

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
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(562) 590-5071

W9b

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ADDENDUM

August 11, 2015

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W9b, CDP NO. 5-15-0828 (Cwiertnia) FOR THE COMMISSION MEETING OF WEDNESDAY, AUGUST 12, 2015.**

1. CHANGES TO STAFF REPORT

Commission staff recommends clarifications to the staff report dated 07/23/2015 in the following section of the staff report: Section IV (Findings and Declarations). Commission staff is not imposing a Future Development Special Condition; therefore, the following changes should be made. Section Language to be added to the findings and conditions is shown in underlined text, and language to be deleted is identified by ~~strike-out~~.

Section IV (Findings and Declarations), Subsection D. Development/Community Character on Page 8, delete and add the following:

~~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 which 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, the Commission finds that a future improvements special condition must be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.~~

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The project provides adequate parking based on the Commission's typically applied standards. Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

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Filed: 07/22/2015
180th Day: 01/18/2016
Staff: M. Alvarado-LB
Staff Report: 07/23/2015
Hearing Date: 08/12/2015

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-15-0828

Applicant: Malgorzata & Matthew Cwiernia

Agent: Jaime Massey & Ken Ungar

Location: 14926 W. Altata Drive, Pacific Palisades, Los Angeles
(APN 4411024022 & 4411024002)

Project Description: Demolition of a two-story single-family residence and construction of an approximately 11,550 sq. ft., 32 ft.-2 in. high, two-story single family residence over a basement level with an attached 650 sq. ft. three-car garage, second-story decks, an outdoor swimming pool, property fences, a covered patio, a pavilion, hardscape and landscape improvements, and a lot tie.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION:

The applicants are proposing to demolish a single-family residence, and construct an approximately 11,550 sq. ft., 32 ft.-2in. high single-family residence over a basement level with an attached 650 sq. ft. three-car garage, second-story decks, an outdoor swimming pool, property fences, a covered patio, and a pavilion. Landscape and hardscape improvements, and approximately 2,365 cubic yards of total grading are included. The project site consists of two (2) inland lots located approximately 250 to 300 feet from the bluff over Pacific Coastal Highway; the applicant proposes to tie both lots into one parcel. There are established residences and a public street (Corona Del Mar) existing between the proposed single parcel and the bluff edge. The proposed project raises issues regarding geologic hazards, water quality, and the potential impact to the existing community character.

Staff is recommending **APPROVAL** of the proposed coastal development permit with **five (5)**

Special Conditions. The special conditions would: **1)** recommendations of the geotechnical report; **2)** storage of construction materials, mechanized equipment and removal of construction debris; **3)** location of debris disposal site; **4)** conformance with the submitted drainage and run-off control plan; and **5)** landscaping – drought tolerant, non-invasive plants, referencing all of the Special Conditions contained in this staff report.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Los Angeles exercises the options provided in 30600(b) or 30600.5 to issue its own permits. Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or “dual”) coastal development permit from the Coastal Commission. The Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The proposed project site is located within the *Dual Permit Jurisdiction Area*.

LOCAL APPROVALS RECEIVED: City of Los Angeles Coastal Development Permit Case No. ZA 2014-2127(CDP)(MEL), dated March 25, 2015

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APPENDICES

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EXHIBITS

Exhibit 1 – Project Location and Parcel Map

Exhibit 2 – Aerial View

Exhibit 3 – Site Plan

Exhibit 4 – Floor Plans

Exhibit 5 – 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. Recommendations of the Geotechnical Report. All final design and construction plans shall be consistent with all recommendations contained in the *Geotechnical Investigation* (Soils Report, File No. 1354-44) prepared by Feffer Geological Consulting, Inc., dated January 31, 2014, for 14926 W. Altata Drive, Pacific Palisades, CA 90272. Any proposed changes to the approved plan shall be reported to the Executive Director. 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.

2. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility outside of the coastal zone, pursuant to **Special Condition 3**. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures 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. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

3. Location of Debris Disposal Site. 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 in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

4. Conformance with the submitted Drainage and Run-Off Control Plan. The applicant(s) shall conform to the drainage and run-off control plan submitted on July 20, 2015 to the South Coastal Region Office showing roof drainage designed to divert storm runoff into retention areas per the City's requirements with perforated subdrain pipes and to the street's main storm drain system. Any proposed changes to the approved plan shall be reported to the Executive Director. 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 required.

5. Landscaping – Drought Tolerant, Non-Invasive Plants.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) full size sets of final landscaping plans, which shall include and be consistent with the following:
 - i. Vegetated landscaped areas shall only 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.owue.water.ca.gov/docs/wucols00.pdf>).

- ii. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.
- B. The permittees shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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 required.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT DESCRIPTION & LOCATION

The applicants propose to demolish a two-story, approximately 4,000 sq. ft. single-family residence, and construct an approximately 11,550 sq. ft., 32 ft.-2in. high, two-story single-family residence over a basement level (**Exhibits 4 and 5**). The project includes an attached 650 sq. ft. three-car garage, second-story decks, a 1,843 sq. ft. covered patio, a pavilion, and a 20 ft. by 40 ft. outdoor swimming pool (**Exhibits 3, 4, and 5**). In addition, the proposed plans include the installation of fences (i.e. picket fence, wrought iron fence, and chain-linked fence) along the perimeter of the property. Hardscape improvements include new blue stone walkways and a concrete driveway. The applicants have indicated that native/drought tolerant vegetation will be used for new landscaping. The project also consists of approximately 2,365 cubic yards of total grading. Drainage from the roof drains, gutters, and downspouts will be diverted into retention areas per the City’s requirements with perforated subdrain pipes and directed to the street’s main storm drain system. As conditioned by the City of Los Angeles on the Local Coastal Development Permit No. ZA 2014-2127(CDP)(MEL), the proposed project will comply with the applicable water efficiency and conservation measures of the City of Los Angeles’s Water Management Ordinance (Ordinance No. 170,978), which imposes numerous water conservation measures in landscape installation and maintenance (e.g. use drip irrigation and weather-based irrigation controllers), and with other local regulations (i.e. CalGreen) pertaining to high-efficiency plumbing fixtures and low flow rates. Furthermore, the applicants plan to install rain barrels to produce extra water for irrigation. Because an outdoor pool is being proposed, the applicants will implement a pool cover to help minimize evaporation.

The project site consists of two (2) RE11-1-zoned lots within the Brentwood-Pacific Palisades Community of the City of Los Angeles. The first lot, located at 14926 W. Altata Drive (APN 4411024022), is an approximately 12,649 sq. ft. lot, which fronts Altata Drive and is currently

developed with the existing two-story single-family residence to be demolished. The other lot, located at 14949 Corona Del Mar (APN 4411024002), is an approximately 14,203 sq. ft. lot, which fronts Corona Del Mar and is currently vacant. The applicants are proposing to tie the two (2) lots together into one (1) large parcel (totaling approximately 26,852 sq. ft. of lot area) (**Exhibit 3**). On July 17, 2015, the City Department of Building and Safety approved the applicants' lot tie affidavit, holding the 14926 W. Altata Drive address for the entire property. There are established residences and a public street (Corona Del Mar) existing between the proposed single parcel and the bluff edge. The subject site is not visible from the Pacific Coastal Highway and is located within an existing urban residential neighborhood approximately 600 feet inland from the beach (**Exhibits 1 and 2**). In addition, the proposed single-family residence will be consistent with the character of the Altata Drive/Corona Del Mar neighborhood. Based on a survey submitted by the applicants, the neighborhood consists primarily of one- and two-story single-family dwellings, with the larger residences varying in size from approximately 8000 sq. ft. to 12,600 sq. ft. The parcel sizes for these larger dwellings range from approximately 11,700 sq. ft. to 34,000 sq. ft.

The applicant's geologic report concludes that, from a geotechnical perspective, the proposed development is feasible. The City of Los Angeles Department of Building and Safety Grading Division reviewed the geology reports and subsequent updates and found them acceptable. The City's conditional approval included conditions addressing geotechnical issues with specific recommendations for site preparation, grading, foundation design and site drainage, which have been incorporated into the geotechnical recommendations. To ensure the applicant complies with those recommendations, the Commission imposes **Special Condition 1**.

To prevent pollution of the coast, the Commission recommends construction-related requirements and best management practices under **Special Condition 2**, and to address water quality, recommends **Special Condition 4**. The applicants have not designated a disposal site for the proposed grading; therefore, the Commission imposes **Special Condition 3**. Additionally, the applicant is proposing landscaping, therefore, the Commission imposes **Special Condition 5** which implements the installation of drought-tolerant, non-invasive plants.

C. HAZARDS

Under Section 30253 of the Coastal Act new development may occur in areas of high geologic, flood, and fire hazard so long as risks to life and property are minimized and the other policies of Chapter 3 are met. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his/her property. In this case, no specific hazard has been identified by the applicant's geotechnical consultant other than seismic hazards that are present throughout the Southern California region. To minimize risks to life and property and to minimize the adverse effects of development on areas of high geologic, flood, and fire hazard, the proposed development has been conditioned to require: adherence to the geotechnical recommendations and for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff. As conditioned, the Commission finds that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in hazardous locations.

D. DEVELOPMENT/COMMUNITY CHARACTER

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 which 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, the Commission finds that a future improvements special condition must be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

E. 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, one or more of the following: the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, installation of roof drains, gutters, downspouts, and a drainage system to direct storm water runoff to trench drains. Post-construction best management practices should minimize the project's potential adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, 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.

F. LOCAL COASTAL PROGRAM (LCP)

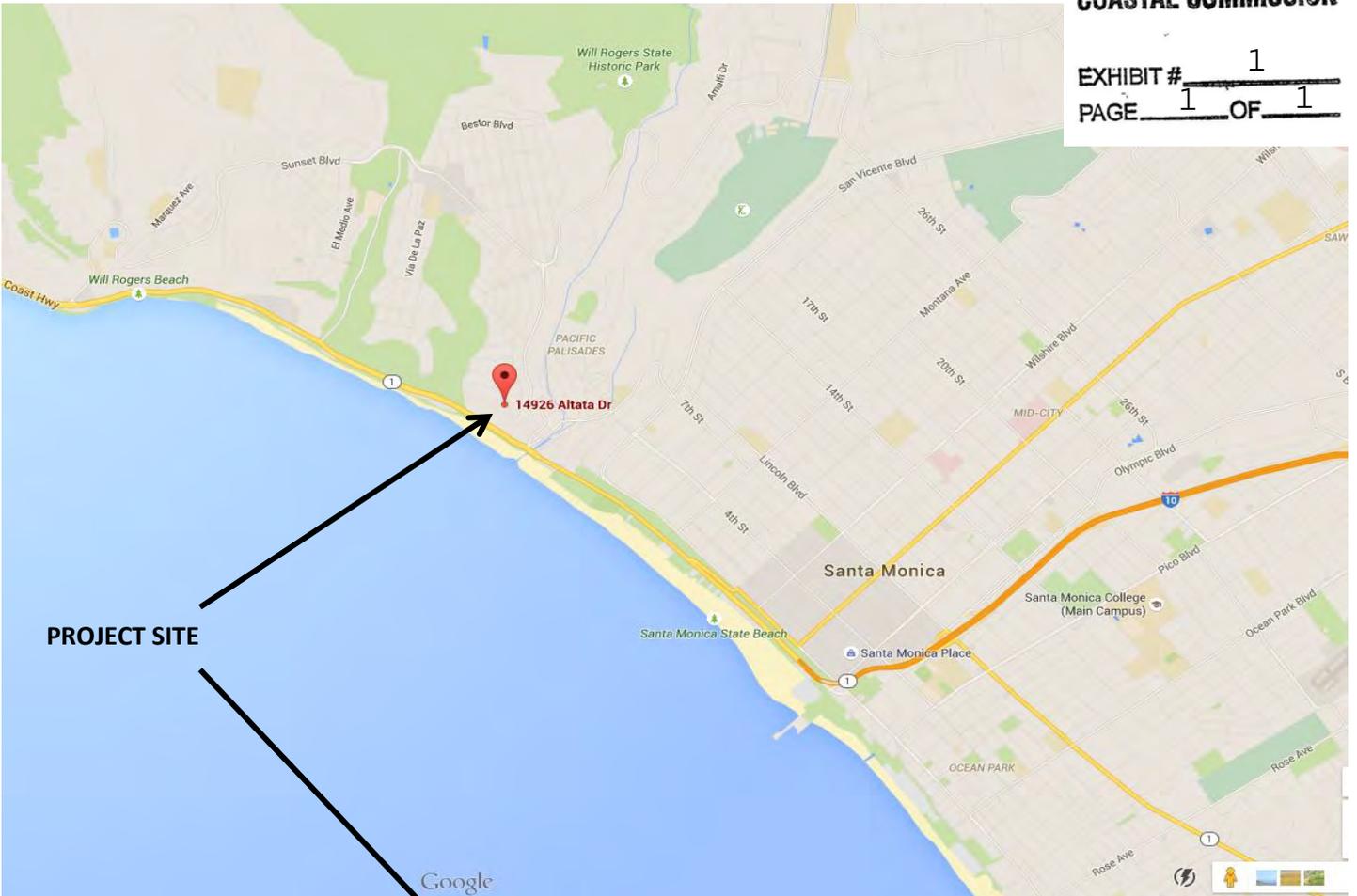
Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability 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.

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.

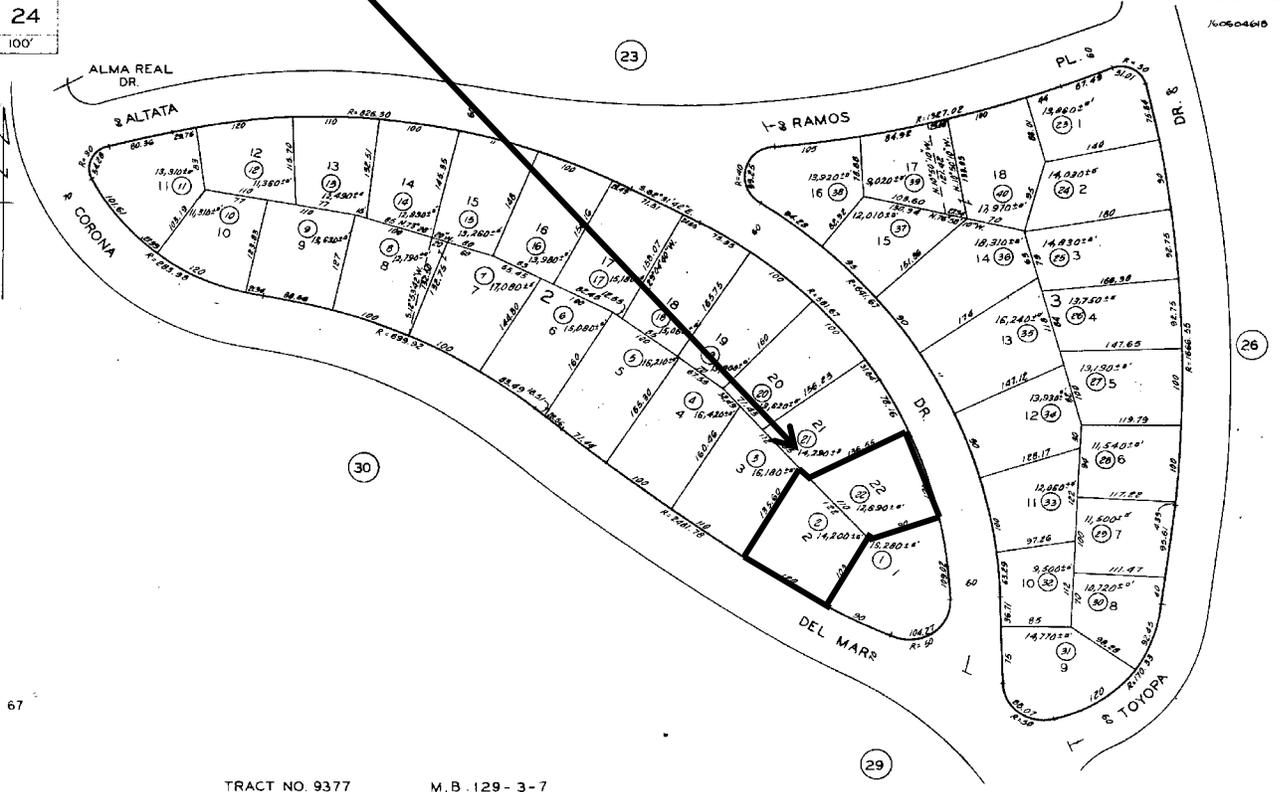
Appendix A - Substantive File Documents

- City of Los Angeles Coastal Development Permit Case No. ZA 2014-2127(CDP)(MEL), dated March 25, 2015
- Coastal Development Permit Application No. 5-15-0828
- *Geotechnical Investigation* (Soils Report, File No. 1354-44) prepared by Feffer Geological Consulting, Inc., dated January 31, 2014, for 14926 W. Altata Drive, Pacific Palisades, CA 90272



PROJECT SITE

4411 24
100'



67

4411-24 4 25

TRACT NO. 9377

M.B. 129-3-7

