

CALIFORNIA COASTAL COMMISSION

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



Th5c

Filed:	1/07/13
180th Day:	7/6/13
Staff:	Al Padilla-LB
Staff Report:	2/14/13
Hearing Date:	3/07/13

STAFF REPORT: CONSENT CALENDAR

Application No.:	5-13-002
Applicant:	Ronald Mass and Pamela Mass
Agent:	Scott Prentice
Location:	341 Alma Real Drive, Pacific Palisades (APN:4116-019-001)
Project Description:	Addition of 51 square feet with an outdoor patio to an existing 5,665 square foot single-family residence; new swimming pool, spa and decking; replace guardrail along existing retaining wall; and replace exterior windows.
Staff Recommendation:	Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION:

The applicant proposes to add 51 square feet to an existing single-family residence, construct a swimming pool and spa, and replace the guardrail on the existing retaining wall. All new development will be behind the existing retaining wall. The addition will not have any adverse visual impact to coastal views and is consistent with the surrounding development. Staff recommends approval of the proposed development with four special conditions including: 1) conformance with geologic and soil recommendations; 2) assumption of risk; 3) swimming pool leak prevention and detection; and 4) recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report.

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EXHIBITS

- Exhibit 1-- Vicinity Map
- Exhibit 2 --Parcel Map
- Exhibit 3—Site Plan
- Exhibit 4—Floor Plan and Guardrail Plan
- Exhibit 5—Elevation

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a YES vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

Resolution:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent 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. Conformance of Design and Construction Plans to Geotechnical Reports

- A) All final design and construction plans and grading and drainage plans, shall be consistent with all recommendations contained in the Geology and Soils Engineering Exploration report by Grover/Hollingsworth and Associates, Inc., November 20, 2012.
- 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. **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.

4. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by

this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION & DESCRIPTION

The subject site is located on lot 23, block 1 in the Huntington Palisades area of Pacific Palisades in the Brentwood-Pacific Palisades Planning Area (Exhibit No. 1). This lot is located adjacent to and above Potrero Canyon. The Potrero Canyon fill project was developed to stabilize the canyon sides and protect the existing single-family homes on the canyon edge. The surrounding area is comprised of one to three-level single family homes. The property is located approximately one-half mile inland of Pacific Coast Highway and Will Rodgers State Beach.

The applicant proposes to add 51 square feet of interior space with an outdoor patio to the existing 5,665 square foot single-family residence; new swimming pool, spa and decking; replace guardrail along existing retaining wall with 42 inch high post and tube guardrail; and replace exterior windows. The proposed house addition will be along the northern portion of the property and will be setback approximately 40 feet from the retaining wall along the canyon slope. The pool and spa will be setback approximately 16 feet from the retaining wall.

In 2001, the Commission approved Coastal Development Permit No. 5-00-476 (Kirkwood) for the after the fact approval of the demolition of an existing single family home; and construction of a two-level over basement, 29-foot high at its highest level (over average grade), 5,665 square foot single family home with an attached two-car garage. A 125-foot long, 13-foot high retaining wall, supported by 10, 24-inch in diameter concrete piles was also constructed along the canyon slope.

Coastal Development Permit No. 5-00-476 (Kirkwood) was approved with conditions, one of which was a future improvements condition requiring that all future development on the site require an amendment to the permit or new coastal development permit.

B. ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to make use of the coast or the future recreational area within Potrero Canyon. 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 and coastal resources. 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. 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 the following: adherence to the geotechnical recommendations (**Special Condition No. 1**) and to require that the landowner or any successor-in-interest assume the risk of undertaking the development (**Special Condition No. 2**).

The proposed swimming pool has the potential to leak and because of the history of slope failure along Potrero Canyon there is a threat of further slope failure if an undetected water leak was to saturate the slope. Because of the potential for leakage which can cause or contribute to slope failure, the Commission imposes **Special Condition No. 3** which requires the applicant, prior to the issuance of the Coastal Development Permit, to provide a written plan and to implement the plan to mitigate the potential for leakage from the pool. The plan shall include separate water meters for the pool and the existing home to help in determining whether there is a leak in the pool structure and include plastic lining or specially treated cement, to be used to waterproof the underside of the pool to prevent leakage with double wall construction. Also, the applicant shall submit final drainage plans that demonstrates where spill water and water from maintenance activities will be contained and diverted. 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.

E. 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 (**Special Condition No. 4**) requiring that the property owner record a deed restriction against the property, referencing all of the above Standard and Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on

the use and enjoyment of the land including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

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 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.

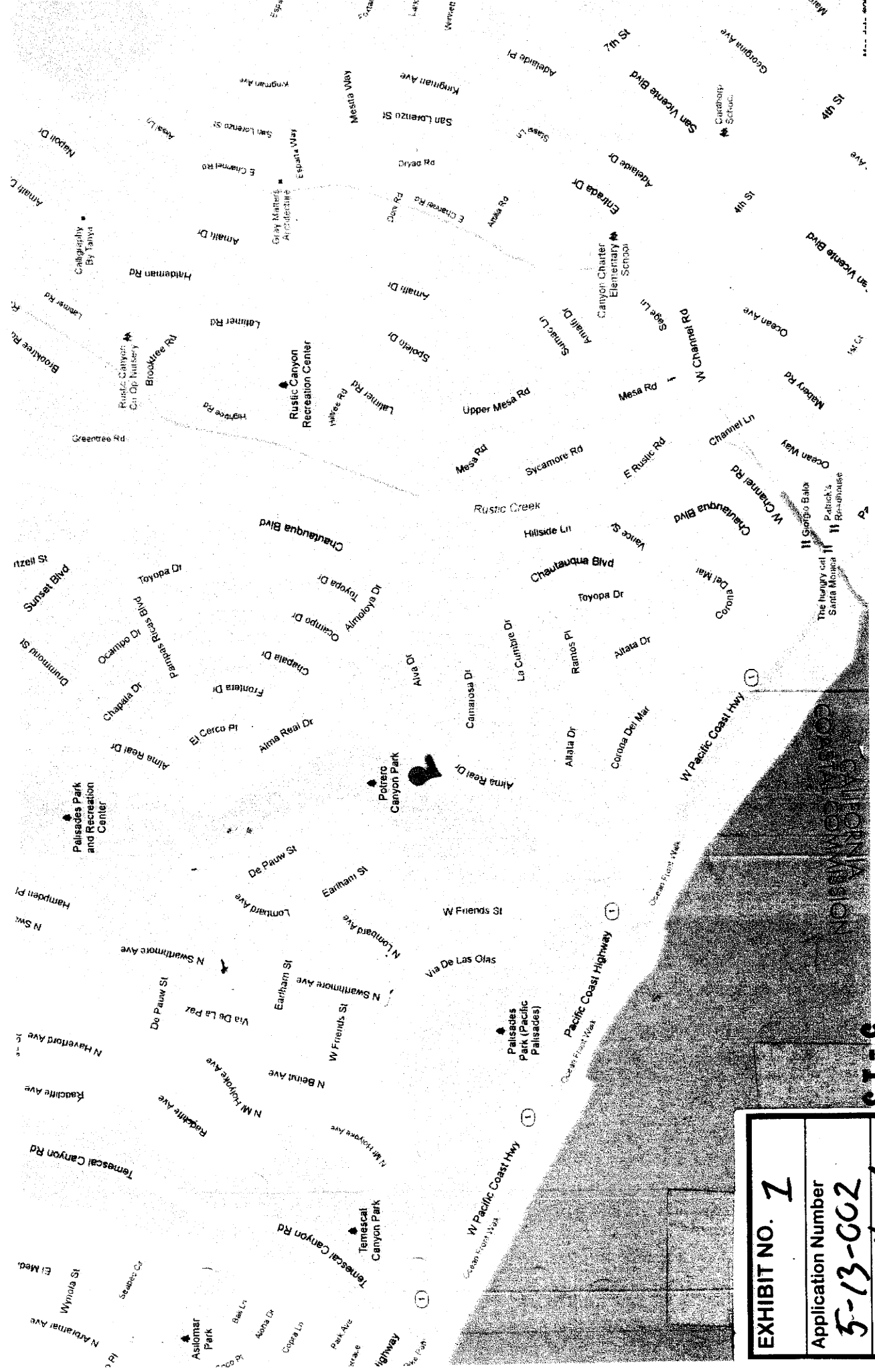
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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 submitted, 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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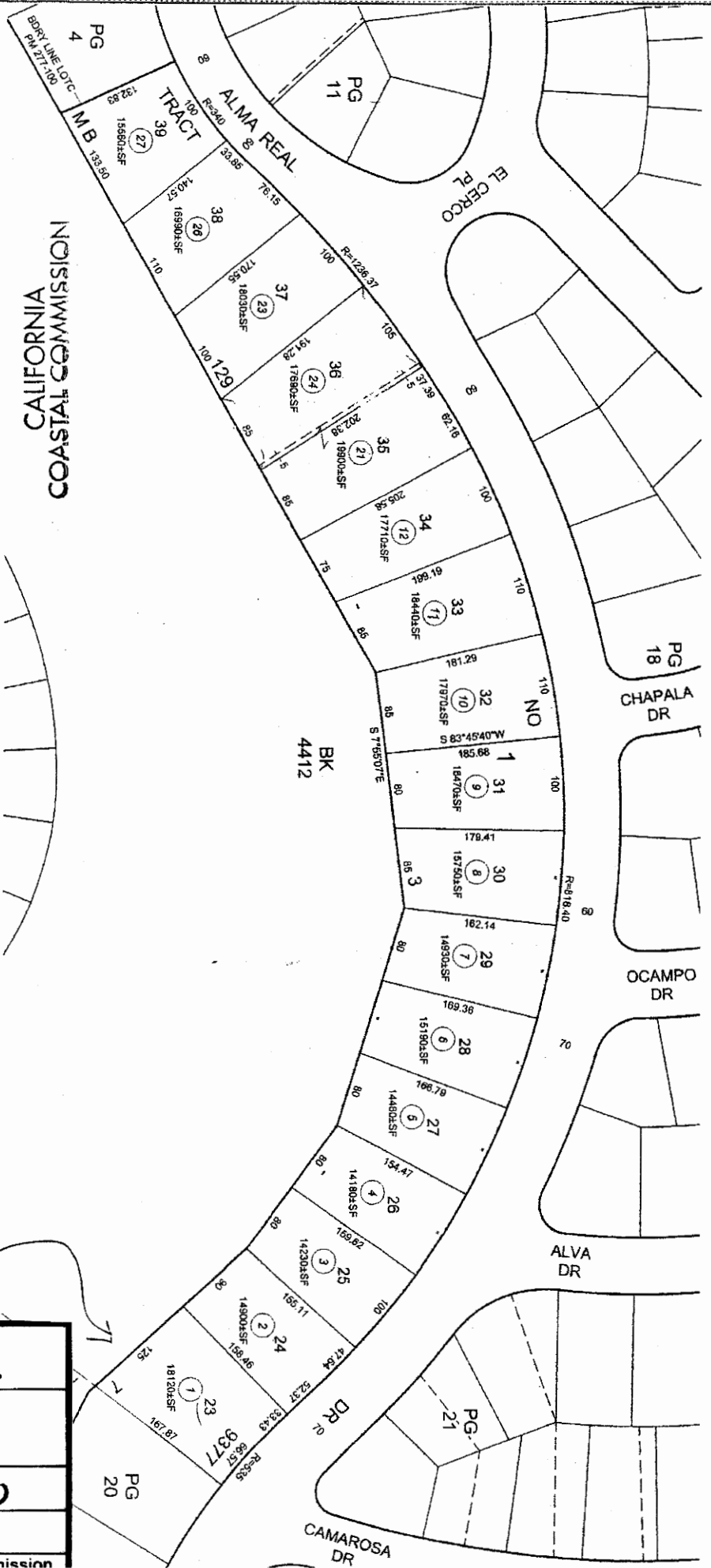
EXHIBIT NO. 1
Application Number 5-13-002
Vicinity Map
California Coastal Commission



MAPPING AND GIS SERVICES
 SCALE 1" = 100'



2010



RECEIVED
 South Coast Region

JAN 7 2013

5-13-002

Site

EXHIBIT NO.	2
Application Number	5-13-002
	Parcel Map
California Coastal Commission	

Mass Residence Renovation

341 Alma Real Pacific Palisades, CA
90272

Project Description	341 Alma Real Pacific Palisades, CA Renovation of existing 10,000 sq. ft. residence including kitchen, bathroom, and landscaping.
Project Location	341 Alma Real Pacific Palisades, CA 90272
Client	Mr. & Mrs. John Doe 341 Alma Real Pacific Palisades, CA 90272
Architect	Scott Prentice Architects 341 Alma Real Pacific Palisades, CA 90272
Contractor	ABC Construction Co. 123 Main St. Los Angeles, CA 90001
Permitting Authority	City of Pacific Palisades 123 Main St. Pacific Palisades, CA 90272
Applicable Codes	California Building Code (CBC) California Fire Code (CFC) California Electrical Code (CEC) California Mechanical Code (CMC) California Plumbing Code (CPC) California Fire Prevention Code (CFPC) California Energy Code (CEC) California Green Building Code (CGBC)
Designations	Residential Single-Family
Scale	1/8" = 1'-0"



Project Location

RECEIVED
South Coast Region

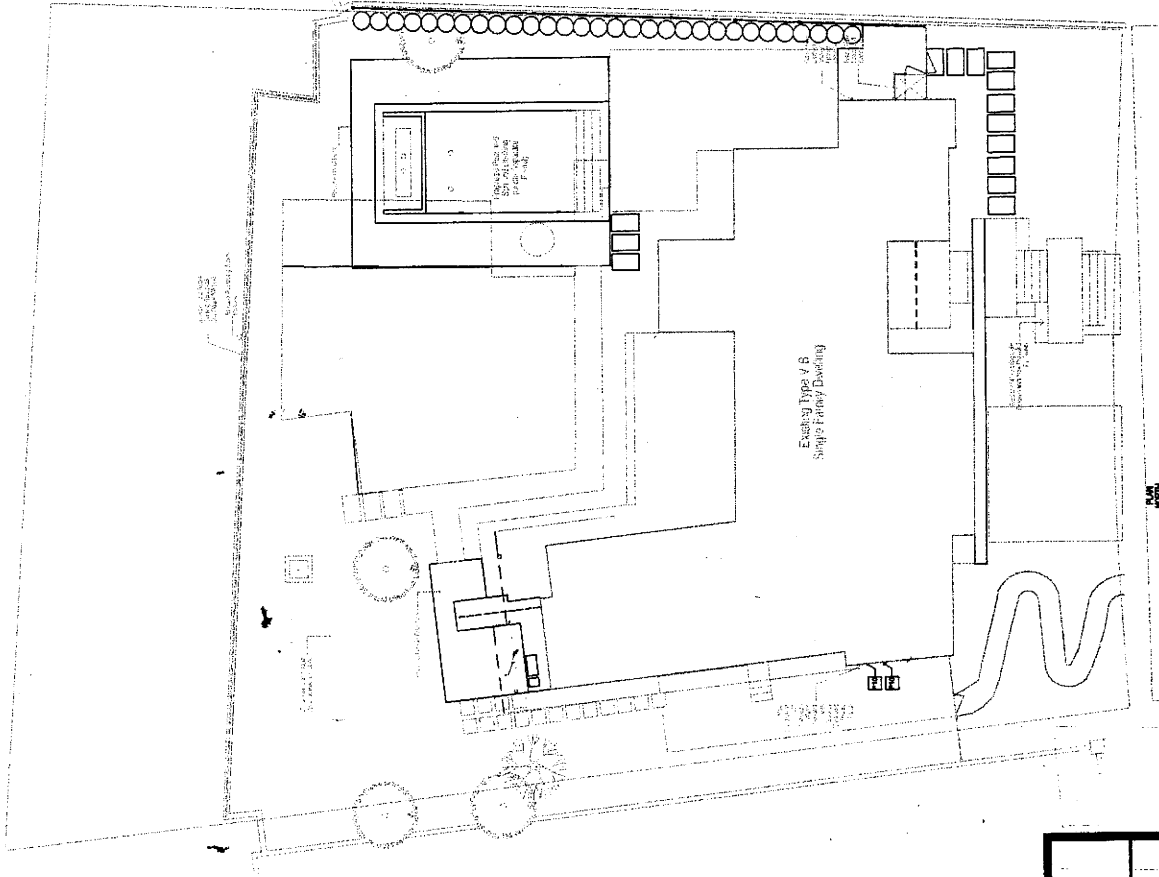
JAN 7 2013

CALIFORNIA
COASTAL COMMISSION

Mass Residence
341 Alma Real
Pacific Palisades, CA 90272

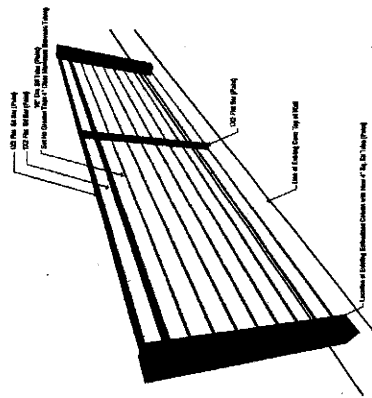
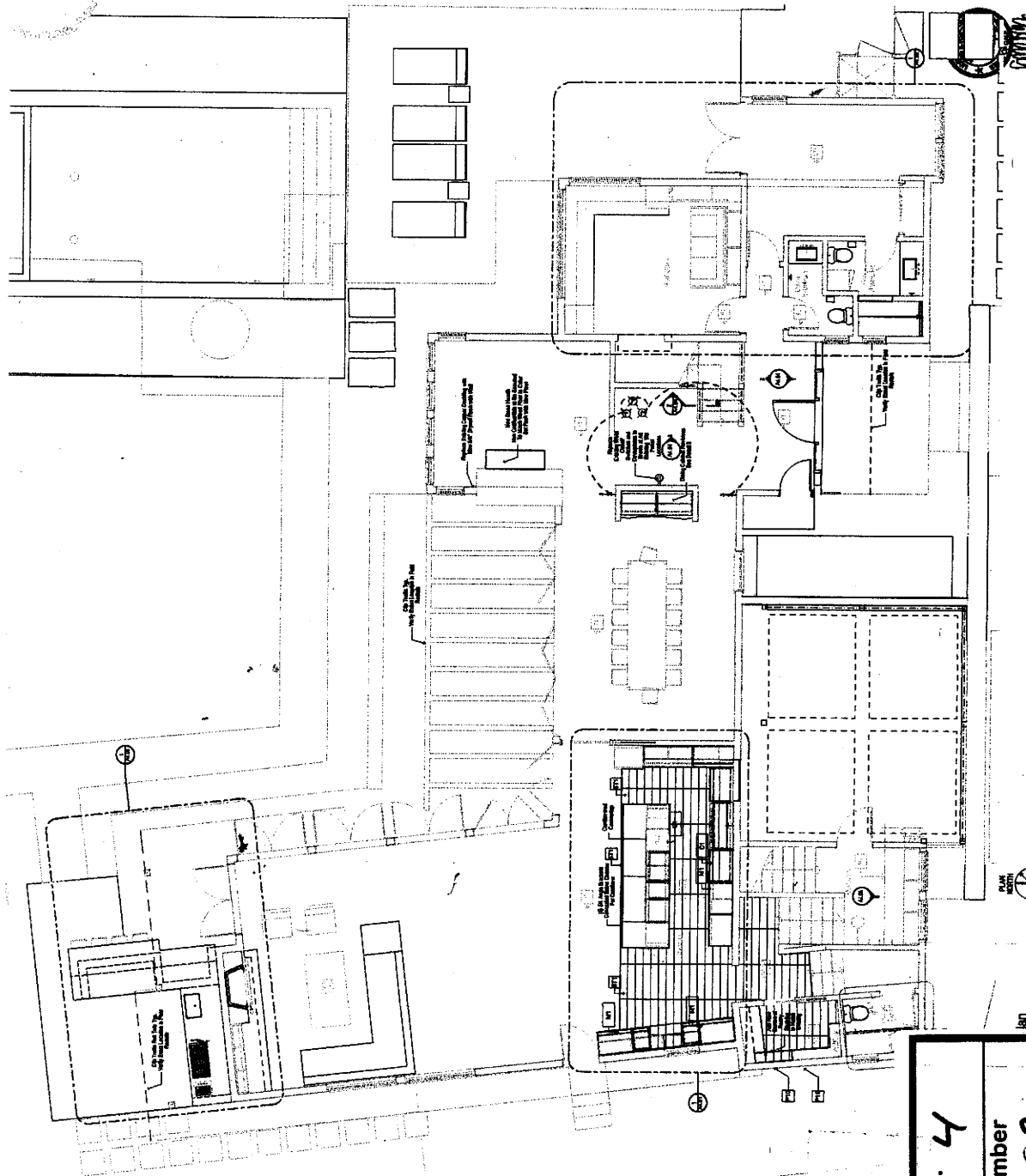
Scott Prentice Architects
341 Alma Real Pacific Palisades, CA 90272
Tel: (310) 424-1848 Fax: (310) 424-8422
Web: www.scottpreenticearchitects.com

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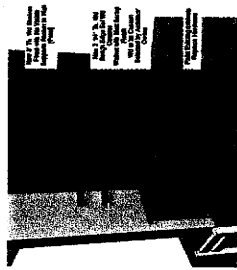


5-13-002

EXHIBIT NO.	3
Application Number	5-13-002
Site Plan	Site Plan
California Coastal Commission	



2 Replacement Guardrail
NOT TO SCALE

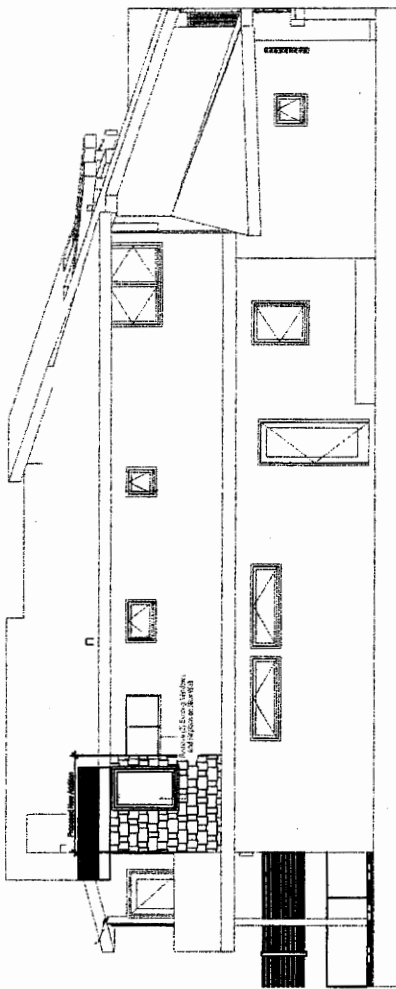


3 Dining Cabinet Overview
NOT TO SCALE

Mass Residence
341 Alma Real
Pacific Palisades, CA 90272

Project: Pacific Palisades
Architect: Scott Plentice Architects
Scale: 1/8\"/>

EXHIBIT NO. 4
Application Number
5-13-002
Floor Plan
Guardrail
California Coastal Commission



① WEST ELEVATION
SCALE: 1/8" = 1'-0"

Mass Residence
341 Alma Real
Pacific Palisades, CA 90272

Scott Prentice Architects
505 E. 4th Street, Suite 200, San Diego, CA 92101
Phone: (619) 594-9999 Fax: (619) 594-9940
www.scottprentice.com

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EXHIBIT NO. 5
Application Number 5-13-002
Elevation
California Coastal Commission