

CALIFORNIA COASTAL COMMISSION

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 Staff: Al Padilla-LB
 Staff Report: 6/14/10
 Hearing Date: 7/7-9/10
 Commission Action:

F4b

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-10-121

APPLICANT: Anna Fuchs

PROJECT LOCATION: 17948 W. Porto Marina Way, Pacific Palisades

PROJECT DESCRIPTION: Underpin existing single-family residence foundation with sixteen 30 inch to 36 inch concrete caissons to a depth of approximately 30-35 feet; and raise an existing 2-3 foot high wall an additional 5 feet.

Lot Area	16,726 square feet
Zoning	R1—single-family residential

LOCAL APPROVALS RECEIVED: City of Los Angeles Approval In Concept No. ZA 2010-1246

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed project with special conditions requiring: 1) conformance with geologic and soil recommendations; 2) structural appearance of piles; 3) submittal of erosion and runoff control plans; 4) assume the risk; 5) recordation of a deed restriction against the property referencing all of the Standard and Special Conditions contained in this staff report.

I. STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

MOTION: *I move that the Commission approve coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California 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 alternative 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 voted on by 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 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. Conformance of Design and Construction Plans to Geotechnical Report

A) All final design and construction plans and grading and drainage plans, shall be consistent with all recommendations contained in Geologic & Soils Engineering Report, by Grover Hollingsworth and Associates, Inc., dated June 30, 2008 and with the conditions imposed by the City of Los Angeles Department of Building and Safety, Geologic/Soils Report Approval Letter No. 64155, dated August 6, 2008.

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.

2. STRUCTURAL APPEARANCE (PILE EXPOSURE)

A) Prior to issuance of the permit the applicant shall submit a plan for the review and approval of the Executive Director to address the potential visual impacts of the pilings in the event that the pilings are exposed and visible from Pacific Coast Highway as a result of earth movement or other circumstances. The applicant shall agree in writing to carry out the approved plan, which shall include:

1. Coloring the exposed concrete pilings so that it will match the surrounding soils. The piles should be colored in such a way that the result would be a natural, mottled appearance. If any piling is exposed, the applicant shall immediately dye or conceal such pilings.
2. Installation of a low "breakaway" skirt wall to cover exposed earth and/or pilings.

B) The permittee shall undertake development in accordance with the final approved 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 Coastal Commission approved amendment to the coastal development permit, unless

the Executive Director determines that no amendment is required.

3. Erosion and Drainage Control

A) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and drainage control.

1) Erosion and Drainage Control Plan

(a) The erosion and drainage control plan shall demonstrate that:

- During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
- 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.
- Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
- Permanent erosion and drainage control measures shall be installed to ensure the stability of the site, adjacent properties, and public streets.
- All drainage from the lot shall be directed toward the street.

(b) The plan shall include, at a minimum, the following components:

- A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
- A site plan showing the location of all temporary erosion control measures.
- A schedule for installation and removal of the temporary erosion control measures.
- A site plan showing the location of all permanent erosion and drainage control measures.
- A schedule for installation and maintenance of the permanent erosion and drainage control measures.
- A written review and approval of all erosion and drainage control measures by the applicant's engineer and/or geologist
- A written agreement indicating where all excavated material will be disposed and acknowledgement that any construction debris disposed within the coastal zone requires a separate coastal development permit.

- (c) These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from the runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriately approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

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.

4. Assumption of Risk, Waiver of Liability and Indemnity

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 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.

5. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to underpin an existing single-family residence foundation with sixteen 30 inch to 36 inch concrete caissons to a depth of approximately 30-35 feet; and raise an existing 2-3 foot high property wall an additional 5 feet. The piles will be located along the southern and southwestern portions of the residence. The piles will be 30 to 36 inches in diameter and drilled a minimum of 10 feet into bedrock and tied back with grade beams. The piles will be placed below grade and will not be visible. The proposed project is to stabilize the foundation of the residence which has experienced settlement over the years. Drilling access for the piles will be via the rear (south) patio and existing western side yard.

The proposed height addition to the existing property wall will be located along the eastern property line, adjacent to Porto Marina Way. The design and height of the concrete block wall will be similar to an adjacent section of the wall found along Porto Marina Way, and will not have a significant impact on public coastal views.

The subject site consists of a graded developed lot located to the southwest of the western bend in Porto Marina Way, above Pacific Coast Highway, in the Pacific Palisades area of the City of Los Angeles. The residence is situated on top of a natural terrace that has been slightly modified by past grading. The natural slopes on the west and northwest sides of the residence descend about 70 to 105 feet at gradients ranging from 2:1 to 1:1. The South side of the property descends down to Pacific Coast Highway.

The existing two story residence is built over a subterranean garage. Steps descend down from the deck above the subterranean garage to a lower level yard area, which is retained by a semi-circular concrete retaining wall that ranges up to approximately 20 feet high. This retaining wall and other shorter walls on the south facing slope have failed, primarily in 1978 according to the geotechnical report, and the applicant is currently investigating further remedial work to stabilize the slope. Any remedial slope work is independent of the proposed underpinning of the residential foundation and can be performed separately, and will require a separate coastal development permit.

Referenced geotechnical reports conclude that the residence foundations are supported on competent terrace materials and on less competent fill placed over topsoil and the presence of the compressible fill and soil has contributed to 5 inches of differential settlement. The applicant's geology report concludes that, from a geotechnical perspective, the proposed project is feasible provided the advice and recommendations contained in their report are included and implemented. The City of Los Angeles Department of Building and Safety Grading Division reviewed the geotechnical report and found it to be acceptable.

B. Development

The development is located within an existing developed area and, as proposed, will not affect the visual appearance of the existing structure. The project has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

C. Geologic Hazard

Under Section 30253 of the Coastal Act new development may occur in areas of high geologic, flood, and fire hazard so long as risks to life and property are minimized and the other policies of Chapter 3 are met. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his/her property. To minimize risks to life and property and to minimize the adverse effects of development on areas of high geologic, flood, and fire hazard, the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, swimming pool leakage detection, and to require that the landowner or any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in hazardous locations.

D. Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, and the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. Deed Restriction

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit

ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

F. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Pacific Palisades area of the City of Los Angeles has neither a certified LCP nor a certified Land Use Plan. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. California Environmental Quality Act

There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

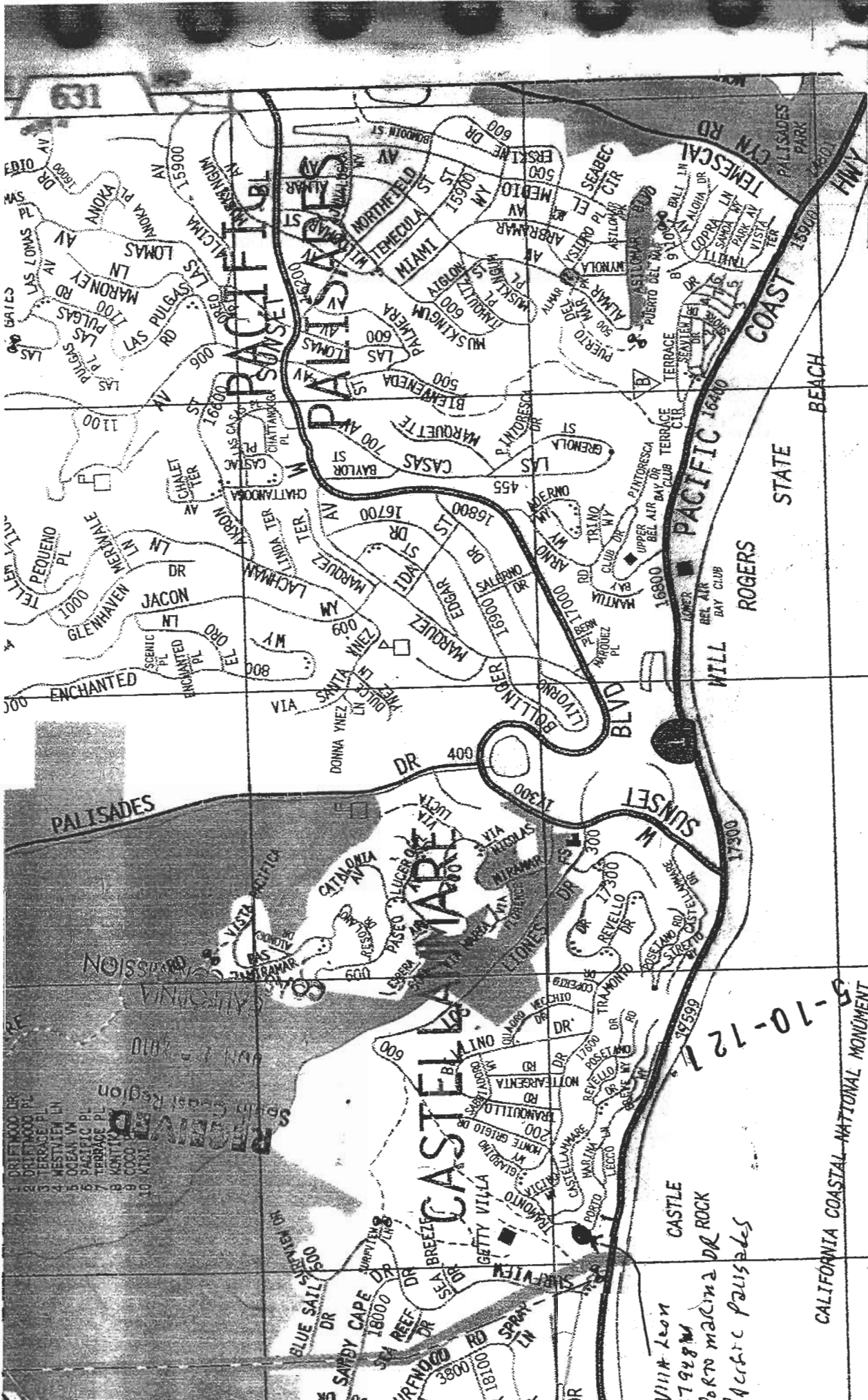


EXHIBIT NO. 7
 Application Number
5-10-121
Vicinity Map
 California Coastal Commission

1. DRIFTWOOD DR
 2. TERRACE PL
 3. MESTIVEN LN
 4. OCEAN LN
 5. PACIFIC PL
 6. TERRACE PL
 7. KONTIKI
 8. COCO
 9. KITA
 10. KITA

CASTLE PALISADES
 1928 M
 2070 Macina DR
 Pacific Palisades

CALIFORNIA COASTAL NATIONAL MONUMENT
OCEAN

5-10-121

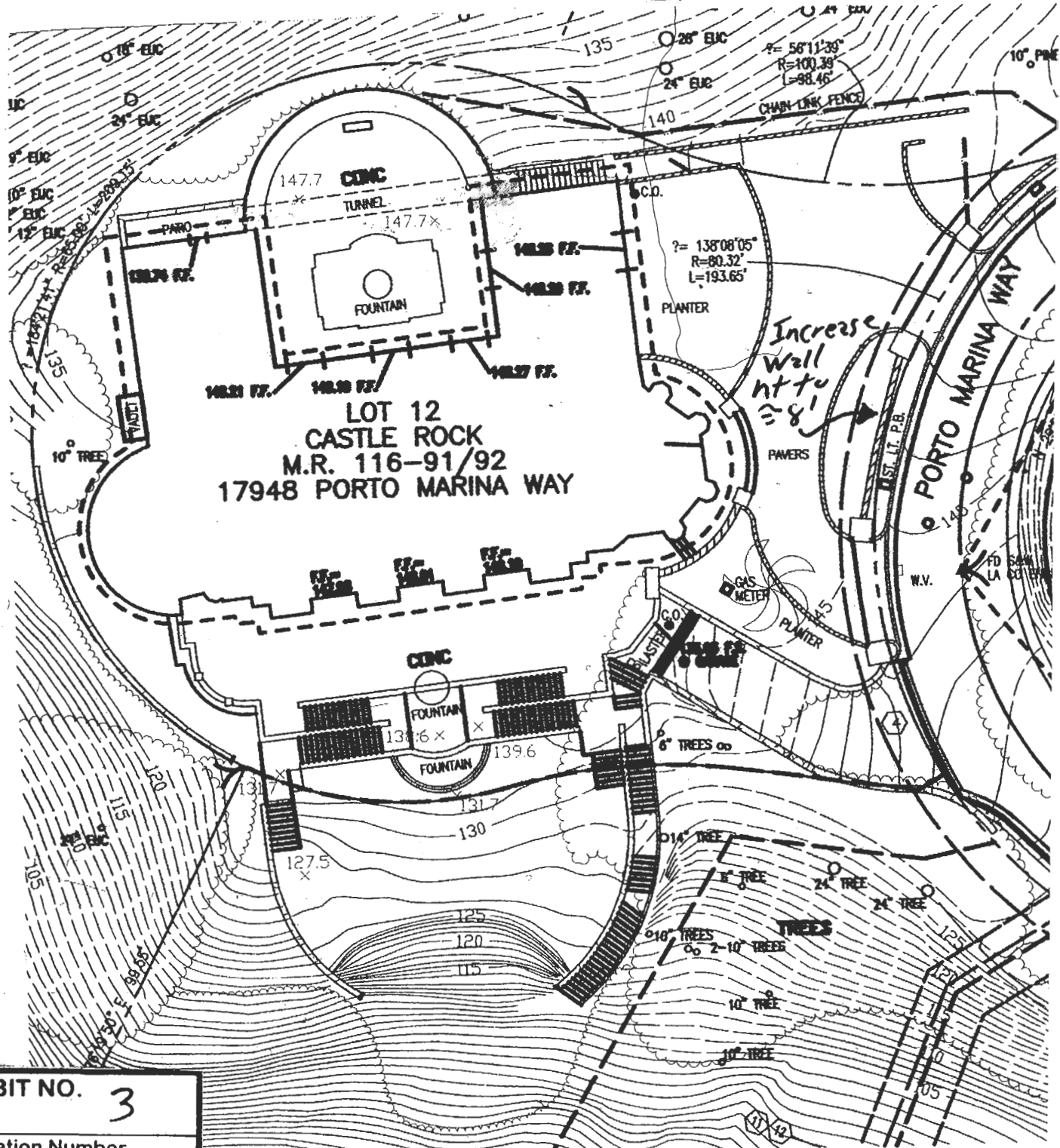
Bldg-Alter/Repair
1 or 2 Family Dwelling
Plan Check

City of Los Angeles - Department of Building and Safety

Plan Check #: B10LA03398
Initiating Office: METRO

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PLOT PLAN ATTACHMENT



DO NOT DRAW, WRITE, OR PASTE ATTACHMENTS OUTSIDE BORDER

LOT 12
CASTLE ROCK
M.R. 116-91/92
17948 PORTO MARINA WAY

EXHIBIT NO.	3
Application Number	5-10-121
	Plot Plan

