

**CALIFORNIA COASTAL COMMISSION**

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Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 5-98-282

APPLICANT: David Shiepe      AGENT: Yong Park

PROJECT LOCATION: 7769 Veragua Drive, Playa del Rey, City of Los Angeles

PROJECT DESCRIPTION: Construction of a 6,535 square foot single-family residence, four floors over basement, 45' high with attached 2-car garage.

Lot area:	5,339 sq. ft.
Building coverage:	2,136 sq. ft.
Pavement coverage:	543 sq. ft.
Landscape coverage:	2,120 sq. ft.
Parking spaces:	2
Zoning:	R1-1
Plan designation:	Single Family Res.
Project density:	N/A
Ht abv fin grade:	45'

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

**SUMMARY OF STAFF RECOMMENDATION**

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

**SUBSTANTIVE FILE DOCUMENTS:**

1. Certified Playa Vista Land Use Plan.
2. California Coastal Commission; Statewide Interpretive Guideline for Wetland and Other Wet Environmentally Sensitive Habitat Areas.
3. National Audubon Society; Ballona Wetland, Landscape and Access Plan, Appendix III, Landscape.
4. Staff Recommendation on Minor Boundary Adjustment BA#6-89, City of Los Angeles, Los Angeles Co., 8/31/90.
5. City of Los Angeles, ICO Westchester Bluffs #165,508.
6. Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, California Native Plant Society, November 23, 1988.
7. Department of Airport Commission, Airport Dunes Study, By Rudy Mattoni.
8. Coastal Development Permits 5-89-377 (Storey), 5-90-1109 (Wilhelmsen) & 5-91-282 (Pridgen).
9. Court Case C525-826 Friends of Ballona Wetlands et al. vs. California Coastal Commission, et al.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions**

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

**II. Standard Conditions:**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions:

#### 1. Participation in Drainage Mitigation Project

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

#### 2. Drainage Plan

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

### 3. Geologist's Recommendations

Prior to the issuance of the Coastal Development Permit, the applicant shall submit to the Executive Director for review and approval, a set of project design plans signed by the project Soils Engineer certifying that all recommendations for grading, foundations, retaining walls, and drainage made in the report prepared by Pioneer Soils Engineering, Inc. on June 2, 1998, have been incorporated into the project design.

### 4. Assumption of Risk/Indemnification

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

### 5. Grading and Landscaping

Prior to the issuance of a Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a revised landscape plan which has been signed by a landscape architect or landscape contractor. All disturbed areas shall be planted and maintained for erosion control and visual enhancement purposes. All landscaping shall consist of native, drought resistant species (except for tall screening trees) as listed below to minimize the need for irrigation and to screen or soften the visual impact of development. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. Such invasive plants are noted in an attachment to the document dated January 20, 1992, "Plants suited for wildland corridors of the Santa Monica Mountains" by the Native Plant Society, and in the Airport Department and Audubon documents noted above. The revised plans shall indicate the following:

- a) Trees shall be planted within the rear yard setback or in the rear yard area which, when mature, will screen those portions of the structure located more than 24 feet below the highest point on the roof from the Ballona Wetlands, Lincoln Boulevard and Culver Boulevard. Such trees shall not be of species which may naturalize and invade native riparian and bluff areas, or which may inhibit the growth of native plants. The back yard area must be landscaped and not covered with any sort of

impervious material with the exception of a small path. No deck or patio is permitted in this area.

b) Incorporate the use of California native plants selected from the list below (plants native to the bluff wetlands ecosystem, selected or placed to avoid situations of high flammability).

Acceptable Plants:

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

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

6. Future Improvements

Prior to issuance of a Coastal Development Permit, the applicant shall record a Deed Restriction, in a form and content acceptable to the Executive Director, which provides that Coastal Development Permit 5-98-282 is for the approved development only, and that any future additions or improvements to the property including lot-line adjustments, fencing and grading will require a new Coastal Development Permit from the Coastal Commission or its successor agency.

#### IV. Findings and Declarations

##### A. Project Description and History

The applicant is proposing to construct a 6,535 square foot single-family residence with a two-car garage. The structure measures 9 feet in height from the centerline of the road or a total of 45 feet high from finished grade. Grading consists of 235 cubic yards of cut and 208 cubic yards of fill.

The site is located on a Pleistocene wave cut terrace on a north-facing slope overlooking the floodplain of Ballona Creek. The slope descends 25 feet on a 2:1 gradient and then 80 feet on a 1.5:1 gradient to the bottom of the slope. The site is underlain by dune sands which are very susceptible to erosion. Drainage on site is by sheet flow down the slope. The north-facing slope under the proposed and existing residences is very much susceptible to shallow soil slips.

There are single-family residences adjoining the currently vacant lot. Recently, the Commission has approved coastal development permits for 5-91-285 (Gondal), 5-91-282 (Pridgen), and 5-90-1109 (Wilhelmsen) and 5-92-349 (Galos).

##### Area Planning History

This property is located on a highly visible bluff overlooking Ballona wetlands; the Westchester bluffs. These bluffs are a prominent landform rising 140 feet above the Ballona Wetlands. Because the bluff faces were visually and biologically part of the Ballona Wetlands system, Los Angeles County included the lower portions of these bluff face lots as part of the Marina del Rey/Ballona Land Use Plan which was certified by the Commission on October 10, 1984. Subsequently, the City of Los Angeles annexed a 458 acre portion of the county's Marina del Rey/Ballona LCP area which included these blufftop and bluff face lots. The City of Los Angeles then submitted the Playa Vista Land Use Plan for the newly annexed coastal lands. The Commission certified the city's Playa Vista Land Use Plan in 1986. As a result of a court suit challenging the adequacy of habitat protection in the land use plan, the City and County are revising the LUP to reflect a settlement (Friends, etc.). The settlement proposes additional wetlands at the toe of the bluff but does not propose changes in land use for these lots.

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

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

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

Staff contacted the City to get information on the status of the ICO and the specific plan for the Westchester Bluffs area. The City informed staff that a new ICO has been enacted (#167-892). Staff also queried the City as to drainage improvements in the proposed project area. The planner told staff that the drainage and erosion problem in Hastings Canyon would ostensibly be resolved as a condition of subdivision of the land encompassing the canyon. The planner said the City has no plans at this time to resolve the erosion problem either in Hastings Canyon or on the slopes below the proposed development. The Commission has approved three CDPs prior to the proposed project. However, any new development projects will be subject to heightened scrutiny because of the existing drainage problem and the evident lack of action towards resolving it.

#### B. Environmentally Sensitive Habitat Areas

Sections 30240 and 30231 of the Coastal Act state:

##### Section 30241

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

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

#### Section 30231

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

The Ballona Marsh/Wetlands is located at the base of the Playa del Rey (Westchester) bluffs. Approximately 210 acres of wetland area has been designated as a Habitat Management Area (163 acres will be restored to a full functioning wetland) in the Playa Vista Land Use Plan. Based on a 1991 settlement 190 acres will be restored by the landowner if total number of units is approved. The wetlands provide habitat for two endangered species the Beldings Savannah Sparrow and the Least Tern. The Playa Vista Land Use Plan identifies the area just south of Cabora Drive at the base of the bluff as a Ecologic Support Area or a buffer zone for the wetlands which will eventually be restored. Early biologic reports identified the bluff face as habitat for predators that were a necessary part of the wetlands system. (LA County Museum)

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

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

A. The creation of impervious surfaces and earthwork can increase runoff and erosion adding soil solids to the drainage area and eventually into the wetlands in the form of greater water turbidity, and increased sedimentation.



B. Residential/urban runoff contain a variety of pollutants (pesticides, residues, fertilizers etc.) that could be introduced into wetlands.

C. Outdoor lighting could disturb wetland wildlife (primarily nocturnal and/or secretive species).

D. Clearing vegetation from the bluff face and introduction of invasive non-indigenous vegetation could supplant native bluff and wetland plant species.

In an adjoining development, the applicants were conditioned to pump the drainage and runoff from development up to Veragua Drive. The applicant's foundation plans show a sump pump connecting to a storm drain pipe. The water would be pumped up to Berger Ave. and would then flow east to the mouth of Hastings Canyon and then into the Ballona Wetlands.

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

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

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

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

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

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

Marine Resources

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

The settlement cited "Agreement for Settlement of Litigation in the 1984 Case of Friends of Ballona wetlands, et al. Vs. the California Coastal Commission, et al. Case No. C525-826" above proposes the applicant seek an amendment to the LUP to relocate the lagoon system from a location between Culver Drive west of the terminus of Jefferson, and south of the flood control channel to a location at the toe of the bluffs directly west of Lincoln Boulevard. However, regardless of which location is ultimately chosen for the lagoon, the certified LUP will require treatment and filtration before it discharges into the marsh.

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

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

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

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

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

The existing vegetation on the site will be removed while grading for the development. All of the bluff face within the lot will be replaced by building and hardscape patio area with some landscaping interspersed within the structure. Staff visited the site and observed that vegetation on this portion of the bluff face is comprised of primarily short grasses with no Coastal Chaparral. Therefore, construction and earthwork will not destroy any portion of the Coastal Chaparral Community that is found on other portions of the bluff. However, the construction of this house as proposed will preclude restoration of any of the Coastal Sage Scrub and Chaparral that was previously found in this area.

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

In this case, the applicant has not submitted a drainage plan. In keeping with nearby Commission approvals, and in order to protect the ESHA wetlands from siltation due to slope soil erosion, the Commission finds that the applicant must submit a final drainage plan showing that all drainage and runoff from the developed site is diverted to Berger Ave. In addition, the applicant is also being conditioned to submit a landscaping plan which conforms to the plant list in Special Condition 5b. Therefore, the Commission finds that as a special condition of approval, the applicant must submit grading and landscaping plans that show:

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

The Los Angeles City ICO requires that landscaping include plants indigenous to the Ballona Wetlands and bluffs. It also requires the use of trees for visual screening of the structures. In this case trees that are 40 feet high will be required. There are no trees that are 40 feet high that are native to the wetlands or bluffs, and which support ecosystems of low, ground-hugging plants or shrubs. In addition, the conditions in the Covenant and Agreement Regarding

Maintenance of Building state that no trees shall be allowed in the side or front yards. Because the rear of the residence would be 45' high, trees planted here would not obstruct views. Therefore, the Commission permits the use of non-indigenous trees for purposes of screening, but requires that they not be of the many species that may invade sensitive habitat areas or inhibit native plants and animals. Lists of invasive species have been prepared in the course of preparing revegetation studies currently underway in the Ballona Wetlands, and in the nearby Airport Dunes portion of this same Pleistocene Dune Complex, and by the Native Plant Society. Invasive plants establish themselves in many areas and then choke out native plants which may be food plants to native animals.

The Coastal Act habitat policies require that projects adjacent to Environmentally Sensitive Habitat Areas be developed consistent with the maintenance of the habitat areas. Although this area is not immediately contiguous to the wetland and the value of small patches of habitat may be small, there is grounds within the general policies found in the Playa Vista Land Use Plan for preserving and restoring as much native vegetation as possible. It is most important, however, that development adjacent to the wetlands not include species that may escape and supplant native plants within the ecosystem. As conditioned to include some, (not all) compatible plants and to require no incompatible plants, this development is consistent with Section 30240(a) of the Coastal Act. As conditioned to control grading, reduce landform alteration, and to revegetate, the project conforms with Sections 30240 and 30251 of the Coastal Act.

### C. Geologic Hazard

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

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

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

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

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

Hazards

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

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

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

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

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

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

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

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

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

The applicant has submitted a geologic and soils report, and a letter of acceptance of the geologic report, however, neither the geologic report nor the residence plans include a slope protection plan, detailed runoff and drainage control plan, and an erosion restoration plan. The applicant has submitted a geotechnical report dated 6-2-98, by Pioneer Soils Engineering, Inc. The engineering geologic report concludes that the proposed project is considered feasible from a geotechnical standpoint. This determination of the consulting geologist is contingent, however, upon certain recommendations being incorporated into the construction plans and implemented during construction relative to foundations, retaining walls, grading, excavations, and drainage. Therefore, the applicant must submit verification that all recommendations contained in the soils report will be incorporated into the project's final design as a special condition of approval and that the report has been reviewed and approved by the City of Los Angeles Department of Building and Safety Grading Division.

Under Section 30253 of the Coastal Act new development in areas of high geologic, flood, and fire hazard may occur so long as risks to life and property are minimized and the other policies of Chapter 3 are met. The Coastal Act recognizes that new development may involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Because of the inherent risks to development situated on a bluff face that is composed of highly erodible sand, the Commission cannot absolutely acknowledge that the foundation design will protect the proposed residence during all future storms or be constructed in a structurally sound manner and be properly maintained to eliminate any potential risk from slope failure.

The applicant may decide that the economic benefits of development outweigh the risk of harm which may occur from the identified hazards. Neither the Commission nor any other public agency that permits development should be held liable for the applicants decision to develop. Therefore, as conditioned to assume risk of failure the applicants are required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. Only as conditioned, to submit a comprehensive drainage plan and assumption of risk, is the proposed development consistent with Section 30253 of the Coastal Act and relevant policies of the Playa Vista Land Use Plan.

#### D. Visual Resources

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

##### Section 30251

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

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

Development Standards/Compatibility of Development:

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

As mentioned above, the proposed project is a 45-foot high (above existing natural grade) single-family dwelling on a vacant bluff face lot. As proposed, the structure extends approximately 65 feet from Veragua Drive down the bluff face and will be highly visible from the wetlands, and Lincoln and Culver Boulevards. Culver Boulevard is a designated Scenic Highway. From the top of the bluff, expansive, generally unobstructed views of the wetlands, ocean, marina, cityscape, and the Santa Monica and San Gabriel Mountains are offered from Veragua and Berger Drives. A number of single-family dwellings have been recently constructed on the bluff face which are similar to the proposed dwelling regarding size and scale. Since the Coastal Zone Boundary Adjustment, this is the fourth house that has come before the Commission on this row of lots, which also contains other as yet undeveloped parcels. The City's Interim Control Ordinance has provisions to limit the visual impacts of development (Exhibit #9).

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

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

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

The City requires screening of structures on downslope lots which exceed 24 feet in height. This requirement is not possible to carry out by means of potted plants that would grow on a terrace. Tall trees can also be planted below the retaining wall for screening purposes. Coastal

Dun and Coastal Sage Scrub plants, appropriate biologically to the area, are not high enough to soften the visual effect of the building. However, there are some plants which are not invasive, which could be placed in the rear yard setback and which could reduce the apparent height of the structure. With the structure as it is proposed, using the guidance of the ICO, such trees should be at least 40 feet high. Although landscaping with tall trees generally soften visual impacts of solid structures, review of previously approved projects that have been built on the bluff face, it is apparent that due to the steepness of the bluff and size of the structures the residences are highly visible and landscaping has only a minimal effect on reducing the visual impact of the structures.

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

E. Local Coastal Program

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

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

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

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives

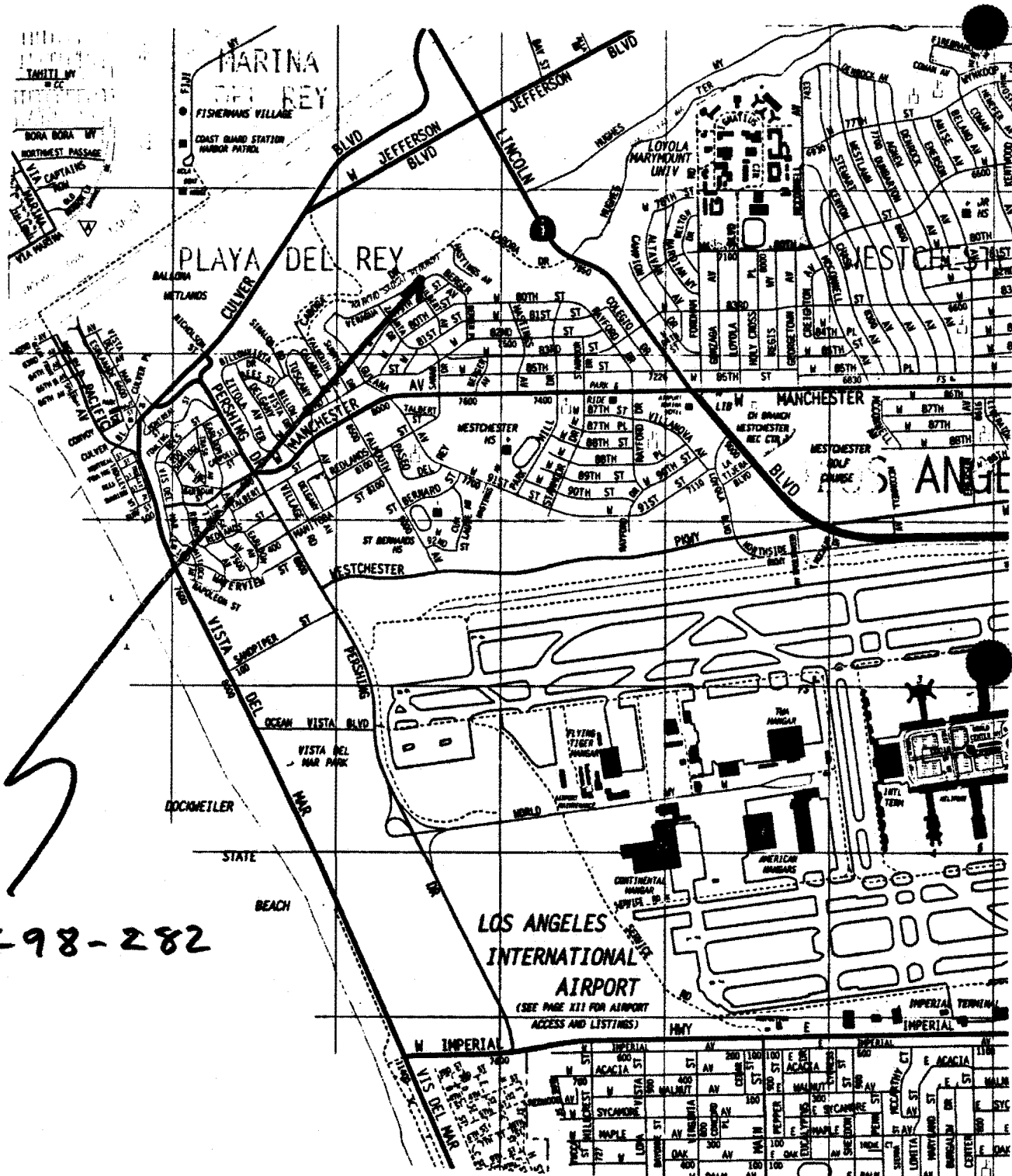


or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

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

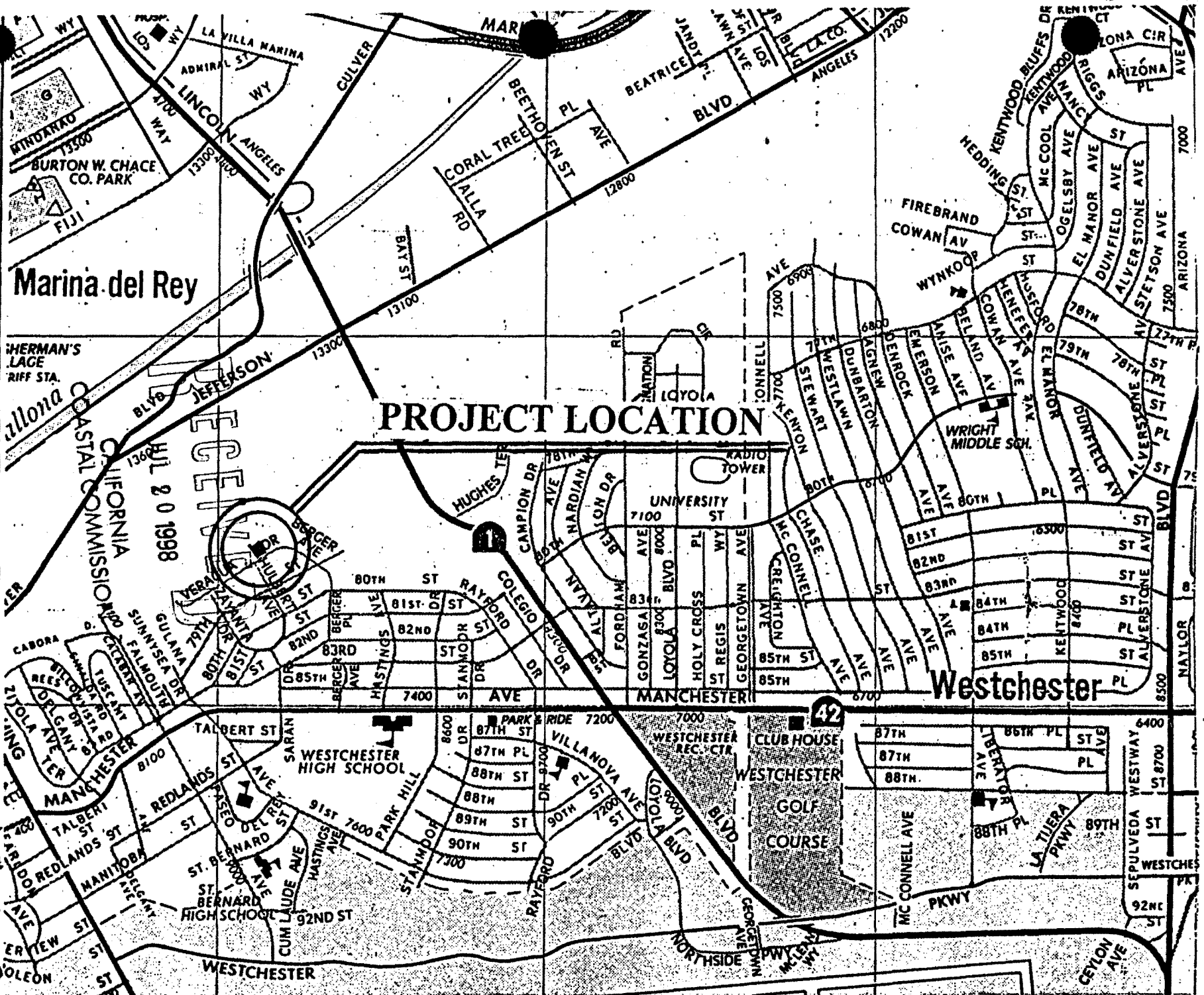
5-98-282rpt.

JLR



5-98-282

5-98-282  
Exhibit A



VICINITY MAP

RECEIVED

AUG 24 1998

## NOTES

CALIFORNIA CORNER RECORD FILED IN  
COASTAL COMMISSION PAGE 164

(R2&amp;M) - RECORD &amp; MEASURED PER R2.

## BENCHMARK

CITY OF L.A. BM. F.B. 40620 PG.226  
ELEV=157.425 1986

## LEGEND

SMH	SEWER MANHOLE
RET	RETAINING
WM	WATER METER
=====	WALL
=====	CURB



FD 1 1/2" IP  
TAGGED PLS 4170 NO REF.  
AT S 69°39'41" E 0.20'

SET 1" IP  
TAGGED  
LS 7123

LOT 17

FD 2" IP TAGGED  
PLS 4170 NO REF. AT  
N 39°07'33" E 0.13'

4.0' WIDE EASEMENT  
FOR TELEPHONE, POWER  
POLES, WIRES, CABLES,  
LINES, CONDUITS SEWER,  
WATER, & GAS PIPES  
PER BK 13242/1/0  
AND BK 12930/6 O.R.

SET 1" IP  
TAGGED LS 7123

STEEL PIPES IN FACE  
OF WALL AT EL=176.1  
(ELEC/TEL CONNECTION?)

2" PIPES IN FACE OF  
WALL AT EL=175.1  
(ELEC/TEL CONNECTION?)

178.20 TW  
165.70 GND  
CONC. RET. WALL  
8" CURB  
2' CONC GUTTER

VERAGUA DRIVE  
N63°43'48"E  
ASPHALT ROAD

FD. CONC. N&T  
TAGGED L.S. 5052  
PER (R2)

6" SEWER CLAY PIPE  
CONNECTION IN FACE OF WALL  
INV 169.7  
177.8 TW  
162.8 GND 165.03 GND

176.85 TW  
165.76 GND

FD. CONC. N&T  
TAGGED L.S. 5052  
PER (R2)

FD L&T ON WALL TAGGED  
PLS 4170 NO REF. AT  
N 56°44'42" E 0.13'  
FROM PROPERTY  
LINE PRODUCED

FD L&T ON WALL TAGGED PLS 4170  
NO REF. AT N 56°43'55" E 0.06'  
FROM PROPERTY LINE PRODUCED

## Surveying &amp; Drafting Services

352 North Curson Ave., Los Angeles, CA., 90036  
Tel/Fax: (213) 857-1017 Pager: (213) 350-3491

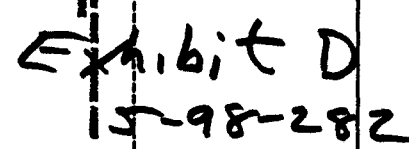
LOT 17 BLOCK 9 TRACT NO. 9167  
CITY OF LOS ANGELES

DATE OF SURVEY: 10-24-97 DATE: 10-29-97

DRAWN BY: OFER SHAPIRA SHEET: 1 OF 1

SCALE: 1" = 20'

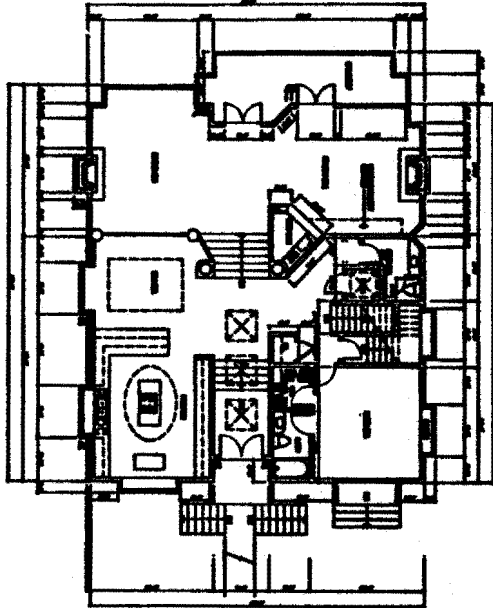




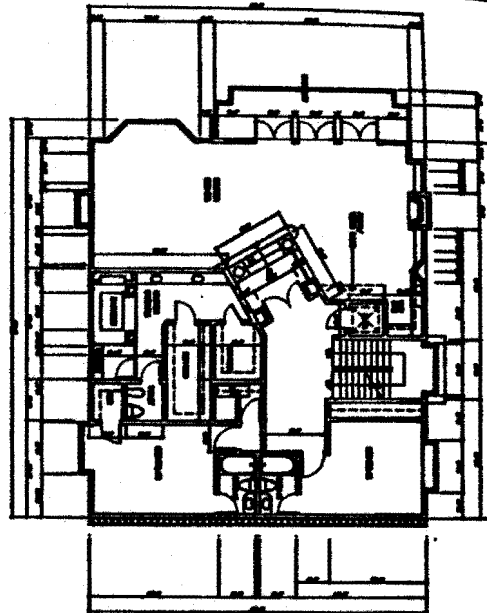
MR. SCHIPE 'S RESIDENCE  
7769 VERAGUA DR.  
PLAYA DEL REY, CA 90293

**G • R • O • U • P**  
**A • R • C • H**

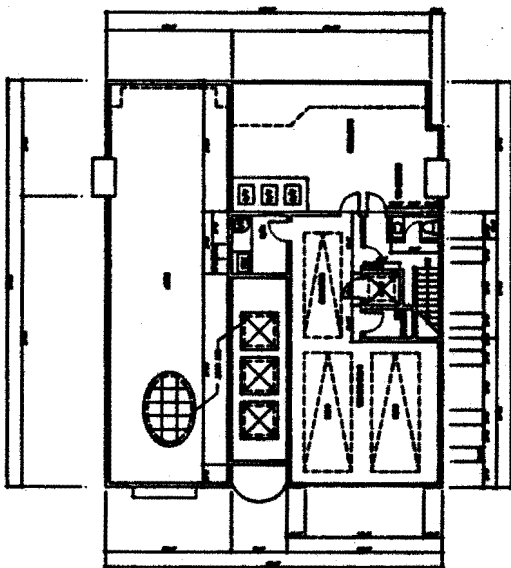
UPPER LEVEL FLOOR PLAN 3-2000



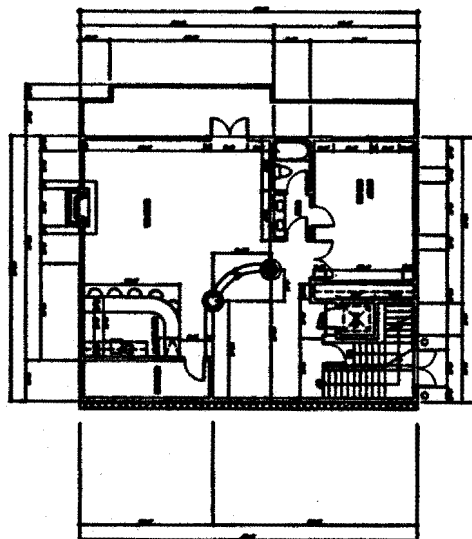
MIDDLE LEVEL FLOOR PLAN 3-2000



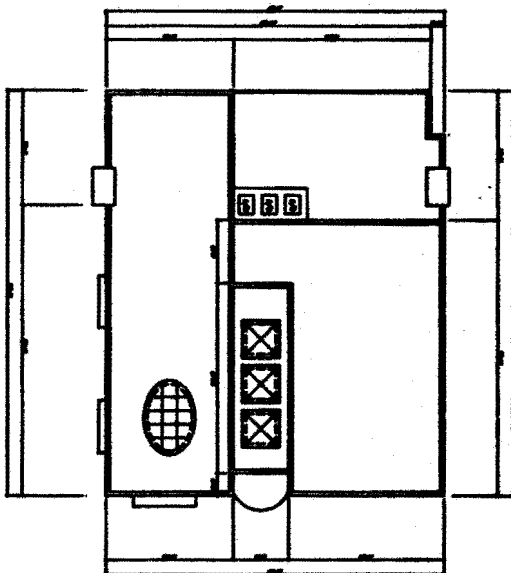
GROUND LEVEL FLOOR PLAN 3-2000



LOWER LEVEL FLOOR PLAN 3-2000



BOAT PLAN 3-2000



BASEMENT LEVEL FLOOR PLAN 3-2000

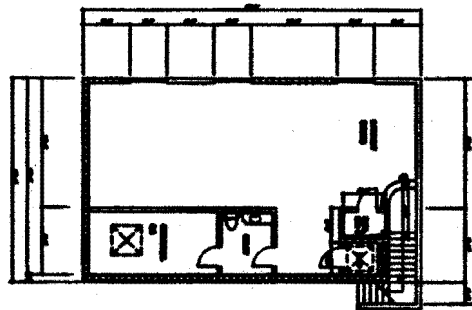


Exhibit E

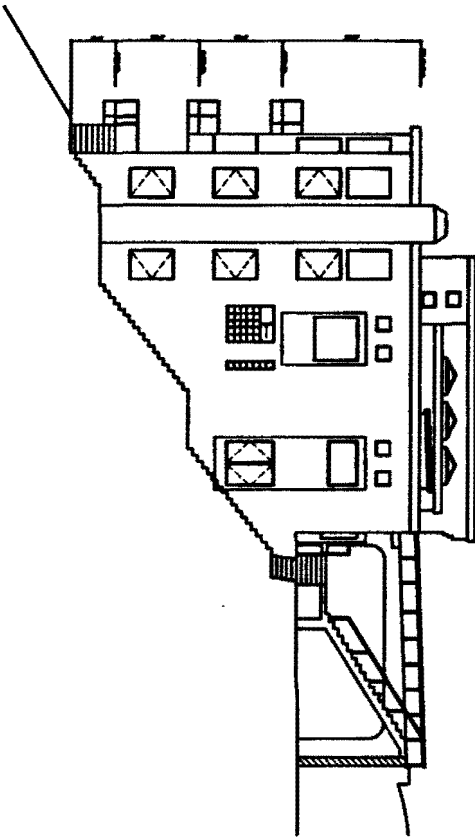
5-98-282

MR. SCHIPE'S RESIDENCE

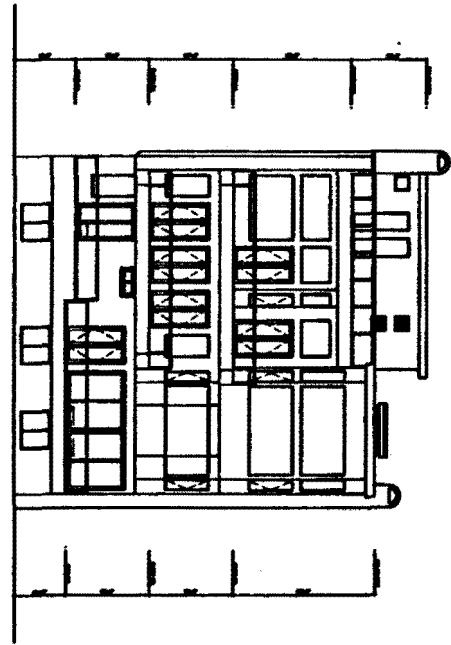
7700 VERAGLIA DR.  
PLAYA DEL REY, CA 90293

G.R.O.U.P.  
A.R.C.H.  
ARCHITECTS  
1000 10TH ST. S.W.  
SEATTLE, WA 98101  
(206) 461-1000

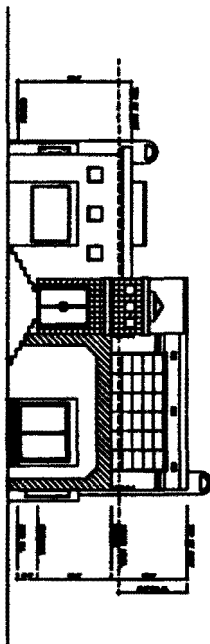
WEST ELEVATION



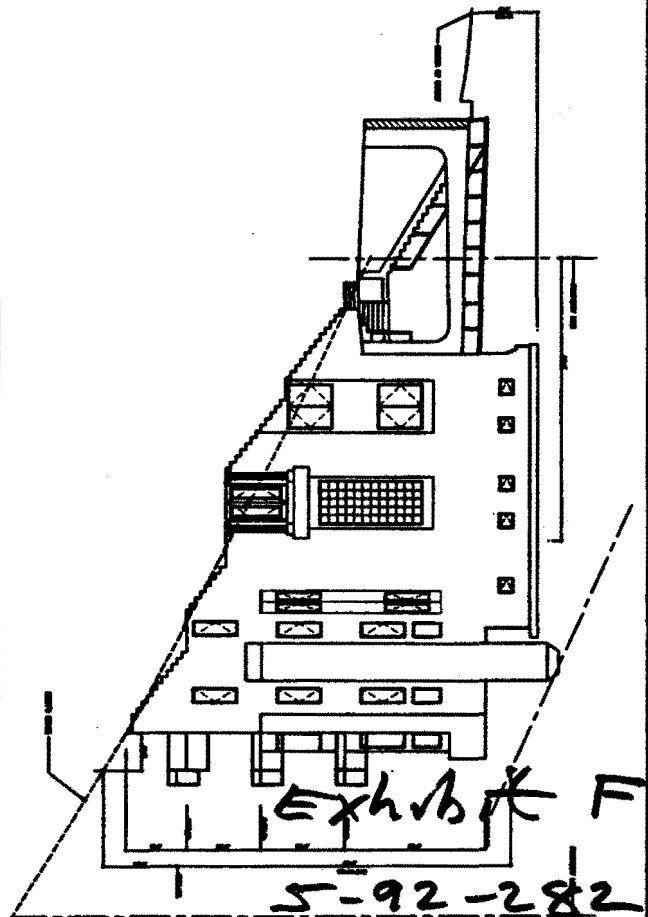
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



MR. SCHIPE 'S RESIDENCE  
7769 VERAGUA DR.  
PLAYA DEL REY, CA 90293

G. R. O. U. P.  
A. R. C. H.  
ARCHITECTS  
1000 10TH AVE. S.W.  
SEATTLE, WA 98101

BOARD OF  
BUILDING AND SAFETY  
COMMISSIONERS

JOYCE L. FOSTER  
PRESIDENT

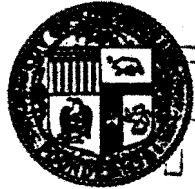
LEE ANON, ALPERT  
VICE-PRESIDENT

JEANETTE APPLIGATE

MABEL CHANG

ALEJANDRO PADILLA

CITY OF LOS ANGELES  
CALIFORNIA



RICHARD J. RIORDAN  
MAYOR

DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

ANDREW A. ADEL  
GENERAL MANAGER

RICHARD E. HOLGUIN  
EXECUTIVE OFFICER

RECEIVED  
AUG 24 1998

CALIFORNIA  
COASTAL COMMISSION

Log # 24979

Soils/Geo File-2

July 14, 1998

Mr. Douglas Sheipe  
PO box 7200  
Beverly Hills, Ca. 90212

TRACT: 9167 block 9  
LOT: 17  
LOCATION: 7769 Veragua Dr.

CURRENT REFERENCE REPORT/LETTER(S)	REPORT NO.	DATE(S) OF DOCUMENT	PREPARED BY
Soils/Geo Report	1765-FG	June 2, 1998	Pioneer Soils Engrg.
Grading Ovrzsd Doc	" "	" "	" "

The above report concerning recommendations for a residence, swimming pool and decks has been reviewed by the Grading Section of the Department of Building and Safety. According to the report, the site is underlain by deep dune sand. A 25 foot deep excavation will be shored with soldier piles.

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

1. 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.
2. All new graded slopes shall be no steeper than 2:1.
3. All recommendations of the report which are in addition to or more restrictive than the conditions contained herein shall also be incorporated into the plans for the project.
4. Suitable arrangements shall be made with the Department of Public Works for the

2 of 4 5-98282  
Exhibit G



proposed removal of support and/or retaining of slopes adjoining the public way.

5. 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.
6. A grading permit shall be obtained.
7. 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.
8. The applicant is advised that recommendations contained herein for excavated banks may also be subject to the regulations of the Department of Public Works of the City of Los Angeles. Construction of trenches or excavations which are 5 feet or deeper and into which a person is required to descend requires a permit from the State Division of Industrial Safety prior to obtaining a grading permit.
9. 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.
10. All existing fill, soils, exploratory trench backfill, seismically unstable alluvium and earth materials shall be removed and recompactd under the direct supervision of the soils engineer, prior to use for slab support.
11. 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 D 1557. If the fill material is cohesionless soil ( less than 15% smaller than 0.005mm ) then it shall be compacted to 95 percent compaction.
12. Both the geologist and the soils engineer shall inspect and approve all fill and subdrain placement areas prior to placing fill. Both consultants shall include in their final reports a certification of the adequacy of the foundation material to support the fill without undue settlement and/or consolidation.
13. All graded, brushed or bare slopes shall be planted with low-water consumption, native-type plant varieties recommended by a landscape architect.
14. All roof, driveway and pad drainage shall be conducted to the street in an acceptable manner.
15. All deck drainage shall be collected and conducted to the street in a non-erosive device, by pumping or through an easement.

Exhibit G 2 of 4 5-98-282

16. Support from tie backs is considered temporary, for use during construction only. The permanent support must be independent of the anchors.
17. Prior to issuance of the building permit, the design of the subdrainage system required to prevent possible hydrostatic pressure behind retaining walls shall be approved by the soils engineer and accepted by the Department. Installation of the subdrainage system shall be inspected and approved by the soils engineer and by the City grading inspector.
18. The residence and bridge shall be supported on friction piles.
19. Footings shall be located a minimum horizontal distance of 40 feet from the face of the slope.
20. The geologist and soil engineer shall inspect the excavations for the footings to determine that they are founded in the recommended strata before calling the Department for footing inspection.
21. Pile caisson and/or isolated foundation ties are required by Code Section 91.1807.2. Exceptions and modification to this requirement are provided in Rule of General Application 662.
22. Pile and/or caisson shafts shall be designed for a lateral load of 1000 pounds per linear foot of shaft exposed to fill, soil and weathered bedrock.
23. The installation and testing of tie-back anchors shall comply with the recommendations included in the report or the standard sheets titled "Requirement for Tie-back Earth Anchors", whatever is more restrictive.
24. A registered grading deputy inspector approved by and responsible to the project geotechnical engineer shall be required to provide continuous inspection for the proposed slot cutting, underpinning, shoring, tie-back, and/or buttress.
25. 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 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 soils engineer. A compaction report shall be submitted to the Department upon completion of the compaction.
26. 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

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6  
Exhibit 6

to this effect shall be filed with the Department upon completion of the work.

27. Prior to excavation, an initial inspection shall be called at which time sequence of shoring, protection fences and dust and traffic control will be scheduled.

*Theodore Nickerson*  
THEODORE NICKERSON  
Engineering Geologist II

*Theo R. Seeley*  
THEO SEELEY  
Geotechnical Engineer I

TDN:TRS:tdn:trs  
a/24979  
(213) 977-6329

cc: Pioneer Soils Engineering  
Yong Park  
LA District Office

Exhibit G  
4 of 4  
5-98-282

