

CALIFORNIA COASTAL COMMISSION

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Th6a

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Staff:	M. Revell -LB
Staff Report:	3/24/2016
Hearing Date:	4/14/2016

STAFF REPORT: CONSENT CALENDAR

Application No.:	5-15-1097
Applicant:	Andre and Susanne Demonstesquiou
Agent:	Louie Tomaro, Tomaro Architecture
Location:	1313 Palisades Beach Rd., Santa Monica, Los Angeles County
Project Description:	Demolish two separate one story apartment units on one lot, and construct a 40 foot high, 3 story over basement, 3,611 square foot single family residence on a 2,500 sq. ft. beach front lot.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant proposes to demolish two separate one story apartment units on one lot, and construct a 3,611 square foot single family residence on a beach front lot, immediately adjacent to a public beach and a public parking lot. The proposed project raises issues regarding hazards concerning beach-front development, water quality, and compatibility with the existing character of the area.

Commission staff is recommending **APPROVAL** of the proposed project with five special conditions relating to: 1) Assumption of Risk; 2) Construction Responsibilities and Staging; 3) Future Development; 4) No Future Shoreline Protective Devices; and 5) 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. **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.

3. 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. 5-15-1097. 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. 5-15-1097 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

4. 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. 5-15-1097 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.

- 5. 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 Description & Location

The applicant proposes to demolish two separate one story apartment units on one lot, and to construct a 3,611 square foot, three-story over basement, 40 ft. high, single-family residence. **(Exhibit 2)**. Two parking spaces will be provided in the attached garage. The project is designed utilizing a 12 inch thick concrete slab mat foundation with integrated grade beams and pad footings. The concrete basement walls are designed to resist hydrostatic pressure and will be waterproofed by a waterproofing membrane system for below-grade concrete and masonry walls. In addition, a perforated drain pipe will be installed adjacent to the basement walls, and will be wrapped with gravel and filter fabric to capture infiltrating water before it seeps to the foundation and slab. Basements are a consistent feature of homes in this area of Santa Monica. The proposed project received an approval in concept from the City of Santa Monica Planning Department on May 15, 2015.

The site is located at 1313 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 beach front lot is zoned R3 (Low Density Multiple Family Residential/Beach Overlay), and the project is consistent with the zoning. The North Beach area provides a broad beach, over 900 feet in width. The subject lot is located within a row of residentially developed lots and public beach parking lots. The North Beach area contains the City's northern sandy beach area, beach clubs, single-family and multi-family residential development. An approximately 20-foot wide pedestrian walkway and 16 foot wide bicycle path are located on the sandy beach immediately adjacent to the property along the western property line.

The residential structure will be setback 15 feet from the centerline of the promenade consistent with City requirements and past Commission permit action on development along this area. Furthermore, the proposed project is consistent with the City's 40-foot maximum height limit and Palisades Bluff viewshed requirements, and is below the Coastal Commission's 50-foot height limit for this area. **(Exhibit 3)**.

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. The coastal hazards study submitted by the applicant indicated that with sea level rise, under extreme conditions, the house will be protected from wave action by approximately 900 feet of existing sandy beach located between the mean high tide line and the project location. 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. In the event that the project site does become vulnerable to wave runoff and overtopping, **Special Condition 4** requires that no future shoreline protective device will be constructed.

Given that the applicant has chosen to implement the project on a beachfront lot despite risks from liquefaction, wave attack, erosion, sea level rise, and storm flooding, the applicant must assume the risks and agree to no future shoreline protective devices. Therefore, the Commission imposes **Special Condition 1.**

The City requires all new development to reduce the projected runoff for the site, and the project is designed to treat, infiltrate or filter stormwater via roof drains that lead to trench drains underneath the basement for onsite percolation. Best management practices will also be incorporated throughout the course of construction. To ensure the project conforms to the drainage and run-off control plan received on May 15, 2015, the Commission imposes **Special Condition 2.**

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

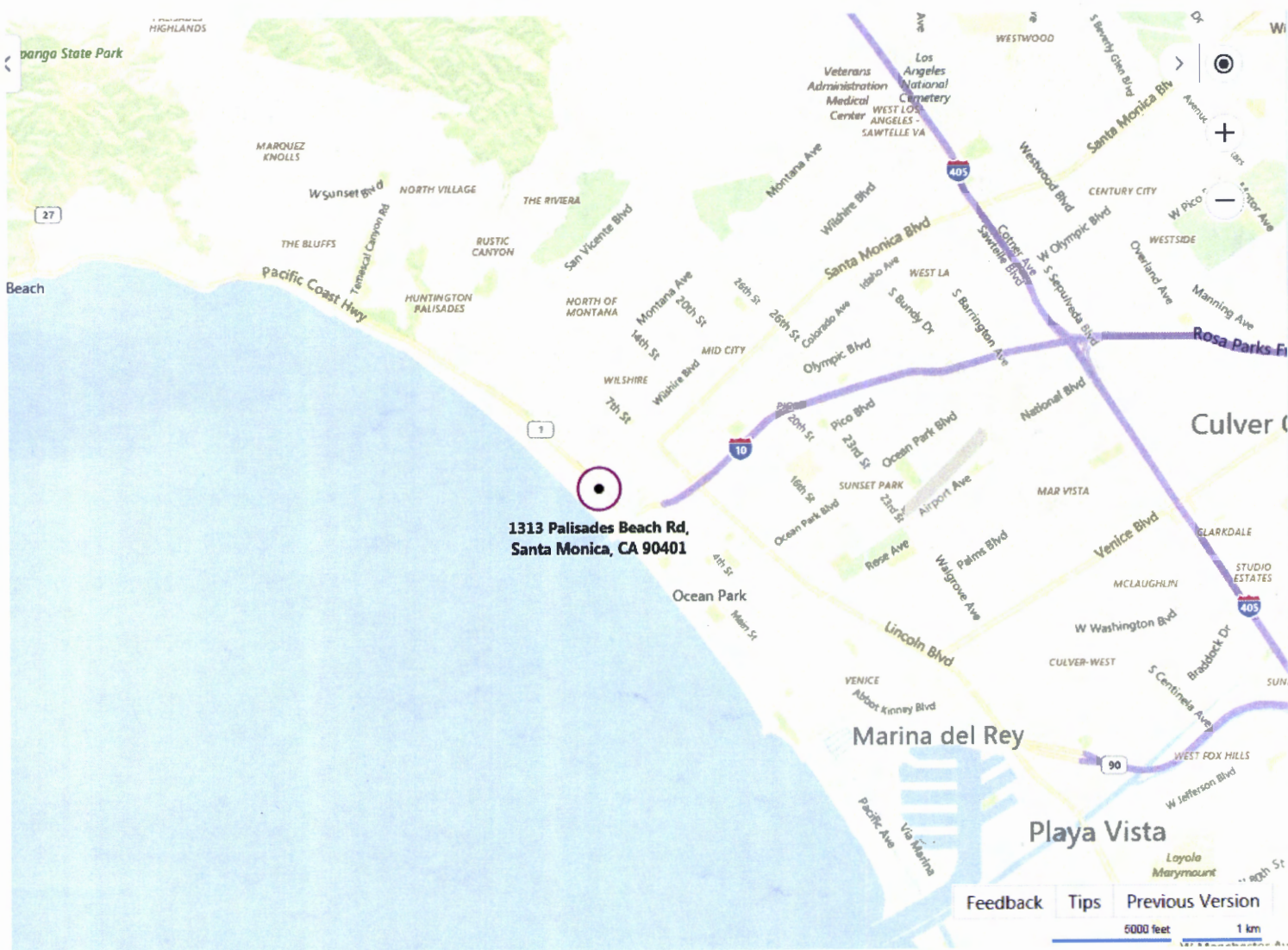
Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

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.

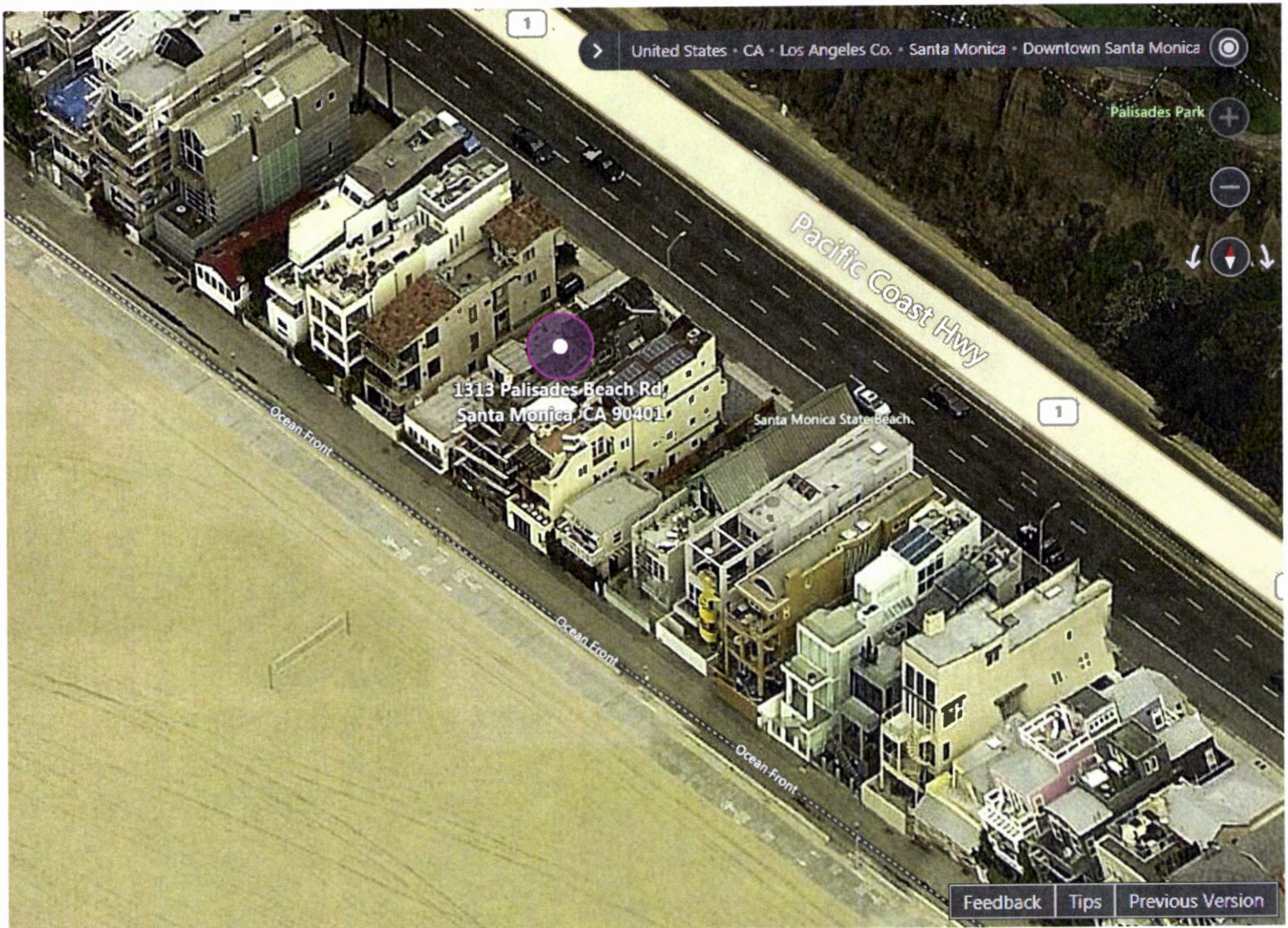
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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.



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EXHIBIT # 1
PAGE 1 OF 2








COASTAL COMMISSION

EXHIBIT # 1
PAGE 2 OF 2

SITE PLAN KEYNOTES

- [illegible]

BACKFILLING NOTES:

- | WATCH LEGEND FOR FLOOR FOOTPRINT | | ABBREVIATION | |
|---|-------------------------|--------------|--------------------------|
|  | OUTLINE OF FIRST FLOOR | C.T.P. | CURTAIN POINT |
|  | OUTLINE OF SECOND FLOOR | T.O.P. | TYPE OF PLANTED OR PLANT |
|  | OUTLINE OF THIRD FLOOR | T.O.B. | TYPE OF BAL. |
|  | OUTLINE OF FOURTH FLOOR | F.L.P. | TYPE OF FLAT/ ROOF |
|  | | F.S. | FINISH GRADE |
| | | T.S.W. | TYPE OF WALL |

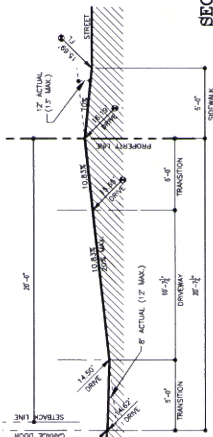
LANDSCAPE NOTES:

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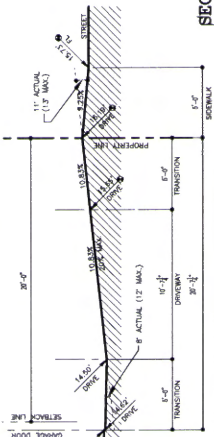
PUBLIC WORKS NOTES

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SECTION-B

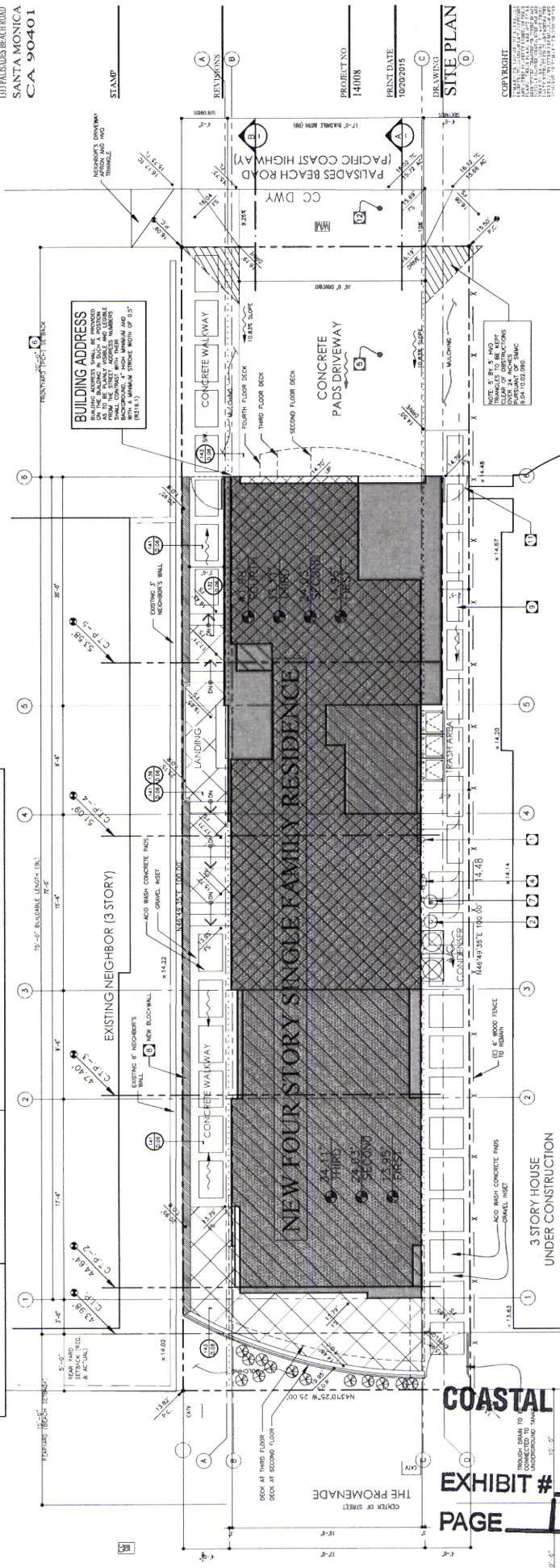


SECTION - A



DRIVEWAY PROFILE SECTION

SCALE: 1/4"=1'-0"



SITE PLAN
SCALE: 1/4"=1'-0"

SHEET NO.

A.01

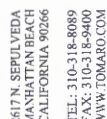
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COASTAL COMMISSION

EXHIBIT # 2

PAGE 1 OF 1

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PROJECT
DEMONTESQUOU
RESIDENCE
1111 PALISADES BEACH ROAD
SANTA MONICA
CA 90401

GLASS RAILING

MEET NO.

A.05



EXHIBIT # _____
PAGE _____ OF 2



2617 N. SEPULVEDA
MANHATTAN BEACH
CALIFORNIA 90266
TEL: 310-318-8089
FAX: 310-318-8090
WWW.TOVARO.COM

PROJECT
DEMONTQUOU
RESIDENCE
101 PALMDES BEACH ROAD
SANTA MONICA
CA 90401

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REVISIONS

PROJECT NO
14008

PRINT DATE
10/22/2015

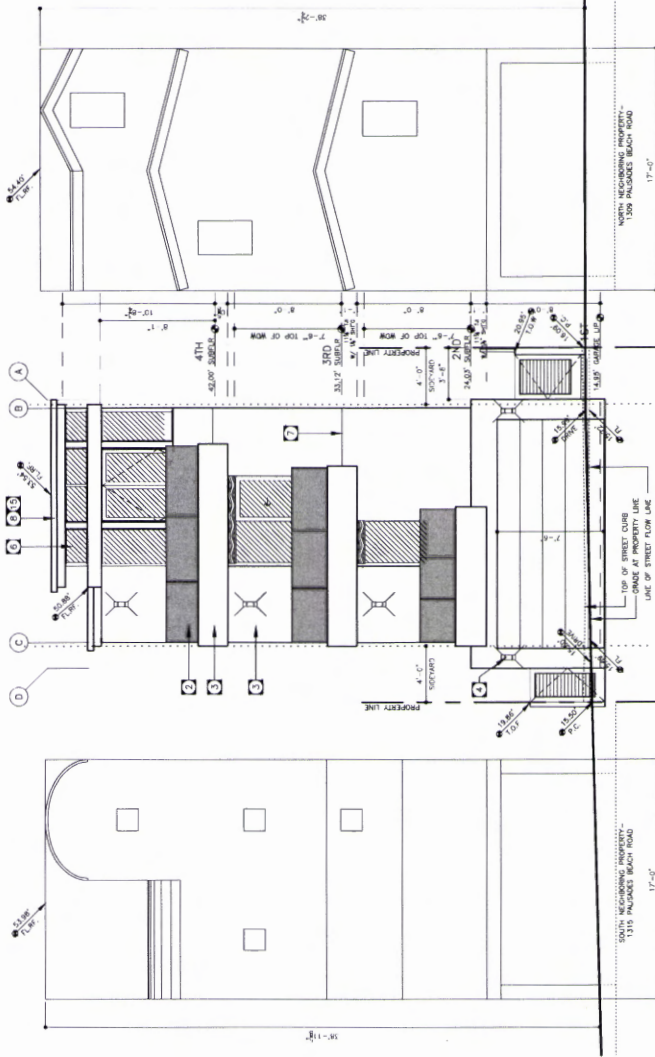
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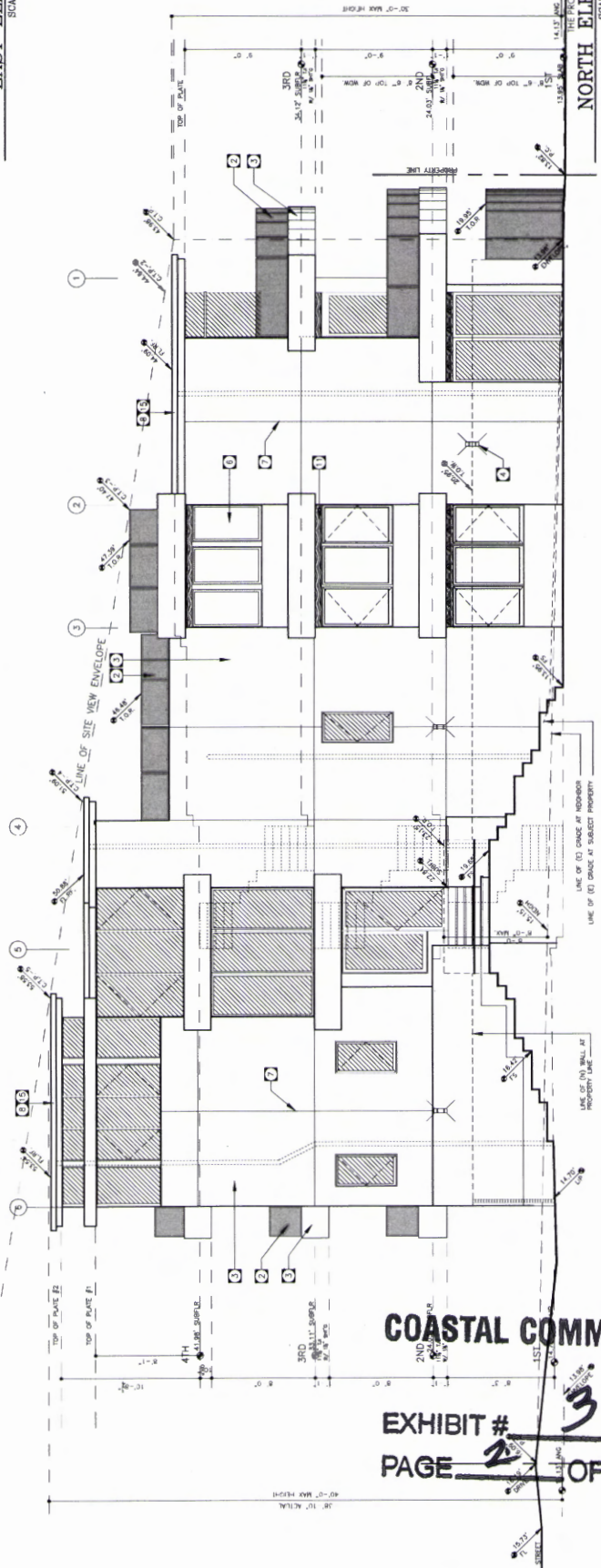
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SHEET NO

A.06



EAST ELEVATION
SCALE: 1/4"=1'-0"



NORTH ELEVATION
SCALE: 1/4"=1'-0"

ELEVATION KEYNOTES

- 1. FLAT ROOFING: SEE ROOF PLAN KEYNOTES FOR DETAILS.
- 2. ROOFING: 30 YEAR MINIMUM LIFE EXPECTED. SEE ROOF PLAN KEYNOTES FOR DETAILS.
- 3. 7/8" THK. SMOOTH-ROOF FLOOR FINISH: SEE ROOF PLAN KEYNOTES FOR DETAILS.
- 4. EXTERIOR LIGHT FIXTURE: SEE ELECTRICAL PLAN.
- 5. SEE DOOR SCHEDULE.
- 6. SEE WINDOW AND SHUTTER SCHEDULE.
- 7. 3/4" STUCCO FINISH BY ANY METHOD.
- 8. FINISH AND PAINTED IN ACCORD WITH COLOR SAMPLES AND FINISHES PROVIDED BY THE ARCHITECT.
- 9. COAT OF PAINT FOR ROOF FINISH: SEE ROOF PLAN KEYNOTES FOR DETAILS.
- 10. 2" INSULATION OVER BROWN COAT.
- 11. 2" INSULATION OVER BROWN COAT.
- 12. STUCCO - HOUR RATED WALL: SEE DETAIL.
- 13. STUCCO CHIMNEY: SEE ROOF PLAN KEYNOTES FOR DETAILS.
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LEGEND

- GLASS RAILING

COASTAL COMMISSION

EXHIBIT # 3
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