

**CALIFORNIA COASTAL COMMISSION**

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# F10b

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Staff:	A. Dobson-LB
Staff Report:	3/18/14
Hearing Date:	4/9-11/14

## STAFF REPORT: CONSENT CALENDAR

**APPLICATION NUMBER:** 5-14-0292

**APPLICANT:** Bryan Whalen and Cori Cross

**PROJECT LOCATION:** 520 Toyopa Dr. Pacific Palisades, City of Los Angeles, Los Angeles County

**PROJECT DESCRIPTION:** Demolition of an existing single family residence and construction of a 2-story plus basement, 36 ft. high, 7,681 sq. ft. single family residence and an attached garage and a pool on a 18,430 sq. ft. level lot.

## **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.*

## **I. 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 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.

## **II. SPECIAL CONDITIONS**

### **1. Future Development**

This permit is only for the development described in coastal development permit No. 5-14-0292. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the development governed by the coastal development permit No. 5-14-0292. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to changes in square footage or height of the structure, number of on-site parking spaces, and repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 5-14-0292 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

### **2. 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 landowner 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.

### **3. Landscaping**

Vegetated landscaped areas onsite shall only consist of drought tolerant plants native to coastal Los Angeles County and appropriate to the habitat type. Native plants shall be from local stock wherever possible. 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

(<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

#### **IV. FINDINGS AND DECLARATIONS**

##### **A. PROJECT DESCRIPTION AND LOCATION**

The subject site is a 18,430 square foot lot in the single jurisdiction of the Coastal Zone in the community of Pacific Palisades (see Exhibit No. 1). The proposed project has been approved in concept by the City of Los Angeles, case No. ZA-2014-355-AIC, to demolish an existing single family residence and construction of a 2-story plus basement single family residence and an attached garage. The development conforms with the density limits for the site and the height limits for structures in the area. The proposed project meets the Commission's parking requirement of 2 spaces per residential unit (2 covered). Adequate measures to address water quality have been incorporated into the plans for construction and into the project design by a civil engineer to filtrate water onsite using roof gutters, downspouts, landscaping, permeable paving, planter boxes, and infiltration pits. The subject site is not located between the first public road (Pacific Coast Highway) and the sea and the proposed project will not have an adverse impact on public access. The proposed development will not result in adverse impacts to coastal views and will not prejudice the City's ability to prepare a Certified LCP, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

The proposed project has been designed to be compatible with the character of the surrounding community. The height of the home is, at 36 ft. high (see Exhibit No. 2), consistent with other homes in the area. Although the home is large at 7,681 sq. ft., there are larger homes existing in the area, some of which have been approved by the Commission in previous years, ranging from 5,000+ sq. ft. to over 10,000 sq. ft. Additionally, the size of this lot is larger than other lots in the area.

Past homes approved by the Commission include:

5,810 square foot home (314 Toyopa Dr) CDP No. 5-11-164

6,481 square foot home (521 Toyopa Dr) CDP No. 5-12-037

7,096 square foot home (216 N. Toyopa Dr) CDP No. 5-03-011

7,199 square foot home (224 N. Toyopa Dr) CDP No. 5-03-012

10,701 square foot home (257 N. Toyopa Dr) CDP No. 5-07-365

##### **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 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.

### **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 an 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.

### **E. 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 of the Coastal Act.

### **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.





EXHIBIT # 2 of 5  
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② SOUTH  
 $\frac{1}{4} \text{ mi} = 1' - 0''$

① WEST FRONT  
1/4" = 1'-0"

Ⓐ ADHERED VENEER DETAIL  
1 1/2" = 1'-0"

LOWEST ADJACENT  
GRADE WITHIN 5  
FEET OF BLOG  
REF ELEV  
251.31

36 ft.

GRADE PLANE  
ELEV. (SOUTH)  
255.80

LOWEST ADJACENT  
GRADE WITHIN 5  
FEET OF BLOO  
REF. ELEV

[illegible]

② SOUTH  
 $\frac{1}{4} \text{ mi} = 1' - 0''$





EXHIBIT # 4 of 5  
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