

CALIFORNIA COASTAL COMMISSION

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**W7c**

Filed:	06/21/2018
180th Day:	12/18/2018
Staff:	A. Spencer LB
Staff Report:	09/27/2018
Hearing Date:	10/10/2018

STAFF REPORT: CONSENT CALENDAR

Application No.:	5-18-0445
Applicant:	Haley Collins Greenberg
Agent:	Pacific Crest Consultants
Location:	430 Puerto Del Mar, Pacific Palisades, City of Los Angeles, Los Angeles County (APN: 4414-006-008)
Project Description:	Demolition of a one-story, 1,963 sq. ft. single-family residence and construction of a one-story, 17-ft. high, 2,812 sq. ft. single-family residence with an attached 579 sq. ft. 2-car garage and swimming pool.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant requests a permit to demolish an existing 1,963 sq. ft. single-family residence and swimming pool, and to construct a new 2,812 sq. ft. single-family residence with an attached 2-car garage and a swimming pool. The primary Coastal Act issues raised by the subject development are: 1) development that could be subject to natural hazards such as erosion; and 2) water quality.

Staff recommends **APPROVAL** of Coastal Development Permit Application No. 5-18-0445, with four special conditions regarding: 1) compliance with approved development; 2) conformance to final drainage, runoff, and landscaping plans; 2) adherence to construction best management practices; and 3) assumption of risk.

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. Approved Development.

Coastal Development Permit 5-18-0445 authorizes the demolition of a one-story, 1,963 sq. ft. single-family residence and construction of a one-story, 17-ft. high, 2,812 sq. ft. single-family residence with an attached 579 sq. ft. 2-car garage and swimming pool.

All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions imposed herein. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. Water Quality, Drainage and Landscaping Plans.

A. The applicant shall conform to the drainage and run-off control plan received on September 25, 2018, showing that roof and surface runoff will be captured with trench drains, lawn drains and rain tanks, and directed to an existing storm drain main along Puerto Del Mar through downspouts and a subdrain line. 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, the California Exotic Pest Plant Council, 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. The applicant shall incorporate Best Management Practices (BMPs) into the construction and post-construction phases of the subject development. The applicant has also stated that they will comply with the applicable water efficiency and conservation measures of the City's adopted CALGreen standards concerning irrigation systems, and efficient fixtures and appliances.

B. The permittee shall undertake development in accordance with the approved final landscaping and drainage plans. 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.

3. Construction Best Management Practices

A. The permittee shall comply with the following construction-related requirements:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;

- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. The following measures shall be used during construction:

- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These 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. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The applicant shall develop and implement spill prevention and control measures;
- (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

4. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant, and any successors in interest, 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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The applicant proposes to demolish a one-story, 1,963 sq. ft. single-family residence and swimming pool, and construct a 17-foot high, one-story, 2,812 sq. ft. single-family residence with an attached 579 sq. ft. 2-car garage and a swimming pool on a caisson grade beam foundation ([Exhibit 2](#)). The residence includes a 26.5 foot prevailing front-yard setback, a 5-foot side yard setback, and a 33-foot rear yard setback, consistent with the City of Los Angeles zoning requirements.¹ The project also includes landscaping (which will utilize native and non-native, drought-tolerant plantings), and approximately 30 cubic yards of grading. In order to ensure that the applicant adheres to the proposed landscaping plans, the Commission imposes **Special Condition 2**.

The project site is an irregularly-shaped, 9,870 sq. ft., hilltop lot zoned R1 by the City of Los Angeles Zoning Code located in the Pacific Palisades, a community located within the City of Los Angeles ([Exhibit 1](#)). The lot is a through lot that extends from Puerto Del Mar to Almar Avenue. The area west across Puerto Del Mar is developed with canyon-fronting single-family residences. The area seaward and to the east of the project site is developed with bluff-top single-family residences. The site itself sits approximately 100 ft. from the canyon-fronting homes and 250 ft. from the blufftop homes. According to the applicant's geotechnical consultant, the site is not subject to the same erosion or landslide threats as those affecting the canyon and blufftop homes.

The project is located in the City's Dual Permit Jurisdiction area, which requires development projects to obtain CDPs from both the City of Los Angeles and from the Coastal Commission. The proposed project received local CDP approval on April 19, 2018 (City of Los Angeles Permit No. DIR 2017-3575). The project is now before the Commission for its dual permit.

Sections 30211 and 30212 of the Coastal Act state that development shall not interfere with the public's right of access to the sea and that public access shall be provided in new development project from the nearest public roadway. The project site is located 0.2 miles inland from the beach and is not typically used for public beach parking. The proposed project will provide two onsite parking spaces, consistent with the Commission's and the City's parking requirements. Furthermore, the project is not located on a roadway that provides direct coastal access. Public

¹ The established setbacks in this area include a minimum 26.5-ft. prevailing front-yard setback, a 5-ft. minimum side yard setback, and a 15-ft. minimum rear yard setback.

access will not be adversely impacted as a result of the proposed project. Therefore, the project is consistent with Coastal Act sections 30211 and 30212 with regard to public access.

The project site is located in an area that is zoned R1 for single-family residential development only. The City-established height limit in this area is 28 ft. for structures with flat roofs, and 33 ft. for residences with sloped roofs over 25%. The residences surrounding the project site consist of one and two-story residences that range in size between 1,500 sq. ft. and 6,200 sq. ft. Partial bluewater views can be seen along Puerto Del Mar.

Section 30251 of the Coastal Act requires new development to protect views to and along the ocean and to be visually compatible with the character of surrounding areas. With a height of 17 ft. and a size of 2,637 sq. ft., the proposed residence is consistent with the community character of the surrounding area and will not impact the existing bluewater views that can be seen from Puerto Del Mar. Therefore, the proposed project is consistent with Coastal Act Section 30251 with regard to community character and coastal views.

Section 30253 requires new development to assure stability and structural integrity without the alteration of natural landforms along bluffs and cliffs, the contribution to erosion, or the contribution to geologic instability. The current residence and pool currently rests on top of uncertified, artificial fill that was presumed to have been placed in 1936 to create a level building pad for the existing residence. A geotechnical report prepared by Ralph Stone and Co. on May 19, 2017 found that the existing fill is subject to differential settlement, and is therefore not suitable to support foundations or structures. The report identified the bedrock below the artificial soil as the best load-bearing material. The Los Angeles Department of Building and Safety (LADBS) concurred with the geotechnical reports' findings and conditioned the project to utilize deepened footings to secure the structures to the underlying bedrock.

The current project proposal includes 14 caissons to support the house and 8 caissons to support the pool. The applicant's consultant has indicated that the caissons are necessary for the project because the structures need to be secured to the bedrock under the existing fill, as recommended by the geotechnical report and required by LADBS. The site's location landward of the blufftop residences reduces the visual impacts of the landform alteration that may be caused by the proposed caissons. This is further helped by the fact that the residence is not visible from PCH, Will Rogers State Beach, or the Asilomar View Park. Furthermore, the project site is not located along a bluff edge; the proposed caissons are being used to secure the new structures to the underlying bedrock, not to act as a bluff-protection device. Therefore, the project will not alter natural landforms along bluffs or cliffs. Although the project site is not located along a bluff or cliff, the site is located in an area that may be impacted by landslides, bluff retreat, erosion, and earth movement at some point in the future. Therefore, **Special Condition 4** requires the applicant to assume the risks associated with developing in a potentially hazardous area. As proposed and conditioned, the project is consistent with Coastal Act Section 30253 with regard to the minimization of adverse impacts.

The applicant has submitted a drainage plan to demonstrate how runoff will be managed onsite. The plan utilizes lawn drains, a trench drain, permeable surfaces, and rain tanks to collect storm and surface runoff. Downspouts and a sub-drain pipe have been proposed to redirect storm runoff toward Puerto Del Mar. **Special Condition 2** requires the applicant to adhere to the

proposed drainage plan. **Special Condition 3** requires the applicant to follow construction best management practices throughout the construction phase of the project and to prevent the discharge of construction-related material into coastal waters.

B. DEVELOPMENT

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.

C. HAZARDS

Development adjacent to slopes such as those found on canyons or hillsides is inherently hazardous. To minimize risks to life and property the development has been conditioned to: , for a drainage and runoff control plan to minimize percolation of water into the slope, for a landscaping plan, and to require that the landowner or and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

D. PUBLIC ACCESS

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. WATER QUALITY

The proposed development has a potential for 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, construction-phase erosion control measures, reduction in runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, 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 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.

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 portion 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.

G. 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: Coastal Development Permit Application File No. 5-18-0445; Geologic and Geotechnical Engineering Investigation and Report for Proposed Residence and Pool, 430 Puerto Del Mar, Pacific Palisades, May 19, 2017 prepared by Ralph Stone and Company