

CALIFORNIA COASTAL COMMISSION

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 Staff Report: 7/26/00
 Hearing Date: August 8-11, 2000
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-00-119

APPLICANT: Jonathan and Rita Lynn

AGENT: Donna West

PROJECT LOCATION: Lots 5, 6, 7, 10, and 11, Block 17, Castellammare Tract, including and adjacent to 17406 Posetano Road, Pacific Palisades, Los Angeles County.

PROJECT DESCRIPTION: Construction of an 11' x 40' lap pool, cement deck, retaining walls, fences, and gates using piles and frame beams to support the structure; remedial grading and landscaping to recontour and stabilize previous unpermitted development on 5 lots including the existing residence, stabilization measures authorized by Emergency Permit 5-99-419-G.

SUMMARY OF STAFF RECOMMENDATIONS

Staff is recommending approval with conditions requiring the applicants to provide the final structural, drainage, and foundation plans that have been reviewed and approved by the City of Los Angeles and that conform to the recommendations of the geology and soils consultant and the City of Los Angeles Department of Building and Safety. The plans shall combine final civil/structural, remedial grading, and landscaping plans into one plan set. Secondly, staff recommends that the applicants record a deed restriction assuming the risk of the development.

Finally, staff recommends conditions requiring that the applicants use drought-tolerant landscaping to reduce the amount of water added on-site, install no permanent

irrigation system, provide mitigation measures to minimize leaks from the proposed swimming pool, and dispose of all construction debris outside the coastal zone. The applicants agree with these recommended conditions.

SITE DETAILS:	Lot Area (total property)	17,976 square feet
	Pool deck	378 square feet
	Infinity lap pool	440 square feet
	Building coverage	1,564 square feet
	Landscape area	15,594 square feet

LOCAL APPROVALS RECEIVED:

City of Los Angeles, Approval in Concept #2000-1261, June 5, 2000

City of Los Angeles, Building and Safety Approval Letter #31098, June 16, 2000

City of Los Angeles, Building and Safety Approval Letter #27295-06, March 16, 2000

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles CDP #92-002
2. City of Los Angeles CDP #96-001
3. Emergency Permit #5-99-419-G
4. Project No. 3318, West Coast Geotechnical, Supplemental Geotechnical Engineering Letter, June 14, 2000
5. Project No. 3318, West Coast Geotechnical, Geotechnical Engineering Letter, May 15, 2000
6. Project No. 3318, West Coast Geotechnical, Addendum Geotechnical Engineering Report #1-7, March 2, 2000
7. Final Compaction Report, Pile Excavation Backfill, 17406 Posetano Road, November 8, 1999
8. Project No. 3989, Mountain Geology, Inc., Addendum Engineering Geology Report #1, May 12, 1999
9. Pacific Palisades Area, Report on Landslide Study, U.S. Army Corps of Engineers and U.S. Geological Survey, September 1976

STAFF RECOMMENDATION:

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

MOTION

I move that the Commission approve CDP #5-00-119 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.

5. 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. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY

A. By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from landslide activity and/or earth movement, (ii) to assume the risks to 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 applicants 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.

2. CONFORMANCE OF DESIGN AND CONSTRUCTION PLANS TO GEOTECHNICAL REPORT

A. All final design and construction plans and grading and drainage plans, shall be consistent with all recommendations contained in Project No. 3318, West Coast Geotechnical, Supplemental Geotechnical Engineering Letter, June 14, 2000, Project No. 3318, West Coast Geotechnical, Geotechnical Engineering Letter, May 15, 2000, and Project No. 3318, West Coast Geotechnical, Addendum Geotechnical Engineering Report #1-7, March 2, 2000 and the requirements of the City Geologic Review Letter #27295-06 dated March 16, 2000 and #31098 dated June 16, 2000. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants 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. The final civil/structural, remedial grading, and landscaping plans shall be combined into one complete plan set.

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.

3. EROSION CONTROL

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

1. Erosion and Drainage Control Plan

(a) The erosion and drainage control plan shall demonstrate that:

(1) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties, Posetano Road, and Castellammare Drive.

(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) Permanent erosion and drainage control measures shall be installed to ensure the stability of the site, adjacent properties, and public streets.

(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 and drainage control measures.

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

(6) A written review and approval of all erosion and drainage control measures by the applicant's engineer and/or geologist

(7) A written agreement indicating where all excavated material will be disposed and acknowledgement that any construction debris disposed within the coastal zone requires a separate coastal development permit.

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.

4. LANDSCAPE PLAN

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and written approval of the Executive Director, a final landscaping plan. The plan shall be prepared by a licensed landscape architect and incorporate the following criteria: (a) Planting shall be of drought tolerant plants. (b) A majority of the vegetation planted shall consist of native/drought and fire resistant plants of the coastal sage community. (c) The applicant shall not employ invasive, non-indigenous plant species, which tend to supplant native species. (d) No permanent irrigation system shall be allowed within the property. Temporary, aboveground irrigation to allow the establishment of the plantings is allowed. (e) The plantings established shall provide 90% coverage in 90 days. (f) All required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.

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, 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.

5. MINIMIZING SWIMMING POOL IMPACTS

Prior to Issuance of the Coastal Development Permit, the applicants 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 monitoring of the water usage for the pool and the home and 2) identify the materials, such as plastic linings or specially treated cement, to be used to waterproof the underside of the pool to prevent leakage, and information regarding past success rates of these materials, 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 project is located on lots 5, 6, 7, 10, and 11, block 18, Posetano Road, in the Castellammare area of Pacific Palisades in the Brentwood-Pacific Palisades Planning Area (a subarea of the City of Los Angeles), on a steep coastal bluff (Exhibit #3). Posetano Road is located on the upland side of the project area and Castellammare Drive is located on the down slope side of the project area (Exhibit #3). The existing residence of the applicants is located on lot 7. All five lots overlook Pacific Coast Highway, Will Rodgers State Beach, and the Pacific Ocean.

The applicants propose to restore unpermitted grading carried out by the applicants' previous contractor, remove existing landslide debris from the development site,

construct an 11-foot by 40-foot infinity, lap pool, a 378 square foot cement pool deck, a 55 square foot kitchen balcony, retaining walls, and stairs, supported by 18 friction piles, on a vacant coastal bluff lot (lot 6) adjacent to their existing single family home on 17406 Posetano Road. Also included in the project is the removal of railroad ties and fill on the east side of lot 7; remedial grading on lots 5, 6, 7, 10, and 11 to stabilize the slope of the bluff; and landscaping lots 5, 6, 7, 10, and 11 (Exhibit #4 & 5). Elevations on the site range an average of 77 feet to 147 feet above sea level. The site slopes northeast to southwest at about 1:2 (horizontal to vertical).

On April 3, 1992, the City of Los Angeles granted to Jay Jay Shapiro a City Coastal Development Permit (92-002) for the construction of a single family home at 17406 Posetano Road. The City erred in granting this permit in the single permit jurisdiction area because the project site is located in the dual permit jurisdiction area. However, the Commission did not appeal the City's issuance of the permit and the applicant was therefore granted approval of the project without Commission action.

On July 12, 1993, the City granted an Administrative Approval for an extension of time until July 28, 1994 to obtain a building permit for plans to develop the site on Posetano Road. Construction of the project did not commence within the allotted time of the issuance of the permit. The applicant never vested the permit and therefore had to reapply for a new coastal development permit. In 1996, the City granted permit No. 96-001 to Jay Jay Shapiro for the development of a single family home on 17406 Posetano Road. He later applied for variances for yard setbacks, retaining walls, and height limits. The City granted the variances on July 9, 1996. On September 10th and 17th the variances granted by the City were appealed by Scott Anderson (former owner of the home directly across Posetano Road and the vacant lot directly east of the site) to the Board of Zoning Appeals. The Board denied his appeal and the applicant was allowed to begin construction. The City noticed the Commission of the issuance of the permit, yet the Commission failed to appeal. Therefore, the Commission was not involved in either City issued CDPs, variances, or zoning appeals.

In 1998 Jay Jay Shapiro sold the property to Ron Petelski who later sold the home to Henry Sams. Petelski developed the single family home that was permitted through City CDP No. 96-001. The home was then sold to Jonathon and Rita Lynn, the current owners and applicants, on December 24, 1998. On January 5, 1999, Petelski, under an agreement with the Lynn's, noted himself as both the applicant and agent and applied for a coastal development permit for the construction of a lap pool, retaining walls, fences, gates, and landscaping on the adjacent lot 6. The file was deemed incomplete by staff on February 3, 1999 and later returned to the applicant on October 1, 1999 because the applicant failed to submit City geology and soils approval. The applicants state that during this time the agent/contractor proceeded with construction of the pool and deck by grading and filling portions of the applicants' property as well as adjacent properties.

B Proposed Restoration

In the fall of 1999, the applicants state that their agent/contractor graded an access road from Castellammare Drive through vacant lots 11, 5, 6, and 7 and placed fill on lots 5 and 7 (Exhibit #7). This was done to allow an access way for construction vehicles to begin work on the pool structure. Fill from the grading activity was stockpiled on the up-slope side of lot 5 and on the southeast side of lot 7, south and east of the existing residence and extending onto the neighbor's lot. Railroad ties were placed on the east side of lot 7 to contain the fill. Portions of lot 9 and 10 also were affected by the grading. This development had not received a coastal development permit from either the City of Los Angeles or the Coastal Commission. Work was stopped by the City of Los Angeles for non-compliance with the City's permitting requirements. At the time of the stop work order, there were unsupported cuts into the steep slope located on the property.

On November 23, 1999, the applicants were granted Emergency Permit #5-99-419-G to prevent erosion and possible landslides during the winter, rainy season. The permit allowed the applicants to install temporary erosion control measures, including silt fences, sandbags, sandbag check dams, and cover the exposed earth with plastic (Exhibit #7).

The applicants bought the existing home and the adjacent lot (lot 6) in December 1998. Since then they have bought lots 5, 10, and 11, all of which are vacant coastal bluff lots (Exhibit #3). The applicants state that the grading activity was done during their ownership of the home (lot 7), lot 5 and lot 6. However, the applicants contend that they were not aware that the grading was not permitted.

The applicants propose to remediate the unpermitted development. The applicants seek approval of the emergency measures undertaken in 1999. In addition the applicants propose to remove the fill on lot 5 and 7, remove the railroad ties adjacent to lot 7, rehabilitate the slope by removing landslide material and grading the slope back to its original pre-graded state, and landscape with drought tolerant vegetation (Exhibit #5 & 8). As part of the remedial work, the applicants propose to install retaining walls and piles, which also will support the proposed pool and deck.

C. Unpermitted Development

Although development may have taken place without benefit of a coastal development permit, consideration of this permit application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute an

admission as to the legality of any development undertaken on the subject site without a coastal development permit.

D. Hazards to Development

The proposed project is located in an area subject to natural hazards. Natural hazards common to this area include landslides, erosion, flooding, and wildfires. The five lots are located on a steep coastal bluff that faces Pacific Coast Highway with a slope gradient of approximately 1:2 from horizontal to vertical (Exhibit #3). Within and surrounding the project site lie the remnants of four historic and existing landslides (Exhibit #9). Landslide debris exists on the proposed project area. The applicants propose to rehabilitate an unpermitted graded slope, remove landslide material from the slope, remove unpermitted fill and railroad ties used as a bluff retaining device, and landscape the bluff (Exhibit #5 & 8). The applicants also propose to construct an 11' x 40' "infinity" lap pool, 378 square foot cement pool deck, retaining walls to stabilize Posetano Road, and fences in and over part of the landslide debris (Exhibit #10). The applicants have proposed to use 18 piles to support the structure and the retaining wall. The applicants have provided geology and soils report from the firms of West Coast Geotechnical and Mountain Geology 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.

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.

The structural and remedial grading plans submitted by the applicants were described in The Geotechnical Engineering Report by West Coast Geotechnical, March 2, 2000.

West Coast Geotechnical has performed a geotechnical engineering investigation for the proposed built-in swimming pool, decks, and associated retaining walls.... This report has been coordinated and prepared concurrently with the corresponding referenced Engineering Geologic Report prepared by Mountain Geology, Inc. Based upon our investigation, corresponding geotechnical analysis, and experience with the adjacent property, the proposed

improvements are considered feasible from a geotechnical engineering standpoint, provided our recommendations are made part of the improvement plans and are implemented during construction.

The swimming pool should be designed as free-standing, supported above friction piles, which will extend a minimum of ten feet into the underlying non-creep-prone site bedrock, located approximately 13 feet below the existing grade and/or ten feet below the setback plane, whichever is deeper (Exhibit ##). Specific design recommendations are presented in the following sections of this report.

Later, the applicants submitted revised plans by Gary Karinen Associates that reduced the number of piles. The applicants' geotechnical consultant, West Coast Geotechnical, reviewed the revised plans. A letter from West Coast Geotechnical, May 15, 2000 states:

The swimming pool, retaining walls, and deck, as proposed and illustrated within the referenced plan set prepared by Gary Karinen Associates, do not result in a change to the geotechnical engineering and engineering geologic reports prepared by this office and Mountain Geology, Inc., which have been reviewed and approved by the City of Los Angeles Department of Building and Safety dated March 16, 2000.

Additionally, the applicants decided to undertake remedial grading of the southeast portion of lot 7 (where unpermitted fill and railroad tie retaining walls were placed) (Exhibit #8-p4). A Supplemental Geotechnical Engineering Letter, West Coast Geotechnical, June 14, 2000 states:

The grading will consist primarily of removing spill fill and non-certified fill currently supported by the railroad tie retaining wall. Minor amounts of compacted fill may be placed in the excavation areas to recreate a uniform gradient. It is anticipated that fill placement will be on the order of a maximum depth of three to four feet... and will be classified as a non-structural fill, although the fill will be compacted to a minimum of 90 percent relative compaction....

It is the opinion of this office that the remedial grading (as opposed to the retaining wall construction), is feasible from a geotechnical engineering point of view and is in general conformance with the recommendations and intent of the referenced reports, which have been reviewed and approved by the City of Los Angeles Department of Building and Safety. Furthermore, the proposed remedial grading will eliminate the non-permitted graded areas and essentially return the slope to its natural pre-graded condition.

Project's Relation to Castellammare Slide

The proposed project lies on a historic and existing landslide region (Exhibit #9). As demonstrated in a Report On Landslide Study Pacific Palisades Area, September 1976, by the U.S Army Corps of Engineers and the U.S. Geological Survey, four landslides have occurred on the subject area. The "Report" includes the following description of slides shown on Exhibit #9 that are in the immediate area of the applicant's proposed project. This description is a summary of that report.

Slide "Og?" is a prehistoric slide discovered in the mid and late 1920's. In 1925-26, the toe of the slope was cut back as much as 20 feet for improvements to Castellammare tract. In 1958, cracks appeared in the east part of Castellammare Drive. Slide "Y" was the first historic movement in the area. This movement began in 1932 and has been intermittent since. By 1938 a slide create a toe of roughly 100 feet wide and a head about 60 feet wide, which took out an area of Castellammare Drive. Castellammare Drive was closed in 1940 due to this slide. In 1952, 57-58, the slide was reactivated (probably associated with heavy rainfall) with a thickness of 20 feet and amount of 7000 cubic yards. This slide was again reactivated in 1969 as a result of extremely heavy rains. The head dropped several feet adjacent to Castellammare and cracking and settling of Castellammare Drive, which lead to its closure. Slide "Y1" is noted as prehistoric and possibly active in 1938. Slide "Y2" is noted as prehistoric to historic. In 1938, the toe of the slide moved about 10 feet onto Castellammare Drive. In 1946, the toe of the slide was cut back to allow for realignment of Castellammare Drive. In 1957 a home was built on 17420 Posetano Road (lot 5, block 17). [staff note: This lot is northwest of lot 6 where the proposed pool will be constructed]. In 1957, movement was noted as the street in front of the home began to crack and settle. After heavy rains in 1958, the head of the slide dropped several inches and a 60-foot wide crack opened about six feet from the edge of Posetano Road. The slide continued to move for another few months. The slide was 30 feet thick and contained 7000 cubic yards of earth. The City demolished the home soon thereafter.

Three of the applicants' lots (lots 5, 10, 11) and portions of lot 6, also owned by the applicants, are within the existing "Y2" slide area (Exhibit #3 & 9). In the applicants' geotechnical report by West Coast Geotechnical, landslide debris was found to extend to depths of 6 to 11 foot borings. The applicants' geotechnical consultant found that the scarp and landslide features are located 20 feet from the edge of the proposed pool. Also, the consultant discovered that the upper 13 feet of earth in the project area is prone to downhill creep (Exhibit #11).

The applicants propose to stabilize the existing slide and creep prone area by removing the existing soil and replacing it as compacted fill, and by using retaining walls

supported by 18 friction piles. The retaining wall will be structurally tied to the proposed pool and pool deck by grade beams (Exhibit #10). The applicants' geotechnical consultant recommends friction piles' shafts designed to withstand lateral loads of 1000 pounds per linear foot for each foot of shaft exposed to the creep prone area. All landslide debris within the development area will be removed and replaced as compacted fill. Lot 5, 6, 10, and 11 will be graded to a maximum gradient of 1.5:1 or approximately 34 degrees. All the slopes in this area will have a factor of safety in excess of 1.5. The applicants will remove the stockpiled fill and retaining wall on the southeast portion of the site. Approximately 3 to 4 feet of compacted fill will be place in this area to recreate a uniform gradient. Finally, the applicant has proposed a drainage system to handle any spilled or leaked water from the pool. Final drainage plans shall be submitted for the review and approval of the Executive Director.

Commission's staff geologist has reviewed the geotechnical reports and has visited the site. He finds that the proposed grading, if carried out in accordance with the recommendations set forth in the geotechnical reports, should assure stability of the site consistent with Section 30253 of the Coastal Act. The Commission's staff engineer has reviewed the foundation plans and designs for the deck and pool structures, and finds that the designs are acceptable.

(a) Conformance with Geotechnical Recommendations

Recommendations regarding the design and installation of the slope stabilization, pool engineering, pile system, drainage system, and retaining wall construction have been provided in several reports and letters submitted by the applicant, as referenced in the above noted final reports. Adherence to the recommendations contained in these reports is necessary to ensure that the proposed pool, deck, retaining wall structure, and foundation, and slope remediation assures stability and structural integrity, and 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, prior to issuance of the Coastal Development Permit, Special Condition #2 requires the applicant to submit final project plans, subject to the review and approval of the Executive Director, which include signed statements of the appropriately licensed professional certifying that the final plans incorporate the geotechnical recommendations. The final plans shall contain a single plan set that combines the civil and structural components prepared by Gary Karinen Associates and the remedial grading plans prepared by West Coast Geotechnical.

(b) Assumption-of-Risk Deed Restriction

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.

The proposed pool, deck, and retaining wall structures, as well as remedial grading lies on a steep coastal bluff with a history of landslide activity (Exhibit #9). The proposed pool is within 20 feet of landslide debris and activity and may be susceptible to future land movement. The applicants' geotechnical and engineering consultants assert that the proposed project is designed in a geotechnically safe manner. This review was commissioned by the applicants and is therefore the applicants' responsibility.

However, geotechnical evaluations do not guarantee that future erosion, landslide activity, or land movement will not affect the stability of the proposed project. Because of the inherent risks to development situated on a steep coastal bluff, the Commission cannot absolutely acknowledge that the foundation design will protect the proposed pool, deck, walls, and gates during all future storms and/or slides. Therefore, the Commission finds that the proposed project is subject to risk from erosion and/or slope failure and that the applicants should assume the liability of such risk.

The Commission notes that the applicants have no control over off-site or on-site conditions that may change and adversely affect the slope on the property, the pool, deck, existing home, and the appurtenant structures. Because of the inherent risks to development situated on the face of a coastal bluff and in and around historic and recent landslide activity, the Commission cannot absolutely acknowledge that the foundation design will protect the proposed development during all-future storms and/or slides. Therefore, the Commission finds that the proposed project is subject to risk from erosion and/or slope failure and earth movement and that the applicants should assume the liability of such risk.

The applicants may decide that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. However, 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. The assumption of risk, when recorded against the property as a deed restriction, will show that the

applicants are aware of and appreciates the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development.

In case an unexpected event occurs on the subject property, the Commission attaches Special Condition #1 which requires recordation of a deed restriction whereby the land owner assumes the risk of extraordinary erosion and geologic hazards of the property and excepts sole responsibility for the removal of any structural or other debris resulting from landslides, slope failures, or erosion on and from the site. The deed restriction will provide notice of potential hazards of the property and help eliminate false expectations on the part of potential buyers of the property, lending institutions, and insurance agencies that the property is safe for an indefinite period of time and for further development indefinitely in the future.

Therefore, prior to issuance of the Coastal Development Permit, the applicants shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restriction on development. 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.

(c) Landscaping

The installation of in-ground irrigation systems, inadequate drainage, and watering in general are major contributors to accelerated bluff erosion, landslides, and sloughing, which could necessitate protective devices. The project site is currently bare of vegetation from the unpermitted grading on the site. The applicants have proposed to landscape the site as part of their slope rehabilitation. The applicants' proposal includes mainly drought tolerant plants and adequate drainage of the site. However, to ensure that the project maintains mostly drought tolerant, native vegetation, adequate drainage, and no in-ground irrigation systems, Special Condition #5 is required by the Commission. Special Condition #5 requires the applicants to submit a final landscaping plan, prepared by a licensed landscape architect. The plan shall include predominately native, fire resistant, and drought tolerant vegetation common to coastal bluffs, no invasive non-indigenous plant species, and no permanent irrigation systems. Native, drought tolerant plants are used because they require little to no watering once they are established (1-3 years), they have deep root systems that tend to stabilize the soil, and are spreading plants and tend to minimize erosion impact of rain. The plan shall allow for the temporary use of aboveground irrigation to allow time to establish the plantings. The plantings shall provide 90% coverage within 90 days and the plantings shall be maintained in a good growing condition for the prevention of exposed soil which could lead to erosion and possible landslides.

(d) Swimming Pool Impacts

As noted above, ground water can contribute to an acceleration of bluff erosion and possible landslide/sloughing activity. The proposed lap pool is situated on the slope of a coastal bluff. 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 #6 which requires the applicants, prior to the issuance of the Coastal Development Permit, to provide a written plan to mitigate the potential for leakage from the 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 applicants shall provide the materials that will be used to waterproof the underside of the pool and past success rates of such materials. Also, the applicants shall submit final drainage plans that demonstrates where spill water and water from maintenance activities will be contained and diverted.

(e) Erosion Control Measures

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion via rain or wind would result in possible acceleration of bluff erosion and possible landslide activity. Special Condition No. 4 requires that the applicants dispose of all demolition and construction debris at an appropriate location outside of the coastal zone and informs the applicants that use of a disposal site within the coastal zone will require an amendment or new coastal development permit. The applicants shall follow both temporary and permanent erosion control measures to ensure that the project area is not susceptible to excessive erosion. Prior to issuance of the Coastal Development Permit, the applicants shall submit, for the review and approval of the Executive Director, a temporary and permanent erosion control plan that includes a written report describing all temporary and permanent erosion control and run-off measures to be installed and a site plan and schedule showing the location and time of all temporary and permanent erosion control measures.

Therefore, only as conditioned, to submit evidence that 1) the proposed final plans conform with the recommendations of the applicants' geotechnical and engineering consultants and the City geologists and the civil/structural, remedial grading, and landscaping plans are combined into one plan set 2) the applicants have recorded an assumption of risk deed restriction on the development, 3) drought tolerant, fire resistant landscaping is used and no permanent onsite irrigation is installed, (4) mitigation measures are provided to ensure that pool leakage will not occur, and (5) adequate temporary and permanent erosion control measures are used during and after construction and a plan is submitted that describes the location, type, and

schedule of installation of such measures can the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

F. Visual Impacts

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.

The project, as proposed, does not impact coastal views to or from the ocean and Pacific Coast Highway. The proposed pool is not situated above ground and adequate landscaping is proposed to blend the development into the bluff vegetation (Exhibit #4). The bluff surface, at present, remains covered in plastic and sandbags from the previously approved Emergency Coastal Development Permit. The landscaping plan will rectify the visual degradation caused by the unpermitted grading of the coastal bluff. Also, slope rehabilitation will bring the degraded slope as close as possible to its previous contours. As proposed the project is consistent with section 30251, is in scale with the neighborhood, and would rehabilitate the visual quality of the coastal bluff damaged by the unpermitted grading.

G. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

The Commission has found that certain coastal bluffs and canyons in the Pacific Palisades area and Santa Monica Mountains are classified as Environmentally Sensitive Habitat Areas. Typically these areas are undeveloped and include extensive, connected habitat areas that are relatively undisturbed. The subject area is in a developed, subdivided location where homes, urban landscaping, and landslides have impacted habitat. For this reason, the Commission finds that the proposed project will not affect a sensitive habitat area.

H. 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.

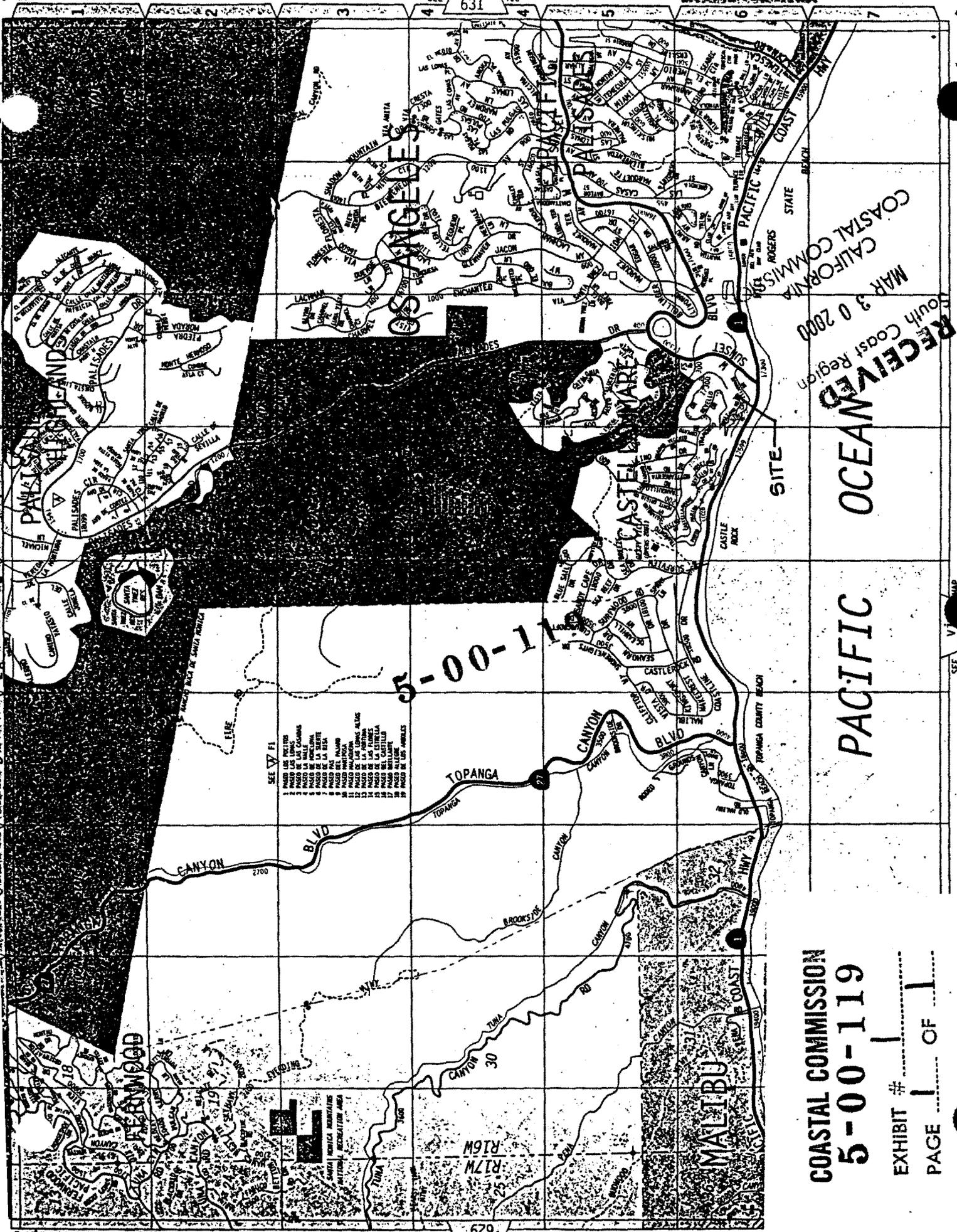
I. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 Commission has considered a no project alternative, however this could result in continued slope failure of the bluff. The Commission has also considered denying the pool. However, the pool with proper drainage control will not contribute to erosion and will not create significant impacts to coastal resources. There is no difference in terms of coastal resource impacts between the proposed grading project with or without the pool as long as water from the pool is controlled.

As conditioned, 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, as conditioned, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

End/am

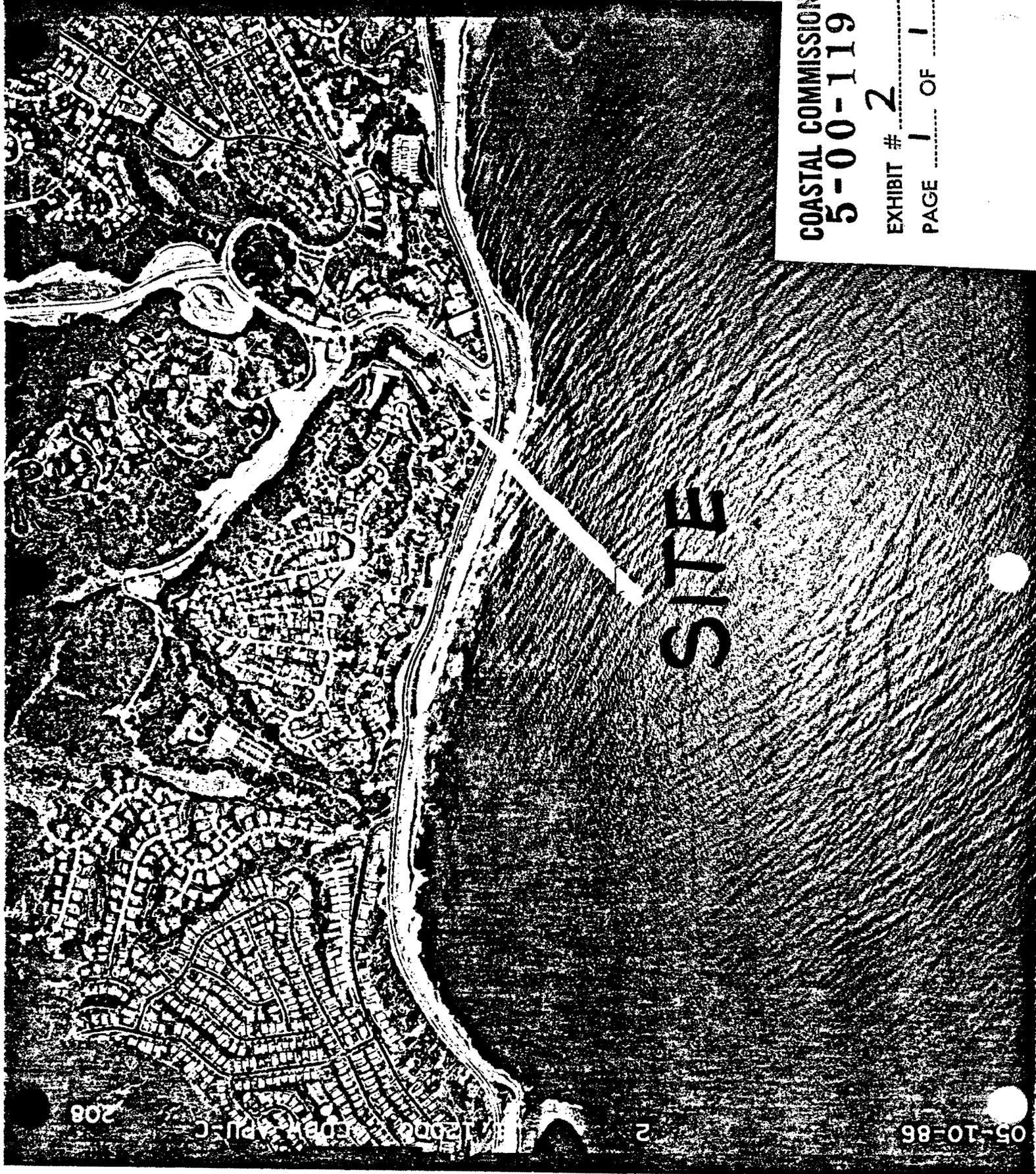


- SEE F1
- 1 PASO DE LOS PUEBLOS
 - 2 PASO DE LA VENTA
 - 3 PASO DE LA VILLA
 - 4 PASO DE LA SIERRA
 - 5 PASO DE LA BENA
 - 6 PASO DE LA BENA
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 CALIFORNIA
 COASTAL COMMISSION

OCEAN PACIFIC

COASTAL COMMISSION
 5-00-119
 EXHIBIT # 1
 PAGE 1 OF 1



COASTAL COMMISSION
5-00-119

EXHIBIT # 2

PAGE 1 OF 1

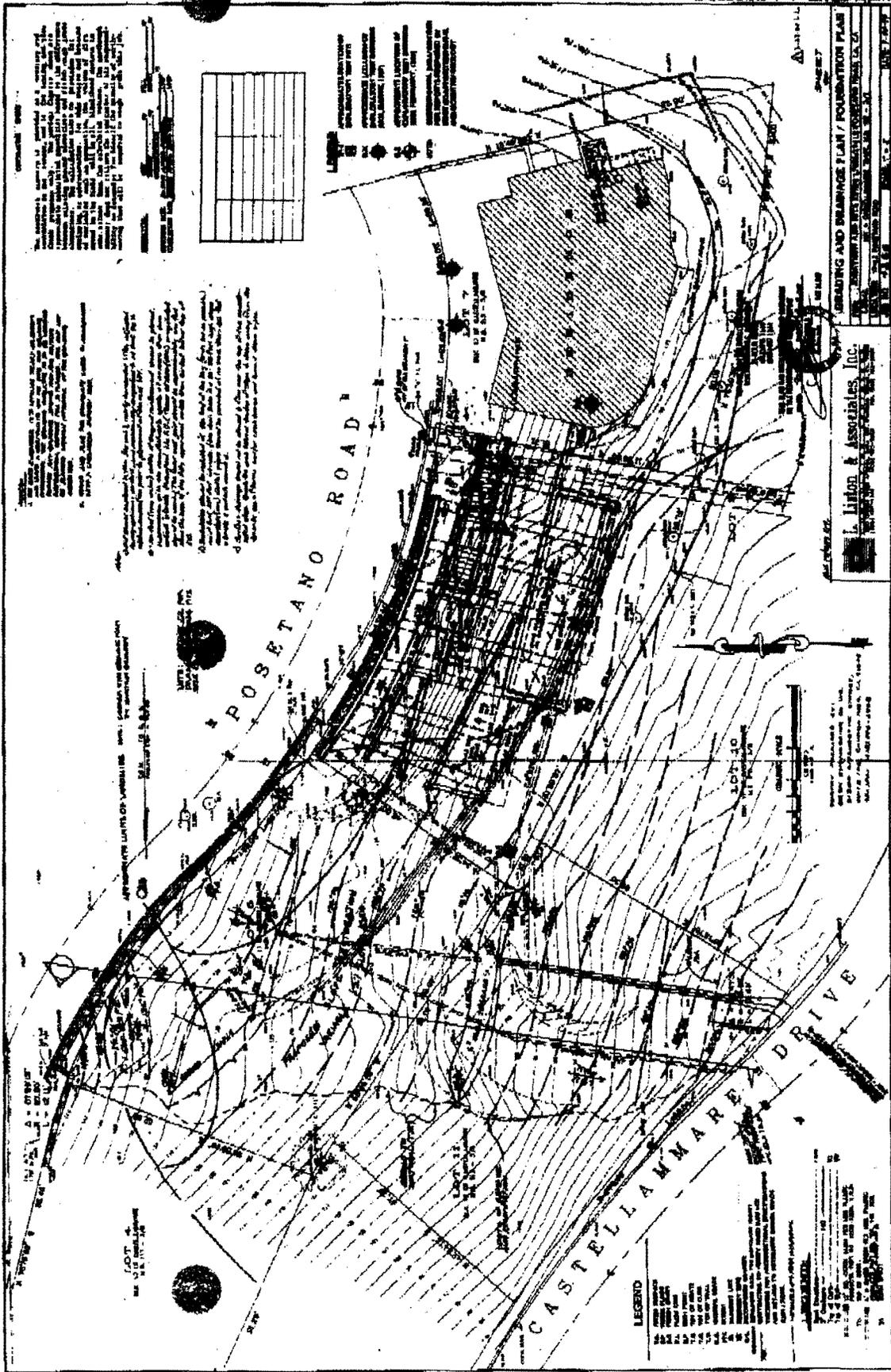
SITE

208

12000 Cedar Ave. C

2

05-10-86



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5-00-119

EXHIBIT # 5
 PAGE 1 OF 1

See exhibit #8
 for enlarged lot by lot sections

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5-00-119

EXHIBIT # 6

PAGE 1 OF 1

Sunset Blvd.

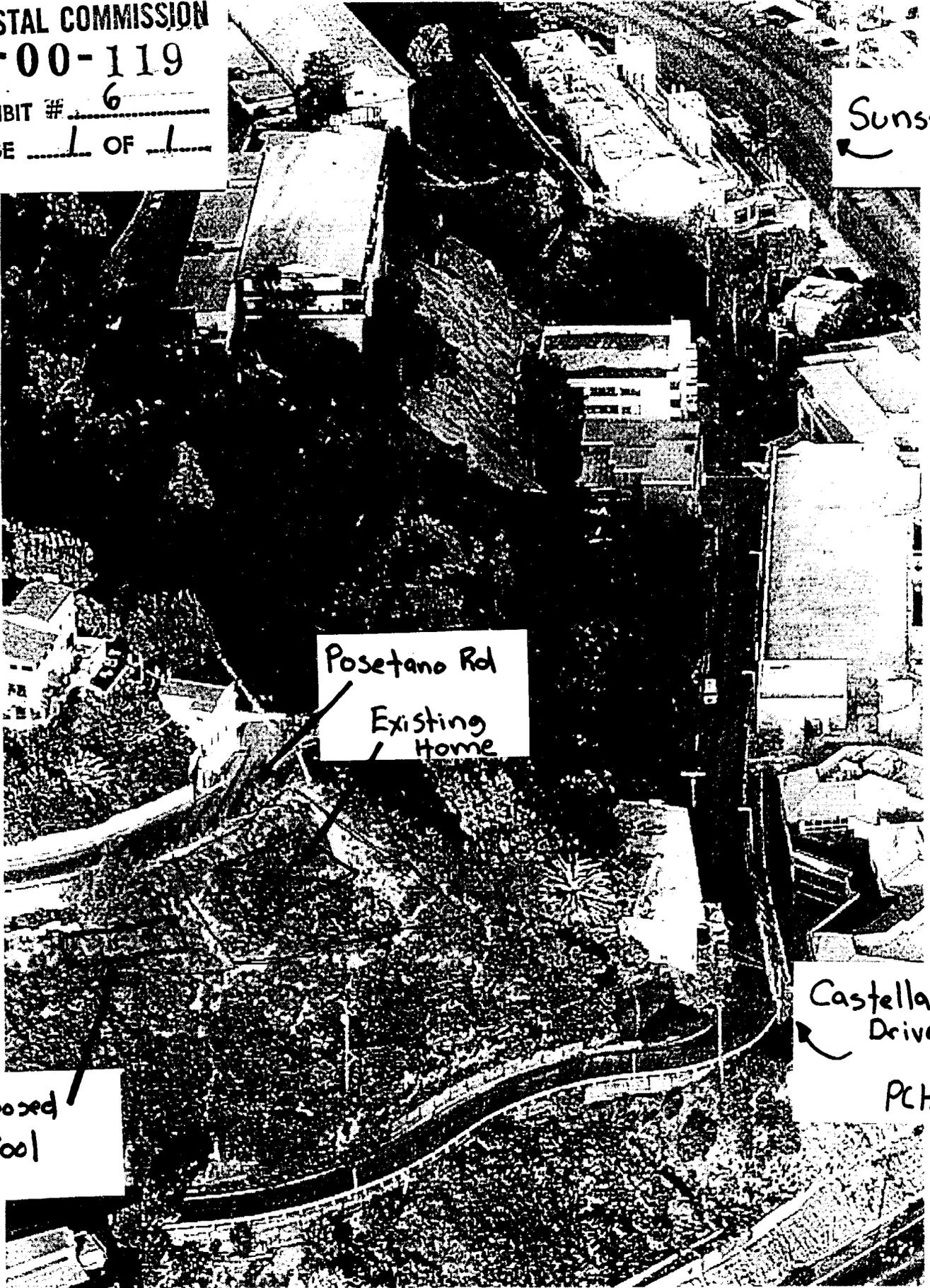
Posetano Rd

Existing Home

Castellammare Drive

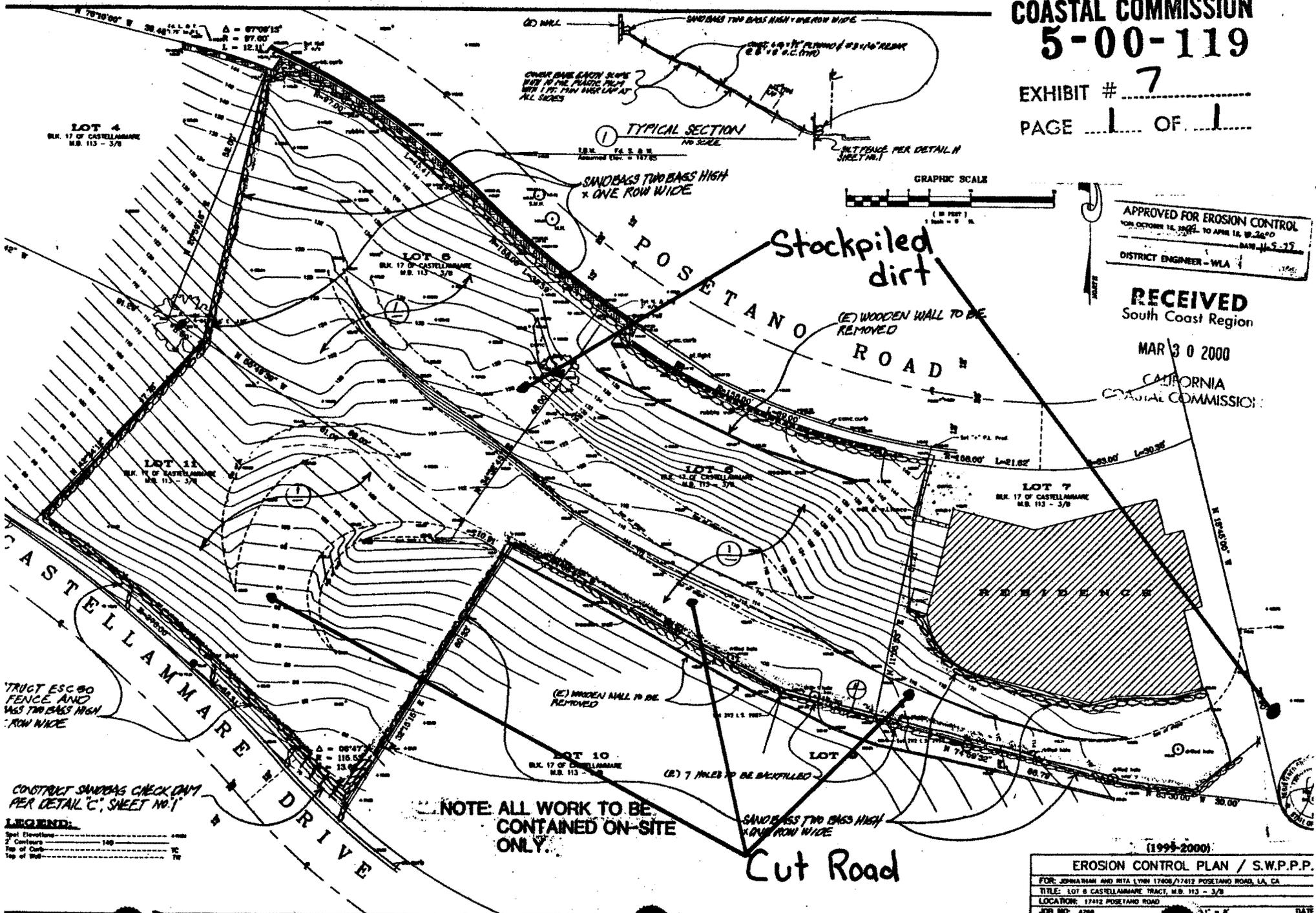
Proposed Pool

PCH



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5-00-119

EXHIBIT # 7
PAGE 1 OF 1



APPROVED FOR EROSION CONTROL
FROM OCTOBER 16, 1999, TO APRIL 16, 2000
DATE: 11-5-99
DISTRICT ENGINEER - WLA

RECEIVED
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MAR 30 2000
CALIFORNIA
COASTAL COMMISSION

LOT 4
BLK. 17 OF CASTELLAMMARE
M.B. 113 - 3/8

LOT 6
BLK. 17 OF CASTELLAMMARE
M.B. 113 - 3/8

LOT 11
BLK. 17 OF CASTELLAMMARE
M.B. 113 - 3/8

LOT 8
BLK. 17 OF CASTELLAMMARE
M.B. 113 - 3/8

LOT 7
BLK. 17 OF CASTELLAMMARE
M.B. 113 - 3/8

LOT 10
BLK. 17 OF CASTELLAMMARE
M.B. 113 - 3/8

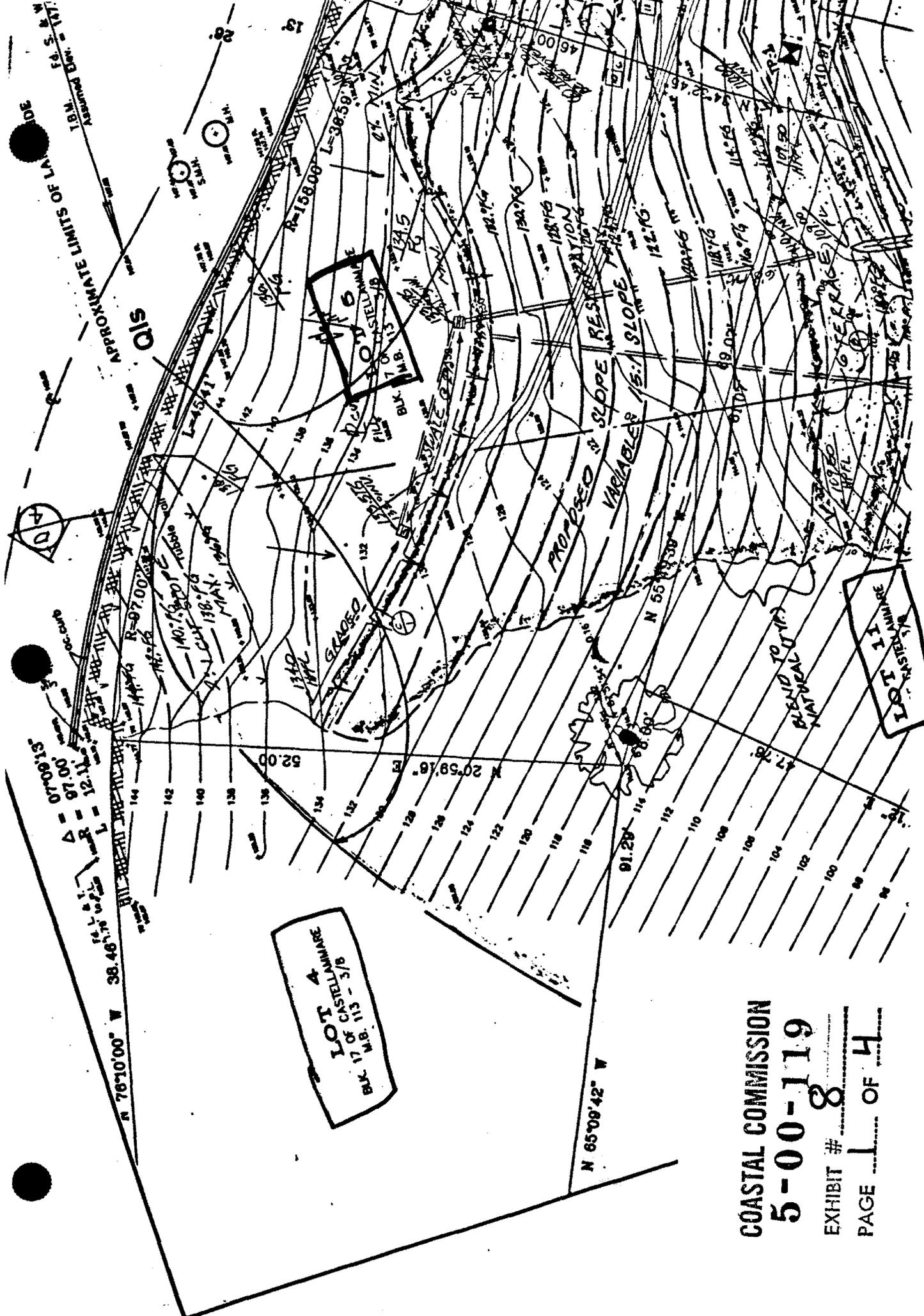
TRACT ESC. 80
FENCE AND
WAS TWO BAGS HIGH
ROW WIDE

CONSTRUCT SANDBAG CHECK DAM
PER DETAIL 'C', SHEET NO. 1

LEGEND:
Spot Elevations
2 Contours - 10'
Top of Cliff - 10'
Top of Wall - 10'

**NOTE: ALL WORK TO BE
CONTAINED ON-SITE
ONLY.**

(1999-2000)
EROSION CONTROL PLAN / S.W.P.P.
FOR: JONATHAN AND RITA LYNN 17408/17412 POSETANO ROAD, LA CA
TITLE: LOT 6 CASTELLAMMARE TRACT, M.B. 113 - 3/8
LOCATION: 17412 POSETANO ROAD
JOB NO: 4700



APPROXIMATE LIMITS OF LAND

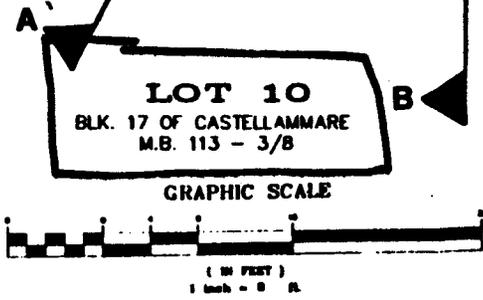
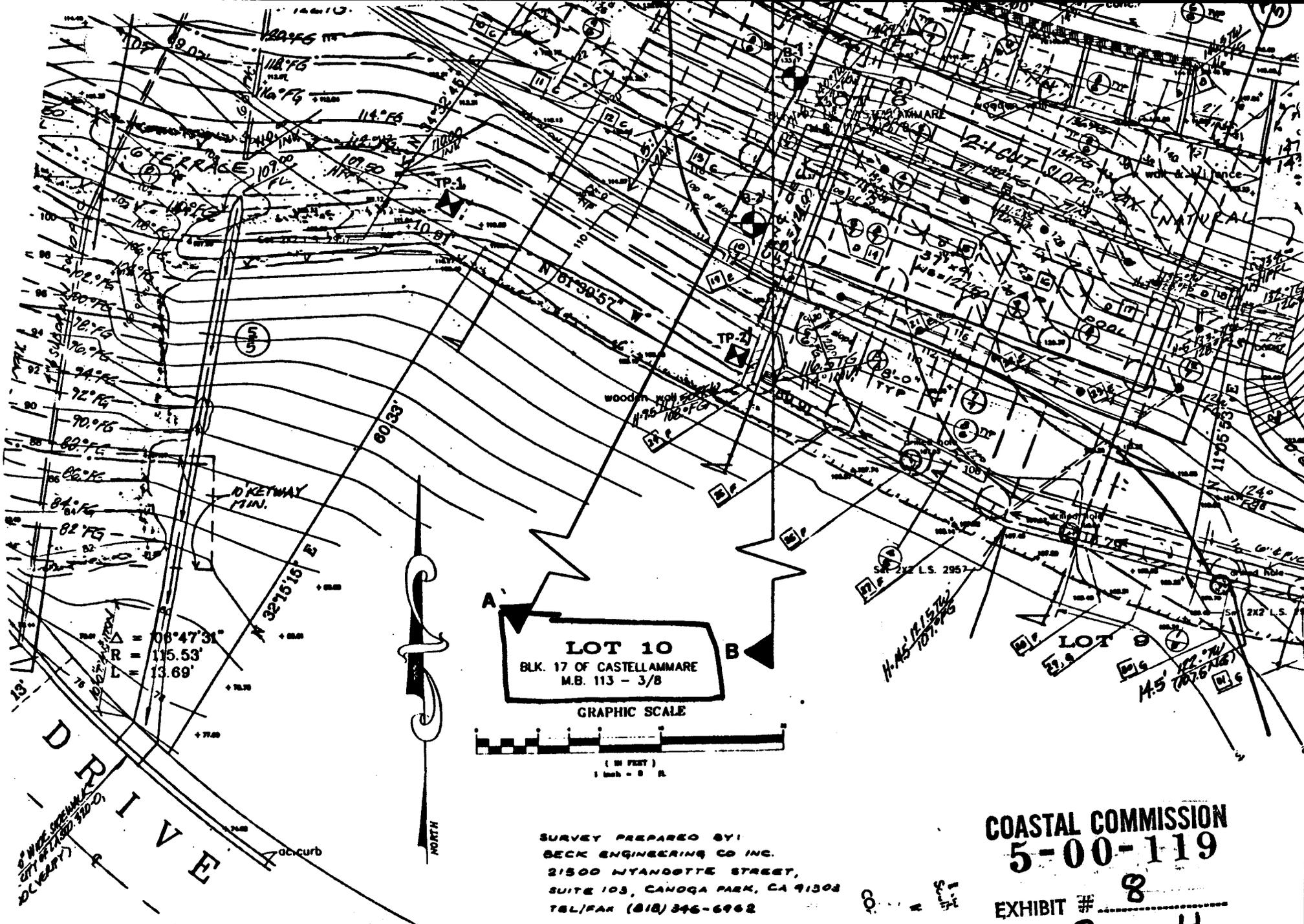
slip

LOT 4 SURVANCE
 B.K. N.B. 1113 5/8

LOT 11111
 B.K. N.B. 1113 5/8

Lot 4, 5, 11

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 5-00-119
 EXHIBIT # 8
 PAGE 1 OF 4



LOT 10
 BLK. 17 OF CASTELLAMMARE
 M.B. 113 - 3/8

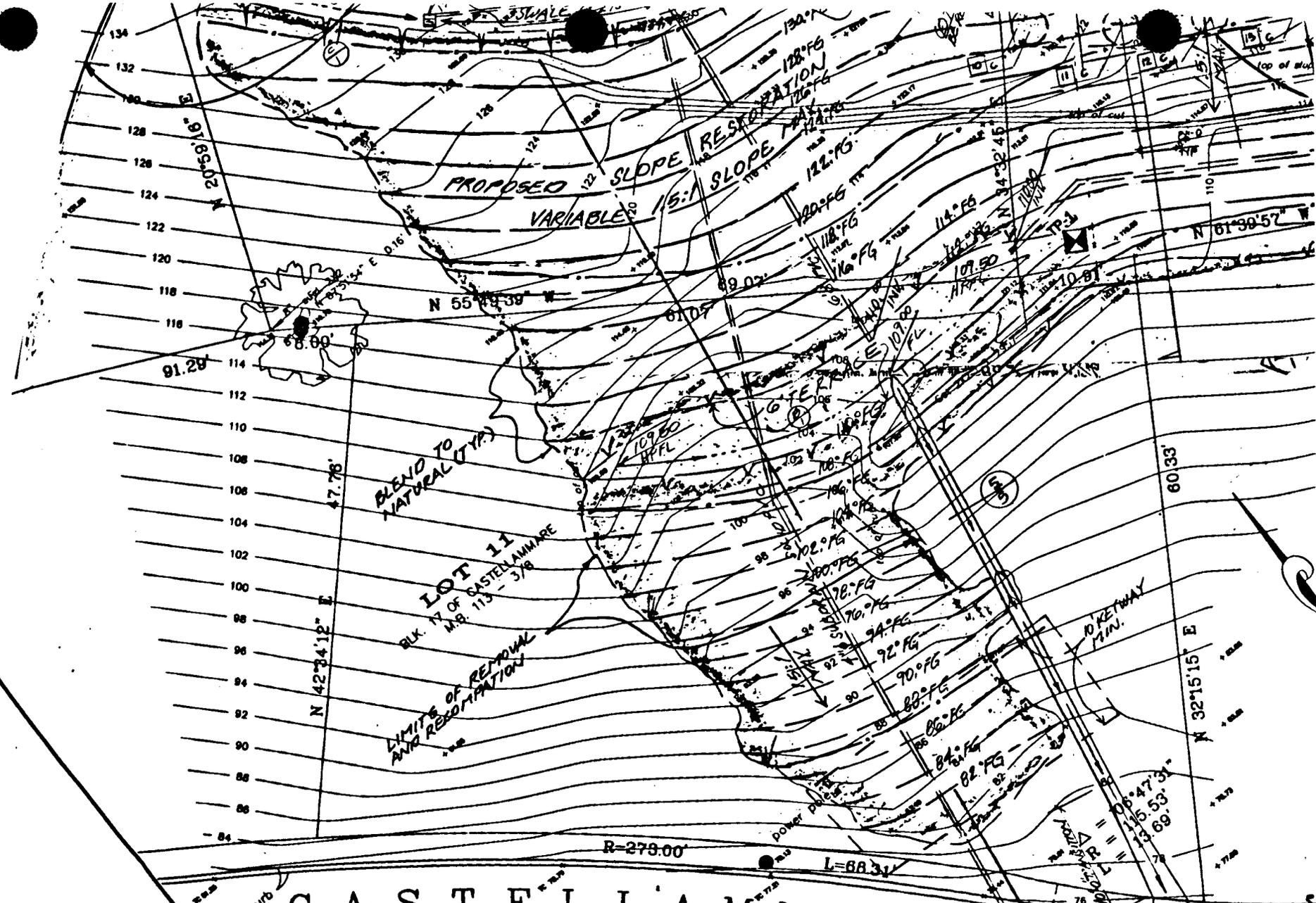
GRAPHIC SCALE

SURVEY PREPARED BY:
 BECK ENGINEERING CO INC.
 21500 WYANDOTTE STREET,
 SUITE 103, CANOGA PARK, CA 91304
 TEL/FAX (818) 346-6962

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EXHIBIT # 8
 PAGE 2 OF 4

Lot 10

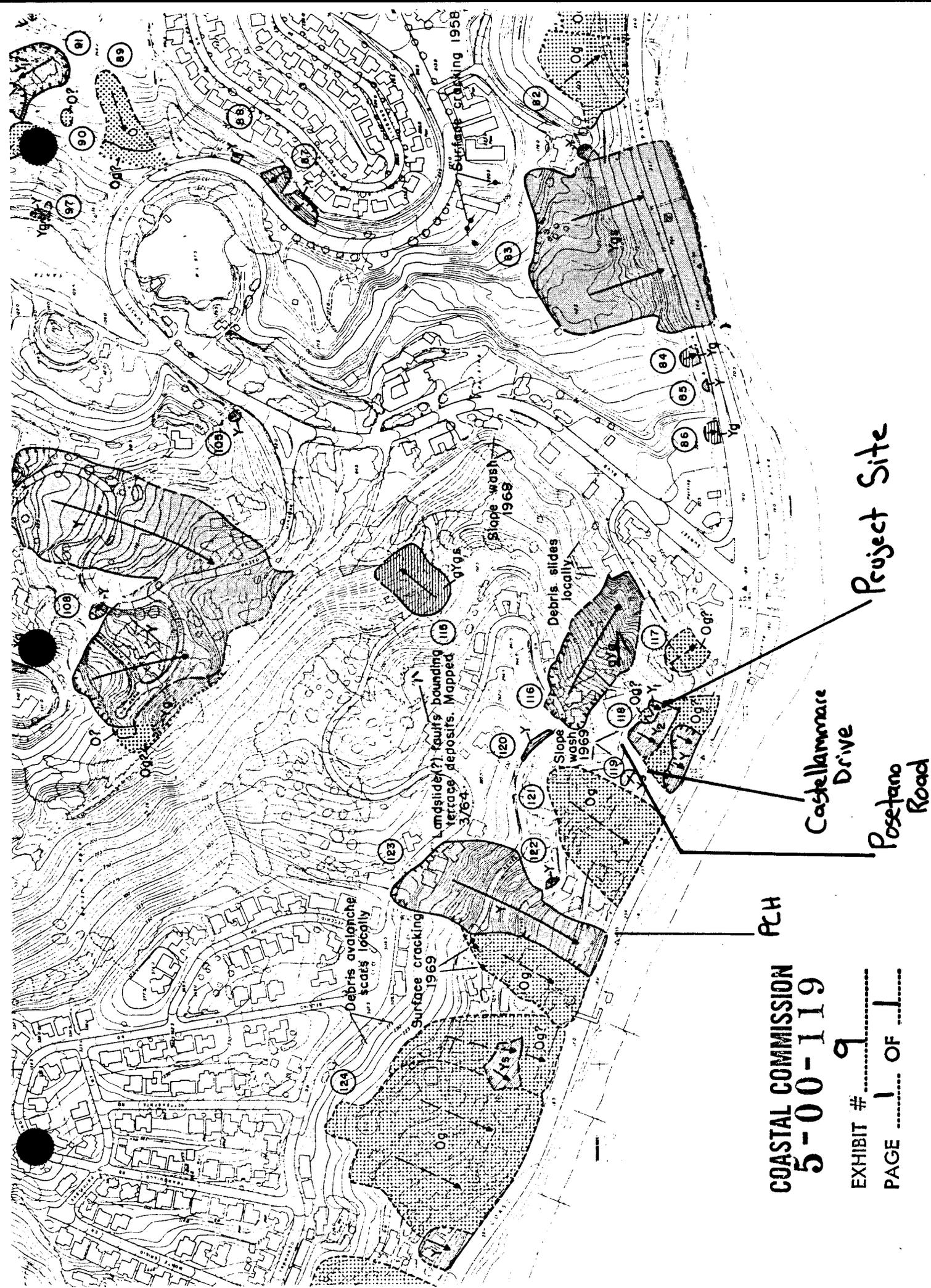


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EXHIBIT # 8
PAGE 3 OF 4

CASTELLAMMARE DRIVE

Lot 11



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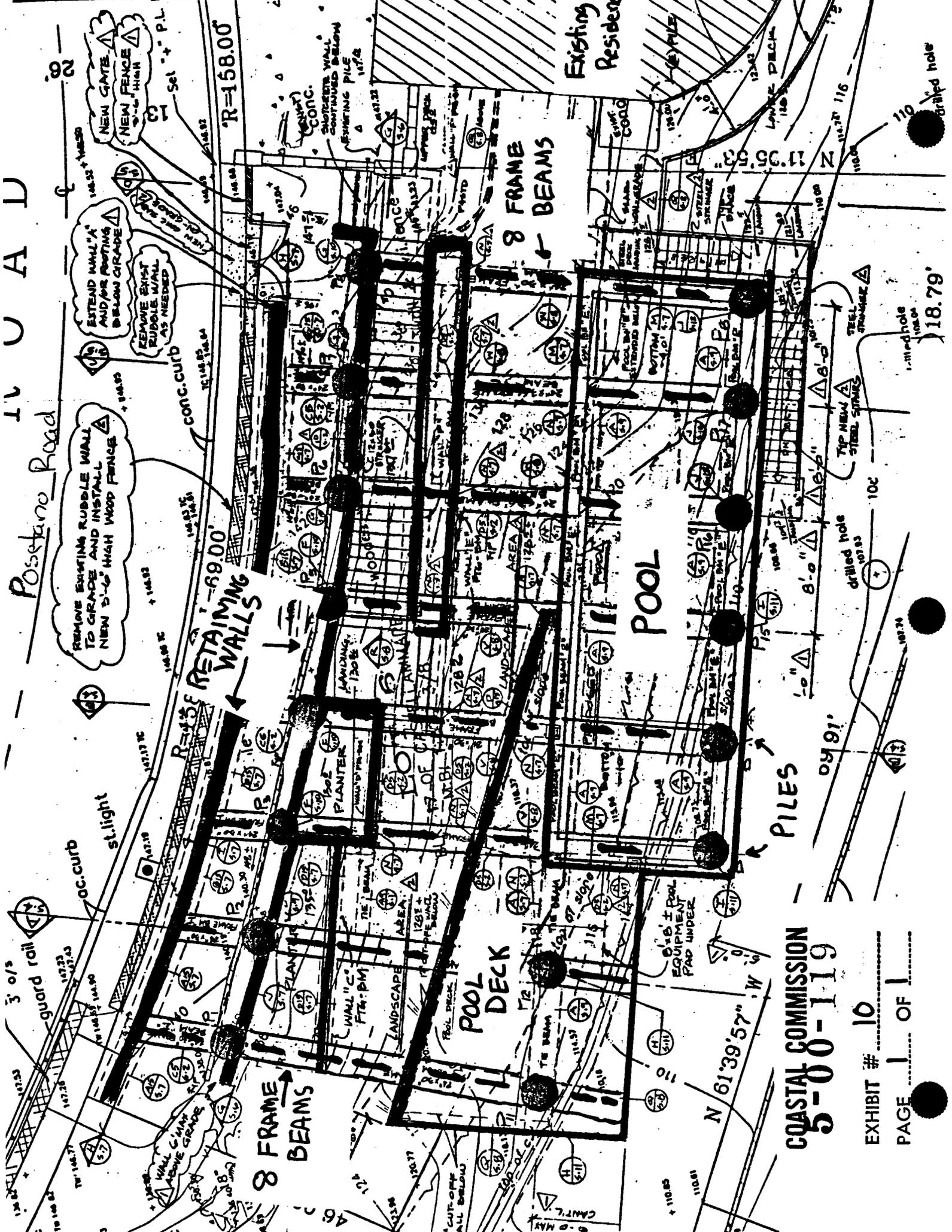
EXHIBIT # 9
 PAGE 1 OF 1

Project Site
 Castellammare Drive
 Rosetano Road

PCH

IVUAD

Postano Road



Existing Residence

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EXHIBIT # 10
PAGE 1 OF 1

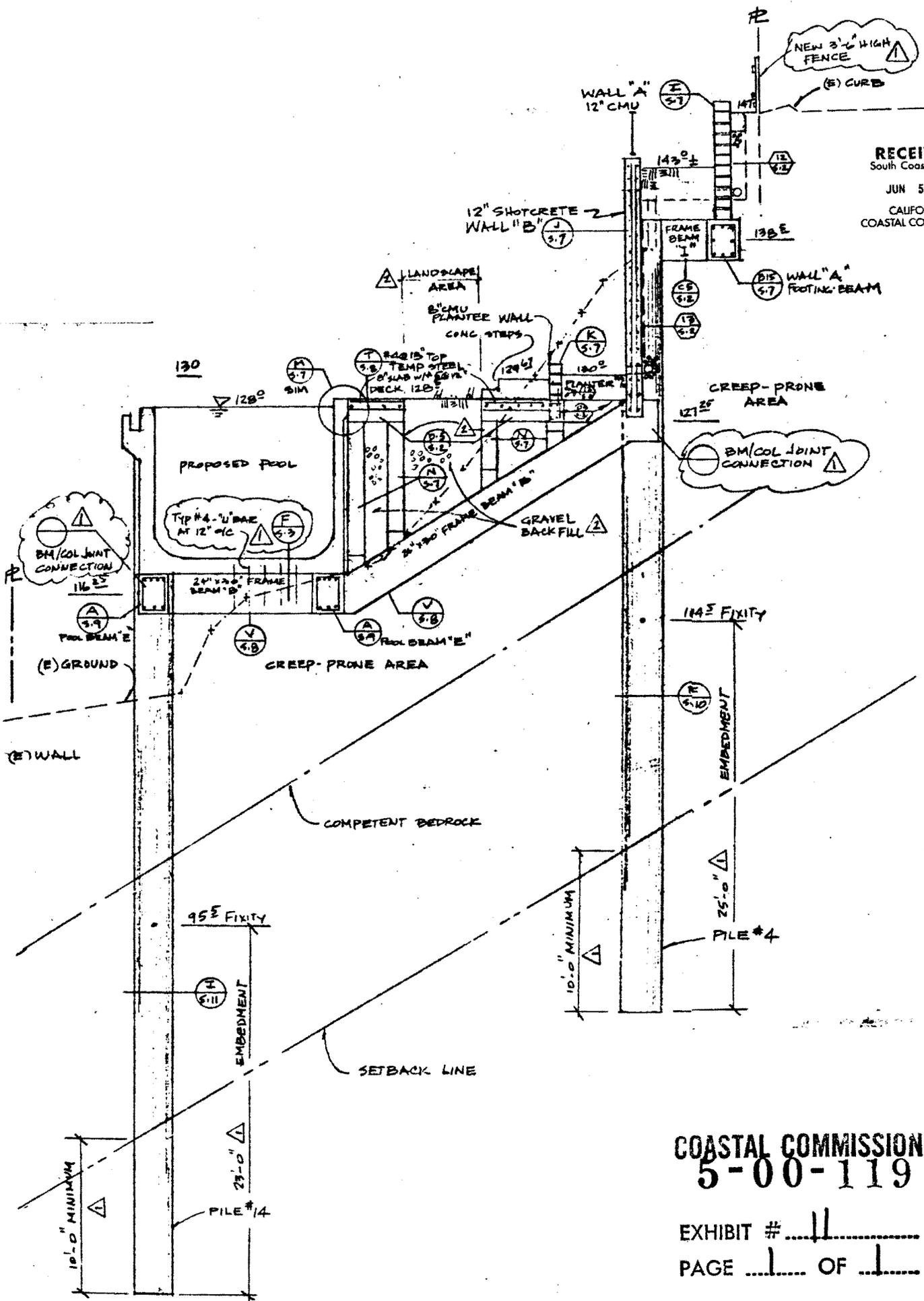
drilled hole

drilled hole

drilled hole

drilled hole

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 JUN 5 2000
 CALIFORNIA
 COASTAL COMMISSION



SECTION

SCALE: 1/4" = 1'-0"

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EXHIBIT # 11
 PAGE 1 OF 1

