

CALIFORNIA COASTAL COMMISSION

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Staff Report: 1/27/2000
Hearing Date: 2/15-18/2000
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-99-409

APPLICANT: William Bagnard

AGENT: Michael Trifunovich; Fred Gaines

PROJECT LOCATION: 421 Alma Real, Pacific Palisades, Los Angeles County

PROJECT DESCRIPTION: Demolish single family dwelling, and construct a 30-ft. high two-story over basement 7,952 sq. ft. single family house with two car garage, driveway and fence.

Lot Area	14,934 Sq. Ft
Building Coverage	4,500 Sq. Ft
Pavement Coverage	2,576 Sq. Ft.
Landscape Coverage	7,858 Sq. Ft
Parking Spaces	2
Zoning	RE15-1
Ht above final grade	30 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with conditions requiring the applicant to (a) provide revised plans consistent with the revised project description, (b) provide a review of the final structural and drainage plans assuring that the plans conform to the recommendations of the geology and soils consultant and the City Of Los Angeles Department of Building and Safety, (c) record a deed restriction assuming the risk of the development and (e) record a deed restriction requiring a coastal development permit for any future improvement on the lot located between the west wall of the house approved in this action and the Canyon. Staff also recommends that the applicant provide a landscaping plan that allows only temporary irrigation, employs only coastal sage scrub vegetation on the canyon wall and avoids the use of invasive, introduced plants that might invade the restored riparian area in the adjacent Potrero Canyon Park. Finally, the staff recommends that that the applicant employ Best Management Practices appropriate to the site to limit the discharge of pollutants from the roofs and the driveway to the storm drain system.

LOCAL APPROVALS RECEIVED:

1. City of Los Angeles Approval in Concept number 1999-2425
2. City of Los Angeles Department of Building and Safety, Soils and Geology Letter; log 28868; Tract 9377, Lot 29, October 7, 1999

SUBSTANTIVE FILE DOCUMENTS:

1. 5-91-286 (City of Los Angeles Department of Recreation and Parks) as amended; 5-86-958 (City of Los Angeles)
2. FEIR Potrero Canyon Park Development project, City of Los Angeles, Department of Recreation and Parks, June 1985
3. Kovacs Byer Associates, Geologic and Soils Engineering Exploration Potrero Canyon Park: Assorted geotechnical reports dated 6/3/86; 5/27/87/ 7/1/87; 8/12/87; 3/14/87; 4/27/88;5/23/88; 8/8/88
4. Potrero Canyon Engineering Feasibility report, SCS Engineers-Leighton and Associates October, 1984
5. BCA civil engineers, status report May 16,1991 Potrero canyon
6. William Conn (sp.), 1/21/91 Grading plan and vegetation map, Potrero canyon stage 3
7. John E Vigil co. undated plan view grading plan; Potrero canyon
8. Geologic investigation of lot 29 block 1tract 9377 Pacific Palisades
9. City of Los Angeles Department of Building and Safety, Soils and Geology Letter; log 28868; Tract 9377, Lot 29, October 7 1999
10. J Vigil Potrero Canyon Engineering Drawings undated, sheets 3-6
11. Grover Hollingsworth, Geology/Soils Report 8835-G, 8/25/99: Tract 9377, lot 29, 421 Alma Real Drive.

STAFF NOTE:

This is one of the first proposals to build a structure on lots that are on the rim of Potrero Canyon in Pacific Palisades since the extensive canyon stabilization project undertaken by the City. In the late 1970's and early 1980's, nine major slides occurred along the walls of Potrero Canyon as a result of erosion from the stream that is located in the bottom of the canyon. As a result of the slides a number of residential structures were damaged and demolished by their owners. The City of Los Angeles was forced to acquire twenty-one houses on the canyon rim, some of which it later demolished. In 1984, the City determined that the only way to protect the houses that were still intact on the rim of the Canyon was to fill the canyon. The Coastal Commission agreed to the project and approved the project in three phases, subject to conditions (5-86-958 and 5-91-286, City of Los Angeles.) The third phase of the fill extended about 75 feet above the flow line of the stream. Above that level, the City placed buttress fills extending twenty -five to thirty feet up the canyon sides. These buttress fills were designed to slow down the incremental

failure of the lots but were not designed to support structures. As a result of the canyon fill, the area of the lots that is safe from slides can be calculated from the canyon fill rather than from the bottom of the canyon. The Commission approved the fill with conditions that required the City to re-create an artificial stream on top of the fill, build a public park in the canyon, and revegetate the upper canyon sides and buttress fills with coastal sage scrub.

This applicant proposes to demolish a house on a lot on the south rim and build a new house. The previous house on this lot was not damaged in any of the Potrero Canyon slides. The proposed site is not within the canyon fill area described above, although it is located on a lot overlooking the canyon. The city expected the fill to increase the stability of lots on the canyon rim. The applicant originally proposed a pool and a deck close to the rim of the canyon but has revised the project description to remove the pool and the deck. The pool and the deck will be submitted after further study as amendments to this project. The applicant proposes to support the house on pilings that extend into native sedimentary rock, not the canyon fill area. The pilings will extend to a level that has been determined to be safe by the applicant's geological consultant and the City. The applicant in this case proposes to set the house forty feet back from the rim of the canyon. In this case, the base of the canyon adjacent to this lot is filled to approximately elevation 220', about fifty feet below the flat area of the applicant's lot. The applicant's geologist, the City's geologist and the City's geotechnical engineer have approved the plan.

STAFF RECOMMENDATION:

Staff recommends that the Commission APPROVE the permit application with special conditions.

MOTION

I move that the Commission approve CDP #5-99-409 pursuant to the staff recommendation.

Staff recommends a YES vote. This will result in 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 **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS:

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

III. SPECIAL CONDITIONS**1. REVISED PLANS**

A. Prior to issuance of the permit the applicant shall submit revised plans for the review and approval of the Executive Director. The plans shall depict the topography of the surface of the lot and of the canyon area 50 feet west of the lot. The plans shall show the location of the house, the fence and the garage approved in this permit 5-99-409, the natural rim of the canyon, and all proposed development. With the exception of fences and the front porch shown in this application, no permanent structures shall be placed between the westerly wall of the house approved in permit 5-99-409 and the canyon property line unless approved by an amendment to this permit.

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

2. FUTURE DEVELOPMENT DEED RESTRICTION

A. This permit is only for the development described in coastal development permit No. 5-99-409. Pursuant to Title 14 California Code of Regulations, section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (a) shall not apply to the portions of the parcel located between the westerly wall of the single family house approved in his permit 4-99-409 and the westerly property line as shown in Exhibit 5. Accordingly, any future improvements to the permitted structure, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), which are proposed within the restricted area shall require an amendment to Permit No.5-99-409 from the Commission or shall require an additional coastal development permit from the Commission or from the City of Los Angeles.

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 in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the restricted 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.

3. **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 wildland fire, erosion, landslide, or 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, 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. 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.

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 the Section of the Engineering Geologic Report 8835-G prepared by Grover Hollingsworth and dated 8/25/99 and the Soils and Geology review letter log 28868 from the Los Angeles City Department of Building and Safety. **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. WINTERIZATION/EROSION CONTROL PLAN

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and run-off control.

1. EROSION CONTROL PLAN

(a) The erosion control plan shall demonstrate that:

(1) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties, and the alley behind the site.

(2) The following temporary erosion control measures shall be used during construction: sand bags, a desilting basin and silt fences.

(3) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.

(4) The following permanent erosion control measures shall be installed: a drain to direct roof and front yard runoff to the street; no drainage shall be directed to rear yard slope; no drainage shall be retained in front yard.

(b) The plan shall include, at a minimum, the following components:

(1) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.

(2) A site plan showing the location of all temporary erosion control measures.

(3) A schedule for installation and removal of the temporary erosion control measures.

(4) A site plan showing the location of all permanent erosion control measures.

(5) A schedule for installation and maintenance of the permanent erosion control measures.

2. RUN-OFF CONTROL PLAN

(a) The run-off control plan shall demonstrate that:

(1) Run-off from the project shall not increase the sediment or pollutant load in the storm drain system.

(2) Run-off from all roofs, patios, driveways and other impervious surfaces on the site shall be collected, filtered and discharged to avoid ponding or erosion either on or off the site.

(3) Run-off from roofs, and driveways shall be directed through filters designed to remove chemicals and particulates, at least for low flow conditions, (as defined as a one-year storm or as defined by the Regional Water Quality Control Board)

(b) The plan shall include, at a minimum, the following components:

(1) The location, types and capacity of pipes drains and/or filters proposed.

(2) A schedule for installation and maintenance of the devices.

(3) A site plan showing finished grades at two foot contour intervals) and drainage improvements.

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.

6. FUEL MODIFICATION PLAN

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

7. LANDSCAPE PLAN

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a plan for landscaping to assure compliance with the project description, terms and conditions of this permit and CDP 5-91-286 and compatibility with the revegetation

measures required in that permit. The plan shall be prepared by a licensed landscape architect.

1. The plan shall demonstrate that
 - (a) To minimize the need for irrigation the majority of vegetation planted on the site will consist of drought-tolerant plants,
 - (b) The applicant shall not employ invasive; non-indigenous plant species, which tend to supplant native species. Such plants are listed in Exhibit 15.
 - (c) All vegetation placed on the canyon side slope shall consist of native, drought and fire resistant plants of the coastal sage scrub community.
 - (d) All planting shall be completed within 60 days after completion of construction,
 - (e) All required plantings will be maintained in good growing conditions through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan, and
 - (f) No permanent irrigation system shall be allowed within the property. Any existing in-ground irrigation systems shall be removed. Temporary above ground irrigation to allow the establishment of the plantings is allowed. The landscaping plan shall show all the existing vegetation.
2. The plan shall include, at a minimum, the following components:
 - (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the topography of the developed site, and all other landscape features, and
 - (b) A schedule for installation of plants.

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

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

This project involves the demolition of an existing house on a lot on the southern, down coast, rim of Potrero Canyon and the construction of a new 7,952 square foot single family house supported with pilings. The house will include two stories over a basement and will include a, garage, driveway fencing and landscaping. Potrero Canyon is a coastal canyon that drains a moderately extensive area of hillside and mesa in the Pacific Palisades District of the City of Los Angeles.

This is one of the first proposals to build a structure on lots that are on the rim of Potrero Canyon since the City began its extensive stabilization effort. In the late 1970's and early 1980's, nine major slides and a number of "blowouts" occurred as a result of erosion from the stream that is located in the bottom of the canyon. As a result of the slides a number of residential structures were damaged and demolished by their owners. In 1984, the City determined that the only way to protect the houses that were still intact on the rim of the Canyon was to fill the canyon and install a subdrain to reduce saturation of the sediments. (5-86-958 and 5-91-286, City of Los Angeles.) By 1986, the City of Los Angeles had acquired 20 houses on the canyon rim, some of which it later demolished. The Commission approved project with 25 feet of fill and a subdrain. The slides continued. By 1991 the City had acquired one additional lot and was considering the acquisition of 7 additional lots on the west canyon rim.

In 1991, after the expiration of its original action, the Commission re-approved an expanded project in three phases, subject to conditions. In its approval of the revised project, the Commission reviewed evidence that the headscarps were moving inland, potentially threatening additional houses along at least three streets that were parallel to the rim: De Pauw, Friends Street, and Alma Real. The third phase of the fill of the revised project extended about 75 feet above the flow line of the stream. Above that level, the City proposed to place buttress fills extending twenty-five to thirty feet up the canyon sides, in some instances onto privately owned residential lots. These buttress fills were designed to slow down the incremental failure of the lots but were not designed to support structures. The material would be compacted to 90% but the City intended to use five inch diameter rock in the fill, which would prevent the fill from supporting structures. As a result of the canyon fill, the plane that is safe from slides can be calculated from the top of the level canyon fill rather than from the bottom of the canyon. The Commission approved the fill with conditions that required the City to create an artificial stream on top of the fill, build a public park and trails in the canyon, and revegetate the upper canyon sides and buttress fills with coastal sage scrub.

This present applicant proposes to demolish and rebuild a house on the rim outside the canyon fill area described above. The top of the "75 foot" fill is located 50 feet below the top of this applicant's lot. The applicant in this case proposes to set his house forty feet back from the canyon rim. The applicant's geologist recommends that the applicant support the house with pilings extending into the native sedimentary rock. The applicant originally proposed to place a swimming pool twelve feet from the rim of the canyon, and to place a deck between the pool and the rim of the canyon. The applicant has now withdrawn his initial proposal to build a pool and a deck and will resubmit these plans only

after further study, as an amendment. The applicant's geologist, the City's geologist and geological engineer have approved the applicant's proposed house.

B. ACCESS AND RECREATION.

The Coastal Act protects public access where it has been occurred in the past and encourages the use of private lands for recreation. In this project, the lot itself has been a private, subdivided residential lot for many years. The lot has not been used for recreation. However, this lot is now suitable for building because the City filled the adjacent canyon. In approving the project that protects this lot from landslides, the Commission required that the City construct and maintain a public park in the canyon adjacent to this lot. The park includes a 7.9 acre reconstructed riparian habitat and additional acreage of coastal sage scrub (CSS.) The City proposed and the Commission approved a public trail to link the Pacific Palisades recreation center with the coastline. The recreational experience proposed by the City is a mountain trail along an artificial mountain stream, with the slopes and the stream revegetated with local native habitat.

The use of this lot for residential purposes is consistent with that approval. However, as will be noted in the environmentally sensitive habitat section below, if the private owners adjacent to the project use incompatible or invasive plants, their actions could jeopardize the City's efforts to create a replacement for the stream, and to create a mountain hiking experience in the park. Therefore, as further conditioned herein the applicant is required to install no plants that would invade the restored habitat or jeopardize its survival.

As conditioned to assure that the domestic landscaping is consistent with the park approved in permit 5-91-286; the project is consistent with the access and recreation policies of the Coastal Act.

C. ENVIRONMENTALLY SENSITIVE HABITAT AREAS.

The Coastal Act requires that development adjacent to environmentally sensitive habitat areas and public parks be developed in a manner that is consistent with the protection of the habitat and the habitat in the parks. Section 30240 of the Coastal Act states:

Section 30240.

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

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The Commission approved grading and fill in this canyon in order to protect this and other residential lots along the canyon rim. Before grading for the fill occurred, the canyon sides supported coastal sage scrub and the stream supported willows and other streambed plants. As a result of construction this habitat was extirpated. The Commission approved the fill of a stream and the grading subject to a number of special conditions. These included the reconstruction of the stream and its associated riparian habitat at a 2:1 ratio—the City proposed construction of a 7.9 acre riparian area and stream-- as well as interim mitigation in a nearby state park (Exhibit 16.) In addition, the City proposed and the Commission approved a plan to revegetate the buttress fill slopes with coastal sage scrub, a sensitive assemblage of plants that is threatened with loss statewide.

The fill in this end of the canyon is complete, but the park and trail system is not yet installed. During the first month of its installation and thereafter artificially constructed systems can be easily overwhelmed by introduced plants. Such plants include pepper trees and honeysuckle, plumbago, morning glories, German ivy, eucalyptus, ornamental grasses and other plants that are attracted to moisture and which can overtake a natural stream and associated upland. The Native Plant Society has prepared a list of invasive plants. In recent years, the Commission has referenced the list, Recommended List of Plants for Landscaping in the Wildland Corridors of the Santa Monica Mountains, 1994, in its conditions, because it gave guidance to applicants. In one project, A-5-RPV-93-005 (Ocean Trails), the Commission required the use of the list in a condition, and the applicant used the list in its Habitat Conservation Plan. The Habitat Conservation Plan was developed under the supervision of the Department of Fish and Game and the Fish and Wildlife Service. As a result of the Resources Agencies' comments, an expanded list was prepared. That list is referred to in Condition 6 and attached as Exhibit 15. The list includes all invasive plants listed by the California Native Plant society and additional plants that, in the view of the Resources Agencies might jeopardize an attempt to revegetate with coastal sage scrub (CSS).

The Commission found that the revegetation would mitigate for the loss of the habitat. However, introduced plants from the houses on the rim could invade these revegetated areas and undermine the City's efforts. It is quite clear that the owners of the residential lots benefited from the project—in fact the project were approved in order to protect existing residential structures from collapse and to allow the subject lot to be developed at all. Because the grading undertaken to stabilize these lots resulted in damage, which must be mitigated, the redevelopment of the residential lots on the canyon rim must be conditioned to assure that the landscaping of these lots is compatible with the adjacent revegetation effort. The conditions should assure that only coastal sage scrub is planted on the slopes and that no invasive plants are used elsewhere on the property. As conditioned, the redevelopment of this house is consistent with the Commission action on 5-91-286 as amended and with section 30240(b) of the Coastal Act.

D. HAZARDS TO DEVELOPMENT:

As noted above, Potrero Canyon is the site of nine extensive and disastrous landslides that have destroyed many houses. The area was subdivided as a vacation area. Between 1920 and 1960 many owners constructed houses along the rim of the canyon. With the build-out of the Palisades mesa, the flow of the stream in the bottom of the canyon increased, due to nuisance run-off. Nine slides and additional blowouts occurred, resulting in the demolition of a number of private houses and the acquisition of 21 houses by the City. Ultimately, the City developed the plan to fill the canyon to prevent further losses. (The Palisades Post recently indicated that the numbers is now 31 houses.)

The City filled the canyon to an average 75 feet above the flow line, and in several locations, placed an additional buttress next to the canyon walls. The City's project is nearing completion, and this present applicant is one of a growing number of owners who are now proposing to rebuild on the canyon rim. The previous house on the applicant's lot did not suffer slide damage. The present applicant has provided a geology report from the firm of Grover Hollingsworth and a geologic approval from the City of Los Angeles grading division indicating that the development will be safe, if carried out according to their recommendations.

Section 30253 states in part:

Section 30253.

New development shall:

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

The proposed project is located on a lot in the upper canyon but does not propose any work on a canyon fill area. The main canyon fill was designed to slow down the failure of the material on the canyon walls and to prevent the slides from expanding. The top of the main canyon fill is 50 to 60 feet below the level of this lot. If one were to draw a theoretical 2:1 slope from the top of the canyon fill through the lots on the canyon rim, the line would extend through the middle of the flat areas of many of them. Because the portion of the lots adjacent to the canyon walls may still be subject to creep or sloughing, individual owners are required to demonstrate that their development is sited and designed so that settlement of the main canyon fill or sloughing of the walls will not damage the structures.

The level portion of the lot is located at approximately elevation 270, 140 feet above the natural flow line of the stream in this part of the canyon. The canyon is now filled to

elevation 220 in this location. Near the west (canyon) end of the lot, the slope falls at 2:1. (Exhibit 13) Formerly the slope fell to the streamline. Now it slopes approximately 50 feet down to the top of the canyon fill. The lot is located across the canyon from slide 2, a major failure. The slope on this lot has been stable, with the exception one slump at the end of a drainpipe. While the greatest portion of the lot appears flat, a small portion of the property is on the canyon wall. The applicant is proposing to construct the house about forty feet back from the break in slope. The break in slope is not parallel to the lot line but extends at an angle into the canyon. (Exhibits 8, 10, 13.)

The applicant's geology report (Grover Hollingsworth, Geologic and Soils Engineering Exploration, dated August 25, 1999) requires that the applicant employ footings founded a minimum of three feet below the existing grade, and control drainage to the site. The applicant's geologist asserts that the house site, analyzing the upper slope separately, has a factor of safety of one point five or greater, as does the lower slope, which was analyzed based on an assumption of deeper failure surfaces. However, the report requires that development previously proposed close to the edge of the bluff be supported on friction piles. The City of Los Angeles has reiterated this requirement in its Soils and Geology review letter #28868 dated October 7, 1999. This case was referred to the Commission staff geologist. His comment is the following:

The geologic materials at the site appear to be suitable for support of the residential structure and its proposed additions, provided that the requirements outlined by the City of Los Angeles in their letter of 7 October 1999 are adhered to. The deck and pool are in danger of failure as they are located near the edge of a steep slope showing evidence of slumping. The failure analysis undertaken by Hollingsworth and associates indicates a likelihood that such slumping would affect structures located as far as 20 feet from the rim of Potrero Canyon. Further, leakage of water from the pool, which could result from cracking associated with incipient slope movements, could facilitate a sudden failure by waterlogging soils and lubricating an incipient failure plane. Risk of damage to the proposed pool and deck would be significantly reduced with greater setbacks from the canyon rim than currently proposed.

The applicant has now withdrawn the proposal for a pool and a deck near the edge of the slope. The applicant has agreed that it is possible to relocate the pool to an area that is more stable and will apply for an amendment for the pool after further studies. If the applicant constructs the house, controls the drainage as recommended by the project geologist and the City the project can be constructed safely. Drainage control includes monitoring any on-site irrigation system to assure that no excessive watering occurs due to broken lines. Such unexpected watering could cause slumps or failures. In fact the one slump identified by the geologist was in a location were a drainage line discharged excess water near the edge of the canyon wall.

The City has required the applicant to remove and recompact some fill. The engineering geologic report concludes that the proposed project is considered feasible from a

Geotechnical standpoint. This determination of the consulting geologist is contingent, however, upon certain recommendations being incorporated into the construction plans and implemented during construction. These recommendations include deepened foundations, excavation and recompaction of unconsolidated fill, and drainage. Therefore, as a special condition of approval, the applicant must submit evidence that: 1) all recommendations contained in the soils report have been incorporated into the project's final design 2) that the final plans have incorporated all requirements of the Grading Division of the City of Los Angeles Department of Building and Safety, and 3) to avoid creating hazards through the introduction of uncontrolled water, that no permanent irrigation system be installed.

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

Under Section 30253 of the Coastal Act new development in areas of high geologic, flood, and fire hazard may occur so long as risks to life and property are minimized and the other policies of Chapter 3 are met. The Coastal Act recognizes that new development may involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

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

The applicants may decide that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. Neither the Commission nor any other public agency that permits development should be held liable for the applicants' decision to develop. Therefore, the applicants are required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. Only as conditioned, to submit evidence that 1) the proposed plans conform with the recommendations of the City geologist and the consultant, 2) that there is a pre-construction agreement with the adjacent canyon's owner concerning fuel modification, 3) that the applicant has recorded a statement that assumes all risks of the

development, and 4) that future development between the line of the approved house and the canyon property line shall require a coastal development permit or an amendment to this permit, can the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

E. VISUAL IMPACTS OF DEVELOPMENT.

The project is set back from the canyon and conforms to the height limits of this portion of the Pacific Palisades, which is thirty feet above finished grade. Only the deck, which cantilevers over the canyon rim, would have been visible from the public park. The applicant has removed the deck from the project at this time. As conditioned to require an amendment for any development between the line of the house and the canyon property line, the project is consistent with section 30251, is in scale with the neighborhood and with previous Commission approvals.

F. 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 interface between parkland and the developed areas and geologic stability, approval of the proposed development will not prejudice the City's ability to prepare a 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.

G. 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 applicant has considered the alternative, which a proposal to cantilever a deck over a canyon rim and to construct a pool in an area in which the factor of safety is less than 1.5. The applicant has removed this proposal due to potential geologic hazards and visual impacts. Other alternatives are not necessary because the development, as proposed, includes methods to protect the adjacent revegetated canyon for impacts from this development such as slides, collapses and invasion for introduced plants.

There are no other feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity, would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

H. UNPERMITTED DEVELOPMENT

Prior to applying for a coastal development permit, the applicant applied for and received a demolition permit from the City of Los Angeles Department of Building and Safety. As part of its authority under 30600(b), the City of Los Angeles administers the issuance of determinations of exemption in this area. After consultation with coastal staff, city planning staff determined that the exemption was issued in error and a coastal development permit was required for the demolition and construction of this single family house. The applicant the submitted an application.

Although development has taken prior to Commission action on this coastal development permit, consideration of the application by the Commission is based solely upon Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any

legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

\\HAMMERHEAD\groups\Staff Reports\February 2000\5-99-409 Bagnard .doc



STATE

PARK

Brentwood

Pacific Palisades

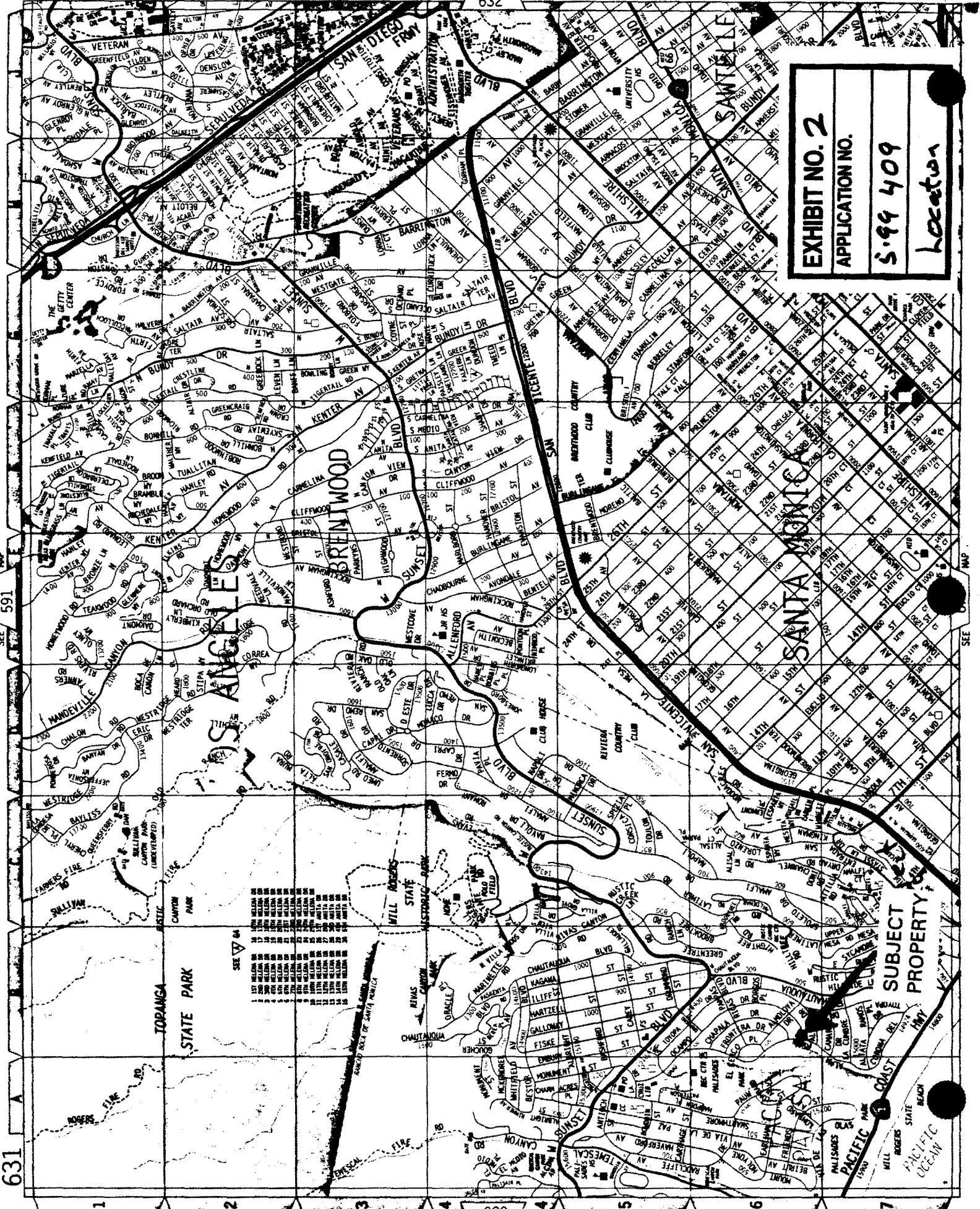
SANTA MONICA

Patrero Canyon

EXHIBIT NO. 1
APPLICATION NO.
5-99-4109
General Location

I
E

EXHIBIT NO. 2
APPLICATION NO.
5-99 409
Location



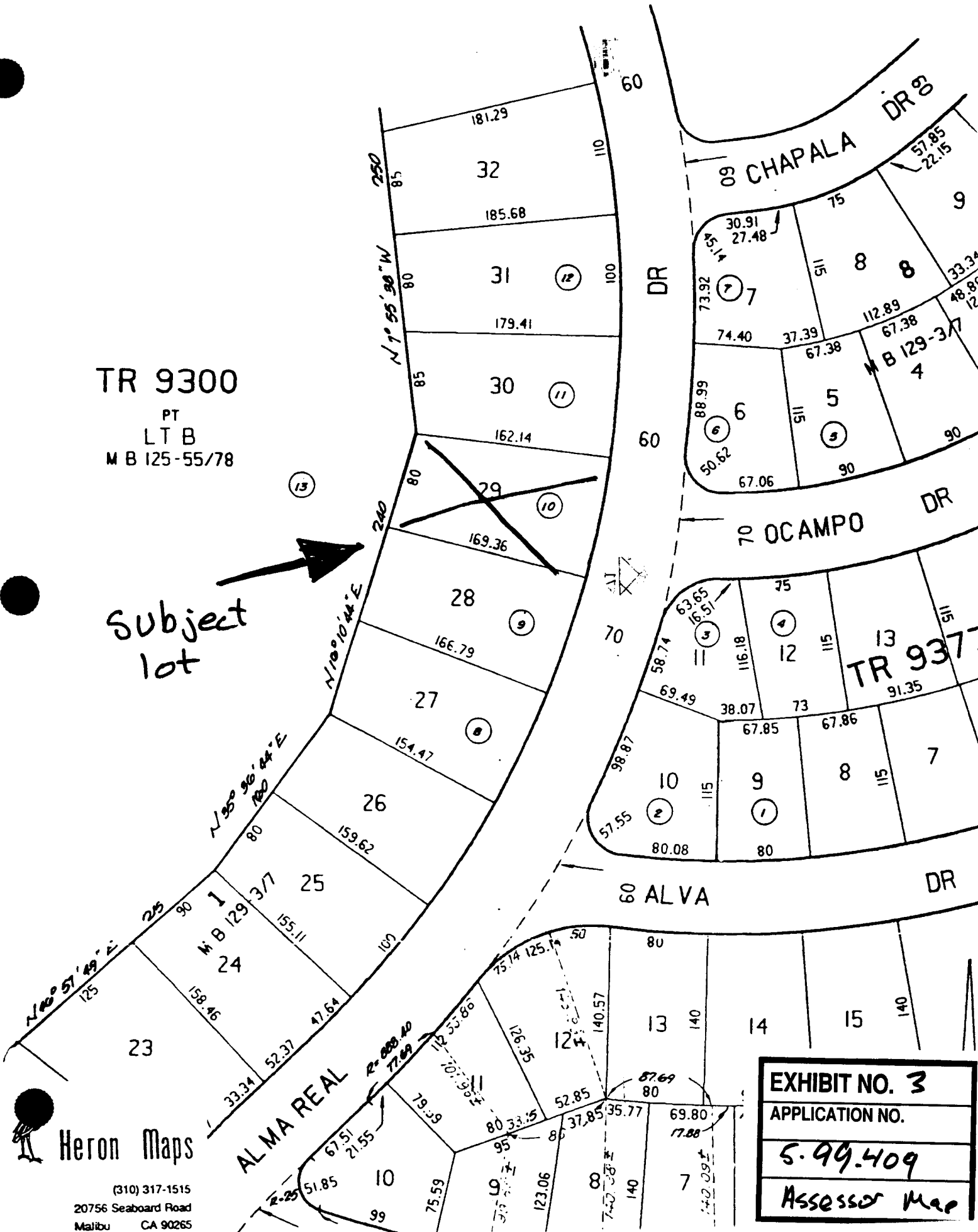
SEE 591 MAP

631

TR 9300

PT
LT B
M B 125-55/78

Subject
lot



Heron Maps

(310) 317-1515
20756 Seaboard Road
Malibu CA 90265

EXHIBIT NO. 3
APPLICATION NO.
5.99.409
Assessor Map

Grover-Hollingsworth and Associates, Inc.
Geotechnical Consultants

BY MS

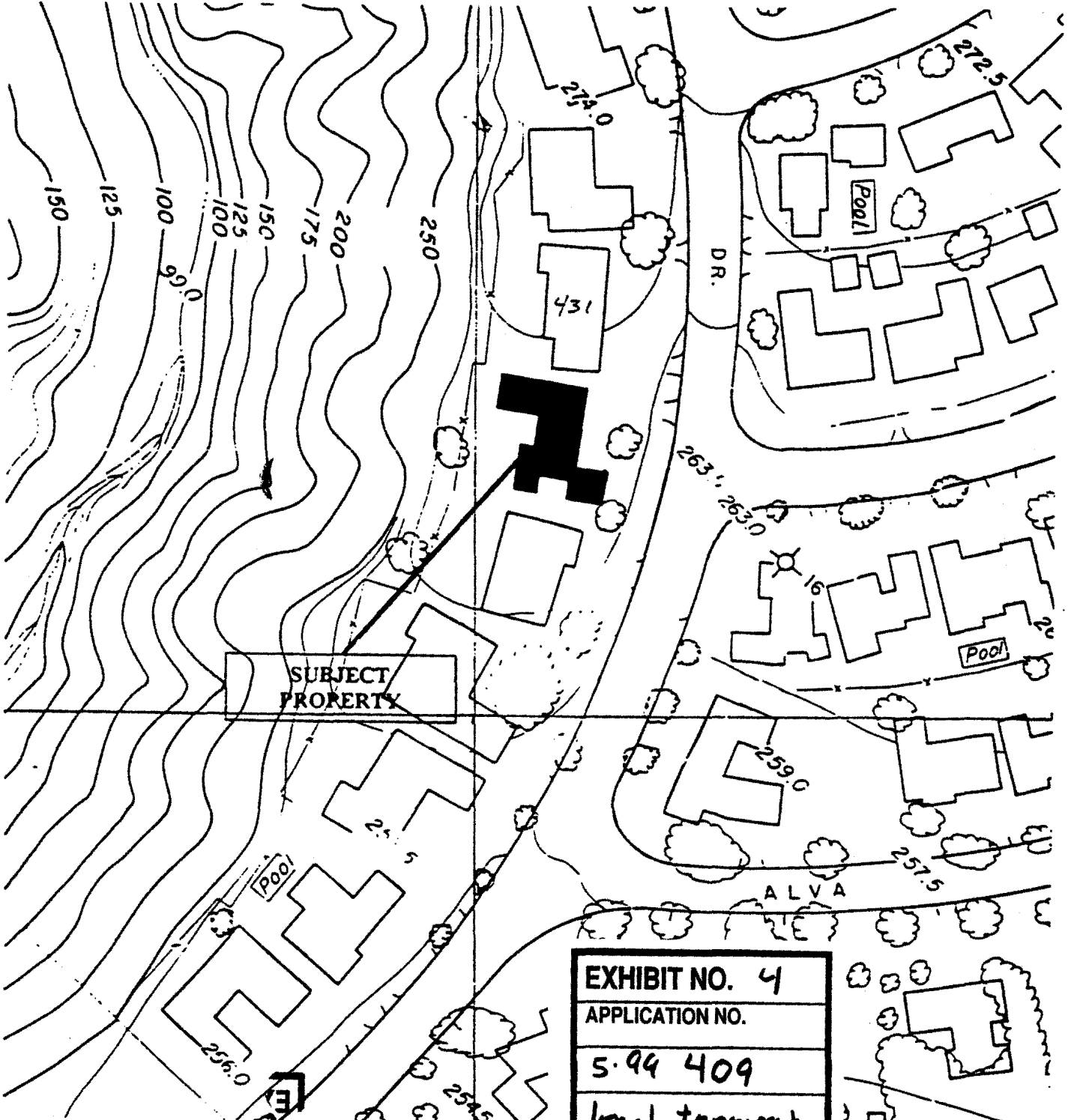
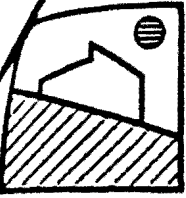
DATE 5/99

CLIENT BAGNARD

REFERENCE SHEET 307, SANTA MONICA
TOPOGRAPHIC MAPS

GH 8835-T

SUBJECT VICINITY
TOPOGRAPHIC MAP



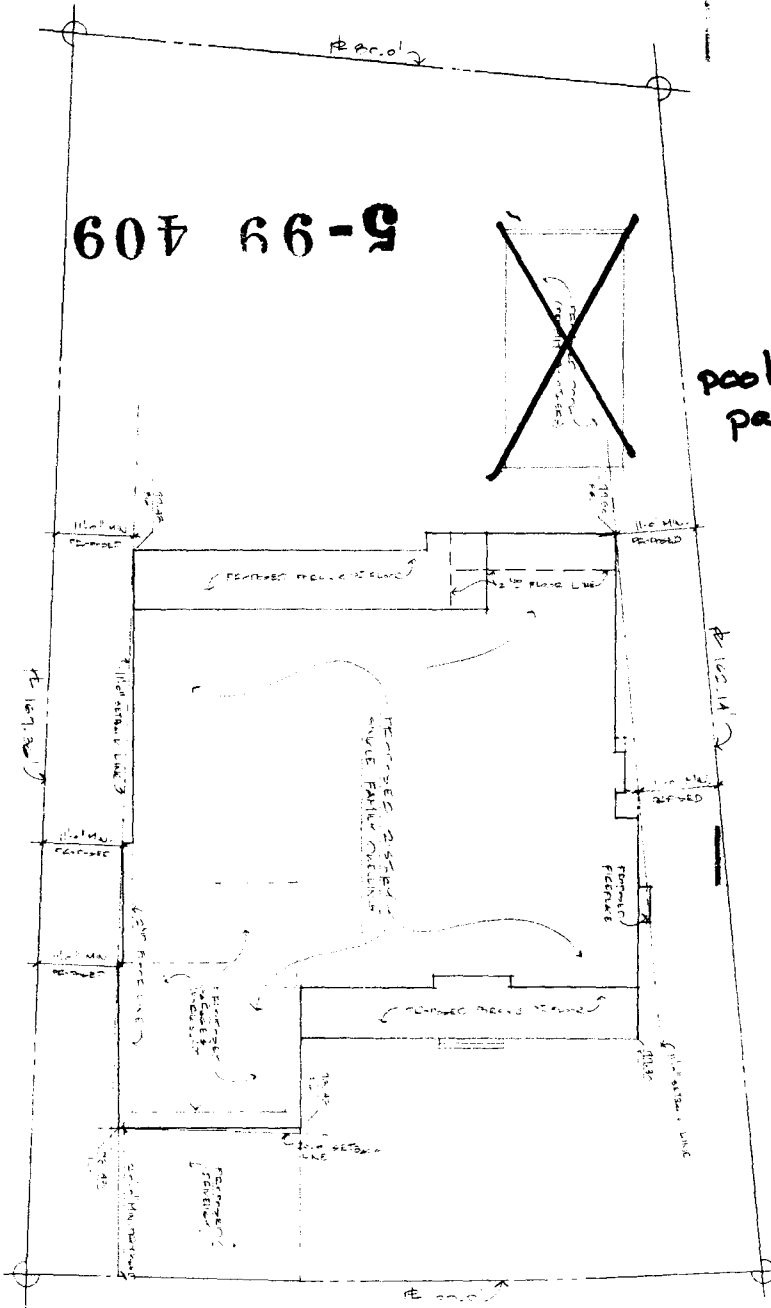
SUBJECT
PROPERTY

EXHIBIT NO. 4
APPLICATION NO.
5.99 409
local topography

SCALE 1 in. = 100 ft.

607 66-5

pool not a part of 5-99-409



LEGAL N/C
 OWNER: BILL & TAMARA SKANDEL
 ADDRESS: 401 4TH BLVD
 SANTA MONICA, CALIF. 90403
 Lot 5 29
 Date: 12/8/99
 Map T. 1977

Site Plan



ALMA DEA CALIFORNIA COASTAL COMMISSION

DEC 8 1999

RECEIVED South Coast Region

EXHIBIT NO. 5

APPLICATION NO.

607 66-5

Site Plan

the draftsman

PLANNING & DESIGN

2118 Wilshire Blvd., #449, Santa Monica, Calif. 90403 (310) 441-9073

DATE	12/8/99
BY	AS
FOR	AS
NO.	1

NO.	1
DATE	12/8/99
BY	AS
FOR	AS
NO.	1



AMERICAN FUNDS DISTRIBUTORS, INC.

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WILLIAM W. BAGNARD
VICE PRESIDENT

January 25, 2000

Ms. Pam Emerson
California Coastal Commission
200 Ocean Gate 10th Floor
Long Beach, CA 90802

RE: Case #5-99-409 421 Alma Real Drive Pacific Palisades, CA
Corrected Project Description

Dear Pam,

Please accept this letter as the amended Project Description Statement for the above referenced project set for the February calendar.

As originally submitted on our application, the project is described as follows:

1. The demolition of an existing single family residence at 421 Alma Real Drive. (Demolition already completed.)
2. The construction of a new, single family residence (totaling 6700 square feet). The house will be a traditional, two-story Cape Cod design, with a small basement storage area.

Any other improvements, such as a pool or deck, will be considered at a future time, but are not included in this application.

This letter supercedes any prior project descriptions submitted. We wish for the project to be considered purely as a new home construction.

Thank you for your patience and attention to this matter.

Sincerely,

Bill Bagnard

EXHIBIT NO. 6
APPLICATION NO.
5-99 4109
Revised plan

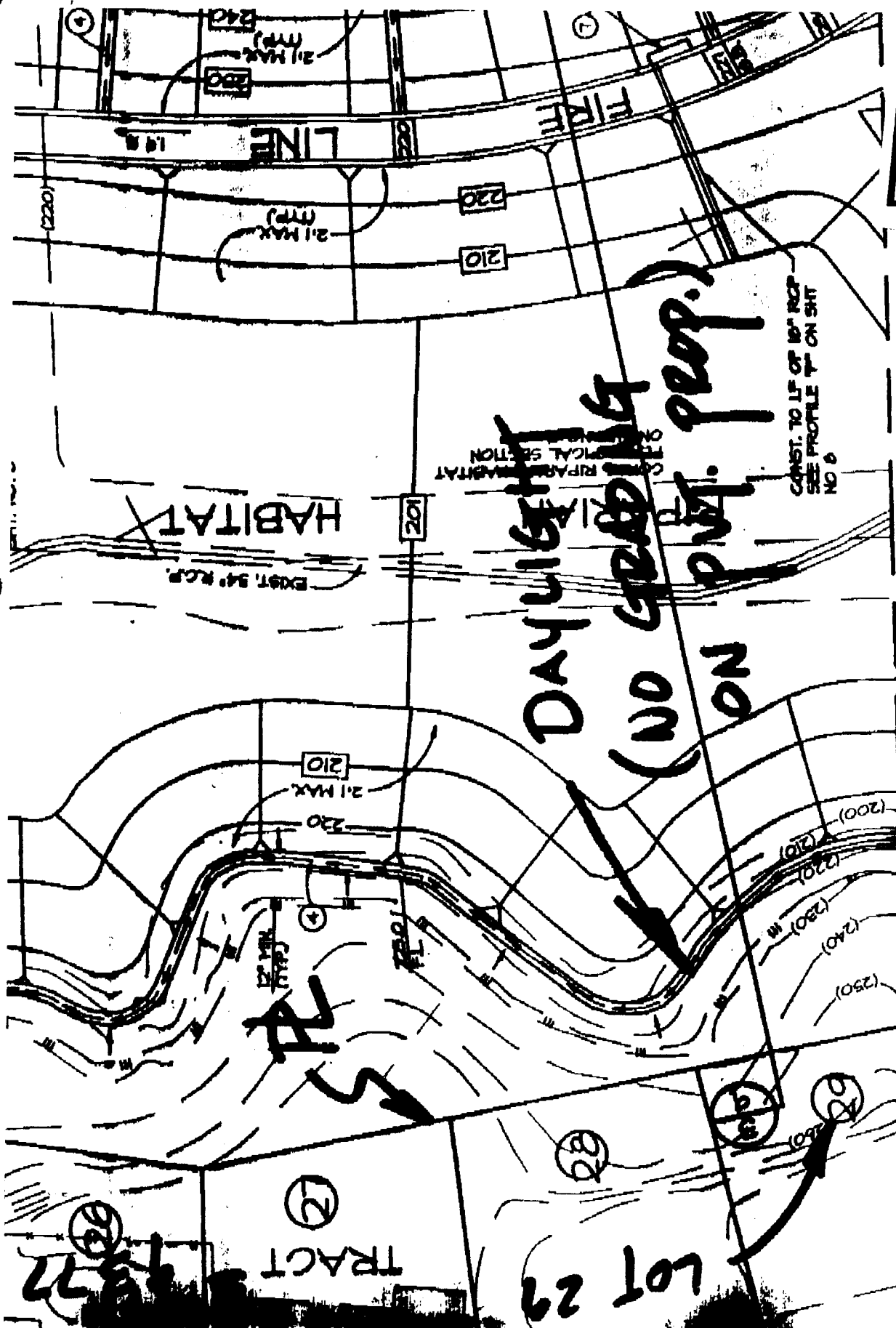


EXHIBIT NO. 8
APPLICATION NO.
5.99 409
Potero Grading

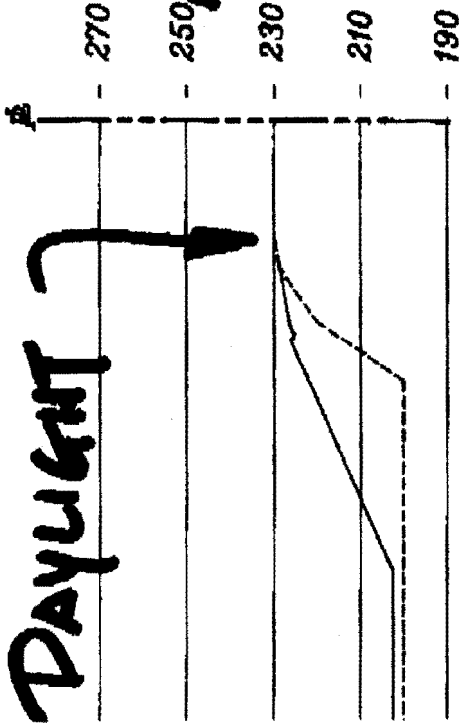
final gradings/section
per Jack Vigil
5.91-286A3

↑ subject lot 29

lot 29

LOT 29

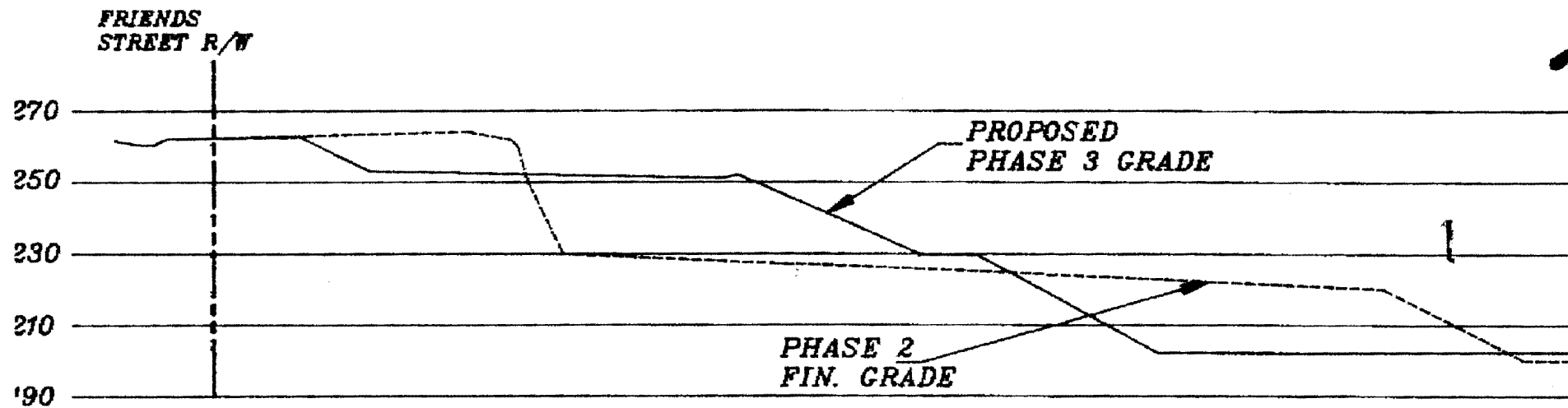
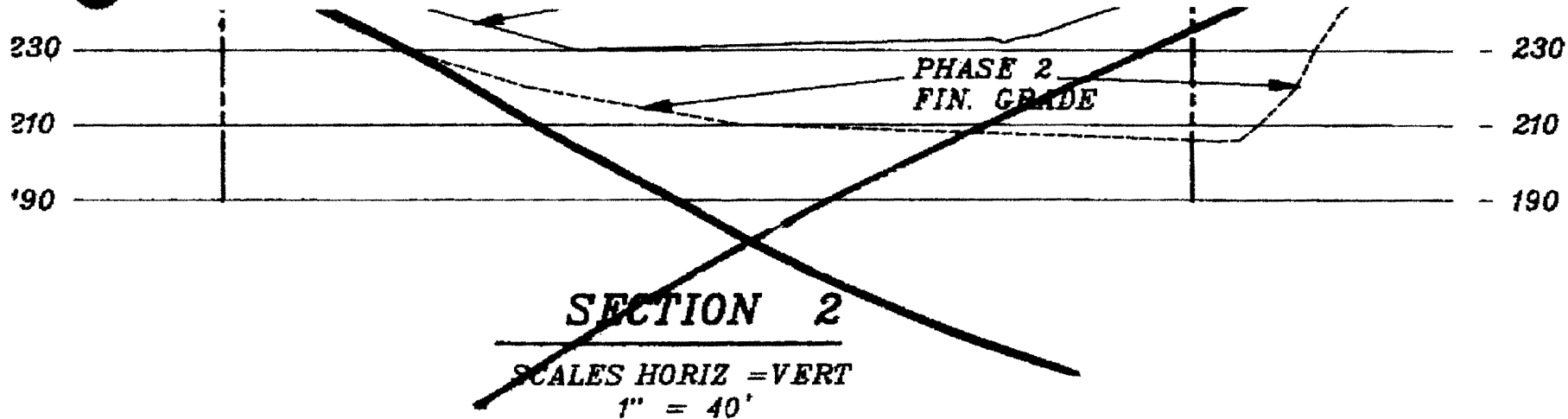
PAVEMENT



match line \$ 9b

S-91-286 A3
as built section
per Jack Vigil

EXHIBIT NO. 9a
APPLICATION NO.
S-99 409
as graded section



SECTION 3
 SCALES HORIZ = VERT
 1" = 40'

5. 91-286A3
 as built section
 T. U. V. I. I

to 9a

EXHIBIT NO. 9b
APPLICATION NO.
5-99 409
as graded section

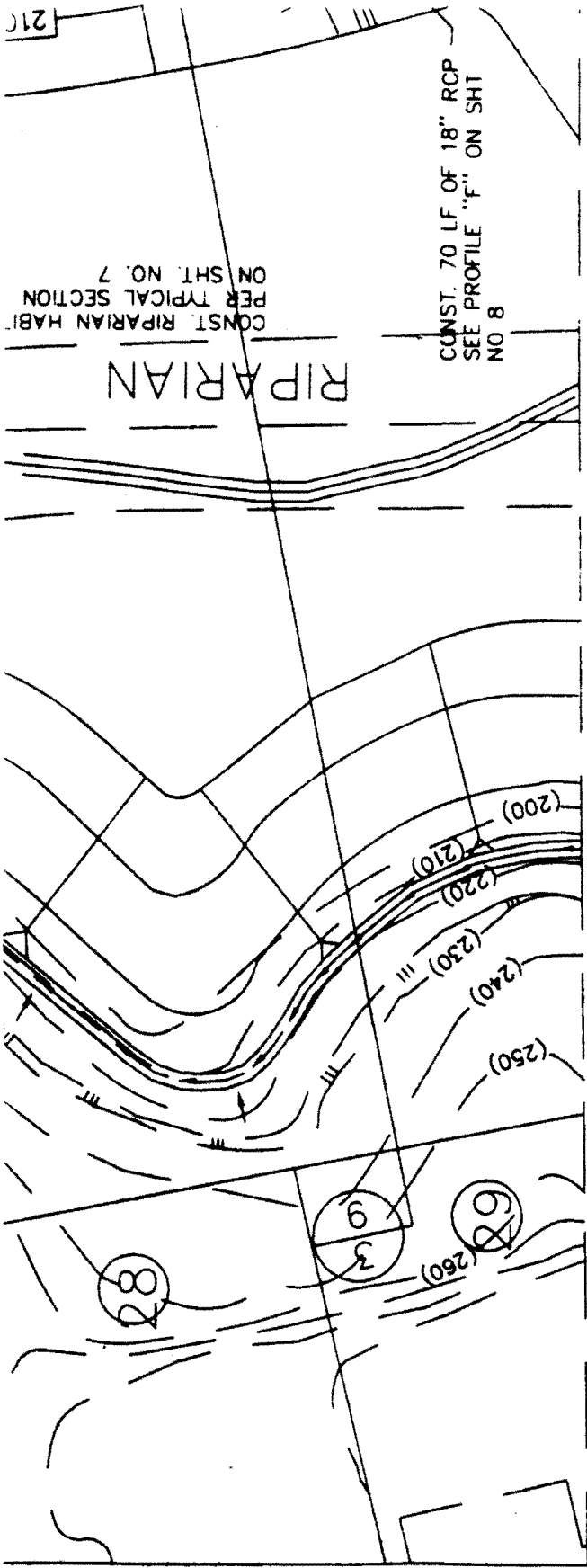
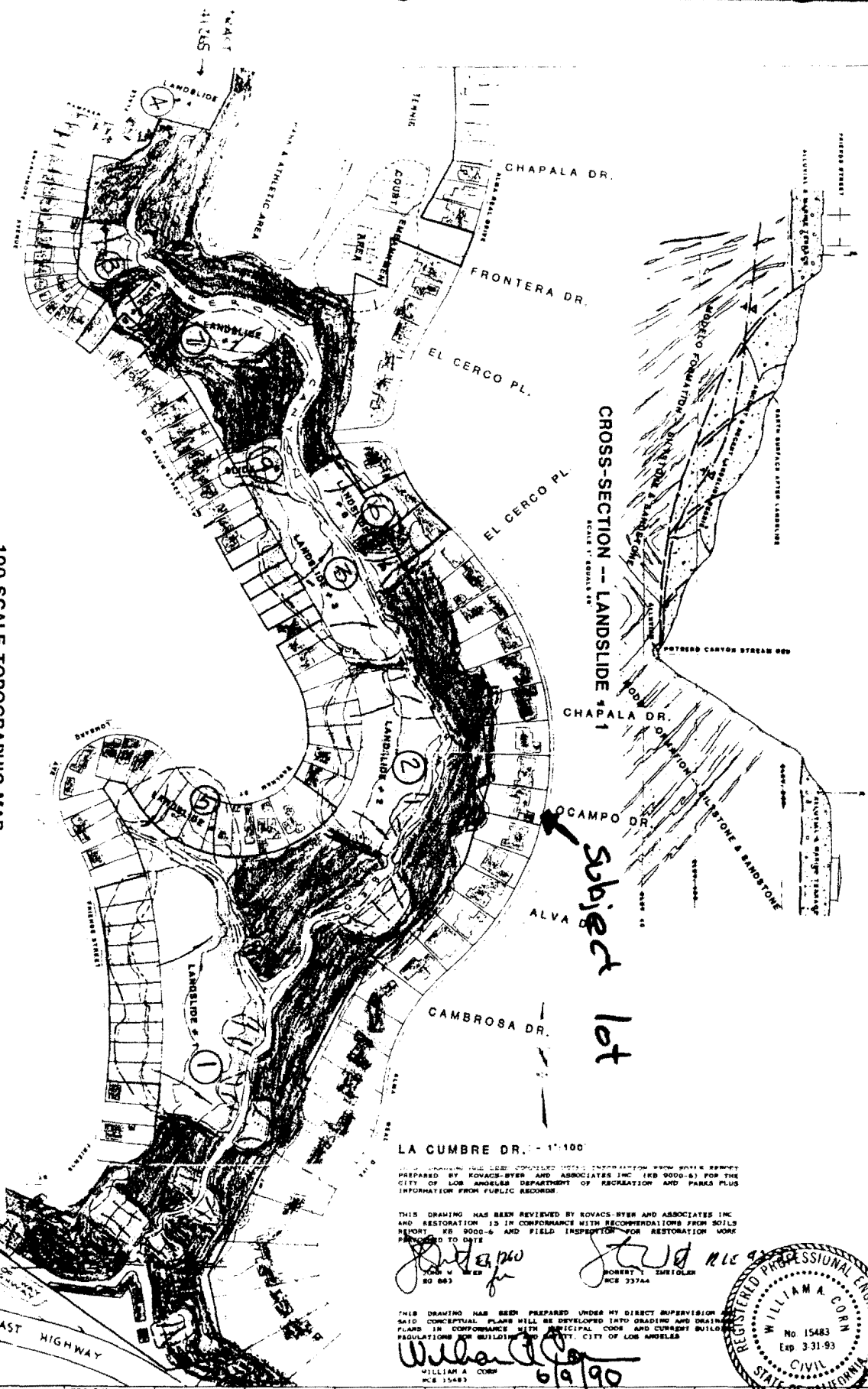


EXHIBIT NO. 10
APPLICATION NO.
5-99-409
Poteroo grading

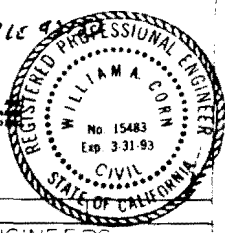
↑ subject lot 29

100 SCALE TOPOGRAPHIC MAP
 POTRERO CANYON - PRIOR TO RESTORATION
 PREPARED BY POTRERO CANYON CONSTRUCTORS

EXHIBIT NO. 11
 APPLICATION NO.
 5.99.409
 Potrero Slides



LA CUMBRE DR. - 1"=100'
 THIS DRAWING HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION AND RESTORATION IS IN CONFORMANCE WITH RECOMMENDATIONS FOR SOIL REPORT RB 9000-6 AND FIELD INSPECTION FOR RESTORATION WORK PROVIDED TO DATE
 WILLIAM A. CORN
 WILLIAM A. CORN
 No. 15483
 Exp. 3-31-93
 CIVIL
 STATE OF CALIFORNIA



GRADING AND DRAINAGE POTRERO CANYON PARK - BEFORE REPAIR	CITY OF LOS ANGELES DEPARTMENT OF RECREATION AND PARKS	BCA ENGINEERS
--	--	---------------

LAYOUT FOR IDENTIFICATION OF LANDSLIDE FOR AERIAL PHOTOS

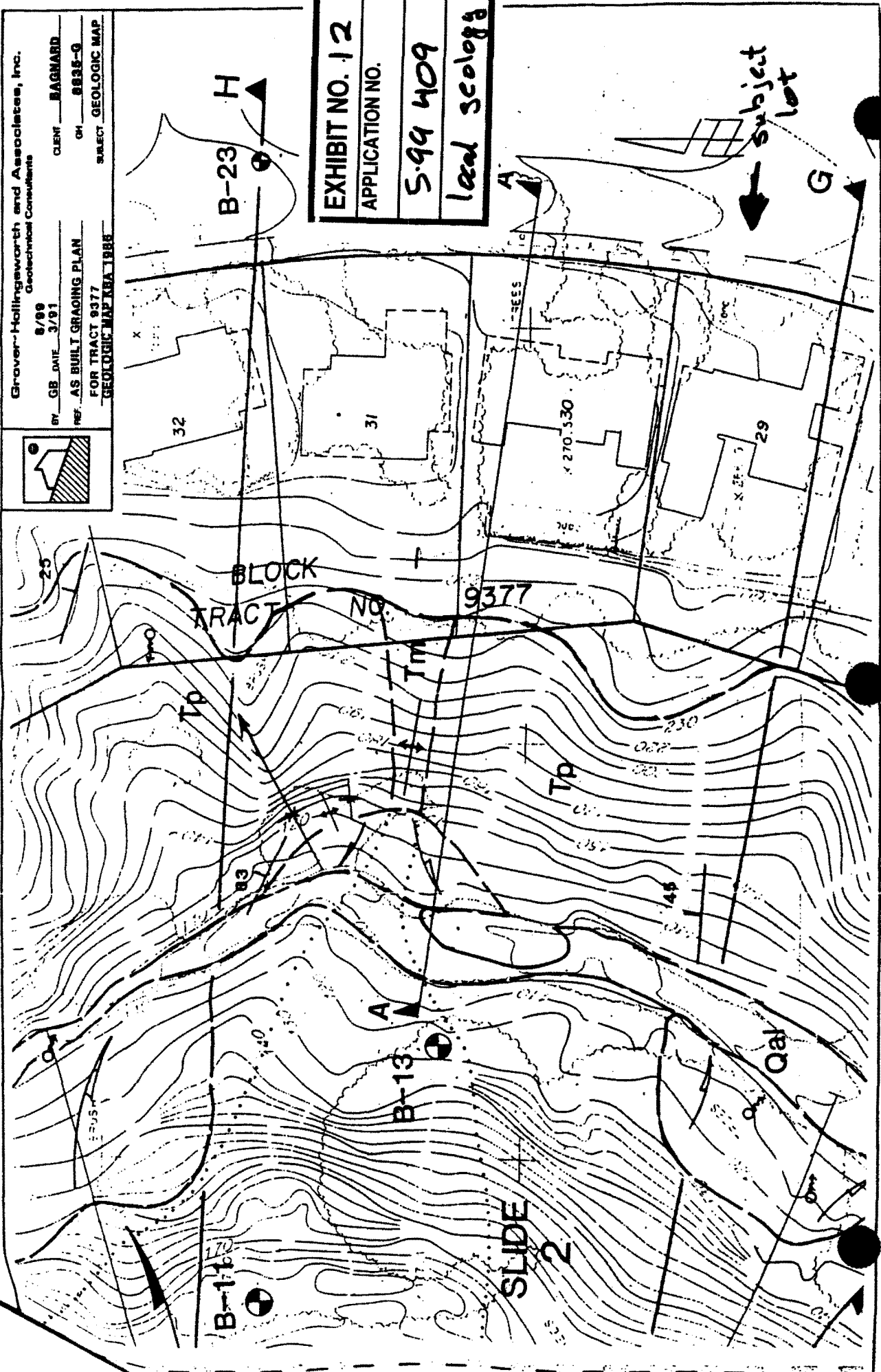
Grover-Hollingsworth and Associates, Inc.
 Geotechnical Consultants

BY GB DATE 8/88 CLIENT BAGNARD
3/91 OR BBB-G

REF. AS BUILT GRADING PLAN
FOR TRACT 9377 SUBJECT GEOLOGIC MAP
GEOLOGIC MAP KBA 1988



EXHIBIT NO. 12
 APPLICATION NO.
 5-99 409
 local seology



Grover



Grover-Hollingsworth and Associates, Inc.
Geotechnical Consultants

BY GB DATE 8/99 3/91

CLIENT BAGNARD

REF. SECTION G KBA REPORT:

GH 8835-G

PORTRERO CYN. PARK 1986

SUBJECT SECTION G

RECOMMENDED DRAIN AT
TERRACE BEDROCK CONTACT

ALMA REAL DR

ALLUVIAL TERRACE

MARINE TERRACE

RECOMMENDED DRAIN
AT SEEPS

PROPOSED GRADE

B10

SLIDE #2

SLIDE DEBRIS

RECOMMENDED
75' FILL

ALLUVIUM

PICO FORMATION

BEDDING DIPS AWAY FROM VIEWER AT MODERATE ANGLES

EXHIBIT NO. 13

APPLICATION NO.

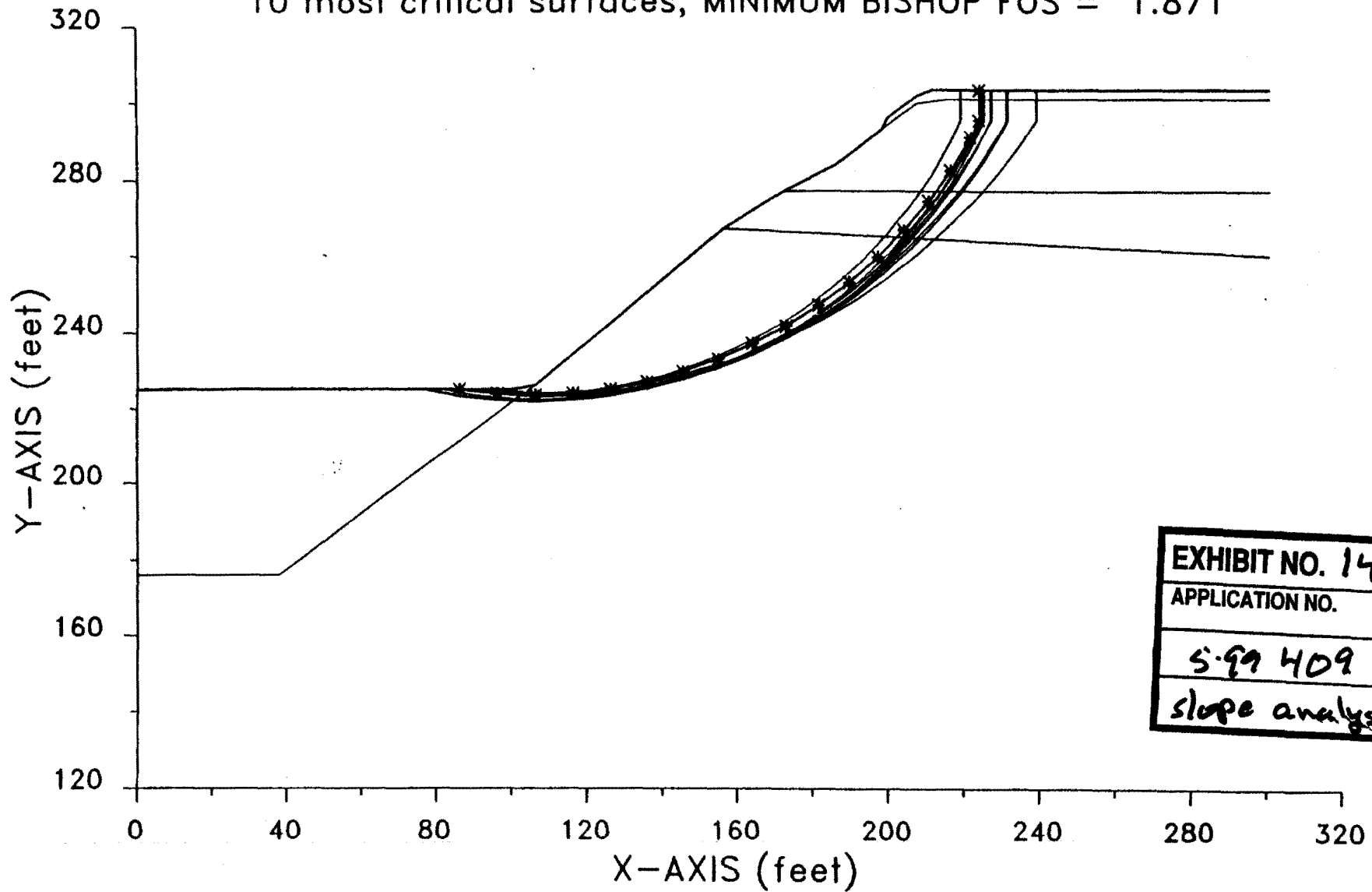
5.99-409

lot cross section

SECTION G-G

ANALYSIS OF DESCENDING SLOPE

10 most critical surfaces, MINIMUM BISHOP FOS = 1.871



OCEAN TRAILS PROHIBITED INVASIVE ORNAMENTAL PLANTS

The species listed below are prohibited from use in landscaping on residential lots, parks, at the golf course clubhouse, and within the golf course proper. In addition to this list, all commercially available seed mixes are prohibited from use at Ocean Trails (variously called "grass mix", "turf mix", "wildflower mix", "meadow seed mix", and "pasture seed mix" mixes). Whenever a prohibited species is detected, the responsible party will be required to immediately remove the plant(s) and take appropriate measures to ensure non-recurrence of the plant species.

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<i>Acacia</i> sp. (all species)	Acacia
<i>Acacia cyclops</i>	Acacia
<i>Acacia dealbata</i>	Acacia
<i>Acacia decurrens</i>	Green Wattle
<i>Acacia longifolia</i>	Sidney Golden Wattle
<i>Acacia melanoxylon</i>	Blackwood Acacia
<i>Acacia redolens</i>	a.k.a. <i>A. Ongerup</i>
<i>Achillea millefolium</i> var. <i>millefolium</i>	Common Yarrow
<i>Agave americana</i>	Century plant
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Aptenia cordifolia</i>	Red Apple
<i>Arctotheca calendula</i>	Cape Weed
<i>Arctotis</i> sp. (all species & hybrids)	African daisy
<i>Arundo donax</i>	Giant Reed or Arundo Grass
<i>Asphodelus fistulosus</i>	Asphodie
<i>Atriplex glauca</i>	White Saltbush
<i>Atriplex semibaccata</i>	Australian Saltbush
<i>Carpobrotus chilensis</i>	Ice Plant
<i>Carpobrotus edulis</i>	Hottentot Fig
<i>Centranthus ruber</i>	Red Valerian
<i>Chenopodium album</i>	Pigweed, Lamb's Quarters
<i>Chrysanthemum coronarium</i>	Annual chrysanthemum
<i>Cistus</i> sp. (all species)	Rockrose
<i>Cortaderia jubata</i> [<i>C. Atacamensis</i>]	Atacama Pampas Grass
<i>Cortaderia dioica</i> [<i>C. sellowana</i>]	Selloa Pampas Grass
<i>Cotoneaster</i> sp. (all species)	Cotoneaster
<i>Cynodon dactylon</i>	Bermuda Grass
<i>Cytisus</i> sp. (all species)	Broom
<i>Delosperma 'Alba'</i>	White Trailing Ice Plant
<i>Dimorphotheca</i> sp. (all species)	African daisy, Cape marigold, Freeway daisy
<i>Drosanthemum floribundum</i>	Rosea Ice Plant
<i>Drosanthemum hispidum</i>	Purple Ice Plant
<i>Eucalyptus</i> (all species)	Eucalyptus
<i>Eupatorium coelestinum</i> [<i>Ageratina</i> sp.]	Mist Flower
<i>Foeniculum vulgare</i>	Sweet Fennel
<i>Gazania</i> sp. (all species & hybrids)	Gazania
<i>Genista</i> sp. (all species)	Broom
<i>Hedera canariensis</i>	Algerian Ivy
<i>Hedera helix</i>	English Ivy

EXHIBIT NO. 15_{p1}
APPLICATION NO.
5-99 409
invasive plants

<i>Ipomoea acuminata</i>	Blue dawn flower, Mexican morning glory
<i>Lampranthus spectabilis</i>	Trailing Ice Plant
<i>Lantana camara</i>	Common garden lantana
<i>Limonium perezii</i>	Sea Lavender
<i>Linaria bipartita</i>	Toadflax
<i>Lobularia maritima</i>	Sweet Alyssum
<i>Lonicera japonica</i> 'Halliana'	Hall's Honeysuckle
<i>Lotus corniculatus</i>	Birdsfoot trefoil
<i>Lupinus</i> sp. (all non-native species)	Lupine
<i>Lupinus arboreus</i>	Yellow bush lupine
<i>Lupinus texanus</i>	Texas blue bonnets
<i>Malephora crocea</i>	Ice Plant
<i>Malephora luteola</i>	Ice Plant
<i>Mesembryanthemum crystallinum</i>	Crystal Ice Plant
<i>Mesembryanthemum nodiflorum</i>	Little Ice Plant
<i>Myoporum laetum</i>	Myoporum
<i>Nicotiana glauca</i>	Tree Tobacco
<i>Oenothera berlandieri</i>	Mexican Evening Primrose
<i>Olea europea</i>	Olive tree
<i>Opuntia ficus-indica</i>	Indian fig
<i>Osteospermum</i> sp. (all species)	Trailing African daisy, African daisy, Cape marigold, Freeway daisy
<i>Oxalis pes-caprae</i>	Bermuda Buttercup
<i>Pennisetum clandestinum</i>	Kikuyu Grass
<i>Pennisetum setaceum</i>	Fountain Grass
<i>Phoenix canariensis</i>	Canary Island date palm
<i>Phoenix dactylifera</i>	Date palm
<i>Plumbago auriculata</i>	Cape leadwort
<i>Ricinus communis</i>	Castorbean
<i>Rubus procerus</i>	Himalayan blackberry
<i>Schinus molle</i>	California Pepper Tree
<i>Schinus terebinthifolius</i>	Florida Pepper Tree
<i>Senecio mikanioides</i>	German Ivy
<i>Spartium junceum</i>	Spanish Broom
<i>Tamarix chinensis</i>	Tamarisk
<i>Trifolium tragiferum</i>	Strawberry clover
<i>Tropaeolum majus</i>	Nasturtium
<i>Ulex europaeus</i>	Prickley Broom
<i>Vinca major</i>	Periwinkle

EXHIBIT NO. 15e
APPLICATION NO.
5.99 409
INVASIVE plants

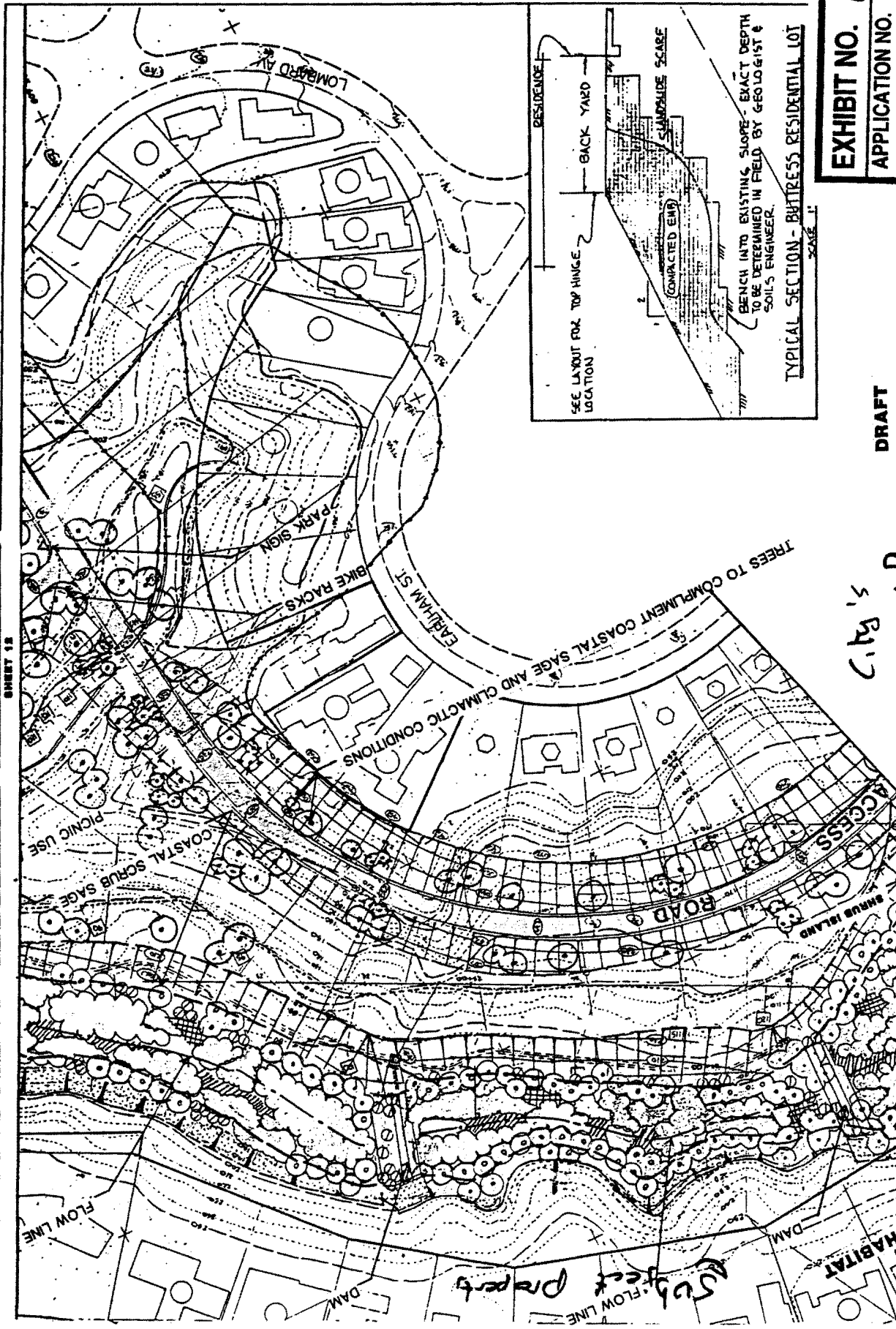


EXHIBIT NO. 16
 APPLICATION NO.
 5-99 409
 City's Habitat Pl.

DRAFT
 Conceptual Illustrative Design
 NOT FOR CONSTRUCTION

City's
 Conceptual

Subject Property

LAYOUT FOR IDENTIFICATION OF LANDSLIDE FOR AERIAL PHOTOS

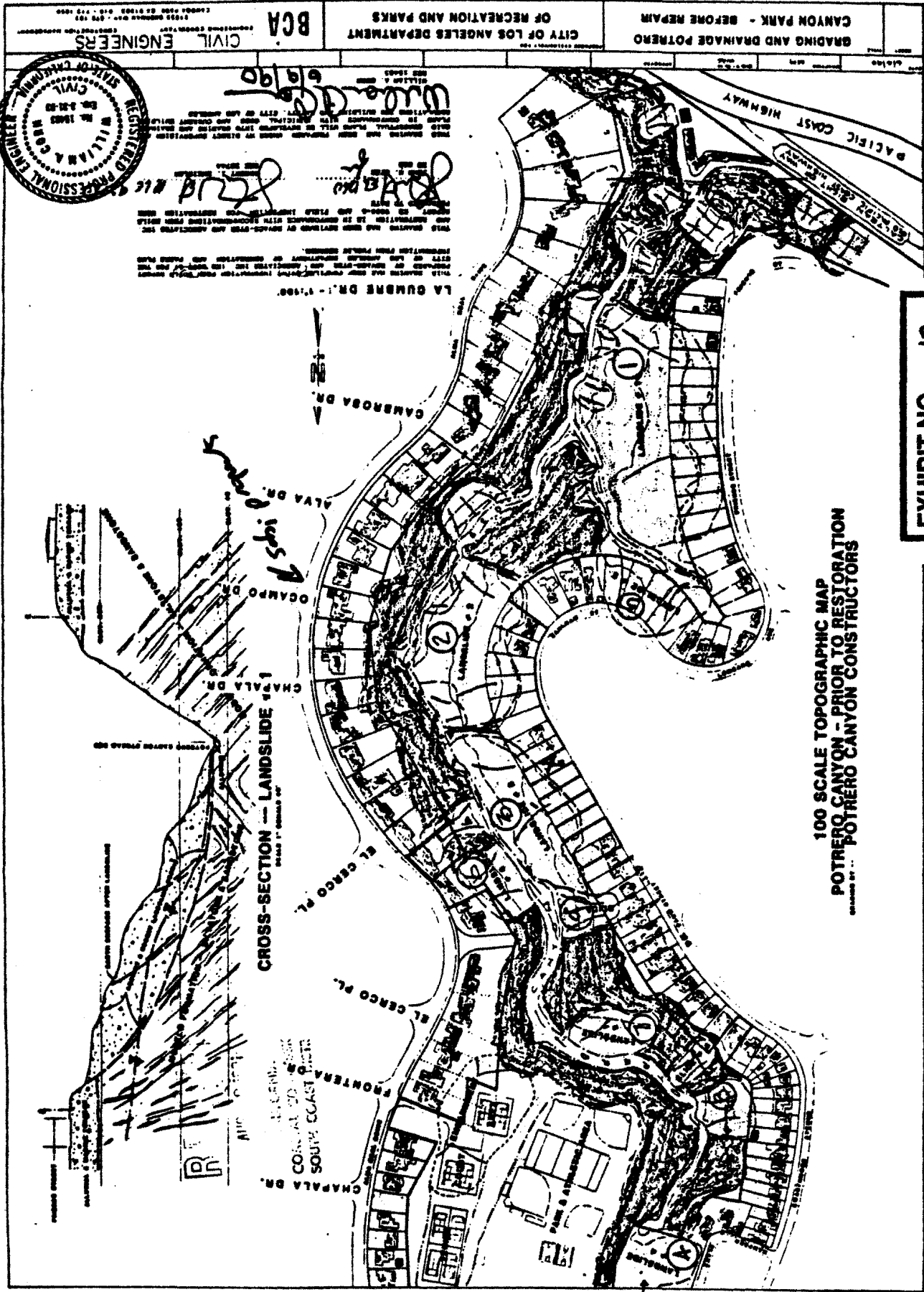


EXHIBIT NO. 17

APPLICATION NO. 599 4109

City Concept

Plan Potrero