commission

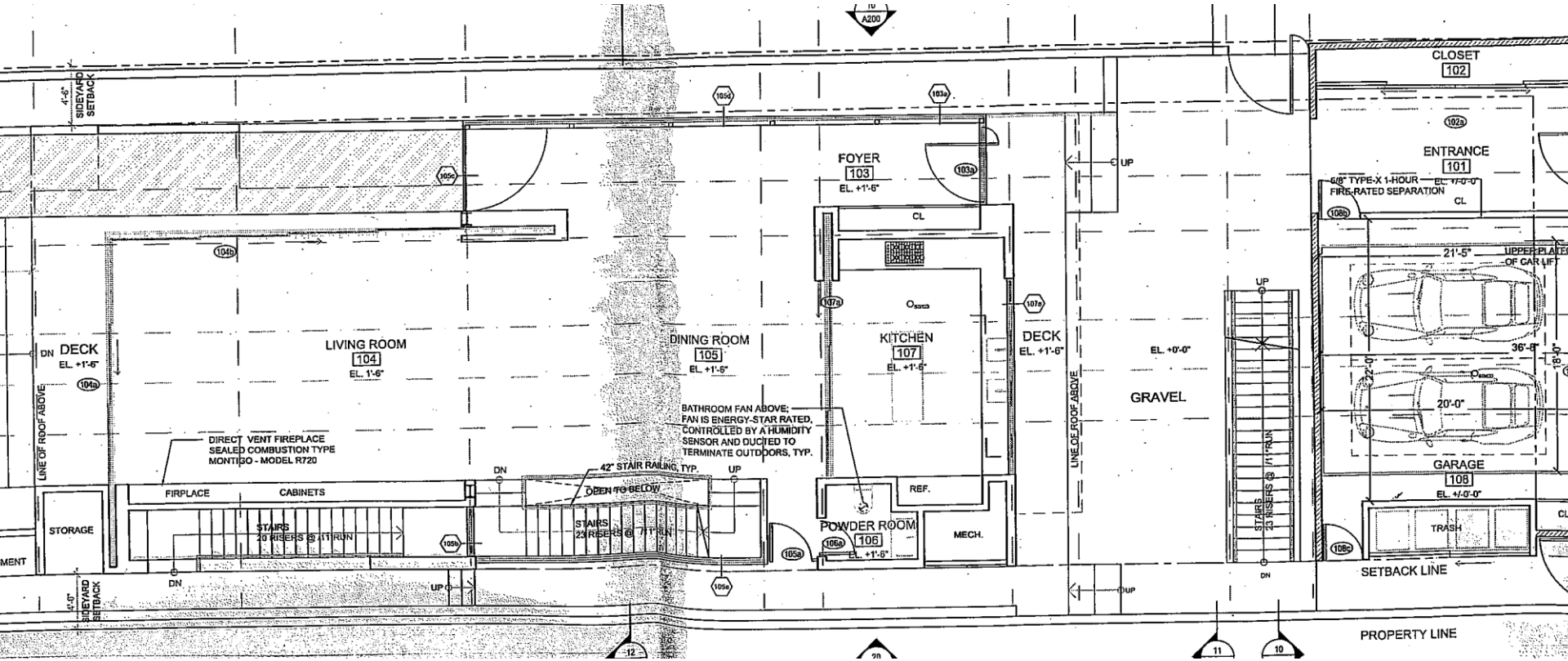
PROJECT PLANS



Basement and Foundation



PROJECT PLANS



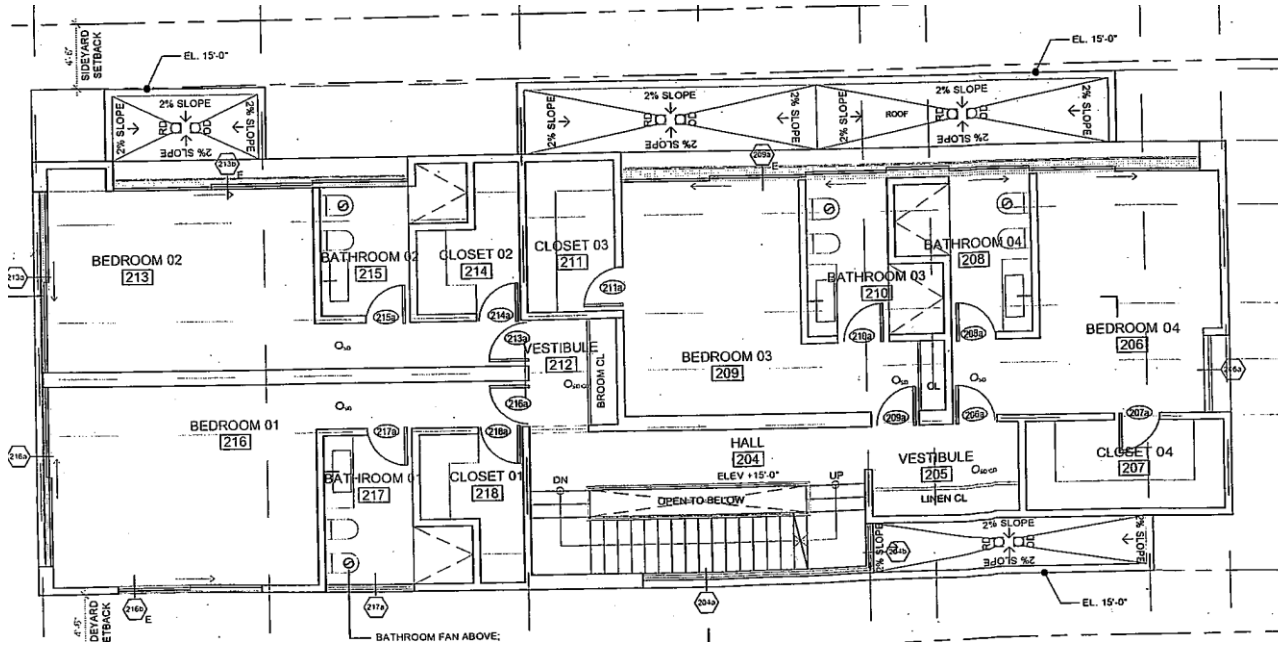
First Floor

Exhibit 2

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PROJECT PLANS

Second Floor



Third Floor

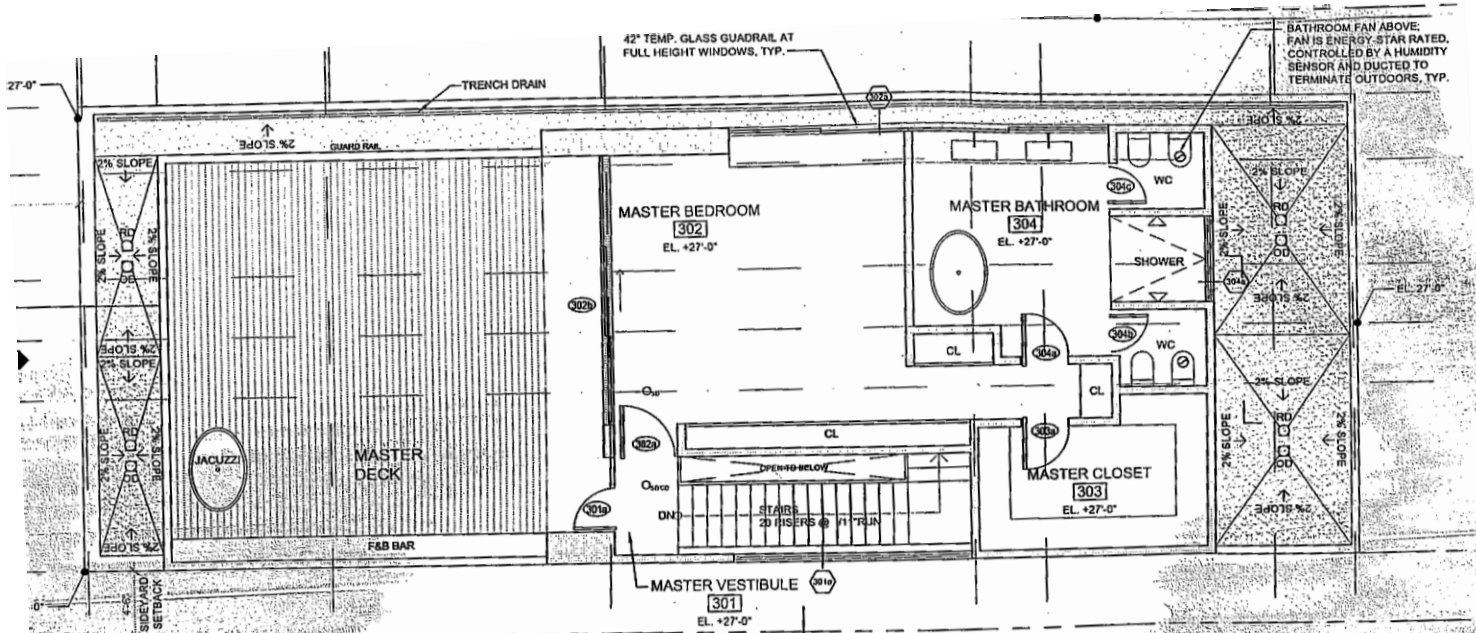


Exhibit 2

California Coastal
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ELEVATIONS

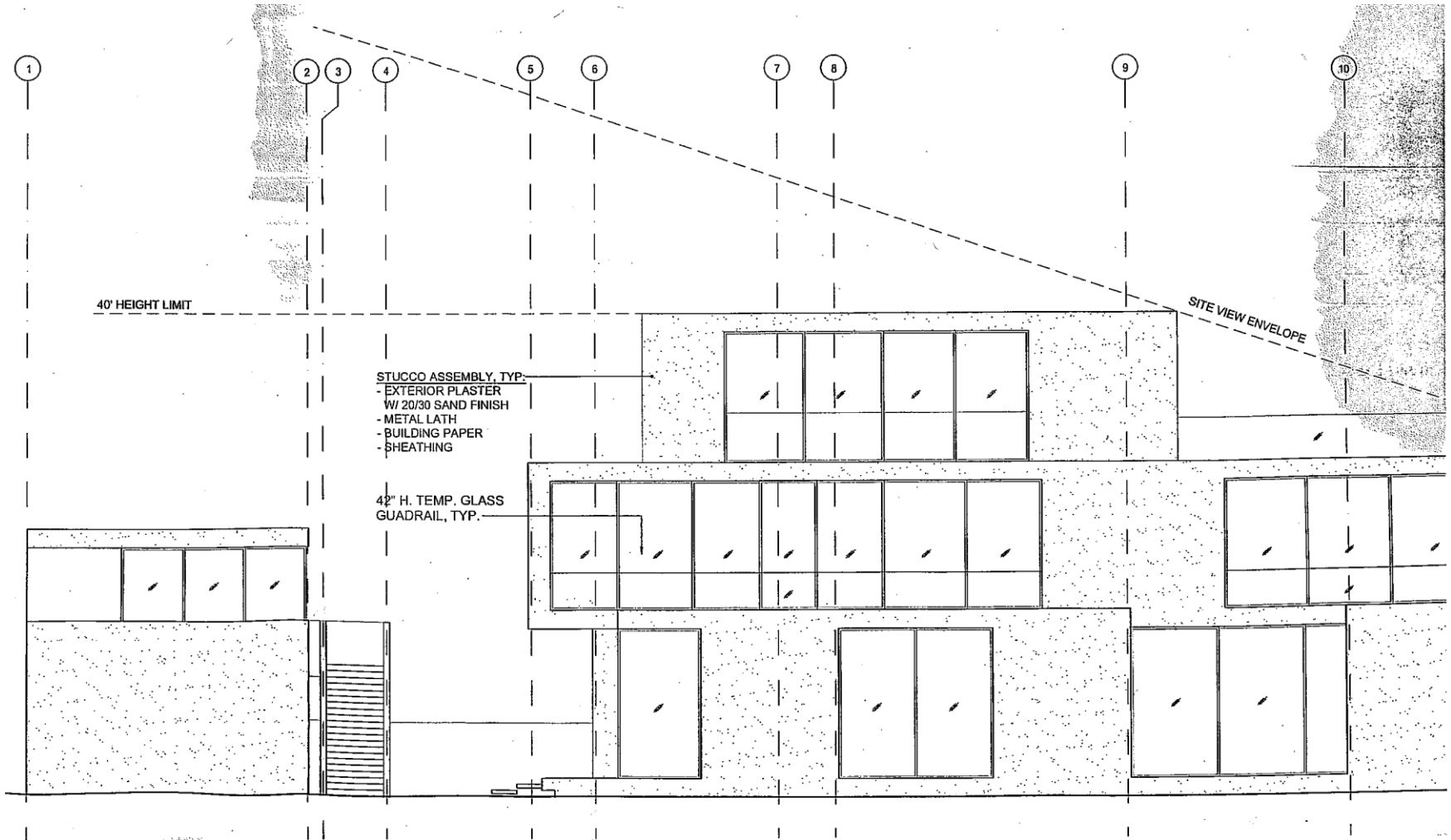


Exhibit 3



California Coastal
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ELEVATIONS

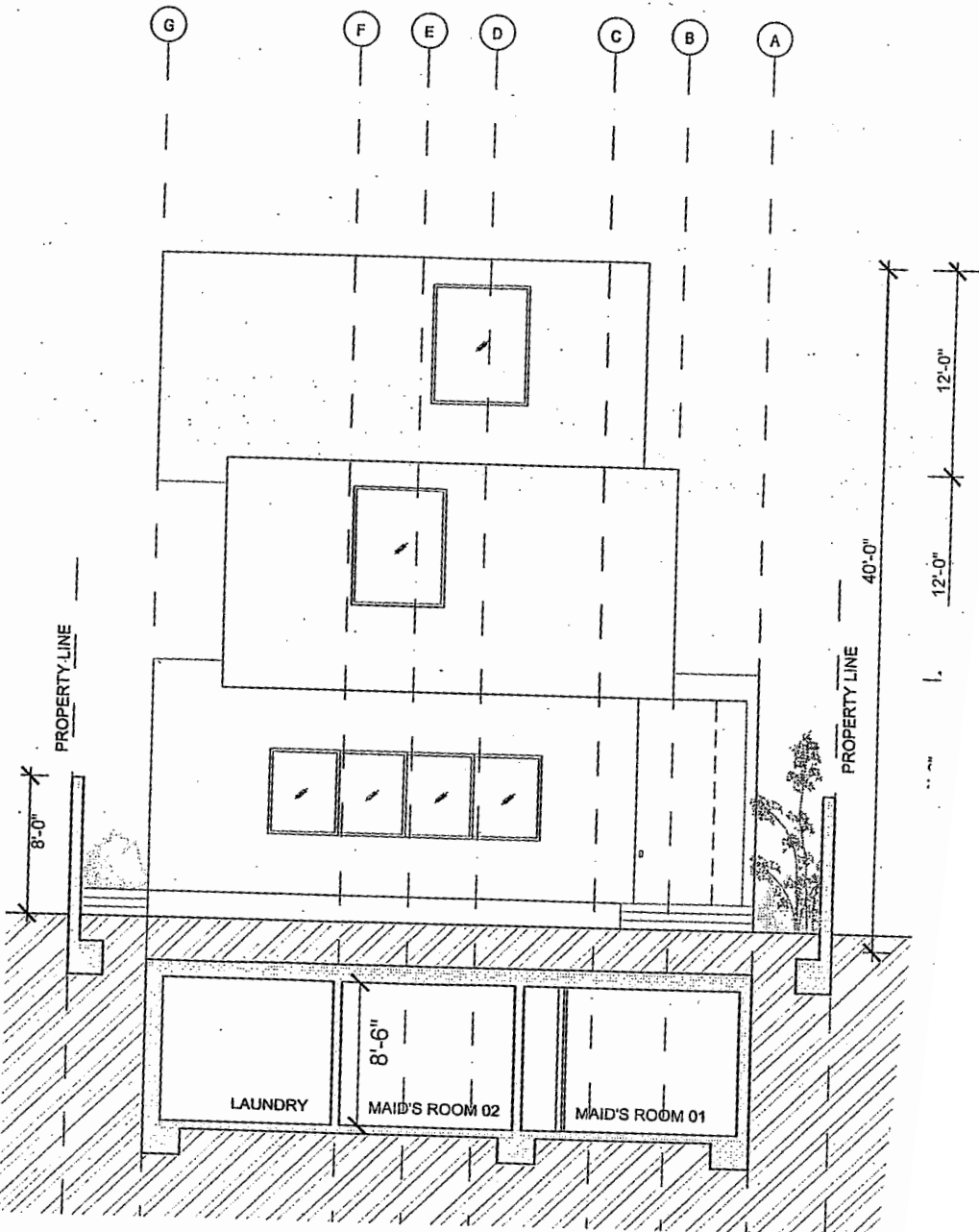



Exhibit 3	
	California Coastal Commission