

**CALIFORNIA COASTAL COMMISSION**

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

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Staff Report:	11/21/2017
Hearing Date:	12/14/2017

**STAFF REPORT: CONSENT CALENDAR**

**Application No.:** 5-17-0772

**Applicant:** Lawrence Shuman & Rebekah Fleishman

**Agent:** Block & Block, APC, ATTN: Justin Block

**Location:** 14901 Corona del Mar, Pacific Palisades, City of Los Angeles, Los Angeles County (APN: 4411024031)

**Project Description:** Demolish a 2-story, 3,185 sq. ft. single-family dwelling and construct a new 3- story, 6,816 sq. ft., 30' high single-family dwelling with an attached 652 sq. ft. three-car garage. Grade 2,800 cubic yards for a proposed 3,598 sq. ft. basement; Reconfigure pool and landscaping to minimize urban runoff.

**Staff Recommendation:** Approval with conditions

**SUMMARY OF STAFF RECOMMENDATION**

The subject site is located more than 300' from the inland extent of the beach on Corona del Mar in the Pacific Palisades area of the City of Los Angeles. The property is situated within a developed single-family residential neighborhood in the City's Dual Permit Jurisdiction Zone. The project includes the demolition of an existing single-family dwelling and construction of a new single-family dwelling with additions. Coastal Act issues include impacts to water quality and coastal hazards due to earth removal and effluence. Staff recommends that the project be conditioned to minimize adverse impacts to water quality and structural development during the construction process consistent with Chapter 3 policies of the Coastal Act. The recommended conditions are **1)** Compliance with Geotechnical Report No IC 16015-C, **2)** Proper storage of construction equipment and disposal of construction materials, **3)** Location of disposal site and **4)** Compliance with Landscape Plan.

Staff is recommending **approval** of the proposed coastal development permit with **four** special conditions. The motion to carry out staff recommendation is on Page Three.

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### **APPENDICES- SUBSTANTIVE FILE DOCUMENTS**

- 1) Joint Determination Letter DIR-2016-3132-CDP-MEL/ ZA 2016 3124-ZAA-F. City of Los Angeles Planning Director and Zoning Administrator. August 1, 2017.
- 2) *Geologic and Soils Engineering Exploration Report, Project Number IC 16015-C*. Irvine Geotechnical, Inc, March 31, 2016
- 3) *Geology and Soils Report Approval Letter*. City of Los Angeles Building & Safety. May 9, 2016.

### **EXHIBITS**

[Exhibit 1 - Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Structural Plans](#)

## 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 and Soils Engineering Exploration Report* (Soils Report No. IC 16015-C) prepared by Irvine Geotechnical, Inc. dated March 31, 2016, for 14901 West Corona del Mar, Pacific Palisades, CA. 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. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:
  1. 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.
  2. 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.
  3. 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.
  4. 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.
  5. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
  6. The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
  7. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility outside of the coastal zone, pursuant to **Special Condition 3**.
  8. 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.
9. 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.
  10. 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.
  11. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
3. **Location of Debris Disposal Site.** The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside 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.
  4. **Landscaping – Drought Tolerant, Non-Invasive Plants (Urban/Developed Area).** The applicant shall conform to the landscape plan received on September 25, 2017 showing vegetated landscaped areas consisting 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>).

Existing vegetation that does not conform to the above requirements shall be removed. If using potable water for irrigation, the project shall use water-conserving emitters (e.g. microspray) and drip irrigation. Use of weather-based irrigation controllers and reclaimed water for irrigation is encouraged.

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 provides a written determination that no amendment is required.

## IV. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION & LOCATION

The applicant proposes to demolish the existing single-family dwelling and construct a new 2-story, 30' high, 6,816 square foot single-family dwelling including a 3,598 sq. ft. basement and an attached 652 sq. ft. three-car garage. Approximately 2,800 cubic yards of earth will be excavated and exported for the proposed basement. The applicant also proposes to renovate the existing pool and includes extensive landscaping with California native plants. A 6'8" concrete wall exists along the western portion of the lot along Altata Drive which will be demolished and replaced with a 5 feet tall wall extending towards the porch in order to partially enclose the pool. The existing unpermitted pool and wall extends into the required front yard setback; however, the City approved an adjustment for the proposed pool and fence to remain as currently existing within the front yard setback boundaries. In addition, the project will include a covered deck and loggia covered with a vegetated trellis providing additional permeable surfaces for roof drainage ([Exhibit 2](#)).

The subject site is a 14,773.6 square foot lot situated within a residentially developed area on the inland side of Corona del Mar between Toyopa Drive and Altata Drive ([Exhibit 1](#)). The property is located over 300' from the inland extent of the beach and is situated at the southern edge of the Santa Monica Mountains. Beyond the property to the south are bluff top properties and the Pacific Coast Highway at the toe of the bluff which abuts the sandy beach and the ocean. The subject site is improved with an existing 2-story, 3,185 square foot, single-family dwelling with a pool and two-car garage built in 1941. No historic resources have been identified on site and no views are impacted. Multi-story single-family dwellings on large lots characterize this neighborhood.

The property slopes approximately 5 feet from the north to the south portion of the property towards Topoya Drive, in which surface runoff from the property flows towards a City-managed catch basin located at the slope depression within the roadway. According to the *Geologic and Soils Engineering Exploration Report* by Irvine Geotechnical, Inc. provided by the applicant, the property is located in a geologically stable area with little to no liquefaction. Hence, the property requires minimal foundation work to assure structural stability. According to structural plans ([Exhibit 3](#)), stability measures include a 5" thick concrete slab on grade as the foundation base for the basement in order to minimize moisture accumulation for increased stability and longevity of the property. Temporary shoring will be added along the northern side of the property during excavation for the proposed basement, adding 22 24" steel soldier piles approximately 8' apart which will outline the northern and western portions of the property. A mat slab foundation will provide lateral support for the property. **Special Condition 1** is imposed in order to assure compliance with structural plans dated April 10, 2017 which is consistent with recommendations in the Irvine Geotechnical report and the City of Los Angeles Building and Safety's geology and soils report approval letter dated

May 9, 2016. The City's letter includes recommendations regarding temporary excavation for the basement, foundation, and the necessary haul route plan approval.

In an effort to reduce the amount of demolition and excavation debris and pollutants from entering the drainage system, **Special Condition 2** imposes construction disposal BMP's to minimize runoff during the structure's demolition, soil excavation and export process including measures to eliminate soil exposure. In addition, **Special Condition 3** is imposed to regulate the export of the 2,800 cubic yards of earth being removed. If disposal of the soil occurs within the coastal zone, an additional coastal development permit is required.

Although the project is located within a high fire severity area according to the City of Los Angeles, the property does not require a fuel modification plan due to the proximity within an urbanized residential area. In addition, the roof plan illustrates adequate drainage on site marking roof gutters and downspouts onto permeable landscape and has been designed to minimize adverse impacts to water quality. Any runoff from the site goes into a City-managed catch basin located on Corona del Mar in front of the property.

The landscape plans include plants which are not invasive and are drought-tolerant to southern California. The Mediterranean climate of the Santa Monica Mountains Area produces a landscape of grassland and oak woodland chaparral with strands of coastal scrubs. **Special Condition 4** is imposed to assure that the project will conform to the landscape plan provided and is consistent with the environment of the coastal mountain region. The plans are consistent with recommendations in the Irvine Geotechnical report and Chapter 3 policies of the Coastal Act.

## **B. 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 trench drains. 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.

## **C. 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.

**D. LOCAL COASTAL PROGRAM (LCP)**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP). The City of Los Angeles, in particular the Pacific Palisades area, does not have a certified Local Coastal Program or Land Use Plan. Therefore, the method of review is the Chapter 3 policies of the Coastal Act.

**E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment. The City of Los Angeles is the lead agency for CEQA compliance and issued a notice of exemption on August 17, 2017. The project is categorically exempt from an environmental impacts review.

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**

1. Joint Determination Letter DIR-2016-3132-CDP-MEL/ ZA 2016 3124-ZAA-F. August 1, 2017. City of Planning Director and Zoning Administrator. City of Los Angeles.
2. *Geologic and Soils Engineering Exploration Report, Project Number IC 16015-C*. Irvine Geotechnical, Inc, March 31, 2016
3. *Geology and Soils Report Approval Letter*. City of Los Angeles Building & Safety. May 9, 2016.