

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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RECORD PACKET COPY



Filed: Dec. 4, 1996
49th Day: Jan. 22, 1997
180th Day: June 2, 1997
Staff: JLR-LB
Staff Report: Dec. 11, 1996
Hearing Date: Jan. 7-10, 1997
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-235

APPLICANT: Joseph Bednar

PROJECT LOCATION: 17616 Posetano Road, Pacific Palisades

PROJECT DESCRIPTION: Construct a 2,633 sq. ft., 3-story, 34' high
single-family residence on a vacant hillside lot.

Lot area:	2,633 sq. ft.
Building coverage:	N/A
Pavement coverage:	N/A
Landscape coverage:	N/A
Parking spaces:	Two
Zoning:	R-1
Plan designation:	Low Density Residential
Project density:	N/A
Ht abv fin grade:	34'

LOCAL APPROVALS RECEIVED: Approval in Concept-City of Los Angeles

SUBSTANTIVE FILE DOCUMENTS: City adopted Brentwood-Pacific Palisades
Community Plan.SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with special conditions addressing natural
hazards.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Conformance with Geotechnical Recommendations

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, grading and foundation plans. The approved foundation plans shall include plans for the retaining walls, subdrains and footings. These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations contained in the geotechnical investigation prepared by GEOSYSTEMS dated July 24, 1995. The approved development shall be constructed in accordance with the plans approved by the Executive Director. Any deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

2. Assumption of Risk:

Prior to the issuance of the Coastal Development Permit, the applicant (and landowner) shall execute and record a Deed Restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from erosion and slope failure, and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Location:

The applicant proposes to construct a 2,633 sq. ft., 3-story, 34' high, single-family residence on a vacant lot. The proposed project is located on a hillside lot within an established single-family residential neighborhood in Pacific Palisades, a planning subarea within the City of Los Angeles. The subject lot descends from Posetano Road with an overall topographic relief of approximately 25 feet. The applicant has submitted a Preliminary Soils and Engineering Geologic Investigation Report dated July 24, 1995 prepared by GEOSYSTEMS. Following is a brief description of the site as excerpted from that report:

The property is topographically situated on a south facing slope on the southern flanks of the Santa Monica Mountains of Southern California. Slopes in the area ascend to the north from Pacific Coast Highway to the crest of the ridge near Tramonto Drive with an overall relief of some 300 feet.

The property consists of a north facing slope with a narrow pad area at the top of slope, adjacent to Posetano Road. Slope gradients on the property range from 2:1 to 1:1 (horizontal to vertical). The southern property line is adjacent to Castellammare Drive. The

western portion of the frontage along Castellammare Drive is occupied by a 3- to 5-foot high timber retaining wall. We recommend that the existing timber wall be removed and the entire slope along Castellammare be supported with a new retaining wall supported on a soldier pile foundation system.

B. Natural Hazards:

Section 30253 of the Coastal Act provides 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.

The proposed development is located on a hillside lot within the Castellammare/Posetano landslide area of Pacific Palisades where landslides have historically occurred. Within the surrounding area, some homes that the Commission has approved and older homes constructed prior to the Coastal Act, have been destroyed by landslides. According to a landslide study report prepared by the U.S. Army Corps of Engineers dated September, 1976, this area has historically been subject to heavy winter rains. The effect of these rains "on slope stability was to renew or accelerate movement of many younger landslides including some of the larger active landslides in the study area". According to the study, the Castellammare area experienced the greatest damage to streets, residences and public utilities because "younger landslides were reactivated and somewhat enlarged".

Notwithstanding existence of landslides in the past, the Commission has approved permits for new homes in those cases in which the applicant's geologist has demonstrated that the house can be built safely. In this case, the applicant has provided a geology report prepared by California GEOSYSTEMS that concludes that "the site is considered to be suitable from a soils and engineering geologic standpoint for construction of a single-family residence provided the recommendations included herein are followed and integrated into the building/grading plans".

The geology report requires specific construction methods that are the responsibility of the applicant to carry out in a safe manner. Following is an excerpt from that report:

The eastern edge of a recent landslide, mapped as Qly (by McGill) extends on to the southwestern portion of the site, see Regional Geologic Map, Plate 3. The portion of this slide on the property appears to have toed out in the cut slope along Castellammare Drive.

Apparently the timber wall along the southern property line was constructed to support the slide after it failed. We recommend that this recent landslide be stabilized by constructing a retaining wall along the southern property line. The wall should be approximately 10-feet high and backfilled with a 2:1 compacted fill slope.

According to regional geologic maps the site is located in an area of possible older slide debris (Qlo?) which is located along the eastern edge of a large ancient landslide. While no distinct slide plane was encountered in our boring, we have classified the highly fractured bedrock in the upper 17-feet as possible older slide debris. This material consists of highly fractured siltstone, sandstone and claystone of the Sespe Formation.

Additionally, the applicant's conditional approval from the City of Los Angeles supports the conclusion that there are certain risks associated with hillside development that can never be entirely eliminated. Following is one of the City's pertinent geology conditions:

20. Prior to the placing of compacted fill, a representative of the consulting Soils Engineer shall inspect and approve the bottom excavations. He shall post a notice on the job site for the City Grading Inspector and the Contractor stating slip surface was not observed. However, the consultants have determined that the depth to competent bedrock varies from 11 to 18 feet below the ground surface.

A shallow active landslide exists on the southwest portion of the site. Site stabilization is to include three rows of soldier piles, a retaining wall, removal and recompaction of the active landslide debris and subsurface dewatering; offsite grading is proposed.

As previously mentioned, the applicant's geology report concludes that "the site is considered to be suitable from a soils and engineering geologic standpoint for construction of a single-family residence provided the recommendations included herein are followed and integrated into the building/grading plans".

Therefore, the Commission finds that the house can be approved consistent with Section 30253 of the Coastal Act, as long as the applicant conforms to the recommendations contained in the aforementioned soils and geology report. The Commission further finds that the proposed residence, as conditioned to conform to the consultant's geology and soils recommendations, will minimize risks of developing in this area that may occur as a result of natural hazards.

The Commission, in previous permit actions on development in this area has found that there are certain risks associated with hillside development that can never be entirely eliminated. The applicant's geology report also supports that conclusion because the site contains both older and recent landslide debris. In addition to the general risks associated with hillside

development in geologically hazardous areas, the Commission notes that its approval is based on professional reports and professional engineering solutions that are the responsibility of the applicants. Based on the presence of landslides throughout this area and site specific soil/geologic constraints addressed in the applicant's geology report, the applicant shall, as a condition of approval, assume the risks inherent in potential slope failure from erosion. Therefore, the Commission further finds that in order to be consistent with Section 30253 of the Coastal Act, the applicant must also record a deed restriction assuming the risk of developing in this hazardous area, and waiving the Commission's liability for damage that may occur as a result of such natural hazards.

C. Neighborhood Character:

Section 30251 of the Coastal Act states:

Section 30251

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

Section 30251 of the Coastal Act requires that scenic and visual resources of Coastal areas be protected and enhanced. It also states that permitted development shall be sited and designed to minimize the alteration of natural landforms and protect the scenic and visual quality of coastal areas. The Pacific Palisades area is a scenic coastal area. However, the bluffs and surrounding area are highly developed with existing single family residences.

On August 5, 1992, the City of Los Angeles adopted a hillside ordinance which will be incorporated into the City's future Local Coastal Program. That ordinance states that "on any lot where the slope of the lot measured from the lowest point of elevation of the lot to the highest point is 66 percent or less, no building or structure shall exceed 36 feet in height as measured from grade". The proposed residence is 34' above grade and the lot has a slope of 31 percent. Therefore, the proposed development is consistent with the provisions of the City's Hillside Ordinance.

The site is located inland of Castellammare Drive, a blufftop public road located approximately 300 feet above Pacific Coast Highway. The proposed residence will not block any public views and will not be highly visible from Pacific Coast Highway. The proposed 3-level residence is consistent with numerous past permit decisions that the Commission has approved in Pacific Palisades. Therefore, the Commission finds that the proposed development, as designed, is compatible with the surrounding pattern of development consistent with the provisions of Section 30251 of the Coastal Act.

D. Local Coastal Program:

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

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

The City of Los Angeles has not prepared a draft Land Use Plan for this planning subarea. However, the City's work program to develop a Local Coastal Program considers natural hazards as an issue for this area of the City. Approval of the proposed development, as conditioned to minimize risks from natural hazards, will not prejudice the City's ability to prepare a certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with Section 30604 (a) of the Coastal Act.

E. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5 (d) (2) (i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the natural hazards policies of the Coastal Act. Mitigation measures to conform to the consultant's geology/soils recommendations and to record a deed restriction assuming the risk of developing in this hazardous area, will minimize all adverse impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

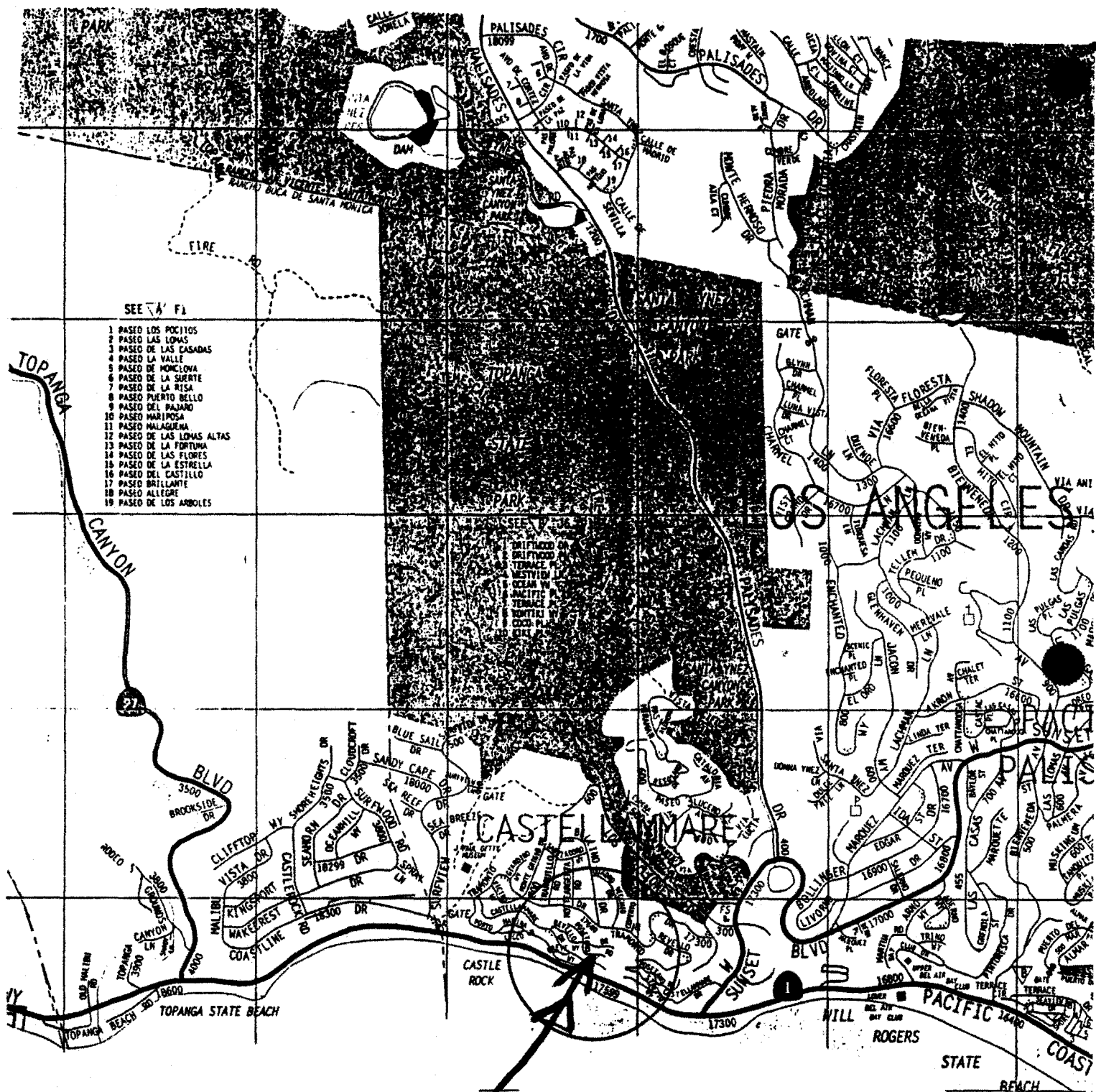


Exhibit A ●
 5-96-235
 Vicinity Map

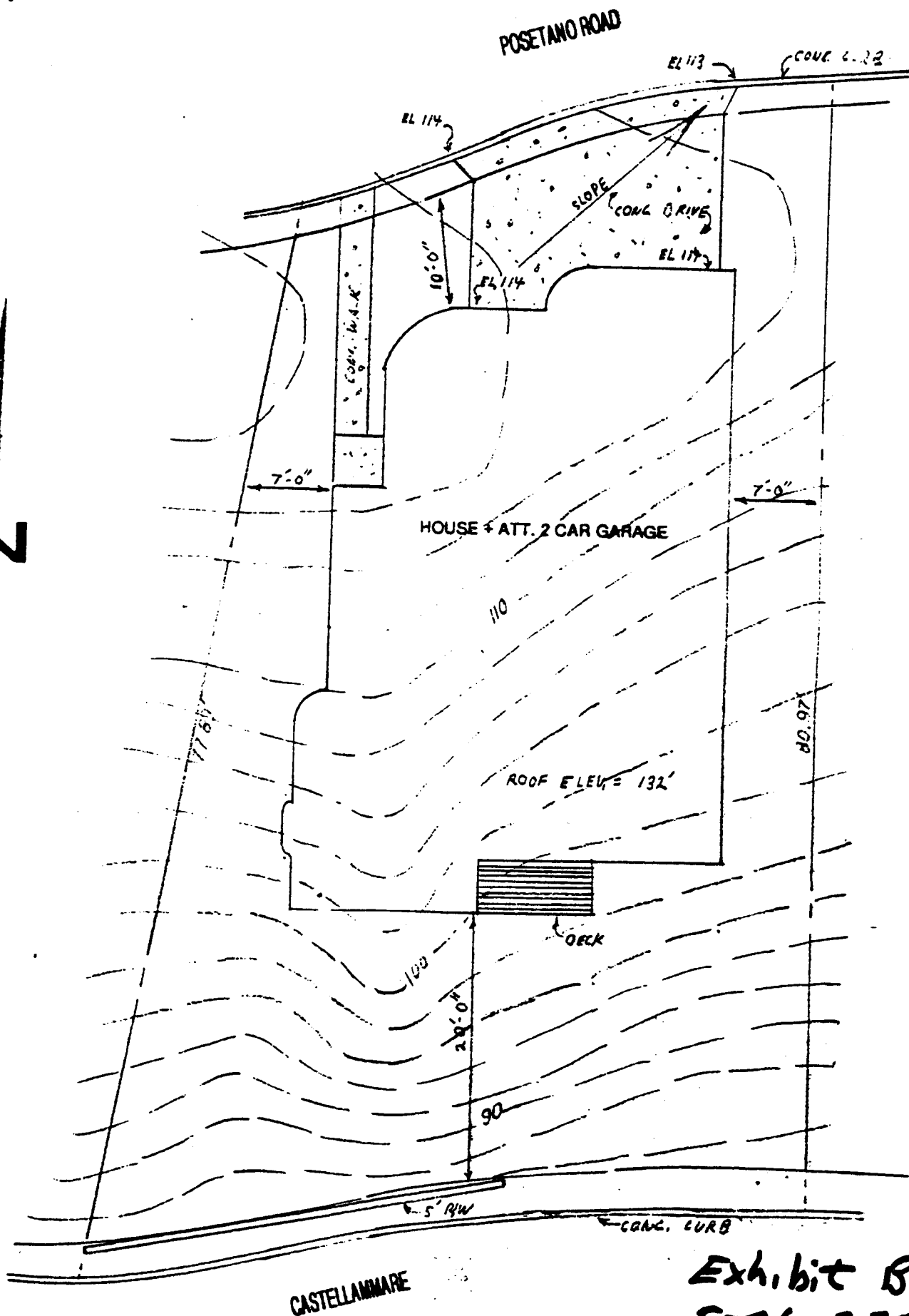
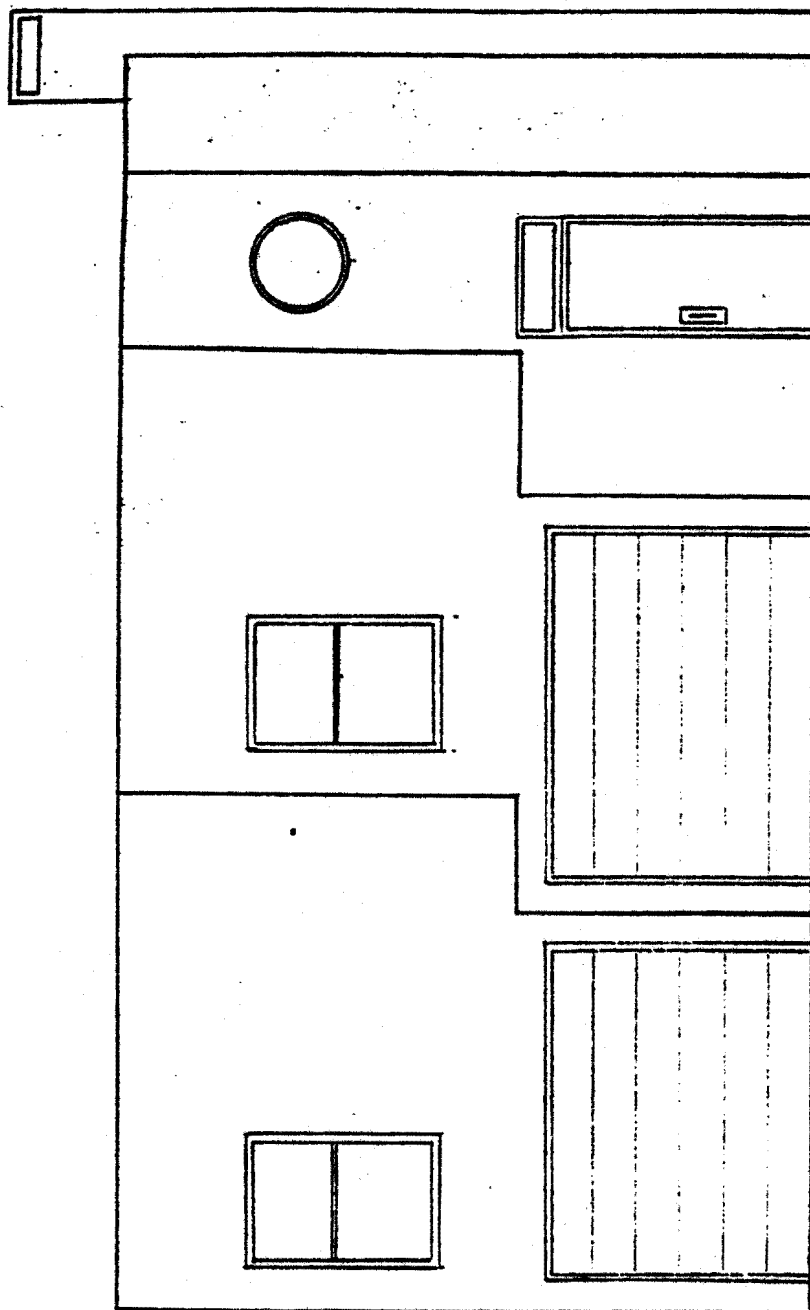


Exhibit B
S-96-235

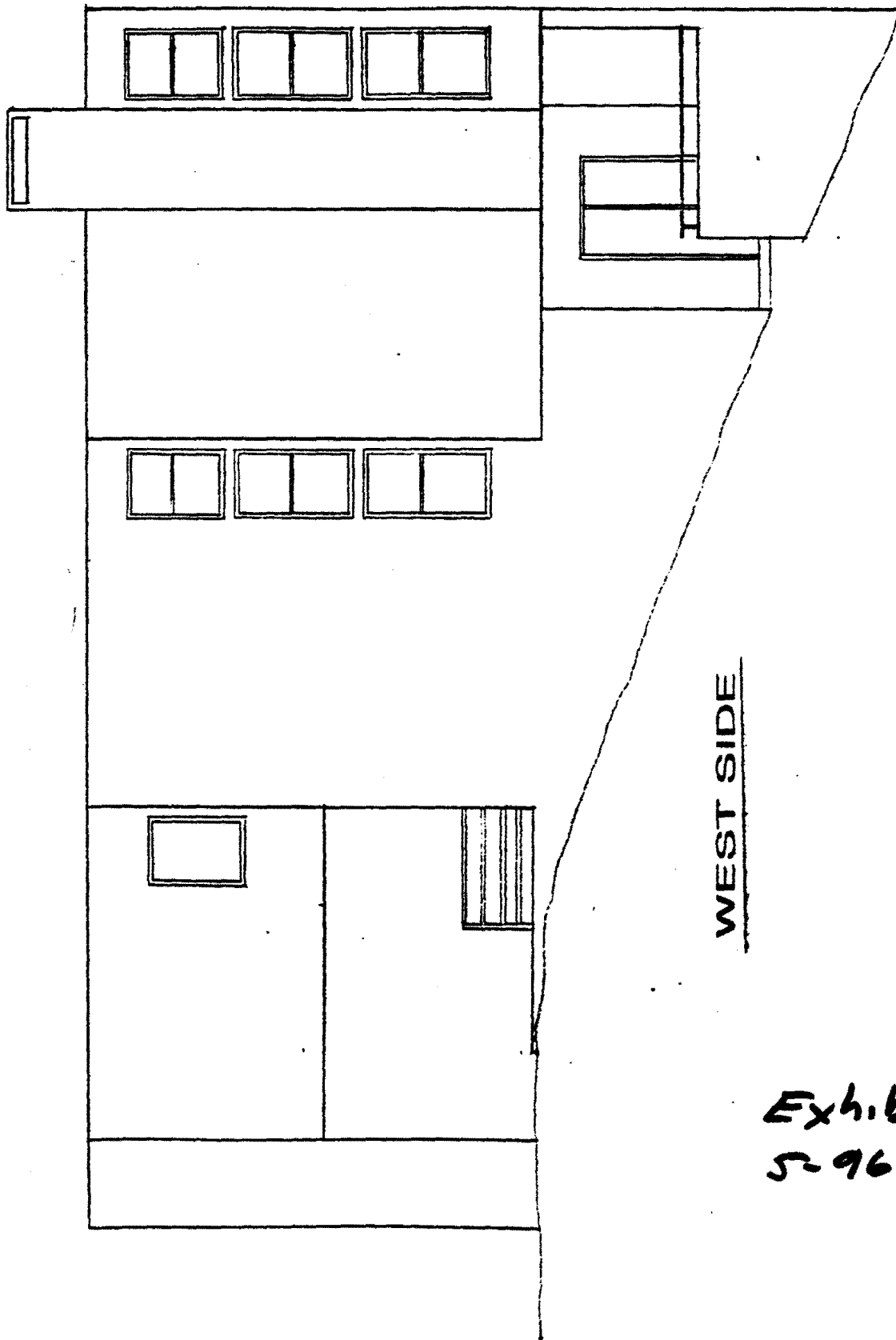


FRONT

Exhibit C

5-96-235

South Coast District Off
APPROVED
Permit No. 5-96-23
By: .
EFFECTIVE
Date:



WEST SIDE

Exhibit D
5-96-235

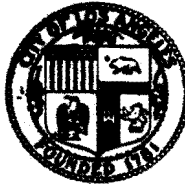
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CALIFORNIA

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GENERAL MANAGER

ARTHUR C. DEVINE
EXECUTIVE OFFICER

December 19, 1995

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C.D. --

(SOILS/GEOLOGY FILE - 2)

Sam Ostayan
1888 Century Park East #1900
Los Angeles, CA 90067

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

TRACT: Castellammare (MP-113-3)
LOT: 9
LOCATION: 17616 POSETANO ROAD

<u>CURRENT REFERENCE REPORT/LETTER(S)</u>	<u>REPORT NO.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Soils/Geo Report	95-343-2	11/22/95	GeoSystems, Inc

<u>PREVIOUS REFERENCE REPORT/LETTER(S)</u>	<u>REPORT NO.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Soils/Geo Report	95-343	07/24/95	GeoSystems
Department Letter	15438	08/30/95	Bldg & Safety
Department Letter	15993	10/17/95	Bldg & Safety
Soils/Geo Report	95-343-1	09/15/95	GeoSystems

The current and previous referenced reports concerning a proposed single-family residence have been reviewed by the Grading Division of the Department of Building and Safety. The site is located on east edge of an area, which is considered to possibly be a deep-seated prehistoric landslide. According to the reports, a distinct

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slip surface was not observed; However, the consultants have determined that the depth to competent bedrock varies from 11 to 18 feet below the ground surface.

A shallow active landslide exists on the southwest portion of the site. Site stabilization is to include three rows of soldier piles, a retaining wall, removal and recompaction of the active landslide debris and subsurface dewatering; offsite grading is proposed.

It is noted that the design of the proposed piles is based on only one exploration boring at the top of the site. Therefore, it will be necessary for the geologic consultant to inspect the pile excavations, particularly on the southern end of the site, to determine if re-design of the piles is necessary.

The reports are acceptable, provided the following conditions are complied with during site development:

1. The owner shall record a sworn affidavit with the Office of the County Recorder which attests to his knowledge that the site is located in an area subject to slides or unstable soil.
2. The geologist and soil engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading.
3. The geologist shall perform full time inspection and log the soldier pile borings to determine if conditions are as anticipated. If more critical conditions are encountered, then the job shall be stopped and a supplemental report submitted with analyses and recommendations.
4. Subsurface hydrauger drains shall be installed per the recommendations of the report dated September 15, 1995.
5. All existing recent landslide debris shall be removed and recompacted, as recommended.
6. All existing and proposed fill slopes shall be graded to no steeper than 2:1.
7. The geologist and soils engineer shall review and approve the detailed plans prior to issuance of any permits. This approval shall be by signature on the plans which clearly indicates that the geologist and soils engineer have reviewed the plans prepared by the design engineer and that the plans include the recommendations contained in their reports.
8. All recommendations of the report which are in addition to or more restrictive than the conditions contained herein shall be incorporated into the plans.

Exhibit E

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9. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the State Construction Safety Orders enforced by the State Division of Industrial Safety.
10. A grading permit shall be obtained.
11. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit.
12. Secure the written consent from all owners upon whose property the proposed grading is to extend.
13. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM 1557.
14. All graded, brushed or bare slopes shall be planted with low-water consumption, native-type plant varieties recommended by a landscape architect. Suitable arrangements shall be made with the Department with respect to continued maintenance of the recommended plant varieties until they are established as an effective ground cover.
15. All roof and pad drainage shall be conducted to the street in an acceptable manner.
16. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted to the street in an acceptable manner and in a non-erosive device.
17. Prior to issuance of the building permit, the design of the subdrainage system required to prevent possible hydrostatic pressure behind the retaining wall and the proposed fill shall be approved by the Soil Engineer and accepted by the Department. Installation of the subdrainage system shall be inspected and approved by the Soil Engineer.
18. All friction pile or caisson drilling and installation shall be performed under the periodic inspection and approval of the Foundation Engineer and the geologist.
19. Pile and/or caisson foundation ties are required by Code Section 91.2908(b). Exceptions and modification to this requirement are provided in Rule of General Application 662.
20. Prior to the placing of compacted fill, a representative of the consulting Soils Engineer shall inspect and approve the bottom excavations. He shall post a notice on the job site for the City Grading Inspector and the Contractor stating

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that the soil inspected meets the conditions of the report, but that no fill shall be placed until the City Grading Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be filed with the Department upon completion of the work. The fill shall be placed under the inspection and approval of the Foundation Engineer. A compaction report shall be submitted to the Department upon completion of the compaction.

21. Prior to the pouring of concrete, a representative of the consulting Soil Engineer shall inspect and approve the footing excavations. He shall post a notice on the job site for the City Building Inspector and the Contractor stating that the work so inspected meets the conditions of the report, but that no concrete shall be poured until the City Building Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Department upon completion of the work.
22. The geologist shall submit a final report to the Department stating that the completed work complies with his recommendations. Geologic data from selected pile excavations and the hydrauger locations shall be included in the report.
23. Retaining walls shall be designed for the equivalent of fluid pressures presented on Page 16 of the July 24, 1995 report.
24. The three rows of soldier piles shall be designed for the active pressures recommended in the November 22, 1995 report. Any retaining walls located on the soldier piles shall be designed for the higher of the recommended fluid pressures, for soldier piles and retaining walls.

LARRY WESTPHAL
Chief of Grading Division


DANA V. PREVOST
Engineering Geologist I


THEO R. SEELEY
Geotechnical Engineer I

DVP/TRS:rlm
A:\DEC16669
(213) 485-2160

cc: GeoSystems
WLA District Office

Exhibit E
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