

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
301 EAST OCEAN BLVD., SUITE 300
LONG BEACH, CA 908202
(562) 590 - 5071



W7c

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Staff: E. Stevens-LB
Staff Report: 5/24/2019
Hearing Date: 6/12/2019

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-19-0307

Applicant: Curtis Fortier

Agent: Deborah Evans & Tom Foden

Location: 15419 W. Via De Las Olas, Pacific Palisades, City of Los Angeles, Los Angeles County (4412-023-032)

Project Description: Conversion of an existing 412 sq. ft. single story detached garage into 686 sq. ft. two story detached Accessory Dwelling Unit on a 7,261 sq. ft. site with an existing single family residence.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed residential project raises issues concerning compatibility with the character of the surrounding area, and impacts to public access and water quality.

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)** permit compliance and **2)** construction-related requirements and best management practices.

The City of Los Angeles does not have a certified Local Coastal Program (LCP) for the Pacific Palisades area and the standard of review for the proposed project is the Chapter 3 policies of the Coastal Act.

5-19-0307 (Evans & Foden)

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

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APPENDICES

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EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Plans & Elevations](#)

I. MOTION

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 the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

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 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Permit Compliance.** The permittee shall undertake development in accordance with the approved final plans, specifically including the site plan, building plans, landscaping plan, and drainage plan. 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-approved amendment to Coastal

Development Permit No. 5-19-0307 unless the Executive Director determines that no amendment is legally required.

2. **Construction and Pollution Prevention Plan. Construction Responsibilities and Debris Removal.** The permittee shall comply with the following construction related requirements:

- a) No demolition or construction materials, equipment, 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) Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project.
- c) 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.
- d) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- e) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- f) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. 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.
- g) 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.
- h) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- i) 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.
- j) 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.
- k) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The applicant is proposing to convert an existing 412 sq. ft. single story, detached garage into 686 sq. ft. two story, 20 ft. high detached Accessory Dwelling Unit (ADU) on a 7,261 sq. ft. site with an existing single family residence ([Exhibit 2](#)). ADUs have been encouraged by the California Housing and Community Development department as a way to increase affordable housing options without significant changes to the existing housing stock.

The subject site is an existing developed lot in Pacific Palisades, Los Angeles ([Exhibit 1](#)). The subject site is bordered to the north, west, and east by other single family residences. Vehicular access to the existing home and the proposed ADU is via a driveway easement from Beirut Avenue to the west of the site. The site fronts Via De Las Olas, a public street, on the south side of the site. The property is located approximately 1,000 from the public beach. Aside from Highway 101, there is no other development between the site and the beach. There is no public access to the beach from the subject site.

The subject block is composed primarily of 1 and 2-story single family structures varying architectural styles. The proposed development will have a maximum height of 20 feet, consistent with the character of the surrounding structures. The proposed development will not adversely affect the visual qualities of the area. The site currently has three off-street parking spaces, two in the garage and one in the driveway. As proposed, the applicant will retain the three existing spaces, which will all be located in the driveway. To ensure that any future changes are consistent with the policies of the Coastal Act, any deviation from the approved plans must be submitted for review by the Executive Director; therefore, the Commission imposes **Special Condition 1**. The project has obtained a Local Coastal Development Permit (CDP) issued by the City's Planning Department (Case No. DIR-2017-5113-CDP-MEL). The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

The proposed project has the potential to degrade water quality because the proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. To ensure the proposed project incorporates and implements measures to address erosion, water quality, and pollution, the Commission imposes construction-related requirements and best management practices under **Special Condition 2**. In addition, the applicant proposes to replace the existing concrete parking spaces with crushed stone for a permeable surface, which will further improve onsite wastewater filtering. The applicant is proposing to retain the existing fences, walls, and landscaping on the property. No new landscaping is proposed with the project.

B. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed, and conditioned, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. 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, as proposed, 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, the appropriate management of equipment and construction materials and reducing runoff through the use of permeable surfaces to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with 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 City of Los Angeles does not have a certified Local Coastal Program (LCP) for the Pacific Palisades area. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project as proposed will not prejudice the ability of the local government to prepare an LCP 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.

5-19-0307 (Evans & Foden)

Appendix A - Substantive File Documents

- City of Los Angeles local Coastal Development Permit Case No. DIR-2017-5113-CDP-MEL, dated August 2, 2018

(Y:\E Files for CDP Applications\2019 E Files for CDPs\5-19-0307 (15419 Via De Las Olas, Palisades)\Hearing 01 (June 2019)\5-19-0307 (15419 Via De Las Olas, Palisades) stf rpt.docx)