

CALIFORNIA COASTAL COMMISSION

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Commission Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-00-386

APPLICANT: Ivo Venkov

PROJECT LOCATION: 17437 Posetano Road, Pacific Palisades, City and County of Los Angeles

PROJECT DESCRIPTION: Construction of a three-story over 477 square foot subterranean garage, 42' 9" high (above garage level), 2,227 square foot single family home supported by thirty-five (35) 24" and 30" piles, located on a vacant 4,378 square foot lot. The project includes 924 cubic yards of graded cut and 50 cubic yards of fill.

Lot Area	4,378 square feet
Building Coverage	1,240 square feet (28%)
Pavement Coverage	460 square feet
Landscape Coverage	2,678 square feet
Zoning	R1-1
Plan Designation	Low Density Residential
Max Ht.	42' 9" above frontage road
Parking Spaces	2 in attached garage

SUMMARY OF STAFF RECOMMENDATIONS

Staff is recommending approval with conditions to assume the risk of the proposed development, prepare and carry out drainage and polluted runoff control plans, submit a revised landscaping plan incorporating native and drought tolerant vegetation, and conform to the recommendations in the applicant's geotechnical reports. Such conditions are required by the Commission to ensure the project's consistency with Section 30231, 30251, and 30253 of the Coastal Act. Projects consistent with Section 30231, 30251, and 30253 of the Coastal Act must limit the risk of development from hazards, not contribute to erosion or instability that would require the construction of protective devices, minimize wastewater discharges and its affect on the biological productivity of coastal waters and protect the scenic and visual qualities of coastal areas.

At the January 8, 2002 Coastal Commission hearing, the Commission continued this item to allow staff time to analyze the proposed project with respect to the geologic stability of the site and the proposed project's effects on the visual quality of the surrounding community. Since this time the applicant has reduced the scale of the proposed project. The revised proposed project eliminates one parking space in the garage, reducing the square footage of the garage from 532 square feet to 477 square feet. In addition, the applicant is proposing to reduce the total living area from 2,757 square feet to 2,227 square feet (a reduction of 530 square feet) and the amount of paved area (excluding the building footprint) from 843 square feet to 460 square feet (a reduction of 383 square feet). In reducing the amount of paving, the applicant has increased the area intended for landscaping from 2,295 square feet to 2,678 square feet. Finally, the applicant has proposed to reduce the overall height, as measured from the garage elevation, by two (2) feet (from 44' 9" to 42' 9"). The proposed single family home retains the foundation design as originally proposed, and so continues to conform to the applicant's geotechnical consultant and to the requirements of the City of Los Angeles, Department of Building and Safety. As noted on page 13 of this staff report, the Commission's staff geologist, Dr. Mark Johnsson, has reviewed the submitted geotechnical reports and has visited the site. Because the revised project maintains the same foundation design, and because the criteria for retaining wall design remain the same, Dr. Johnsson continues to concur with the City review letter dated July 8, 1999 in which the geotechnical reports are approved in that they demonstrate a minimum factor of safety against landsliding in excess of 1.5. In addition, the revised project also possesses a minimum factor of safety of greater than 1.1 for the pseudostatic (seismic) case. Dr. Johnsson concludes that a reduction of the size of the home does not necessarily increase slope stability. Rather, at this site the size, depth and positioning of the caisson foundation system determines the degree of stability. The applicant has reduced the size of the home but has retained the foundation system originally proposed.

An additional issue before the Commission is whether the proposed project would be visually compatible with the character of the surrounding area, consistent with Section 30251. As previously stated, the applicant has proposed to reduce the scale of the single family home. The proposed project consists of a three-level single family home over subterranean garage. The first level contains 444 square feet of habitable area, the second level contains 1,015 square feet of habitable area, and the third level contains 768 square feet of habitable area. The scale of the proposed project is consistent with the surrounding Castellammare area. Surrounding development consists of one to four level single-family homes with some four level single-family homes. As discussed further on pages 22-23 of this staff report, the proposed single family home is consistent with the character of the surrounding community.

Therefore, after further review of the project and the applicant's reduction of the proposed home, Commission staff recommends that the Commission approve Coastal Development Permit 5-00-386 with **five (5) special conditions, which are located on pages 5-10 of this staff report.**

LOCAL APPROVALS RECEIVED:

- 1) City of Los Angeles Coastal Development Permit 2001-1469, 8/8/01

SUBSTANTIVE FILE DOCUMENTS:

- 1) Soil Engineering Investigation, File No. 9812 (a-a3), by Heathcote Geotechnical, 6/15/99, 5/12/99, 1/21/99, 10/28/98, and 2/27/98
- 2) Update to Soils Engineering Report, File No. 9812, by Heathcote Geotechnical, December 17, 2001
- 3) Geological Investigation, File No. 02084, by Brian Robinson, 4/20/98 and 2/2/98
- 4) City of Los Angeles, Department of Building and Safety Geology and Soils Review Letter, Log No. 35415, 12/18/01; Log No. 23840-4, 7/8/99; Log No. 23840-3, 6/11/99; Log No. 23840-2, 2/9/99; Log No. 23840-1, 11/23/99; Log No. 23840, 4/4/98; Log No. 24495, 5/26/98
- 5) Report On Landslide Study Pacific Palisades Area, by the U.S. Army Corps of Engineers and the U.S. Geological Survey, September 1976
- 6) Los Angeles City Planning Department, Mitigated Negative Declaration ENV-2001-1470-MND

STAFF NOTE:

Section 30600(b)(1) of the Coastal Act allows local government to assume permit authority prior to certification of a Local Coastal Program. Under this section, local government may establish procedures for the filing, processing, review, modification, approval, or denial of coastal development permits within its area of jurisdiction in the coastal zone. Section 30601 establishes that in certain areas, and in the case of certain projects, a permit from both the Commission and local government is required. Section 30602 states that any action taken by a local government on a coastal development permit application prior to the certification of a Local Coastal Program can be appealed by the Executive Director of the Commission, any person, or any two members of the Commission to the Commission within 20 working days from the receipt of the notice of City action.

In 1978, the City of Los Angeles opted to take its own action on coastal development permits. The Commission staff prepared maps that indicate the area in which Coastal Development Permits from both the Commission and the City are required. This area is commonly known as the "Dual Permit Jurisdiction." Areas in the coastal zone outside the dual permit jurisdiction are known as the "Single Permit Jurisdiction". The City assumes permit jurisdiction for projects located in the single permit jurisdiction. This project (5-00-386) is located within the "Dual Permit Jurisdiction." Therefore, a coastal development permit must be issued from both the City of Los Angeles and the Coastal Commission prior to development.

The applicant received Coastal Development Permit 2001-1469 from the City of Los Angeles on August 8, 2001 (Exhibit #3). The South Coast District office received a

complete notice of final action from the City on September 4, 2001. Upon receipt of the "notice", the South Coast District office established the 20 working day appeal period, which expired on October 2, 2001. Neither the Executive Director, nor two Commissioners, nor any member or the public appealed the City's approval of Coastal Development Permit 2001-1469. Therefore, all conditions of the City's coastal development permit 2001-1469 remain in effect. Since the City's coastal development permit and the Commission's coastal development permit are independent of one another the applicant must comply with the requirements imposed on both sets of permits. The subject application, 5-00-386, is the dual Coastal Development Permit from the Commission.

STAFF RECOMMENDATION OF APPROVAL:

MOTION:

I move that the Commission approve CDP #5-00-386 pursuant to the staff recommendation.

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. RESOLUTION TO APPROVE THE PERMIT:

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:

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 this permit is reported to the Commission. 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 term or 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

1. Assumption of Risk, Waiver of Liability and Indemnity

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslide activity, erosion and/or earth movement, (ii) to assume the risks to the applicant 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.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Conformance with Drainage and Erosion Control Plans

A. The applicant shall comply with the Grading and Drainage Plan and Erosion Control Plan submitted January 17, 2001, prepared by JK Associates, as shown on

pages G-1 – G-6 of the submitted plans. In addition to the conditions required by City of Los Angeles Coastal Development Permit 2001-1469, the applicant shall comply with the following provisions regarding the erosion and drainage control plans:

Temporary Erosion Control

- (a) During construction, erosion on the site shall be controlled to avoid adverse impacts to adjacent properties, public streets, and the integrity of the coastal bluff. The following temporary erosion control measures shall be used during construction: temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible.
- (b) The erosion control plan shall include temporary erosion control measures (as listed above and within local coastal development permit 2001-1469) should construction or site preparation cease for a period of more than 30 days. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.
- (c) Temporary erosion control measures shall be installed on all portions of the lot for the prevention of exposed soil during the establishment of the landscaping (see Special Condition #5) for a maximum of two years or until the landscaping has established 90% coverage of the planted area; whichever occurs first. Such measures include, but are not limited to, mulching or matting all exposed earth. The temporary erosion control measures shall be used

Permanent Erosion Control

- (a) Run-off from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be collected and discharged via pipe or other non-erosive conveyance to the frontage street or designated outlet point to avoid ponding or erosion either on- or off-site.
- (b) Run-off shall not be allowed to pond adjacent to the structure or sheet flow directly over the sloping surface;
- (c) The functionality of the approved drainage and runoff control plan shall be maintained throughout the life of the development.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a

Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required. In addition, any changes to City of Los Angeles Coastal Development Permit 2001-1469 shall be reported to the Executive Director to determine if an amendment to this permit (5-00-386) or new coastal development permit is required.

3. **Drainage and Polluted Runoff Control Plan**

In addition to the requirements within City of Los Angeles Coastal Development Permit 2001-1469, the applicant shall comply with the following provisions regarding polluted runoff control. **Prior to the Issuance of the Coastal Development Permit**, the applicant shall submit to the Executive Director for review and written approval, three sets of final polluted runoff control plans, including supporting calculations, incorporating all requirements within local Coastal Development Permit 2001-1469 and all additional requirements as listed below. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting geotechnical engineer and geologist to ensure the plan is in conformance with the consultant's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (b) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

C. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required. In addition, any changes to

City of Los Angeles Coastal Development Permit 2001-1469 shall be reported to the Executive Director to determine if an amendment to this permit (5-00-386) or new coastal development permit is required.

4. Conformance of Design and Construction Plans to Geotechnical Reports

A. All final design and construction plans, grading and drainage plans, and foundation plans shall be consistent with all recommendations contained in Soil Engineering Investigation, File No. 9812 (a-a3), by Heathcote Geotechnical, 6/15/99, 5/12/99, 1/21/99, 10/28/98, and 2/27/98; Update to Soils Engineering Report, File No. 9812, by Heathcote Geotechnical, December 17, 2001; Geological Investigation, File No. 02084, by Brian Robinson, 4/20/98 and 2/2/98; and the requirements of the City of Los Angeles, Department of Building and Safety, Soils/Geology review letter Log No. 35415, 12/18/01; Log No. 23840-4, 7/8/99, Log No. 23840-3, 6/11/99, Log No. 23840-2, 2/9/99, Log No. 23840-1, 11/23/99, Log No. 23840, 4/4/98, and Log No. 24495, 5/26/98. Such recommendations shall be incorporated into all final design and construction plans.

B. **Prior to Issuance of the Coastal Development Permit**, the applicant shall submit to the Executive Director for review and written approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to this permit or a new coastal development permit.

C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Revised Landscaping Plan

A. **Prior to issuance of a Coastal Development Permit**, the applicant shall submit a landscaping plan for review and approval of the Executive Director. The revised plan shall show the following changes:

- (a) The plan shall be prepared by a professionally licensed landscape architect or resource specialist and include a map showing the type, size, and location of all plant materials that will be on the site, the topography of the site, all other landscape features, and a schedule for installation of plants. The landscaping plan shall show all existing vegetation.

(b) The subject site shall be planted and maintained for slope stability, erosion control, and screening of the proposed single family home. The landscaping shall be planted within sixty (60) days of receipt of the certificate of occupancy for the residence. The landscaping shall provide 90% coverage within two years of planting.

(c) The applicant shall not employ invasive plant species, which tend to supplant native and drought tolerant plant species anywhere on the lot

(d) All landscaped areas shall consist of native and drought tolerant plant species. The landscaping shall be planted using accepted planting procedures required by a professionally licensed landscape architect.

(e) Landscaped areas located at the street facing side of the proposed home (facing Pacific Coast Highway) shall be planted with trees or shrubs to screen the proposed home from Pacific Coast Highway and Will Rodgers State Beach. This landscaping can be planted either in the ground or in pots above ground.

(f) No permanent irrigation system shall be allowed on any part of the lot. Any existing in-ground irrigation systems shall be removed. Temporary above ground irrigation to provide for the establishment of the plantings is allowed for a maximum of three years or until the landscaping has become established, whichever occurs first. If, after the three-year time limit, the landscaping has not established itself, the applicant can apply for an amendment to this coastal development permit for the continued use of the temporary irrigation system until which time the landscaping becomes established.

(g) Plantings shall be maintained in good growing condition throughout the life of the project and whenever necessary shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements in the landscaping plan.

B. Monitoring

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant or successor in interest shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping

plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

C. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Location

The proposed project is the construction of a three-story over subterranean garage, 42' 9" high, 2,227 square foot single family home, located on a vacant 4,378 square foot lot (See Exhibits). Thirty-five (35) 24" and 30" piles will support the proposed single family home. The pile system is proposed in five separate rows (Exhibit #8). There will be three rows of piles placed at the front middle and rear of the foundation and two on either side of the foundation. The piles located adjacent to the frontage street (Posetano Road), are 30 inches in diameter and will be drilled to a depth of 70 feet. The middle and rear rows are 24 inches and will be drilled to a depth of 52 feet. Finally, both sides of the home will be supported by rows of 24-inch piles drilled to a depth of 51 feet and 35 feet respectively. The proposed project also requires 924 cubic yards of graded cut and 50 cubic yards of fill. The proposed project is located on a 4,378 square foot lot. The footprint of the proposed single family home is 1,240 square feet, leaving 2,678 square feet of landscaping and 460 square feet of hardscape.

The subject property is located in the Castellammare area of Pacific Palisades, a planning subarea within the City of Los Angeles (Exhibit #1). The proposed project is situated on a steep coastal bluff lot, approximately 130 feet above Pacific Coast Highway and Will Rodgers State Beach (Exhibit #1, #2, & #4). The Castellammare area of Pacific Palisades is a prominent coastal bluff stretching from Sunset Boulevard to Surfview Drive. Unlike most coastal bluffs in Southern California, this bluff face has undergone extensive development. Several streets were constructed parallel to Pacific Coast Highway following the contours of the bluff, which are lined with one to four-level single family homes. The subject property is located on one of the remaining vacant parcels in this area of Pacific Palisades and is highly visible from Pacific Coast Highway and Will Rodgers State Beach below.

B. Hazards to Development

The proposed project is located in an area subject to natural hazards. The Pacific Palisades area has a long history of natural disasters, some of which have caused catastrophic damage. Hazards common to this area include landslides, erosion, flooding, and wildfires. The subject property is located on the face of a coastal bluff overlooking Pacific Coast Highway and Will Rodgers State Beach (Exhibit #1, #2, & #4). During the mid 1920's several roads were graded along the face of the subject coastal bluff to support the planned community of Castellammare. Currently, this coastal bluff is separated from the ocean by Pacific Coast Highway and is not subject to wave action.

Section 30253 states in part:

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, geologic 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.

Project's Relation to Prehistoric and Historic Landslide

The subject lot is located in an area of several historic and prehistoric landslides (Exhibit #2). As demonstrated in a Report On Landslide Study Pacific Palisades Area, September 1976, by the U.S. Army Corps of Engineers and the U.S. Geological Survey, historic landslides have occurred near the subject site. The report includes an analysis of the landslides shown on Exhibit #2.

The report describes the landslide down-slope of the subject site as a prehistoric landslide based on expression and, as the report concludes, a "very limited geologic exposure" (shown as slide #121). The report states, "during 1958-69 numerous prominent and active cracks [were] noted in streets and exteriors of houses, esp[ecially] in [the] lower part of [the] area."¹ The slide has since been reactivated. The City of Los Angeles, Department of Building and Safety has indicated in their review of the applicant's geotechnical reports that this landslide (shown as #121 on Exhibit #2) is an active slide and does have the potential to affect the subject property².

The report also describes the landslides that occurred approximately 100 feet south and east of the subject property (shown as slide #118 on Exhibit #2). Slide 118 "Og?" is described as a prehistoric slide discovered in the mid and late 1920's. In 1925-26, the toe

¹ Pacific Palisades Area - Report on Landslide Study; U.S. Army Corps of Engineers and U.S. Geological Survey; September 1976; pg. 74-79

² City of Los Angeles, Department of Building and Safety Soils/Geology File, Log #23840-04, July 8, 1999

of the slope was cut back as much as 20 feet for improvements to the Castellammare tract. In 1958, cracks appeared in the east part of Castellammare Drive. Slide 118 "Y" was the first historic movement in the area. This movement began in 1932 and has been intermittent since the time of the report. By 1938 a slide created a toe of roughly 100 feet wide and a head of approximately 60 feet wide, which destroyed an area of Castellammare Drive. Castellammare Drive was closed in 1940 due to this slide. In 1952 and 1957-58, the slide was reactivated with a thickness of 20 feet and volume of 7000 cubic yards. This slide was again reactivated in 1969 as a result of extremely heavy rains. The head of the slide dropped several feet adjacent to Castellammare Drive and cracking and settling of the road lead to its closure. Slide 118 "Y1" is noted as prehistoric and possibly active in 1938. Slide 118 "Y2" is noted as prehistoric to historic. In 1938, the toe of the slide moved about 10 feet onto Castellammare Drive. In 1946, the toe of the slide was cut back to allow for realignment of Castellammare Drive. In 1957 a home was built on 17420 Posetano Road (lot 5, block 17). Later the same year, movement was noted as the street in front of the home began to crack and settle. After heavy rains in 1958, the head of the slide dropped several inches and a 60-foot wide crack opened about six feet from the edge of Posetano Road. The slide continued to move for another few months. This slide was 30 feet thick and contained 7000 cubic yards of earth. The City demolished the home soon thereafter.¹

In addition, the Report on Landslide Study describes an historic landslide located approximately 200 feet northeast of the subject property and is noted as slide #116 on Exhibit #2. This slide is, however, located on the opposite sloping side of the coastal bluff from the subject property.

Landslide #116 began moving in 1965 at ¼ inch per hour and soon properties in the vicinity were evacuated. On June 5, 1965, the slide began moving at five feet per hour with the head of the landslide dropping as much as 20 feet, demolishing 130 feet of Revello Drive. Three homes and two apartment complexes were destroyed.

Geotechnical Review

The applicant has submitted copies of Geotechnical and Geologic Soils Engineering reports by Heathcote Geotechnical and Brian A Robinson and Associates, as well as geology and soils review letters from the City of Los Angeles, Department of Building and Safety. As described in the submitted reports, the topography of the subject vacant lot consists of a two-foot to three-foot vertical slope adjacent to Posetano Road. The gradient changes to a ratio of approximately 1:1 for roughly 25 vertical feet. The gradient continues to steepen to approximately 1.5:1 (horizontal to vertical) from this point to the inland property line. The reports describe the vegetation on the subject site as moderately dense native grasses and brush. Surface water that crosses the site consists of irrigation and precipitation and drains via sheet flow across the subject property.

¹ Pacific Palisades Area - Report on Landslide Study; U.S. Army Corps of Engineers and U.S. Geological Survey; September 1976; pg. 74-79

Geologic conditions were evaluated through a boring made by a 24-inch auger to a depth of 50 feet, and through review of pertinent literature available for the subject site. The reports indicate that bedrock of the Miocene age Topanga Formation underlie the site. The geotechnical consultant states that the materials making up the bedrock "usually offer good support for lightweight structures."³

The consultant continues, "underlying nearby sites are moderately thick deposits of landslide debris. This debris consists of a disturbed mix of bedrock that has moved via a rotational-type failure downslope. No landslide debris was observed to underlie the subject site. In addition, the bedrock exposed in the test boring was undisturbed by landsliding.... The bedrock in the vicinity of the site has been moderately deformed and sheared by Pleistocene faulting. This weakened bedrock lends itself to large scale failure like those observed near the site. However, no evidence of landsliding was observed at the subject site."³

An initial slope stability analysis of the subject property conducted by the geotechnical consultant demonstrated a factor of safety of 1.52. The City of Los Angeles, Department of Building and Safety determined that the reports that were submitted used incorrect strength parameters for the material making up the bluff and thus lacked sufficient information to determine the stability or safety of the proposed development. In later addenda to the report the geotechnical consultant, using City-approved strength parameters demonstrated an overall factor of safety of 1.3 for the subject site. A factor of safety of 1.5 or greater is the generally accepted factor of safety among geotechnical engineers and the Department of Building and Safety as the minimum value necessary to minimize the likelihood of slope instability and increase the structural integrity of proposed structures. In a final addendum to the original geotechnical report, the consultant found that the depth of the 1.5 factor of safety is 60 feet beneath the edge of the property line adjacent to Posetano Road. The geotechnical consultant recommended that piles be at least 10 feet below the 1.5 factor of safety line (70 feet).⁴

The City of Los Angeles, Department of Building and Safety approved of the report and imposed 23 conditions for compliance during site development. The approval letter from the Department of Building and Safety dated July 8, 1999, states, "The site is located upslope of the Stretto Way landslide. This area is an active landslide, which has the potential to affect the subject site. A row of soldier piles are recommended along the street-side of the garage to provide a minimum factor of safety of 1.5 for the dwelling, as required by the Building Code."

The Commission's staff geologist, Dr. Mark Johnsson, has reviewed the City's geotechnical review letters, and the applicant's geotechnical consultant's responses to them, and has visited the site. He concurs with the City review letter dated July 8, 1999 in which the geotechnical reports are approved. Development consistent with the

³ Geologic Investigation for 17347 Posetano Road – J.O. 02084; Brian A Robinson & Associates, Inc.; February 2, 1998

⁴ Job #9812-a3; Heathcote Geotechnical; June 15, 1999

geotechnical report dated May 12, 1999, and by reference all previous reports, will minimize the probability of geologic instability, consistent with section 30253 of the Coastal Act, under static conditions. The City does not, however, require an analysis of stability under earthquake-loading conditions for single-family residences. Accordingly, the Commission's staff geologist communicated with the applicant's geotechnical consultant, who produced a pseudostatic slope stability analysis dated December 17, 2001 (Exhibit #11) indicating a gross factor of safety of 1.27 for the seismic case. Further, he recommends that retaining walls be designed for an equivalent fluid pressure of 87 pounds per square foot, a 15% increase over the static case, to increase the likelihood of stability during an earthquake loading condition. The Commission's staff geologist has reviewed this report, further questioned the applicant's geotechnical consultant on the means by which these calculations were performed, and has concluded that conformance with the recommendations in this report will increase the likelihood of geologic stability under seismic loading conditions. Based on this information, the Commission finds that the proposed project can be constructed consistent with Section 30253 of the Coastal Act.

1. Conformance with Geotechnical Recommendations

Recommendations regarding the design and installation of the single family home, foundation system, and slope stability have been provided in reports and letters submitted by the applicant, as referenced in the above noted final reports. Adherence to the recommendations contained in these reports is necessary to increase the probability that the proposed single family home and foundation system assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way requires the construction of protective devices that would substantially alter natural landforms.

Therefore, Special Condition #4 requires the applicant to conform to the geotechnical recommendations contained in Soil Engineering Investigation, File No. 9812 (a-a3), by Heathcote Geotechnical, 6/15/99, 5/12/99, 1/21/99, 10/28/98, and 2/27/98; Update to Soils Engineering Report, File No. 9812, by Heathcote Geotechnical, December 17, 2001; Geological Investigation, File No. 02084, by Brian Robinson, 4/20/98 and 2/2/98; and the City of Los Angeles, Department of Building and Safety Geology and Soils Review Letter, Log No. 35415, 12/18/01; Log No. 23840-4, 7/8/99; Log No. 23840-3, 6/11/99; Log No. 23840-2, 2/9/99; Log No. 23840-1, 11/23/99; Log No. 23840, 4/4/98; Log No. 24495, 5/26/98. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required. In addition, any changes to City of Los Angeles Coastal Development Permit 2001-1469 shall be reported to the Executive Director to determine if an amendment to this permit (5-00-386) or new coastal development permit is required.

2. Assumption of Risk Deed Restriction

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/her property.

The proposed single-family home would be located on a steeply sloping, vacant coastal bluff lot. As described above, the subject property lies above and below prehistoric and historic landslides, some of which considered by the Los Angeles, Department of Building and Safety as active slide areas. The geotechnical reports have indicated that the subject property possesses a factor of safety of less than the minimum building code required 1.5. The proposed project has been found to achieve a factor of safety of 1.5 by placing piles below the indicated 1.5 factor of safety line, which is located 60 feet below the front property line (facing Posetano Road). The factor of safety of 1.5 or greater demonstrates that, by a geotechnical standpoint, the subject site in the location of the proposed development possesses a high probability of geologic stable. However, the decision to construct the project relying on the geotechnical reports and the Department of Building and Safety is the responsibility of the applicant. The proposed project may still be subject to natural hazards such as slope failure and erosion. The geotechnical evaluations do not guarantee that future erosion, landslide activity, or land movement will not affect the stability of the proposed project or that the required caissons will be installed as specified. Because of the inherent risks to development in areas of steep slopes and near mapped landslides, the Commission cannot absolutely acknowledge that the design of the single family home will protect the subject property during future storms, erosion, and/or landslides. Therefore, the Commission finds that the proposed project is subject to risk from landslides and/or erosion and that the applicant should assume the liability of such risk.

The applicant may decide that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. However, neither the Commission nor any other public agency that permits development should be held liable for the applicant's decision to develop. Therefore, the applicant is 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. The assumption of risk, when recorded against the property as a deed restriction, will show that the applicant is aware of and appreciates the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development.

In case an unexpected event occurs on the subject property, the Commission attaches Special Condition #1 which requires recordation of a deed restriction whereby the land owner assumes the risk of extraordinary erosion and/or geologic hazards of the property and excepts sole responsibility for the removal of any structural or other debris resulting from landslides, slope failures, or erosion on and from the site. The deed restriction will provide notice of potential hazards of the property and help eliminate false expectations on the part of potential buyers of the property, lending institutions, and insurance agencies that the property is safe for an indefinite period of time and for further development indefinitely in the future.

Therefore, prior to issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restriction on development. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. Erosion Control Measures - Permanent

The proposed project is located on a vacant lot within a developed coastal bluff neighborhood in the Pacific Palisades. The applicant has proposed to construct a 2,227 square foot single family home. The proposed home will require the placement of 1,700 square feet of either pavement or building coverage, leaving 2,678 square feet for landscaping (Exhibit #4). The proposed construction would increase the amount of impermeable surface by the construction of the 1,700 square feet of new building and paved area. Reducing permeable area results in higher water flow during storm events as well as during regular irrigation of the yard area. Increased runoff across the property can lead to a higher probability of erosion and possible earth movement.

The applicant's geotechnical consultant states that all roof drainage should be directed away from the structure footings via non-erosive devices and that concentrated surface runoff should not be allowed.²

Currently, drainage is by sheet flow runoff across the surface of the property to the street (*Ibid.*). The applicant has proposed to landscape 2,678 square feet of the property and has submitted a landscaping plan. For water quality purposes, it is preferred to direct water runoff through vegetated areas prior to entering the storm drain system (see Section D *Water Quality* below). The vegetated areas filter runoff water prior to entering the storm water conveyance system. In this case, however, the stability of the slope requires that infiltration of water into the slope be kept to a minimum. Therefore, for this project, it is not a preferable option to allow runoff to infiltrate into the slope. Rather, runoff water should be directed through a drain system to the street or designated outlet area to lessen the possibility of erosion and geologic instability.

The applicant has submitted information regarding the proposed drainage plan. The plans demonstrate that all roof top drainage and drainage of paved surfaces is directed through gutters, curb drains, catch basins, and subdrain lines and area drains that are directed to the street. This plan is in conformance with the recommendations of the geotechnical consultant and the City of Los Angeles, Department of Building and Safety. To ensure that the applicant complies with the drainage plan as submitted the Commission imposes Special Condition #2. Special Condition #2 requires the applicant to comply with the Grading and Drainage Plan and Erosion Control Plan submitted January 17, 2001 and

² Geologic Investigation for 17347 Posetano Road – J.O. 02084; Brian A Robinson & Associates, Inc.; February 2, 1998

prepared by JK Associates, as shown on pages G-1 – G-6 of the submitted plans. To further ensure that the proposed project does not contribute to increased erosion or slope instability both on and off site, Special Condition #2 requires that run-off from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be collected and discharged via pipe or other non-erosive conveyance to the frontage street or designated outlet point to avoid ponding or erosion either on- or off- site (See also *Section D. Water Quality* of this staff report). In addition, no changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required. Also, any changes to City of Los Angeles Coastal Development Permit 2001-1469 shall be reported to the Executive Director to determine if an amendment to this permit (5-00-386) or new coastal development permit is required.

4. Erosion Control Measures - Temporary

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion via rain or wind could result in possible acceleration of slope erosion and landslide activity. As mentioned above, the applicant has submitted detailed plans describing temporary erosion control methods. The City of Los Angeles Coastal Development Permit 2001-1469 requires the applicant to comply with certain erosion and drainage control measures. In addition, the Commission imposes Special Condition #2 which requires the applicant to comply with the Grading and Drainage Plan and Erosion Control Plan submitted January 17, 2001 and prepared by JK Associates, as shown on pages G-1 – G-6 of the submitted plans. To further ensure that the proposed project does not contribute to increased erosion or slope instability both on and off site, Special Condition #2 requires that such procedures include sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilization of any stockpiled fill with geofabric covers or other appropriate cover, installation of geotextiles or mats on all cut or fill slopes, and the closure and stabilization of open trenches as soon as possible. The applicant shall also implement temporary erosion control measures should construction or site preparation cease for a period of more than 30 days. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume. In addition, no changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required. Also, any changes to City of Los Angeles Coastal Development Permit 2001-1469 shall be reported to the Executive Director to determine if an amendment to this permit (5-00-386) or new coastal development permit is required.

5. Landscaping

Native and drought tolerant plant species require one to three years of artificial watering. Once the plant material has been established a slow weaning of artificial watering should occur. The installation of permanent irrigation systems, inadequate drainage, and landscaping that requires intensive watering are major contributors to accelerated slope erosion, landslides, and sloughing, which could necessitate protective devices. It has

been found by the California Native Plant Society, that a permanent irrigation system is not required once the plant material is established with native and drought tolerant landscaping.

Native plants are adapted to the unique climatic conditions of their growing area and once established they require little or no supplemental irrigation. When we grow plants found in our resident plant community, we use far less water than traditional garden landscapes. Using drought tolerant natives in our California gardens conserves a scarce natural resource and saves money on water costs; it's a sensible choice.⁵

The applicant has submitted a landscaping plan with coastal development permit application 5-00-386 to landscape 2,678 square feet of the property. The landscaping plan contains plants that consist of non-native plant species as listed in the CalFlora database.⁶ The landscaping plan also includes two plant species known to be invasive (Agave Americana and Malephora Crocea)⁷. Therefore to ensure that the project maintains native and drought tolerant vegetation for erosion control and slope stability purposes, Special Condition #5 is required by the Commission. Special Condition #5 requires the applicant to submit a revised landscaping plan for the review and approval of the Executive Director. The plan requires the applicant to plant native and drought tolerant vegetation on all portions of the site. Native and drought tolerant plants are used because they require little to no watering once they are established (1-3 years), they have deep root systems that tend to stabilize the soil, and are spreading plants that tend to minimize erosion impacts of rain and water run-off. The landscaping shall provide 90% coverage within two years of planting. Native and drought tolerant plant species are slow growing and require some time to become established. While the plantings become established landscaped areas will expose large portions of earth. Therefore, during this two-year interim period temporary erosion control measures shall be used for the prevention of exposed soil, which could lead to erosion and possible earth movement (see Special Condition #2 above). Such measures include, but are not limited to, mulching or matting all exposed earth.

As noted above, permanent irrigation can lead to possible erosion and slope instability. It is evident that the area in close proximity to the subject site has experienced numerous landslides over the years. The requirement of native and drought tolerant plant species in the landscaping plan limits the amount of water to that necessary for the continued growth of the vegetation.

⁵ Excerpted from the California Native Plant Society Webpage

⁶ The CalFlora Database Project is a collaborative project of the USDA Forest Service, the UC Berkeley Digital Library Project, the USGS, the UC Davis Information Center for the Environment, the Santa Barbara Botanic Garden, and others. The database lists, among other items, geographic distribution, habitat, and lifeform data for the approximately 8400 vascular plant taxa known to be native or naturalized in California.

⁷ [See A-5-RPV-93-005 (Ocean Trails)] The Commission required the use of an invasive plant list in a condition, and required the applicant to supplement the list to be consistent with a Habitat Conservation Plan prepared for the project. The Habitat Conservation Plan was developed under the supervision of the Department of Fish and Game and the Fish and Wildlife Service. As a result of the Resources Agencies' comments, an expanded list was prepared.

Due to the nature of this area of coastal bluffs and its history of catastrophic landslides, the Commission finds that approval of a permanent irrigation system in this area would not be consistent with Section 20253, which requires the Commission to use all means to "minimize risks" in areas of high geologic hazard. Therefore, to further curtail the water usage on the site, Special condition #5, requires the applicant to not incorporate a permanent irrigation system in the project. A temporary aboveground irrigation system for the establishment of the vegetation is authorized for up to three years or until the plantings are established, whichever occurs first. If, after the three-year time limit, the landscaping has not established itself, the applicant can apply for an amendment to this coastal development permit for the continued use of the temporary irrigation system until which time the landscaping becomes established. This allowance is given to the applicant in this case due, in part, to the nature of continued erosion across the canyon slope if landscaping has not become established.

Certain areas of the coastal bluff surrounding the proposed project, typically on vacant lots, contain native grasses and brush. The applicant's geotechnical report also indicates that the existing vegetation on the subject property consists of native grasses and brush. During the first month of landscaping installation and thereafter, introduced plants can easily overwhelm natural systems. Ornamental and invasive plants grow rapidly and use several different methods of spreading. Such plants include pepper trees and honeysuckle, plumbago, morning glories, German ivy, eucalyptus, ornamental grasses and other plants that are attracted to moisture and which can overtake a newly planted landscaped or native area. Therefore, to further ensure the continued viability of the landscaping plan and the native plant assemblage on the bluff face, Special Condition #5 restricts the landscaping plan from incorporating any invasive plant species.

Finally, Special Condition #5 requires the applicant to submit a landscape monitoring report after five years from the date of the receipt of the Certificate of Occupancy for the residence. The report shall certify the on-site landscaping is in conformance with the landscape plan approved pursuant to Special Condition #5. The monitoring report shall include photographic documentation of plant species and plant coverage. This report will further ensure that the applicant and any future owners of the property comply with the requirements in Special condition #5.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to Coastal Development Permit 5-00-386, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

Only as conditioned to submit evidence that the applicant has recorded an assumption of risk deed restriction on the property, to ensure that adequate temporary and permanent erosion control measures are used during and after construction, to follow all recommendations of the applicant's geotechnical consultant and the recommendations of

the City of Los Angeles, Department of Building and Safety, and that the applicant submit a landscaping plan incorporating native and drought tolerant plant species can the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

C. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, fertilizers, and other pollutant sources. Section 30231 of the Coastal Act states:

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, minimizing alteration of natural streams.

As described, the proposed project includes the construction of a three-story over 477 square foot subterranean garage, 42' 9" high, 2,227 square foot single family home supported by thirty-five (35) 24" and 30" piles, located on a vacant 4,378 square foot lot. The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; soil and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require Special Condition #3. This special condition requires the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The City of Los Angeles Coastal Development Permit 2001-1469 requires the applicant to implement stormwater BMPs to retain or treat the runoff from a storm event producing $\frac{3}{4}$ inch of rainfall in a 24-hour period (Exhibit #3). The City's conditions have been reviewed and approved by the Commission's water quality unit. In addition to the City's conditions, the applicant shall submit three sets of final polluted runoff control plans for review and approval of the Executive Director. The plans shall include supporting calculations and incorporate all requirements within local Coastal Development Permit 2001-1469. In addition, the plan shall demonstrate that energy-dissipating measures are installed at the terminus of outflow drains. The plan shall also include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting geotechnical engineer and geologist to ensure the plan is in conformance with the consultant's recommendations.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that Special Condition #2 is necessary to ensure the proposed development will not adversely impact water quality or coastal resources. Therefore, only as conditioned to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site and to require compliance with the submitted temporary erosion and drainage control plan, can the Commission find the project consistent with Section 30231 of the Coastal Act.

D. Visual Impacts/Landform Alteration

Section 30251 of the Coastal Act states:

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 of the surrounding areas, and, where feasible, to restore and enhance the 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.

The subject site is located on the face of a coastal bluff overlooking Pacific Coast Highway and Will Rodgers State Beach. In the mid 1920's several roads (namely Castellammare Drive, Posetano Road, Revello Drive, Stretto Way, and Porto Marina Way) were graded on the face and top of the coastal bluff to support the community that was planned for development, which is called the Castellammare subarea (Exhibit #1). From prehistoric times to the present, this area of Pacific Palisades has witnessed several landslides, some of which have lead to catastrophic destruction and loss of property and life.¹

Currently, the Castellammare area, a coastal bluff situated above Pacific Coast Highway and Will Rodgers State Beach, is developed with one to four-level single-family homes. There are, however, existing pockets of open areas across this portion of the bluff from Sunset Boulevard to Surfview Drive. Typically, these remaining open areas were left undeveloped due to massive earth movement. In some cases, portions of the bluff were developed then destroyed by landslides, leaving behind such open areas. For example, a large landslide temporarily blocked Tramonto Drive and permanently destroyed a large section of Revello Drive, Posetano Road, and Castellammare Drive located approximately 600 feet north of the subject site. This slide is shown as landslide #123 of Exhibit #2 and on the location map, Exhibit #1.

Coastal bluffs are considered prominent scenic resources within coastal areas. For the Commission to allow development on a coastal bluff proposed projects (among other Chapter Three policies of the Coastal Act) must be sited and designed so as not to impact public views to and along the coast and scenic areas, minimize the alteration of natural landforms, and be visually compatible with the character of the surrounding community.

The proposed project would be highly visible from Pacific Coast Highway and Will Rodgers State Beach. As mentioned above, this coastal bluff is highly developed. Posetano Road fronts the subject property. Existing single-family homes are located across Posetano Road, upslope, and to the north of the subject property. The design of the proposed single family home requires the removal of 924 cubic yards of earth and 50 cubic yards of fill material. The grading is required to create three "stepped up" building pads (Exhibit #5, #6, & #7). The home would then be supported by 35 caissons, some to a depth of 70 feet below grade (Exhibit #8). The proposed project is located on a 4,378 square foot lot. The footprint of the proposed single family home is 1,240 square feet, leaving 2,678 square feet of landscaping and 460 square feet of hardscape.

¹ Pacific Palisades Area - Report on Landslide Study; U.S. Army Corps of Engineers and U.S. Geological Survey; September 1976

By implementing this tiered foundation with 35 caissons and limiting the building footprint to 28% of the lot the proposed home approximately parallels the contours of the existing slope. The alternative of creating one large, flat building pad could require more grading and could lead to a larger more obtrusive home. Such a project (creating a large, flat building pad for a single family home) would be inconsistent with Section 30251 of the Coastal Act because it would not minimize impacts to this coastal area and would not minimize the alteration of natural landforms.

The subject property is a single, legal lot and designated as a low-density residential use. It has been found through several geotechnical reports, the City of Los Angeles, Department of Building and Safety, and Commission staff geologist, Dr. Mark Johnsson that the subject property is a developable lot. The proposed project is sited and designed to protect public views in this coastal area and minimize the alteration of natural landforms by proposing a tiered foundation system rather than the creation of a flat building pad. While this project is located on a coastal bluff, the surrounding pattern of development consists of one to four-level single-family homes. The proposed project is visually compatible with the surrounding community. To further ensure the project's consistency with Section 30251 of the Coastal Act, Special Condition #5 (Landscaping Condition) requires the applicant to landscape areas located at the street facing side of the proposed home (facing Pacific Coast Highway) with trees or shrubs to screen the proposed home from Pacific Coast Highway and Will Rodgers State Beach. The landscaping can be planted either in the ground or in pots above ground.

Therefore, as conditioned the Commission finds the proposed project consistent with Section 30251 of the Coastal Act.

E. Local Coastal Program

Section 30604 (a) of the Coastal Act states:

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).

In 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, and grading and geologic stability.

The City has submitted five Land Use Plans for Commission review and the Commission has certified three (Playa Vista, San Pedro, and Venice). However, the City has not prepared a Land Use Plan for Pacific Palisades. In the early seventies, a general plan

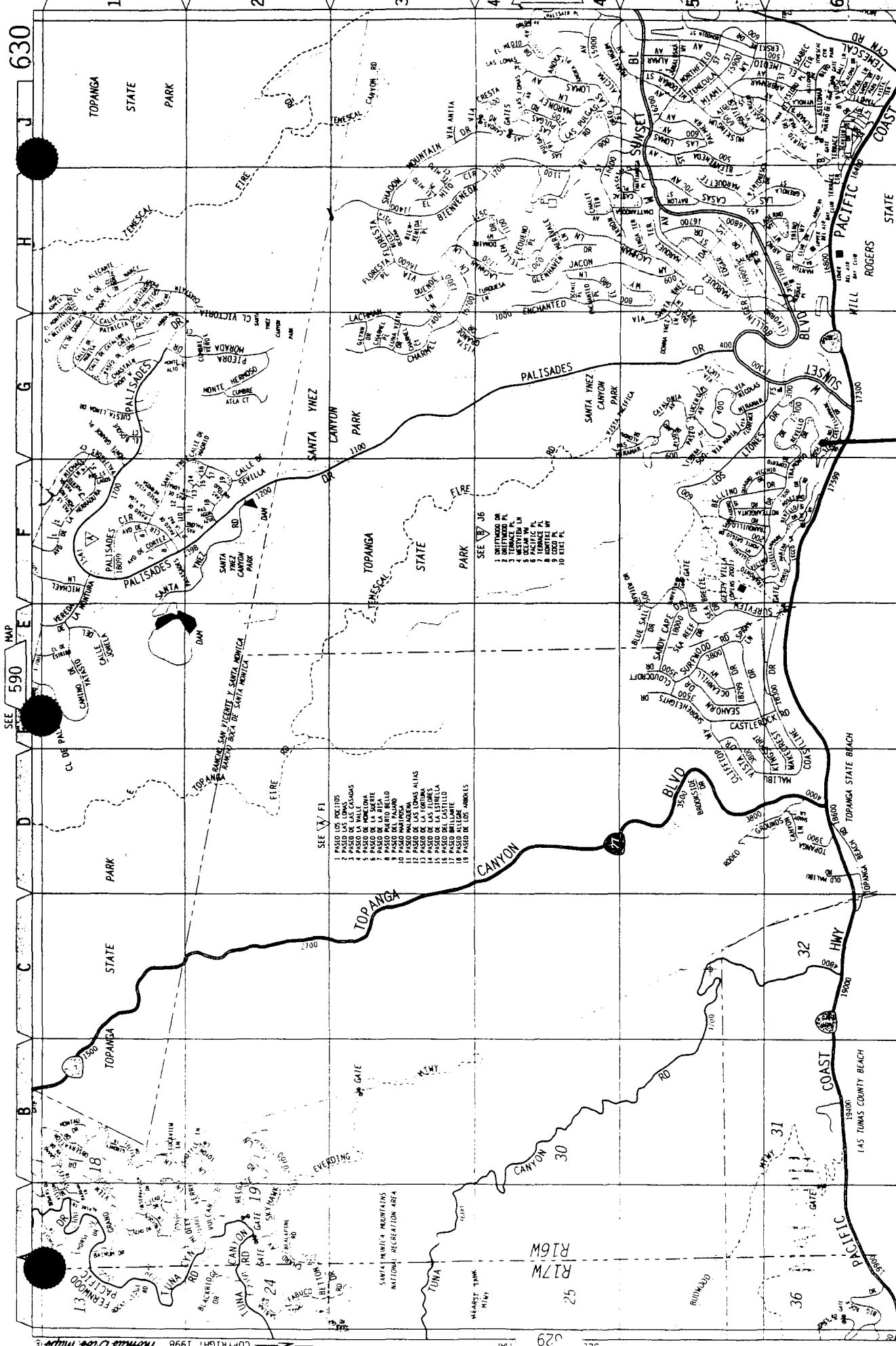
update for the Pacific Palisades had just been completed. When the City began the LUP process in 1978, with the exception of two tracts (a 1200-acre and 300-acre tract of land) which were then undergoing subdivision approval, most private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decision remained in the Pacific Palisades. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey. As conditioned, to address the geologic stability, water quality, and community character issues related to the project, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

F. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications 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 which the activity may have on the environment.

The proposed project as conditioned is found to be consistent with the Chapter 3 policies of the Coastal Act. As explained above and incorporated herein, all adverse impacts have been minimized and the project, as proposed, will avoid potentially significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project is consistent with the requirements of the Coastal Act and CEQA.

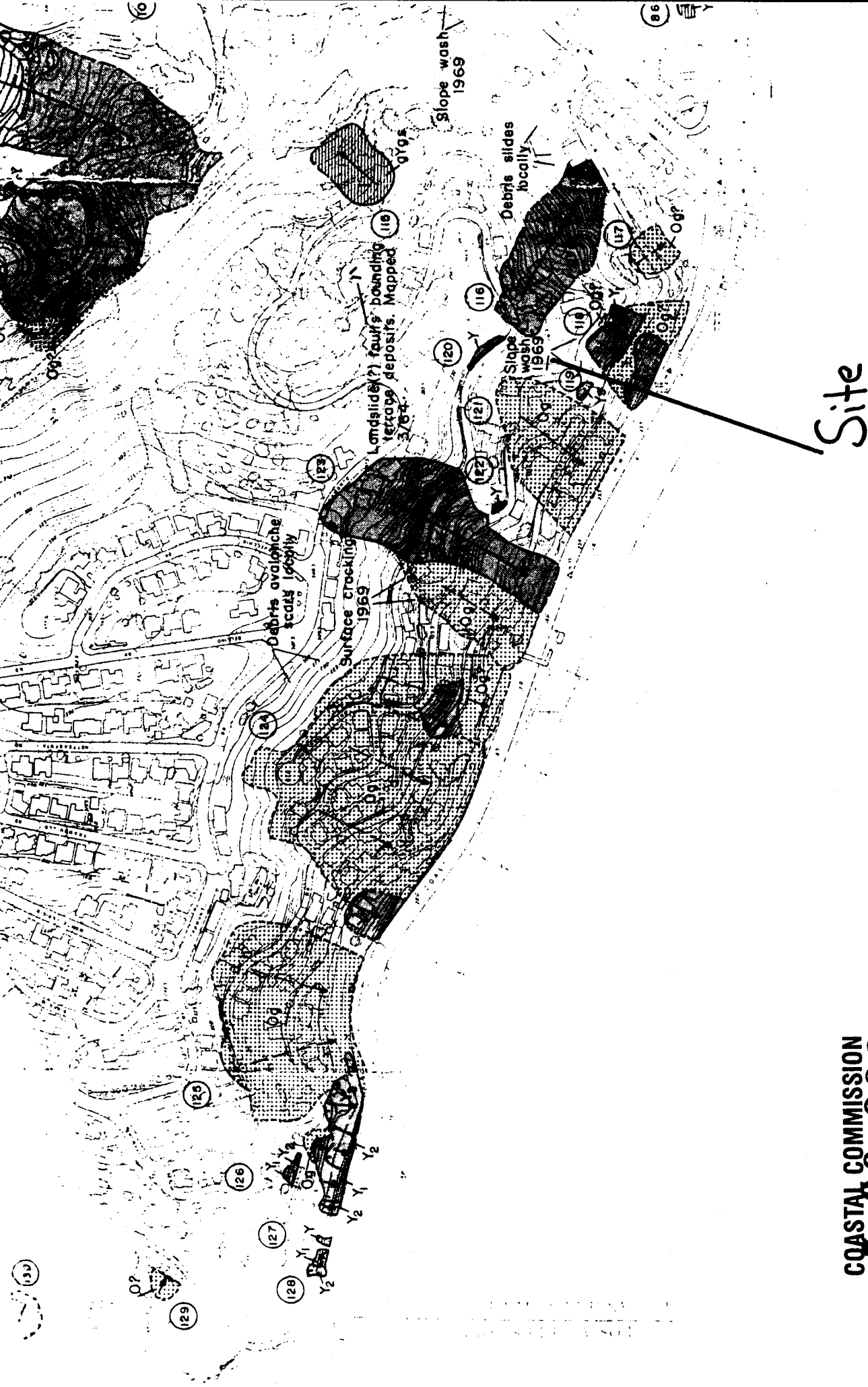
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Site

COASTAL COMMISSION
5-00-386

EXHIBIT # 1
PAGE 1 OF 1



COASTAL COMMISSION
5-00-386

EXHIBIT # 2

PAGE 1 OF 1

CITY OF LOS ANGELES

CALIFORNIA



RICHARD J. RIORDAN
MAYOR

DEPARTMENT OF
CITY PLANNING
CON HOWE
DIRECTOR

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR

RECEIVED
South Coast Region

SEP 4 2001

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SARAH RODGERS

August 8, 2001

Ivo Petkov (A)(O)
PAA Studio
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Santa Monica, CA 90404

Department of Building and Safety

CASE NO. ZA 2001-1469(CDP)
COASTAL DEVELOPMENT PERMIT
17437 Posetano Road
Brentwood-Pacific Palisades
Planning Area
Zone : R1-1
D. M. : 126B117
C. D. : 11
CEQA : ENV 2001-1470-MND
Fish and Game: Exempt
Legal Description: Lot 9, Block 16,
Castellamare Tract

Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a Coastal Development Permit authorizing the construction of a single family dwelling located within the single permit jurisdiction of the California Coastal Zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

COASTAL COMMISSION
5-00-386

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

EXHIBIT # 3
PAGE 1 OF 8

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of the grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included in the "notes" portion of a common set of building plans submitted to the Zoning Administrator, the Department of Building and Safety, the Fire Department, and the Bureau of Engineering for purposes of having a building permit issued.
6. The floor of the dwelling, exclusive of the garage, shall not exceed 2,600 square feet of floor area.
7. Development of the site shall comply with all requirements of the Hillside Ordinance [Section 12.21-A, 17 of the Municipal Code].
8. Lighting shall be designed and installed with shielding so that the light source cannot be seen off-site.
9. No building permit may be issued unless and until the Department of Building and Safety is satisfied, based upon any required soil, geology, or other related studies submitted that the resulting project will be stable and that its development will not endanger the stability and safety of surrounding properties.
10. Prior to the commencement of construction, the applicant shall submit a map to the Zoning Administrator showing the location of an off-site parking location where construction workers shall be instructed to park by the applicant. The map shall include a statement by the applicant indicating that he will instruct all workers to utilize the off-site lot and to designate a common shuttle vehicle to ferry workers to and from the site. The map shall also include a statement by the applicant indicating that he will monitor compliance with this Condition.
11. The applicant shall post a bond, to the satisfaction of the Bureau of Street Maintenance prior to the sign off of plans by the Zoning Administrator, for the repaving or reconstruction of those portions of Posetano Drive which are damaged as a result of construction vehicles and construction activity. The Bureau may want to maintain baseline photographs of the road condition prior to permit issuance and compare them with photographs of the road condition upon the issuance of a temporary or final certificate of occupancy.
12. The applicant shall distribute a letter to all abutting property owners, the Zoning Administrator, and the Councilmember, at least one week prior to the commencement of major construction activities which include, at a minimum, the commencement of pile drilling and installation, and any oversize loads.
13. At all times during construction, the unobstructed width of the paved roadway shall be a minimum of 10 feet. The applicant shall not store materials, debris, nor permit construction vehicles to encroach into this 10-foot wide space.

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14. Conditions set forth in the Mitigated Negative Declaration dated April 19, 2001, as modified by the June 11, 2001, response to comments thereon are as follows:

a Aesthetics (Hillside Site Design):

- 1) Grading shall be kept to a minimum;
- 2) Natural features shall be preserved.

b. Aesthetics (Landscaping):

All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, prepared by a licensed landscape architect to the satisfaction of the Zoning Administrator. The plan shall consist of drought tolerant and fire resistant plants. No automatic irrigation system is permitted.

c. Tree Removal

- 1) Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Zoning Administrator and the Street Tree Division of the Bureau of Street Maintenance. All trees in the public right-of-way shall provided per the current Street Tree Division standards.
- 2) The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance and the Zoning Administrator.

Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public works. Contact: Street Tree Division at 213-485-5675.

- 3) The proposed project may result in grading and vegetation removal/disturbance and therefore has the potential to directly impact nesting native bird species. Migratory nongame bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Proposed project activities (including disturbances to native and non-native vegetation) should take place outside of the breeding bird season which generally

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runs from March 1 - August 31 as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or fill (Fish and Game Code Section 86).

- 4) If project activities cannot feasibly avoid the breeding bird season, then beginning 30 days prior to the disturbance of suitable nesting habitat the project proponent should arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors). The surveys should be conducted by a qualified biologist with a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent should delay all clearance/construction disturbance activities in suitable nesting habitat or within 30 feet of the nest (within 500 feet for raptor nesting habitat) until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel should be constructed on the sensitivity of the area. The project proponent should record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

d. Seismic:

The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

e. Erosion/Grading/Short-Term Construction Impacts:

The grading plan shall conform with the Cit's Landform Grading Manual guidelines, subject to approval by the Zoning Administrator and the Department of Building and Safety's Grading Division.

1) Air Quality:

- a) All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403.

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- b) The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - c) General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- 2) Noise:
- a) The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
 - b) Construction shall be restricted to the hours of 7 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
 - c) Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously.
 - d) The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - e) The project sponsor must comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- 3) Grading:
- a) Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
 - b) Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These will shield and bind the soil.
 - c) Stockpiles and excavated soil shall be covered with secured tarp or plastic sheeting.

4) General Construction:

- a) All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete; wood, and vegetation. Non recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- b) Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- c) Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- d) Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarp or plastic sheeting.
- e) Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- f) Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

f. Landslides

The applicant shall comply with the conditions as required by the Department of Building and Safety Grading Section in its correspondence dated July 8, 1999 hereby incorporated as mitigation and attached.

g. Single Family/Multi Family Hillside Dwelling

The applicant shall incorporate stormwater pollution control measures. Ordinance Nos. 172,176 and 173,494 specify Stormwater and Urban Runoff Pollution Control which require the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan(SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following: (A copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4/>).

- 1) Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices

Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.

- 2) Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rates and shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- 3) Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- 4) Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- 5) Cut and fill slopes in designated hillside areas shall be planted and irrigated to prevent erosion, reduce run-off velocities and to provide long-term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.
- 6) Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing rock outlet protection. Rock outlet protection is a physical devise composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. A sediment trap below the pipe outlet is recommended if runoff is sediment laden. Inspect, repair, and maintain the outlet protection after each significant rain.
- 7) Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- 8) All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
- 9) Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- 10) Legibility of stencils and signs must be maintained.
- 11) Materials with the potential to contaminate stormwater must be: (a) placed in an enclosure such as, but not limited to, a cabinet, shed, or

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similar stormwater conveyance system; or (b) protected by secondary containment structures such as berms, dikes, or curbs.

- 12) The storage area must be paved and sufficiently impervious to contain leaks and spills.
- 13) The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- 14) The owner(s) of the property shall prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Zoning Administrator binding the owner to post construction maintenance on the structural BMPs in accordance with the standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions.

h. Flooding/Tidal Waves

The applicant shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 154,405.

i. Public Services (Fire):

The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department prior to the sign-off of plans by the Zoning Administrator. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

j. Wildlife

The applicant shall, prior to the issuance of a building permit, provide a biological site assessment to determine if the project may adversely impact special status wildlife, native tree and/or herbaceous species as determined by an on-site biological assessment of the site.

16. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

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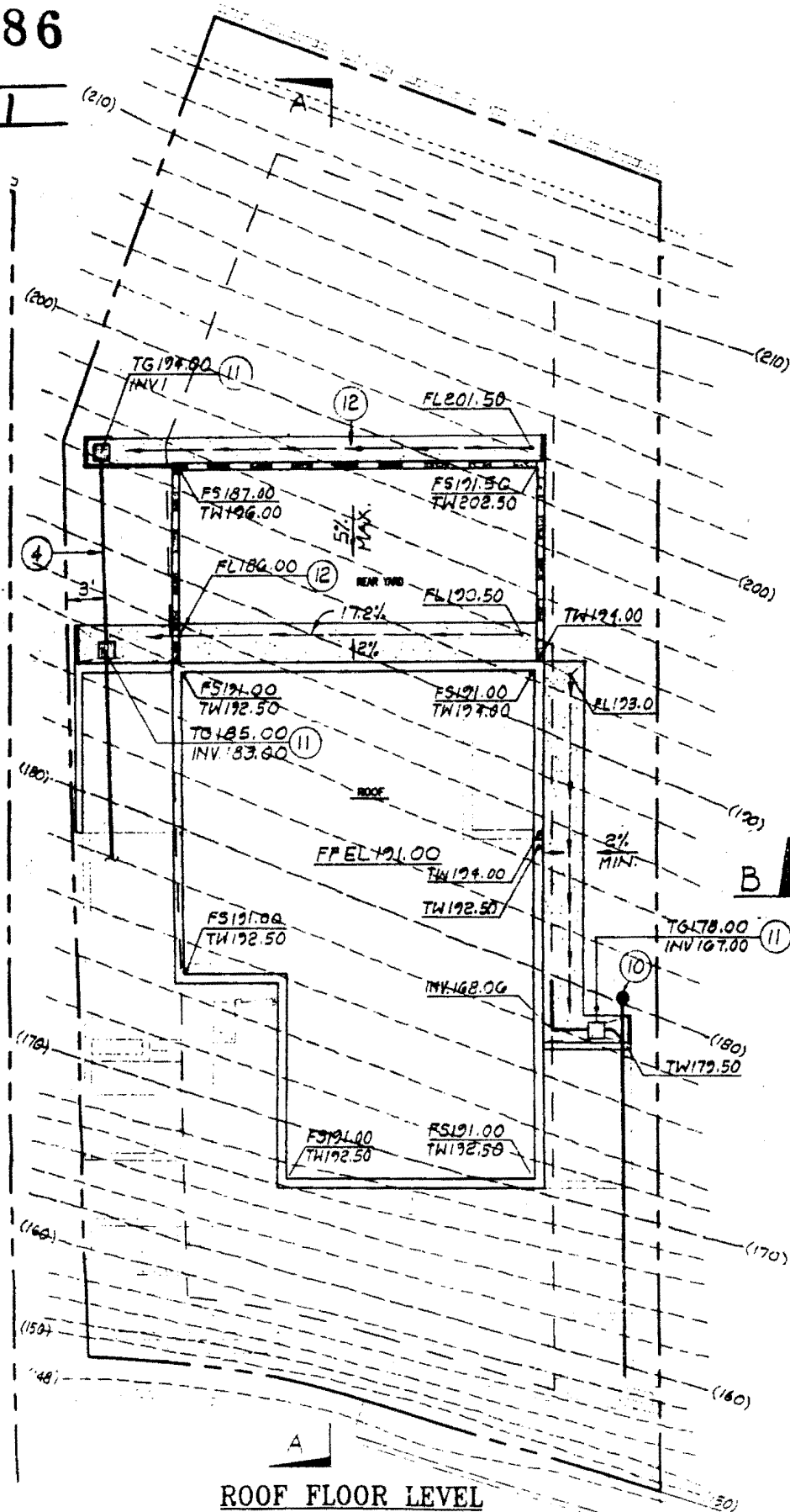
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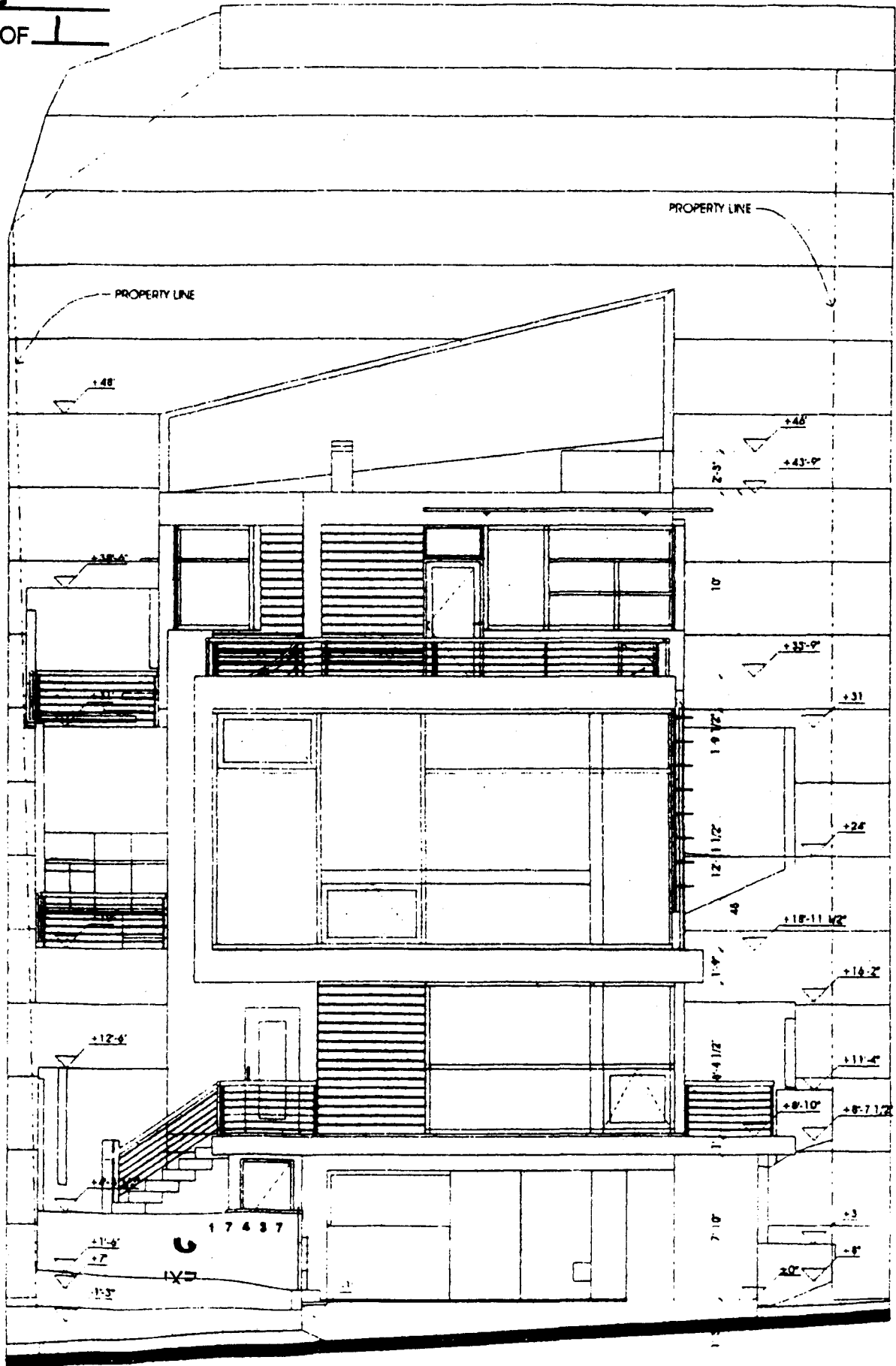
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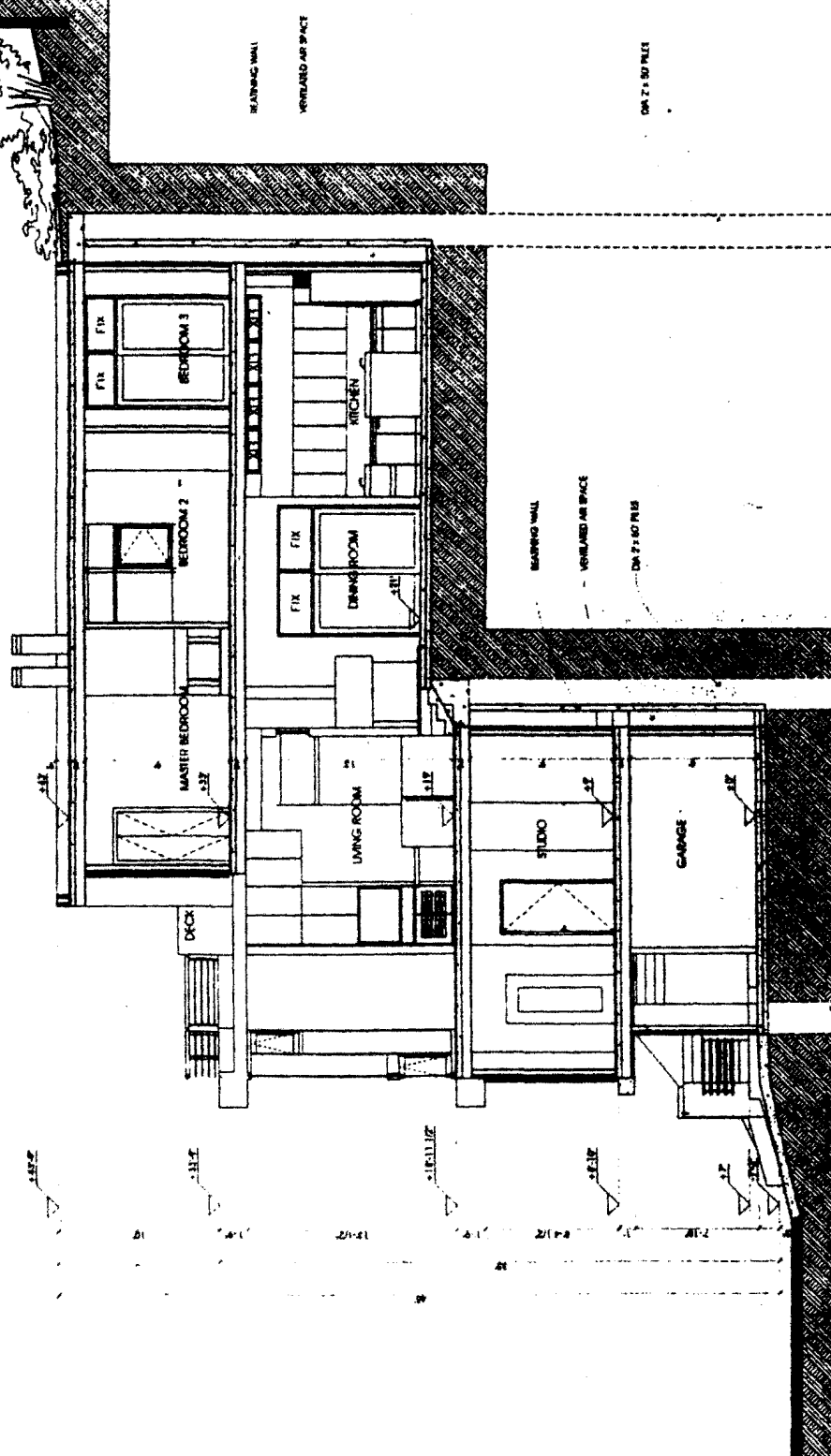
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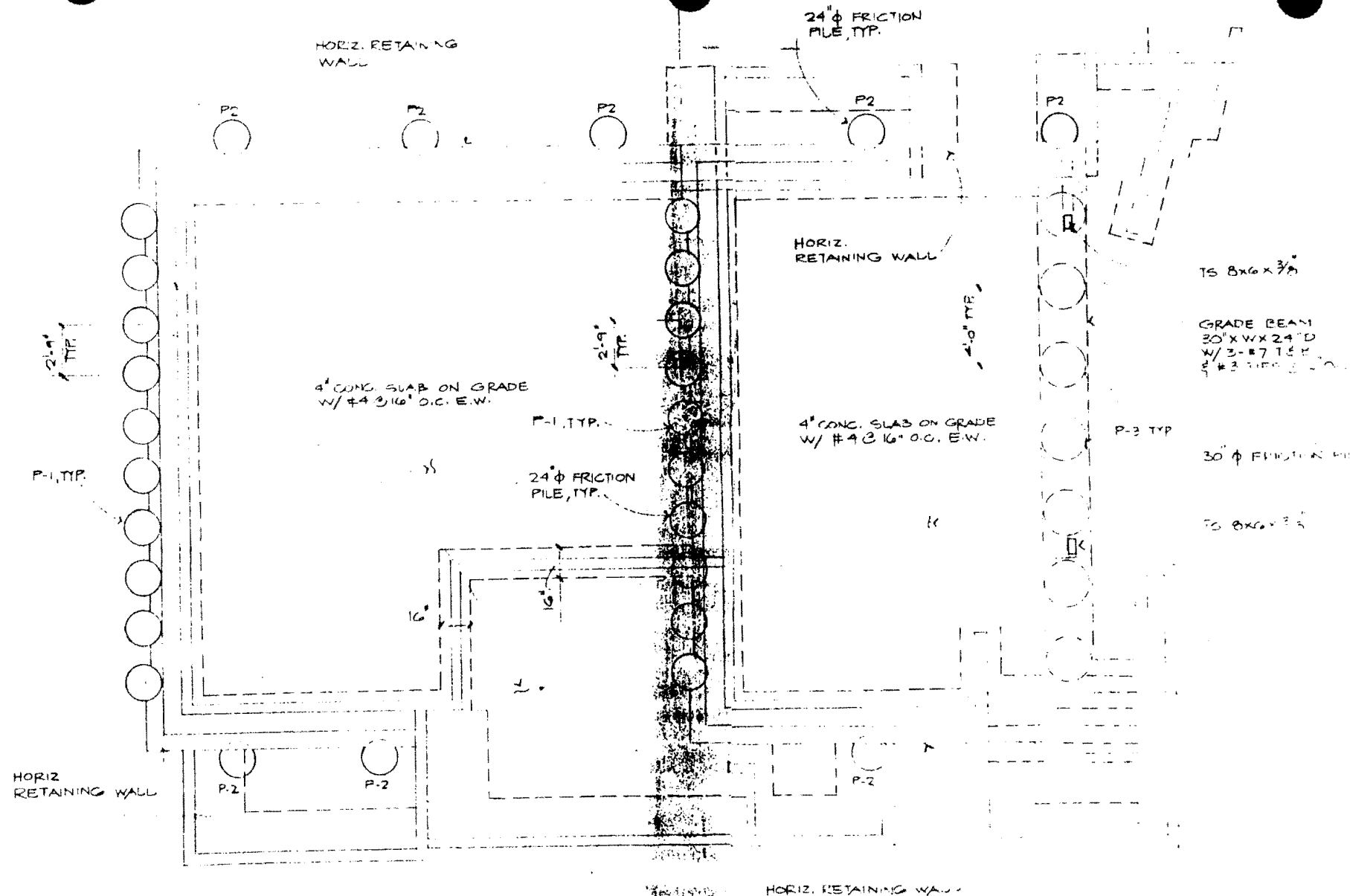
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FOUNDATION

PILE SCHEDULE







PILE NO.	PILE DIA.	"H" ABOVE GRADE	DEPTH INTO BED ROCK	TOTAL DEPTH TO W.	VERT. REINFORCEMENT
P-1	24" ϕ	20'	32'	52'	8-#11 BARS WITH #4 TIES @ 12" O.C.
P-2	24" ϕ	20'	31'	51'	8-#11 BARS WITH #4 TIES @ 12" O.C.
P-2	24" ϕ	10'	25'	35'	6-#9 BARS WITH #4 TIES @ 12" O.C.
P-3	30" ϕ	0'	40'	70'	12-#1 BARS WITH #4 TIES @ 12" O.C.

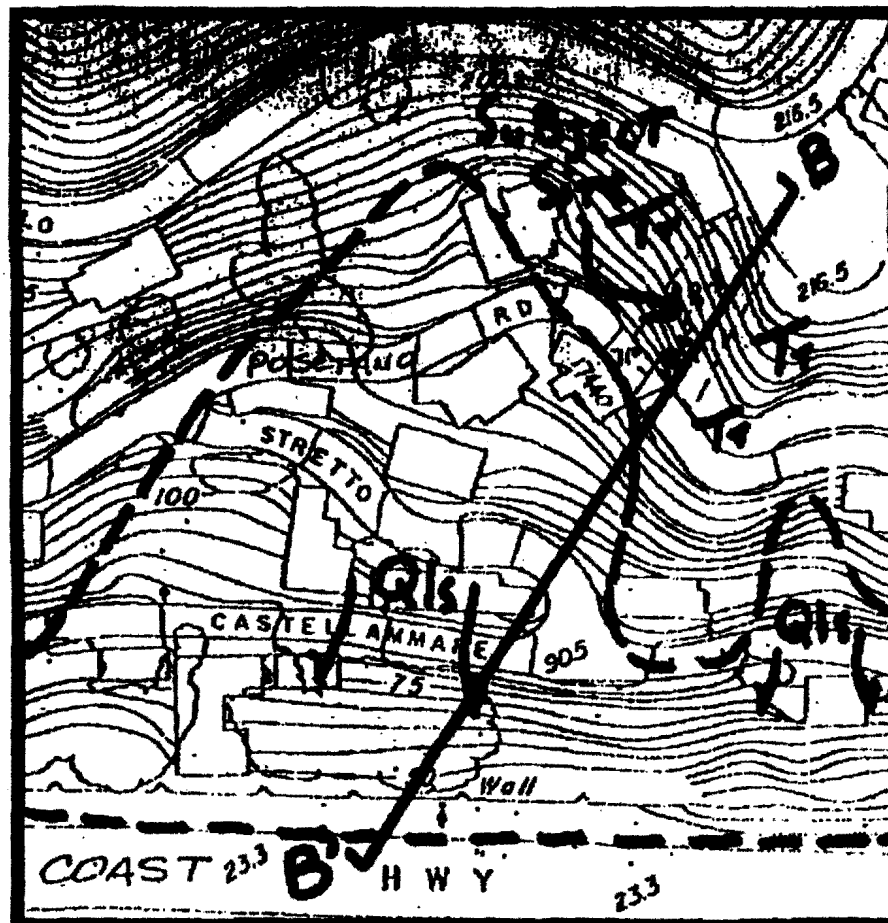


EXPLANATION

-  Landslide Debris
-  Artificial Fill
-  Tepeaga Formation

SYMBOLS

-  Trail PG Location and Number
-  Strike and Dip of Bedding
-  Strike and Dip of Joint
-  Geologic Contact (Dashed where appropriate)
-  Geologic Cross Section
-  Landslide Scarp



J.O.: 2084 DATE: 2/2/98 SCALE: 1" = 100'



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PO. BOX 570641, TIRZANA, CALIFORNIA 91356 (618) 782-0282

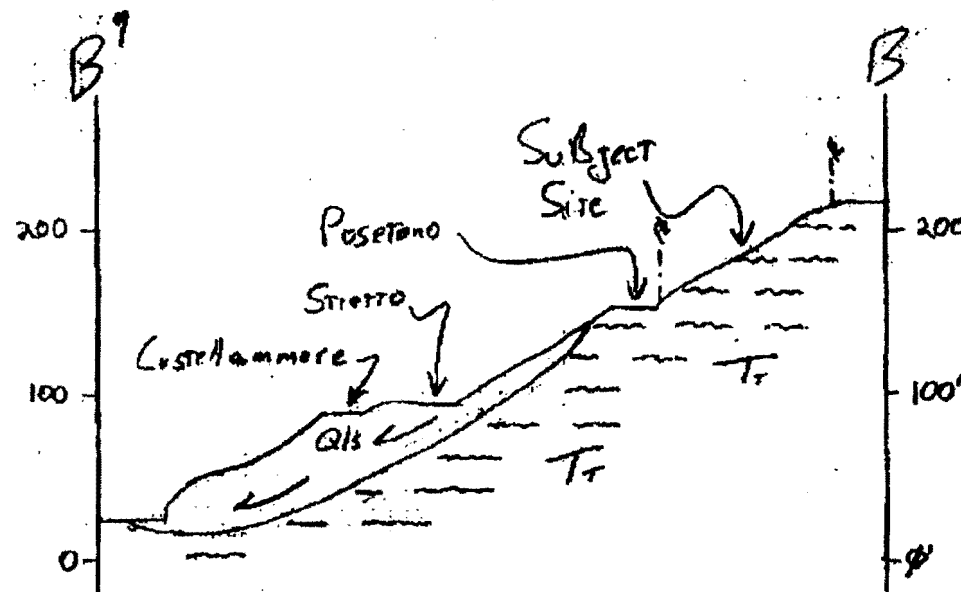
GEOLOGIC MAP

PLATE 3

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Cross Section



Revised 4/20/98



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J.O.: 2084
DATE: 2/2/98

SCALE: 1" = 100'
PLATE: 4

HEATHCOTE GEOTECHNICAL

SOIL TESTING • FOUNDATIONS • INSPECTION

P.O. BOX 6812, THOUSAND OAKS, CALIFORNIA 91359

402 W. OJAI AVENUE, PMB 207, OJAI, CALIFORNIA 93023

Ivo Petkov
1415 26th Street #4
Santa Monica, California

Job: 9812
Date: December 17, 2001

Gentlemen:

We are pleased to present this update to our soil engineering report dated February 27, 1998.

The proposed project is located at 17437 Posetano Way, Pacific Palisades District of Los Angeles, California. The Assessors Parcel Number is 4416-08-34.

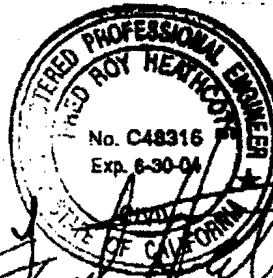
We have reviewed the project for seismic calculations. The following are for cross bedding. We are using the peak values as shown in the original report for the first 30 feet. This value is $c=500$ and $\phi=25$. The peak shear values for the 40 feet are $c=919$ and $\phi=30$. Below 50 feet we have used $c=1043$ and $\phi=28$. The values for 40 feet and below come from our report dated October 28, 1998.

We have performed the slope stability after the piles are installed for the entire slope. The seismic coefficient applied is 0.15. The final slope stability is 1.27 for the seismic case.

For the two walls we have used the original along bedding strength for the seismic pressure. We have added a 15% increase in the pressure from 76 to 87 pounds per cubic foot. This is very conservative, since this is an ultimate strength of the reshear instead of the peak value of the reshear. Since this is a temporary situation, a 1/3 increase is allowed for the strength of soils and retaining walls. These calculations are shown with this report.

It has been our pleasure to serve you and if you have any questions or need additional service, please contact us.

Fred Heathcote
Civil Engineer
No. C48316



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