

Ju 189

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

Filed: 11/21/97
49th Day: 1/9/98
180th Day: 5/20/98
Staff: Padilla-LB
Staff Report: 2/18/98
Hearing Date: 3/10/98
Commission Action:



RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-97-030

APPLICANT: Santa Monica Bank

AGENT: Harvey Goodman

PROJECT LOCATION: 17455 Tramonto Drive, Pacific Palisades

PROJECT DESCRIPTION: Subdivision of 4.53 acre lot into 4 single family parcels and approximately 7,000 cubic yards remedial grading (removal and recompaction of soil).

Lot area: 4.53 acres
Zoning: Residential-RE15-1-H
Project density: .88 du/ac

LOCAL APPROVALS RECEIVED: City of Los Angeles Parcel Map 5938, Local Coastal Development Permit 86-043, 97-014

SUBSTANTIVE FILE DOCUMENTS: Final EIR 86-0789; CDPs: 5-89-729 (Runka); 5-81-520 (Wilkes); A5-81-520 (Wilkes); 5-82-716 (Wilkes); 5-88-507 (Wilkes and Flaherty); 5-88-1046 (Roberts)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions regarding complying with geologist and City's geologic recommendations, grading schedule and preventive erosion measures, and the recordation of an assumption of risk deed restriction.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval.

The Commission hereby grants a permit for the proposed development on the grounds that the development, as conditioned, 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 is in conformance with the public access and public recreation policies 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 Condition

1. Geologic Recommendations

- A. The applicant shall incorporate all conditions of the City of Los

Angeles Planning Department approval of Parcel Map 5938 (local CDP #97-014), as well as the recommendations of the reports by the consulting geologists, GeoSoils, dated November 21, 1986; August 5, 1987; February 2, 1987; September 15, 1987; December 30, 1987; February 17, 1988; and April 7, 1988. Any revisions in the project which are not in keeping with these recommendations shall be submitted to the Executive Director for his determination on whether the changes necessitate an amendment to this permit.

B. Any grading conducted during the rainy season, November 15 to March 15, shall be conducted according to methods specified by the City of Los Angeles for grading and siltation control during the rainy season. No fewer than ten days before the beginning of any such grading, the applicant shall submit to the Executive Director, for his review and approval, a copy of the grading schedule, the methods proposed to avoid mudflow and siltation during grading operations and other precautionary methods suggested by the applicant's engineer or required by the City of Los Angeles.

2. Assumption of Risk for Lot "A" of Parcel Map 5938

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 (Lot "A" of Parcel Map No. 5938) may be subject to extraordinary hazards from landslides 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, its officers, agents, and employees relative to the Commission's approval of the project for any damage due to natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description

The applicant proposes to subdivision of 4.53 acres into four residential lots with 7,000 cubic yards of remedial grading (removal and recompaction of soil). The proposed lot sizes are as follows:

Lot A	84,514 square feet
Lot B	39,807 square feet
Lot C	42,401 square feet
Lot D	30,722 square feet

The proposed project site is a gently sloping parcel which is located on the exterior edge of a tight curve of Tramonto Drive. The project site is in the Castellammare area of Pacific Palisades in the City of Los Angeles.

The project has received Parcel Map Approval (Parcel Map 5938) from the City of Los Angeles.

B. Project History

In 1989 the Commission approved the subdivision of the 4.53 acre parcel into 4 lots, construction of street improvements, utilities, drainage and slope repair which involved the removal and recompaction of soil [CDP #5-89-729 (Runka)]. The Commission approved the permit with three special conditions. The first condition required that all geologic recommendations made by the applicant's geologist and City be incorporated into the project and that a grading schedule and erosion preventive measures to be taken to minimize mudflows and siltation during grading operations be submitted. The second condition required the recordation of an assumption of risk due to the potential geologic hazard from the possible ancient landslide that existed on one of the lots (Lot A).

Subsequent to the Commission's approval the applicant recorded the Parcel Map and the City permitted the applicant to do the street and infrastructure improvements, install dewatering wells and three horizontal drains, as required remedial measures for the possible on-site ancient landslide, consistent with Commission approval. However, special condition #2 of the Commission's Coastal Development Permit, which required the recordation of the assumption of risk, was never recorded by the applicant. Therefore, since the applicant did not satisfy special condition #2, the permit was never issued by Commission staff.

Sometime after the Commission approved the project the property changed ownership (bank acquired property). When the new owners became aware of the fact that the CDP was never issued the permit had already expired. Since the permit was never issued the work performed on the site and undertaken in reliance of a permit did not vest the permit. Therefore, the applicant had to refile for a new permit. Because the project is in the dual permit jurisdiction area of Pacific Palisades the applicant had to refile with the City of Los Angeles to obtain a local CDP and file again with the Commission for another CDP for the 4 lot subdivision and grading.

C. Geologic Stability

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, 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 site is located in the Castellammare area of Pacific Palisades in the City of Los Angeles. The Castellammare area has a long and complex

history of landslide problems. This site is not located on the slope facing Pacific Coast Highway which has been the site of most of the slides. Instead, it faces Los Liones Canyon. The site and the immediate area adjacent to Tramonto Drive has been the subject of many geologic investigations.

The proposed project site is part of a larger bowl-shaped area that exists on the side of Los Liones Canyon. This bowl shaped feature has been the subject of much debate by applicants, geologists, the City and the Commission. The debate centered on the geologic origin of this feature. There have been reports which conclude that the feature is the result of ancient landsliding and that the bowl shape is actually a head scarp. Other reports have held that although this feature may have the topographical expression of a landslide scarp, there is no subsurface evidence to support that claim and that because the area is underlain with stream alluvial deposits another conclusion is that the feature is the result of an uplifted stream meander.

In the original permit [#5-89-729 (Runka)] the applicant submitted seven geologic investigations that have been conducted for the subject project. All of the reports which were prepared from 1986 to 1988 were prepared by GeoSoils, Inc. Their reports discussed in detail the bowl-shaped feature which is partially on the subject project site in the lower southern portion of Lot A of the proposed subdivision. GeoSoils reviewed studies that had been conducted over the years for the area, including 30 test borings and numerous trenches that were excavated on the subject site as well as many others conducted on the surrounding parcels.

The trenches revealed a sheared contact between two different formations which GeoSoils found to be indicative of either landsliding or fault displacement. They concluded that based upon this information they could not disprove that a large landslide may exist under a portion of Parcel A and offsite. However, they stated that no evidence exists of historic or recent movement. The report cited a earlier report, prepared by Geolabs, Inc., that estimated the age of the landslide at over 5,000 years based on undisturbed alluvium that was deposited since the landslide event. The Geolabs report also stated:

...the landslide has attained a high degree of stabilization. At the time of principal movement the slide was probably the result of undercutting by the stream of ancient Los Liones Canyon, groundwater and possibly a strong earthquake.

The Geolabs report found that the Factor of Safety of the slope between the subject site and Los Liones Canyon was in excess of 1.5. Although the possible landslide now appear to be stable, GeoSoils recommended that the area of the Lot A, over which the bowl-shaped feature extends, not be utilized for residential structures and that two dewatering wells be installed to reduce the groundwater present. The City of Los Angeles concurred with this recommendation and as a condition of the Parcel Map approval, the applicant was required to record a sworn affidavit that no habitable structure may be constructed within the area of the possible landslide.

In the previously Commission approved CDP (#5-89-729) the Commission required as conditions of the permit that the project comply with all recommendations made by the consulting geologist and the City of Los Angeles conditions as contained in the City's approval of Parcel Map 5938, dated April 6, 1989. A second condition required that the applicant submit a grading schedule and preventive erosion measures proposed to prevent adverse impacts if any grading

was to be conducted during the rainy season (November 15 to March 15).

Because of the potential natural hazards created by the possible ancient landslide which may exist on the site, the Commission found that they could only approve the project on the basis of the geologic report and the designs of special foundations and dewatering devices which are the responsibility of the applicant. The Commission found that they could only make such an approval if the applicant assumed the liability from the risk. Therefore, as a third condition of the permit the Commission required that the applicant record an assumption of risk deed restriction on all four lots that indicated that the applicant was aware of and appreciated the nature of the hazards that may exist on the site and may adversely affect the stability or safety of the proposed development.

The applicant is currently requesting that the assumption of risk restriction not be required on all four lots since the potential hazard was shown to be only on one lot (Lot A) and it has since been demonstrated that due to remedial work the lot has obtained a Factor of Safety of greater than 1.5. The Commission, however, finds that although slope stability may be obtained the potential for natural hazards created by the possible on-site ancient landslide may continue to exist on Lot A. Second, stability of the site is the result of work by the applicant and are the responsibility of the applicant. However, all submitted reports indicate that the possible landslide is only on Lot A and does not affect the other three lots. Based on the submitted reports, there are no geologic risks associated with the possible ancient landslide, found on Lot A, on three of the four lots. Therefore, the assumption of risk should be limited to and recorded only on Lot A.

The geologic conditions imposed on the project by the City's original CDP (#86-043) have not been changed and have been incorporated by the City into the new City permit (#97-014). Furthermore, the applicant's geologist (GeoSoils, Inc.) field checked the site in 1996 and indicated that the site conditions show no change that affects previous recommendations made in the referenced GeoSoils, Inc. reports.

The Commission, therefore, finds that as conditioned to comply with all recommendations made by the consulting geologist and the City of Los Angeles, to provide grading schedule and erosion preventive measures, and to record an assumption of risk for Lot A, the project will be consistent with Section 30253 of the Coastal Act.

D. Habitat Protection

Section 30231 of the Coastal Act states that:

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.

Section 30240 of the Coastal Act states in part:

(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.

In the original permit the applicant submitted both a tree study and biological assessment for the proposed project site, as well as a Environmental Impact Report for the subdivision. The site vegetation is comprised of ground cover, common shrubs, weeds and a variety of trees. The study identified 87 trees on-site that range from 8 to 60 feet in height and 6 to 32 inches in width. One oak tree was identified on site. The City of Los Angeles conditioned the project to require the applicant to replace desirable non-oak trees, which are removed on a 1 to 1 basis, to require City approval for the removal of any oak tree more than 8 inches in diameter and any such removal must be replaced on a 2 to 1 basis with 24 inch box trees at least 10 feet tall. The biological survey of the site revealed no sensitive wildlife species.

The Commission conditioned the permit to comply with all of the conditions of the Parcel Map approval. The City's current approval does not make any changes to the City's original conditions pertaining to the biological resources of the site. Therefore, the proposed project is conditioned to comply with all of the conditions of the City's Parcel Map approval. The Commission finds that, as conditioned the project will be consistent with Section 30231 and 30240 of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act states:

(a) 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 submitted, 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.

F. CEQA

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)(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 are no negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

0412G

C.W. COOK CO:
WESTSIDE TOWERS
11835 W. OLYMPIC BLVD. SUITE 375
LOS ANGELES CA 90064

VICINITY MAP

FILE COPY

P.M. No. 5938

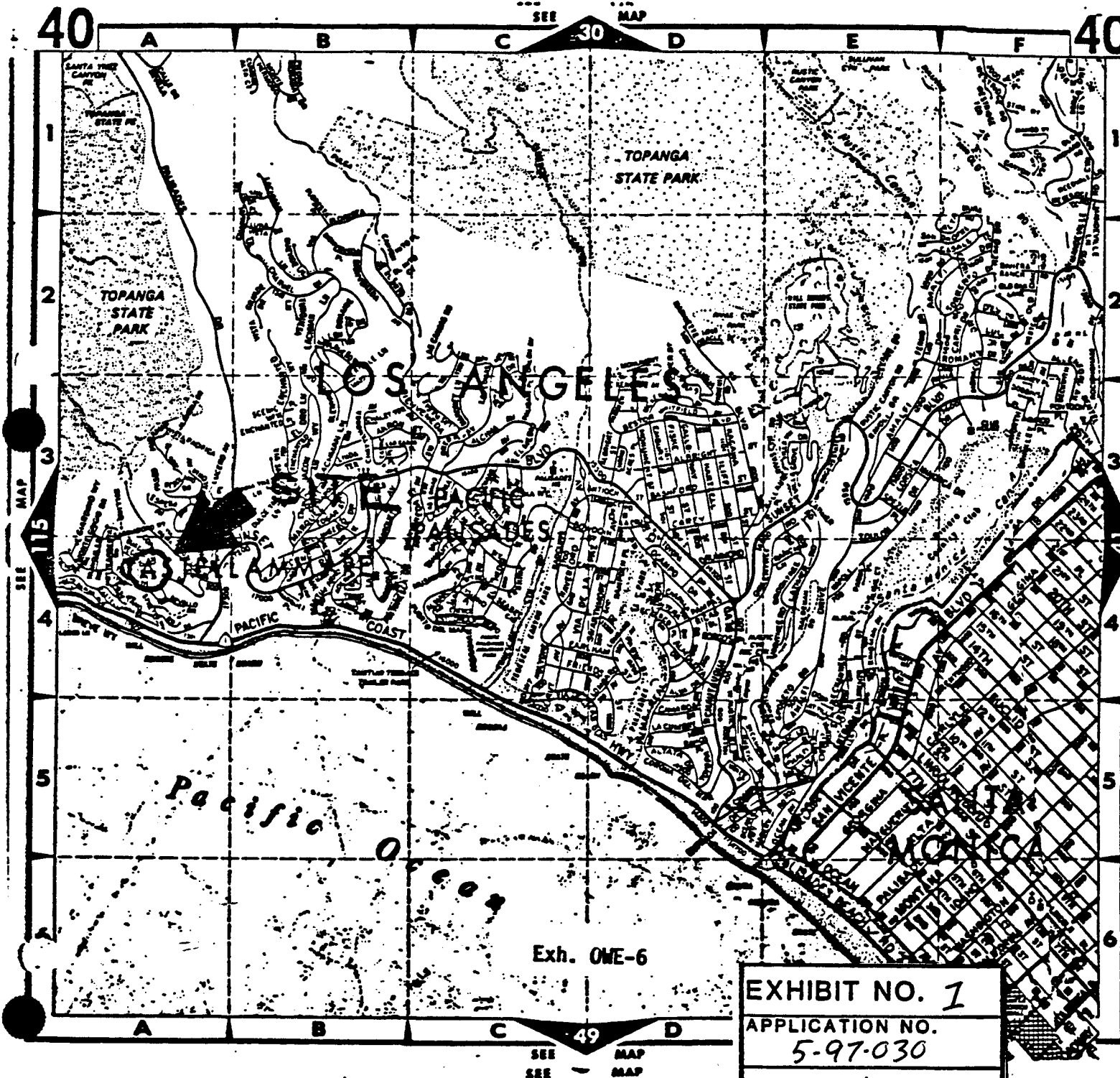


EXHIBIT NO. 1

APPLICATION NO.

5-97-030

Vicinity Map



California Coastal Commission

1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100
 101
 102
 103
 104
 105
 106
 107
 108
 109
 110
 111
 112
 113
 114
 115
 116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 126
 127
 128
 129
 130
 131
 132
 133
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 147
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200
 201
 202
 203
 204
 205
 206
 207
 208
 209
 210
 211
 212
 213
 214
 215
 216
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232
 233
 234
 235
 236
 237
 238
 239
 240
 241
 242
 243
 244
 245
 246
 247
 248
 249
 250
 251
 252
 253
 254
 255
 256
 257
 258
 259
 260
 261
 262
 263
 264
 265
 266
 267
 268
 269
 270
 271
 272
 273
 274
 275
 276
 277
 278
 279
 280
 281
 282
 283
 284
 285
 286
 287
 288
 289
 290
 291
 292
 293
 294
 295
 296
 297
 298
 299
 300
 301
 302
 303
 304
 305
 306
 307
 308
 309
 310
 311
 312
 313
 314
 315
 316
 317
 318
 319
 320
 321
 322
 323
 324
 325
 326
 327
 328
 329
 330
 331
 332
 333
 334
 335
 336
 337
 338
 339
 340
 341
 342
 343
 344
 345
 346
 347
 348
 349
 350
 351
 352
 353
 354
 355
 356
 357
 358
 359
 360
 361
 362
 363
 364
 365
 366
 367
 368
 369
 370
 371
 372
 373
 374
 375
 376
 377
 378
 379
 380
 381
 382
 383
 384
 385
 386
 387
 388
 389
 390
 391
 392
 393
 394
 395
 396
 397
 398
 399
 400
 401
 402
 403
 404
 405
 406
 407
 408
 409
 410
 411
 412
 413
 414
 415
 416
 417
 418
 419
 420
 421
 422
 423
 424
 425
 426
 427
 428
 429
 430
 431
 432
 433
 434
 435
 436
 437
 438
 439
 440
 441
 442
 443
 444
 445
 446
 447
 448
 449
 450
 451
 452
 453
 454
 455
 456
 457
 458
 459
 460
 461
 462
 463
 464
 465
 466
 467
 468
 469
 470
 471
 472
 473
 474
 475
 476
 477
 478
 479
 480
 481
 482
 483
 484
 485
 486
 487
 488
 489
 490
 491
 492
 493
 494
 495
 496
 497
 498
 499
 500
 501
 502
 503
 504
 505
 506
 507
 508
 509
 510
 511
 512
 513
 514
 515
 516
 517
 518
 519
 520
 521
 522
 523
 524
 525

Property Owner:
Radcliffe Develop
William Runka
559 Radcliffe Den
Pacific Palisades,
(213) 459-8873

EXHIBIT 3

Cook's
Small Business and Personal Use Software

18

EXHIBIT NO.

2

Application Number


5-97-030

Parcel Map

California Coastal Commission

89-729
RCEL MAP

Exh. ONE-7(b)

EXHIBIT NO. <u>3</u>
APPLICATION NO. <u>5-97-30</u>
<u>Parcel A Slump</u>
 California Coastal Commission



California Coastal Commission



Geotechnical • Geologic • Environmental

6634 Valjean Avenue • Van Nuys, California 91406 • (818) 785-2158 • FAX (818) 785-1548

September 26, 1996
W.O. 1843A-VN

Cigolle and Coleman
455 Upper Mesa Road
Santa Monica, California 90402

Attention: Mr. Mark Cigolle
Ms. Katharine H. Coleman
of Cigolle and Coleman

Ms. Janet K. Robinson
Vice President, Santa Monica Bank

Subject: Geotechnical Update Letter
Lots B and D, Parcel Map 5938
17455 and 17463 Tramonto Drive
Pacific Palisades, California

Dear Mr. Cigolle, Ms. Coleman and Ms. Robinson:

As requested, GeoSoils, Inc. has completed a geotechnical update letter for the subject sites. Lots B and D on Parcel Map 5938 were field checked by one of our geologists and literature pertinent to the site was reviewed.

The site conditions of Lots B and D show no change that affects previous recommendations as outlined in the referenced GeoSoils, Inc. reports. It is our opinion that the proposed building locations are feasible from a geologic and geotechnical engineering standpoint, provided that recommendations included in the referenced reports are followed. The City of Los Angeles approved the parcel map subdivision of this property in May 4, 1988, with certain conditions.

5-97-030
RECEIVED
FEB 18 1997

CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO. 4
APPLICATION NO. 5-97-030
Update Letter from GeoSoils
California Coastal Commission

The subject property consists of four lots, A through D (see Plate 1, Geologic Map). A possible ancient landslide exists on the southern $\frac{1}{3}$ to $\frac{1}{2}$ of Lot A with a non-structural zone encroaching approximately 15 feet from the curb of Tramonto Drive in the southeast corner of Lot B. This encroachment is within the street easement of Tramonto Drive. Certain conditions had to be met prior to development of this parcel, which generally concerns only Lot A. A dewatering well for the possible ancient landslide was installed in March, 1991, in the southernmost corner of Lot A. However, according to our files, a sump pump has not yet been installed. Two slope indicators were installed on Lot A in August of 1990. Their purpose is to indicate any movement within the bore hole, and were last read and reported in October of 1991. Also, three of four horizontal drains were installed in the descending east-facing slope of Lot A along Los Liones Drive, with the fourth one to be installed after grading of a soil slump in the central area of the northeasterly property line of Lot A.

The remaining conditions to satisfy the City of Los Angeles in regards to Lot A, are grading of the soil slump, and after the completion of grading, installation of a horizontal drain. Also, installation of a second dewatering well is required for Lot A.

The turnaround area of Coperto Drive has been graded in accordance to our recommendations; however, the field observations and testing services have not been reported in a compaction report.

As proposed plans for the residence become available, they should be reviewed and addressed by this office. A geotechnical report enclosing our recommendations should be prepared for each lot.

GeoSoils, Inc.

EXHIBIT NO. 4
APPLICATION NO. 5-97-030