CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed:	1-15-99
49th Day	3 15-99
180th Day	7-14-99
Staff:	JLR-LB
Hearing: Date:	March 9-12, 1999

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-98-428

APPLICANT: Jim and Deborah Long

PROJECT LOCATION: 501 Paseo Miramar, Pacific Palisades

PROJECT DESCRIPTION: Demolish a single-family residence and construct a 5,659 sq. ft. single family residence, 3-level, 36' high with three parking spaces.

Lot Area	13,404 sq. ft.
Building Coverage	1,948 sq. ft.
Pavement Coverage	1,455 sq. ft.
Landscape Coverage	5,850 sq. ft
Parking Spaces	Three
Zoning	R-1
Plan designation	Low Density Residential
Project density	N/A
Ht above final grade	36'

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

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SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with special conditions addressing natural hazards, namely an assumption of the risks of the development and an agreement to abide by the recommendations of the geology report. These conditions are necessary in order to be consistent with Section 30253 of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: 1) City adopted Brentwood-Pacific Palisades Community Plan

2) Coastal Development Permit 5-92-311
(Berkley Enterprises)

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 retaining walls, subdrains and footings. These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations contained in the Geotechnical Investigation Reports dated May 7, 1991 and March 31, 1998, prepared by Applied Earth Science. 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 landslides, erosion, slope failure, mudslides and slumping and the applicant assumes full 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.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to demolish a single family residence and construct a 5,659 sq. ft. single family residence, 3-level, 36' high with three parking spaces. The proposed project is located within an established, partially built-out single-family

residential neighborhood in Pacific Palisades, a planning subarea of the City of Los Angeles. The house will replace an older house that is surrounded by other houses. In other parts of this same area, there are lots that are vacant due to the cost and uncertainty of mitigating geologic problems. The site is located two lots (approximately 320') inland of Topanga State Park and is surrounded by existing single family residences. The subject lot ascends above the street, Paseo Miramar, with an overall topographic relief of approximately 35 feet.

B. **Geologic Hazards to Development**

Section 30253 of the Coastal Act provides in part:

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

The proposed residence is located on a hillside mesa in a geographic area where steep slopes are subject to natural hazards. Natural hazards common to this area include landslides, erosion, flooding and slumping. There are landslides mapped southerly and westerly of the subject site. Some of these slides cross Paseo Miramar. The applicant has submitted a Geologic and Soils Engineering Exploration Report dated July 16, 1998, prepared by Homestead Geotechnical Consultants. Following is a brief geologic description of the site as excerpted from that report:

> Landslides are mapped to the south of the subject property crossing Paseo Miramar. Shallow or surficial landslides are mapped to the northwest and within the ravine west of the subject property. Landslides or slope failures were not observed on the subject property. Slope stability calculations suggest that the slope to the south of the subject property is grossly stable. The slope west of the subject property is grossly stable with an assumed angle of 19 degrees. Earth materials above this plane will be supported by a soldier pile wall within the building pad. Creep, erosion, and surficial instability of steep slopes descending below the building pad can be anticipated. Creep and consolidation of fill placed behind wood retaining walls is likely occurring resulting in the distress observed to flatwork on the site. Consolidation and/or creep of the underlying earth materials including weathered bedrock has also likely resulted in the irregular slope of the floor of the existing residence.

> Based on our exploration, it is our finding that construction of the proposed residence and pool is feasible from a geotechnical standpoint, provided our advice and recommendations are made a part of the plans and are implemented during construction. General recommendations are presented herein. Detailed recommendations can be provided upon plan review.

The applicant's geotechnical report concludes that development on the site, as proposed, is feasible from a geologic engineering standpoint, provided that the applicant incorporates the recommendations referred to in the soils/geology report. That report has specific, detailed recommendations regarding expansive soils, drainage, foundation plans, slope stability and slough protection.

The slope stability calculations "concluded that the slopes will be locally and grossly stable with long term factors of safety in excess of 1.5." The building will require a soldier pile wall along a western portion of the site that will increase the 1.5 factor of safety. In addition, the entire building pad will contain a compacted fill blanket with a minimum thickness of three feet.

The applicant's conditional geology approval from the City of Los Angeles Grading Division of the Department of Building and Safety also includes specific soils/geology conditions addressing design and construction methods. Following are some of the City's geotechnical conditions.

1. The owner shall record a sworn affidavit with the Office of the County Recorder, which attests to his knowledge that the site is located in an area subject to slides or unstable soil.

5. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill.

6. 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.

7. All new graded slopes and all existing fill and cut slopes shall be graded to no steeper than 2:1.

13. 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 and pile construction.

The Commission finds that the geology report notes the erosion and drainage hazards but supports the conclusion that with adequately designed foundations the house may be built safely. The report attributes distress of flatwork to surficial creep and

settlement. Landslides are located, as mapped, at least 100 feet away from the proposed structure. All footings will be founded to a depth of one third the total slope height from the face of the descending slope. In addition, the surficial stability calculations indicate that the future 2:1 gradient slopes will be adequate. Therefore, the Commission finds that the house can be approved consistent with Section 30253 of the Coastal Act, as long as the applicant conforms to the recommendations contained in the aforementioned soils and geology report. The Commission further finds that the proposed residence, as conditioned to conform to the consultant's geology and soils recommendations, will minimize risks of developing in this area that may occur as result of natural causes.

The Commission, in previous permit actions on development in this area has found that there are certain risks associated with hillside development that can never be entirely eliminated. In addition to the general risks associated with hillside development in geologically hazardous areas, the Commission notes that its approval is based on professional reports and professional engineering solutions that are the responsibility of the applicants to implement.

Based on the site specific soils/geologic constraints addressed in the applicant's geology report, the applicant shall, as a condition of approval, assume the risks inherent in potential slope failure from landslides and erosion. Therefore, the Commission further finds that in order to be consistent with Section 30253 of the Coastal Act, the applicant must record a deed restriction assuming the risk of developing in this hazardous area, and waiving the Commission's liability for damage that may occur as a result of such natural hazards.

C. Local Coastal Programs

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 Chapter 3 (commencing with Section 30200) 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 Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with 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 be 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 1979 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.

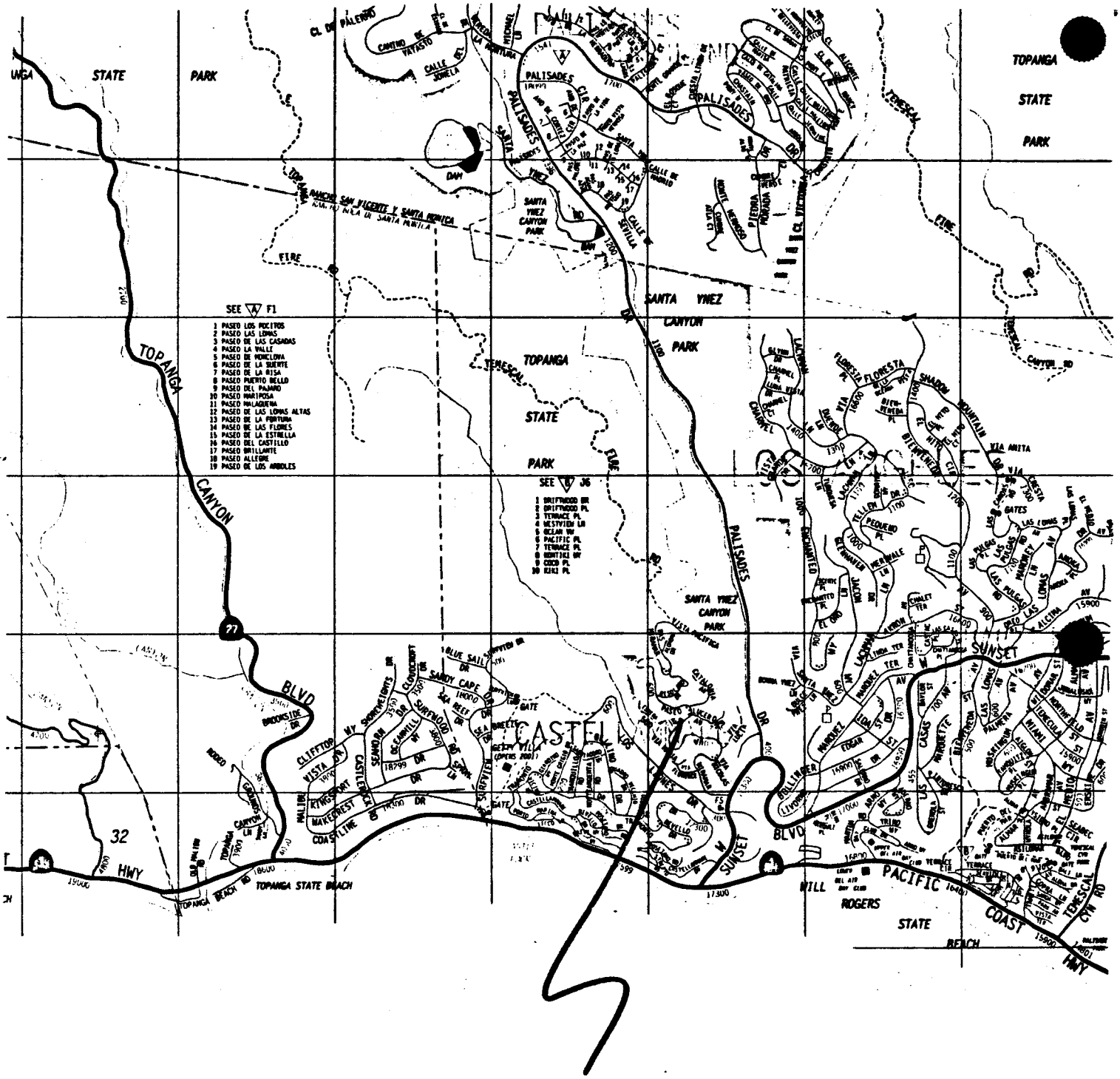
Approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604(a) of the Coastal Act.

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

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the application, as conditioned, 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.

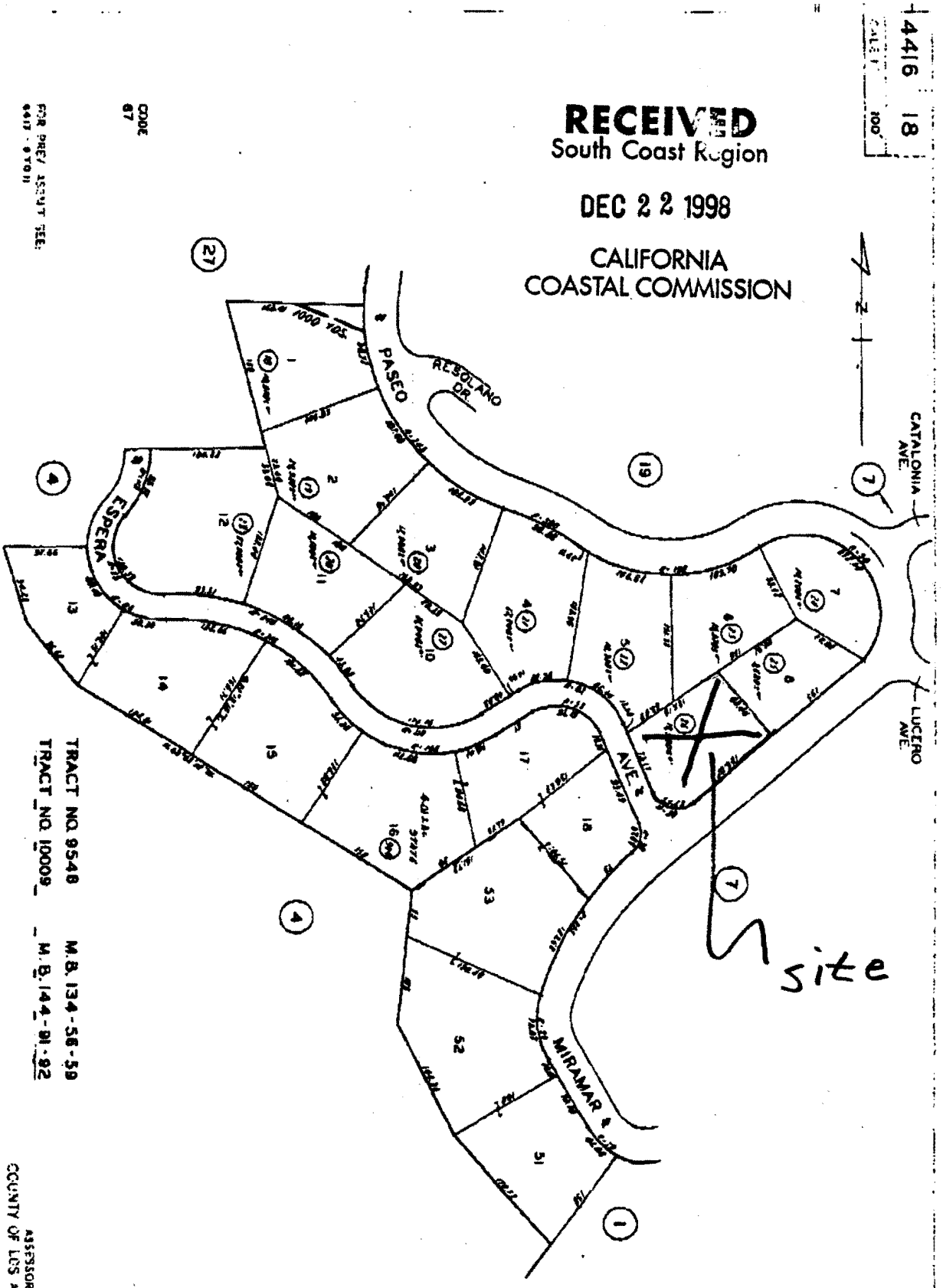
The proposed project has been conditioned in order to be found consistent with the natural hazards policies of the Coastal Act. Mitigation measures to conform to the consultant's geology/soils recommendations and to record a deed restriction assuming the risk of developing in this hazardous area, will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

JLR:



5-98-428

Exhibit A



5-98-428
Exhibit 5

CITY OF LOS ANGELES
CALIFORNIA

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

ANDREW A. ADELMAN
GENERAL MANAGER

RICHARD E. HOLGUIN
EXECUTIVE OFFICER

September 9, 1998

Log # 25551
C.D. --

SOILS/GEOLOGY FILE - 2

Jim & Deborah Long
501 Paseo Miramar
Pacific Palisades, CA

TRACT: 9546
LOT: 9
LOCATION: 501 Paseo Miramar

CURRENT REFERENCE REPORT/LETTER(S)	REPORT NO.	DATE(S) OF DOCUMENT	PREPARED BY
Geology/Soil Report	58098	07/16/98	Homestead Geotech.
Ovrszd Doc	58098	07/16/98	Homestead Geotech.

The referenced report concerning a proposed pool, retaining walls, soldier piles and a single-family residence has been reviewed by the Grading Section of the Department of Building and Safety. According to the report, a row of soldier piles is proposed along the west side of the site, in order to provide the minimum factor of safety required by the Building Code for stability of the site. Whenever the principal building on a site is added to, altered or repaired in excess of 50 percent of its replacement value, the entire site shall be brought up to the current Code standard per Code Section 91.7005.9. The report is acceptable, provided the following conditions are complied with during site development:

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1. The owner shall record a sworn affidavit with the Office of the County Recorder which attests to his knowledge that the site is located in an area subject to slides or unstable soil.

2. A row of soldier piles shall be located along the western property line of the site.

3. The soldier piles shall be spaced a maximum of seven feet on center, as recommended.

4. The piles shall be designed for a minimum EFP of 52 pcf for the portion of the pile located above the 19 degree plane shown on section CC of the report, as recommended.

Ex. 4, 6, 7, 8, 10

B & S G-5 (Rev. 4/98)

5. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill.

6. 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.

7. All new graded slopes and all existing fill and cut slopes shall be graded to no steeper than 2:1.

8. Existing wood and rock retaining walls shall be removed and/or replaced with designed retaining walls.

9. 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.

10. 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.

11. A grading permit shall be obtained.

12. 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.

13. 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 and pile construction.

14. 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.

15. All roof and pad drainage shall be conducted to the street in an acceptable manner.

16. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted to the street in an acceptable manner and in a non-erosive device.

17. Prior to issuance of the building permit, the design of the subdrainage system required to prevent possible hydrostatic pressure behind 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.

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Exhibit U
2 of 3

18. 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.

19. 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.

20. Prior to the pouring of concrete, a representative of the consulting Soil Engineer shall inspect and approve the footing excavations. He shall post a notice on the job site for the City Building Inspector and the Contractor stating that the work so inspected meets the conditions of the report, but that no concrete shall be poured until the City Building Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Department upon completion of the work.

21. The dwelling shall be connected to the public sewer system.

22. 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.

23. Slot cuts shall use the A-B-C method.

Dana Prevost

DANA PREVOST
Engineering Geologist I

Theo R. Seeley

THEO SEELEY
Geotechnical Engineer I

DP/TRS:dp/trs
25551
(213) 977-6329

cc: Homestead Geotechnical Consultants
Expediting
WLA District Office

Exhibit C
3 of 3
5-98-428

CLIENT LONG

SUBJECT LANDSLIDE MAP

DATE

REFERENCE MAP SHOWING RELATIONSHIP OF HISTORIC TO PREHISTORIC LANDSLIDES, JOHN T. McGILL, 1982

SCALE 1" = 400'

HGAS # 58098

Exhibit D

5-98-428

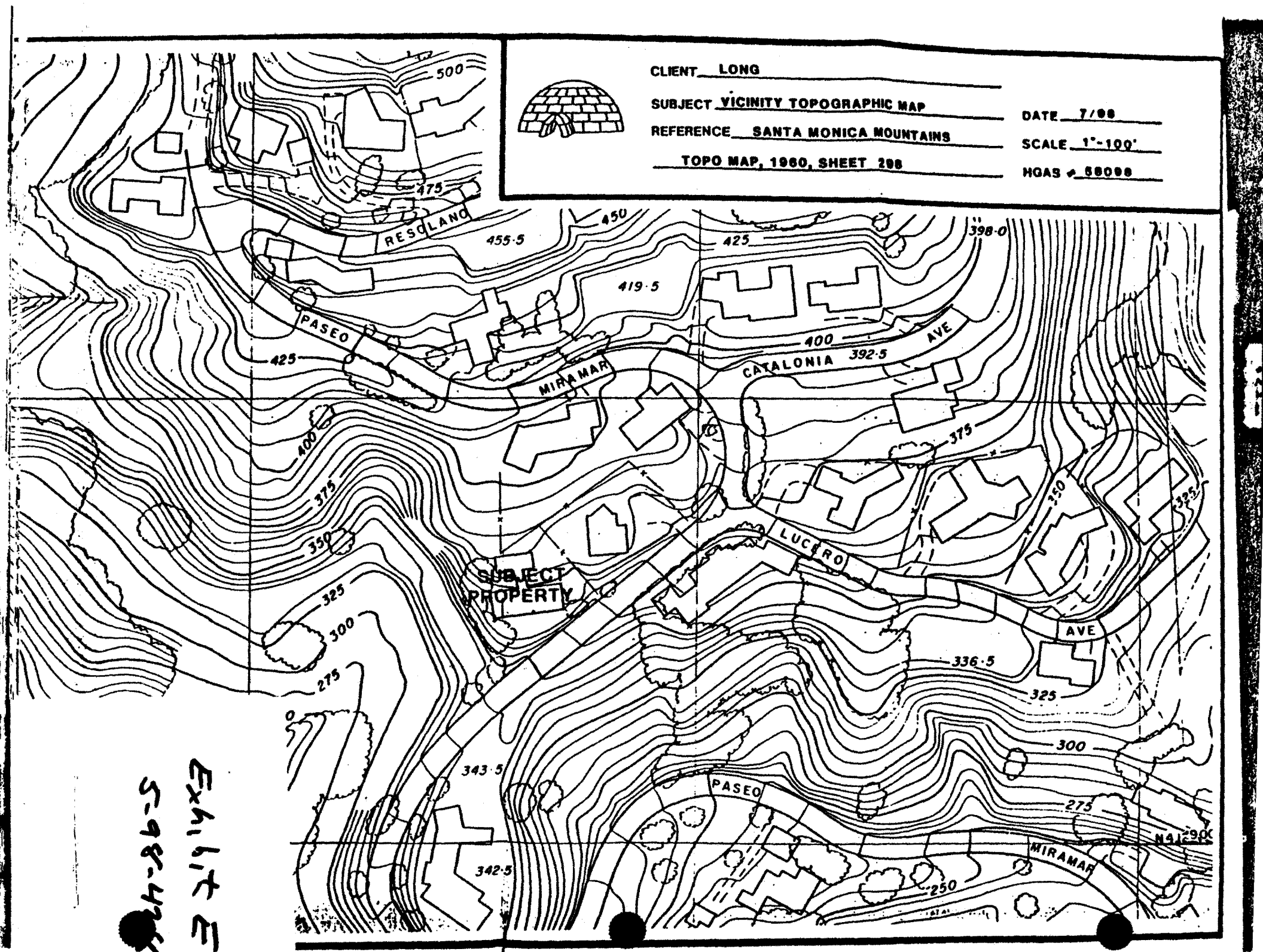

Exhibit 3
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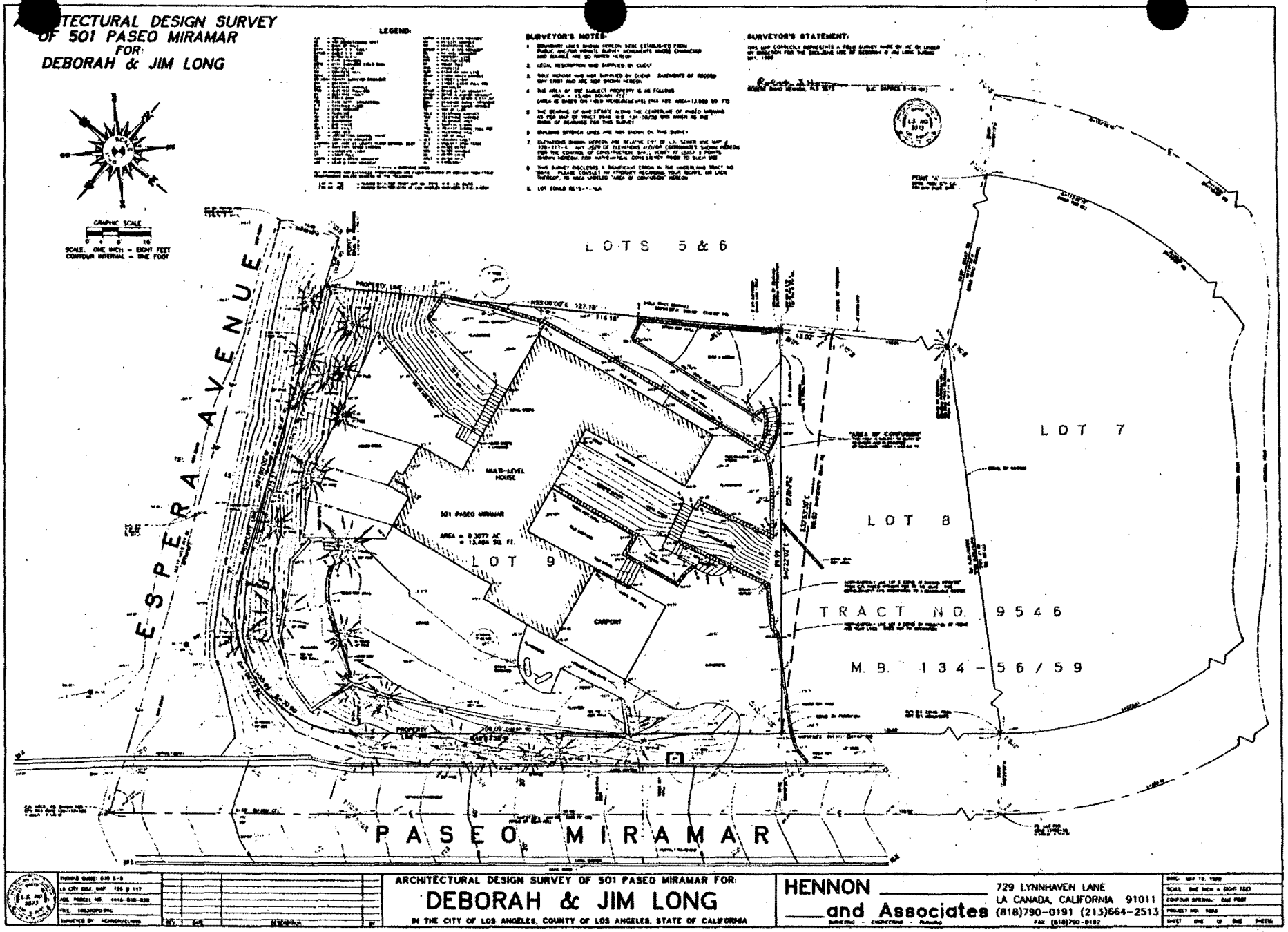


Exhibit F
5-98-428

Site & Lower Floor Plan

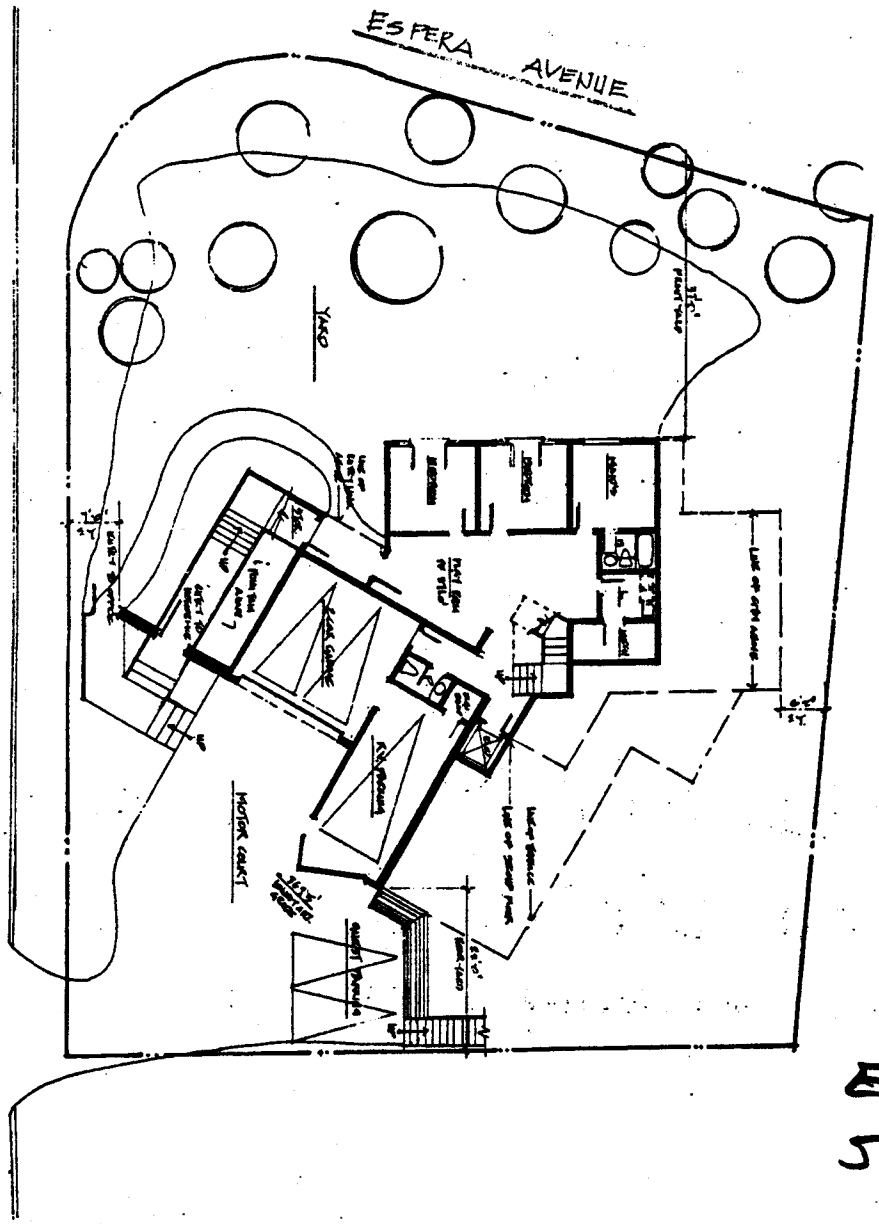


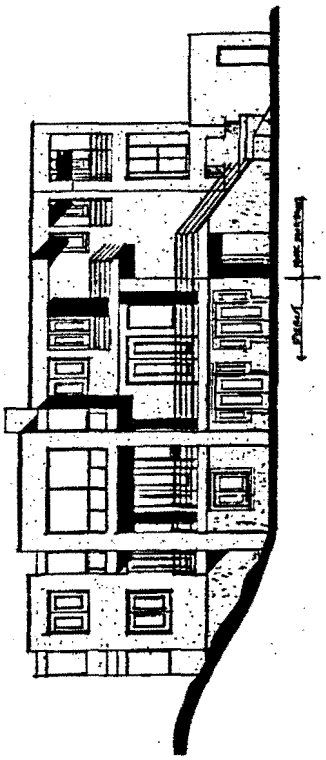
Exhibit G
5-98-428

Single Family Residence for
Jim & Deborah Long
501 Paseo Miramar
Pacific Palisades, CA 90272

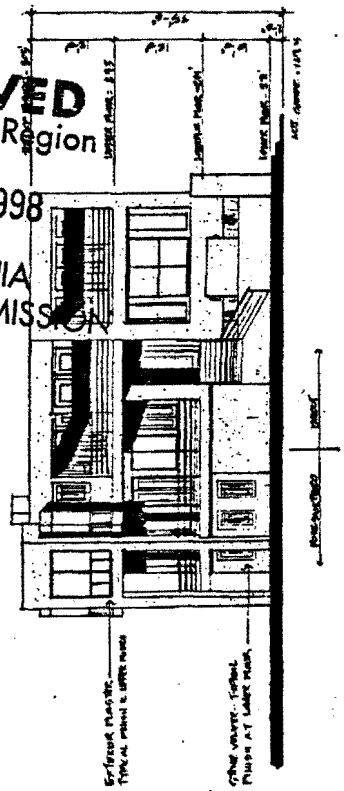
W. DOUGLAS BREIDENBACH
ARCHITECT
820 BROADWAY #320
SANTA MONICA, CA 90401
(310) 576-7915

W. DOUGLAS BREIDENBACH
ARCHITECT
1230 BROADWAY #230
SANTA MONICA, CA 90401
310-576-7913

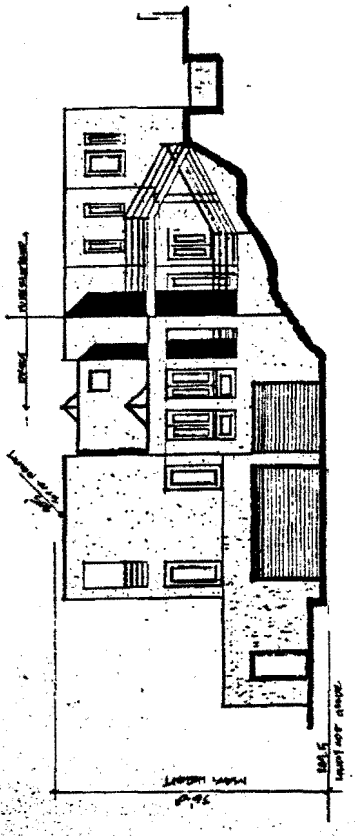
Single Family Residence for
Jim & Deborah Long
501 Paseo Miramar
Pacific Palisades, CA 90272



Southwest Elevation



South Elevation



East Elevation

Exhibit H
5-98-428

Middle Floor Plan

Upper Floor Plan

Exhibit I
5-98-428