CALIFORNIA COASTAL COMMISSION

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Item # Th-8e

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Staff Report: 12/20/00
Hearing Date: January 9-12, 2001
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-00-361

APPLICANT: Cosimo Pizzulli

PROJECT LOCATION: 560 Marquette Street, Pacific Palisades, City and County of Los Angeles

PROJECT DESCRIPTION: Construction of two six-foot to twelve-foot high retaining walls, each approximately 110 linear feet long, with 990 cubic yards of fill, to protect an eroding canyon below an existing single family home. The project includes a landscaping plan with native vegetation and a drainage plan that redirects runoff away from the canyon slope.

Lot Area	54,000 square feet
Building Coverage	2,500 square feet
Pavement Coverage	7,000 square feet
Landscape Coverage	44,500 square feet
Zoning	R-1-1
Plan Designation	Low Density Residential
Max Ht.	6-12 feet (retaining walls)

SUMMARY OF STAFF RECOMMENDATIONS

Staff is recommending approval with conditions to assume the risk of the proposed development, conform to the geotechnical consultant's recommendations, prepare and carry out drainage and erosion control plans, and to landscape with native vegetation. The applicant agrees with the recommended conditions.

LOCAL APPROVALS RECEIVED:

1) City of Los Angeles Department of Building and Safety, Geology/Soils review letter # 29982, March 3, 2000 and # 29982-01, May 5, 2000.
2) City of Los Angeles Planning Department, Zoning Administration # ZA 2000-3627 (YV), Nov. 29, 2000.

SUBSTANTIVE FILE DOCUMENTS:

1) Geotechnical Engineering and Engineering Geology Investigation, MEC/ Geotechnical Engineers, Inc., #8Lee132, Nov. 23, 1999; addendum #1, March 21, 2000; and addendum #2, May 4, 2000
2) Geology Report #1944, prepared by "The Geologic Outfit", Jan. 12, 2000
3) Report On Landslide Study Pacific Palisades Area, September 1976, by the U.S. Army Corps of Engineers and the U.S. Geological Survey

STAFF RECOMMENDATION OF APPROVAL:

MOTION:

I move that the Commission approve CDP #5-00-361 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, erosion 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. **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 Geotechnical Engineering and Engineering Geology Investigation, MEC/ Geotechnical Engineers, Inc., #8Lee132, Nov. 23, 1999; addendum #1, March 21, 2000; addendum #2, May 4, 2000; Geology Report #1944, prepared by The Geologic Outfit, Jan. 12, 2000; and the requirements of the City of Los Angeles Department of Building and Safety, Geologic/Soils Review Letter # 29982, March 3, 2000 and # 29982-01, May 5, 2000

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 and Drainage 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 drainage 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, Las Pulgas Canyon, and public streets.
- The following temporary erosion control measures shall be used during construction: temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible.

- Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties, Las Pulgas Canyon and public streets.
- Permanent erosion and drainage control measures shall be installed to ensure the stability of the site, adjacent properties, and public streets.
- All drainage from the lot shall be directed toward the street and away from the canyon slope.

(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.

(c) These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from the runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriately approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

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) A majority of the vegetation planted shall consist of native/drought and fire resistant plants of the coastal sage community as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. (b) 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.

1) 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) **Monitoring**

Five years from the date of the implementation of the landscaping plan the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Location

The proposed project is the construction of two six-foot to twelve-foot high retaining walls, each approximately 110 linear feet long, with 990 cubic yards of fill. Twelve piles will support the southern retaining wall, which is adjacent to the guesthouse, and 11 piles will support the northern retaining wall, in the area of the single family home (See Exhibits). The proposed project includes a drainage plan that directs water away from the sloped portion of the lot and to the street. The drainage plan includes three hydraugers that collect subsurface water and transport it to the street, away from the eroded area. The applicant is proposing this project to protect an eroding canyon (Las Pulgas Canyon) below the existing single family home, guest home, and garage. The proposed project also includes a landscaping plan with native, drought tolerant plant species.

The subject site is located on lots 2-8, block 137, tract 9300 in the Pacific Palisades area of the City of Los Angeles (Exhibit #1). It is located approximately one mile inland of Pacific Coast Highway and Will Rogers State Beach. The eastern edge of the property consists of a steeply sloping canyon edge. Portions of this canyon are near-vertical due to erosion on the site. The existing single-family home, guesthouse, and garage are located on a flat to gently sloping portion of the lot (Exhibit #2). The slope gradient in this location is no greater than 4 to 1 (H:V). The project area, where the applicant has proposed two retaining walls, is steeply sloping ($\pm$ a 1 to 1 slope) and in some areas vertical, due to the site's erosion problem. A stream flows through the bottom of Las Pulgas Canyon. A Portion of the stream is contained in a concrete drain ditch while other portions flow over the natural canyon floor. Because of the constant flow of water in this area, vegetation consists of sub-tropical, non-endemic species. During site visits in the early fall and through photographs taken by the applicant, staff noted ferns, ivies, palms, and other sub-tropical species, as well as moist to nearly saturated soils.

The applicant has proposed to stabilize his existing home, guest home, and garage, by constructing two retaining walls and filling with 990 cubic yards of earth at a 2 to 1 slope. Included in his project is the establishment of a drainage system that is

intended to lessen the flow of water through the property and over the canyon edge. After the fill is placed behind the retaining wall, the applicant has proposed a landscaping plan that incorporates native, drought tolerant plant species. The plan demonstrates that only temporary, above-ground irrigation is needed to establish the landscaping.

B. Hazards to Development

The proposed project is located in an area subject to natural hazards. The Pacific Palisades area has a long history of natural disasters, some of which have caused catastrophic damages. Such hazards common to this area include landslides, erosion, flooding, and wildfires. The subject property is located above and on a sloping canyon lot (Exhibit #2). The applicant's geotechnical report indicates that the subject property lies on an ancient landslide. The project consists of the construction of two six-foot to twelve-foot high retaining walls, each approximately 110 linear feet long, with 990 cubic yards of fill. The finished grade, after 990 cubic yards of fill, will be at a 2:1 gradient. 12 soldier piles will support the southern retaining wall and 11 soldier piles will support the northern retaining wall. The applicant intends to protect his existing home, guest home, and garage and alleviate the erosion problem on his property by constructing the retaining walls.

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 proposed project, as submitted by the applicant, is described in the Geotechnical Engineering and Engineering Geology Investigation by MEC/Geotechnical Engineers, Inc., November 23, 1999.

> *The referenced property is considered to be suitable for the proposed repair/protection from a geotechnical engineering geology standpoint, provided that our recommendations are incorporated into the approved construction plans.*

The project was later reviewed by "The Geologic Outfit" on January 12, 2000. This review covered the geologic conditions on the site.

The site is adjacent to Pulgas Canyon which, in turn has slopes that are subject to localized erosion... Topography is comprised by two main aspects: namely a relatively level area between Marquette Street and the crest of slope at Pulgas Canyon, and a moderately steep to steep slope of 55 feet in relief along Pulgas Canyon... Geology at the site consists of three basic units: namely, sedimentary bedrock, an ancient landslide assemblage, and colluvium.

The ancient landslide assemblage is relatively massive in as much as it occupies the entire site and possible to some extent the adjoining properties. In turn, it ranges in depth to ˜ 50 feet and same may be divided into an upper section of terrace deposit of ˜ 30 feet in depth and a lower, moderately disturbed section of Sespe formation... The colluvium is present as a cover of ˜ 3 feet on the landslide assemblage.

The aforementioned landslide assemblage poses a minor, but not impossible, constraint to the proposed erosion control development. In consideration of the aforementioned, the proposed erosion control measures development is considered to be possible from an engineering geologic standpoint, subject to the typical discussions presented below...

Project's Relation to Historic Landslide

The project lies in an area of historic landslides (Exhibit #3). 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, an historic landslide has occurred on the subject site. The report includes the following description of the slide shown on Exhibit #3 that is in the immediate area of the subject property. The following is from the summary of that report. The term "area" and slide "Y", as used below, represents the landslide area on the subject property and as shown on Exhibit #3.

> Slide "Y" is noted as an historic landslide covering the western side of Las Pulgas Canyon [Staff note: this slide is on and to the east of the subject property]. It was discovered in 1947 and later in 1957 within 70 horizontal feet from the canyon bottom. Later, in the winter of 1958, there was a headward enlargement of the slide to within 10 feet of the edge of the stream terrace and within 40 feet of a house on 560 Marquette Street [Staff note: this is the subject property]. The property owner at the time reported movement at the head of the slide in 1960-1961. In 1962 and 1963 there was an enlargement of the slide at the top of the main scarp at the edge of the stream terrace, adjacent to the house and carport [Staff note: the scarp noted here is also located on the subject property]. By late 1966 movement averaged 1.3 inches per day on the northern portion of the slide. The height of main scarp was as much as 10 feet in Jan. 1966. The northern two-thirds of the landslide were the most active, approximately 30,000 cubic feet. In the winter of 1969

the head of the slide dropped. At this time the maximum height of the main scarp in the northern area was 20-25 feet. The top of the main scarp retreated as much as 20 feet in the southern area.

The subject property lies on portions of this historic landslide. As previously mentioned by "The Geologic Outfit", landslide deposits range in thickness to approximately 50 feet. MEC/Geotechnical Engineers, Inc. conducted a slope stability analysis for both the ancient landslide slope and local slope (Exhibit #6). The ancient landslide slope analysis demonstrates the stability of the ancient slide mass. This analysis identified a minimum factor of safety of 1.69. An additional slope stability analysis demonstrates the stability of the slopes that form the edges of the canyon which parallel the eastern property line of the subject property. The minimum factor of safety found through this analysis is 2.392. A factor of safety of 1.5 is the generally accepted minimum value required to ensure slope stability. The factors of safety of 1.69 and 2.392 demonstrate that, by a geotechnical standpoint, the subject site, including the ancient slide mass, is geologically stable within the generally accepted factor of safety.

The applicant has proposed to alleviate an erosion problem by constructing two retaining walls supported by soldier piles and a tie beam system and placing 990 cubic yards of fill at a 2:1 slope gradient. The applicant's geotechnical consultant recommends soldier pile shafts to be, at a minimum, 24 inches in diameter and a minimum depth of eight feet into terrace deposits underlying the landslide deposits.

The Commission's staff geologist has reviewed the geotechnical reports and the development plans. He finds that the proposed development, 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.

1. Conformance with Geotechnical Recommendations

Recommendations regarding the design and installation of the retaining wall and drainage system 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 retaining wall structure, soldier pile and tie beam system and drainage system 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.

Therefore, Special Condition #2 requires the applicant to conform to the geotechnical recommendations by MEC/Geotechnical Engineers, Inc. in their reports dated November 23, 1999, March 21, 2000, and May 4, 2000; and by "The Geologic

Outfit" in their report dated January 12, 2000. The applicant shall also comply with the recommendations by the City of Los Angeles Department of Building and Safety, Geologic/Soils Review Letter # 29982, March 3, 2000 and # 29982-01, May 5, 2000.

2. 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 retaining walls and 990 cubic yards of fill, as well as the existing structures, lie on a level/gently sloping to steeply sloping canyon lot (Exhibit #2). The Geotechnical analysis reports by MEC/Geotechnical Engineers and "The Geologic Outfit" has stated that the subject property is well suited for the proposed development. However, the proposed project may still 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 gently sloping to steeply sloping canyon lot, the Commission cannot absolutely acknowledge that the design of the retaining walls 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.

3. 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 slope erosion, landslide activity, and the silting of the stream at the bottom of Las Pulgas Canyon. Special Condition #3 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.

The project is proposed to alleviate and maintain an erosion problem on the subject site. Currently, runoff flows uncontrolled over the edge of the canyon slope. This has created vertical cuts in the slope and has caused undercuts of portions of the existing driveway and guesthouse. The applicant has submitted a permanent erosion control plan to improve the site conditions. He proposes to construct two retaining walls, each approximately 110 feet long, and place 990 cubic yards of fill at a 2:1 slope behind the walls and in front of the existing home, guest home, and garage. The drainage plan submitted by the applicant demonstrates that runoff water is directed back to the street and away from the canyon edge via 6 inch drain lines, four catch basins, and pump pits that redirect water to the street. Also, the applicant has proposed to place three hydraugers on the subject property to drain ground water from the landslide mass. This water will also be directed to the street.

Although the applicant has submitted a drainage plan demonstrating the permanent erosion control measures, the Commission requires a complete erosion control plan for both permanent and temporary measures. Therefore, 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 #3).

Only as conditioned, to incorporate the geotechnical recommendations by MEC/Geotechnical Engineers, Inc, "The Geologic Outfit, and the City of Los Angeles, Department of Building and Safety, to submit evidence that the applicant has recorded an assumption of risk deed restriction on the development, to ensure that 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.

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 contains a one-story single family home, a guest home, detached garage, and swimming pool (Exhibit #2). Surrounding the existing structures is a landscaped lawn, a small redwood grove, and native plant gardens. The applicant has created several small native plant areas in an anticipation of landscaping most of his land with native, drought tolerant species. From the sloped areas to the applicant's property line (toward the stream bed/canyon bottom), remain non-native, sub tropical plant species. The area is overgrown with ivies, ferns, and invasive weeds.

The applicant has proposed to landscape the site as part of their erosion control/retaining wall development. The applicant's proposal includes mainly drought tolerant plants and adequate drainage of the site. The plant list used for the proposed landscaping plan are cited in Flora of the Santa Monica Mountains, California, by Raven, Thompson, and Prigge, Plants of El Camino Real, Tree of Life Catalog and Planting Guide, and Wildflowers of the Santa Monica Mountains, by Milt McAuley (Exhibit #7). The applicant has also verbally stated and demonstrated on the landscaping plan that no permanent, in-ground irrigation devices are planned for the proposed landscaping.

To ensure that the project maintains mostly drought tolerant, native vegetation, adequate drainage, and no in-ground irrigation systems, Special Condition #4 is required by the Commission. Special Condition #4 requires the applicant to incorporate predominately native, fire resistant, and drought tolerant vegetation common to the Santa Monica Mountains, 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 that tend to minimize erosion impacts 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. Special Condition #4 also requires a five-year monitoring program to ensure the proper growth and coverage of the landscaping. Five years from the implementation of the landscaping plan, the applicant shall submit a monitoring report that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition.

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

The project is located approximately one mile inland of Will Rodgers State Beach and Pacific Coast Highway (Exhibit #1). The project site is located on the western side of Las Pulgas Canyon. The site faces the eastern side of the canyon, which is lined with single family homes. The bottom of the canyon is owned by a private landowner and public access is not available. The retaining walls will be predominately shielded from the surrounding property owners by a thick growth of trees and shrubs that line the area surrounding the streambed (at the bottom of Las Pulgas Canyon). Therefore, the proposed project will not block views from the public to the ocean or to the hillsides of the Santa Monica Mountains and is not visible from Pacific Coast Highway or Topanga State Park.

Section 30251 also requires all permitted development to minimize alteration of natural landforms. The project site is a gently sloping to steeply sloping canyon lot in

a developed neighborhood of the Pacific Palisades. The proposed project includes the construction of two, approximately 110 feet long, retaining walls and the placement of 990 cubic yards of fill. Soldier piles and tie beams will stabilize the retaining walls. The applicant has proposed to construct the retaining walls and fill to stabilize the edge of the canyon and protect the existing structures on the property. Neighboring properties have constructed retaining walls to protect their properties. Site visits have confirmed that such retaining walls are larger and more visible than the proposed project. The Commission finds that the applicant has minimized landform alteration in his effort to alleviate the erosion problem on his property. The height of the retaining walls has been proposed as low as possible to still allow for a 2:1 fill slope. The 990 cubic yards of fill is also the least amount necessary to provide adequate protection of the existing structures.

Therefore, the proposed project is found consistent with Section 30251 of the Coastal Act. The proposed project is also consistent and in scale with the surrounding neighborhood.

E. 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.*

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. Also, an unpaved road has been constructed through the bottom of the canyon, along the stream and fire abatement orders have cleared most brush near the developed areas. For this reason, the Commission finds that the proposed project will not affect a sensitive habitat area. As proposed, the applicant will include the landscaping of his property with native plant species endemic to the Santa Monica Mountains, and the removal of most non-native, induced species.

F. Local Coastal Program

Section 30604 (a) of the Coastal Act states:

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

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

The City has submitted five Land Use Plans for Commission review and the Commission has certified 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 and 300-acre tract of land) 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 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.

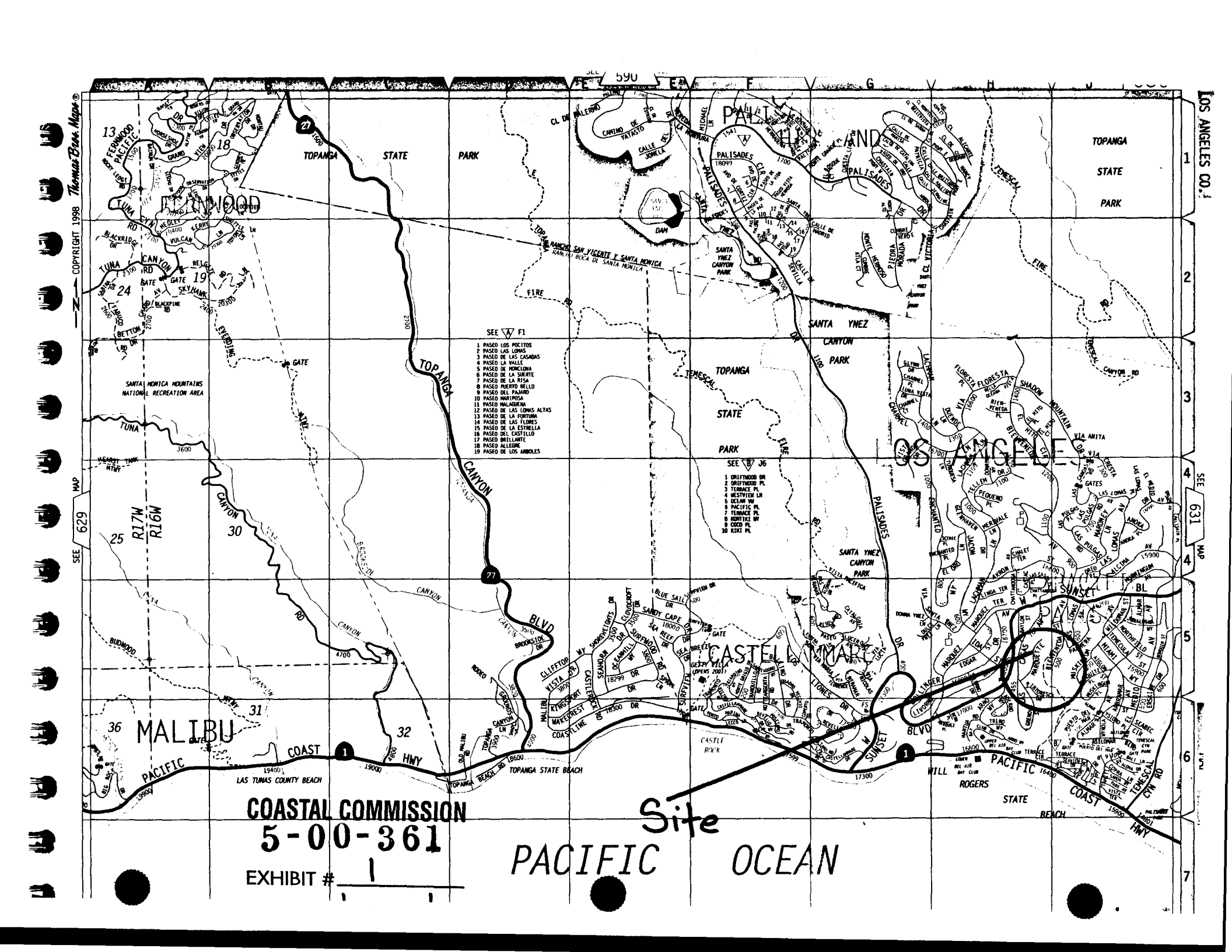
G. California Environmental Quality Act

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

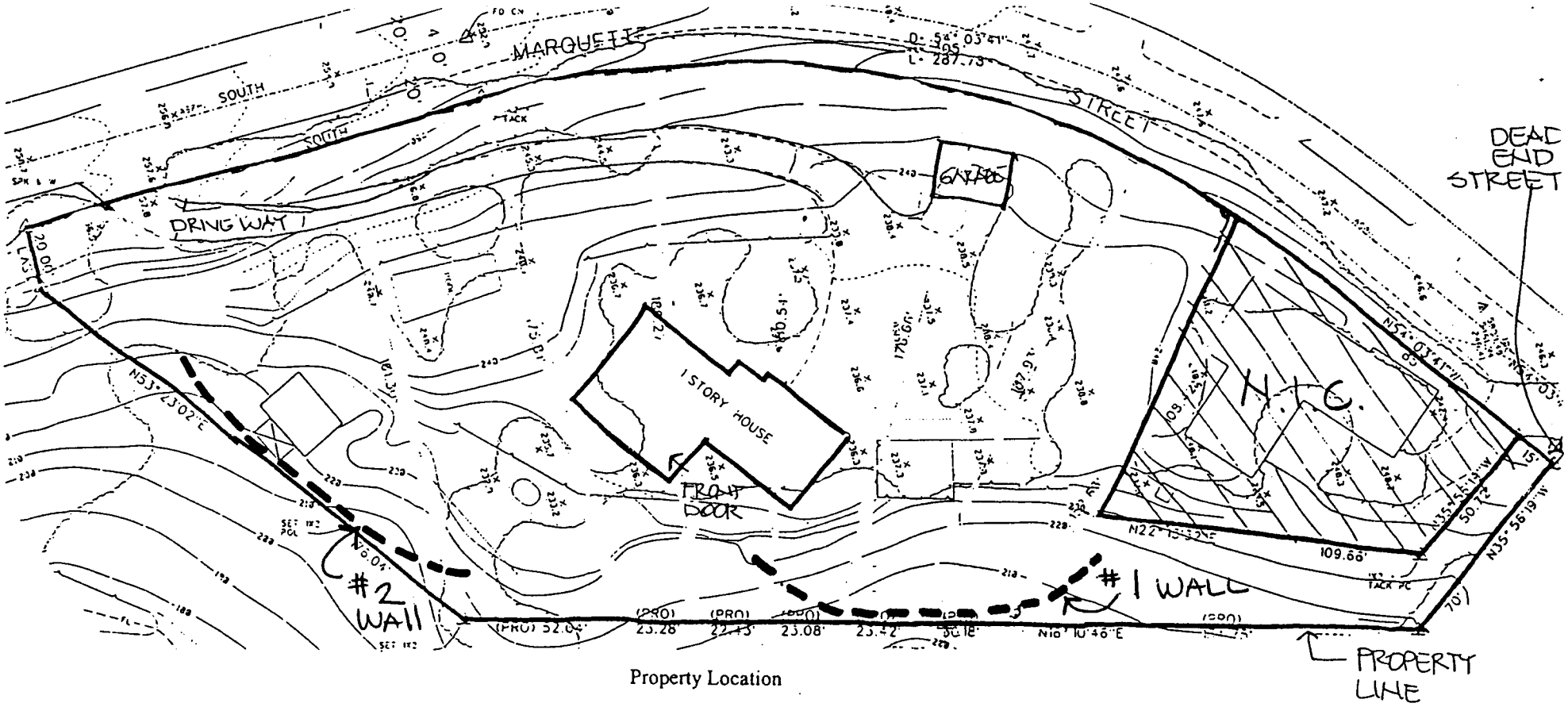
substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned to assume the risk of the development, supply and implement an erosion control plan, and to provide a landscaping plan with predominately native, drought tolerant plant species, 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



COASTAL COMMISSION
5-00-361
EXHIBIT # 1



Property Location

560 Marquette Street
Pacific Palisades, CA 90272

PLOT PLAN

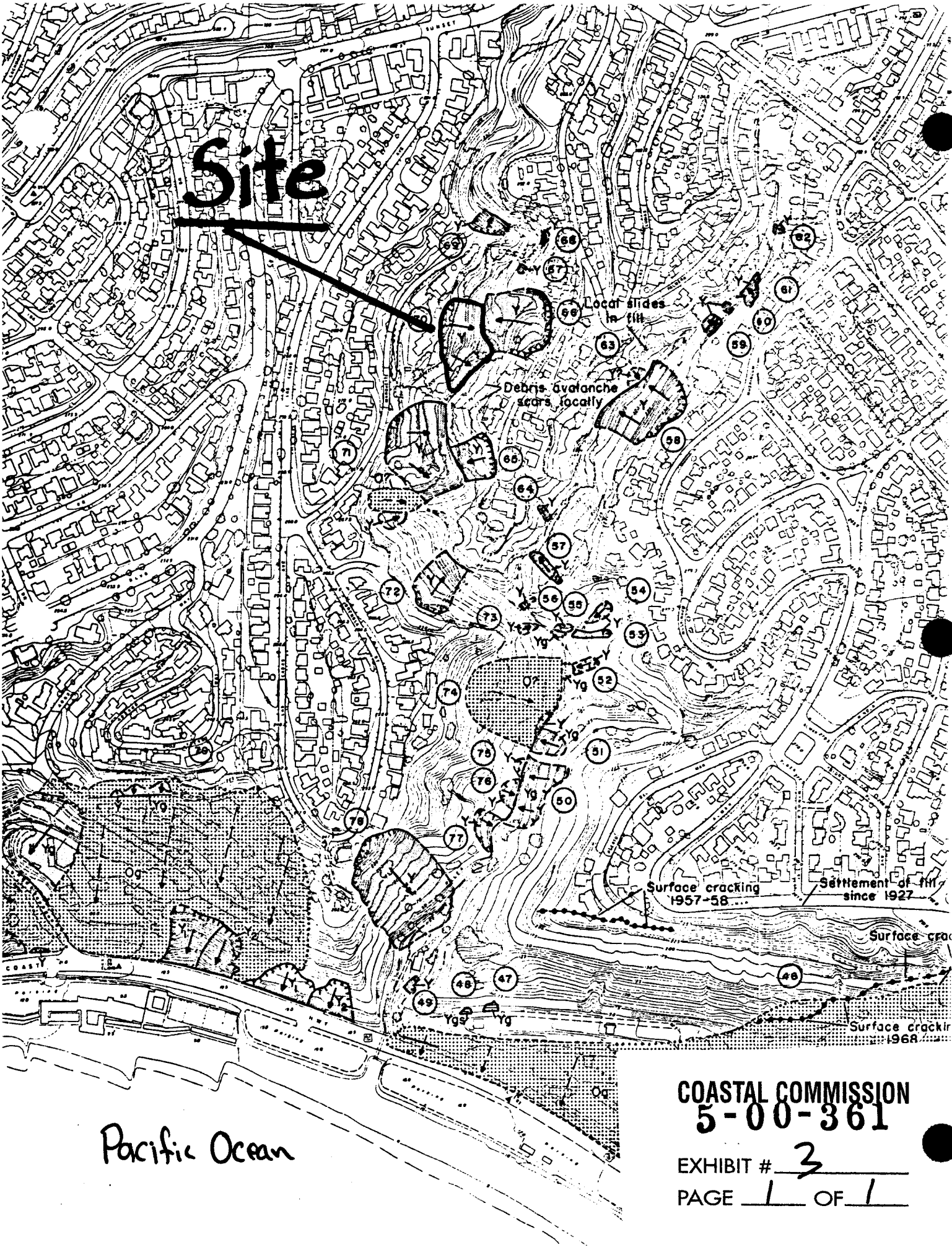
------ Location of Retaining Walls (2) from 6 feet to 12 feet in Height, on Rear Yard - Property Line.

Dwg. N.T.S. ; see 1" = 16' scale blue print

COASTAL COMMISSION
5-00-361

EXHIBIT # 2

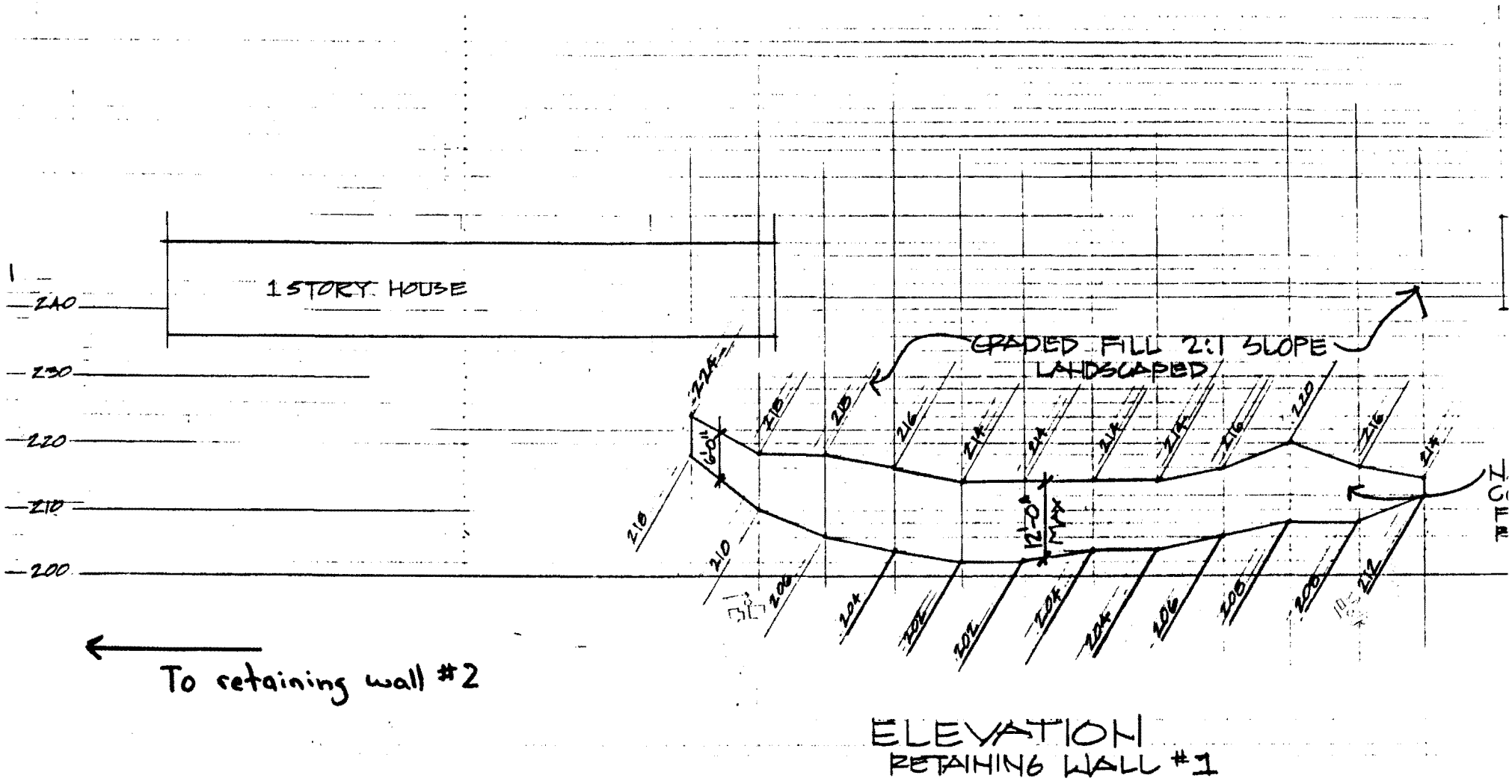
PAGE 1 OF 1



COASTAL COMMISSION
5-00-361

EXHIBIT # 3

PAGE 1 OF 1

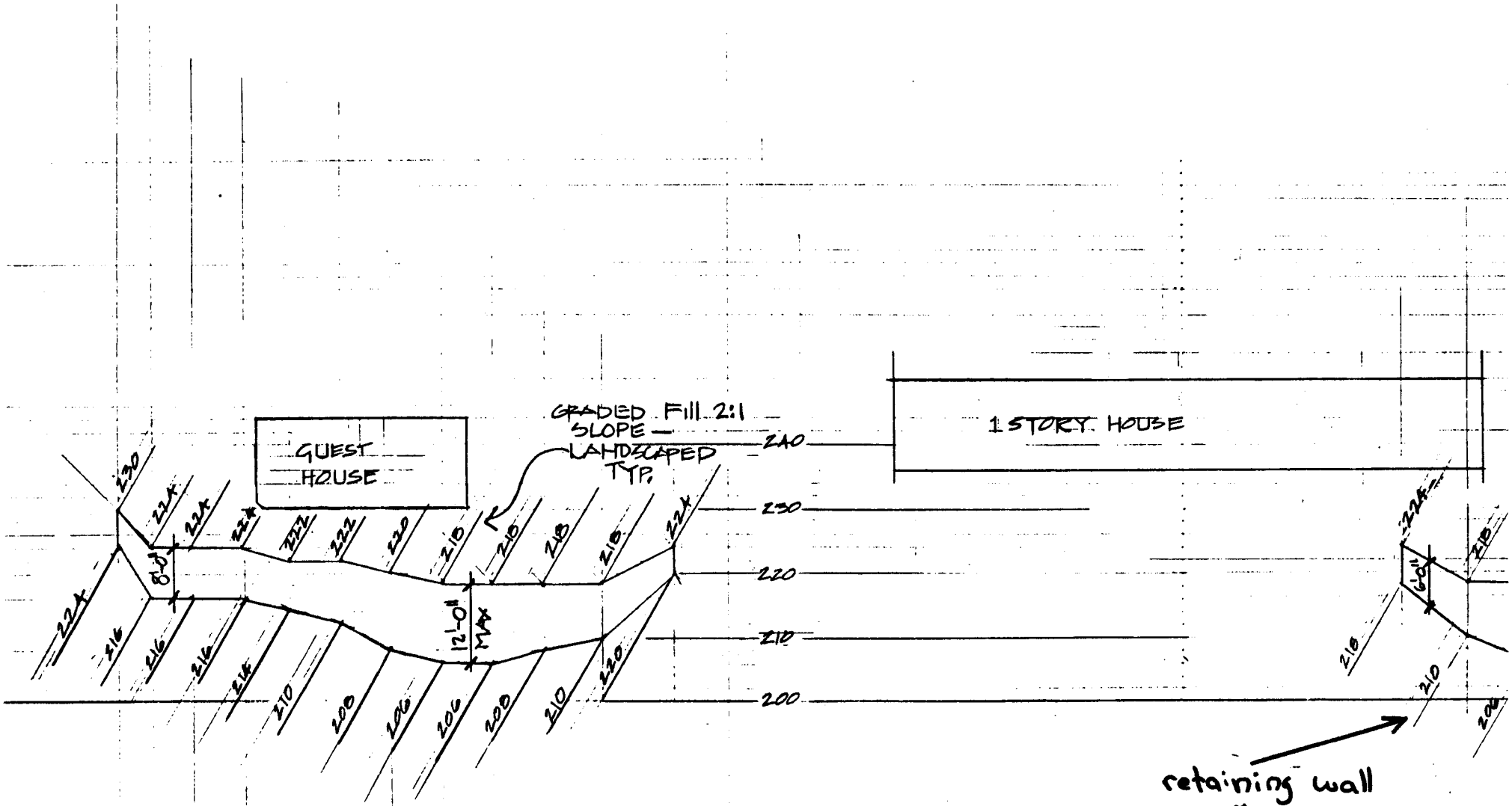


ELEVATION
RETAINING WALL #1

COASTAL COMMISSION
5-00-361

EXHIBIT # 4

PAGE 1 OF 2



ELEVATION
RETAINING WALL #2

COASTAL COMMISSION
5-00-361
EXHIBIT # 4
PAGE 2 OF 2

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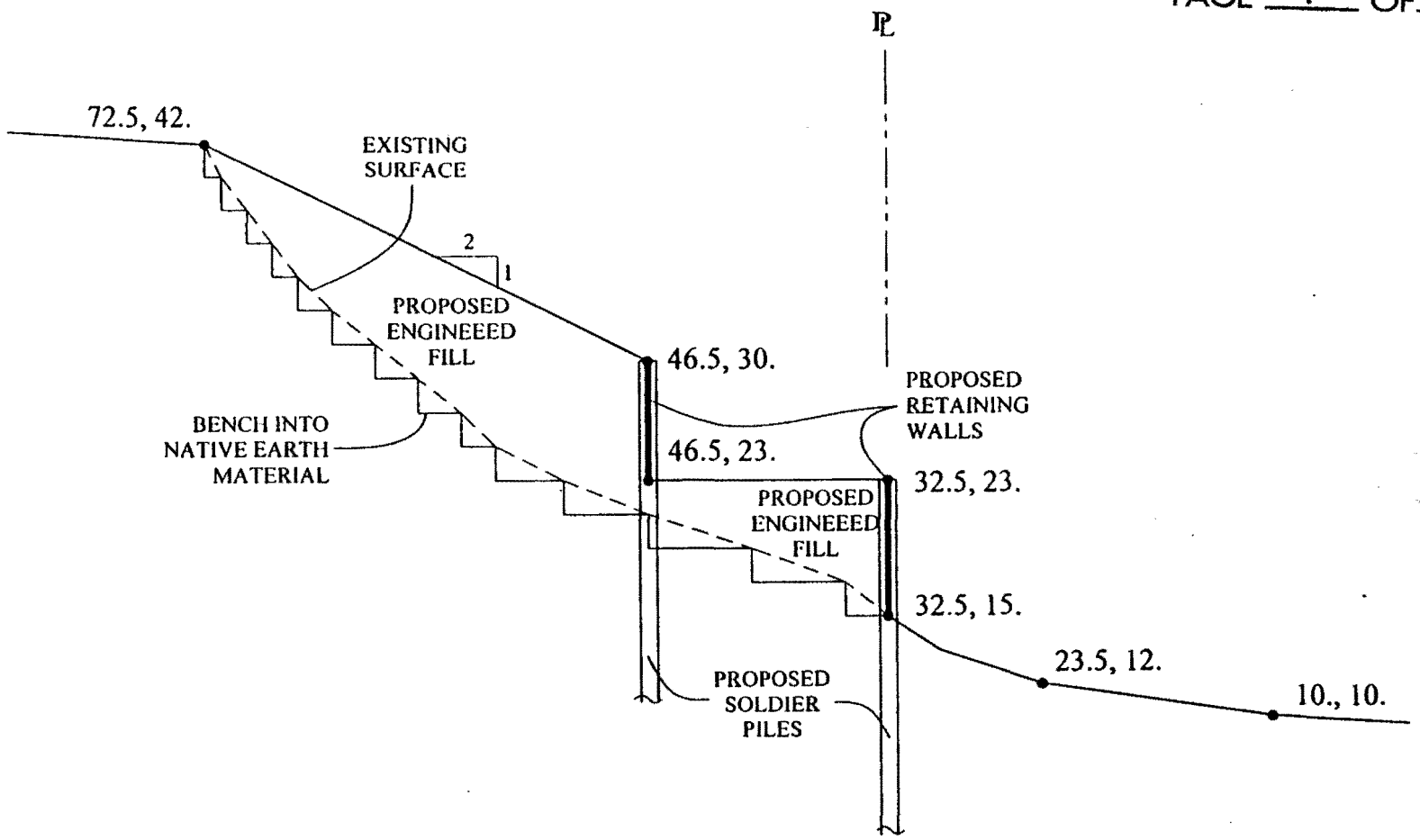
5-00-361
EXHIBIT # 5
PAGE 1 OF 1

MEC

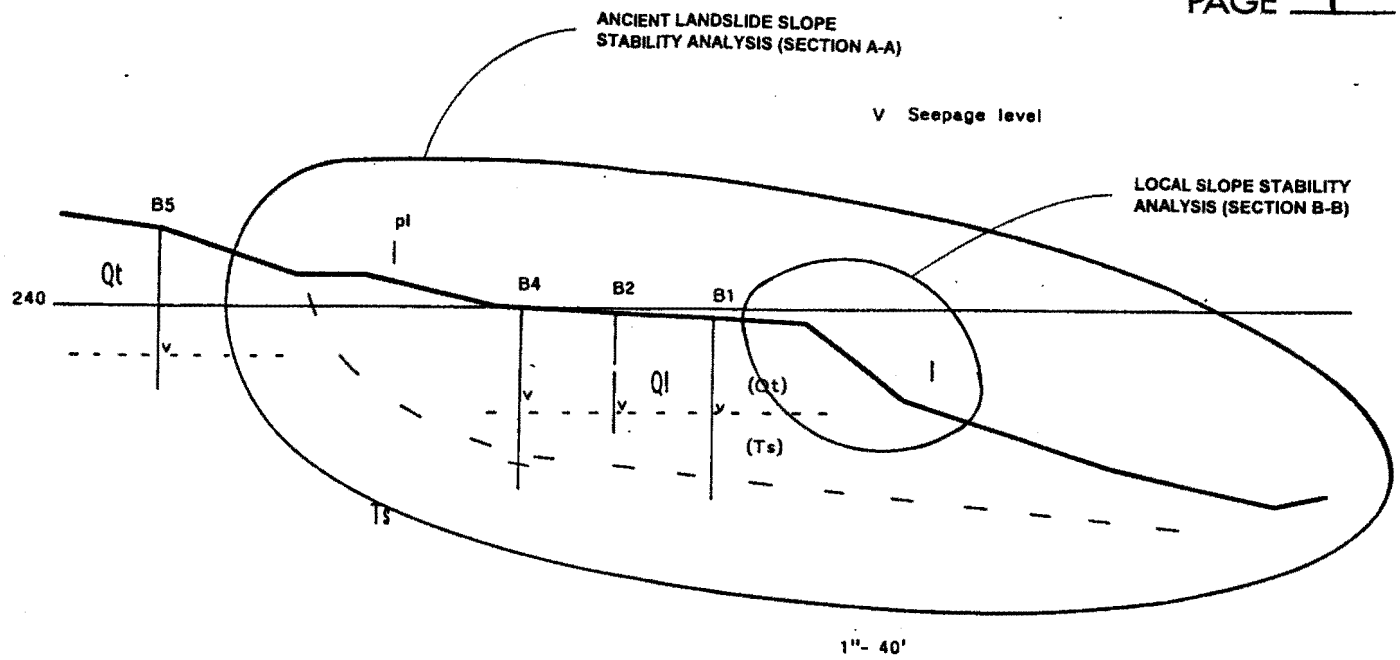
SECTION B-B
560 MARQUETTE STREET, PACIFIC PALISADES



DRAWING SCALE: 1" = 10'

FIGURE A-3

COASTAL COMMISSION
5-00-361
EXHIBIT # 6
PAGE 1 OF 1



SECTION A

"The Geologic Outfit"

RAY A. EASTMAN
ENGINEERING GEOLOGIST

PLANT LEGEND

Botanical Name	Common Name	Quantity	Size	Drought Tolerant	Refer to Notes	Remarks
Small Trees:						
Quercus berberidifolia	Scrub Oak	4	5 gal.	Yes	A.B.C.	
Heteromeles arbutifolia	Toyon	2	5 gal.	Yes	A.B.C.	
Shrubs:						
Rhus integrifolia	Lemonade Berry	3	1 gal.	Yes	A.B.C.	Remove any dead wood
Subshrubs:						
Encelia californica	Coast Sunflower	4	1 gal.	Yes	A.B.C.	
Mimulus aurantiacus	Bush Monkeyflower	5	1 gal.	Yes	A.B.C.	Cut back after flowering
Perennial:						
Epilobium canum	Hoary Ca. Fuchsia	25	1 gal.	Yes	A.B.C.	
Lupinus longifolius	Bush Lupine	6	1 gal.	Yes	A.C.	
Solanium xantii	Purple Nightshade	30	1 gal.	Yes	A.B.C.	
Yucca whipplei	Foothill Yucca	20	1 gal.	Yes	A.B.C.	Remove dead flower stalk
Ground Cover:						
Achillea borealis	Yarrow	470	1 gal.	Yes	A.C.	Plant on 3' centers
Leymus triticoides	Wild Rye	25	1 gal.	Yes	A.B.C.	Cut back end of May
Salvia mellifera	Black Sage	10	1 gal.	Yes	A.B.C.	Remove any dead wood

NOTES ON DROUGHT TOLERANT STATUS AND INDIGENOUS STATUS:

Note A. Native status cited in a Flora of the Santa Monica Mountains, California, by Peter H. Raven, Henry J. Thompson, and Barry A. Prigge. Southern California Botanists Special Publication No. 2.

Note B. Drought tolerant status and, or site specific native status cited in Plants of El Camino Real, Tree of Life Catalog and Planting Guide 2001 thru 2002.

Note C. Site specific native status cited in Wildflowers of the Santa Monica Mountains, by Milt McAuley, Copyright 1985, Canyon Publishing Co.

Site Note: This site contains plants of Coastal Sage Scrub, Chaparral, and Mixed Oak Woodland. The grounds unaffected by the proposed retaining walls contain a dozen mature Quercus agrifolia, with Heteromeles. Found in the surrounding hillside area are Cercocarpus betuloides, Encelia californica, Eriogonum cinereum and fasciculatum, Artemesia californica, Salvia mellifera, Rhus laurina, Rhus integrifolia, and Leymus triticoides.

PLANTING GUIDELINES:

- All soil imported for backfill should have a complete soil analysis before acceptance.
- Backfill should be inoculated with a commercial mycorrhizal inoculum before planting.
- Plants shall be hand watered until established. The goal is to have an established vegetative cover requiring no supplemental irrigation.
- Optimal planting time for California natives is in the cool season from mid-October to the end of March.
- Plants shall be from a source that pre-inoculates their stock with mycorrhiza. [Tree of Life, San Juan Capistrano, CA; Las Pilitas, Santa Margarita, CA]
- Install a 2 inch layer of mulch after planting [Examples Xero Mulch]; however, leave the plant root crown free of mulch.
- Avoid fertilization, as it breaks down the mycorrhizal community on which the plants are dependent.
- Shrubs shall be kept free of dead wood.
- Grasses should be cut back at the beginning of May.

LETTERS OF SUPPORT

COASTAL DEVELOPMENT PERMIT
5-00-361

560 MARQUETTE STREET
PACIFIC PALISADES

Rancho De Las Pulgas, Inc.
11693 San Vicente Boulevard, #904
Los Angeles, California 90049

October 12, 2000

Mr. Cosmo Pizzulli
560 N. Marquette Street
Pacific Palisades, California 90272

Re: Case Number #ZA 2000-3627 (YV)
Variance From Section 12.21-C, 1 (g)

Dear Cosimo:

I am writing this letter in support of your request for an over-in-height retaining walls on your rear property line, adjoining my property.

My property legal address is 16421 Pacific Coast Highway, known as Lot D, Tract 9300. My property is also located lower (down grade) than your property.

I support your request to construct retaining walls to twelve feet in height with fill to help eliminate your erosion condition. I can not stress enough the importance of your efforts to protect your property from further erosion per your city permit request notice that I received.

In addition to my support for your variance, I would like to offer your contractor access through my property to ease your construction of the retaining walls and associated soil fill.

I look forward to being of any assistance.

Sincerely,

Mr. Barry Maiten
President
Rancho De Las Pulgas, Inc.

BMdw

CORRESPONDENCE MEMO

WSF FORM #CM87U-4 REORDER FROM: WESTERN STANDARD FORMS, 4125 MARKET ST., VENTURA, CA 93003 (805) 642-7859 CA TOLL FREE 1-800-521-0450

TO

COSIMO PIZZULLI
560 MARQUETTE ST.
PACIFIC PALISADES, CAL. 90272

FROM

RUSSELL AND COMPANY
P.O. BOX 1164
PACIFIC PALISADES,
CALIFORNIA 90272
[redacted]

Subject

L.A. CITY ZONING CASE NO. ZA 2000-3627(YV)

DATE

10/24/2000

WE ARE IN RECEIPT OF THE SUBJECT HEARING NOTICE REGARDING THE RETAINING WALL, SCHEDULED FOR 11/2/2000 AND ALTHOUGH WE WILL BE UNABLE TO ATTEND WE ARE IN COMPLETE ACCORD AND SUPPORT FOR YOUR CONSTRUCTION PERMIT ADJOINING OUR PROPERTY.

IT IS ALWAYS OUR DESIRE TO BE GOOD NEIGHBORS WHEN IMPROVEMENTS ARE MADE AND HAVE ASSISTED WITH NOT ONLY APPROVAL OF HIGHER WALLS ADJOINING OUR PROPERTY SUCH AS LOCATED AT 537 AND 565 BIENVENEDA, BUT ALSO ASSISTED WITH ACCESS FOR THEIR CONSTRUCTION.

SINCERELY,

DON & MARTHA RUSSELL

COASTAL COMMISSION
5-00-361
EXHIBIT # 8
PAGE 3 OF 4

TRYON N. SISSON
1279 WESTWIND CIRCLE
WESTLAKE VILLAGE, CA 91361

OCTOBER 29, 2000

MR. COSMO PIZZULLI
360 N. MARQUETTE ST.
PACIFIC PALISADES, CA 90272

DEAR MR. PIZZULLI:

AS YOU KNOW, I OWN THE HOUSE AT 340 N. MARQUETTE, ADJACENT TO WHERE YOU INTEND TO CONSTRUCT AN OVER-IN-HEIGHT RETAINING WALL. I WANT TO THANK YOU FOR CONSTRUCTING THIS WALL AND ALL OF YOUR EFFORT TO CORRECT THE DRAINAGE PROBLEMS SURROUNDING OUR RESPECTIVE PROPERTIES.

I AM IN COMPLETE SUPPORT OF YOUR WALL AND EVERYTHING YOU INTEND TO DO AS OUTLINED IN YARD VARIANCE CASE NO. ZA 2000-3627(YV).

SINCERELY,
Tryon N. Sisson

PHONE (805) 379-3151 FAX (805) 379-4145