

CALIFORNIA COASTAL COMMISSION

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Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-97-205

APPLICANT: Kerry Rossall AGENT: W. Douglas Breidenbach

PROJECT LOCATION: 7817 Veragua Drive, Playa del Rey, City of Los Angeles, Los Angeles county

PROJECT DESCRIPTION: Construction of a 5,222 square foot, 45-foot high, single-family residence with an attached 410 square foot 2-car garage.

Lot area:	5,406 square feet
Building coverage:	2,162 square feet
Pavement coverage:	666 square feet
Landscape coverage:	2,575 square feet
Parking spaces:	2
Zoning:	R1-1
Plan designation:	Residential
Ht abv fin grade:	45 feet

LOCAL APPROVALS RECEIVED: Approval in Concept from the Department of the City of Planning of the City of Los Angeles.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed development with special conditions regarding participation in a drainage mitigation project, submittal of a drainage plan, conformance with geologic recommendations, assumption of risk from slope failure/erosion, grading/landscaping, and future improvements.

SUBSTANTIVE FILE DOCUMENTS:

1. Certified Playa Vista Land Use Plan.
2. California Coastal Commission; Statewide Interpretive Guideline for Wetland and Other Wet Environmentally Sensitive Habitat Areas.
3. National Audubon Society; Ballona Wetland, Landscape and Access Plan, Appendix III, Landscape.
4. Staff Recommendation on Minor Boundary Adjustment BA#6-89, City of Los Angeles, Los Angeles Co., 8/31/90.
5. City of Los Angeles, ICO Westchester Bluffs #165,508.
6. Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, California Native Plant Society, January 20, 1992.
7. Department of Airport Commission, Airport Dunes Study, By Rudy Mattoni.
8. Coastal Development Permits 5-89-377 (Storey), 5-90-1109 (Wilhelmsen) & 5-91-282 (Pridgen).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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:

1. Participation in Drainage Mitigation Project

Prior to issuance of the permit, the applicant shall record a Deed Restriction, in a form and content acceptable to the Executive Director, that provides that the applicant shall participate on the same basis as all similarly situated projects in any program to improve the drainage system and water quality of the street drainage emptying into the Ballona Wetlands. The agreement shall be enforceable by the City of Los Angeles, the State of California, or a private nonprofit organization with the designated responsibility of wetland restoration. The applicant shall agree to pay any fees or assessments to finance projects which would improve drainage, filter runoff, or improve the water quality of the Ballona Wetlands that would be applied to any new project on the Playa del Rey Bluffs, and would comply with any new standards for directing storm water to particular drains or treatment devices. The restriction shall run with the land, binding successors and assigns of the applicant or landowner.

2. Drainage Plan

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a final drainage and erosion control plan approved by the City of Los Angeles showing that all runoff from hardscape surfaces at the proposed building site will be diverted to Veragua Drive.

3. Geologist's Recommendations

Prior to the issuance of the Coastal Development Permit, the applicant shall submit to the Executive Director for review and approval, a set of project design plans signed by the project Soils Engineer certifying that all recommendations for grading, foundations, retaining walls, and drainage made in the report prepared by Mountain Geology, Inc. on 7/22/97, have been incorporated into the project design.

4. City Approval of Geology Report

Prior to the issuance of the Coastal Development Permit, the applicant shall submit to the Executive Director for review and approval, a Geologic Report Review letter from the City of Los Angeles Department of Building and Safety Grading Division which states that the geology report is acceptable.

5. Assumption of Risk

Prior to the issuance of the Coastal Development Permit, the applicant as landowner shall execute and record a Deed Restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from erosion and slope failure, and the applicant assumes the liability for such hazards; and (b) that the applicant unconditionally waives any claims of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents, and employees relative to the Commission's approval of the project for any damage due to natural hazards.

6. Grading and Landscaping

Prior to the issuance of a Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a landscape plan which has been signed by a landscape architect or landscape contractor. All disturbed areas shall be planted and maintained for erosion control and visual enhancement purposes. All landscaping shall consist of native, drought resistant species (except for tall screening trees) as listed below to minimize the need for irrigation and to screen or soften the visual impact of development. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. Such invasive plants are noted in the list "Plants suited for wildland corridors of the Santa Monica Mountains" (1/20/92) by the Native Plant Society, and in the Airport Department and Audubon documents noted above. The revised plans shall include the following:

- a) Trees shall be planted within the rear yard setback or in the rear yard area which, when mature, will screen those portions of the structure located more than 24 feet below the highest point on the roof from the Ballona Wetlands, Lincoln Boulevard and Culver Boulevard. Such trees shall not be of species which may naturalize and invade native riparian and bluff areas, or which may inhibit the growth of native plants. The back yard area must be landscaped and not covered with any sort of impervious material with the exception of a small path. No deck or patio is permitted in this area.
- b) Incorporate the use of California native plants selected from the list below (plants native to the bluff wetlands ecosystem, selected or placed to avoid situations of high flammability).

Acceptable Plants:

Sages (Salvia spp.)
 Chamise (Adenostoma fasciculatum)
 Yucca (Yucca whipplei)
 Buckwheat (Eriogonum fasciculatum), (Eriogonum parvifolium)
 Coastal brittlebush (Encelia californica)
 Coyote Bush (Baccharis pilularis)
 Box thorn (Lycium californicum)
 Golden bushes (Haplopappus spp.)
 Big root (Marah macrocarpus)
 Wild peony (Paeonia californica)
 Salt bushes (Atriplex spp.)
 Lemonade berry (Rhus integrifolia)

Bladderpod (Isomeris arborea)

c) Sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations (soil disturbance) and maintained through the development process to minimize sediment from run-off waters or gravity flow during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

7. Future Improvements

Prior to issuance of a Coastal Development Permit, the applicant shall record a Deed Restriction, in a form and content acceptable to the Executive Director, which provides that Coastal Development Permit #5-97-205 is only for the approved development in permit #5-97-205. Any future additions or improvements to the residence including fencing and grading will require either an amendment to permit #5-97-205 by the Coastal Commission or a new Coastal Development Permit from the Coastal Commission or a certified local government.

IV. Findings and Declarations

A. Project Description and History

The applicant is proposing to construct a 5,222 square foot single-family residence with a 410 square foot two car garage. The structure measures 9 feet in height from the centerline of the road or a total of 45 feet high from finished grade. Grading consists of approximately 200 cubic yards of cut and 100 cubic yards of fill.

The site is located on a Pleistocene wave cut terrace on a north-facing slope overlooking the floodplain of Ballona Creek. The slope descends 55 feet. Slope gradients vary from nearly horizontal adjacent to the street to as steep as 1:1 on the northwest-facing descending slope. The site is underlain by marine terrace deposits, consisting of sand. Such deposits are susceptible to erosion. Drainage on site is by sheet flow down the slope.

There is a single-family residences adjoining the currently vacant lot. The Commission has approved four single-family residences along Veragua Drive and Berger Drive [Coastal Development Permits 5-92-349 (Gales), 5-91-285 (Gondal), 5-91-282 (Pridgen), and 5-90-1109 (Wilhelmsen)].

Area Planning History

This property is located on a highly visible bluff overlooking Ballona wetlands; the Westchester bluffs (see exhibit 1). These bluffs are a prominent landform rising 140 feet above the the Ballona Wetlands. Because the bluff faces were visually and biologically part of the Ballona Wetlands system, Los Angeles County included the lower portions of these bluff face lots as part of the Marina del Rey/Ballona Land Use Plan which was certified by the Commission on October 10, 1984. Subsequently, the City of Los Angeles annexed a 458 acre portion of the County's Marina del Rey/Ballona LCP area which included these blufftop and bluff face lots. The City of Los Angeles then submitted the Playa Vista Land Use Plan for the newly annexed coastal

lands. The Commission certified the City's Playa Vista Land Use Plan in 1986.

The bluff face has been subdivided into multiple "tiers" of lots, with the first row generally located below (north of) Cabora Drive (currently a private, paved access road) and the second and third tiers located above (south of) Cabora Drive and below (north of) Veragua Drive (at the top of bluff). This property lies on the bluff face above (south of) Cabora Drive and below (east of) Veragua Drive. The property is within the certified Playa Vista Land Use Plan area and designated as a single-family residential area. The Playa Vista Land Use Plan identifies the area above (south of) Cabora Drive as Residential I and the area below (north of) Cabora Drive as a Ecological Support area or buffer area for the wetlands. The Ballona Creek wetlands occupy approximately 163 acres north of the bluff and Cabora Drive. The subject lot zoning is identified as Residential I.

Recently, subdivided lots on the bluff face and crest of the bluff have been sold to separate owners who have constructed several single-family homes. Because these houses are highly visible and may have adverse effects on the biologic and visual quality of the Ballona Wetlands that lie below the bluff, the City of Los Angeles applied for a boundary line adjustment so that the Coastal Zone Boundary did not cut through the middle of properties. Several homes were built on this bluff without Coastal Permit requirements before the Coastal Zone Boundary Adjustment took place. The lower portion of the property was previously within the Coastal Zone. The upper portion of the property was recently annexed into the Coastal Zone in 1990 as a result of the Minor Boundary Adjustment BA #6-89. The recently adjusted Coastal Zone Boundary runs along Veragua Drive at the top of the bluffs which is the southern border of the subject property.

Along with the Coastal Zone Boundary Adjustment, the City of Los Angeles also adopted an Interim Control Ordinance to address development decisions on the bluff face overlooking the wetland/Playa Vista area from Vista del Mar Lane to the San Diego Freeway. This property is located within an area subject to an Interim Control Ordinance issued by the City of Los Angeles. Ordinance No. 163,938, known as the Westchester Bluffs Interim Control Ordinance, specifies building regulations to guide and control development of the Westchester Bluffs on blufftops and bluff face areas, including building heights, setback requirements, lot coverage, design considerations, landscaping, grading, drainage, and erosion control. This ordinance was superseded by Ordinance No. 165,508, which became effective on March 26, 1990.

Staff contacted the City to get information on the status of the ICO and the specific plan for the Westchester Bluffs area. The City informed staff that a new ICO has been enacted (#167-892).

With the previous projects approved in this area Staff queried the City as to drainage improvements in the proposed project area. The planner told staff that the drainage and erosion problem in Hastings Canyon would ostensibly be resolved as a condition of subdivision of the land encompassing the canyon. The planner said the City has no plans at this time to resolve the erosion problem either in Hastings Canyon or on the slopes below the proposed development. The Commission has approved four CDPs prior to the proposed project. However, any new development projects will be subject to heightened scrutiny because of the existing drainage problem and the evident lack of action towards resolving it.

B. Environmentally Sensitive Habitat Areas

Sections 30240 and 30231 of the Coastal Act state:

Section 30241

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Ballona Marsh/Wetlands are located at the base of the Playa del Rey (Westchester) bluffs. Approximately 210 acres of wetland area has been designated as a Habitat Management Area (163 acres will be restored to a full functioning wetland) in the Playa Vista Land Use Plan. The wetlands provide habitat for two endangered species the Beldings Savannah Sparrow and the Least Tern. The Playa Vista Land Use Plan identifies the area just south of Cabora Drive at the base of the bluff as a Ecologic Support Area or a buffer zone for the wetlands which will eventually be restored. Early biologic reports identified the bluff face as habitat for predators that were a necessary part of the wetlands system.(LA County Museum)

In the Draft Land Use Plan, the bluff face was identified as an Environmentally Sensitive Habitat Area (ESHA). The Department of Fish and Game objected to the inclusion of this portion of the bluff as an Environmentally Sensitive Habitat Area. Except for its proximity to the Ballona Wetlands, the area would not be considered environmentally sensitive in any way. The sensitivity is due to the potential effects of nearby development on the wetlands, including invasion of plants from the yards adjacent to the wetlands. The Department of Fish and Game found that these impacts of adjacent residential uses proposed south of Cabora Drive along the top of the bluffs, as well as use of a portion of Cabora Drive for access to this housing, would preclude the long-term management of that portion of the bluffs as Environmentally Sensitive Habitat Area. The department, because of these long term management difficulties, proposed adding additional habitat in the marshland area, and deleting this area from the ESHA designation. Therefore, the Environmentally Sensitive Habitat Area designation was deleted for that portion of the bluffs from the Land Use Plan.

The proposed project could have the following impacts on the bluff and wetland habitat:

- A. The creation of impervious surfaces and earthwork can increase runoff and erosion adding soil solids to the drainage area and eventually into the wetlands in the form of greater water turbidity, and increased sedimentation.
- B. Residential/urban runoff contain a variety of pollutants (pesticides residues, fertilizers etc.) that could be introduced into wetlands.
- C. Outdoor lighting could disturb wetland wildlife (primarily nocturnal and/or secretive species).
- D. Clearing vegetation from the bluff face and introduction of invasive non-indigenous vegetation could supplant native bluff and wetland plant species.

In permits approved previously in the area applicants were conditioned to pump the drainage and runoff from development up to Veragua Drive. The applicant proposes to install a sump pump and pump collected water up to Veragua Drive which would then flow east to the mouth of Hastings Canyon and then into the Ballona Wetlands.

The applicant is pumping the water away from the wetlands because of a city requirement designed to enable the city to develop a future program of storm water control and purification, and in order to preserve the geological stability of the area.

Exhibit A of the covenant and agreement regarding maintenance of building agreement states:

Improvements: Prior to the issuance of a building permit, that portion of the public right-of-way upon which the project lot fronts shall be fully dedicated and improved, including provisions for drainage adequate to protect the bluffs from further erosion, to the specifications and approval of the City Engineer. The applicant shall be responsible for improvements on the street adjacent to the lot to the satisfaction of the City Engineer.

All drainage from the Project shall flow to the improved dedicated street by gravity, and all roof drainage shall flow to the street by gravity. Whenever portions of the lot or roof of the structure are lower than the street grade, no building permit shall be issued until approval is obtained from the Department of Building and Safety for a method of taking all roof and site drainage to the improved public right-of-way.

In a previous permit, the Commission noted that pumping drainage up to Veragua Drive on top of the bluff would offer no biological advantage because all street runoff flows into a drainage system that directs runoff into Hastings Canyon and then on into Ballona Wetlands. The outlet for this drainage system is only a short distance from the mouth of Hastings Canyon. In addition, the stream course of Hastings Canyon is comprised of a dry sand and silt bottom with no vegetation. Therefore, runoff receives very little filtering of pollutants, if any, as it travels the short distance in the canyon to the wetlands. In addition, because the canyon area is eroding at a rapid rate

large amounts of sediments are transported into the wetlands during storm periods.

The Playa Vista Land Use Plan contains policies which require and provide for the restoration of 163 acres of degraded wetlands and feasibly restorable historic wetlands into functioning wetland habitat. The Playa Vista Land Use Plan contains the following policy regarding the restoration of the Ballona wetlands:

Marine Resources

- P3 If found to be consistent with the Habitat Restoration Plan, a lagoon system of approximately 10 acres may be created in the wetland to (1) capture urban runoff, (2) provide a flood control system, (3) provide the wetlands with fresh water through overflow and (4) create a habitat for marine life.

Wetland restoration may include the alteration of existing drainage systems emptying into the wetlands and possibly some form of runoff treatment. As stated above, runoff from the proposed development will flow into the Ballona Wetlands, contributing to the overall amount of urban runoff flowing into the wetlands.

The City's Interim Control Ordinance is designed to prohibit unregulated development and to set guidelines for development until a comprehensive plan for the Westchester Bluffs area is enacted. Thus, the ICO acknowledges that there are severe slope erosion problems with the bluffs, but still permits development, with provisions for drainage and erosion control.

Staff talked with the City of Los Angeles geologist who confirmed that there is indeed an erosion problem on the bluffs, but that these are shallow soil slips and not deep-seated landslide problems. Therefore, these shallow soil slips do not pose a threat to existing and proposed development.

For this reason, the Commission finds that as a special condition of approval, the applicant must record an agreement with the City of Los Angeles that provides the applicant shall participate on the same basis as all similarly situated projects in any program that improves the drainage system and water quality of the street drainage flowing into the Ballona Wetlands. The applicant shall agree to pay any fees or assessments regarding water quality that would be applied to any new project on the Playa del Rey Bluffs, and comply with any standards for directing storm water to particular drains or treatment devices.

Outdoor lighting can disturb nocturnal or secretive species. The proposed design plans do not include plans illustrating the type and location of outdoor lighting. However, since the development is on the upper portion of the bluff face and not directly adjacent to the wetlands, night lighting should not significantly impact wetland wildlife since light attenuates rather rapidly with distance.

The existing vegetation on the site will be removed while grading for the development. Staff visited the site and observed that vegetation on this portion of the bluff face is comprised of primarily short grasses with no Coastal Chaparral. Therefore, construction and earthwork will not destroy any portion of the Coastal Chaparral Community that is found on other portions of

the bluff. However, the construction of this house as proposed will preclude restoration of any of the Coastal Sage Scrub and Chaparral that was previously found in this area. In addressing this issue in a previous Coastal Permit, #5-89-377 (Storey), where the Commission had jurisdiction over the back yard of the project only, the Commission required landscaping with native plants. In the cases of 5-90-1109 (Wilhelmsen, 7763 Veragua Dr.) and 5-91-285 (Gondal, 7779 Veragua Dr.) the Commission found that landscaping would be necessary to stabilize the topsoils on the bluff face surrounding the house. For this reason, the Commission found that as a special condition of approval, that rear yard setback areas be kept in a natural state and that paved areas, like patios, be removed. The City's Interim Control Ordinance (ICO) also addresses the issue by requiring the use of native plants. However, the ICO does not require that any native soils be reserved on the property to provide a location to plant the native plants. In some projects, some landscaping will be necessary to stabilize the topsoils on the bluff face surrounding the house.

In this case, the applicant has not submitted a drainage plan. In keeping with nearby Commission approvals, and in order to protect the ESHA wetlands from siltation due to slope soil erosion, the Commission finds that the applicant must submit a final drainage plan showing that all drainage and runoff from the developed site is diverted to Veragua Drive. In addition, the applicant is also being conditioned to submit a landscaping plan which conforms to the plant list in Special Condition 6b. Therefore, the Commission finds that as a special condition of approval, the applicant must submit grading and landscaping plans that:

- 1) Use of indigenous plant species on the site, and 2) identifies the final location and type of plants (all plants) which will be used in landscaping. The project is also conditioned to require the use of sediment basins during grading operations.

The Los Angeles City ICO requires that landscaping include plants indigenous to the Ballona Wetlands and bluffs. It also requires the use of trees for visual screening of the structures. In this case trees that are 40 feet high will be required. There are no trees that are 40 feet high that are native to the wetlands or bluffs, and which support ecosystems of low, ground-hugging plants or shrubs. In addition, the conditions in the Covenant and Agreement Regarding Maintenance of Building state that no trees shall be allowed in the side or front yards. Because the rear of the residence would be 45' high, trees planted here would not obstruct views. Therefore, the Commission permits the use of non-indigenous trees for purposes of screening, but requires that they not be of the many species that may invade sensitive habitat areas or inhibit native plants and animals. Lists of invasive species have been prepared in the course of preparing revegetation studies currently underway in the Ballona Wetlands, and in the nearby Airport Dunes portion of this same Pleistocene Dune Complex, and by the Native Plant Society. Invasive plants establish themselves in many areas and then choke out native plants which may be food plants to native animals.

The Coastal Act habitat policies require that projects adjacent to Environmentally Sensitive Habitat Areas be developed consistent with the maintenance of the habitat areas. Although this area is not immediately contiguous to the wetland and the value of small patches of habitat may be small, there is grounds within the general policies found in the Playa Vista Land Use Plan for preserving and restoring as much native vegetation as possible. It is most important, however, that development adjacent to the

wetlands not include species that may escape and supplant native plants within the ecosystem. As conditioned to include some, (not all) compatible plants and to require no incompatible plants, this development is consistent with Section 30240(a) of the Coastal Act.

As conditioned to control grading, reduce landform alteration, and to revegetate, the project conforms with Sections 30240 and 30251 of the Coastal Act.

C. Geologic Hazard

Section 30253 of the Coastal Act states in part that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The Commission's Statewide Interpretive Guidelines state in part that:

To meet the requirements of the act, bluff and cliff developments must be sited and designed to assure stability and structural integrity for their expected economic lifespans while minimizing alteration of natural landforms. Bluff and cliff developments (including related storm runoff, foot traffic, site preparation, construction activity, irrigation, waste water disposal and other activities and facilities accompanying such developments) must not be allowed to create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas.

In addition, the Playa Vista Land Use Plan contains the following policy regarding development on the bluff:

Hazards

P11 Grading shall be permitted on the bluffs only to the extent necessary for habitat protection, mitigation of potential geologic hazard, slope stabilization, erosion control, residential development or road construction. However any development on the bluffs shall incorporate adequate standards for grading, drainage control, setbacks and geologic engineering.

The Playa del Rey Bluffs are in general composed of highly erodible sand with only slight cohesion. Severe erosion has occurred in areas where concentrated drainage has been allowed to flow uncontrolled over the slopes.

The City of Los Angeles Interim Control Ordinance #163,938 limits the issuance of building permits in the Westchester Bluffs area. The applicant has obtained a hardship exemption from aspects of the ordinance pertaining to height limitations. The ordinance discusses the stability of the bluffs.

Whereas, the entire slope that forms the Bluffs is in a state of minor failure due to the slope being too high for a continuous slope and too steep for the type of natural material exposed; and

Whereas, long-term stabilization of the Bluffs could become impossible if unregulated new development occurs; and

Whereas, there have been nine (9) separate slope failures identified on the Marina Bluffs slope between Veragua Drive and Cabora Drive which pose a threat to the long-term stability of the lots adjacent to Veragua Drive and Berger Avenue and a constant maintenance problem for Cabora Drive; and

Whereas, if the existing slope failures are left uncorrected, they will continue to grow in size, and support for Veragua Drive may be lost; and

Whereas, appropriate long-term slope failure mitigations may not be effective if solely confined to single lots; and

In previous site visits to the project site and surrounding area staff observed existing erosion problems on the bluff face, with frequent gullyng and soil slumps. Below Veragua Drive and Cabora Road there is evidence of slope failures. However, the applicant's geologist and a geologist for the City of Los Angeles confirmed that these are shallow soil slumps and the slopes are basically stable.

The applicant has submitted a geologic and soils report, and a letter of acceptance of the geologic report, however, neither the geologic report nor the residence plans include a slope protection plan, detailed runoff and drainage control plan, and an erosion restoration plan.

The applicant has submitted a geotechnical report dated 7/22/87, by Mountain Geology, Inc. The engineering geologic report concludes that the proposed project is considered feasible from a geotechnical standpoint. This determination of the consulting geologist is contingent, however, upon certain recommendations being incorporated into the construction plans and implemented during construction relative to foundations, retaining walls, grading, excavations, and drainage. Therefore, the applicant must submit verification that all recommendations contained in the soils report will be incorporated into the project's final design as a special condition of approval and that the report has been reviewed and approved by the City of Los Angeles Department of Building and Safety Grading Division.

Under Section 30253 of the Coastal Act new development in areas of high geologic, flood, and fire hazard may occur so long as risks to life and property are minimized and the other policies of Chapter 3 are met. The Coastal Act recognizes that new development may involve the taking of some risk. 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 property.

Because of the inherent risks to the proposed development which is situated on a bluff face that is composed of highly erodible sand, the Commission cannot find that the foundation design will absolutely protect the proposed residence during all future storms. Although the design reduces the risk, it does not eliminate the risk altogether. Further, the Commission has no guarantee that

the residence will be constructed in a structurally sound manner and be properly maintained to eliminate any potential risk from slope failure.

The applicant may decide that the economic benefits of development outweigh the risk of harm which may occur from the identified hazards. Neither the Commission nor any other public agency that permits development can be held liable for the applicants decision to develop. Therefore, to find the proposed development consistent with Section 30253, the applicant must acknowledge that the Commission is not liable for any damages that may arise from Construction of the development under this permit. Therefore, as conditioned to assume risk of failure the applicants are required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. Only as conditioned, to submit a comprehensive drainage plan and assumption of risk, is the proposed development consistent with Section 30253 of the Coastal Act and relevant policies of the Playa Vista Land Use Plan.

D. Visual Resources

Section 30251 of the Coastal Act states that permitted development shall be sited and designed to minimize the alteration of natural landforms and protect the scenic and visual quality of coastal areas:

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, the Playa Vista Land Use Plan contains the following policy regarding the protection of visual resources:

Development Standards/Compatibility of Development:

- P1 Views of distinctive visual resources (e.g. bluffs, wetlands) will not be significantly disturbed.

As mentioned above, the proposed project is a 45-foot high (above existing natural grade) single-family dwelling on a vacant bluff face lot. As proposed, the structure extends approximately 65 feet from Veragua Drive down the bluff face and will be highly visible from the wetlands, and Lincoln and Culver Boulevards. Culver Boulevard is a designated Scenic Highway. From the top of the bluff, expansive, generally unobstructed views of the wetlands, ocean, marina, cityscape, and the Santa Monica and San Gabriel Mountains are offered from Veragua and Berger Drives. A number of single-family dwellings have been recently constructed on the bluff face which are similar in design to the proposed dwelling regarding size and scale. Since the Coastal Zone Boundary Adjustment, this is the fourth house that has come before the

Commission on this row of lots, which also contains other as yet undeveloped parcels. The City's Interim Control Ordinance has provisions to limit the visual impacts of development (Exhibit #9).

The ordinance limits heights above the curb at the top of the lot to 9 feet maximum and to 5 feet over some portions of the lot. On bluff faces, the ordinance permits houses to be a maximum of 57 feet in height above finished grade. This house also conforms to that limit.

The Coastal Act issue here is whether the house as a whole has a negative visual impact on areas to be dedicated to the public, the wetlands below, and on views from coastal access routes; Culver and Lincoln Boulevards.

In addition to attempting to control height, the ICO requires that the sum of the widths of the two side setbacks be not less than 15 feet to preserve views of the wetland from the street. The suggested conditions and/or mitigations for this project include a provision for six (6) foot side yards, no fences or walls or similar construction extending higher than curb levels at the side yards, and a provision that no trees be planted in the side yard. These setbacks will permit some view across the lot from the public street above.

Although the development is approximately 45 feet high and highly visible from Culver Boulevard and the wetlands, it is similar in size and scale to existing homes on the bluff.

The City requires screening of structures on downslope lots which exceed 24 feet in height. This requirement is not possible to carry out by means of potted plants that would grow on a terrace. Tall trees can also be planted below the retaining wall for screening purposes. Coastal Dune and Coastal Sage Scrub plants, appropriate biologically to the area, are not high enough to soften the visual effect of the building. However, there are some plants which are not invasive, which could be placed in the rear yard setback and which could reduce the apparent height of the structure. With the structure as it is proposed, using the guidance of the ICO, such trees should be at least 40 feet high. Although landscaping with tall trees generally soften visual impacts of solid structures, review of previously approved projects that have been built on the bluff face, it is apparent that due to the steepness of the bluff and size of the structures the residences are highly visible and landscaping has only a minimal effect on reducing the visual impact of the structures.

The Commission finds that the view through the project, as required by the City, will supply views to and along the coast. Accordingly, the Commission finds that it is necessary to require the applicant to record a Deed Restriction to limit future development on the property. Special condition #7 requires all future improvements on the site including, but not limited to, grading, lot-line adjustments, landscaping, and fencing to receive a Coastal Development Permit. Only as conditioned, is the proposed project consistent with Section 30251 of the Coastal Act and will not reduce the ability of the city to adopt ordinances for view protection consistent with the Playa Vista certified Land Use Plan.

E. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development 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 (commencing with Section 30200).

The Play Vista Land Use Plan was certified with suggested modifications in 1986. The proposed project, as conditioned, is consistent with the Land Use Plan. Approval of the proposed development will not prejudice the city's ability to prepare certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with Section 30604(a) of the Coastal Act.

F. California Environmental Quality Act

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)(i) 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 impact which the activity may have on the environment.

There is no feasible alternative with less environmental impact. The proposed project will not cause any significant adverse impacts on the environment. Therefore, the Commission finds that the project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

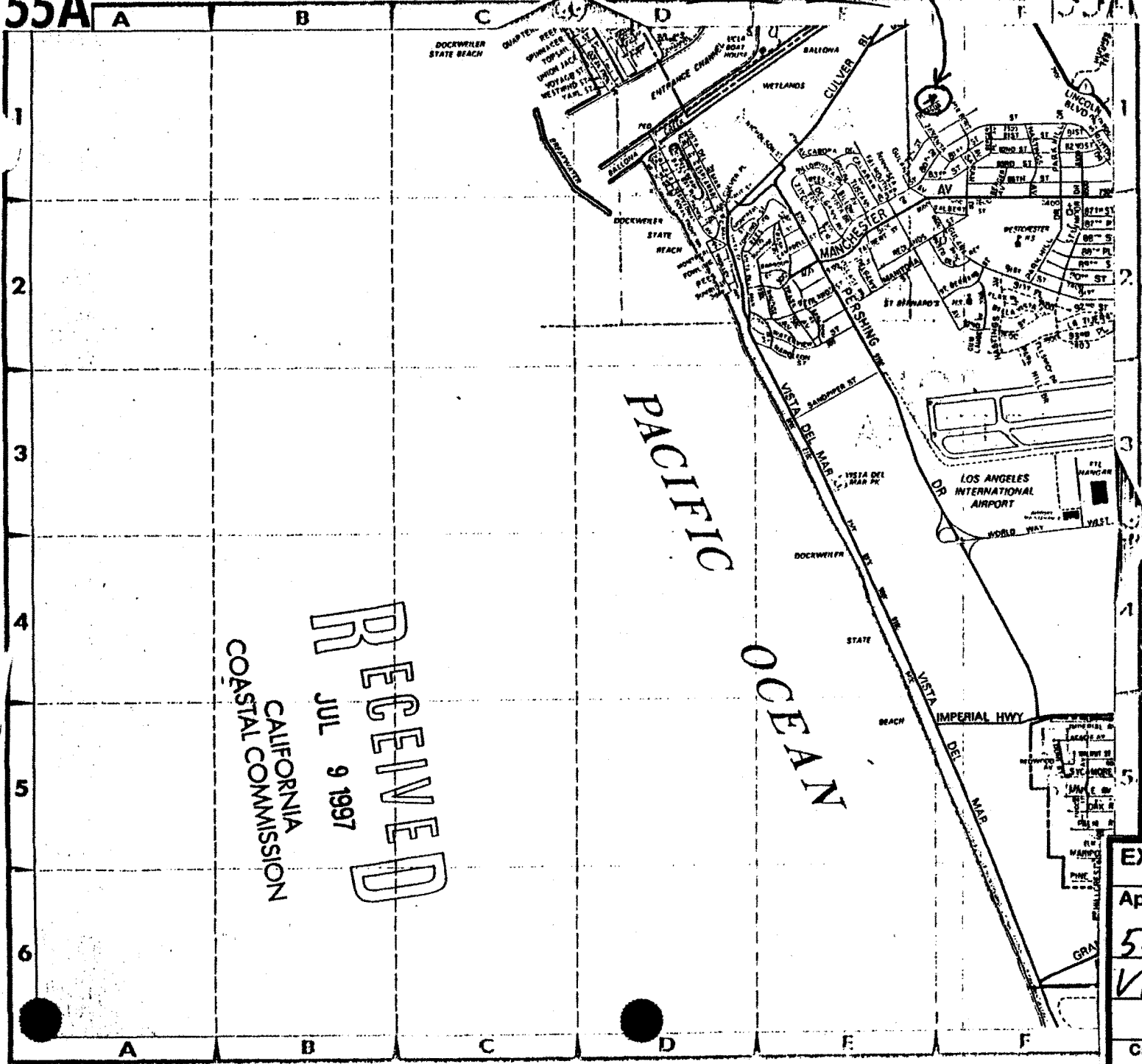
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55A

PROJECT SITE

55A



RECEIVED
 JUL 9 1997
 CALIFORNIA
 COASTAL COMMISSION

SEE MAP

SEE MAP

EXHIBIT NO. 1
Application Number
5-97-205
Vicinity Map
California Coastal Commission

60.02

50

7'-0" 1/2"

45'-0"

14'-0"

4'-0"

19'-0"

6'-0"

2'-0"

EXHIBIT NO. 3

Application Number

5-97-205

Site Plan /

First Floor Plan

California Coastal Commission

90.82'

ROOF DECK

CABANA

OPEN TO LIVING BELOW

BAR

OVERLOOK

ENTRY

STUDIO

STOR

DRIVEWAY

POOL ENTRY

BATH

EAT

EAT

7'-0"

42'-0"

8'-0"

89.4'

FUTURE LOT LINE

4'-0"

4'-0"

RECEIVED
JUL 9 1997

CALIFORNIA
COASTAL COMMISSION

5-97-205

RANCHO LA BALLONA 120'
380'

PT
RAMONA S DE MACHADO
341.85095 ACRES

DCC 2722 C F 64
M R 3-204/209
MAP 5810
(DCC 965 & F 16)

CPC 88-0206 (MPRI)

A2(PV)
ORD. No. 160521

Z.L. NO. 191

CABORA

68 VERAGUA

68 ZAYANTA DR. 60

TR 9809

EXHIBIT NO. 2
APPLICATION NO.
5-97-205
Parcel Map
California Coastal Commission

R1-1

1195

46/49 U.S.S.F. MB 172-46/49

CPC 88-0206 (ZC/GPA/MPRI)

CPC 88-0206 (MPRI)

CPC 88-0206 (ZC/GPA/MPRI)

CPC 88-0206 (MPRI)

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CPC 88-0206 (MPRI)

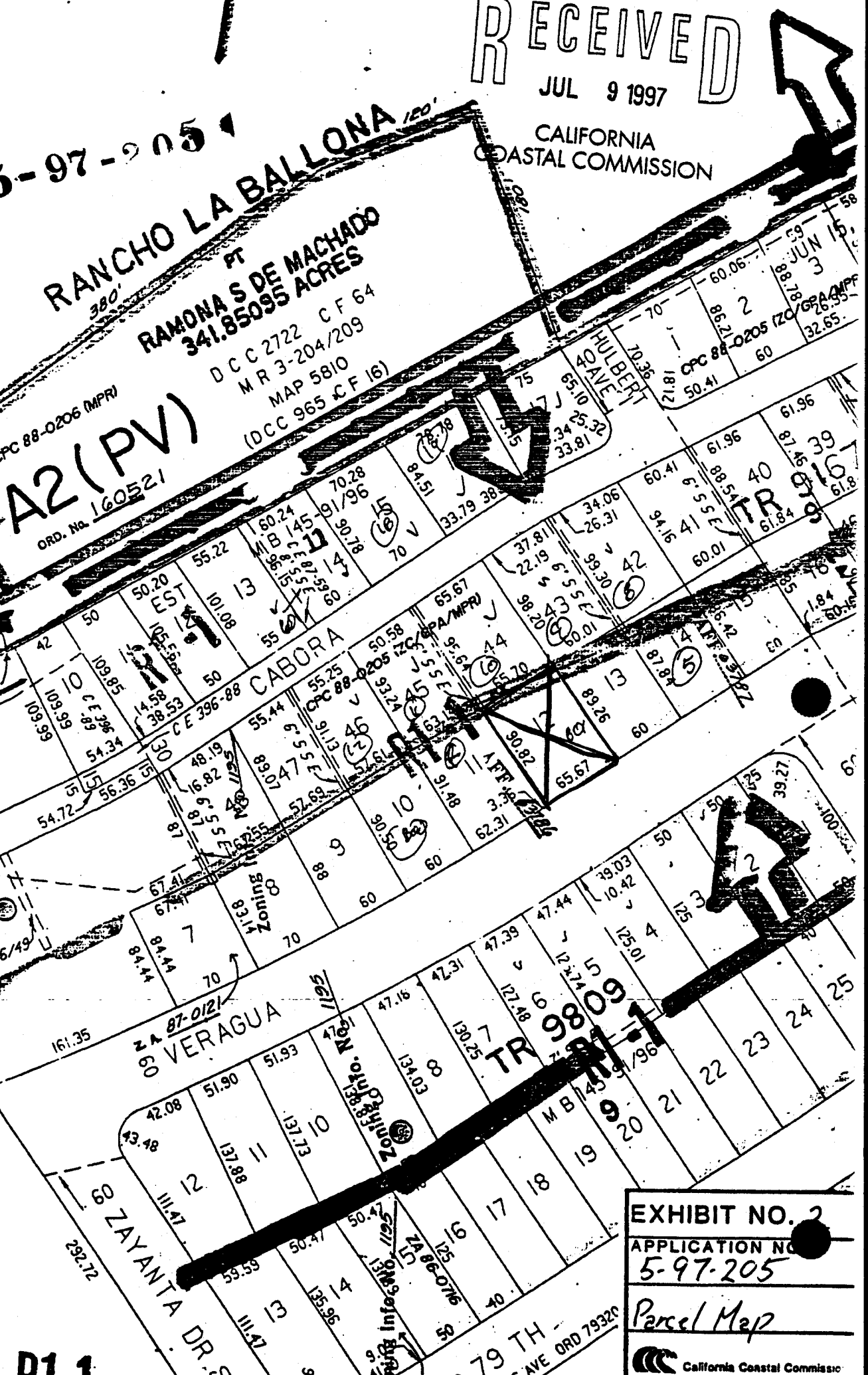
CPC 88-0206 (MPRI)

CPC 88-0206 (MPRI)

CPC 88-0206 (MPRI)

CPC 88-0206 (MPRI)

CPC 88-0206 (MPRI)



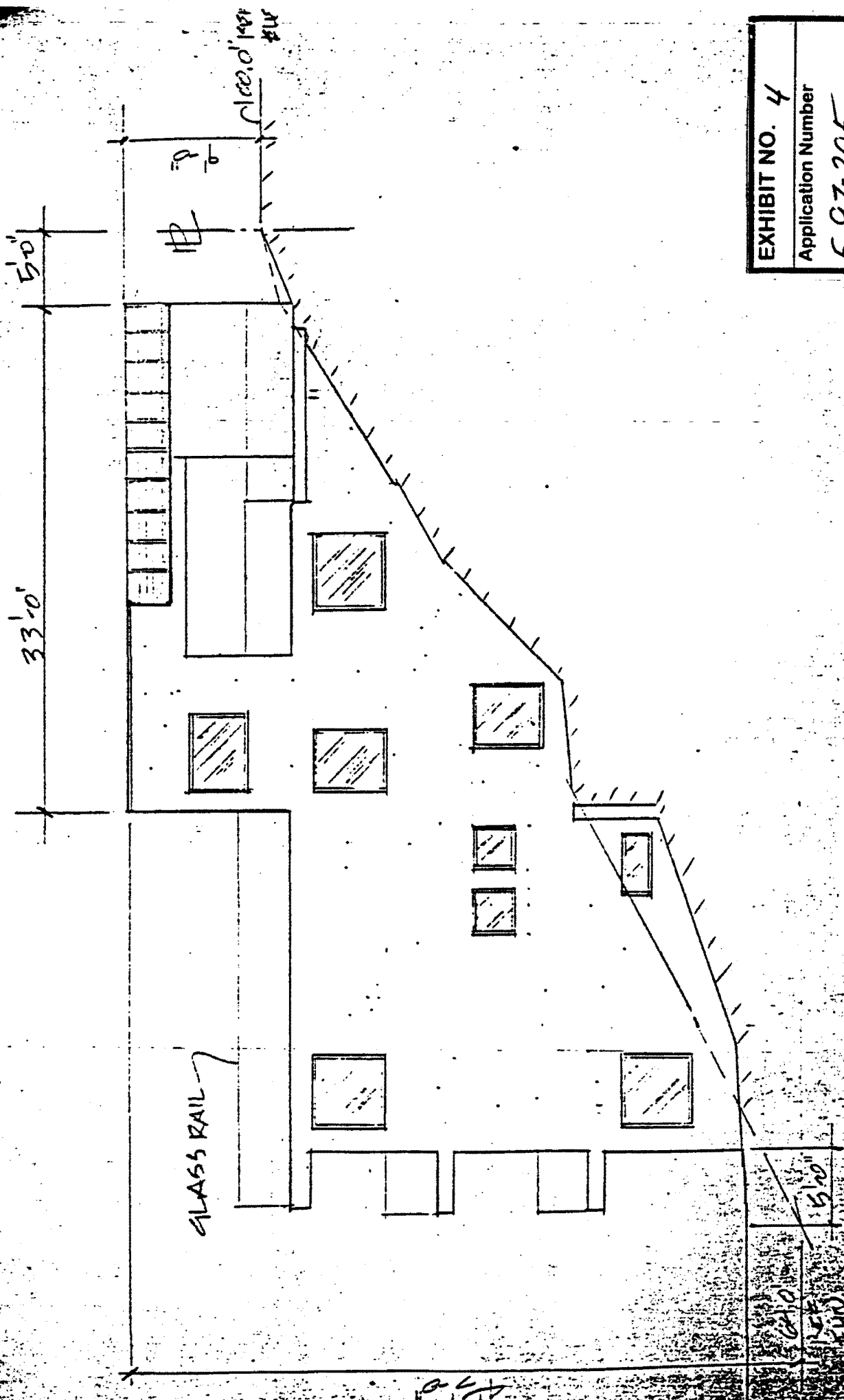


EXHIBIT NO. 4
Application Number
5-97-205
Elevation
California Coastal Commission

SIDE (WEST) ELEVATION

GLASS RAIL

5'-0"

33'-0"

8'-0"

100'-0" #14

5'-0"

5'-0"

