

CALIFORNIA COASTAL COMMISSION

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



Filed: 8/23/07
 49th Day: 10/11/07
 180th Day: 2/19/08
 Staff: Al Padilla-LB
 Staff Report: 9/18/-07
 Hearing Date: 10/10-12/07
 Commission Action:

W 4d

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-07-237

APPLICANT: Ocean Way Real Estate Trust

AGENT: Equinox Architecture, Inc.

PROJECT LOCATION: 101 and 111 Ocean Way, Pacific Palisades

PROJECT DESCRIPTION: Demolition of a single-family residence and accessory structure and construction of a swimming pool, spa, shade pavilion, accessory structure, hardscape, landscaping and minor grading to direct runoff toward street.

Lot Area	13,881 square feet
Building Coverage	520 square feet
Pavement Coverage	4,100 square feet
Landscape Coverage	480 square feet
Parking Spaces	2
Zoning	R1—single-family residential
Ht above final grade	16 feet

LOCAL APPROVALS RECEIVED: Approval In Concept No. 07-3282

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed project with special conditions requiring: 1) conformance with geologic and soil recommendations; 2) assume the risk; 3) submittal of erosion and runoff control plans; 4) swimming pool leak detection; 5) landscaping plans; 6) recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report.

I. STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

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 TO APPROVE THE PERMIT:

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:

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 this permit is reported to the Commission. 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. Conformance of Design and Construction Plans to Geotechnical Report

A) All final design and construction plans and grading and drainage plans, shall be consistent with all recommendations contained in Geologic & Soils Engineering Report, by Parmelee/Geology, Inc., dated August 10, 2006 and with the conditions imposed by the City of Los Angeles Department of Building and Safety, Geologic/Soils Report Approval List No. 55319, dated September 25, 2007.

B) 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 to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslide activity, erosion and/or earth movement, (ii) to assume the risks to the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

3. Erosion and Drainage Control

A) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and drainage control.

1) Erosion and Drainage Control Plan

(a) The erosion and drainage control plan shall demonstrate that:

- During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
- The following temporary erosion control measures shall be used during construction: temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible.
- Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
- Permanent erosion and drainage control measures shall be installed to ensure the stability of the site, adjacent properties, and public streets.
- All drainage from the lot shall be directed toward the street and away from the slope.

(b) The plan shall include, at a minimum, the following components:

- A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
- A site plan showing the location of all temporary erosion control measures.
- A schedule for installation and removal of the temporary erosion control measures.
- A site plan showing the location of all permanent erosion and drainage control measures.
- A schedule for installation and maintenance of the permanent erosion and drainage control measures.
- A written review and approval of all erosion and drainage control measures by the applicant's engineer and/or geologist
- A written agreement indicating where all excavated material will be disposed and acknowledgement that any construction debris disposed within the coastal zone requires a separate coastal development permit.

(c) These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from the runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriately approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

B) 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 to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Swimming Pool Leak Detection

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a written plan to mitigate for the potential of leakage from the proposed swimming pool and spas. The plan shall, at a minimum: 1) provide a separate water meter for the pool to allow monitoring of the water usage for the pool and the home; 2) identify the materials, such as plastic linings or specially treated cement, to be used to waterproof the underside of the pool to prevent leakage, and information regarding past success rates of these materials; 3) provide double wall construction to swimming pool and spa with a drainage system and leak detection system installed between the walls, and; 4) identify methods used to control pool drainage and to prevent infiltration from drainage and maintenance activities into the soils of the applicant's and neighboring properties. The applicant shall comply with the mitigation plan approved by the Executive Director.

5. Landscape Plan

A) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a final landscaping plan. The plan shall be prepared by a licensed landscape architect and incorporate the following criteria: (a) a majority of the vegetation planted shall consist of native/drought and fire resistant plants of the coastal sage community as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996; no plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council (formerly known as the California Exotic Pest Plant Council), or as may be identified from time to time by the State of California shall be utilized on the property; (b) 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; (c) no permanent irrigation system shall be allowed within the property. Temporary, above ground irrigation to allow the establishment of the plantings is allowed; (d) the plantings established shall provide 90% coverage in 90 days; (e) all required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.

1) The plan shall include, at a minimum, the following components:

(a) A map showing the type, size, and location of all plant materials that will be on the developed site, topography of the developed site, and all other landscape features, and;

(b) A schedule for installation of plants.

B) Five years from the date of the implementation of the landscaping plan the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

C) The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. 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:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes the demolition of a single-family residence and accessory structure and construction of a swimming pool, spa, shade pavilion, 400 square foot pool house, hardscape, landscaping and minor grading to direct runoff toward the street (Ocean Way). The proposed development will be located on a 9,100 square foot lot currently developed with a single-family residence and accessory structure. The existing structures will be demolished and the lot combined with an adjoining 5,000 square foot lot developed with a single-family residence.

The subject site consists of a relatively flat bluff top area with slopes descending 20 feet at about a 2:1 gradient to the northwest, west, and south to Pacific Coast Highway. The project site is surrounded by commercial development to the west, residential development to the north and east, and Pacific Coast Highway to the south.

The swimming pool will be setback a minimum of 15 feet from the edge of the bluff along Pacific Coast Highway, with all other structures sited further back into the lot.

The applicant's geology report concludes that, from a geotechnical perspective, the proposed project is feasible provided the advice and recommendations contained in their report are included and implemented. Those recommendations are incorporated in the subject coastal permit application. The City of Los Angeles Department of Building and Safety Grading Division reviewed the geotechnical report and found it to be acceptable. The City's conditional approval included 22 of their standard conditions addressing geotechnical issues with specific recommendations for site preparation, grading, foundation design and site drainage. Furthermore, because of the proximity of the swimming pool to the bluff and the geologic hazards associated with hillside development a special condition is included requiring leak detection measures to minimize geologic risk.

The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.caleppc.org/>) and California Native Plant Society (www.CNPS.org) in their publications. Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

B. Access

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. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. Development

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

D. Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, the use of non-invasive drought tolerant vegetation, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, 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.

E. Geologic Hazard

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. 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 development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, swimming pool leakage detection, and to require that the landowner or any successor-in-interest assume the risk of undertaking the development. 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.

F. 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.

G. Unpermitted Development

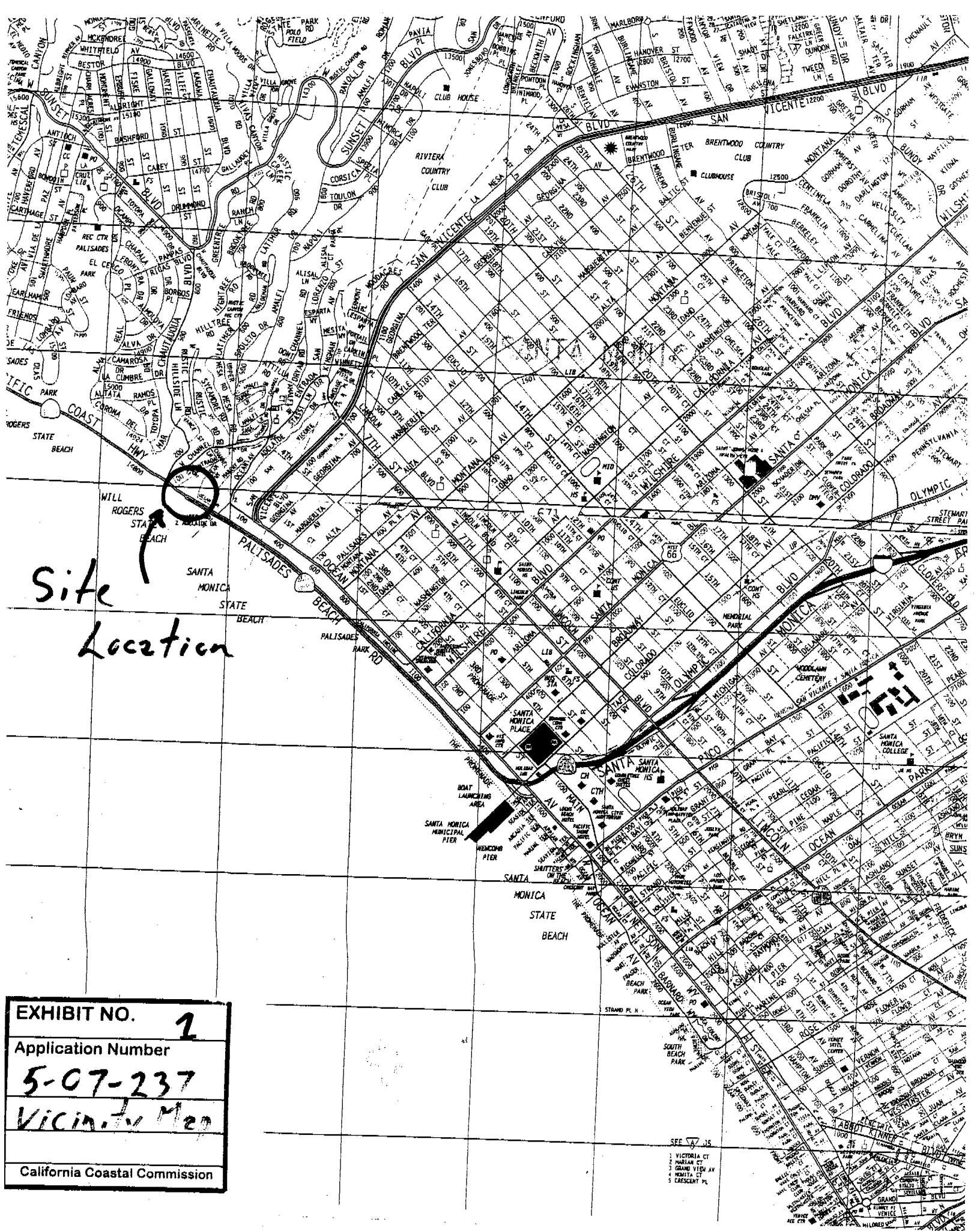
Development has occurred on site without benefit of the required coastal development permit. Unpermitted development on the site includes the demolition of the existing residence and accessory structure. Although unpermitted development has taken place prior to submission of this permit application, consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it imply any finding of legality of any development undertaken on the subject site without a coastal development permit.

H. 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 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.

I. California Environmental Quality Act

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



Site
Location

EXHIBIT NO.	1
Application Number	5-07-237
Vicinity Map	
California Coastal Commission	

SEE 47 JS

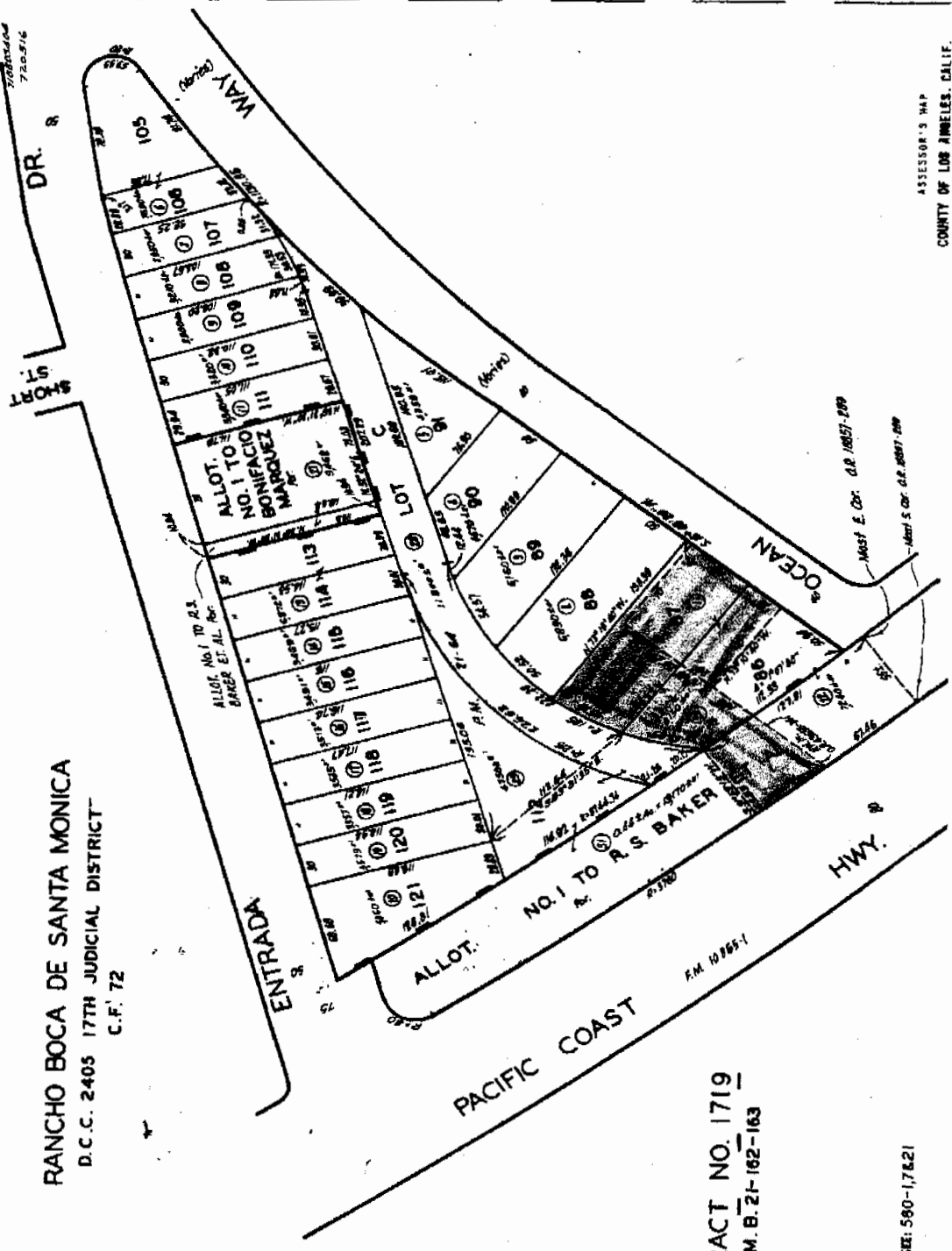
- 1 VICTORIA CT
- 2 HILLMAN CT
- 3 GRAND VIEUX AV
- 4 MONITA CT
- 5 CRESCENT PL

3-6-66 REVISED
 690714 b01
 690826
 531218 B19
 720516
 720516

ASSESSOR'S MAP
 COUNTY OF LOS ANGELES, CALIF.

RANCHO BOCA DE SANTA MONICA
 D.C.C. 2405 17TH JUDICIAL DISTRICT
 C.F. 72

4410 7
 SCALE = 60'



TRACT NO. 1719
 M. B. 21-162-163

TR. ASSM'T. SEE: 590-17&21

CODE 67

EXHIBIT NO. 2
Application Number 5-67-237
Parcel Map
California Coastal Commission

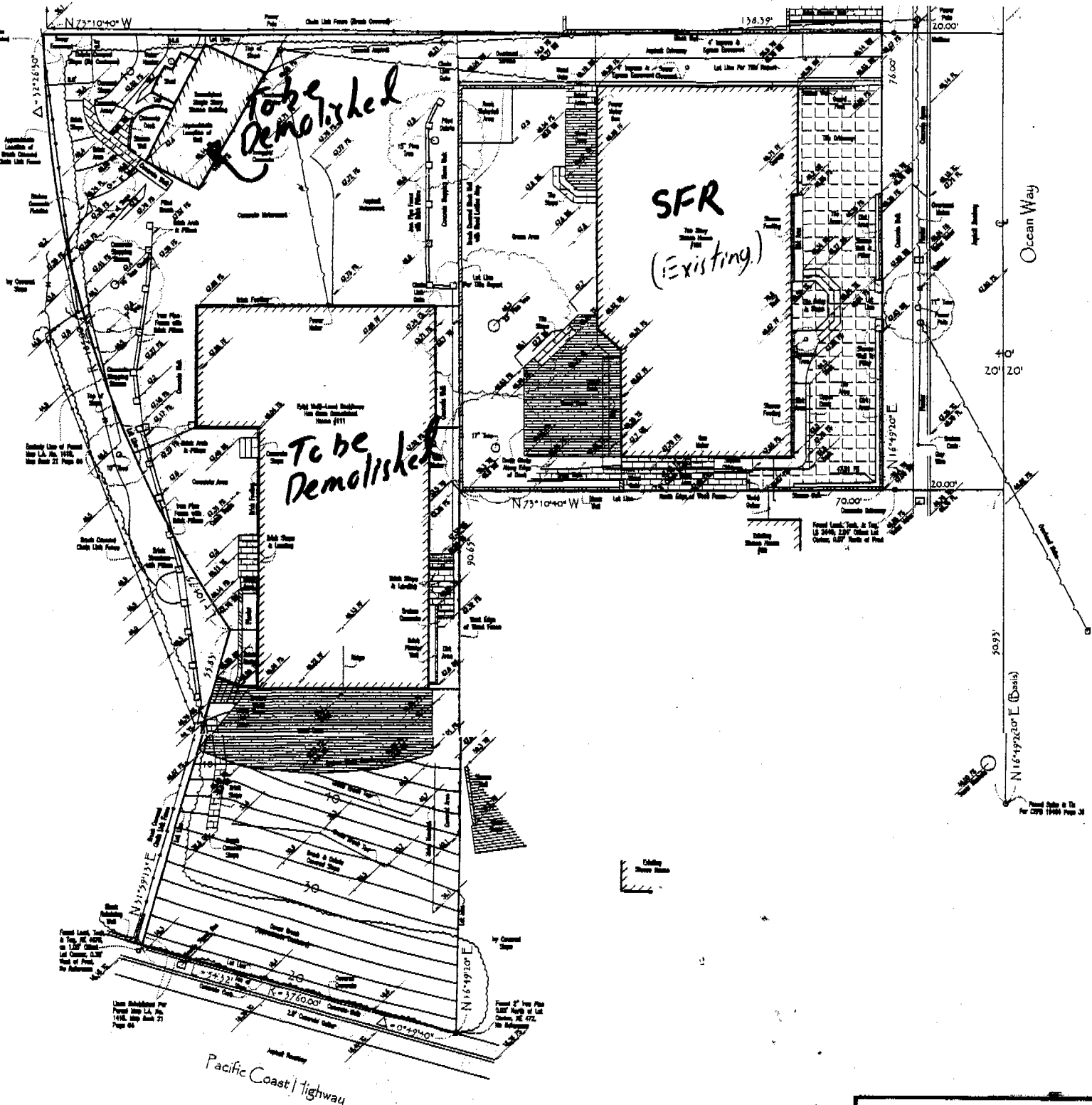



EXHIBIT NO. 3
APPLICATION NO. 5-07-237
Site Plan - Existing
 California Coastal Commission

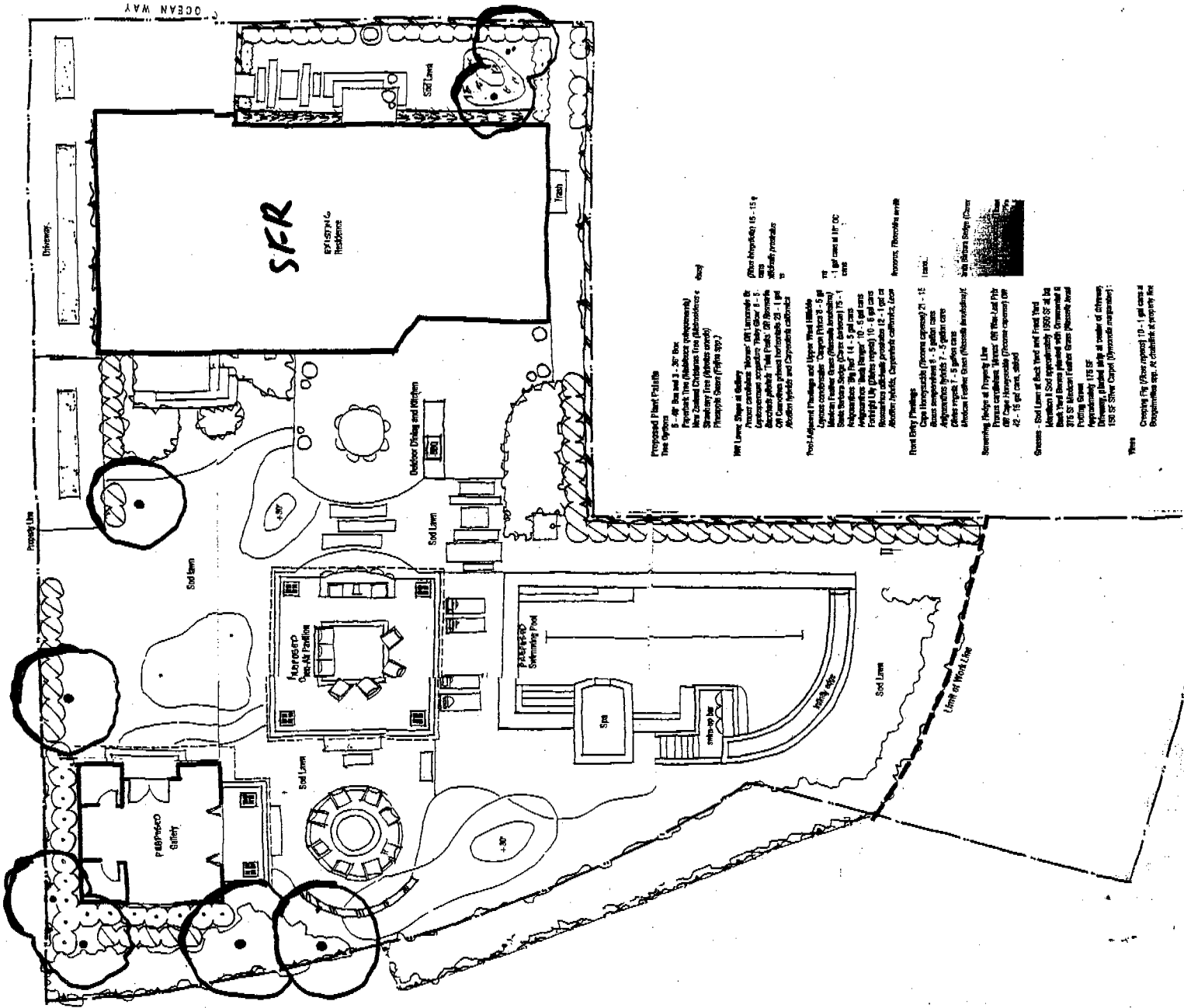


EXHIBIT NO. 61

Application Number
5-67-237

Site Plan - Proposed

California Coastal Commission

Proposed Plant Palette

- Tree (approx. 10' - 15' tall)
- 1 - 40' tree and 3 - 30' tree
- 2 - 20' trees (Redwood replacement)
- 1 - 15' tree (Redwood replacement)
- 1 - 10' tree (Redwood replacement)
- 1 - 8' tree (Redwood replacement)
- 1 - 6' tree (Redwood replacement)
- 1 - 4' tree (Redwood replacement)
- 1 - 2' tree (Redwood replacement)
- 1 - 1' tree (Redwood replacement)
- 1 - 0.5' tree (Redwood replacement)
- 1 - 0.2' tree (Redwood replacement)
- 1 - 0.1' tree (Redwood replacement)

Pool-Adjacent Paving and Upper Wood Decking

- 1 - 20' x 20' tile
- 1 - 12' x 12' tile
- 1 - 6' x 6' tile
- 1 - 4' x 4' tile
- 1 - 2' x 2' tile
- 1 - 1' x 1' tile
- 1 - 0.5' x 0.5' tile
- 1 - 0.2' x 0.2' tile
- 1 - 0.1' x 0.1' tile

Stone

- 1 - 12' x 12' stone
- 1 - 6' x 6' stone
- 1 - 4' x 4' stone
- 1 - 2' x 2' stone
- 1 - 1' x 1' stone
- 1 - 0.5' x 0.5' stone
- 1 - 0.2' x 0.2' stone
- 1 - 0.1' x 0.1' stone

Soil

- 1 - 100' x 100' soil
- 1 - 50' x 50' soil
- 1 - 25' x 25' soil
- 1 - 12' x 12' soil
- 1 - 6' x 6' soil
- 1 - 3' x 3' soil
- 1 - 1.5' x 1.5' soil
- 1 - 0.75' x 0.75' soil
- 1 - 0.375' x 0.375' soil
- 1 - 0.1875' x 0.1875' soil

Other Materials

- 1 - 10' x 10' concrete
- 1 - 5' x 5' concrete
- 1 - 2.5' x 2.5' concrete
- 1 - 1.25' x 1.25' concrete
- 1 - 0.625' x 0.625' concrete
- 1 - 0.3125' x 0.3125' concrete
- 1 - 0.15625' x 0.15625' concrete
- 1 - 0.078125' x 0.078125' concrete

Notes:
1. See Appendix A for details of proposed plant palette.
2. See Appendix B for details of proposed paving and decking.
3. See Appendix C for details of proposed stone.
4. See Appendix D for details of proposed soil.
5. See Appendix E for details of proposed other materials.