

CALIFORNIA COASTAL COMMISSION

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**RECORD PACKET COPY**

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Staff: AM-LB **AM**
Staff Report: 12/14/00
Hearing Date: January 9-12, 2001
Commission Action:

Item # Th-8b**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-00-229**APPLICANT:** Steve Hartunian**AGENT:** Brent and Miller Architectural Corporation**PROJECT LOCATION:** 16201 Shadow Mountain Drive, Pacific Palisades, City and County of Los Angeles

PROJECT DESCRIPTION: Construction of a 56' by 120' tennis court partially supported over the existing grade with two caissons. The project includes 250 cu. yards of graded cut to be exported and one 10-foot high retaining wall on the north side of the tennis court.

SUMMARY OF STAFF RECOMMENDATIONS

Staff is recommending approval with conditions that relate to assuming the risk of the proposed development, drainage and erosion control, and mitigated lighting of the proposed tennis court. The applicant agrees with the recommended conditions.

LOCAL APPROVALS RECEIVED:

1. City of Los Angeles Planning Department, Approval in Concept #2000-9987, June 6, 2000

SUBSTANTIVE FILE DOCUMENTS:

1. Site Improvement Plan Review, Geosoils Consultants, Inc., June 29, 1999
2. Geology Review Letter, Geosoils Consultants, Inc., Dec. 12, 2000
3. Coastal Development Permit A-390-78 (AMH) and amendments

STAFF RECOMMENDATION OF APPROVAL:

MOTION:

I move that the Commission approve CDP #5-00-229 pursuant to the staff recommendation.

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

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby **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 term or 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 applicant acknowledges and agrees (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 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.

2. 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:

- During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and roadways.
- The following temporary erosion control measures shall be used during construction: sand bags, a desilting basin and silt fences.
- Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
- 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:

- 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.
- A site plan showing the location of all temporary erosion control measures.
- A schedule for installation and removal of the temporary erosion control measures.
- A site plan showing the location of all permanent erosion and drainage control measures.
- A schedule for installation and maintenance of the permanent erosion and drainage control measures.
- A written review and approval of all erosion and drainage control measures by the applicant's engineer and/or geologist
- 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.

3. Tennis Court Lighting

The tennis court lighting system shall incorporate lights that are directed toward the court and not to the hillside areas. The lights shall be equipped with 180 to 360-degree shields to guarantee that light does not escape outside the tennis court and into surrounding habitat.

4. Approval from Homeowner's Association

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a written approval stating that the Ridgeview Country Estates Homeowner's Association does not object to construction of the project, as proposed in application #5-00-229.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Location

The proposed project is the construction of a 56' by 120' tennis court (See Exhibits). The proposed court would be partially supported by the finished grade and partially supported by two caissons (Exhibit #4). The project includes 250 cubic yards of cut that will be exported to a disposal site outside of the coastal zone and a 10-foot high retaining wall along the northern side of the proposed tennis court.

The subject site is located on a previously graded lot in Pacific Palisades, Tract 36310 (Exhibit #1-2). The property is located approximately 2½ miles inland of Will Rogers State Beach and Pacific Coast Highway. The portion of the lot in question slopes from an elevation of 550 feet to approximately 620 feet (Exhibit #3). West of and adjacent to the proposed tennis court is an emergency vehicular access road and a concrete drainage "V" ditch. These features bisect the subject lot (Exhibit #6).

The applicant owns and lives in a single family home on the adjacent lot (lot #16). Currently, work is underway to improve lot 15 (the subject property) with a pool, pool house, and landscaping. The previous owner of lot 15 received approval to construct a single family home with a pool and pool house from the City of Los Angeles. The applicant then purchased the property and received approval to construct just the

pool, pool house, and landscaping. The City exempted the pool, pool house, and landscaping from its coastal development permit process (based on Categorical Exclusion E-79-8). A categorical exclusion order issued under 30610.1 of the Coastal Act only exempts certain identified categories of development from permit requirements. The Categorical Exclusion (E-79-8) authorized construction of the single family homes in the subdivision with certain limitations regarding the location on the lots. The limitations state that the excluded single family homes must conform to the City height and use requirements without a variance. Projects are not excluded if they are within 100 feet of the State Park or if they require grading. The City could also exempt the pool, pool house, and landscaping (under 30610 (a) of the Coastal Act) because such developments are considered appurtenant structures associated with a single family home and they are located on the lot. The proposed tennis court is not exempt under Categorical Exclusion (E-79-8) or 30610 (a) of the Coastal Act because the tennis court is not a category of development identified in Categorical Exclusion (E-79-8). The tennis court is not considered an appurtenant structure normally associated with a single family home and the project is not located on the lot where the existing single family home is located. In addition, the location of the tennis court raises issues with regard to the underlying permit restrictions in A-390-78.

The proposed tennis court received an Approval In Concept from the City of Los Angeles Planning Department on June 6, 2000. The Commission agrees that the pool, pool house, and landscaping are exempt under Categorical Exclusion (E-79-8), Section 30610a of the Coastal Act, and the California Code of Regulations, Section 13250(a)(2), as structures normally associated with single family homes. However, consistent with past practice, the Commission finds that the proposed tennis court is not exempt as a structure that is normally associated with a single family home, and therefore requires a coastal development permit. In this case, the proposed tennis court also requires a permit from the Commission because the proposed project is located in an area where grading was prohibited under permit #A-390-78 (AMH) and amendments (discussed in more detail in the following sections) previously issued by the Commission.

B. Project History: Underlying permit #A-390-78 (AMH)

The subject property is located within Tract 36310 in the Pacific Palisades area of the City of Los Angeles. Tract 36310 was formed out of Tract 40432. Tract 40432 was approved in the original permit #A-390-78. A typical practice of the City of Los Angeles when approving large subdivisions is to give each segment its own tract number. Tract 36310 is a segment of the larger tract 40432. All conditions imposed on the underlying Permit A-390-78 for Tracts 40432, 30453, and 21601 also apply to Tract 36310.

The entire tract was originally designated under the Brentwood-Pacific Palisades District Plan as a recreational use. As noted in the findings of the original staff report (A-390-78, July 1979), the Commission found that 31 acres of the 224-acre tract could be graded for development, leaving 152 acres to be dedicated to Topanga State Park and 40 acres left as private open space. The original permit A-390-78 allowed approximately 100 lots on the 31-acre, buildable portion of Tract 40432. A later amendment reduced the number of lots in Tract 40432 to 65. The amended permit also approved grading to create the 65 buildable lots on the tract.

The issues raised in the original Permit #A-390-78 (AMH) and amendments related to the impacts of traffic on recreational access, the impacts of massive grading and its effect on public views and habitat resources, and the need to limit excessive build-out of the subdivision. To offset the impacts of development on such issues, the Commission imposed an urban (grading) limit line on each lot for the subdivision (Exhibit #2). This condition was imposed to avoid grading into undisturbed areas, where natural habitat and scenic views still existed. Most of the graded lots were oriented toward lands which were to be dedicated to Topanga State Park and the park that existed prior to the approval of A-390-78. This gave future residents dramatic views of the park. However, such development, if built out beyond certain limitations, could impact public views from the park. The urban limit line designated by permit #A-390-78 (AMH) allowed the development of the single-family homes while limiting impacts on the Topanga State Park viewshed.

C. Urban Limit Line

As previously stated, a designated line (urban limit line) was established to lessen the impacts on native habitat and public views caused by the subdivision of the tracts. The intended purpose of the urban limit line was to protect undisturbed areas from grading, avoid an expanded build-out of the subdivision into the canyon, and reduce the impacts of development on public views to and from Topanga State Park. If this restriction was not placed on developments in such areas, native vegetation would be lost and the views of the Santa Monica Mountains and from mountain trails could be impacted.

The proposed project is the construction of a 56' x 120' tennis court supported by both the existing grade and two caissons (Exhibit #3). The proposed project lies outside this urban limit line. The project location is on lot 15 of Tract 36310. Lot 15 is on the lower portion of the AMH subdivision, south of Via Cresta, west of Las Canoas Road, and east of Bienvenida Avenue (Exhibit #6). The subject lot does not face or border Topanga State Park.

Grading

The amended permit #A-390-78 (AMH) approved the grading of 65 buildable pads for single family homes. The permit provides that the Executive Director "may approve minor modifications of the proposed Tract provided that the changes do not either increase the total density of the project or necessitate more extensive grading of undisturbed areas" (as stated in Special Condition #1). Condition #4b of the amended permit #A-390-78 (AMH) adds "in areas outside of the development limit line: minor grading may be performed to re-contour previously graded land; paved or unpaved pathways and other incidental improvements for low intensity recreation may be constructed; minor facilities to provide public or utility services which do not require significant grading...; vegetation within 100 feet of any residential structure may be removed or altered for fire protection purposes" (Exhibit #7).

The area outside the urban limit line on the subject site (lot 15) has been disturbed by previous grading and brush clearance. The grading in this area occurred during the construction of an emergency access road and a concrete "V" ditch. These structures were constructed by the City of Los Angeles, Department of Public Works, but not approved in permit #A-390-78 (AMH). The access road bisects the subject property and connects Via Cresta (to the north) to the terminus of Las Canoas (to the south) (Exhibit #6). The proposed tennis court is directly east of the emergency access road. The "V" ditch is adjacent to and west of the access road. The access road, concrete "V" ditch, and proposed tennis court are located outside the urban limit line on lot 15.

Also, vegetation on the site has been continually removed for brush clearance as required by the City of Los Angeles, Department of Fire (Exhibit #5). Exhibit #5 demonstrates that the area designated as a hazard, where the Department of Fire requires brush clearance, is the total area outside the urban (grading) limit line. Thus, for the applicant to be in conformance with the Department of Fire brush clearance notice, he must clear all vegetation outside the designated urban limit line. The brush clearance is allowable under permit # A-390-78 (AMH), condition #4b (Exhibit #7). This is required because of the proximity of other homes below lot 15 (the subject site).

During a site visit and through photographs taken by the applicant, staff confirmed that the area outside the urban limit line has been substantially graded and the little vegetation that does exist is of non-native, introduced species.

It was the intent of the original permit, in part, to provide protection of native vegetation and sensitive habitat in areas outside the urban limit line. As previously stated, the project location outside the urban limit line has been significantly disturbed from past construction of the emergency access road and "V" ditch. Also, fire department clearance requirements have eliminated any native vegetation that may have been present after construction of the emergency access road and drainage "V"

ditch. The proposed tennis court is outside the urban limit line and would require grading. However the project will not result in disturbance or grading in an undisturbed area, and will not harm native vegetation. Thus, the proposed development outside the urban limit line would not lessen the intent of the underlying permit A-390-78 (AMH) to protect sensitive, undisturbed areas. In addition, the original permit was intended to protect views from Topanga State Park, as discussed in more detail below.

Visual Resources

As part of the approval for A-390-78 (AMH), the applicant deeded lands to the State Park system to offset the impacts of the development on the ability of important public access routes to provide access for recreational use of the beaches and mountain parks in western Los Angeles County. This land dedication extended Topanga State Park from the eastern boundary of the lots to Temescal Ridge on the east and Pacific Highlands to the northwest. The urban limit line established in the approval created a buffer to protect the visual resources to and from Topanga State Park.

The subject lot is one of the few lots in the subdivision that does not front or is not adjacent to Topanga State Park. The intent of the amended permit #A-390-78 (AMH) and the established urban limit line was to protect views to the Santa Monica Mountains within Topanga State Park. Las Canoas Road and Las Pulgas Road front the subject property (Exhibit #6). These streets were developed under a separate subdivision with single family homes. The subject lot and the proposed tennis court are not visible from Topanga State Park or from Pacific Coast Highway. Thus, the development would not impact the visual quality of the Santa Monica Mountains and, would therefore, not lessen the intent of the amended permit #A-390-78 (AMH).

D. Visual Impacts/Landform Alteration

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 Topanga State Park to the hillsides, canyons and Santa Monica Mountains of Pacific Palisades and from the surrounding neighborhood to the ocean.

The project is located approximately 2½ miles inland of Will Rodgers State Beach and Pacific Coast Highway (Exhibit #1). The project site is not visible from Topanga State Park and it does not impact coastal views to or from the ocean and Pacific Coast Highway.

Section 30251 also requires all permitted development to minimize alteration of natural landforms. The project site is a sloping hillside lot in a developed neighborhood of the Pacific Palisades. The subject site has been previously graded for the construction of the tract emergency fire access road and a concrete drainage "V" ditch. The lot has also been continually cleared of brush pursuant to the City of Los Angeles, Department of Fire clearance notice (Exhibit #5).

The proposed project includes 250 cubic yards of grading to allow the finished grade to partially support the proposed tennis court. A two-caisson support structure will stabilize the other portion of the court. The Commission finds that, although the project is on a hillside lot and grading will cut partially into the slope, the project site has been significantly altered from its natural state. The proposed project requires a minimal amount of landform alteration, 250 cubic yards of cut. The project is also not visible from any public viewpoint from or to the ocean or Topanga State Park. Therefore, the proposed tennis court, retaining wall, and grading can take place by minimizing the alteration of natural landforms and protecting public views. Thus, the project as proposed is found consistent with Section 30251 of the Coastal Act. The proposed project is also consistent and in scale with the surrounding neighborhood.

E. Hazards to Development

The proposed project is located in an area subject to natural hazards. The Pacific Palisades area has a long history of natural disasters, some of which have caused catastrophic damages. Such hazards common to this area include landslides, erosion, flooding, and wildfires. The subject property is located above and on a sloping hillside lot (Exhibit #3). The project consists of constructing a 56' by 120' tennis court partially supported over the existing grade, with two caissons. Included in the project is the grading of 250 cubic yards of cut and the construction of a 10-foot high retaining wall.

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.

1. 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 tennis court supported by the finished grade and piles and retaining wall structures, as well as 250 cubic yards of grading, lies on a sloping hillside lot (Exhibit #2). The site Improvement Plan Review by GeoSoils, Inc. has stated that the subject property is well suited for the proposed development and that the site is underlain with dense bedrock material (belonging to the Martinez Formation) that can adequately support the proposed project (Exhibit #8). The proposed project may be subject to natural hazards such as slope failure and erosion. The 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 sloping hillside lot, the Commission cannot absolutely acknowledge that the design of the tennis court will protect the subject property during future storms, erosion, and/or landslides. Therefore, the Commission finds that the proposed project is subject to risk from erosion and/or slope failure and that the applicant should assume the liability of such risk.

The applicant 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 applicant's decision to develop. Therefore, the applicant is 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 applicant is 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/or 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 applicant 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.

2. Erosion Control Measures

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion via rain or wind could result in possible acceleration of bluff erosion and possible landslide activity. Special Condition #2 requires the applicant to dispose of all demolition and construction debris at an appropriate location outside of the coastal zone and informs the applicant that use of a disposal site within the coastal zone will require an amendment or new coastal development permit. The applicant 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 applicant 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 (more specifically defined in special condition #2).

Therefore, only as conditioned, to submit evidence that the applicant has recorded an assumption of risk deed restriction on the development, 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. Sensitive Habitat

Section 30240 of the Coastal Act states:

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

As stated above, the subject property contains previously graded slopes, cleared for fire abatement and an emergency access road. This has left bare, rocky soil and/or non-native, invasive vegetation on the site. However, the surrounding habitat within the Santa Monica Mountains still contains native vegetation, which is home to several avian and terrestrial species. Such species feed and nest in the surrounding hillsides.

The applicant has proposed to construct a tennis court with minor grading and a retaining wall. The applicant has stated that he plans to install a lighting system that will illuminate the court for nighttime activity. Excessive lighting has been found to negatively affect certain avian and terrestrial behavioral patterns. Also, flooding surrounding habitat with light that is normally darkened by the night sky could lead to excessive predation on certain animal species that use darkness for protection.

The applicant has stated that the lights intended for this project are directed specifically toward the court and are shielded so that light does not escape into the surrounding hillside. A 12-foot high fence surrounds the tennis court, which also acts as a barrier to the lights. However, to ensure that the tennis court lighting does not negatively impact the habitat of the surrounding environment, Special Condition #3 is imposed that requires the applicant to use a lighting system that directs the lights toward the court and not into the hillside areas. The lights shall be equipped with 180 to 360-degree shields to guarantee that light does not escape outside the tennis court and into surrounding habitat.

Only as conditioned to use a directed and shielded lighting system does the Commission find the project consistent with Section 30240 of the Coastal Act.

G. Homeowner's Association Approval

The amended permit #A-390-78 (AMH) required the applicant to record a deed restriction that prevents further division of lands for residential purposes, prevents development in areas outside the grading limit line except as approved by the

Executive Director, and waives all claims against the public for damages due to flood, fire, or geologic instability. Such deed restrictions were recorded in the Homeowner's Associations Covenants, Conditions, and Restrictions (CC&Rs). The Homeowner's Association for the subject site is the Ridgeview Country Estates Homeowners Association. The applicant proposes to develop in an area outside the grading limit line and would require approval of the Homeowner's Association. The applicant has stated that the Homeowner's Association must approve of any development outside the limit line, but must first receive notice of Coastal Commission action.

In this case, the CC&Rs of the Ridgeview Country Estates Homeowner's Association incorporates the Commission's conditions. The Association also plays a role in enforcing such conditions. Therefore, to ensure that the project receives approval from the Homeowner's Association before commencing with construction, the applicant shall submit, for the review and approval of the Executive Director, a written approval stating that the Ridgeview Country Estates Homeowner's Association does not object to construction of the project, as proposed in application #5-00-229.

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 three (Playa Vista, San Pedro, and Venice). 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 this 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 decisions 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.

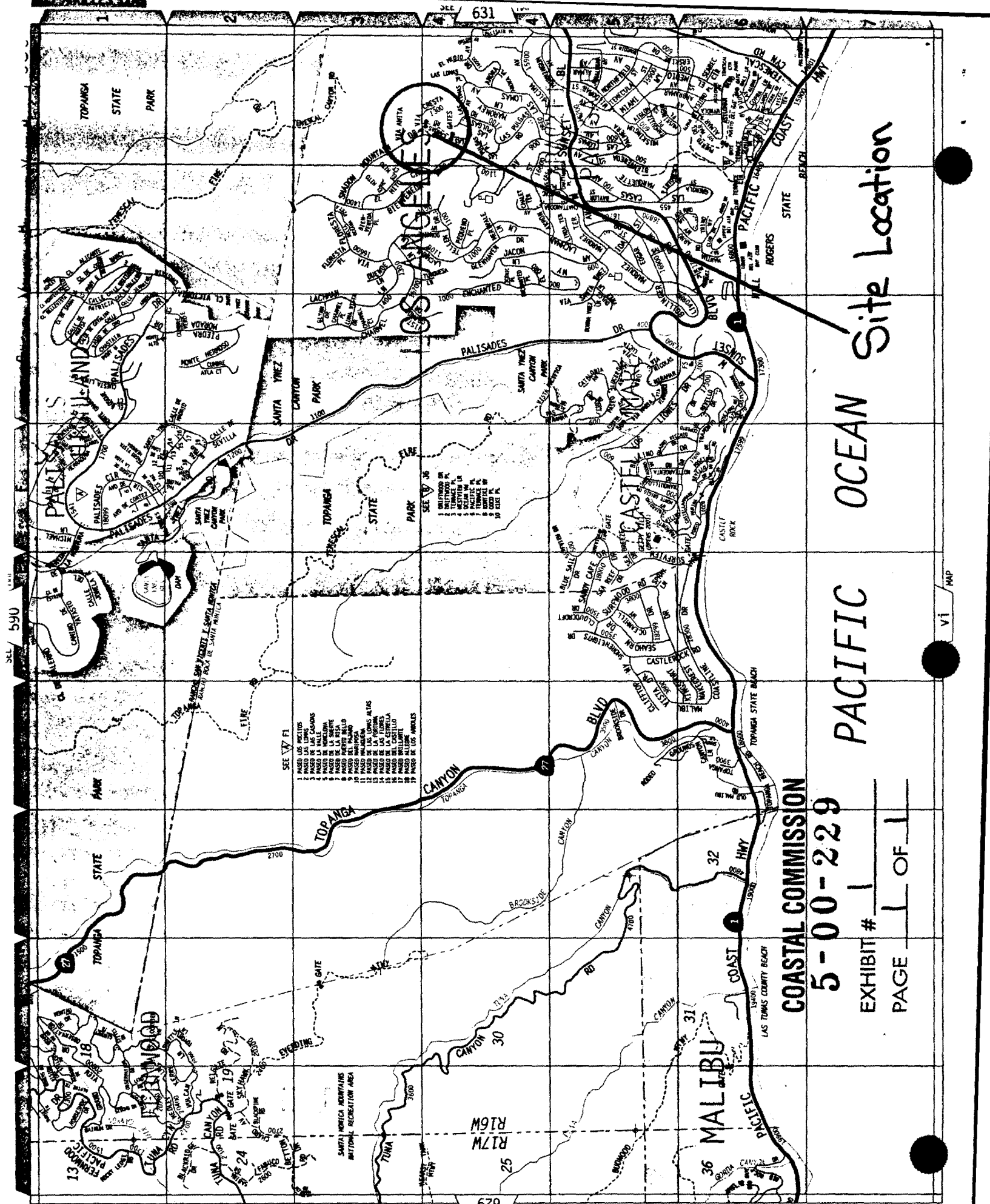
As conditioned, to address the sensitive habitat, visual quality, and underlying permit conditions of the project site, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, 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 proposed project, as conditioned to assume the risk of the development, supply and implement an erosion control plan, and to lessen the impacts of the tennis court lighting system, is found to be consistent with the Chapter 3 policies of the Coastal Act. As explained above and incorporated herein, all adverse impacts have been minimized and the project, as proposed, will avoid potentially significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project is consistent with the requirements of the Coastal Act and CEQA.

End/am



Site Location

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COASTAL COMMISSION

5-00-229

EXHIBIT # 1

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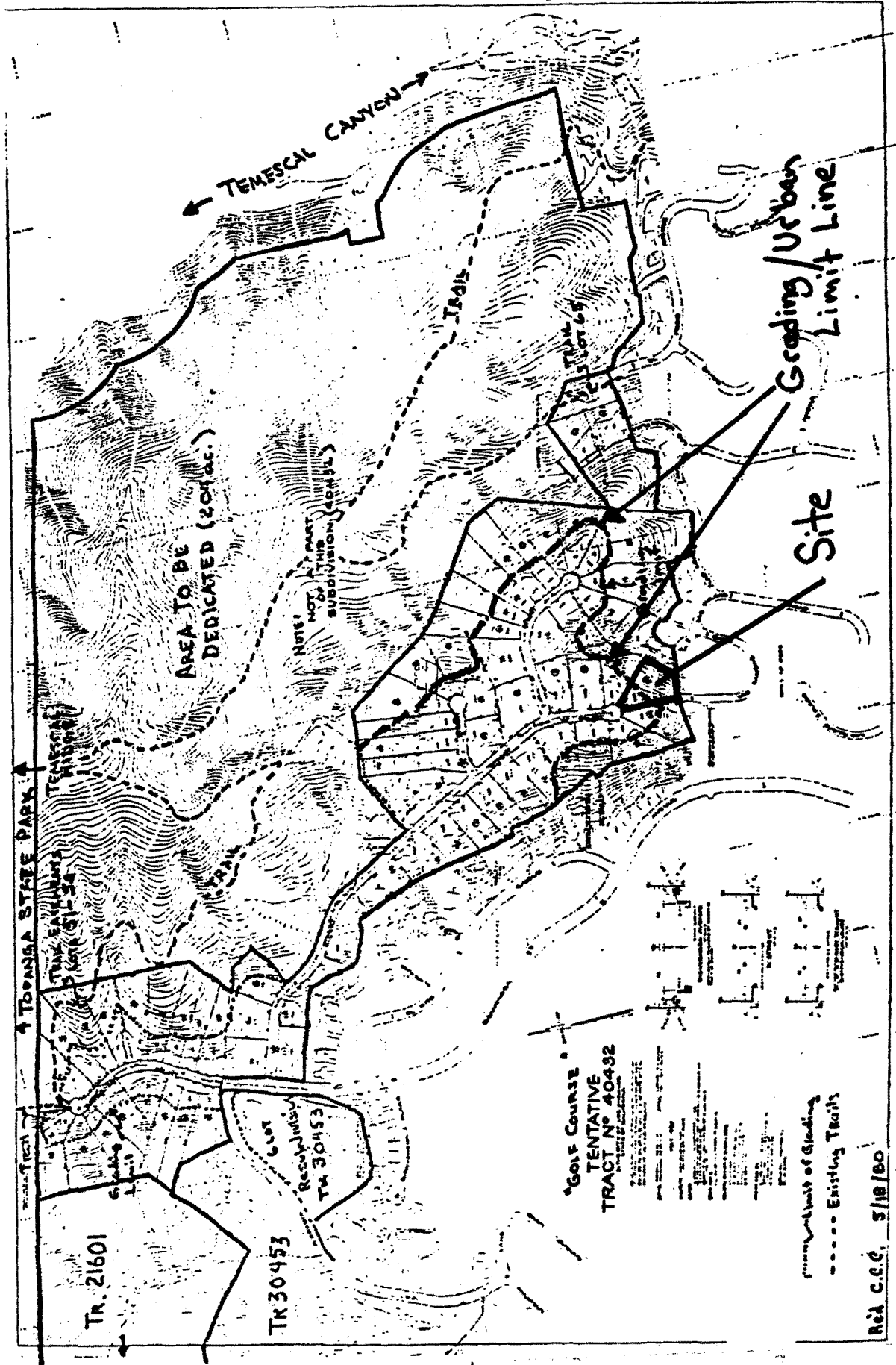
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VI MAP

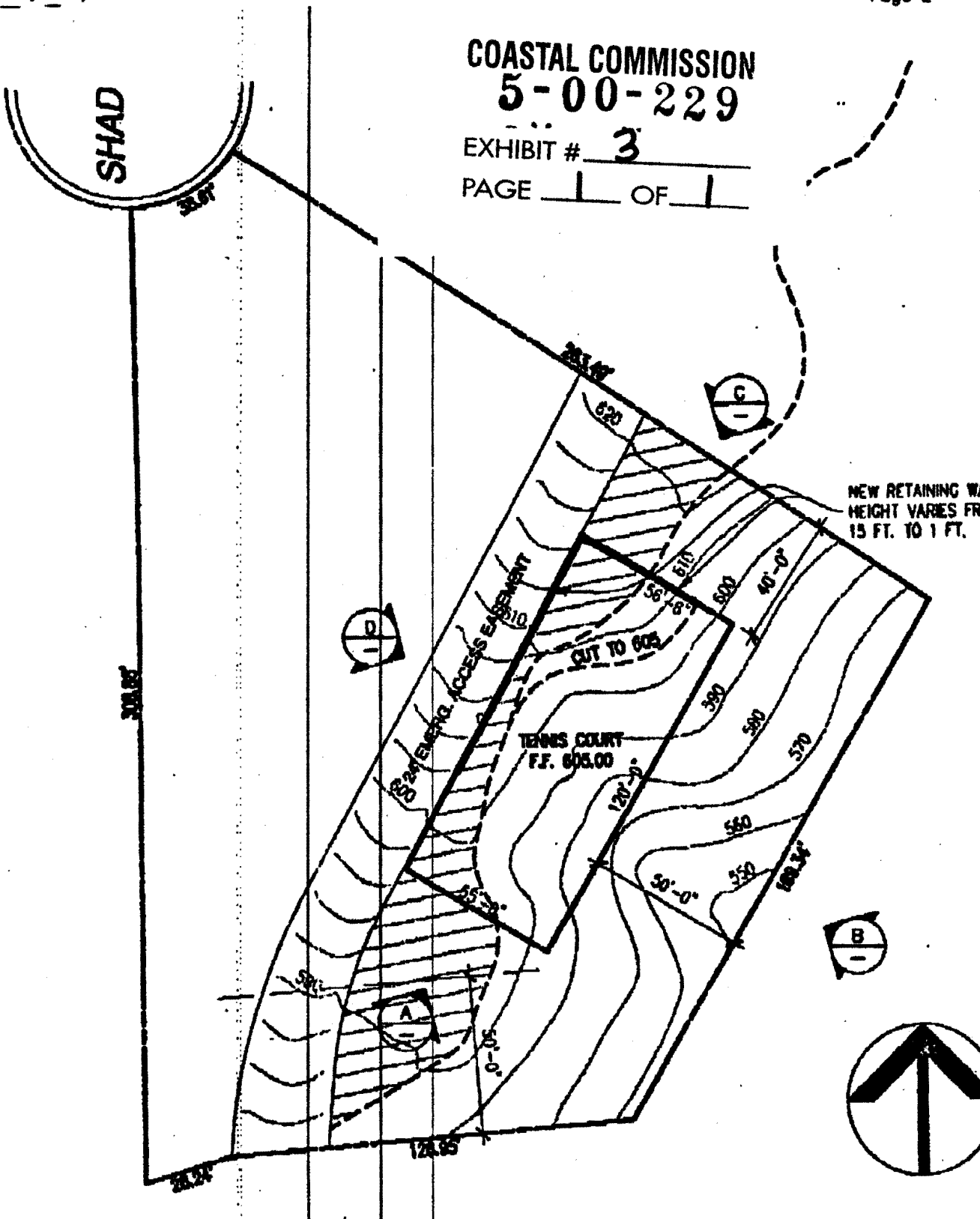


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EXHIBIT # 3

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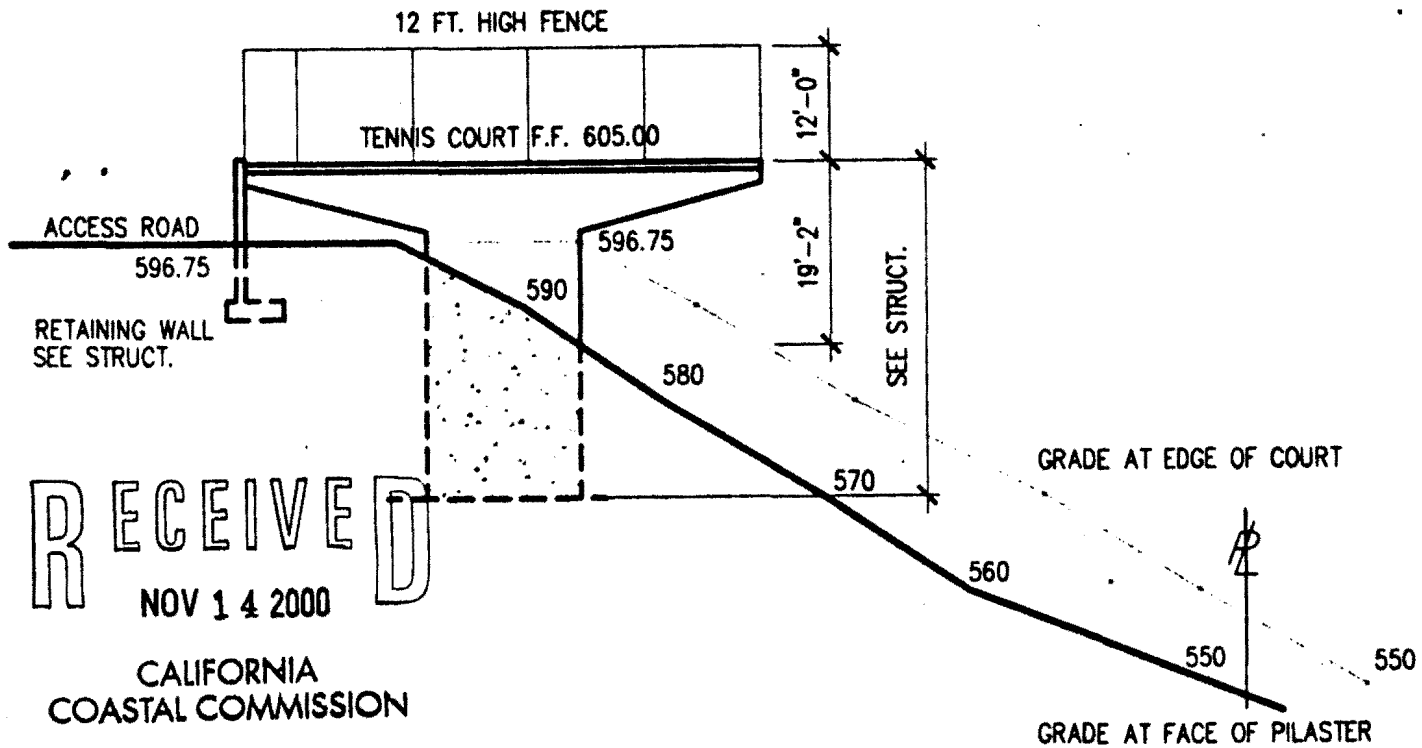
1

SITE PLAN

1" = 40'-0"

No. 3053 P. 1/5

Oct. 5. 2000 12:56PM BRENT & MILLER AIA



RECEIVED
NOV 14 2000

CALIFORNIA
COASTAL COMMISSION

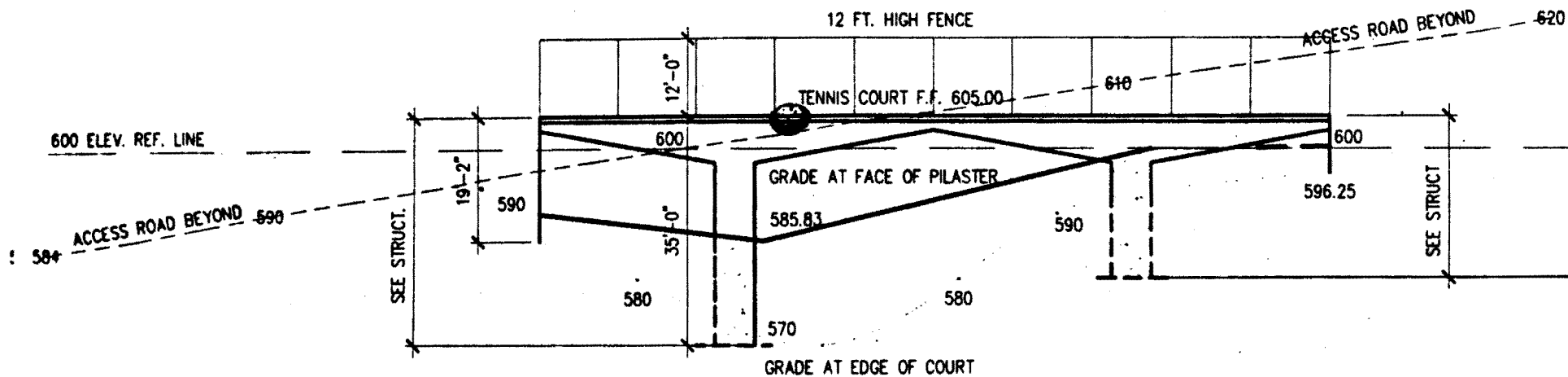
SOUTH ELEVATION

A

1" = 20'-0"

COASTAL COMMISSION
5-00-229

EXHIBIT # 4
PAGE 1 OF 3

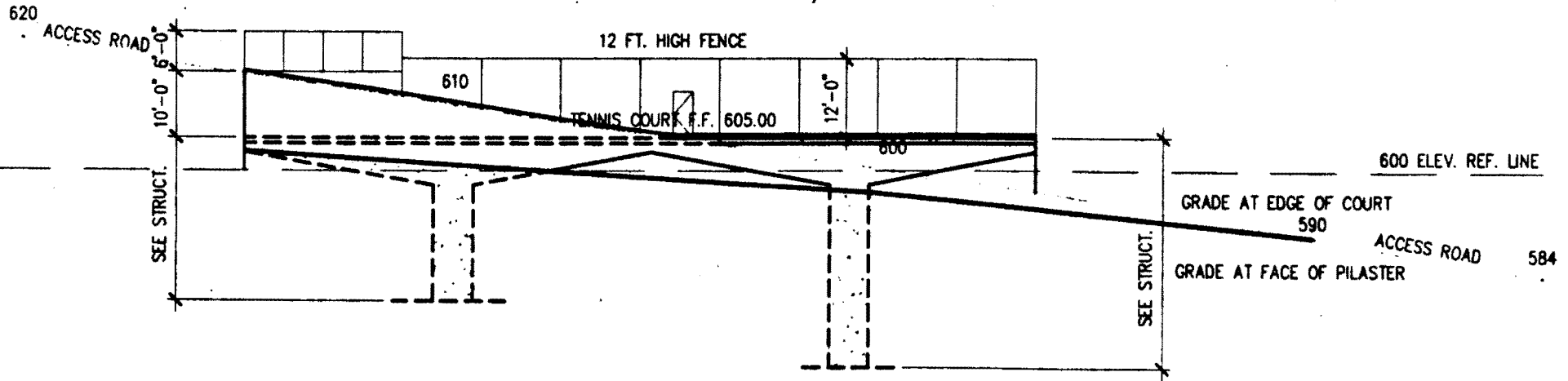


B EAST ELEVATION

1" = 20'-0"

COASTAL COMMISSION
5-00-229

EXHIBIT # 4
PAGE 2 OF 3



D

WEST ELEVATION

1" = 20'-0"

COASTAL COMMISSION
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EXHIBIT # 4

PAGE 3 OF 3



NOTICE OF NONCOMPLIANCE

Map Book 4420	Page 039	Parcel 011	Location of Hazard 16201 SHADOW MOUNTAIN DR. Y/L
To EMPIRE PROPERTIES INC			Date of Inspection 9-5-00
Address 1801 CENTURY PARK E. S-2400		Improved	Unimproved ✓
City L.A.	State CA.	Zip Code 90067	Compliance Signature Date

YOU ARE HEREBY DIRECTED TO ELIMINATE THE HAZARDOUS CONDITIONS ON YOUR PROPERTY THAT ARE IN VIOLATION OF L.A.M.C. SECTION 57.21.07. THE CONDITIONS INDICATED BELOW MUST BE CORRECTED ON OR BEFORE 9-25-00. WHEN ALL WORK IS COMPLETED YOU MUST CALL THE NUMBER BELOW FOR A PROPERTY INSPECTION AND A WRITTEN INSPECTION RECORD.

MINIMUM CLEARANCE REQUIREMENTS

1. All native brush, weeds, grass, and hazardous vegetation on your property within 100 feet of structure/s including but not limited to:

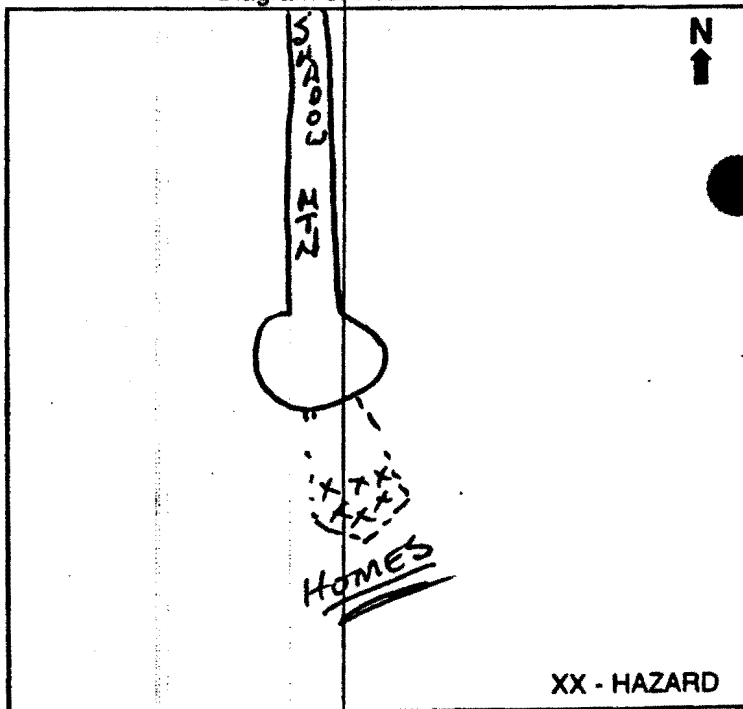
ALL STRUCTURES

shall be maintained in accordance with the requirements on the reverse side of this Notice.

2. Reduce the amount and/or modify the arrangement of hazardous vegetation within the area comprising the second 100 feet for a total distance of 200 feet from any structure.
3. Maintain all weeds and other vegetation located within 10 feet of any combustible fence or an edge of that portion of any highway, street, alley, or driveway improved or used for vehicular travel.
4. Remove and safely dispose of all cut vegetation, native, or otherwise, all DEAD TREES, and all debris. Cut vegetation may be machine processed and spread on site.
5. Maintain all landscape vegetation in such a condition that it will not contribute to the spread or intensity of a fire.
6. Additional requirements: _____

TELEPHONE NUMBER TO CALL FOR INSPECTION

Diagram of Hazard/Location



Note: This diagram is to be used as a guideline only, and is not drawn to scale.

YOU MUST CALL FOR AN INSPECTION WHEN THE WORK IS COMPLETED. IF FOUND IN COMPLIANCE AT THAT TIME, YOU WILL RECEIVE A WRITTEN "CLEANED BY OWNER INSPECTION RECORD" (F-1307) FOR YOUR RECORDS AND NO FURTHER ACTION WILL BE TAKEN.

NOTE: See reverse side for specific details of the above requirements.

ALL THE REQUIREMENTS INDICATED ABOVE MUST BE COMPLETED BEFORE YOU CALL FOR A COMPLIANCE INSPECTION. BY ORDER OF THE CHIEF ENGINEER AND GENERAL MANAGER.

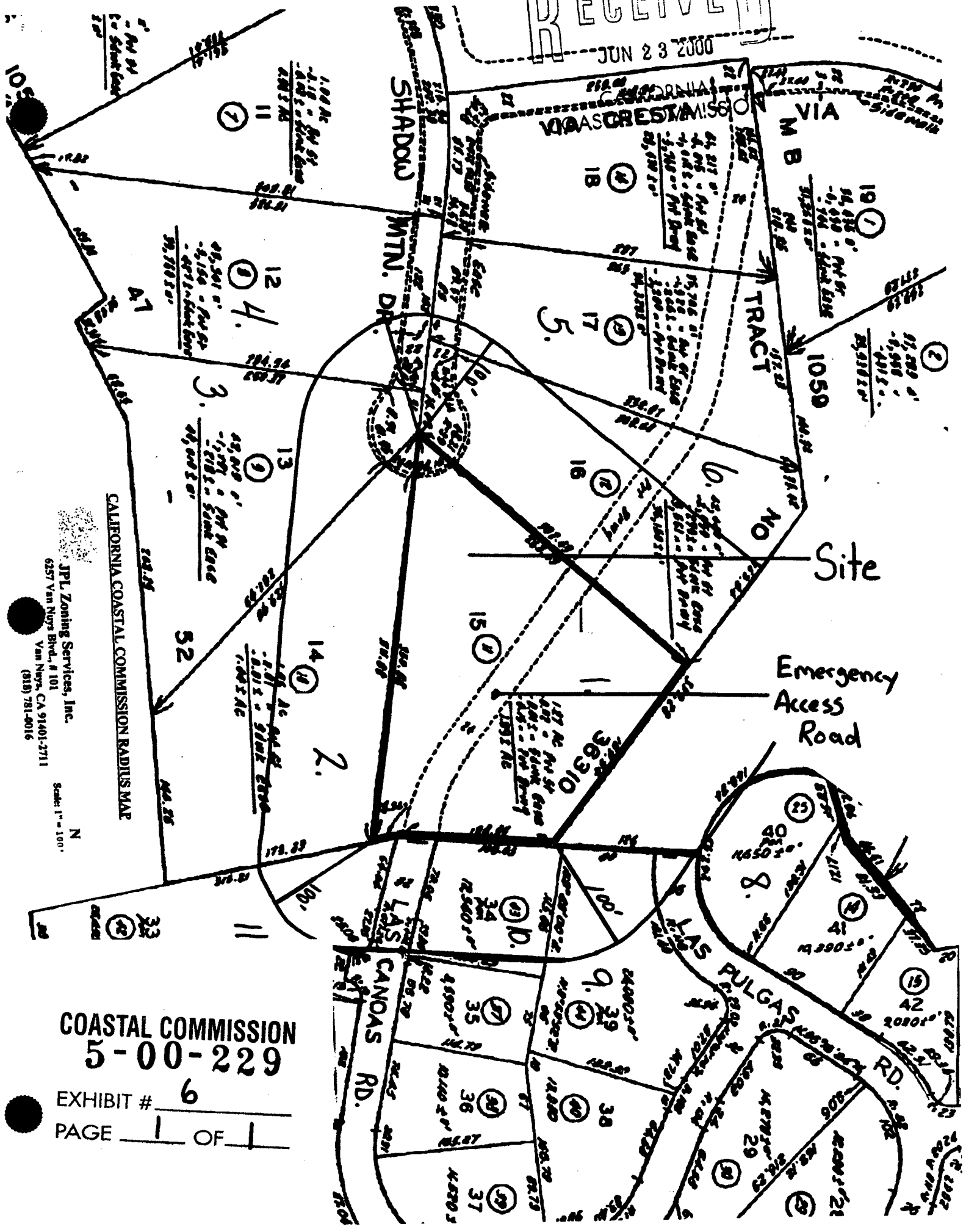
By ROBERT P. KELLY F.S.# 65
Signature Robert P. Kelly

COASTAL COMMISSION
5-00-229

EXHIBIT # 5
PAGE 1 OF 1

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JUN 23 2000



CALIFORNIA COASTAL COMMISSION RADIUS MAP

JPL Zoning Services, Inc.
 6257 Van Nuys Blvd., # 101
 Van Nuys, CA 91401-2711
 (818) 781-0016

Scale: 1" = 100'

COASTAL COMMISSION
 5-00-229

EXHIBIT # 6
 PAGE 1 OF 1

CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8555

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

On May 21, 1980, by a vote of 11 to 0, the California Coastal Commission granted to AMH Corporation an amendment to Permit A- 390-78, subject to the conditions set forth below, for changes to the development or conditions imposed on the existing permit granted on July 17, 1979

Changes approved by this amendment consist of (1) an additional 3 lots (for a total of 33 units) to be created within the urban limit line defined in the July 1979 permit; (2) subdivision of a 6-acre "recreation lot" in Tract 30453 into 6 residential lots; and (3) subdivision of up to .65 residential lots on 31 graded acres of the 235-acre Tract 40432

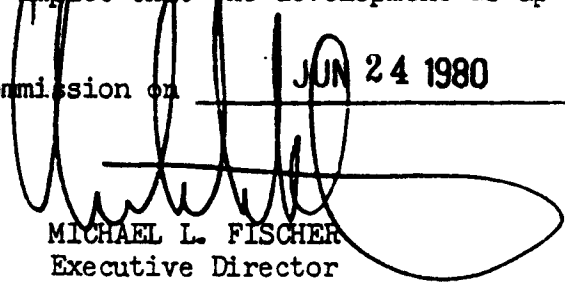
more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at north of terminus of Lachman Lane, Charmel Lane and Bienvenida Avenue, Pacific Palisades, City of Los Angeles

After public hearing held on April 15, 1980, the Commission found that, as conditioned, the proposed amendment is 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 that is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976; if between the sea and the public road nearest the sea, is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976; either (1) will not have any significant adverse impact on the environment, or (2) there are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact that the development as approved may have on the environment.

Issued on behalf of the California Coastal Commission on

JUN 24 1980


MICHAEL L. FISCHER
Executive Director

By TR Souza

NO CONSTRUCTION IS AUTHORIZED BY THIS DOCUMENT--THIS IS NOT A PERMIT

The undersigned permittee acknowledges receipt of the California Coastal Commission, this amendment to Permit A- 390-78, dated JUN 24 1980, and fully understands its contents, including all conditions imposed.

5-00-229
Exhibit 7

Date

Permittee

This amendment to Permit A- 390-78, is subject to the following conditions:

A. Standard Conditions.

1. Assignment of Permit. This permit may not be assigned to another person except as provided in the California Administrative Code, Title 14, Section 13170.

2. Notice of Receipt and Acknowledgement. Construction authorized by this amendment shall not commence until a copy of this amendment, signed by the applicant or authorized agent, acknowledging receipt of the amendment and acceptance of its contents, is returned to the Commission.

3. Expiration. If construction has not commenced, the permit will expire two (2) years from the date on which the Commission voted on the application. Application for extension of the permit must be made prior to the expiration date of the original permit. This amendment does not constitute an extension to the original permit.

4. Construction. All construction must occur in accord with the proposal as set forth in the application for permit, subject to any special conditions imposed on the permit except as modified by this amendment. Any further deviations from the approved plans must be reviewed by the Commission pursuant to California Administrative Code, Title 14, Sections 13164-13168.

5. Interpretation. Interpretation or revisions of the terms or conditions of the permit or this amendment must be reviewed by the State Coastal Commission or its Executive Director. All questions regarding the permit or this amendment should be addressed to the State Commission office in San Francisco unless a condition expressly authorizes review by the Regional Commission or its staff.

B. Special Conditions.

1. Scope. The following conditions shall replace the conditions Permit No. A-390-78 granted on July 1979 (Exhibit 6). Tract 21601 shall be limited to 33 lots to be located generally as shown in Exhibit 5. Tract 30453 shall be limited to 42 lots including the resubdivision of the 6-acre "recreation lot" into 6 estate lots generally shown in Exhibit 4. Tract 40432 is approved for up to 65 single-family residential lots to be located generally as shown in Exhibit 3. Prior to recordation of final maps for each tract the applicant shall submit final maps for the review of the Executive Director and his written certification that the maps conform to this approval. The Executive Director may approve minor modifications of the proposed tract provided that the changes do not either (1) increase the total density of the project, or (2) necessitate more extensive grading of undisturbed areas. Construction of a single-family dwelling on each residential lot is authorized by this permit.

2. Development Limit Line. Prior to or concurrent with the recordation of each final map, the applicant shall record covenants running with the land of a form and content approved by the Executive Director. The instruments shall be recorded free of all prior liens and encumbrances except tax liens, shall be irrevocable, and shall bind the applicant and all successors in interest. The content of the covenants shall provide as follows:

a. Prevent further division of the lands for residential purposes.

b. Prevent development in areas outside of the grading limit line except as approved by the Executive Director as provided in the permit condition below.

5-00-229 Exhibit 7

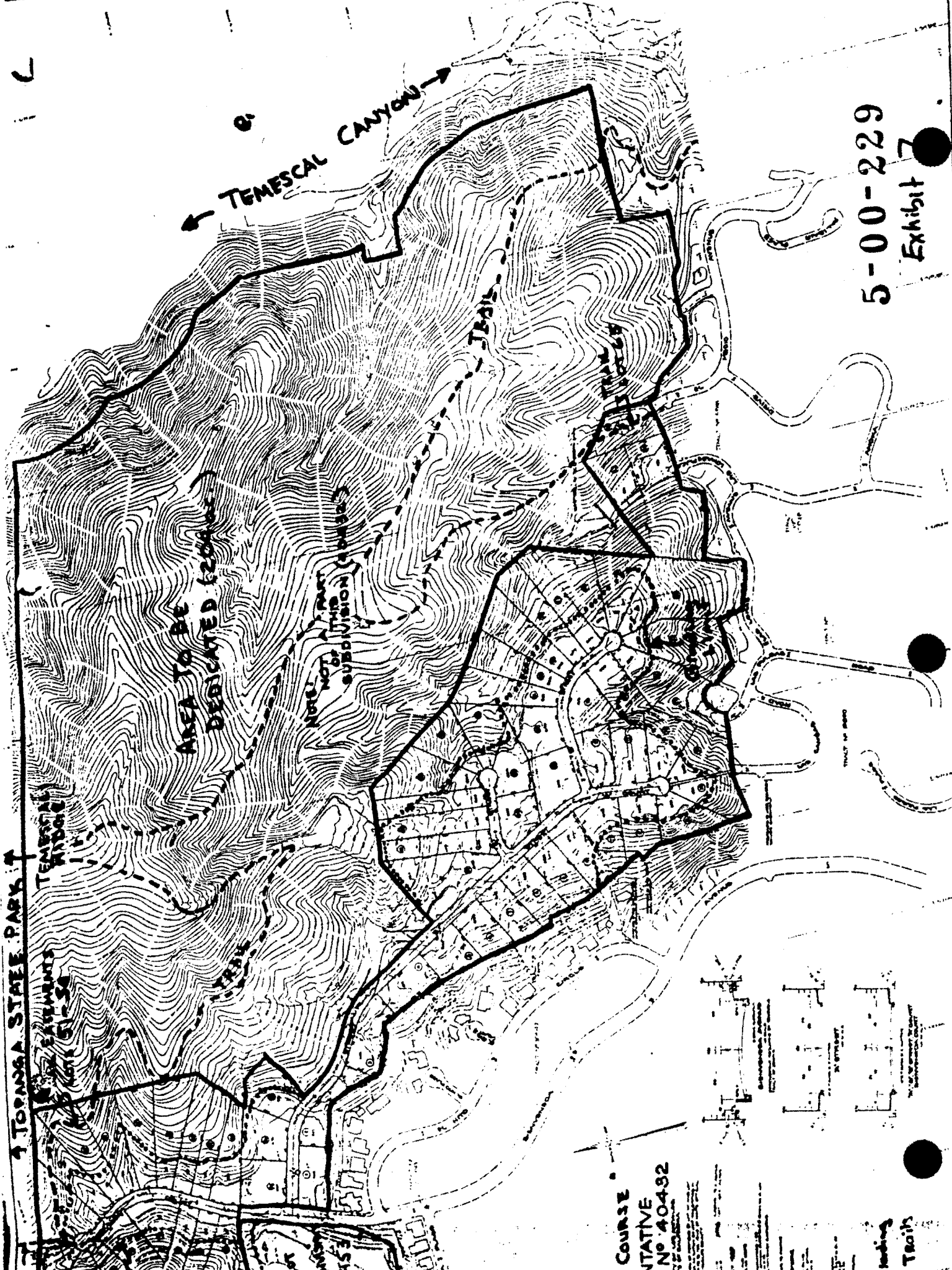
↑ TORONGA STREET PARK ↑

TEMESCAL BRIDGE

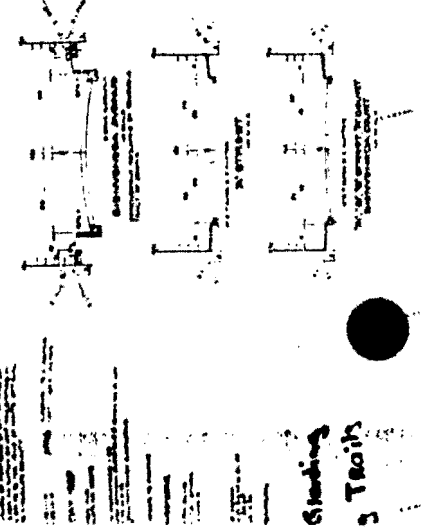
AREA TO BE DEDICATED (2000)

NOTE: PART OF THE SUPERVISION (2000)

← TEMESCAL CANYON →



COURSE
 NATIVE
 No. 40482
 CITY OF SACRAMENTO



5-00-229

Exhibit 7

Amendment to Permit A-390-78

c. Waive all claims against the public for damages due to flood, fire, or geologic instability which may arise as a consequence of the approval of development of the Tracts.

3. Trail Easements. The applicant shall record an offer to dedicate trail easements to provide public access to Temescal Ridge over the existing trails and pathways on Lots 51 through 54 and Lot 65 of Tract 40453 (Exhibit 3). With the approval of the Executive Director, the applicant may relocate such trails where the existing alignment would interfere with residential development of the lots provided that such relocated trail is improved for continued use concurrent with grading of the lots. The offer to dedicate shall be of a form and content approved by the Executive Director; it shall be irrevocable for a period of 21 years, shall be made in favor of the State of California or other public or non-profit private associations approved by the Executive Director, and shall be recorded free of all prior liens and encumbrances.

4. Revised Plans. Prior to recordation of final subdivision maps or start of construction, the applicant shall submit for the review and written approval of the Executive Director revised plans providing:

a. An emergency access road and pedestrian-bicycle path shall be provided as generally indicated in Exhibit 5, between the northern terminus of Lachman Lane serving Tract 21601 and the northern boundary of such tract. The road shall be designed and constructed so as to require the minimum amount of landform alterations and to provide an emergency entry to and exit from the Palisades Highlands development. The road shall wide enough to accommodate two lanes of vehicles, and meet the minimum specifications of the City Fire Department but at no point should the roadway width exceed 18 ft. Cuts and fills required for construction of the road shall be the minimum required by City Engineering Department. Non-emergency use by vehicles shall be precluded by a service gate or other facility.

b. Subject to the review and approval of the Executive Director, in areas outside of the development limit line: minor grading may be performed to re-counter previously-graded land; paved or unpaved pathways and other incidental improvements for low-intensity recreation may be constructed; minor facilities to provide public or utility services which do not require significant grading may be installed if alternative locations are not feasible; vegetation within 100 ft. of any residential structure may be removed or altered for fire protection purposes.

c. Slope areas exposed by grading or other construction shall be revegetated with primarily endemic, drought- and fire-resistant vegetation. Landscaping shall be provided to screen future residential units from visibility from Topanga State Park.

5. Dedication. Prior to or concurrent with the recordation of final map for Tract 21601 the applicant shall record an offer to dedicate title to the approximately 25 acres northeast of the permitted residential lots on Tract 21601 (as generally shown in Exhibit 5). Prior to or concurrent with the recordation of a final map for Tract 40432, the applicant shall record an offer to dedicate title to the approximately 204 acres northeast of the permitted residential lots off Tract 40432 (as generally shown in Exhibit 3). Both offers shall be made in favor of the State of California, shall run with the land binding the applicant and all successors in interest, shall be irrevocable for a term of 21 years, and shall be recorded free of all prior liens easements and encumbrances except tax lines.

5-00-229

Exhibit 7

CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8555

REVISED STAFF RECOMMENDATION

Appeal No. 390-78
(AMH Corporation)
Hearing Opened: 11/17/78

DECISION OF
REGIONAL
COMMISSION:

Permit granted with conditions by the South Coast Regional Commission

PERMIT
APPLICANT:

AMH Corporation

DEVELOPMENT
LOCATION:

North of terminus of Lachman Lane, Charnel Lane, and Bienvenida Avenue,
Pacific Palisades, City of Los Angeles (Exhibits 1, 2)

DEVELOPMENT
DESCRIPTION:

Subdivision of two tracts totaling 89.7 acres into 127 residential lots
and a 3.6-acre open-space lot, grading for streets and lots, installation
of streets and utilities (Exhibit 4)

APPELLANTS:

Pacific Palisades Property Owners Association, Topanga Association for
a Scenic Community, Temescal Canyon Association, David M. Brown

PUBLIC HEARING: Opened November 14, 1978, in Santa Barbara

STAFF NOTE:

The project proposed in this appeal would create 127 new residential building sites in the Santa Monica Mountains within the City of Los Angeles. In the vicinity of this project, there are subdivisions proposed which would create a total of 2,200 new residential units. In addition the area holds the potential for considerable new development on already subdivided and improved lots. The Commission has long been concerned over the impacts of creating new residential building sites in the area, an area which is of critical importance for access to coastal recreation areas, but which is served by roads which are at or over capacity at peak hours. Each year millions of people in the Los Angeles area use the Malibu beaches and the Santa Monica Mountains for recreation because the area is within an hour or two hour drive from their homes. The most severe bottleneck in the road network providing access to these recreation areas is in the vicinity of Pacific Coast Highway at Sunset Boulevard. This and similar projects proposed in the area would increase the local residential traffic burden at this bottleneck. As proposed, the project would involve massive amounts of grading, cutting as much as 120 ft. off ridges and filling canyons as deep as 150 ft. These landform alterations would have substantial adverse visual and habitat impacts. The project site is visible from the coastal areas of Santa Monica and Venice as well as from wilderness areas in Topanga State Park. Because of these impacts, the staff does not believe that the project, as proposed, could be approved as consistent with the Coastal Act.

However, the staff believes that a reduced project could be approved on a portion of the project site in the context of an overall reduction of the potential for new residential development in the area. Therefore, the staff is recommending approval of (1) all of Tract 30453 as proposed by the applicant to create 36 single-family residential

7/17-18/79 **5-00-229**

Exhibit 7

lots in the canyon area already substantially graded; (2) a portion of Tract 21601 to allow creation of 30 residential building sites on the portion of the ridgetop site which was graded and is currently used for a horse corral and shed, and; (3) grading and installation of subdivision improvements for these permitted tracts. The approval would not allow massive grading on the highly visible ridgelines of Tract 21601.

In addition to approval of 66 units in this project and a 180-unit project on Tract 31935 in Palisades Highlands (Appeal No. 381-78, Headlands), the staff recommends that the Commission adopt specific findings to guide the Local Coastal Program for the area; the proposed findings indicate that future development of tracts owned by AMH and Headlands should be limited to a total of about 500 dwelling units in order to preserve the public's ability to use Sunset Boulevard and Pacific Coast Highway for access to coastal recreation areas to limit landform alteration and to preserve the visual and habitat resources present in these areas.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that, as conditioned, the development is in conformity with the provisions of Chapter 3 of the Coastal Act, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Conditions

1. Prior to recordation of final subdivision maps or start of construction, the applicant shall submit for the review and written approval of the Executive Director revised plans providing:

a. A survey performed by a Licensed Surveyor or Registered Professional Engineer describing an urban limit line enclosing the areas in Tracts 30453 and 21601 approved for residential development as shown generally in Exhibit 10.

b. Tract 21601 shall be limited to lots for 30 single-family residential units with all graded building pads to be located within the urban limit line specified in 1a above. No grading or other development, except as provided below, shall be performed outside of the urban limit line.

c. An emergency access road and pedestrian-bicycle path shall be provided as generally indicated in Exhibit 10, between the northern terminus of public roadways serving Tract 21601 and the northern boundary of such tract. The road shall be designed and constructed so as to require the minimum amount of landform alterations and to provide an emergency entry to and exit from the Palisades Highlands development. The road shall be wide enough to accommodate two lanes of vehicles, but at no point

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Exhibit 7

shall the graded width exceed 40 ft. Except as necessary to accommodate pedestrian and bicycle use, the road shall not be paved. Non-emergency use by vehicles shall be precluded.

d. Subject to the review and approval of the Executive Director, in areas outside of the urban limit line: minor grading may be performed to re-contour previously-graded land; paved or unpaved pathways and other incidental improvements for low-intensity recreation may be constructed; minor facilities to provide public or utility services which do not require significant grading may be installed if alternative locations are not feasible; vegetation within 100 ft. of any residential structure may be removed or altered for fire protection purposes.

e. Slope areas exposed by grading or other construction shall be revegetated with primarily endemic, drought- and fire-resistant vegetation. Landscaping shall be provided to screen future residential units from visibility from Topanga State Park.

2. All construction shall be in conformance with the approved plans. A Registered Professional Engineer or Licensed Engineering Geologist shall certify that all grading is in conformance with the approved plans.

3. Prior to recordation of final subdivision maps, the applicant shall record instruments in a form approved in writing by the Executive Director. Such instruments shall be considered covenants running with the land in favor of the People of the State of California, shall be recorded free of prior liens and encumbrances except tax liens, and shall bind the applicants and all successors in interest. The content of such instruments shall provide specifically as follows:

a. Prevent further division of lands for residential purposes within Tracts 30453 and 21601.

b. Prevent development in areas outside of the urban limit line except as approved by the Executive Director as provided in the permit conditions above.

c. Waive all claims against the public for damages due to flood, fire, or geologic instability which may arise as a consequence of the approved development of Tracts 30453 and 21601.

d. Offer to grant a scenic, conservation, or open-space easement to preserve the natural open space and scenic values on the undeveloped lands in Tract 21601, which are not within lots created for residential use. The offer shall be irrevocable for a term of 21 years and be made in favor of a public agency or private, non-profit association approved by the Executive Director.

e. Offer to grant easements to allow public recreational use of the emergency access roads in Tract 21601 and to allow public recreational use of a 10- to 25-ft.-wide corridor over lands owned by the applicant adjacent to Tract 21601, located between the northern terminus of Bienvenida Avenue and the southern boundary of Topanga State Park. The exact width and alignment shall be approved by the Executive Director. The offer shall be irrevocable for a term of 21 years and made in favor of a public agency or private association approved by the Executive Director.

5-00-229

Exhibit 7



GeoSoils Consultants Inc.
 GEOTECHNICAL · GEOLOGIC · ENVIRONMENTAL

RECEIVED
 South Coast Region

DEC 13 2000

CALIFORNIA
 COASTAL COMMISSION

December 12, 2000
 W.O. 4894-VN

Empire Properties
 2049 Century Park East, 11th Floor
 Century City, California 90067

Attention: Mr. Steve Hartunian

Subject: Proposed Tennis Court, Lot 15, Tract 36310, 16201 Shadow
 Mountain Drive, Pacific Palisades, California

Reference: GeoSoils Consultants, Inc. dated June 29, 1999, "Site
 Improvement Plan Review, Lot 15, Tract 36310, 16201 Shadow
 Mountain Drive, Pacific Palisades, California".

Dear Mr. Hartunian:

As requested, GeoSoils Consultants, Inc. is writing this letter to address a tennis court proposed at Lot 15, Tract 36310. The tennis court will measure 120 feet long by 55 feet wide and will be constructed directly adjacent to the east side Las Canos Road. The area of the proposed tennis court consists of a steep descending natural slope. The slope is approximately 100± feet high with an average slope gradient of approximately 1.5:1.

As outlined in the referenced report, the slope is underlain by bedrock of the Martinez Formation that consists of sandstone and conglomerate. Visual observation indicates the slope surface is mantled with small boulders and a thin layer of topsoil.

The area of the tennis court is well suited for the planned development. The tennis court will be supported on piles founded in dense bedrock of the Martinez Formation. Slope stability analyses indicate the slope is grossly stable (i.e., FS greater than 1.5). However, prior to construction of the tennis court, it will be recommended all loose boulders be removed from the slope face.


COASTAL COMMISSION
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EXHIBIT # 8
 PAGE 1 OF 2

We appreciate this opportunity to be of service to you. If you have any questions regarding this report, or if we may be of any further service to you, please do not hesitate to contact us.

Very truly yours,

GEOISOILS CONSULTANTS, INC.


KAREN L. MILLER
GE 2257



KLM/ym.C:DATA/Proposed Tennis Court/12-12-00

cc: (3) Addressee
(1) California Coastal Commission

COASTAL COMMISSION
5-00-229

EXHIBIT # 8

PAGE 2 OF 2