

CALIFORNIA COASTAL COMMISSION

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



Th6b

Filed: 06/14/2017
180th Day: 12/11/2017
Staff: M. Alvarado-LB
Staff Report: 10/20/2017
Hearing Date: 11/09/2017

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-17-0401

Applicant: Downtown Wilshire Investments, LLC

Agent: Mailian & Associates

Location: 204 N. Coperto Drive, Pacific Palisades, Los Angeles
(APN 4416-024-048)

Project Description: Demolition of shed/pool house and pool, and construction of an approximately 3,325 sq. ft., 27.9-ft. high, two-story single family residence with an attached 370 sq. ft. two-car garage, covered patios totaling 100 sq. ft., 674 sq. ft. deck, an outdoor swimming pool, property wall, and hardscape and landscape improvements.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION:

The proposed project includes the construction of a new single-family residence in a residentially developed area within the Brentwood-Pacific Palisades Community of the City of Los Angeles.

Hazards common in the Pacific Palisades area include landslides, erosion, and flooding. Consequently, the proposed project raises issues regarding geologic hazards.

The proposed development has been conditioned to assure that the proposed project is consistent with the Chapter 3 policies of the Coastal Act. The conditions are: **1)** recommendations of the geotechnical report; **2)** assumption of risk, waiver of liability and indemnity; **3)** best management practices; **4)** conformance with the submitted drainage and run-off control plan; **5)** landscaping – drought-tolerant, non-invasive plants; **6)** timing and operational constraints; **7)** submittal of final plans; and **8)** deed restriction.

Staff is recommending **APPROVAL** of the proposed coastal development permit as conditioned.

Note: The City exercises the options provided in Section 30600(b) or 30600.5 of the Coastal Act to issue its own permits without having a certified Local Coastal Program. 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*. On February 7, 2017, the City of Los Angeles issues Local Coastal Development Permit Case No. DIR-2015-4267-CDP-MEL for the proposed project.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	4
II. STANDARD CONDITIONS:	4
III. SPECIAL CONDITIONS:	5
IV. FINDINGS AND DECLARATIONS:	8
A. PROJECT DESCRIPTION & LOCATION	8
B. HAZARDS	10
C. DEVELOPMENT/COMMUNITY CHARACTER	10
D. WATER QUALITY	10
E. LOCAL COASTAL PROGRAM (LCP)	10
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	10

APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

Exhibit 1 – Project Location

Exhibit 2 – Project Rendering and Plans

Exhibit 3 – Sections and 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 geologic reports prepared by Grover-Hollingsworth and Associates, Inc., dated October 29, 2014, June 28, 2016, and December 15, 2016 for 204 N. Coperto 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. **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, including but not limited to landslide, bluff retreat, erosion, and earth movement, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee 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.
3. **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. 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.

- 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 August 30, 2017 to the South Coastal Region Office showing roof drainage designed to divert storm runoff into retention areas per the City's requirements with 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.water.ca.gov/wateruseefficiency/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 permittee 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.

6. Avoidance of Sensitive Species

- A. Nesting Birds. Prior to removal of any tree, commencement of any demolition, or construction activities between February 15 through August 31, a qualified biologist shall conduct a breeding behavior and nesting survey for birds protected by the United States Fish and Wildlife Service, California Department of Fish and Wildlife, the Migratory Bird Treaty Act and California species of special concern within the project site. If any occupied nests of any sensitive species are discovered, construction shall be monitored to ensure that construction noise levels do not exceed 85 dB peak within the project area until the nest is vacated and juveniles have fledged and there is no longer evidence of a second attempt at nesting.

- 7. Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two (2) full-sized (2-ft. by 3-ft.) sets of final plans: site plan, floor plans, elevations, sections, grading plan, drainage plan, foundation plan, and pile plan. The final plans shall be in substantial conformance with the plans submitted August 30, 2017 and (updated October 12, 2017; and revised October 19, 2017 and October 20, 2017) to the South Coast District Office.

The applicant 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 legally required.

- 8. 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 landowners have 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 DESCRIPTION & LOCATION

The applicant proposes to demolish an approximately shed/pool house and pool, and construct an approximately 3,325 sq. ft., 27.9-ft. high, two-story single-family residence with an attached 370 sq. ft. two-car garage, 674 sq. ft. deck, covered patios totaling 100 sq. ft., outdoor swimming pool, and hardscape and landscape improvements (**Exhibits 2 and 3**). In addition, the proposed plans include the construction of a property wall along the perimeter of the property, and 50.3 linear ft. of 8.5-ft. high structural retaining wall to accommodate a light well to provide light to the partially subterranean first floor. The project also consists of approximately 977 cu. yd. of total grading. Drainage from the roof drains, gutters, and downspouts will be diverted into retention areas per the City's requirements with subdrain pipes and directed to the street's main storm drain system. Furthermore, the applicant proposes rain water collection and reuse via a cistern to produce extra water for irrigation.

The project site consists of a 5,801 sq. ft. R1-1-zoned (Low Residential) lot within the Brentwood-Pacific Palisades Community of the City of Los Angeles (**Exhibit 1**). The project site is currently developed with a shed/pool house and a pool – to be demolished – that are associated with an existing single-family residence on an adjacent lot. There is a public street (Tramonto Drive) and a residence partially between the proposed property and the bluff edge. The subject site is not visible from the Pacific Coastal Highway and is located within an existing residentially developed neighborhood approximately 700 ft. inland from the beach (**Exhibit 1**). The proposed residence will be limited to approximately 3,325 sq. ft. and two-stories. According to the City, the average floor area of adjacent residences on Coperto Drive/Tramonto Drive is approximately 3,700 sq. ft. The proposed single-family residence will be consistent with the character of the neighborhood.

The Pacific Palisades area has a long history of natural disasters, some of which have caused catastrophic damage. Hazards common in this area include landslides, erosion, and wildfires. The southwestern/southern boundary of the subject property directly abuts Tramonto Drive, a public residential street. This street separates the proposed project site from the Tramonto Drive bluff, which has been recognized to be a historic and prehistoric landslide area according to a landslide study report prepared by the U.S. Army Corps of Engineers dated September 1976.

Notwithstanding existence of landslides in the past, Tramonto Drive has been stabilized by the City of Los Angeles through the installation of a pile-supported bulkhead with tie-back anchors extending under the street and the southerly portion of the subject property within an approximately 30-ft. easement. In addition, the applicant has submitted geologic and soils engineering reports prepared by Grover Hollingsworth and Associates, Inc. dated October 29, 2014, June 28, 2016, and December 15, 2016; as well as geology and soils review letters from the City of Los Angeles, Department of Building and Safety dated December 11, 2014 and January 24, 2017. The applicant's geotechnical consultant reviewed test borings, the underlying earth material, faulting, and site stability of the project site. The applicant's geologic reports conclude that, from a geotechnical perspective, the proposed residence, which will be supported by caissons, 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 includes 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**.

Given that the applicant has chosen to implement the project in an area with a long history of hazards despite risks from landslide, bluff retreat, erosion, and earth movement, the applicant must assume the risks. Therefore, the Commission imposes **Special Condition 2**.

To prevent pollution of the coast during construction, the Commission imposes construction-related requirements and best management practices under **Special Condition 3**, and to address water quality, imposes **Special Condition 4**. Additionally, the applicant is proposing landscaping, therefore, **Special Condition 5**, requires the installation of non-invasive, drought-tolerant vegetation (low water use) and water-conservative irrigation systems. Removal of trees and vegetation is proposed; therefore, **Special Condition 6** requires time and operation constraints to avoid adverse impacts on sensitive species and bird nesting activities.

Due to updates and revisions to the project plans during staff review, the Commission imposes **Special Condition 7**, which requires the submittal of final plans incorporating all changes.

The Commission imposes **Special Condition 8** requiring the applicant to record a Deed Restriction acknowledging that, pursuant to this permit (CDP No. 5-17-0401), 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.

B. 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.

C. DEVELOPMENT/COMMUNITY CHARACTER

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.

D. 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 cisterns. 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.

E. 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.

F. 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. DIR-2015-4267-CDP-MEL, dated February 7, 2017.
- Coastal Development Permit Application No. 5-17-0401
- *Addendum report, Proposed Residentces, Lots 2 and 3, Block 20, Tract 8923, 204 Coperto Drive and 17543 Tramonto Drive, Pacific Palisades* prepared by Grover Hollingsworth and Associates, Inc., dated October 29, 2014.
- *Geotechnical Update and Plan Review, Two Proposed Dwellings, Lots 2 and 3, Block 20, Tract 8923, 204 N. Coperto Drive and 17543 Tramonto Drive, Pacific Palisades, California* prepared by Grover Hollingsworth and Associates, Inc., dated June 28, 2016.
- *Addendum Report, Response to City Correction Letter and Addition Recommendations, Two Proposed Dwellings and Two Proposed Swimming Pools, Lots 2 and 3, Block 20, Tract 8923, 204 N. Coperto Drive and 17543 W. Tramonto Drive, Pacific Palisades, California* prepared by Grover Hollingsworth and Associates, Inc., dated December 15, 2016.
- City of Los Angeles Geology and Soils Approval Letter LOG #86312, dated December 11, 2014.
- City of Los Angeles Geology and Soils Approval Letter LOG #95253-01, dated January 24, 2017.