

CALIFORNIA COASTAL COMMISSION

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TU 10d

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Staff: JLR-LB
Staff Report: July 22, 1999
Hearing Date: Aug. 10-13, 1999
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-99-028

APPLICANT: Palisades Bay Club **AGENT:** The Chadmar Group

PROJECT LOCATION: 19674 Sunset Blvd., Pacific Palisades, City of Los Angeles,
Los Angeles County.

PROJECT DESCRIPTION: Ten lot subdivision for nine single-family lots and one open space lot and tree replanting program. Approved project includes 30,000 cubic yards of grading (13,000 cu. yards. cut, 11,000 cu. yards. fill, 6,000 cu. yards of import) to stabilize a landslide and create nine building pads and private driveways and one open space lot.

Lot Area	4.04 acres
Parking Spaces	36
Zoning	RD5-1 & R1-1 and R3-1
Plan Designation	Low density residential
Project Density	2.23 du/ per gross acres
Ht abv fin grade	30 feet above natural grade

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve the proposed development with conditions addressing landform alteration, geologic safety, landscaping, preservation of views from Pacific Coast Highway, access to Marquez Place on the property, assumption of risk and preservation of view corridors.

LOCAL APPROVALS RECEIVED:

1. City issued CDP 98-016,

2. Tentative Tract Map No. 51964
3. Focused EIR number 92-0290 (Sub)

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit No. 5-91-856
2. Coastal Development Permit Appeal No. A5-91-793

STAFF NOTE:

Dual permit

Section 30600(b) of the Coastal Act allows local government to assume permit authority prior to certification of a Local coastal Program. Under that section, local government must agree to issue all permits within its jurisdiction. Section 30601 establishes that in certain areas, and in the case of certain projects, a permit from both the Commission and local government will be required. Section 30601 states:

Section 30601.

Prior to certification of the local coastal program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) or (d) of Section 30600, a coastal development permit shall be obtained from the commission for any of the following:

(1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Any development which constitutes a major public works project or a major energy facility.

Section 30602 establishes that all local actions on coastal development permits are appealable by any person, by the executive director or by any two commissioners. In 1978, the City of Los Angeles opted to issue its own coastal development permits. The Commission staff prepared maps that indicate the area in which Coastal Development Permits from both the Commission and the City are required. This area is commonly known as the "Dual Permit Area."

This project (5-99-028) is located within the "Dual Permit Area" so a permit from both the Commission and the City are required. According to the Commission's maps, the edge of

the coastal bluff is found between elevation 210 and elevation 220, located within the applicant's property about 150 feet south of Sunset. The line demarcating 300 feet inland of the top or face of the coastal bluff is located north (inland) of Sunset in this location. The northern boundary of the property is located on Sunset Boulevard, so the entirety of the property and the actual bluff are located within the dual permit area.

In 1991, the applicant sought both a CUP and a CDP for a subdivision from the City of Los Angeles. Coastal Development Permit No. 90-038 was granted on October 16, 1991. That permit was appealed to the Commission on November 14, 1991. The Commission, on January 15, 1992, found Substantial Issue with the City's CDP. On February 18, 1992 the Commission approved Permit No. 5-90-856 and Permit No. A5-91-793, which was the De Novo action on appeal addressing the same project. The project was approved with conditions, including replanting trees, dedicating an open space lot and recording an assumption of risk. Subsequently, the applicants were sued in court. That lawsuit resulted in a Settlement Agreement that required the applicant to obtain a new Tentative Tract Map and prepare a focused Environmental Impact Report (EIR). While the applicant was complying with this part of the Settlement Agreement, the previously issued CDP and Subdivision Map lapsed.

The Settlement Agreement also required the applicant to reapply at both the City and the Coastal Commission for new permits. The local CDP No. 98-016 was issued on December 10, 1998 and was not appealed to the Commission. On January 19, 1999 the applicant submitted application 5-99-028 to the Commission. The application was filed on April 5, 1999.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, 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 will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized

agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Erosion Control Plan

Prior to the issuance of a coastal development permit, the applicant shall submit an interim landscaping and an interim erosion control plan. The plan shall be prepared by a licensed civil engineer for review and approval by the Executive Director. The plans shall incorporate the following:

(a) Interim Erosion Control and Stability

The applicant shall be responsible for retaining all sediment on site. No discharge of sediment onto nearby roads or storm drains is permitted. Erosion control shall be implemented on the site as soon as a significant amount of the existing vegetation has been removed.

- (i) The plans shall show the location of all proposed sediment basins, debris basins, desilting basins, silt traps, velocity reduction devices. The applicant shall indicate where and or in what circumstances it proposes to employ burlap or sheet plastic coverage or interim seeding.
- (ii) The plan shall propose procedures applicable to all unconsolidated, exposed or temporarily oversteepened slopes.
- (iii) Plans shall be tied to the stages of grading and the construction plan.
- (iv) Plans shall include a program for disposal and control of waste material generated during construction.

Erosion control shall be maintained throughout the development process. No grading shall occur between October 15 and April 30 unless an erosion control plan, prepared by a licensed civil engineer, has been approved by the City. and a copy of the approved plans have been submitted to the Executive Director.

(b) Interim landscaping.

At the completion of rough grading, or if at any time work stops on the project or any portion of the project in excess of 10,000 sq. ft. for more than 30 days, the applicant shall sow all disturbed areas as soon as the project engineer approves the slope compaction, with low fuel native or introduced non-invasive plants. Such plant palette shall be provided in advance to the executive director as part of the erosion control ad interim landscaping plan. Invasive plants identified by the CNPS in their document entitled 'invasive plants of the Santa Monica mountains cited below shall not be used. Such

planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage.

2. Final Landscape Plans

Prior to issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a final landscape plan applicable to entire site. Said plan shall be prepared by a licensed landscape architect. Final landscape plans shall be designed to minimize impacts on public views from the coastal corridors identified as the Sunset Boulevard Coastal Corridor and the Pacific Coast Highway Coastal Corridor. Such landscaping plan shall also be reviewed, in advance of submittal to the Executive Director, by the fuel modification section of the Los Angeles City Fire Prevention Bureau to assure that it employs fire resistant vegetation, as much as possible. The landscape materials shall be compatible with nearby native habitat, and shall soften the visual impacts of engineered slopes or structures from public areas. Landscaping shall be installed no later than 30 days after completion of final grading.

(a) Vegetation Type: With the exception of specimen trees, all landscaping shall consist primarily of native, drought-resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated January 20, 1992. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

(b) View protection: In addition to the general criteria outlined above, the applicant's landscape plan shall provide for the following elements in order to reduce the obtrusiveness of the landform alteration and to protect views of the hillside from Pacific Coast Highway:

(1) The applicant shall provide no fewer than three trees no less than 20 feet high on lot ten, the open space lot to be created consistent with special condition No. 6, and no fewer than 3 trees no less than 20 feet high within each house lot located on the "tree replacement area" identified below. The trees selected for initial planting shall be of a species that typically grows with sufficient spread to soften the engineered slopes and the outlines of proposed structures. The trees need not be native to Southern California, but shall be non-invasive, drought tolerant and conform with fire department recommendations for trees near structures.

(2) The applicant shall submit a monitoring plan assuring the viability of the replaced trees as identified below.

(3) The applicant shall designate a "tree replacement area" on each lot sufficient to accommodate three twenty foot high trees. On the five lower lots this area shall be located on the lower or mid-level of each lot. On the upper lots adjacent to Sunset Boulevard a portion of this area may be located adjacent to the Sunset Boulevard Scenic Corridor, as long as eight trees are located on the south side of these five lots.

(4) Such "tree replacement area" shall be designed in consultation with a landscape architect who shall specify the heights, roots zone and canopy area appropriate to 40 foot trees.

(5) The applicant shall also design a planting program from the view corridors designated in condition 5(f) below that will not interfere with views to the coastline from the publicly accessible areas of the property.

(6) The Final Tract Map shall include the designated View corridors and the tree replacement areas, and shall restrict these areas from hardscape, building or pool structures that are inconsistent with the long term maintenance of the replacement trees, as determined by the landscape architect.

(7) The applicant shall submit a monitoring and replacement program to assure the success of plant installation.

3. Final Grading Plans

In addition to all other required plans the applicant shall provide final grading plans, prepared by a licensed civil engineer, and consistent with the requirements of the building code and with the requirements of the project geologist. The final grading plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. The Executive Director may require evidence that the submitted plans are consistent with the plans submitted to the Department of Building and Safety. The plan notes shall:

- (a) clearly identify the approved quantities of cut and fill, and any areas of over-excavation.
- (b) identify areas necessary for stock-piling and equipment storage.
- (c) note the requirements of the landscaping and erosion control plan above.

(d) provide for import of fill material including, the location of the proposed borrow site for all material not required for the construction of the building pad or driveway and not otherwise indicated for the use on the site on the approved conceptual grading plan. If the location site is in the coastal zone, a separate coastal permit is required.

(e) the plan shall indicate all staging and stockpiling areas.

(f) a plan note shall state that any substantial changes in grading or development plans that may be required either by public agencies in preparation of the and final grading plans or because of geologic conditions discovered on-site during grading by the consultant or by any public agency, including the Department of Building and Safety, may require an amendment to the permit or a new permit from the Commission. Such changes include but are not limited to the location of cuts and/or fill or quantity of material removed or excavated from the site.

(g) All grading and landscaping shall be completed within one year of commencement of grading. Upon completion of final grading, the project engineer shall submit an as built plan of the grading on the site for the review and approval of the Executive Director, who shall certify that the project conforms to the Commission's approval of this permit.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Conformance of Design and Construction Plans to Geotechnical Report Geologic Hazard

(a) All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in Sections 8.1-9.3 of the Engineering Geologic Reports prepared by Leighton and Associates and dated February 25, 1999. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations

specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

(b) The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Future Development Deed Restriction

- A. This permit is only for the development described in coastal development permit No. 5-99-028. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to this parcel. Accordingly, any future improvements to the permitted development, including, but not limited to repair and maintenance identified as requiring a permit in Title 14 California Code of Regulations sections 13252(a)-(b), which are proposed within this parcel shall require an amendment to Permit No5-99-028 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- B. **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, reflecting the above restrictions on development within the parcel. The deed restriction shall within include legal descriptions of both the applicant's entire parcel and each of the ten lots to be created. 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. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6. Open Space Deed Restriction Over Lot Ten

- A. No development, as defined in section 30106 of the Coastal Act, including construction of any structure or hardscape, shall occur within the area to be known as Lot Ten, and depicted on the tract map 51964 approved by the City on February 15, 1995 and attached as Exhibit 2 except for:
- (1) Construction of a flood retention basin, (2) placement of caissons for geologic stability as required by the City of Los Angeles Grading Department as shown in the approved final grading plan cited above,

(3) planting trees in accordance with the approved landscape plan, (4) equipment access roads and or hiking trails, (5) fencing as approved in the final tract map and landscape plan, (6) fire clearance as provided in the approved landscape plan. (7) grading approved by the City of Los Angeles as indicated on the final grading plan prepared by Carl Chapman and Associates, dated November 15, 1998 and shown in Exhibit 3.

- B. **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, reflecting the above restriction on development in the designated open space area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the Lot 10 open space area. 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. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.
- C. The open space deed restriction area shall also be reflected on the recorded tract map.

7. Open Space Deed Restriction, View Corridors and Tree Planting Areas

- A. (1) Tree replacement areas. No development, as defined in section 30106 of the Coastal Act, including construction of any structure, pools or hardscape shall occur on the areas designated as tree planting areas on the Revised Landscape Plan Concept Plan Dated May 29, 1998 and shown in Exhibit 4, except for:
- (a) Planting trees and ground covers in accordance with landscape plans, (b) fencing as approved in the final tract map and landscape plan or (c) necessary caissons, drainage devices or other subsurface geology safety improvements as approved in the final grading plan Carl Chapman dated 3-12-99 job number 90-004, attached as Exhibit

Pursuant to this condition, an area suitable to accommodate three trees with a root zone appropriate to 40 foot high trees shall be identified and mapped within each lot consistent with the requirements of condition (1) above. Such areas shall be planted by the applicant as indicated in condition (1) above. Exceptions: may occur in these mapped areas.

2. View corridors. No development, as defined in section 30106 of the Coastal Act, including construction of any structure that extends above

three feet above natural grade, shall occur on the areas designated as view corridor on the Grading Plan dated December 26, 1997 and shown in Exhibit 12, except for:

- (a) Ground cover in accordance with landscape plans, (b) pools, (c) hardscape, (d) fencing under 3 feet high, or (e) fencing that is specifically designated and described as approved in the final landscape plan and which will not block views of the beach and shoreline from Marquez Place.

The applicant shall identify no fewer than two view corridors extending from the access road (Marquez Place) to the lower edge of the property. The total width of the combined view corridors shall be no less than 60 (sixty) feet. The corridors shall provide views from Marquez Place to the shoreline and the Pacific Ocean. If residential lots or tree replacement areas are included in the view corridors, the applicant shall demonstrate that structures, privacy fences, trees and other and landscaping will not block views of the shoreline and the ocean. The applicant and any successors in interest shall maintain the identified view corridors including the removal of any fencing or shrubs that might interfere with views of the water and the beach from the access road.

- B. **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, above restrictions on development in the above-identified areas. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the above-identified areas. 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. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.
- C. The restricted areas shall also be reflected on the recorded tract map.

8. **Access to Marquez Place Extension**

- A. Consistent with the applicant's proposed project description, the applicant and any successors in interest, shall provide public viewing access on and pass and repass over street A, also known as "the Marquez Place extension" on tract map 51964 approved by the City February 15, 1995 and attached as Exhibit 2. A note of such public access shall be placed on the final tract map. Pursuant to this condition, the applicant, the homeowners association and or its successors in interest shall construct no gates or signage that may prevent or restrict public access.

- B. **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, reflecting the above requirement to provide and protect public access to the Marquez Place extension. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the Marquez Place extension. 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. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

9. Responsibility for Maintenance of Open Space Lot and Common Areas.

- A. Consistent with the applicant's proposed project description, the applicant and any successors in interest shall maintain the Lot 10 open space area and all common improvements including, but not limited to, the flood control basin, the trees in the tree planting areas and the streets reflected in the tract map 51964 approved by the City on February 15, 1995, attached as Exhibit. 2.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction over the applicant's entire parcel, in a form and content acceptable to the Executive Director, reflecting the above restrictions. The deed restrictions shall include legal descriptions of the applicant's entire parcel and each of the ten lots to be created. The deed restrictions 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 Commission amendment to this coastal development permit.
- C. Such restriction shall be recorded on each individual lot at the time of recording the tract maps.

10. Assumption of Risk, Waiver of Liability and Indemnity

(a) By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding, landslides, bluff retreat, erosion, and earth movement]; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

(b) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction over the applicant's entire parcel, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel and each of the 10 lots to be created. 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. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

11. Height

The height of any structures on the subject property shall be limited to 30 feet as measured from the each point of the roof structure or parapet wall to the elevation of the ground surface which is vertically below said point of measurement. In any event, no portion of the roof or parapet of the structure may be more than 42 feet above finished grade measured at the lowest elevation on the lot that is intersected by a wall of the structure.

12. Final Tract Map

Prior to issuance of the permit, the applicant shall prepare a revised final tract map consistent with the conditions above for the review and approval of the Executive Director. The revised final tract map shall be recorded consistent with the map approved by the Executive Director.

13. Conditions Covenants and Restrictions

Prior to issuance of the permit the applicant shall provide the Executive Director with a copy of the proposed Conditions Covenants and Restrictions of Tract 51964. The CC and R's shall include all the provisions specified above and shall include notice that these provisions have been required by the Commission as a condition of the coastal development permit.

14. City Conditions.

An approved coastal development permit amendment shall be required to eliminate any inconsistency between the requirements of the City approval and this action.

15. PUBLIC RIGHTS.

By acceptance of this permit, the applicant acknowledges, on behalf of him/herself and his/her successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit and construction of the permitted development shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Description and Area History

The applicant proposes to subdivide a 4.04 acre site of hillside property in the Pacific Palisades District of the City of Los Angeles, remove, recompact and regrade an ancient landslide and create nine single-family lots and one open space lot on the top and face of a coastal bluff located on the inland side of Pacific Coast Highway. The ancient landslide is estimated by the project geologist to be 14,000 years old, and extends off the property under Mantua Drive and adjacent single family houses. The landslide is not active, but all reports assume that the landslide is not stable.

The project includes approximately 30,000 cubic yards of grading. The portion of the landslide located on the applicants' property will be removed, the hillside under the landslide will be benched, subdrains will be installed, the applicant will place soldier piles along the entire down-slope property line, and the hillside will be recontoured into a series of stepped pads. Lots one through five of the proposed subdivision are situated on the flat portion of the property which runs along Sunset Boulevard. The other five proposed lots and most of the access road are situated on the reconstructed bluff face.

The proposed project will allow nine of the ten newly created lots to be developed with single family residences while reserving the tenth lot as an open space lot. The project does include driveways but does not include the proposed houses which will be developed by purchasers after the subdivision and grading take place. Separate Coastal Development Permits will be required for each single family home. The applicant suggests that individual developers will build multilevel structures that conform to the stepped pads. As a condition of the subdivision, the City has established a height limit of 30 feet above finished grade, with a maximum of 42 feet for the highest part of the house above the grade at the lowest part of the structure.

The site is situated on a coastal bluff face located southwest of Sunset Boulevard and inland of Pacific Coast Highway. The site was at one time the Bernheimer Botanical Gardens, a former tourist attraction which featured lush gardens overlooking the Pacific Ocean. Many of the palms, eucalyptus, pepper trees and conifers from the gardens still survive, and have grown into a thicket with remaining subtropical shrubs. A flat area on the lower slope, on the top of the slide, remains a lawn. The lawn is nearly hidden by the hillside and by trees from neighboring streets and houses. It is apparently used by neighboring children and teenagers as a play area. The trees and shrubs are visible from Pacific Coast Highway and from Will Rogers State Beach as a large green patch of vegetation.

The site is surrounded by existing residential uses. A 47 unit condominium building is located to the west of the site on the upper, Sunset Boulevard level. Below the site, single family houses have been built on the lower portion of the slide. There is a two story private club and a parking lot on a knoll on the eastern side of a canyon. The southwest portion of the site is situated just above a very steeply sloping coastal bluff face that extends onto Pacific Coast Highway.

As noted above, a prehistoric landslide extends off the property into a residential area below and to the east of the proposed development. A second active slide extends from the southwest corner of the property onto Pacific Coast Highway. This slide is physically removed from the proposed development, and most of it is on the adjacent property.

The proposed project includes the removal and recompaction of the upper portion of the prehistoric landslide. Nine building pads, two private driveways, and several retaining walls up to twenty feet tall will replace the existing topography of the property. The existing vegetated slopes on the property will be replaced with steps, terraces, and retaining walls. The amount of grading which the applicants say is required for the landslide repair and subdivision improvements is 13,000 cubic yards of cut and 11,000 cubic yards of fill. The applicants propose to import 6,000 cubic yards of borrow material.

B. Project History

In October of 1985, the City approved a thirty unit condominium project on the site. In 1991, after a long discussion at the City, the applicants received final approval from the City for a ten unit single family development, and filed for a permit from the Commission.

The City issued a mitigated negative declaration, a coastal development permit and a focused EIR and approved the permit. The geology conditions addressed the geology of the site by requiring the applicant to remove all traces of an ancient landslide that is located on the property, and extends off-site, down the slope; place soldier piles all along the down-slope property line, and establish a development setback from a small discontinuous portion of the property located at the top of another active slide and the crossed by a trace of the Malibu Coast Fault. The applicant was also required to conduct a tree census, save as many trees on the property as possible and replace the rest.

The principal issue was the geologic safety of the site. The City approval was appealed to the Commission based on geologic safety and landform alteration. On January 15, 1991 the Commission found substantial issue with the City approval of the project, based on Sections 30251 and 30253 of the Coastal Act, which protect visual quality and geologic safety provisions of the Coastal Act. Subsequently, at a De Novo public hearing on February 18, 1992, the Commission conditionally approved a permit which has subsequently expired.

Subsequently, the applicants were sued in court. That lawsuit resulted in a Settlement Agreement that required the applicant to obtain a new Tentative Tract Map and prepare a

focused Environmental Impact Report (EIR). While the applicant was complying with this part of the Settlement Agreement, the previously issued CDP and Subdivision Map lapsed.

The Settlement Agreement also required the applicant to reapply at both the City and the Coastal Commission for new permits. The local CDP No. 98-016 was issued on December 10, 1998 and was not appealed to the Commission. On January 19, 1999 the applicant submitted application 5-99-028 to the Commission. The application was filed on April 5, 1999.

C. Natural Hazards.

The most difficult policy issue in this case relates to land form alteration. The City of Los Angeles, through its representatives and in its permit conditions, has stated very clearly that it will allow no development on this property unless extensive grading and landform alteration takes place--30,000 yards of grading on the face of a coastal bluff. The bluff in question is developed and located in a highly visible site on the inland side of a state highway. The natural landform to be removed comprises a significant portion of the bluff face.

Section 30253 requires both the protection of natural landforms and the assurance of safety and structural integrity--on and off-site the property.

Section 30253 of the Coastal Act states:

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.

Physical Description Two thirds of the lot, all but 150 feet of the lot, is on the bluff face. The bluff rises 220 feet above Pacific Coast Highway. The applicant's property stretches from Sunset, at approximately elevation 227 down-slope to elevation 170. This is about 220 linear feet in plan view. At the bottom of the slope it is removed by one lot from Mantua Road. Most lots along Mantua Road are developed. The property is irregularly shaped as a result of lot splits in the past. To the northwest of the property a steep cliff falls directly to Pacific Coast Highway. To the east, a small canyon cuts into the face of the slope (Burning Canyon). The investigating geologists found two landslides on this section of bluff face that involve this property.

Malibu Coast Fault

A trace of the Malibu Coast Fault crosses the lower portion of the property. The Malibu Coast fault was previously believed to be inactive. However, portions of it are now regarded as an active fault. The applicant's geologist asserts that the trace on this lot is not active and that, in any event, City conditions require development to be set back fifty feet from the fault trace.

Off-site slide. The active landslide which moved in 1947, is removed from the area subject to the development. The lower part of this landslide is resting on Pacific Coast Highway. Only a very small portion of the slide is on the applicant's property, located on a small extension located directly west of the house that is down-slope of most of the development. This small extension also contains the traces of the Malibu Coast Fault. The portion of the property that includes this slide is located on lot 10, which the City has restricted to open space.

Landslide to be reconstructed The second slide, regarded as an "older landslide", occupies about half of the land area of the property. The head scarp of this slide, 150 feet southwest of Sunset Boulevard, is the edge of the coastal bluff. As noted above, this slide extends off-site under Mantua Road. It does not reach Pacific Coast Highway. According to the project geologist it ranges from twenty to fifty feet in depth. The applicant proposes to remove this slide and reconstruct a tiered, engineered slope in its place. To make the rebuilt slide sound, since the applicant only proposes to remove those portions of the slide that are on his property, the applicant proposes to 1) place soldier piles along the lower property lines, 2) remove the slide material, 3) bench the slope under the slide, and 4) replace and recompact the material in benches stepped into 2:1 slopes. The applicant has included this restriction in its proposal which is reflected in special condition 5.

The City geologist concurred that there is a major slide on the property and required reconstruction of the slide of the larger, ancient landslide. The City geologist concluded that no development could take place anywhere on the property without excavation and reconstruction. The City did not require reconstruction of the second active slide which was set away from development, because that slide will not affect the proposed houses, and because 95% of that slide is on the adjacent mobile home park property. The City concluded that with the reconstructive work proposed, the development would be safe and would not pose a threat to off-site, down-slope property.

The Commission finds, that if the reconstructive grading takes place as proposed by the applicant's engineer and the City, the development will be consistent with the safety provisions of Section 30253. Because it is relying on the consultant's reports, which are the responsibility of the applicant, the Commission can only make this finding and approve the project if the applicant assumes the risk of the development consistent with special condition No.10. In addition, the Commission bases its approval on (1) the development conforming with the plans before it, consistent with special condition No.4

(2) on the open space lot and geologic set back lot, lot ten, being reserved in open space, consistent with special conditions, 7 and 9, and (3) on prudent and careful grading and interim erosion control practices consistent with special conditions 1-3. As conditioned, the Commission finds that the development conforms to the geologic safety provisions of Section 30253 (a) and (b).

Landform alteration Even though the preponderance of the evidence shows that the development can be constructed safely, a second provision of Section 30253 requires that development "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" (emphasis added).

This development would substantially alter the face of the bluff, as noted above, because of the reconstructive grading that is part of the project. The Commission considered alternatives to permitting the reconstruction, and determined that the alternative to reconstructive grading in this instance is denial of development on this lot. The Commission considered denial of development, and found that landform alteration alone, in this location, was not sufficient to require denial of the project. To make this determination, it examined the general area in which the project is located, the amount of landform alteration nearby, the sensitivity of the habitat, and the visual impacts of landform alteration.

Alternatives. With regard to alternatives to landform alteration, in 1992, staff asked the City of Los Angeles geologist whether the City would approve a development alternative that conformed to the Coastal Act requirements to avoid landform alteration to set back from the edge of coastal bluffs. The alternative would be to locate all development on the flat area, 150 feet wide that is located on the top of the property adjacent to Sunset Boulevard, and to leave the face of the bluff in place.

The city geologist stated that the City had not analyzed that alternative, however, it was the City's policy to require corrective grading when a hazard was found on a property, even if the development was not located on the slide. In this case, he did not believe that development anywhere on the site could be found safe unless the slide was removed. In other words, the City Geologist concluded that no project could be found safe without landform alteration, and that even relocation of development to the top of the site was not possible without the proposed grading.

He further stated that there are exceptions to the abatement policy, generally where the slide was so big that it was infeasible to remove and, also, the development was not affected by the slide, but neither one of these situations applies to the large ancient landslide on the property. (Exhibit 6)

Based on the conclusion that no alternative exists that would not include landform alteration, the Commission concludes that a project can be approved, consistent with

other Coastal Act policies. These policies include policies on visual impacts and on habitat protection, development policies of the Coastal Act, and the potential cumulative impacts of a decision to allow grading of this site.

As noted below, this particular area is highly disturbed, the site itself was developed as a tourist attraction and there are houses and mobile home parks and a regionally popular private restaurant (the Bel air Bay club), within the immediate area. There is little native vegetation on the site, and the cliff itself is developed on its lower portions. The degree of disturbance in the immediate area, and the necessity of landform alteration leads the Commission to conclude that in this instance, denial based on landform alteration alone is not appropriate. The Commission finds that it is possible to distinguish between this site in an urban area and sites in rural and undisturbed areas, and finds that it does not set a precedent for reconstructive grading of bluffs above beaches.

The Commission finds that, only as conditioned to be carried out as previously presented to the Commission and further conditioned so that the applicant assumes the risk of development, can the Commission find the development is consistent with the provisions of Section 30253.

While the tenth lot is called an open space lot, no easement to preserve it in open space has been recorded. Therefore, the Commission requires that the tenth lot be deed restricted to open space and maintained as such in perpetuity.

Finally, rains typically damage disturbed graded areas. Siltation from grading projects has on occasions washed onto Pacific Coast Highway, creating hazards and silting streams. If, due to economic problems, graded lots remain vacant, additional siltation has occasionally occurred. Therefore, the Commission requires erosion control of this project and interim revegetation to minimize grading and stabilize rough graded slopes.

As conditioned, with an assumption of risk, erosion control conditions to assure that development follows the consultant's report and assures that lot ten, the unstable lot is not developed, the development is consistent with all provisions of Section 30253.

D. Public Access and Recreation

This development is located inland of Pacific Coast Highway overlooking the beach. There are access and recreation policy issues associated with this subdivision.

The Coastal Act provides that all development be reviewed for its relationship to access and recreation. The relevant policies state:

Section 30210:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational

opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30222:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

For many years this property was a coastally oriented commercial recreation facility. When that use failed, the property was still used by neighbors for walking and viewing. While the Commission concurs that the site is an unlikely location for another commercial recreation facility, its review of the application must take into account access possibilities, including both viewing across the property and possible trail access and recreational use of the property.

While the property is not connected to the beach and does not afford physical beach access, there is evidence it has been used for many years as a view park without receiving permission by many members of the public. The property is located fewer than 1,000 feet from the beach. In 1992, staff observed evidence of use including an art structure, well worn paths to view points, food wrappers, abandoned school books and graffiti on the trees

Currently there are no public views from Sunset Boulevard adjacent to the property to the beach. However, there are views of Pacific Coast Highway, the beach and the Pacific Ocean from the lower and upper lawn areas. The public views that exist from the upper and lower property cannot be replaced from Sunset Boulevard because Sunset Boulevard is about four feet lower than the property.

The Coastal Act requires maximum access to the beach and protects existing beach access, beach viewing areas, and recreational access to beach support areas, including viewing areas and recreational trails. Currently the site is used for viewing the water and as for open space. The development will interfere with open space use of the property, by locating development on the lower slope, between the access road and the open space lot, which is located on the lawn area. After development the lawn area will be cut off from roads and isolated by houses, and will not be suitable public open space. After

development, the upper area will be replaced by street "A", also known as the Marquez extension.

If the Commission finds that there is substantial evidence that the public has acquired a right of access to the property and the proposed development will interfere with that access, the proposed project would be inconsistent with Section 30210 and 30211 of the Coastal Act. Development inconsistent with Section 30210 and 30211 shall not be permitted.

A right of access through use is, essentially, an easement over real property which comes into being without the explicit consent of the owner. The acquisition of such an easement by the public is referred to as an "implied dedication". The doctrine of implied dedication was confirmed and explained by the California Supreme Court in Gion v. City of Santa Cruz (1970) 2 Cal.3d 29. The right acquired is also referred to as a public prescriptive easement, or easement by prescription. This term recognizes the fact that the use must continue for the length of the "prescriptive period" before an easement comes into being.

The rule that an owner may lose rights in real property if the property is used without consent for the prescriptive period derives from common law. It discourages "absentee landlords" and prevents a landowner from a long-delayed assertion of rights. The rule establishes a statute of limitation, after which the owner cannot assert normal full ownership to terminate an adverse use. In California, the prescriptive period is five years.

For the public to obtain an easement by way of implied dedication, it must be shown that:

- a. The public has used the land for a period of five years or more as if it were public land;
- b. Without asking for or receiving permission from the owner;
- c. With the actual or presumed knowledge of the owner;
- d. Without significant objection or bona fide attempts by the owner to prevent or halt the use; and
- e. The use has been substantial, rather than minimal.

In general, when evaluating the conformance of a project with 30211, the Commission cannot determine whether public prescriptive rights actually do exist; rather, that determination can only be made by a court of law. However, the Commission is required under Section 30211 to prevent development from interfering with the public's right of access to the sea where acquired through use or legislative authorization. As a result, where there is substantial evidence that such rights may exist, the Commission must ensure that proposed development would not interfere with any such rights.

The courts have recognized the strong public policy favoring access to the shoreline, and have been more willing to find implied dedication for that purpose. A further distinction between inland and coastal properties was drawn by the Legislature subsequent to the Gion decision when it enacted Civil Code section 1009. That section provides that if lands are located more than 1,000 yards from the Pacific Ocean and its bays and inlets, unless there has been a written, irrevocable offer of dedication or unless a governmental entity has improved, cleaned, or maintained the lands, the five years of continual public use must have occurred prior to March 4, 1972. In this case, the subject site is within 1,000 yards of the sea; therefore, the required five-year period of use need not have occurred prior to March 1972 in order to establish public rights.

Even though the potential for implied dedication may exist on the property, there has not been a demonstration that such use amounts to a prescriptive right of access. Further, in order to deny or significantly modify development, the Commission must find that development of the parcel would interfere with such beach access and coastal recreation and would be inconsistent with the Chapter 3 policies of the Coastal Act.

Where there is substantial evidence of the existence of a public access right acquired through use, and a proposed development would interfere with that right, the Commission may deny a permit application under Public Resources Code Section 30211. As an alternative to denial, the Commission may condition its approval on the development being modified in order to preclude interference of adverse effect. This is because the Commission has no power to extinguish existing public rights, even though it may authorize development which affects the exercise of those rights.

A full assessment of the degree to which the criteria for implied dedication has been met in this case could only be made after a more intensive investigation of the issue has been performed. A survey of potential users of the site would provide very helpful information to augment the information that the staff has compiled.

However, in this case, although public prescriptive rights over the property has not been proven, the applicant has proposed to deed restrict for public access, the subdivision road. The road will be aligned across the upper lawn where public views were previously afforded. Therefore, the public will be able to view the coastline from the road.

Section 30214 of the Coastal Act directs the Commission to implement the public access policies of the Act in a manner which balance various public and private needs. This section applies to all the public access policies, including those dealing with rights acquired through use. Therefore, the Commission must evaluate the extent to which the proposed public access is equivalent in time, place, and manner to the access use made of the site in the past.

Because the road will be placed across the upper lawn area where public views were previously afforded, it is possible to provide sweeping views of the coastline from the

proposed road. It will, however, be necessary to ensure all future development provides for access corridors. Therefore, the Commission attaches special condition No.7. The Commission notes that within the 11,000 square foot lots provided, there is ample room to adjust to provide for corridors for public viewing. The Commission also notes that the road is not proposed to be gated, although it will be privately maintained. Thus, the Commission finds that the public access proposed by the applicant is equivalent in time, place and manner, to the access use that appears to have been made of the project area in the past.

Therefore, the Commission need not do an exhaustive evaluation to determine if substantial evidence of an implied dedication exists because regardless of the outcome of the investigation, the Commission could find the project consistent with Section 30211. If an investigation indicated substantial evidence of an implied dedication exists, the proposed project would not interfere with such public rights because it proposed access that is equivalent in time, place and manner to the access previously provided in the areas subject to implied dedication. If an investigation indicated that substantial evidence of an implied dedication was lacking, the Commission could find that with or without the proposed public access proposed by the applicant, the project would not interfere with the public's right of access where acquired through use and would be consistent with Section 30211.

Therefore, although there is an unresolved controversy as to the existence of public prescriptive rights, the applicant's proposed project protects the rights of the public consistent with Section 30211 of the Coastal Act. To ensure that the applicant follows through on his offer, which eliminates the need for a full evaluation of implied dedication, the Commission imposes Special Condition No.8. In addition, the Commission finds that the potential for implied dedication over the property or portions of the property may exist and the applicant should be placed on notice that granting of this permit does not constitute a waiver of any public rights which may exist on the property. Therefore, the Commission imposes Special Condition No.15. As conditioned, the Commission finds the proposed project consistent with the access policies of the Coastal Act.

As conditioned, to relocate access from the lower lawn to the access road, to maintain public access on the road, to create view corridors from the road and to ensure continued public use of the road, the development will protect any existing public use of the property and will be consistent with Section 30210, 30211, and 30223 of the Coastal Act.

E. Visual Resources.

Pacific Coast Highway in the Pacific Palisades is located directly inland of the beach, and is a major coastal access route. Seacliffs rise directly inland of the highway. Along this portion of Pacific Coastal Highway, the bluff face is about equally developed and undeveloped. The undeveloped areas are most often the unstable or oversteepened portion of the bluff. This development is on the bluff face directly above the highway, and

visible from Pacific Coast Highway, the beach and from nearby recreation areas. While there are several single family houses on the lower portion of this bluff and a private club on a knoll visible from the highway, there is also an undeveloped bluff to the west of this property.

Section 30251 of the Coastal Act states:

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 area 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 Regional Interpretive Guidelines and the pattern of previous Commission approvals indicate that development shall be located 25 feet inland of the top of coastal bluffs.

The City of Los Angeles placed conditions on Local Coastal Permit 99-016 which are intended to bring the project into conformance with Section 30251 of the Coastal Act. The City imposed the following relevant condition:

10. The proposed development shall be set back at least 25 feet from the edge of any coastal bluff as defined in the above-mentioned "Regional Interpretative Guidelines".

The City's condition with respect to height which allows the houses to be thirty feet high is unclear. The conditions states:

That the height of any structures on the subject property be limited to 30 feet as defined in the "Regional Interpretive Guidelines South Coast Region Los Angeles County" adopted by the California Coastal Commission on October 4, 1980. However, this prescribed height may be exceeded by not more than 12 feet, provided no such additional height shall cause any portion of the building or structure to exceed a height of 30 feet, as measured from the highest point of the roof structure or parapet wall to the elevation of the ground surface which is vertically below said point of measurement.

As noted above the development is on a coastal bluff and does involve landform alteration. A site visit confirmed that when a person stands on the shoulder of Pacific Coast Highway or on Will Rogers State Beach, this bluff and the thicket of trees and bushes on its top is visible from the highway. The houses on the lower portion of the bluff are visible, but softened by established trees. The new houses will be substantially larger

than the surrounding mobile homes and houses, and the engineered slopes will be visible, especially prior to build-out of the subdivision.

Because the pattern of development in the Pacific Palisades includes many examples of houses tucked into the face of the bluff, the applicant notes that streets and houses on the face of the bluff is the rule in this part of Pacific Palisades, and if landscaped, such development is not visually intrusive. To the extent that development on the face of the bluff is the pattern, at least on the flatter areas (2.5:1 to 1.5:1 slopes in this area), the applicant contends the 25 foot setback provisions should not apply. Finally, the applicant contends that any visible scarring caused by the development can be softened with landscaping and that much of the development including the houses will be partially hidden by the hill. The applicant proposes to plant trees between the houses and Pacific Coast Highway to obscure the visual impact of the project.

The applicant proposes to replant trees which will be removed during the grading program. He proposes to remove Canary Island palm trees from the upper portion of the site and replace them on the open space lot. The applicant contends that these palm trees will obscure the changed landform, at least as it is visible from Pacific Coast Highway. The applicant has also prepared a view analysis, that shows that if the lots are restricted so that the lower portions of each site are not developed, and instead that area is planted with trees, the change in slope will be disguised, and the view, which is of the tops of trees and bushes, will not substantially change as a result of the development.

The alternatives available to the Commission, based on Section 30251 are to deny the development, locate development on the top of the bluff, or approve the development with mitigating conditions.

Denial. Because of the nature and character of adjoining development, and the disturbed nature of the site, the Commission finds that it is inappropriate to deny the applicant development in this area. As noted above, denial of the grading, would at least with present engineering practices deny use of this property. Therefore the Commission has approved the grading on the bluff face, if it can be shown that the visual and habitat impacts can be mitigated.

Relocation of development. A second alternative to consider is to allow the required grading, but place all the units on the top of the lot, east of the proposed private road. This alternative results in reasonable use of the property and would conform to guidelines. It would allow for a greater open space on the portion of the bluff-face that is visible from Pacific Coast Highway.

This alternative has two difficulties. First, there are already houses on the face of the bluff to the east and south of the property, so the relocation would not result in the preservation of a relatively undeveloped area. (Exhibit 4) The Commission notes that there are a number of existing 10,000 square foot lots already located on the slope, and

many of them are developed. The applicant has supplied an aerial map showing many houses in the immediate area, a large portion of them on the bluff.

Second, as stated above, the City geologist has concluded that no development can take place anywhere on the property without excavation and reconstruction. Therefore, any development proposal would result in graded slopes exposed on the bluff face. Even with landscaping, the graded slopes would not have the soft contours of an undisturbed slope. Once the area is disturbed, houses would hide the engineered slopes. The Commission concludes that landscaping and reduced building coverage would blend in with the adjoining area as well or better than a graded but undeveloped slope. With increased open space, planting and decreased lot coverage, houses on the bluff face in this neighborhood can be considered consistent with Section 30251 of the Coastal Act.

Landscaping. The Commission finds it is necessary to determine whether the visual impact of the grading can be screened sufficiently before it can approve development on the face of the hillside.

The Commission has reviewed a planting plan supplied by the applicant which proposes five trees at elevation 180, on the open space lot. It notes that the cross section prepared by the applicant indicates trees located on the first fill slope, which is located 90 feet north of the property line on the section the applicant chose to measure. The Commission notes that the highest house on the property will extend to 250 feet above sea level. Therefore, the Commission concludes that proposed 5 trees at elevation 180 will not disguise the development. The Commission further finds that on the proposed 1/4 acre lots, there is an abundance of room to replace trees at every level of the property. By requiring trees on all the residential lots, the trees will be an effective screen above the 200 foot contour, reaching a height closer to their present level.

On another bluff face, within the City of Los Angeles, above the Ballona wetlands, the Commission has reviewed permits that included a requirement that trees be planted on the lower slopes of bluff lots. (5-91-282 (Pridgin)). The Commission has approved these houses with landscaping requirements, generally requirements for 40 foot high trees. In reviewing these cases, the Commission has noted that the height of the tree is proportional to the size of the proposed rear yard, and has added conditions to expand the area available for planting. The Commission found that a wide-branching tree could soften the outlines of an engineered fill slope in an urban area.

In applying that experience to this development, the Commission finds that requiring clusters of trees throughout the property could reduce the visual impacts of the development, as long as the planting occurred at the beginning of the development process. In addition to placing trees on the bottom of the property, the Commission requires a cluster of trees on the benched slopes. The Commission further requires the area on the lot to be covered by houses and that hardscape be reduced to allow no fewer than three trees that would eventually grow to 40 feet--a moderate size tree.

As conditioned to reduce lot coverage, including hardscape, to identify space for no fewer than three 40-foot high trees per lot, and to plant at the time of initial landscaping no fewer than three 20-foot high trees per lot, the Commission finds that the visual impacts of the development will be significantly reduced.

In the interim, after grading, but before construction of houses, the development could remain vacant and unvegetated for a considerable time. The Commission therefore conditions the applicant to provide for an interim planting plan, to be completed during the development of the project. The plan should include provisions to re-seed the development with native annuals during construction, and at the completion of final grading install the final landscaping.

As conditioned to replant trees visible from PCH, the development is consistent with the protection of the visual quality policies of the Coastal Act. The Commission concludes that although the development will not protect the natural landform, with planting, it will be consistent with neighboring development and will be subordinate to its setting, consistent with Section 30251.

F. Development.

Section 30250 directs the Commission to site development in new development in developed areas able to accommodate it. It states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have a significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

The Commission notes that the surrounding area is developed to suburban sized 5,000 to -8,000 square foot lots, and along Sunset there are condominiums and apartments. The area is sewered. Sunset Boulevard is a four lane thoroughfare. There is a water line. There are two mobile home parks within a quarter of a mile. The proposed development is typical, if slightly less dense than surrounding development. The

applicant provided staff with a Caltrans map derived from aerial photographs and this map as well as the available assessor's maps confirms the density of the surrounding uses. The bluff face in this area, as noted above, is also partially developed and this development will not set a precedent for the area.

Therefore, to restore vegetation and to control grading, the development, as conditioned, is consistent with Section 30250 of the Coastal Act.

G. Local Coastal Program

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

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

The City of Los Angeles has a work program to complete a Local Coastal Program in the Pacific palisades. This work program discusses hillside development standards to reduce grading, the Sunset Boulevard corridor and landslides above Pacific Coast Highway. There is no draft LCP for this area. However, approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare certifiable Local Coastal Program. The project has been conditioned to be found consistent with all Chapter 3 policies. Therefore, the Commission finds that the project, as conditioned, can be found consistent with the requirements of the Coastal Act to conform to CEQA. The Commission, further finds that the proposed project, as conditioned, is consistent with Section 30604(a) of the Coastal Act.

H. California Environmental Quality Act

Section 13096 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)(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 impact which the activity may have on the environment.

There are no feasible mitigation measures or alternatives available which would substantially lessen any significant adverse impacts the activity may have on the

environment. Therefore, the Commission finds that the project, as conditioned, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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 PAS MALAGUENA
 PAS DE LS LOMAS ALTAS
 PAS DE LA FORTUNA
 PAS DE LS FLORES
 PAS DE LA ESTRELLA
 PAS DL CASTILLO
 PAS BRILLANTE
 PAS ALLEGRE
 PAS DE LS ARBOLES

STATE

PARK

SEE J6

- 1 DRIFTWOOD DR
- 2 DRIFTWOOD PL
- 3 TERRACE PL
- 4 WESTVIEW LN
- 5 OCEAN VN
- 6 PACIFIC PL
- 7 KONTAKS WY
- 8 KIKI PL

FIRE

SANTA YNEZ CANYON PARK

VISTA PACIFICA

CASTLE ROCK

RECEIVED

South Coast Region

JAN 19 1999

CALIFORNIA COASTAL COMMISSION

VICINITY MAP

Exhibit I
5-99-028

PACIFIC

SEE viii MAP

OCEAN

PALISADES BAY CLUB
Property

STATE

BEACH

COAST

HWY

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SUNSET BOULEVARD

MARQUEZ PLACE

SCALE 1"=20'

EXHIBIT 2
5-99-028

RECEIVED
South Coast Region
JAN 19 1999
CALIFORNIA
COASTAL COMMISSION

Revised 1/20/99 3/30/98
REVISED TENTATIVE TRACT NO. 5196-1
IN THE CITY OF LOS ANGELES

GRADING PLAN TRACT NO. 5196-4		12/25/97
<small> PREPARED BY: PALISADES BAY CLUB C/O THE CHADMAN GROUP 8716 OCEAN PARK BOULEVARD SUITE 302S SANTA MONICA, CA 90403 (310) 314-2390 FAX (310) 314-2392 </small>		<small> PREPARED BY: CARL CHAPMAN & ASSOCIATES OF FUTURE INC. 1112 LESTER AVE. LOS ANGELES, CA 90019 (213) 506-0121 FAX (213) 506-0277 </small>

CALIFORNIA
COASTAL COMMISSION

TENT IRACI NO. 51964

[illegible]

COASTAL PLAN TRACT NO. 51964

8-124935 BAY CLUB
 C/O THE CHAMPION GROUP
 2716 OCEAN PARK BOULEVARD
 SANTA MONICA, CA 90403
 310-318-1111
 CLARE CHAPMAN & ASSOCIATES
 OF VENTURA INC.
 112 EASTCROFT AVE
 LOS ANGELES, CA 90015
 213-481-1111

[illegible]

COACHING QUESTIONS 3

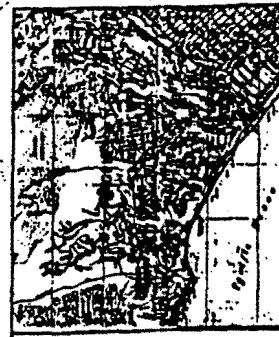
250 250 250

SUNSET BOULEVARD

MARQUEZ PLACE

Wt.	A	R	L	V
1	26.40 27	40.00	37.24	10.97
2	25.00 27	42.00	36.11	—
3	40.33 20	30.00	21.04	11.00
4	39.33 27	79.71	62.93	43.67
5	30.00 00	20.00	21.42	23.00

Exhibit 3
5-99-028



SUNSET BLVD.

PRIVATE DRIVE

MARQUEZ PLACE

PRIVATE STREET

LOT 1
PLAN 3
↑ 100'

LOT 2
PLAN 3
↑ 100'

LOT 3
PLAN 3
↑ 100'

LOT 4
PLAN 3
↑ 100'

LOT 5
PLAN 1
↑ 100'

LOT 6
PLAN 2
↑ 100'

LOT 7
PLAN 1
↑ 100'

LOT 8
PLAN 1
↑ 100'

LOT 9
PLAN 1
↑ 100'

LEGEND

SEE THE 1/4" = 1' EXISTING TREES TO BE TRANSPLANTED

SEE REPLACEMENT AREA THREE 3 PER LOT, MINIMUM 20 FT BY 10 FT MEASUREMENT, 10 FT MIN. ROOT BALL VOLUMES PER TREE

FORMER SELECTIONS

- Acacia saligna
- Albizia julibrissin
- Calliandra
- Chorizanthe
- Clusia
- Conocarpus
- Crataegus
- Desmodium
- Eucalyptus
- Fraxinus
- Grevillea
- Hamamelis
- Hebe
- Juniperus
- Leucaena
- Malvaceae
- Myrica
- Nerium
- Philadelphus
- Quercus
- Rosa
- Santolina
- Shorea
- Styphelia
- Taxus
- Thymus
- Yucca

LANDSCAPE REPLACEMENT TREES 3" DIA. MIN.

FORMER SELECTIONS

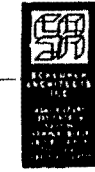
- Acacia saligna
- Albizia julibrissin
- Calliandra
- Chorizanthe
- Clusia
- Conocarpus
- Crataegus
- Desmodium
- Eucalyptus
- Fraxinus
- Grevillea
- Hamamelis
- Hebe
- Juniperus
- Leucaena
- Malvaceae
- Myrica
- Nerium
- Philadelphus
- Quercus
- Rosa
- Santolina
- Shorea
- Styphelia
- Taxus
- Thymus
- Yucca

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South Coast Region

JAN 19 1999

CALIFORNIA
COASTAL COMMISSION

LANDSCAPE CONCEPT PLAN



EXH. 16.24
5-99-028

PALISADES BAY CLUB TRACT 3194
CITY OF LOS ANGELES, CALIFORNIA

THE CHADMAR GROUP

July 20, 1999

Ms. Pam Emerson
Los Angeles County Area Supervisor
California Coastal Commission
2000 Oceangate, Suite 1000
Long Beach, California 90802

FAX: 562-590-5084

Reference: Pallsades Bay Club-Application 5-99-028

Dear Pam:

Kindly find below the revised project description for the Pallsades Bay Club.

The project consists of a ten lot single family subdivision with nine single family lots and one open space lot on approximately 4.2 acres of land. Lot 10 will be deed restricted as a natural open space lot with no active recreational uses. While Lot 10 is an open space lot, there will be a retention basin, piles and remedial grading as required by the City of Los Angeles. Lot 10 is to be maintained by the Homeowners Association through a paved access road on the easterly side of the project south of the Marquez Place extension. This extension of Marquez Place will be a private street, but there will be recorded restrictions to allow full public access and restrict the use of gates and signage. The Homeowners Association will also be responsible for the maintenance of the private street and any other common improvements.

The project will provide two view corridors totaling 60' in width. These are shown on our Grading Plan prepared by Carl Chapman dated March 12, 1999. The view corridors will provide the public with a view from Marquez Place and its extension to the Pacific Ocean.

Trees will be replanted approximately area as shown on TCP Landscape Architects Landscape exhibit dated November 19, 1998 and will accommodate 3 trees on all 10 lots with root zones appropriate to 40' high trees. These trees will be mapped and their location recorded as a tree replacement area.

If you have any questions, please feel free to call me.

The Chadmar Group



W. Craig Young
Vice President
WCY:bls

Exhibit 5
5-99-028

July 20, 1999

Ms. Pam Emerson
Los Angeles County Area Supervisor
California Coastal Commission
2000 Ocean Gate, Suite 1000
Long Beach, California 90802

FAX: 562-590-5084

Reference: Palsades Bay Club-Applicaion 5-99-028

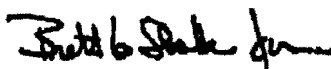
Dear Pam:

Kindly find below the revised project description for the Palsades Bay Club.

The project consists of a ten lot single family subdivision with nine single family lots and one open space lot on 4.2 acres of land. Lot 10 will be deed restricted as a natural open space lot with no active recreational uses. Lot 10 is to be maintained by the Homeowners Association through a paved access road on the easterly side of the project south of the Marquez Place extension.

If you have any questions, please feel free to call me.

The Chadmar Group



W. Craig Young
Vice President
WCY:bls

Exhibit 6
5-99-028



A GTG Company

Leighton and Associates
GEOTECHNICAL CONSULTANTS

March 22, 1999

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South Coast Region

MAR 23 1999

CALIFORNIA
COASTAL COMMISSION

Project No. 3971238-002

To: Palisades Bay Club
c/o Chadmar RSM Partners
2716 Ocean Park Boulevard, Suite 3025
Santa Monica, California 90405

Attention: Mr. W. Craig Young

Subject: Comparison of Currently Proposed Grading Plan With Immediately Preceding Grading Plan, Palisades Bay Club Homes Project, 16974 Sunset Boulevard (Tentative Tract 51964), Pacific Palisades, California.

References: See attachment.

1. Introduction

- a) Leighton is currently providing geotechnical services in connection with the subject project. A geotechnical investigation report has been prepared (Leighton, 1999) and submitted to the City of Los Angeles for their review. It is our understanding that the California Coastal Commission will be also be reviewing this project and that their approval, in addition to that of the City, will also be required before construction can proceed.
- b) Therefore, in order to facilitate the review by the California Coastal Commission, and in accordance with your request and authorization, Leighton and Associates, Inc., (Leighton) has prepared this letter to document the changes that exist in the currently proposed grading plan (Carl Chapman & Associates of Ventura, Inc., 1999) as compared with the immediately preceding grading plan (Carl Chapman & Associates, 1990) that had been reviewed and approved by the City of Los Angeles (City of Los Angeles, 1991).

Exhibit 7
5-99-028
1 of 4

2. Comparison of Grading Plans

The following table is a characterization of the differences between the two grading plans:

Project Component	Comments	
	Previously Approved Grading Plan (Carl Chapman & Associates, 1990)	Currently Proposed Grading Plan (Carl Chapman & Associates of Ventura Inc., 1991)
Lots	Lots 1 to 10; no development on Lot 10 and southern portion of Lot 8.	Minor reconfiguration of pads and lot numbers (southern portion of old Lot 8 is now within Lot 10; eastern portion of old Lot 10 is now southern portion of Lot 6). Grades within 4 feet \pm of previously proposed grades. Lots 1 to 9 have residential development planned; development is not planned for Lot 10.
Streets	Marquez Place will be extended to a point approximately 260 feet northeast of its current terminus.	Location and extent of the Marquez Place extension is the same; grades less by up to 8 \pm feet. New private driveway proposed at north margin of Lots 1 to 5.
Maximum Planned Fill (to raise natural grade to proposed grade)	20 feet beneath fill slope on Lot 7	26 feet under the proposed upper pad of Lot 8.
Maximum Remedial Fill (= maximum planned removal of prehistoric landslide materials)	43 feet beneath Lot 6	53 feet under the southern boundary of proposed Lot 6 (excludes benching during grading).
Maximum Planned Cut	25 feet depth near the terminus of the proposed Marquez Place extension.	35 feet depth near the terminus of the proposed Marquez Place extension.
Highest Cut Slope	25-foot-high cut slope descending eastward from Lot 9.	28 feet high, ascends northward from the private drive located along the southern property line of Lots 2 through 5.
Highest Fill Slope	34 feet high descending from the proposed extension of Marquez Place.	13 feet in northwest portion of Lot 8.
Highest Natural Slope	30-foot-high slope descending from the southern terminus of the pad of Lot 8 to the property line.	43 feet high, descending southeastward from the southern property line of Lot 9.
Highest Retaining Wall	14 feet on the eastern side of Lot 9.	18 feet, south of Lots 3-5.
Retention Basins	One, in east corner of Lot 10.	One retention basin in a portion of Lot 10 southwest of Lot 6.
Restricted Use Zones	2: one in the southern portion of Lot 6; one in southern portion of Lot 10.	1: in southern portion of Lot 10.

Note: In the above table, the lot numbers that are used are those that were operative when each grading plan was under consideration.

Exhibit 7
5-99-028
20FY

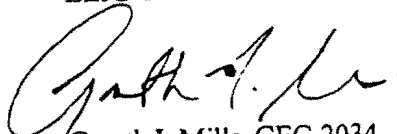


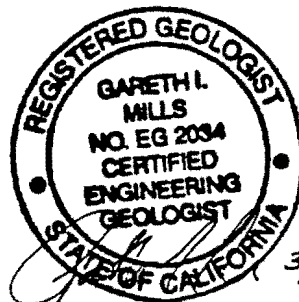
3. Closure

Thank you for this opportunity to be of service to you. Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

LEIGHTON AND ASSOCIATES, INC.


Gareth I. Mills, CEG 2034
Senior Project Geologist



3/22/99

Exhibit 7

5-99-028

3 of 4



References

Carl Chapman & Associates of Ventura, Inc., 1999, Grading Plan, Tract 51964, City of Los Angeles, J.N. 90004, Sheet 2 of 4, Scale of 1 inch equals 20 feet, dated 1/28/99.

Carl Chapman & Associates, 1990, Tentative Tract No. 36812, Scale of 1 inch equals 30 feet, dated 4/2/90.

City of Los Angeles, Department of Building and Safety, Grading Division, 1991, Tentative Tract 36812, Revised Hillside, Lots: 1-10, Location: 16924 Sunset Boulevard, dated January 9, 1991.

Leighton and Associates, Inc., 1999, Geotechnical Investigation Report, Palisades Bay Club Homes Project, 16974 Sunset Boulevard (Tentative Tract 51964), Pacific Palisades, California, Project No. 3971238-002, dated February 25, 1999.

Leighton and Associates, Inc., 1990, Addendum Report, Geotechnical Review of Latest Revised Tentative Map, Tract 36812, 16924 Sunset Boulevard At Marquez Place, Pacific Palisades, California, Project No. 1830136-06, dated November 2, 1990.

Exhibit 7
5-99-02
... 4 of 4



March 30, 1998

RECEIVED
South Coast Region

Marianne Liggett
T.G.P. Landscape Architecture
6345 Balboa Blvd., Suite 125
Encino, CA 91316

5-99-028

JAN 19 1999

CALIFORNIA
COASTAL COMMISSION

Dear Marianne,

RE: TREE STUDY - PALISADES BAY CLUB

In accordance with my arrangement with your office and Craig Young of The Chadmar Group, I have just completed my study of the trees at the above Pacific Palisades site. Enclosed you will find a tree location map and some tree forms - my report now follows.

This tree study identifies all trees having trunk diameters 8" or greater. Additionally, it has identified which of those trees are good candidates for transplanting.

As you know, this site is comprised of many trees growing in very crowded conditions. Several species are represented with the Canary Island palm, blue gum eucalyptus, Victorian box, and acacia most dominant.

For the most part the eucalyptus trees are located in a windrow along the east side of the property while the Victorian box and acacia trees are generally located on the interior slopes.

My inspection of this site has revealed that there are 102 trees that meet the required 8" diameter trunk size. The location of these trees is shown on the tree map. Please note that the map shows two numbers for each tree. These represent the surveyors tree number (the higher number), as well as the number which I assigned and placed on the tree's trunk. For instance, tree #1 has a metal numbered disc on its trunk and the map shows it to be surveyed tree #123. Also, it should be noted that tree #75 is actually a group of four palms that are growing together as a clump.

I horticulturally inspected these 102 trees in detail and found that they are collectively in average condition. Nevertheless, I have identified 4 trees that need to be removed while the other 98 trees can be considered as good candidates for preservation.

TREE REMOVALS

Trees numbered 48, 50, 54, and 95 all need to be removed for health or hazard reasons. Details of my findings on them are provided on the enclosed tree removal form and, as noted, these are all acacia trees. Each of these trees has a severe lean, is uprooted or soon will be. As such, they present a hazard and should be removed.

TREE CANDIDATES FOR PRESERVATION

Exhibit 8
5-99-028
1053

March 30, 1998

The remaining 98 trees can all be considered for preservation. Details of my findings on them are provided on the tree preservation forms, which are also enclosed.

The evaluation section of the forms shows each tree's trunk size and approximate heights and branch spread. Additionally that section includes any other tree or site conditions such as low branching, topping, or sloped conditions.

Based upon the above data I assigned health and aesthetic ratings or values to each tree. These range from good (B) to poor (D) with a tree in average condition receiving a (C) rating. In addition to these values I further assigned a plus (+) or minus (-) sign to some trees if it was in slightly better or worse condition than the lettered value. For instance, tree #24 has C- ratings to show that it is in less than average health and appearance.

TREE TRANSPLANTS

A list of the trees to consider for transplanting is enclosed. As noted thereon, there are 50 trees. Each of these trees is identified on the tree preservation forms by the location of an asterisk alongside their tree number.

In arriving at this tree list, I selected trees that were at least of average health and appearance. On some of these trees, the boxing and transplanting will be difficult, as the tree is located on a slope. Please note that I have selected some Victorian box plants for transplanting, as they are quite large and tree-like.

Since it is unknown, at this time, which of these trees are to be transplanted, no costs for that operation have been provided. Furthermore, when the tree selections are made, those costs should be obtained from a tree transplanting company like Valley Crest.

Hopefully Marianne, this report addresses your needs for now. Please give me a call if there are any questions.

Sincerely,

Paul A. Rogers

Paul A. Rogers
Consulting Arborist
Pest Control Advisor #2094

PAR/kr

MEMBER: American Society of Consulting Arborists #231

cc: W. Craig Young

Exhibit 8
5-99-028
2073

PALISADES BAY CLUB

TREE SPECIES (98)

11	Acacia decurrens dealbata	-	Silver wattle acacia
1	Casuarina equisetifolia	-	Beefwood
1	Cedrus deodara	-	Deodar cedar
1	Cupaniopsis anacardioides	-	Carrotwood
1	Cupressus macrocarpa	-	Monterey cypress
20	Eucalyptus globulus	-	Blue gum eucalyptus
4	Ficus nitida	-	Laurel fig
31	Phoenix canariensis	-	Canary Island palm
2	Pinus canariensis	-	Canary Island pine
1	Pinus torreyana	-	Torrey pine
19	Pittosporum undulatum	-	Victorian box
1	Schinus molle	-	California pepper
4	Washingtonia robusta	-	Mexican fan palm
1	Unknown species	-	Tree #87

TREE CANDIDATES FOR TRANSPLANTING (50)

1, 2, 3, 4, 5, 6, 7, 8, 9, 19, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 56, 57, 63, 65, 66, 68, 69, 70, 71, 72, 73, 74, 77, 79, 80, 81, 82, 83, 84, 85, 88, 91, 98, 101

Exh. bit 8
5-99-028
3073

CITY OF LOS ANGELES
CALIFORNIA

ROBERT JANOVICI
CHIEF ZONING ADMINISTRATOR
—
ASSOCIATE ZONING ADMINISTRATORS
EMILY J. GABEL-LUDDY
DANIEL GREEN
LOURDES GREEN
ALBERT LANDINI
LEONARD S. LEVINE
JON PERICA
SARAH A. RODGERS
HORACE E. TRAMEL, JR.



RICHARD J. RICHARDS
MAYOR

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South Coast Region

JAN 5 1999

CALIFORNIA
COASTAL COMMISSION

DEPARTMENT OF
CITY PLANNING
CON HOWE
DIRECTOR

FRANKLIN P. EBERHART
DEPUTY DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

221 NORTH FIGUEROA STREET
ROOM 1500
LOS ANGELES, CA 90012-2601
(213) 580-5495
FAX: (213) 580-5569

California Coastal Commission
Division V
245 West Broadway, Suite 380
Long Beach, CA 90802

NOTICE OF PERMIT ISSUANCE

DATE: December 29, 1998
CDP NUMBER CDP 98-016
ADDRESS 16974 Sunset Boulevard

Please take notice that the above-referenced Coastal Development Permit was issued on December 10, 1998, pursuant to a public hearing on November 19, 1998 and an appeal was not filed with the City of Los Angeles, Office of Zoning Administration as advised in the permit, during the mandatory appeal period.

An appeal period of 20 working days must expire from the date this notice and attached Coastal Development Permit is received and accepted by the California Coastal Commission, Division V in Long Beach before this Coastal Development Permit will become effective.

☒ The proposed development is in the dual permit jurisdiction area, and will require an additional permit from the California Coastal Commission upon the expiration of the above 20-working-day appeal period.

☐ The proposed development is in the single permit jurisdiction area, and if the application is not appealed within the 20-working-day period the applicant may apply to the City of Los Angeles Department of Building and Safety for a building permit.

Con Howe
Department of City Planning

By Linda M. Clarke
Linda M. Clarke
Senior Clerk Typist
Print Name and Title of Individual Signing

Attachments:

- ☒ Permit
☐ Staff Report
☒ Application

cc: Applicant

CP-1622 (08/10/93)

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

Recycle and reuse from recycled paper.

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ACTION PERIOD
1.5.99
CDP 98-016
2.3.99
APPEAL PERIOD

Exhibit
5-99-028
10f4

CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
MAYOR

RECEIVED
South Coast Region

JAN 5 1999

CALIFORNIA
COASTAL COMMISSION

DEPARTMENT OF
CITY PLANNING
CON HOWE
DIRECTOR

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

221 NORTH FIGUEROA STREET
ROOM 1500
LOS ANGELES, CA 90012-2601
(213) 580-5495
FAX: (213) 580-5569

ROBERT JANOVICI
CHIEF ZONING ADMINISTRATOR
—
ASSOCIATE ZONING ADMINISTRATORS
EMILY J. GABEL-LUDDY
DANIEL GREEN
LOURDES GREEN
ALBERT LANDINI
LEONARD S. LEVINE
JON PERICA
SARAH A. RODGERS
HORACE E. TRAMEL, JR.

December 10, 1998

Craig Young (A)
The Chadmar Group
2716 Ocean Park Boulevard, #3025
Santa Monica, CA 90405

Walt Griesser (O)
Palisades Bay Club
1560 Nelson Avenue
Manhattan Beach, CA 90266

Department of Building and Safety

CASE NO. CDP 98-016
COASTAL DEVELOPMENT PERMIT
16974 Sunset Boulevard
Brentwood-Pacific Palisades
Planning Area
Zone : RD5-1 and R3-1
D. M. : 236B121
C. D. : 11
CEQA : EIR 92-0290-SUB(CDP)
Fish and Game: Not Exempt
Legal Description: Lots 1 and 2,
Tract 26721 and Lot 5, Tract 19741

Pursuant to the provisions of the Los Angeles Municipal Code Section 12.20.2, I hereby
APPROVE:

a coastal development permit to allow the construction, use and maintenance of
a nine lot, single-family subdivision, with one additional lot being an open space
lot, in the dual permit jurisdiction of the California Coastal Zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's

Exhibit 9

5-99-028
204

opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. Any graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. The grant clause and the conditions of approval shall be included in the "Notes" section of the plans submitted to the Zoning Administrator and other public agencies for review and approval.
6. The applicant shall obtain the approval of the Fire Department prior to issuance of any building permits.
7. Grading and site preparation shall be to the satisfaction of the Department of Building and Safety consistent with applicable provisions of the Municipal Code and with the terms and conditions of Tract No. 51964, including any necessary geologic and soils reports.
8. Except as herein specifically varied or required, all conditions of approved Tentative Tract 51964, including the modifications approved on June 11, 1998, shall be strictly complied with.
9. The height of the proposed structures shall be limited to 30 feet as defined in the Regional Interpretive Guidelines - South Coast Region - Los Angeles County", adopted by the California Coastal Commission on October 4, 1980. However, this prescribed height may be exceeded by not more than 12 feet, provided no such additional height shall cause any portion of the building or structure to exceed a height of 30 feet as measured from the highest point of the roof of the structure or the parapet wall to the elevation of the ground surface which is vertically below said point of measurement, but in no event shall the structures exceed the maximum applicable height limit for developments in Hillside Areas, pursuant to Section 12.21-A, 17 of the Los Angeles Municipal Code.
10. The proposed development shall be set back at least 25 feet from the edge of any coastal bluff as defined in the above-mentioned "Regional Interpretive Guidelines".
11. The development shall be limited to nine (9) single-family lots and one open space lot.
12. A minimum of two (2) covered parking spaces per dwelling unit shall be provided.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME
EXTENSION

Exhibit 9

5-99-028

3 of 4

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within one year after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for two consecutive additional periods not to exceed one year each, prior to the termination date of each period, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.27-K,3 of the Los Angeles Municipal Code provides:

"It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Zoning Administrator, Board or Council pursuant to this subsection. Such violation or failure to comply shall constitute a violation of this Chapter and shall be subject to the same penalties as any other violation of this Chapter."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this authorization not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. This coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code. THE ZONING ADMINISTRATOR'S DETERMINATION IN THIS MATTER WILL BECOME EFFECTIVE AFTER DECEMBER 28, 1998, UNLESS AN APPEAL THEREFROM IS FILED WITH THE BOARD OF ZONING APPEALS. IT IS STRONGLY ADVISED THAT APPEALS BE FILED EARLY DURING THE APPEAL PERIOD AND IN PERSON SO THAT IMPERFECTIONS/ INCOMPLETENESS MAY BE CORRECTED BEFORE THE APPEAL PERIOD EXPIRES. ANY APPEAL MUST BE FILED ON THE PRESCRIBED FORMS,

EXH. b, 9
599-028
4 of 4

RECEIVED

JAN - 8 1992

ENVIRONMENTAL AUDIT

SETTLEMENT AGREEMENT

Petitioners Pacific Palisades Residents Association, and F. Robert Rodman, M.D. (collectively "PPRA"), Respondent City of Los Angeles ("City") and Real Party in Interest Palisades Bay Club, Ltd. ("PBC") enter into the following agreement with respect to the lawsuit entitled "Pacific Palisades Residents Association, F. Robert Rodman, M.D. vs. City of Los Angeles, et al., Palisades Bay Club, real party in interest", Los Angeles Superior Court Case No. BC 041 973 ("the lawsuit"):

BACKGROUND

According to allegations in the complaint/petition which PPRA filed in connection with the lawsuit, PPRA is "a California nonprofit corporation whose members are citizens and taxpayers of the City of Los Angeles, including persons who reside on or near Sunset Boulevard in close proximity to the project area, and including homeowners groups, all of whom are concerned with the proper enforcement of state laws designed to protect the environment". The City and PBC have insufficient information to verify that assertion, and have denied that allegation in the litigation, but assume its truth for the purposes of the settlement of the lawsuit. PBC is the owner of, and desires to develop, the real property which is the subject of the lawsuit. *Exhibit 10*

In July, 1990, PBC filed an application for a tentative tract map, a coastal development permit and concurrent zone change to subdivide the property located at 16974 Sunset Boulevard,

Pacific Palisades ("the property") into ten single family dwelling lots. In order to subdivide and develop the property, PBC was required to obtain other permits from the City, including at a minimum, a grading permit and building permits. PBC was also required to obtain a Coastal Development Permit from the State of California Coastal Commission.

Approval of the proposed tentative tract map was governed by, among other laws, the state Subdivision Map Act (Government Code Sections 66410 et seq.) and the City's subdivision regulations (Los Angeles Municipal Code ("LAMC") Sections 17.00 et seq.). The Subdivision Map Act allows, but does not require, that a city may authorize its advisory agency to approve, disapprove or conditionally approve a subdivision. The City's subdivision regulations authorize its Advisory Agency to, among other things, approve, disapprove or conditionally approve applications for subdivisions.

The Subdivision Map Act authorizes cities to provide for administrative appeals from decisions of advisory agencies on tentative tract maps, and sets forth procedures for such appeals. The City's regulations provide that decisions of advisory agencies are final unless appealed to the City Planning Commission, whose decision is final unless appealed to the City Council. By the terms of the City's regulations, the decision of the City Council to approve, disapprove or conditionally approve a tentative tract is final.

The Subdivision Map Act and City subdivision regulations provide that after a tentative tract map application is finally approved by a public agency, the subdivider may file and record a

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final tract map within specified periods of time, provided it fulfills all conditions of the tentative tract map. Although the approval of the tentative tract map is discretionary, the City's approval of the final tract map is ministerial, provided all conditions have been fulfilled.

The California Environmental Quality Act (Public Resources Code Sections 21000 et seq., "CEQA") generally requires, that prior to approving a discretionary project, public agencies must first determine whether the project may have significant adverse environmental impacts, and either impose all feasible measures to mitigate to insignificance the potential adverse impacts, or to disapprove the project. If after imposition of all feasible mitigation measures, a project still may have significant adverse environmental impacts, a public agency may approve the project if it finds that the benefits of the project override the potential significant adverse impacts.

CEQA involves a three step process. If the proposed application fits CEQA's definition of a "project", the agency must determine if it is statutorily or categorically exempt from CEQA. If it is not, the agency prepares an initial study. If the initial study produces no substantial evidence that the project may produce significant adverse environmental impacts, the agency may prepare a negative declaration, or a mitigated negative declaration if identified potential adverse environmental impacts can be mitigated to insignificance. If the initial study reveals substantial evidence that the project will have significant environmental impacts, the agency must prepare an environmental impact report ("EIR").

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CEQA does not require public hearings, but does require cities to provide a period for public comment on the environmental review of a proposed project, if that review consists of a negative declaration or an EIR.

PBC's application for a tentative tract map was subject to CEQA. In May, 1991, after review by various City agencies, including the City geologist, after public hearing, and after input from the public, the City's Deputy Advisory Agency adopted a mitigated negative declaration for the project. The proposed mitigated negative declaration had been circulated for public comment for at least the periods required by state and City law.

Thereafter, upon the advice of the City's geologist, the Deputy Advisory Agency conditionally approved a tentative tract map permitting nine single family dwelling lots and one open space lot, provided that PBC met specified conditions within the time periods permitted by the Subdivision Map Act and City subdivision laws. The issue of the geological safety of the proposed subdivision was the subject of dispute during the administrative proceedings.

After administrative appeals, the City Council adopted the mitigated negative declaration and approved the tentative tract map, with conditions. Petitioners and others protested those decisions at various levels, pursued administrative appeals and presented reports of geologists which challenged the City's determinations. The City reviewed and considered the documents and testimony of petitioners and other members of the public, as well as reports submitted by geologic experts employed by the City and by PBC. A focussed EIR discussing geological issues was part of the record considered by the City. That EIR had been prepared at

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the request of the City in connection with a previous proposal to build multi-family housing on the property, but was not officially certified in connection with PBC's application for a single family dwelling lot subdivision.

As a result of the administrative appeals in connection with PBC's application for subdivision into single family dwelling lots, and the previous application for subdivision into multi-family dwelling units, there is an extensive administrative record containing reports, letters, petitions, hearing transcripts and other documents relating to the development of the subject property. That record includes numerous documents submitted by petitioners and by their representatives, and comprises numerous volumes which were prepared and certified by the City in connection with the lawsuit.

Petitioners' lawsuit contends that the City violated CEQA by failing to prepare an EIR discussion, inter alia, the potential adverse geological impacts of PBC's proposed subdivision. PPRA sought an order setting aside the City's approval of the subdivision until such time as it complies with CEQA by preparing an EIR for the proposed subdivision.

The City and PBC filed answers disputing those contentions, and contending that the City's adoption of a mitigated negative declaration met all requirements of CEQA. Trial on petitioners' request for a writ of mandate was originally scheduled for March 30, 1992; counsel attempted to continue that trial several times to allow preparation of the administrative record, and to pursue settlement discussion. Over several weeks, counsel for all parties discussed the terms of a proposed settlement

agreement and, on May 12, 1992, all petitioners, PBC, and the City Council of the City of Los Angeles, reached agreement as to the general terms of that settlement.

PURPOSES OF SETTLEMENT

The purposes of the settlement are as follows:

1. To resolve the dispute between the parties regarding the type of environmental review required by CEQA prior to taking action to approve, disapprove or conditionally approve the project;
2. To minimize the expense and uncertainty of litigation;
3. To utilize the administrative record developed in connection with PBC's existing application for tentative tract map to the maximum extent possible;
4. To supplement that administrative record with additional reports in the form of a focussed EIR discussing geology, trees and vegetation, alternative uses of the property, and other matters set forth more specifically below;
5. To provide an expedited administrative process consistent with state law and due process while ensuring that PBC will not incur unnecessary costs due to additional delay as a result of this settlement agreement.

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CONDITIONS OF SETTLEMENT AGREEMENT

1. The parties agree that the City's laws provide greater notice and opportunity for hearing than required by state law, including the Subdivision Map Act and CEQA.

2. PBC agrees to waive any rights it may have under state law or the City's subdivision regulations to record a final subdivision map based on the Tentative Tract Map No. 36812 approved by City Council in October, 1991.

3. PBC, PPRA and the City agree that if PBC elects to file a new application for a tentative tract map approval and City coastal development permit for a subdivision at the subject property, the City's processing of those applications will be conducted as set forth below.

- a. PBC will apply for the permits necessary for the proposed subdivision, paying the City's normal fees for said applications/review.
- b. Prior to approving the applications for a tentative tract map or City coastal development permit, the City shall review, consider and certify a focussed EIR. The City shall expedite its processing of the EIR. The choice of the consultant who prepares the DEIR under the direction of the City shall be according to normal City procedures. The EIR will be reviewed by City Planning staff, and circulated to the public for the normal 45 day period required by CEQA. No Initial Study will be prepared.

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- c. The EIR will discuss the following: geology, trees and vegetation on the property, alternative uses of the property, change of landforms as it affects the Coastal Act, a five house alternative. The analysis will include the issue of the City's requirement that the top of the slide be removed and compacted, including discussion of the necessity of having the slide removed if no houses are located on the slide area. The issue of the underlying slide will be discussed and the potential impacts on the project if that slide moves. The impacts of the export of earth from the site will be discussed.
- d. The Deputy Advisory Agency will conduct a public hearing under the City's normal procedures for such hearings, will prepare a report to City Council containing recommendations regarding the approval, disapproval or conditional approval of the application. That public hearing will be scheduled not later than 35 days nor earlier than 20 days after the final EIR is completed by the City. The Advisory Agency will prepare its written recommendations within 30 days of completion of the public hearing.
- e. The Deputy Advisory Agency will retain all powers otherwise set forth in the LAMC and/or the Subdivision Map Act except the power to approve, disapprove or conditionally approve the tentative

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tract map application. Thus, the authorization of the Deputy Advisory Agency to act to approve, disapprove or conditionally approve a tentative tract map application contained in the Los Angeles Municipal Code is suspended in this case.

f. The actions of the Deputy Advisory Agency in processing the tentative tract map application in this case are not "determinations" or "actions" of the Deputy Advisory Agency for the purposes of triggering administrative appeals under the provisions of the LAMC.

g. There shall be no appeal to the City Planning Commission or to the City Council in this case. The administrative record in existence at the time of the City Council's approval of the permits which are the subject of this lawsuit shall constitute part of the administrative record for the subsequent permit application which is the subject of this agreement, and the contents thereof may be relied upon by all parties. The City Council is the sole and final City decision maker for PBC's tentative tract map and Coastal Development Permit applications for the subject property.

h. The Planning and Land Use Management Committee of the City Council ("PLUM") will conduct a public hearing after the Deputy Advisory Agency prepares its recommendations. That hearing will be scheduled 20 days after the Deputy Advisory Agency

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prepares its written recommendations. PLUM's public hearing will be held in accordance with normal City practices. PLUM will prepare a report making recommendations to City Council regarding approval, conditional approval or disapproval of the applications.

1. Thereafter, the City Council will either approve, disapprove, or conditionally approve the applications.

4. The expedited processing of the tentative tract map and coastal development permit applications which is described above shall apply to the first such application made by PBC or its successors in interest after the execution of this agreement. The modified procedures set forth herein will only apply to those applications and not to any subsequent applications by PBC or its successors in interest.

5. If the City approves a coastal development permit with conditions different than those which were imposed for the permit challenged by the lawsuit, PBC will apply to the California Coastal Commission for a new state coastal development permit.

6. The City and PBC will pay the attorneys' fees and costs of PPRA in litigating the subject lawsuit as follows:

- a. The total amount of fees and costs to be paid to PPRA is \$6,579.25 (Six Thousand Five Hundred Seventy Nine Dollars and Twenty Five Cents).

b. The City agrees to pay the amount in paragraph a above to PPRA, after execution of this settlement agreement by all parties, or their authorized representatives;

c. PBC agrees to reimburse the City in the amount of \$2,000.00 (Two Thousand Dollars), payable not later than 90 days from the date of execution of this settlement agreement.

7. PBC agrees to indemnify petitioner F. Robert Rodman, M.D. as follows:

In the event the proposed development project (consisting of a nine-unit, ten lot subdivision) is ultimately approved by the City of Los Angeles, and upon issuance of a grading permit pursuant to said approvals, PBC and any successors in interest to the property shall protect, defend, indemnify and hold F. Robert Rodman, M.D., his family, invitees, guests, and successors in interest to the title to the property (hereafter collectively referred to as "Rodman"), free and harmless from and against any and all damages and losses caused by the development of the property. This indemnification shall remain in effect until PBC has fully completed grading, geology, street improvement and other work necessary to prepare the lots suitable for sale in accordance with City approvals and until all such lots have been sold by PBC.

This indemnification shall not affect any other remedies available to Rodman.

8. Upon payment of the amount set forth in paragraph 6,

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a, above, PPRA will prepare, and lodge with the Superior Court, a request for dismissal of the subject lawsuit, with prejudice.

Executed in Los Angeles County, California on the dates shown below.

JAMES K. HAHN, CITY ATTORNEY

DATED: June 12, 1992

By Susan D. Pfann
SUSAN D. PFANN
Deputy City Attorney
CITY OF LOS ANGELES

DATED: June 24, 1992

By Jack Allen
~~Jack~~ "JACK" ALLEN
for Petitioner PPRA

DATED: June 28, 1992

By F. Robert Rodman
F. ROBERT RODMAN, M.D.

DATED: June 19, 1992

By Walter A. Garrison
for Real Party in Interest
PACIFIC PALISADES BAY CLUB,
LTD.

APPROVED AS TO FORM AND LEGALITY

DATED: Jan 23, 1992

By John B. Murdock
JOHN B. MURDOCK
Attorney for petitioners

DATED: June 12, 1992

By Susan D. Pfann
SUSAN D. PFANN
Deputy City Attorney
CITY OF LOS ANGELES

DATED: June 15, 1992

By Mark S. Armbruster
MARK S. ARMBRUSTER
Attorney for Real Party
in Interest

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CITY PLANNING
COMMISSION

GEORGE LEFCOE
PRESIDENT

ROBERT L. SCOTT
VICE-PRESIDENT

LES HAMASAKI
MARNA SCHNABEL
ANTHONY N.R. ZAMORA

RAMONA HARO
SECRETARY

(213) 485-5071

CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
MAYOR

RECEIVED
South Coast Region

JAN 19 1999

CALIFORNIA
COASTAL COMMISSION

DEPARTMENT OF
CITY PLANNING
Room 561, City Hall
200 N. Spring St.
LOS ANGELES, CA 90012-4801

CON HOWE
DIRECTOR

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR

(213) 237-1986

GORDON HAMILTON
DEPUTY DIRECTOR

ROBERT H. SUTTON
DEPUTY DIRECTOR

(213) 237-1818

FAX (213) 237-0552

DECISION DATE: FEB 15 1995
Appeal Period ends: FEB 27 1995

Palisades Bay Club
1560 Nelson Avenue
Manhattan Beach, CA 90266

Carl Chapman and Associates
5901 Green Valley Circle, #340
Culver City, CA 90230

Re: Tract No. 51964
Council District: 11
Existing Zone: (T)(Q)RD5-1
Community Plan: Brentwood-
Pacific Palisades
EIR No. 92-0290(CDP)
Fish & Game: Not Exempt

In accordance with provisions of Section 17.03 of the Los Angeles Municipal Code, the Advisory Agency approved Tentative Tract No. 51964 located at 16974 Sunset Boulevard, east of Marquez Place for a maximum 9-lot single-family development with 1 open space lot. Verification should be obtained from the Department of Building and Safety which will legally interpret the Zoning Code as it applies to this particular property. Conditions identified with a "#" may only be cleared by the Advisory Agency or a City Planner. For an appointment call 485-6171. The Advisory Agency's approval is subject to the following conditions:

1. Prior to recordation, a revised map shall be submitted incorporating all of the conditions of this approval to the satisfaction of the Advisory Agency and Bureau of Engineering. Special attention should be given to the following:

- a. Tentative tract map shows that the proposed private street will drain southeasterly within the tract boundary and continue on to an off-site public storm drain easement located in a private property labeled as Ownership 41 on the radius map to Mantua Road (a public street). City Engineer's records show that the above-mentioned easement is a sanitary sewer easement and cannot be used for drainage purposes. In addition, the tentative tract map does not specify the capacity and size of the proposed storm drain facility to contain water run-offs arising from this project.
- b. The proposed private street as shown on the tentative tract map should not be labeled as "future street".

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- c. Provide a public or private off-site storm drain easement to drain the tract property to a storm drain outlet on an alignment satisfactory to the City Engineer.
- d. Submit hydrology and hydraulic calculations and drainage plans for review by the City Engineer (West Los Angeles District office) to determine the amount of water run-off and to provide adequate on-site and off-site storm drain facilities necessary for this tract, all satisfactory to the City Engineer.
2. That a suitable private off-site storm drain easement to drain the proposed private streets be obtained prior to the recording of the final map on an alignment satisfactory to the City Engineer.
 3. That a 2-foot wide strip of land be dedicated along Marquez Place and around the cul-de-sac adjoining the tract to complete a 27-foot wide half-street dedication, including a 20-foot radius property line return at the intersection with Sunset Boulevard.
 4. That a 36-foot wide private street easement be provided, including a 40 foot radius easement line nonsymmetric cul-de-sac at the easterly street terminus and 15-foot radius easement line returns at the intersection with the southeasterly terminus of Marquez Place satisfactory to the City Engineer.
 5. That a sanitary sewer easement be dedicated full-width of the proposed private street.
 6. That the private street easement be made part of the adjoining lots to the satisfaction of the City Engineer.
 7. That the parcel of land labeled as "Restricted Landscape Area" on the tentative map stamp dated November 28, 1994, be included as part of the adjoining Lot 9.
 8. That owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary easements for ingress, egress and public facilities over the private street area upon the sale of the respective lots and that they will maintain the private street free and clear of obstructions and in a safe condition for vehicular use at all times.
 9. That the private street be posted in a manner prescribed in Section 18.07 of the Los Angeles Municipal Code (Private Street Regulations).
 10. That Lot Nos. 1 through 5 of the tract be restricted by the final map against vehicular access from Sunset Boulevard.
 11. That the proposed private street not be shown as future street on the final map.
 12. That the following requirements in connection with grading and construction in and adjacent to public rights of way and private street be complied with in a manner satisfactory to the City Engineer:

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- a. Cut or fill slopes should be no steeper than 1½:1 and 2:1, respectively.
 - b. The toes and crests of all cut and fill slopes shall be located on private property and shall be set back 2 and 3 feet, respectively, from the property line.
 - c. Where fill overlies a cut slope, the fill shall be keyed horizontally into bedrock a minimum width of 12 feet or the slope shall be overexcavated a minimum of 12 feet and replaced as a compacted fill slope.
 - d. The consulting soils engineer shall provide methods of mitigating the effects of expansive soils which may underlie both public property and private streets. This method must be approved by the City Engineer prior to the approval of plans.
 - e. All streets shall be founded upon firm, natural materials or properly compacted fill. Any existing loose fill, loose soil, organic or landslide material shall be removed prior to placement of engineered fill. This will require the removal and replacement of all landslide material under the private street.
 - f. Fill material shall be compacted to a minimum of 90 percent relative compaction as defined in the Bureau of Engineering Standard Plan S-610. Fill shall be benched into competent material.
 - g. All slopes shall be planted and sprinkler systems installed as soon as possible after grading to alleviate erosion.
 - h. Slopes which daylight adversely-dipping bedding shall be supported by either a retaining wall or designed buttress fills.
 - i. Adequate pipe and gravel sub-drain systems approved by the City Engineer's Office shall be placed beneath canyon fills.
 - j. Where not in conflict with the above, the recommendations contained in the report dated May 23, 1990, by the consulting geologist, Richard Lung (CEG 111) and geotechnical engineer, Lan Phem (RCEGE 686) of Leighton & Associates shall be implemented.
13. That satisfactory arrangements shall be made with the Department of Building and Safety with respect to grading in conformance with the Grading Ordinance of the Los Angeles Building Code prior to the recordation of the final map to assure that:*
- a. All conditions of the previous tract grading shall remain applicable to the current revised map. Reference Department letters dated August 7, 1985 and August 3, 1988.
 - b. The southerly restricted use area shall be joined to Lot 10 along the interconnecting access road alignment.
 - c. The final tract map shall clearly indicate the current lot lines, restricted use lot (open space lot) and access roadway, soldier

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pile system, and drainage outlets and easements prior to recordation of the revised map.

- d. 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.
 - e. The Homeowner Association shall be informed of their responsibility to maintain Lot 10 (open space lot).
 - f. All of the recommendations pertaining to the revised plan of the previous geologic and soil engineering reports as well as the recent reports dated November 2, 1990 and May 23, 1990 by the Leighton and Associates shall be incorporated into the plans.
 - g. Secure the written consent from all owners upon whose property the proposed grading is to extend.
 - h. Grading shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Department and the Department of Public Works.
14. That prior to recordation, satisfactory arrangements be made with the Department of Transportation to assure that:
- a. No access be permitted from Sunset Boulevard.
 - b. Lots with less than 50 feet of frontage along the private street provide an additional guest parking.
 - c. Two copies of a parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building plans for plan check by the Department of Building and Safety.
15. Prior to the recordation of the final map, the subdivider will prepare and execute four copies of a covenant and agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Department of Building and Safety and the Planning Department, binding the subdivider and all successors to the following:
- a. Limit the proposed development to a maximum of 9 dwelling units.
 - b. Provide a minimum of two covered off-street parking spaces per dwelling unit.
 - c. (1) Low sulfur fuel shall be used to minimize emissions from construction equipment.
 - (2) all vehicles shall be tuned
 - (3) all construction workers would be encouraged to form carpools.
 - (4) grading shall cease during second stage smog alerts. (MM)

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- d. Construction shall be limited to day-light hours. Sound barriers shall be erected. Construction equipment shall be fitted with mufflers. (MM)
- e. Use of ground-level, low intensity security lighting for walkways, all lighting shall be directed onto the site; no flood lighting. (MM)
- f.
 - (1) 65 of the 75 trees on site shall be transplanted.
 - (2) Trees not transplanted shall be replaced by 24" box trees on a 1:1 basis, to be located on the site or in the parkway to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance and the Advisory Agency.
 - (3) Applicant shall have a landscape and erosion control plan prepared by a licensed engineer and/or civil engineer. The plans shall be approved by the City Planning Department and include erosion control measures, interim landscaping plans (immediately following grading), and final landscape plans. Final landscaping shall be installed 30 days after completion of final grading.
 - (4) All landscaping shall use fire-resistant plants and materials.
 - (5) A landscaped buffer is required by the City along Sunset Boulevard to continue the valuable qualities of the scenic corridor. The buffer shall be approximately 12 feet deep with 5 feet within the project site along Sunset Boulevard.
 - (6) Lot 10 shall be restricted as an open space lot with no active recreation uses. Lot 10 shall have at least 6 trees with a minimum height of 40 feet. At least 4 trees no less than 20 feet high shall be located within each house lot.
 - (7) Applicant shall designate and deed restrict a "tree replacement area" on each lot sufficient to accommodate four 40 feet trees. The tree replacement areas shall be restricted from hardscape, paving, building and construction.
 - (8) The tree replacement area on the 5 lower lots shall be located on the lower or mid-level portion of each lot. A portion of the tree replacement area on the ~~four~~ upper lots can be adjacent to Sunset Boulevard. The tree placement areas shall be designed in consultation with a landscape architect to help assure long-term survival of the trees.
 - (9) The interim landscaping plan shall include re-seeding the project site with native annual plants during construction activities. (MM)
- g.
 - (1) Submit plot plans for Fire Department review and approval prior to recordation of Tract Map Action.
 - (2) In order to mitigate the inadequacy of fire protection in travel distance, sprinkler systems will be required throughout

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any structure to be built, in accordance with the Los Angeles Municipal Code, Section 57.09.07.

- (3) Private streets and entry gates will be built to City standards to the satisfaction of the City Engineer and the Fire Department.
 - (4) Construction of public or private roadway in the proposed development shall not exceed 15% in grade.
 - (5) Fire lanes, where required, and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
 - (6) No proposed development utilizing cluster, group or condominium design of one of two family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.
 - (7) This project shall comply with Mountain Fire District requirements as set forth in the City of Los Angeles Municipal Code 57.25.01. (MM)
- h. Applicant shall obtain a guarantee of available sewer and treatment capacity at the time the project becomes ready to connect to existing sewers in Marquez Avenue. Construction of the project may need to be deferred until guarantee of sewer and treatment capacity is available. (MM)
- i. (1) Lot No. 10 shall be deed-restricted as open space. In order to reduce potential noise impacts on adjacent single-family dwellings, active recreational uses shall not be permitted. In addition, other typical outdoor features such as swimming pools, spas, and picnic areas shall not be permitted.
- (2) The applicant and his successors in interest shall not construct any gate or obstruction to access on the extension of Marquez Road and shall agree to allow and shall not interfere with public access along the road for viewing purpose.
- (3) The open space lot shall be maintained by the homeowners association. The natural slope of Lot 10 shall remain and be protected during grading operations.
- (4) A paved access road to Lot 10 shall be provided to the satisfaction of the Los Angeles Fire Department, Bureau of Engineering and the Department of Transportation.
- (5) Final landscape plans shall be designed to minimize impacts on natural habitat, reduce fire danger, control erosion, maintain dedicated view corridors and soften the visual impacts of engineered slopes or structures from public areas.

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- (6) Landscaping shall be installed within 30 days after completion of final grading. A minimum of 6 trees shall be located on Lot 10 to minimize impacts associated with the manufactured slope.
- (7) A "tree replacement area" as designated by a licensed landscape architect shall be deed restricted on each lot sufficient to accommodate four 40 feet high trees. The tree replacement area shall be subject to review and approval by the California Coastal Commission, the Advisory Agency, Department of Building and Safety and other responsible agencies on the five lower lots, this area shall be on the lower or mid-level of each lot. A minimum of four 40 feet trees shall be placed on each lot (1,600 square feet). The applicant shall be required to plant at the time of initial landscaping at least four 20 feet trees per lot. This requires that 16 percent of the lot area of each lot be devoted to trees, not including other landscaping.
- (8) The final Tract Map shall include the designated view corridors and the tree replacement areas and shall restrict these areas from all hardscape paving, building and construction.
- (9) Two view corridors shall be established extending from Marquez Place to the lower edge of the property. The total width of the combined view corridors shall be no less than 60 feet. The corridors shall provide views from Marquez Place to the shoreline and the Pacific Ocean. If residential lots or tree replacement areas are included in the view corridors, the applicant shall demonstrate that structures, privacy fences and landscaping will not block views of the shoreline or the ocean. The proposed property lines shall be adjusted in the final Tract Map to accommodate these view corridors. The homeowners association shall maintain the identified view corridors including the removal of any fencing or shrubs that might interfere with views of the water and the beach from the access road. (MM)
- j. The contractor shall employ a staff archaeologist from the Center for Public Archaeology, California State University, Northridge; a qualified member of the Society of Professional Archaeology (SOPA); or a SOPA-qualified archaeologist during grading. If any archaeological materials are encountered during site preparation, the project shall be halted to assess the resources, catalogue and remove from the site. Copies of any archaeological survey, study or report prepared by said archaeologist shall be submitted to the UCLA Archaeological Information Center. (MM)
- k. Any storm drain pipe shall not be located within 20 feet of the easterly tract boundary line except where said pipe will connect with drain inlet structure. This 20-foot setback is required in order to protect the root systems of the existing trees along said tract boundary line.
16. That the Quimby fee be based on the RD5 Zone.

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17. Violations - That prior to recordation, the Department of Building and Safety certify that there are no Building or Zoning Code violations.
18. During and prior to any grading on the subject property, a pest control firm shall be retained to conduct an on-going rodent control program, as well as a tick and flea control program. The pest control firm shall ensure that effective measures are taken to prevent the migration of rodents, fleas, and ticks from the subject property. Time-area-counts shall be conducted by a qualified biologist to assess the effectiveness of the rodent control program. The perimeter of the site shall be fenced with the lower portion fenced with a small mesh size and buried a minimum of 18 inches into the ground to prevent the movement of rodents off the project site. A pest control specialist shall be made available to property owners within a 1,000-foot radius of the project site to control any increase in rodents, fleas and ticks which may occur as a result of any grading operation on the site. If the pest control specialist's services are required to eliminate any rodents, fleas, and ticks which may have migrated from the project site to any surrounding property, the owner(s) of the project site shall pay any reasonable costs to provide the services. This service shall be terminated upon the issuance of the final Certificate of Occupancy for the final dwelling unit constructed on the project site. Evidence shall be provided to the Department of Building and Safety prior to the issuance of any grading permits that a pest control firm has been retained to conduct the program described in this condition. (Covenant and agreement).
19. That the haul route utilized for the exporting or importing of materials under this tract approval observe the following conditions:

Streets to be used are limited to Marquez Place, Sunset Boulevard and Pacific Coast Highway.

Hours of operation shall be from 9:00 a.m. to 3:30 p.m.

Days of the week shall be Monday through Friday.

Trucks shall be restricted to 10-wheel dump trucks or smaller.

The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (485-3106).

Streets shall be cleaned of spilled materials at the termination of each work day.

The final approved haul routes and all the conditions of approval shall be available on the job site at all times.

The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.

Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.

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80+18

All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

All trucks are to be watered at the job site to prevent excessive blowing dirt.

All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.

The applicant shall be in conformance with the State of California, Department of Transportation, policy regarding movements of reducible loads.

All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.

"Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.

- One flag person(s) shall be required at the job and dump sites to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of "Work Area Traffic Control Handbook."

The City of Los Angeles, Department of Transportation, telephone 485-2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along the route.

Any desire to change the prescribed routes must be approved by the concerned governmental agencies by contacting the Street Use Inspection Division at 485-3711 before the change takes place.

The permittee shall notify the Street Use Inspection Division, 485-3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.

A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the West Los Angeles District Engineering Office, 1645 Corinth Avenue, Room 209, Los Angeles, CA 90025. Further information regarding the bond may be obtained by calling (310) 312-8368.

20. That satisfactory arrangements be made with the cable television franchise holder for this area in accordance with policies adopted by the Department of Telecommunications to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the Los Angeles Municipal Code Section 17.05N. Written evidence of the arrangements made with the applicant must be submitted by the cable company to the Department of Telecommunications, Room 600, 120 S. San Pedro Street, Los Angeles, CA 90012, (213) 485-7969 before the condition can be cleared by the Department.

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The current cable television holder for this area is:

Area F Century Southwest Cable
Television, Inc.
(Westside System)
2939 Nebraska Ave.
Santa Monica, CA 90404
Telephone: (310) 829-2676
Kyle Smith, Gen. Mgr.

21. That in order to provide assurance that the proposed common drainage facilities, catch basin and sumps for the project, not maintained by the City, are properly and adequately maintained, the subdivider shall record with the County Recorder, prior to the recordation of the final map, a covenant and agreement (Planning Department General Form CP-6770) to assure that the Declaration of Covenants, Conditions and Restrictions will be recorded providing for the following: (This requires the recording of a covenant and agreement with the samples of the covenants, conditions and restrictions to be recorded attached as an exhibit).

- .. The establishment of a property owners association which shall cause a yearly inspection to be made by a registered civil engineer of all slope areas and drainage devices. Any necessary maintenance and corrective measures will be undertaken by the association. Each future property owner shall automatically become a member of the association or organization required above and is automatically subject to a proportionate share of the cost.

The future owners of affected lots with drainage devices shall be informed of their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the drainage maintenance program for their lot. Any amendment or modification that would defeat the obligation of said association as required hereinabove must be approved in writing by the Advisory Agency after consultation with the City Engineer and the City Attorney's Office.

In the event that the property owners association fails to maintain the common property and easements as required by the CC & R's, the individual property owners shall be responsible for their proportional share of the maintenance.

22. Prior to recordation, or prior to the issuance of any grading or building permit, whichever occurs first, the applicant shall submit and record as a Covenant and Agreement a Mitigation Monitoring and Reporting Program satisfactory to the Advisory Agency that incorporates all mitigation measures required by the final EIR No. 92-0290(SUB) and Condition Nos. 15c-j of the tract approval, taking into consideration any modified and additional mitigation measures required by the Planning Commission and/or City Council. The program shall require the subdivider to identify (a) mitigation monitor(s) who shall provide annual status reports for a period of ten years, beginning immediately after completion of construction of each phase of the development, to implement mitigation items required above. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of

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intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

- S-1 (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Municipal Code.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract comply with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use for access purposes until such time as they are accepted for public use.
- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptancy be transmitted to the City Council with the final map.
- (k) That no public street grade exceed 15%.
- (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.

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S-2 That the following provisions be accomplished in conformity with the improvements constructed herein:

- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
- (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
- (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
- (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3 That the following improvements be either constructed prior to the recording of the map or that such construction be suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.
- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, drainage facilities required under Condition No. S-3(b)

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may include the construction and reconstruction of onsite and offsite storm drain facilities within suitable easements satisfactory to the City Engineer.

- (j) Grade Marquez Place and the private street as required.
- (k) Improve the private street being provided by the construction of the following:
 - (l) Concrete curbs, concrete gutters, and 5-foot concrete sidewalks. *See nearby St. on*
 - (m) Suitable surfacing to provide a ²⁶/₂₈-foot roadway.
 - (n) Suitable improvements of the 35-foot curb radius cul-de-sac satisfactory to the City Engineer.
 - (o) Suitable improvements of the street intersection with Marquez Place in a manner that drainage flows in Marquez Place would not enter the private street.

S-4. Improve Marquez Place being dedicated and adjoining the tract by the placement of additional concrete to construct a concrete sidewalk satisfactory to the City Engineer.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units.

Compliance with all of the "Q" conditions of the existing or pending zoning is still required.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05N of the Los Angeles Municipal Code.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

No building permit will be issued until the subdivider has secured a certification from the Housing Authority that the development complies with the requirements for low- and moderate-income housing, per Section 12.39-A of the LAMC.

The subdivider should consult the Department of Water and Power to obtain energy-saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost

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consultation service will be provided to the subdivider upon his request. (No CC's).

CONGESTION MANAGEMENT PROGRAM (CMP). The CMP is a new program enacted by the State Legislature with the passage of Assembly Bill 471 (July 10, 1989), as amended by Assembly Bill 1791 (February 11, 1990). The CMP's intent is to coordinate land use, transportation and air quality decisions on the regional highway and roadway system as defined by the Congestion Management Agency which locally is the Los Angeles County Transportation Commission (LACTC). The owner of any project or structure which contributes to the degradation of this system, based on standards adopted by the CMA, due to unmitigated trips, may be subject to additional trip mitigation measures to be imposed by the CMA (LACTC).

FINDINGS OF FACT (CEQA)

In making the decision to approve Vesting Tentative Tract No. 51964, the Advisory Agency of the City of Los Angeles certifies that it has reviewed and considered the information contained in EIR 92-0290(SUB)(CDP), together with all written communications and oral testimony regarding this subdivision. As part of this approval, the Advisory Agency, pursuant to Sections 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), adopts the findings contained in EIR 92-0290(SUB)(CDP). A Draft Environmental Impact Report was prepared by the City discussing the following potentially significant impacts:

- Grading;
- Geological Hazards;
- Drainage;
- Plant Life;
- Construction-related traffic/circulation;
- Sewers;
- Aesthetics/view; and
- Cultural Resources.

Grading/Geological hazard impacts:

- Landslides, both historic and active, are located on-site and adjacent to the site. Removal of these landslides during site preparation has potential for soil instability off-site;
- Site grading includes 45,000 cubic yards of cut would be excavated and 9,500 cubic yards of compacted fill would be placed on-site, with a net export of 8,200 cubic yards;
- Areas exist within the site with surficial slope failure, soil slumping and soil erosion;
- Lots 9 and 10 are affected by an active slide and a potentially active fault;
- Vibrations from earth-moving equipment during construction has potential to destabilize off-site landslides; and

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- Uncontrolled runoff could lead to erosion, accumulation of ground water, and slope instability.

Drainage impacts:

- There is potential for impacts from surface and subsurface water on the stability of slopes;
- There is potential for ground water build-up;
- Erosion from the slopes on the site could result in a significant impact; and,
- The project would decrease the water runoff from 22.29 cfs to 14.40 cfs.

Plant life impacts:

- Much of the vegetation on the site would be removed or relocated during site preparation resulting in a significant impact. Existing vegetation consists of non-native species established by the Bernheimer Gardens. Of the 75 trees proposed for removal, 65 are suitable for transplanting. Of the 50 palm trees, 48 would be relocated on the site.

Construction-related traffic/circulation impacts:

- During construction, trucks hauling excess soil from the site would add truck traffic to congested portions of Pacific Coast Highway resulting in a significant impact;
- A total of 513 trips would be required to export 8,200 cubic yards of soil over the 4 to 5 month construction period resulting in approximately 4 to 5 trips per day;
- An estimated 30 average daily vehicle trips would be generated by construction workers; and
- Parking impacts would occur during construction due to existing parking demand on Marquez Place and the proposed parking prohibition during construction on Marquez Place.

Sewer impacts:

- The 9-unit proposal would discharge approximately 2,250 gallons per day; and,
- The existing 6-inch pipe in an easement running from the project site to Mantua Road would have to be upgraded to an 8-inch pipe.

Aesthetics/view impacts:

- The grading required to remove and stabilize the on-site landslide would require alteration of the coastal bluff and would remove vegetation on the site, creating significant visual impacts.

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Cultural resources impact:

- Portions of the site were surveyed. A partial survey of a 1.2 acre area conducted in 1979 uncovered no archaeological resources. A partial survey of the area which was previously the location of the Bernheimer Gardens was conducted in 1981. No resources were discovered. Excavation and grading to remove and stabilize landslide deposits could uncover archaeological resources. Potentially significant because any possible cultural resources are significant.

In accordance with Section 21081.6 of the Public Resources Code (AB3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 22.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Tentative Tract No. 51964, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.
- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The adopted Brentwood-Pacific Palisades Community Plan designates the subject property for Low Medium I residential density with corresponding zones of R2, RD5, RD4 and RD3. The property contains 141,925 net square feet and is presently zoned (T)(Q)RD5-1 and R1-1. The proposed development of 9 single-family dwelling units is allowable under the corresponding adopted Plan zone.

The site is not located in the Flood Plain Management Specific Plan area (special/flood hazard area/hillside area/mud prone area).

The project conforms with both the specific provisions and the intent of the Flood Plain Management Specific Plan (Section 5.B.4 of Ordinance 154,405)

Therefore, as conditioned, the proposed tract map is consistent with the intent and purpose of the applicable General and Specific Plans.

- (c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.
- (d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The site is one of the few unimproved properties in the vicinity. The development of this tract is an infill of an otherwise single and multiple-family neighborhood.

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The Department of Building and Safety, Grading Division, has tentatively approved the tract map with conditions, relative to Division 70 of the Building Code.

The soils and geology reports for the proposed subdivision were found to be adequate by the Grading Division of the Department of Building and Safety.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The project site, as well as the surrounding area does not provide a natural habitat for either fish or wildlife.

In light of the above, the project (qualifies) (does not qualify) for the De Minimis Exemption for Fish and Game fees (AB 3158).

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appear to be no potential public health problems caused by the design or improvement of the proposed subdivision.

The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which is currently being upgraded to meet Statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

No such easements are known to exist. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

- a. The topography of the site has been considered in the maximization of passive heating or cooling opportunities.

- b. In addition, prior to obtaining a building permit, the subdivider considered building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of

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CITY PLANNING
COMMISSION

GEORGE LEFCOE
PRESIDENT

ROBERT L. SCOTT
VICE-PRESIDENT

LES HAMASAKI

MARNA SCHNABEL

ANTHONY N.R. ZAMORA

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(213) 580-5234

CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
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DATE: JUN 22 1995

Palinades Bay Club
1560 Nelson Avenue
Manhattan Beach, CA 90266

Carl Chapman and Associates
5901 Green Valley Circle, #340
Cuivert City, CA 90230

RE: Tract No. 51964
Council District No. 11

LETTER OF CORRECTION

On February 15, 1995, in accordance with provisions of Section 17.03 of the Los Angeles Municipal Code, the Advisory Agency conditionally approved Tentative Tract No. 51964, located at 16974 Sunset Boulevard.

It has been discovered that Condition No. 4 is incorrect. Therefore, Condition No. 4 should be changed to read as follows:

Correct Condition No. 4 to read:

4. That a 44-foot wide private street easement be provided, including a 40-foot radius easement line nonsymmetric cul-de-sac at the easterly street terminus and 15-foot radius easement line returns at the intersection with the southeasterly terminus of Marquez Place satisfactory to the City Engineer.

All other conditions remain unchanged.

Con Howe
Advisory Agency


DARRYL V. FISHER
Deputy Advisory Agency

DLF:RD:mjd

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PUBLIC COUNTER & CONSTRUCTION SERVICES CENTER
CITY HALL - 200 N. SPRING STREET, RM. 4805 - (213) 485-7826
VAN NUYS - 6251 VAN NUYS BLVD. 1ST FLOOR, VAN NUYS 91401 - (818) 756-6596

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