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J GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

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 Staff:
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 Staff Report:
 10/24/00

 Hearing Date:
 November 14-17, 2000

 Commission Action:
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STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-00-387

APPLICANT: Mary Ellen and Chris Kanoff

AGENT: William Hefner

PROJECT LOCATION: 325 Arno Way, Pacific Palisades, City and County of Los Angeles

PROJECT DESCRIPTION: Demolition of an existing 4,343 square foot single family home with garage and in-ground swimming pool and construction of a 35-foot high, three level, 8,803 square foot single family home and new swimming pool, with attached three-car garage and two open guest parking spaces, on a 15,185 square foot lot. Project includes 1,190 cubic yards of grading (1,018 cy of cut and 172 cy of fill).

SUMMARY OF STAFF RECOMMENDATIONS

Staff is recommending approval with conditions that require the applicant to provide mitigation measures to minimize leaks from the proposed pool and to conform to the recommendations of the geology and soils consultant (C.Y. Geotech, Inc.) and the City of Los Angeles Department of Building and Safety. The applicant agrees with the recommended conditions.



2

SITE DETAILS:	Lot Area		15,185	square feet	
	Building C	overage	3,663	square feet	
	Pavement	Coverage	4,000	square feet	
	Landscape	e Coverage	7.522	square feet	
	Parking S	Daces	5	oqualo toot	
	Zoning		R1-1		
	Plan Desig	gnation	Low De	ensity Resider	ntial
	Ht above	final grade	34' 6''		
LOCAL APPROVALS RECEIVED:		Approval in Concept #2000-3963			
		Department of	of Build	ing and Sa	fety, Grading
		Division appro	val #302	236-01, July	14, 2000
SUBSTANTIVE FILE DO		Geologic a	and G	entechnical	Engineering
	oomen o.	Investigation,	C.Y. Geo	otech, Inc., 2/	/29/2000
		Geologic a	and G	ieotechnical	Engineering
		Investigation	Addend	um, C.Y G	eotech, Inc.,
		5/10/2000		·	
		Coastal Develo	opment F	Permit #5-98-	168
		City of Los Ar	ngeles H	illside Ordinar	nce 1992
			144444		

STAFF RECOMMENDATION OF APPROVAL:

MOTION:

I move that the Commission approve CDP #5-00-387 pursuant to the staff recommendation.

Staff recommends a <u>YES</u> vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby **<u>GRANTS</u>** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and

n M will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS:

- 1. <u>Notice of Receipt and Acknowledgment.</u> 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. <u>Expiration.</u> 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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> 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.
- 5. <u>Terms and Conditions Run with the Land.</u> 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. <u>CONFORMANCE OF DESIGN AND CONSTRUCTION PLANS TO GEOTECHNICAL</u> <u>REPORT</u>

A. All final design and construction plans and grading and drainage plans, shall be consistent with all recommendations contained in Project No. CYG-00-1717 by C.Y. Geotech, Inc., 2/29/00, Project No. CYG-00-1717 by C.Y. Geotech, Inc., 5/10/00 and the requirements of the City of Los Angeles Department of Building and Safety, Geologic Review Letter #30326, 5/5/00 and #30326-01, 7/14/00.

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

5-00-387 (Kanoff) Page 4 of 9

without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required

2. MINIMIZE SWIMMING POOL IMPACTS

Prior to Issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a written plan to mitigate for the potential of leakage from the proposed swimming pool. The plan shall, at a minimum: 1) provide a separate water meter for the pool to allow independent monitoring of the water usage for the pool and the home, 2) identify the materials, such as plastic linings or specially treated cement to waterproof the underside of the pool and prevent leakage, and information regarding past success rates of these materials, and 3) identify methods used to control pool drainage and to prevent infiltration from drainage and maintenance activities into the soils of the applicant's and neighboring properties. The applicant shall comply with the mitigation plan approved by the Executive Director.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The proposed project is the demolition of an existing 4,343 square foot single family home with garage and in-ground swimming pool and construction of a 35 foot high, three level, 8,803 square foot single family home and new swimming pool, with attached three-car garage and two open guest parking spaces, on a 15,185 square foot lot. The project includes 1,190 cubic yards of grading (1,018 cu. yds. of cut and 172 cu. yds. of fill) (See Exhibits). The foundation of the proposed single family home will consist of a combination of continuous spread footings and six piles with grade beams (Exhibit #7). The piles are needed in the western portion of the home where the bedrock is located deeper beneath the surface than in the other locations of the foundation.

The subject property is located on a mapped coastal bluff within an established single family residential neighborhood in Pacific Palisades, a planning subarea of the city of Los Angeles (Exhibit #1). The subject lot has a gently sloping topography and is surrounded by similar single family homes. The property is located approximately 1000 feet inland of Will Rodgers State Beach (Exhibit #2).

On October 17, 1979, Categorical Exclusion E-79-8 was adopted. It excluded certain developments within specified geographic areas from the coastal permit process. The subject property falls within one of the categorical exclusions areas (Exhibit #3).

5-00-387 (Kanoff) Page 5 of 9

However, Categorical Exclusion E-79-8 does not include demolition of existing structures and therefore, the proposed project requires a coastal development permit.

B. Hazards to Development

The proposed project is located in an area subject to natural hazards. The Pacific Palisades area has a long history of natural disasters, some of which have caused catastrophic damages. Such hazards common to this area include landslides, erosion, flooding, and wildfires. The subject property is located on a gradual sloping coastal bluff lot, with a slope gradient of less than 6:1 (Exhibit #2). The proposed project consists of demolishing the existing 4,343 square foot single family home, in ground swimming pool, and garage and construction of an 8,803 square foot single family home, new in ground swimming pool, and three-car garage. The existing swimming pool will be demolished, completely removed from the project site, and backfilled with compacted soil. The proposal includes 1,018 cubic yards of cut, 172 cubic yards of fill, and 846 cubic yards of export. The applicant has provided a geotechnical report for the project from the firm of C.Y. Geotech, Inc. and a geologic approval from the Grading Division of the City of Los Angeles Department of Building and Safety indicating that the development will be safe if carried out according to their recommendations.

As demonstrated in a <u>Report On Landslide Study-Pacific Palisades Area</u>, September 1976, by the U.S Army Corps of Engineers and the U.S. Geological Survey, several landslides have occurred near the project site, the closest being approximately 200 feet west and south of the existing home (Exhibit #4). Even though a landslide has not been recorded on this site, the stability of coastal bluffs in the area have the potential for failure.

Section 30253 states in part:

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.

Geotechnical Investigation

The structural plans submitted by the applicant are described in the Geologic and Geotechnical Engineering Investigation by C.Y. Geotech, Inc., February 29, 2000 and

May 10, 2000. The following summarizes the key items from the geotechnical reports:

No evidence of deep-seated slope failure was observed within the subject site during our field exploration. No landslides were mapped within the subject site and in its immediate vicinity in the published geologic maps.

The analysis indicated factors of safety greater than the minimum code requirements for both static and seismic slope stability analysis.

Based on the findings of this investigation, the development of the proposed single family residence and swimming pool at the subject site is feasible from a geologic and geotechnical engineering viewpoint provided the recommendations of this report are incorporated into the design and implemented during construction. Conventional spread footings founded into compacted fill or bedrock can be used for the support of the proposed single family residence. As an alternative, deep foundation such as skin friction pile or end-bearing caissons founded into bedrock can be used for the proposed single family residence.

The applicant has proposed to use a combination of spread footings and pile system for the foundation of the proposed single family home. The proposed project includes continuous spread footings as well as six piles tied with grade beams (Exhibit #7). The applicant's architect has stated that the piles are necessary because the bedrock is located further below the surface at the western portion of the foundation (where the piles are located) than all other locations on the site. The piles will be 24 inches in diameter and 20 feet deep. This adheres to the recommendations of the geotechnical report by C.Y Geotech, Inc.

Adherence to the geotechnical report and recommendations by the City of Los Angeles Grading Department are necessary to ensure that the proposed single family home and swimming pool neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way requires the construction of protective devices that would substantially alter natural landforms along coastal bluffs.

Therefore, Special Condition #1 requires the applicant to conform to the geotechnical recommendations by C.Y. Geotech, Inc. in their reports dated February 29, 2000 and May 10, 2000. The applicant shall also comply with the recommendations by the City of Los Angeles Department of Building and Safety, Grading Division as shown in their review letters #30326, May 5, 2000 and 30326-01, July 14, 2000. Only as conditioned, to ensure the applicant follows and conforms to the recommendations by C.Y. Geotech, Inc. and the Department of Building and Safety, is the proposed project consistent with Section 30253 of the Coastal Act.

Swimming Pool Monitoring

The applicant has proposed to demolish, remove, and fill the existing swimming pool and construct a new swimming pool in a different location on the property (Exhibit #5). Ground water from leakage of the proposed pool can contribute to an acceleration of bluff erosion and possible landslide/sloughing activity. Possible impacts from the pool structure are leakage into the subsurface, spillage, and maintenance activities that could create instability within the bluff.

It is for this reason that the Commission imposes Special Condition #2 that requires the applicant, prior to issuance of the coastal development permit, to submit a written plan to mitigate for the potential of leakage from the proposed swimming pool. The plan shall include separate water meters for the pool and the existing home to help in determining whether there is a leak in the pool structure. The applicant shall provide the materials that will be used to waterproof the underside of the pool and past success rates of such materials. Also, the applicant shall submit final drainage plans that demonstrates where spill water and water from maintenance activities will be contained and diverted.

Therefore, only as conditioned, to ensure that adequate prevention and monitoring of the possible leakage of the in-ground pool is accounted for, can the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

C. Community Character

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 the surrounding areas, and, where feasible, to restore and enhance the visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Coastal Act protects public views. In this case the public views are the views from Pacific Coast highway to the coastal bluff hillsides of Pacific Palisades and from the surrounding neighborhood to the ocean.

On August 5, 1992, the City of Los Angeles adopted a hillside ordinance, which may be incorporated into the City's future Local Coastal Program. This ordinance states,

"on any lot where the slope of the lot measured from the lowest point of elevation of the lot to the highest point is 66 percent or less, no building or structure shall exceed 36 feet in height as measured from grade." The height of the proposed project is 34½ feet above grade (Exhibit #6). The slope of the lot runs from an elevation of approximately 175 feet at the lowest point to an elevation of 190 feet at the highest point across the 15,185 square foot lot (Exhibit #2). Therefore, the proposed project is consistent with the provisions of the City's Hillside Ordinance.

The project is located approximately 1000 feet inland of Will Rodgers State Beach and Pacific Coast Highway (Exhibit #1). The proposed project does not impact coastal views to or from the ocean and Pacific Coast Highway. As proposed, the project is consistent with section 30251 of the Coastal Act and is consistent and in scale with the surrounding neighborhood.

D. LOCAL COASTAL PROGRAM

Section 30604 (a) of the Coastal Act states:

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

In 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, and grading and geologic stability.

The City has submitted five Land Use Plans for Commission review and the Commission has certified two (Playa Vista and San Pedro). However, the City has not prepared a Land Use Plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process in 1978, with the exception of two tracts (a 1200-acre tract of land and an adjacent approximately 300-acre tract) which were then undergoing subdivision approval, all private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decision remained in the Pacific Palisades. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.



As conditioned, to address the geologic stability and visual quality of the project site, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

The proposed project, as conditioned to prevent possible pool leakage and to adhere to the recommendations by the applicant's geologist and the City of Los Angeles Department of Building and Safety, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized and the project, as proposed, will avoid potentially significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/am















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