

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Staff: PE/JR/LB PE
Staff Report: 11/18/98
Hearing Date: Dec 13-16, 1998
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-98-333

APPLICANT: Dr. and Mrs. Koichi Mera

AGENT: James Crisp

PROJECT LOCATION: 1375 Goucher St, Pacific Palisades, City of Los Angeles,
Los Angeles County

PROJECT DESCRIPTION: Construction of 4450 sq. ft. two story single family home
over garage, 2200 c.y. grading, installation of pool, access drive,
retaining walls, and soldier piles..

Lot Area	91,476 sq. ft.
Building Coverage	4,450
Pavement Coverage	8,500 sq. ft.
Landscape Coverage	78,523 sq. ft.
Parking Spaces	3 spaces
Zoning	RE 40-1-H
Ht above final grade	35

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed house, subject to conditions requiring the applicant to follow the recommendations in its updated geology report, record an assumption of risk deed restriction and come to an agreement concerning fire clearance, in advance of construction with the Santa Monica Mountains Conservancy, the manager of the adjacent park. As conditioned, the proposed house is consistent with the visual quality, habitat, recreation and geologic hazard policies of the Coastal Act.

LOCAL APPROVALS RECEIVED:

- 1) City of Los Angeles Coastal Development Permit 98-005
- 2) Soils and Geology review # 25660-01 City of Los Angeles, October 14, 1998
- 3) 5-97-419(Westside Homes)

SUBSTANTIVE FILE DOCUMENTS:

- 1) J. Byer Group, Inc.: Project No. 17610-I Geologic and soils engineering update...proposed residence pool and access drive, February 25, 1998

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 effects 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 grading and foundation plans for the review and approval of the Executive Director. The approved foundation plans shall include plans for the sub-drains, retaining walls, soldier piles, and footings. The plans shall also include the signed statement of the Geotechnical consultant, J. Byer Group, certifying that these plans incorporate the recommendations contained in the Geotechnical Investigation Report update dated September 30, 1998 and all recommendations of the Grading Division of the City of Los Angeles Department of Building and Safety. 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/Indemnification

Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide; (a) that the applicant understands that the site may be subject to extraordinary hazards from fire, landslide, and/or slope failure and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim 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.

3) Fuel Modification Plan

Prior to issuance of the permit, the applicant shall provide for the review and approval of the Executive Director, a fuel modification and fire safety plan for the development. The plan shall minimize impacts to natural vegetation and public views and must have been reviewed and approved by the Los Angeles City Fire Department. If the Fuel Modification/Fire Safety plan anticipates any clearance on Santa Monica Mountains Conservancy lands, the applicant shall provide a signed agreement with the Santa Monica Mountains Conservancy, acknowledging that the property is adjacent to the Temescal Canyon Park. The agreement shall specify the location and methods of fuel modification (if any) on Santa Monica Mountains Conservancy property, and shall specify the amount of any fees or indemnification required for the use of State Property for such fire buffer. If the fuel modification plans show clearance or alteration of Santa Monica Mountains Conservancy Land more than 100 feet from the proposed residential structure, an amendment to this permit shall be required.

IV. Findings and Declarations:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to build a three level (two-level over subterranean garage), 4,450 square foot house on a ridge overlooking Temescal Canyon in the Pacific Palisades District in the City of Los Angeles. The house is split level. At the highest point, it extends 35 feet above finished grade. The Coastal Zone boundary bisects the applicant's property (Exhibit 3.) The Coastal Zone, which follows the ridges over Temescal Canyon, extends downslope to the west. In addition to a house, the applicant is proposing two fifteen foot-high retaining walls, which extend from inside the coastal zone to outside it. The applicant also proposes a driveway and a swimming pool.

Outside the Coastal Zone, the site abuts a landslide, and includes oversteepened slopes and some recently re-compacted fill. It is necessary for the driveway to cross both the landslide and the fill to access the property. To support the driveway, the applicants' engineering geologists are proposing a system of retaining walls, grade beams and soldier piles to isolate the site from these slides, which as noted, are outside the Coastal Zone. To the north, west and south of the

applicant's property a dedicated, but unimproved, road encircles the property, connecting to the end of Goucher Street. (Exhibit 2). Part of this road serves as a trail to enter the canyon. A road bulldozed in 1970 to conduct geologic borings crosses the road, extending from the lower level of the canyon up to the applicants' proposed home site. The trail has in the interim, been used to access the canyon. While the upper trail will be displaced by the house, the applicant proposes to encroach on the dedicated unimproved road in only one location, where the access driveway crosses it. This crossing is outside the Coastal Zone. The unimproved road connects with Goucher Street.

As noted above, only part of the applicant's property is located in the coastal zone, since the coastal zone boundary follows the canyon edge in this location, and the applicant's property is located on a knoll at the edge (Exhibit 2). In this permit request, the applicants have not tried to separate the portion of the project that lies inside the Coastal Zone from the portion of the project that lies outside the Coastal Zone boundary. The City's CDP and conditional use permit also did not distinguish the area in the Coastal Zone and the area outside of it.

B. ACCESS AND RECREATION.

The site is adjacent to Temescal Canyon, a public park. Temescal Canyon, a hiking destination and conference center, is owned and operated by the Santa Monica Mountains Conservancy. Formal public access to the canyon follows an access road to the canyon bottom from Temescal Canyon and Sunset Boulevards approximately $\frac{3}{4}$ of a mile west of the project site. Within Temescal Canyon Park, a trail on the western slope bypasses the conference center itself and then directs the public up the canyon to a trail leading to Topanga State Park and the Santa Monica Mountains Backbone Trail. This public trail is on the west side of the canyon. The property subject to this present application is on the top of the east ridge of the canyon, removed from the canyon floor and the trails found in it. A bulldozed trail extends from the canyon bottom to the house site. The applicants geology report asserts that the trail was cut in 1971-72 to conduct geologic tests. While a letter the staff has received states that the trail provides access to the canyon for neighborhood residents, the trail is not visible to or used by the general public (Exhibit 5.) This trail also connects to a dedicated unimproved road, which in its turn connects to Goucher St. As noted above, the proposed house itself will not encroach on the dedicated unimproved road, although its driveway access does cross it. The road is not on the applicant's property and the applicant does not propose fencing the road.

The proposed project would be located on a steep sided knoll, overlooking a publicly owned canyon. The undeveloped hillsides are covered with coastal sage scrub and chaparral. When residential structures are sited next to wild land parks, a conflict arises between the park's responsibility to preserve natural vegetation, and the homeowner's concern about fire. Ridge top structures are particularly vulnerable to fires. In the past, homeowners in the Santa Monica Mountains have

approached park managers and requested that park managers clear land to protect adjoining homes from fire. When there is a potential conflict between the park's interest in preservation of landscape for public recreation and habitat, and a future homeowners' safety, the Commission finds that the parties should resolve the conflict in advance of construction. Then, if design changes must be made to protect the structure from wildfire, or if there are limits on the park's ability to accommodate an adjoining owner, the owner is apprised before significant investment has occurred. With advance notice, the homeowner can also develop a fuel management plan that will minimize erosion and damage to habitat.

As conditioned, development of this property is consistent with the public access and recreation policies of the Coastal Act.

C. GEOLOGIC AND FIRE HAZARDS.

The Coastal Act provides that development shall be sited and designed to minimize hazards. It states:

Section 30253.

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 project is located on a knoll. To the south and west of the knoll, there is landslide. The applicant's geology report (J. Byer Group, inc. *Project No. 17610-1 Geologic and soils engineering update ... February 25, 1998*) requires that the applicant separate the access drive and the house from the slide by retaining walls, soldier piles and grade beams. The City of Los Angeles has reiterated this requirement in its Soils and Geology review letter # 25660-01 dated October 14, 1998. .

The City has required the applicant to remove and recompact some fill, which was illegally placed on the property by a previous owner. This fill was located outside the coastal zone. (Exhibit 3) According to the applicant's geologist, the unconsolidated fill has been removed and is now properly compacted. 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. These

recommendations include deepened foundations, retaining walls supported by grade beams at the edge of the slope, excavation and recompaction of unconsolidated fill, and drainage. The unconsolidated fill which is located outside of the coastal zone has been recomputed. Therefore, as a special condition of approval, the applicant must submit evidence that: 1) all recommendations contained in the soils report have been incorporated into the project's final design and 2) that the final plans have incorporated all requirements of the Grading Division of the City of Los Angeles Department of Building and Safety.

The development is surrounded by coastal sage scrub on several sides, some of which is located on public property. Another risk that the applicant assumes in building in such a location is the risk of fire. As discussed above, there is a potential conflict between the needs of a homeowner for fire safety and the responsibility of the park agency, which owns the adjacent canyon, to maintain watershed cover and habitat on parkland. In building in this location, the applicants are acknowledging that the site may be subject to the risk of fire and the responsibility of constructing in the location is their own.

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 the lip of a canyon and adjacent to a landslide, the Commission cannot absolutely acknowledge that the foundation design will protect the proposed residence during all future storms and/or slides. The Commission can not assume responsibility for the soundness of construction and the maintenance of the house, its drainage system and its yard. Finally, a wildfire can sweep over a carefully designed, fire resistant structure and destroy it in minutes, depending on the wind, the heat of the fire and the fuel around the structure. The applicants must acknowledge that the decision to build in this location is their own, and the Commission's approval is contingent upon their acknowledgment of that fact.

The applicants 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, 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 evidence that 1) the proposed plans conform with the recommendations of the city geologist and the consultant, 2) that there is a pre-construction agreement with the adjacent canyon's owner concerning fuel

modification, and 3) that the applicant has recorded a statement that assumes all risks of the development, can the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

D. HABITAT

The Coastal Act provides that development adjacent to parks and sensitive habitat areas shall be reviewed to limit impacts on those areas.

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Temescal Creek is a blue line stream in the Santa Monica Mountains. Although impacted by development, the canyon land adjacent to the stream supports oaks, willows and sycamores. The canyon sides support coastal sage scrub. The western side of this lot is located adjacent the upper slopes of the canyon. Photographs of the site show a mixture of coastal sage scrub and invasive weeds, such as mustard and broom, on the property. A trail leads around the lot to the canyon below. As discussed above, the principal anticipated impact of this house is its possible need for fire clearance. As required to provide a fire safety and fuel modification plan in advance of construction and with the review of any clearance is required on public property by the Santa Monica Mountains Conservancy, impacts on habitat will be minimized.

As conditioned, so that any limitations on fire clearance on parkland are understood in advance, the development is consistent with the habitat policies of the Coastal Act.

E. ALTERATION OF NATURAL LANDFORMS, VISUAL IMPACT, SCALE.

Section 30251 of the Coastal Act requires:

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 of 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.

The City rejected earlier proposals on this site which would have been inconsistent with its height policies, and which would have required extensive, visible, landform alteration. The proposed grading on this site is limited to the grading necessary for the driveway, the pool and the basement. The house does not extend more than 35 feet above grade, and from many angles, is lower. It conforms to the hillside. As proposed, the house will conform to the requirements of the city height and bulk ordinance and is compatible with the character of the surrounding area. As proposed to limit grading and bulk, and as conditioned to control fire clearance, the project is consistent with section 30251 of the Coastal Act.

F. 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).

In 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, grading and geologic stability. The continued use of Temescal Canyon as a recreation area was also an issue, because at that time the Canyon was in private hands.

The City has submitted five Land Use Plans for Commission review and the Commission has certified two (Playa Vista and San Pedro). However, the City has not prepared a Land Use Plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process, in 1978, with the exception of two tracts (a 1200-acre tract of land and an adjacent approximately 300-acre tract) which were then undergoing subdivision approval, all private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decision remained in the Pacific Palisades. The tracts

were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

As conditioned, to address the interface between parkland and the developed areas and geologic stability, approval of the proposed development 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 the provisions of Section 30604 (a) of the Coastal Act.

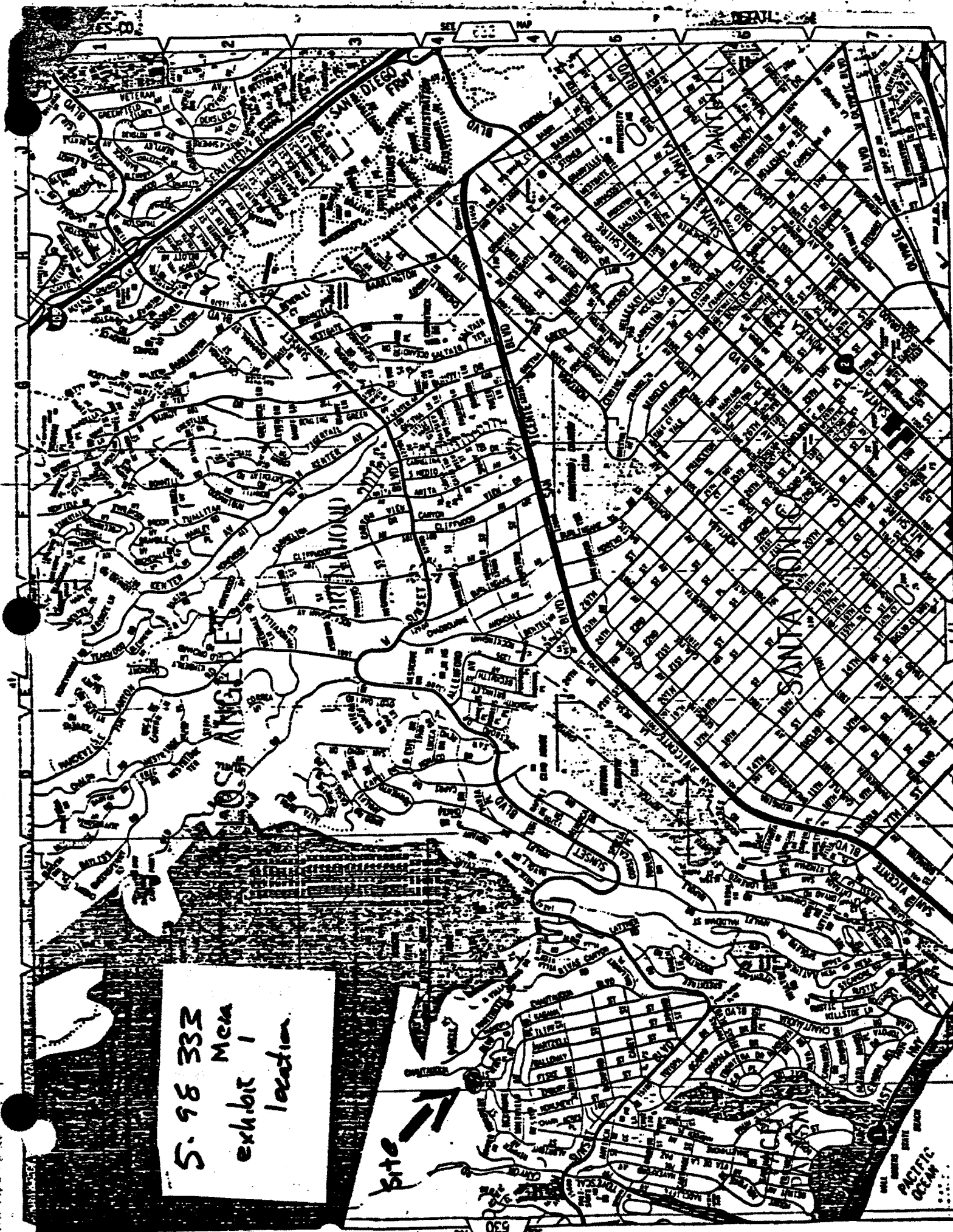
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect, which the activity may have on the environment.

A previous owner proposed to subdivide the site into two lots and construct two houses. Other proposals included extensive grading and a 10,000 square foot house. The owners withdrew these applications after the City, based on geologic hazard and density, was unable to approve the project. The currently proposed house is sited and designed to minimize visual and physical impacts to the site, and is also proposed to minimize geologic hazard from slides. In approving this structure, the City considered geologic stability, neighborhood character, scale, and alteration of natural landforms. As conditioned, the project is the least environmentally damaging alternative with respect to Coastal Act policies. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

5-98 333
Mesa
exhibit 1
location

Site



5 98 333

Coastal

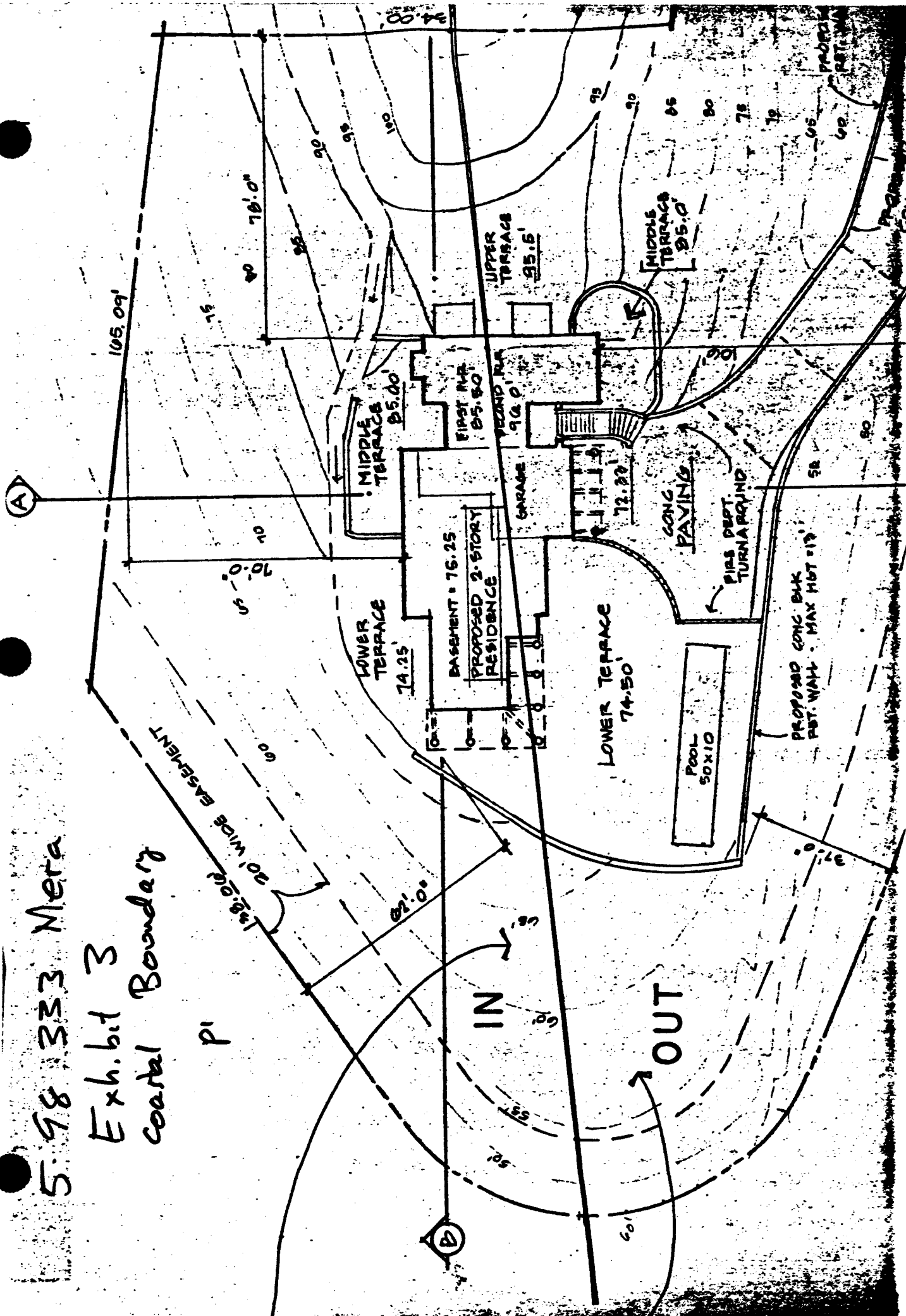
zone

Boundary

Exhibit 2



Exh. bit 3
coastal Boundary

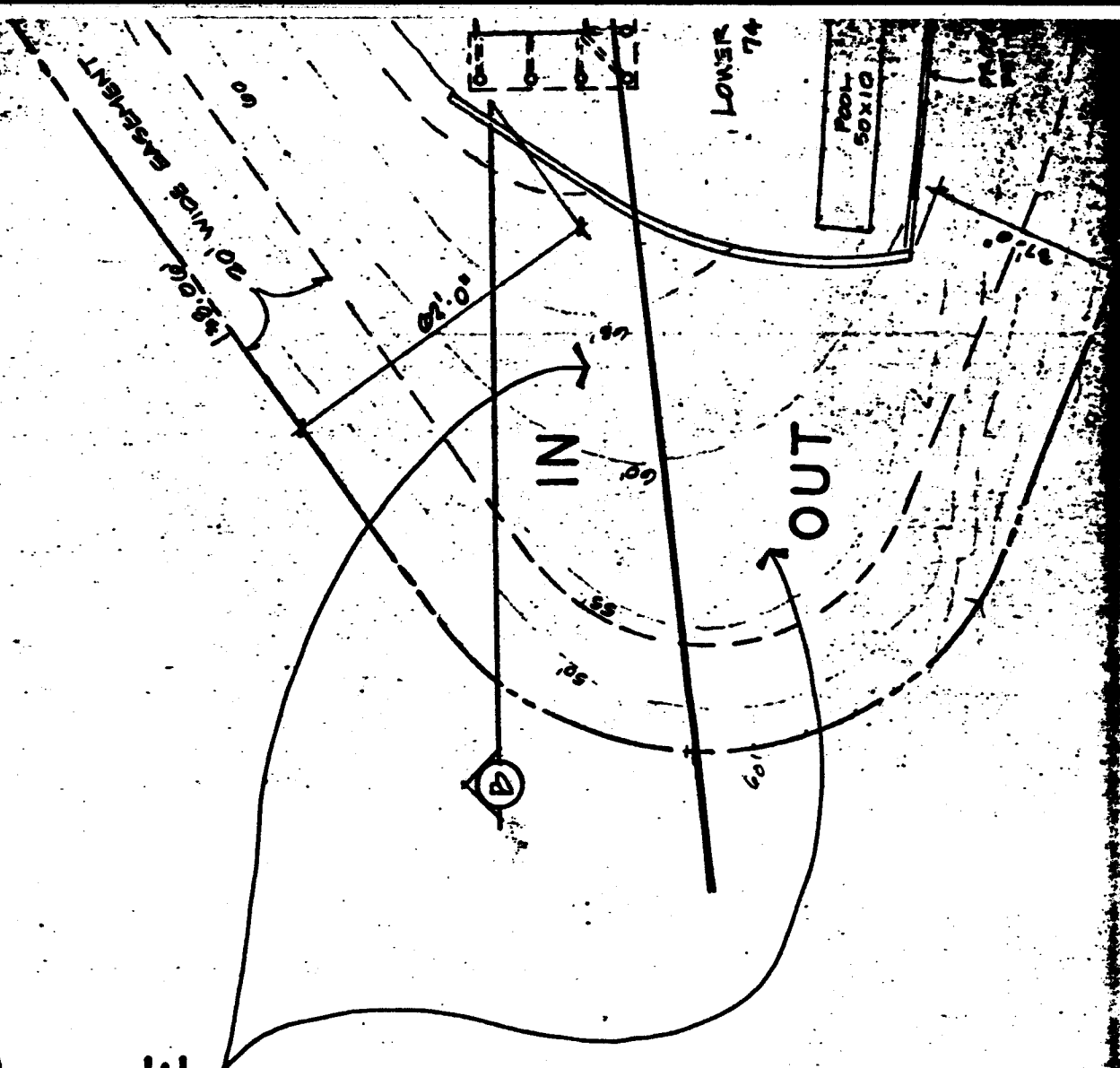


5.4833M

Exhibit 3p2

**COASTAL ZONE
BOUNDARY**

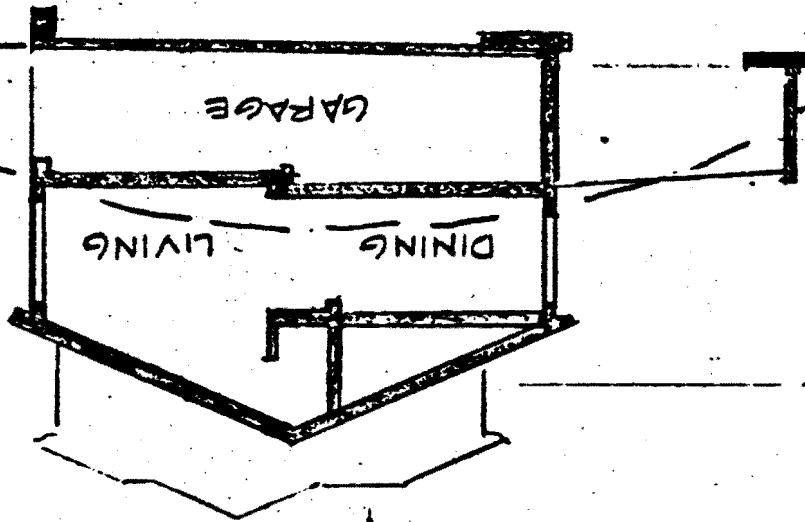
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5. 98 333

Exhibit 4
elevation

SECTION



RA
South
NOV
CALIF
COASTAL Q

1320 Monument Street
Pacific Palisades
CA 90272
(310-454-9562)

RECEIVED

NOV 1 1993

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Mr. Jim Ryan
Coastal Commission
245 West Broadway Suite 380
Long Beach, CA 90801

25 October 1993

Dear Mr Ryan:

I am writing to express my concern that the Coastal Commission may be considering issuing a permit for a proposed development on the property known as 1375 Goucher Street, Pacific Palisades, California 90272. I believe the permit in question is #5-93-255, filed by Mr. Sergei Epikov and Mr. Michael De Leeuw.

As shown on Map A enclosed, the site is crossed by a trail connecting the end of Goucher Street, at the entrance to the property, to the Presbyterian Conference Grounds. I have lived adjacent to that property for 20 years. The trail was in existence when I moved here, and I know for sure that it has been in use for the past twenty years.

This trail serves the area of Pacific Palisades immediately to the south: some of the winding hillside streets and a large rectangular grid of streets known as the "Alphabet" streets. This area can be seen on Map B.

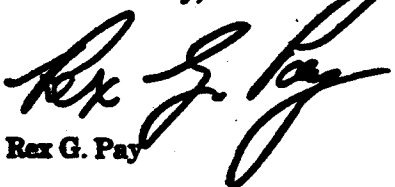
The trail provides the people from the Alphabet and surrounding streets with an easy walk to an area of great natural beauty, with splendid views of the ocean and the mountains. I enclose two colored prints of the views north and south from the top of the trail. Most people walk the trail to look at these views, which are seen from what would be the location of the main house planned for the 1375 Goucher site. Permitting this development to occur would remove the last area of natural beauty in the Coastal Zone that local people can walk to and enjoy. Other trails and viewpoints mean the use of a car for most people, with the consequent environmental impacts.

The trail is also a link to the Conference Grounds, and families use it to walk to the amenities there, most frequently the YMCA swimming pool. My own children used that trail for many summers to go to the pool. That part of the trail is steep, as shown in the other photo enclosed. As a result, it is not so well used as the first part, but it is well marked and has an old bench near its entrance to the area of the Presbyterian buildings. Closing off that trail would mean the trip to the pool would have to be by car. More congestion and pollution.

As far as I can tell, neither of the applicants for the permit have lived in this area of the Palisades or recognize the local amenity they are destroying. They also appear to have little understanding of local geology. Their property is linked to mine and my neighbors by an active landslide: an existing geological study shows that extensive stabilization is needed. The plans for the site showed no remedial action for this unstable area, which is immediately below the location of the proposed 10,000 sq ft residence and above my house.

So, on the basis that the Coastal Zone was not set up to remove the last areas of accessible natural beauty from local use, or to encourage hazardous development on unstable geological areas, I urge that a permit should not be granted, that a hearing should be held in the local area, and that an environmental impact statement be required of the developers.

Yours sincerely,


Rex G. Pay

5-98 333
Exh. b + 5
Opposition to previous
larger project.
Note on trail

MAP A

5-48 323

Exh. b. 5

topo



60

1575

GOCHER 5

TOPOGRAPHIC
MAP

