* CALIFORNIA COASTAL COMMISSION



Duth Coast Area Office 200 Oceangate, Suite 1000 ong Beach, CA 90802-4302 562) 590-5071

Th2.5b

 Filed:
 9/5/01

 49th Day:
 10/24/01

 180th Day:
 3/4/02

 Staff:
 AM-LB

 Staff Report:
 10/25/01

 Hearing Date:
 11/16/01

 Commission Action:

STAFF REPORT: REGULAR CALENDAR

A	P	P	LI	C	A	T	IC)	V	٨	Į	U	A	ΛE	3	E	R		5.	-0	1	-3	4	1	
---	---	---	----	---	---	---	----	---	---	---	---	---	---	----	---	---	---	--	----	----	---	----	---	---	--

APPLICANT: Ron Shelton

RECORD PACKET COPY

AGENT: Jeff Shelton

PROJECT LOCATION: 15201 Via de las Olas (Lot 1 Block 7 Tract 9300) & 15200 Friends Street (Lot 28 Block 7 Tract 9300), Pacific Palisades, City and County of Los Angeles

PROJECT DESCRIPTION: Remodel and 1,449 square foot addition to an existing twostory, 2,681 square foot single family home, creating a two-story, 4,130 square foot single family home with a 240 square foot cabana and paving 213 square feet of additional concrete around the existing driveway, located on two separate legal lots (combined 24,939 square feet).

> 24,939 square feet Lot Area (combined) 4,948 square feet **Building Coverage** Pavement Coverage 3,418 square feet Landscape Coverage 16.573 square feet Zonina R1-1 **Plan Designation** Low Density Residential Max Ht. 251/2 feet above existing grade Parking Spaces 2 in attached garage

SUMMARY OF STAFF RECOMMENDATIONS

Staff is recommending approval with conditions to assume the risk of the proposed development, prepare and carry out drainage and polluted runoff control plans, conform to the recommendations in the applicant's geotechnical reports, and require that any future development on the lot require an amendment to this permit or a new Coastal Development Permit. Such conditions are required by the Commission to ensure the project's consistency with Section 30253 and 30231 of the Coastal Act. Projects consistent with Section 30253 and 30231 of the Coastal Act must limit the risk from hazards, not contribute to erosion or instability that would require the construction of



5-01-341 (Shelton) Page 2 of 21

protective devices, minimize wastewater discharges and its affect on the biological productivity of coastal waters.

LOCAL APPROVALS RECEIVED:

1) City of Los Angeles Coastal Development Permit 2000-9964, 2/23/01

SUBSTANTIVE FILE DOCUMENTS:

- 1) Geology and Soils Report, File No. 4713, by Ralph Stone and Company, Inc., April 17, 2000; Nov. 4, 1999; May 27, 1999
- City of Los Angeles, Department of Building and Safety Geology and Soils Review Letter, Log No. 28219-02, May 1, 2000; Log No. 28219-01, Dec. 7, 1999; Log No. 28219, August 23, 1999
- 3) <u>Report On Landslide Study Pacific Palisades Area</u>, September 1976, by the U.S. Army Corps of Engineers and the U.S. Geological Survey
- 4) Los Angeles City Planning Department, Mitigated Negative Declaration (ENV-2000-9963-MND)
- 5) Coastal Development Permit 5-91-286 (City of Los Angeles Rec. and Parks) as amended

STAFF RECOMMENDATION OF APPROVAL:

MOTION:

I move that the Commission approve CDP #5-01-341 pursuant to the staff recommendation.

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

I. RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

- 1. <u>Notice of Receipt and Acknowledgment.</u> The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. <u>Expiration.</u> If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. <u>Interpretation.</u> Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. <u>Terms and Conditions Run with the Land.</u> These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. 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 properties that are 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 with care Commission amendment to this coastal development permit.

2. Conformance with Drainage Plan

A. The applicant shall comply with the Site Drainage and Utility Plan submitted August 23, 2001 prepared by Jeff Shelton Architect and with all recommendations contained in the *Conclusions and Recommendations* section of the *Geotechnical and Geologic Engineering Slope Stability Investigation and Report, File No* 4713, *May* 27, 1999, November 4, 1999, and April 17, 2000. In addition, the applicant shall comply with the following provisions:

- (a) Run-off from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be collected and discharged via pipe or other non-erosive conveyance to the frontage street or designated outlet point to avoid ponding or erosion either on- or offsite.
- (b) Run-off shall not be allowed to pond adjacent to the structure or sheet flow directly over the sloping surface;
- (c) The functionality of the approved drainage and runoff control plan shall be maintained throughout the life of the development.
- B. Drainage and Polluted Runoff Control Plan

Prior to the Issuance of the Coastal Development Permit, the applicant shall submit to the Executive Director for review and written approval, three sets of final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting geotechnical engineer and geologist to ensure the plan is in conformance with consultant's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.



5-01-341 (Shelton) Page 5 of 21

The plan shall include provisions for maintaining the drainage system, (d) including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

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

3. <u>Temporary Erosion and Drainage Control</u>

A. **Prior to the Issuance of the Coastal Development Permit**, the applicant shall submit, for review and approval of the Executive Director, a plan for temporary erosion and drainage control.

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

1) During construction, erosion on the site shall be controlled to avoid adverse impacts to adjacent properties and public streets. 2) 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.

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

1) A narrative report describing all temporary run-off and erosion control measures to be used during construction. 2) A site plan showing the location of all temporary erosion control measures. 3) A schedule for installation and removal of the temporary erosion control measures. 4) A 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 and drainage control measures shall be required on the project site prior to or concurrent with the initial construction operations and maintained throughout 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.

(d) The plan shall also include temporary erosion control measures should construction or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles and/or mats, sand bag barriers, and/or silt fencing; and include temporary drains and swales and sediment basins. The plan shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

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. Conformance of Design and Construction Plans to Geotechnical Reports

A. All final design and construction plans, grading and drainage plans, and foundation plans shall be consistent with all recommendations contained in Geology and Soils Report, File No. 4713, by Ralph Stone and Company, Inc., April 17, 2000, Nov. 4, 1999, and May 27, 1999 and the requirements of the City of Los Angeles, Department of Building and Safety, Soils/Geology review letter Log No. 28219-02, May 1, 2000, Log No. 28219-01, Dec. 7, 1999, and Log No. 28219, August 23, 1999. Such recommendations shall be incorporated into all final design and construction plans.

B. **Prior to Issuance of the Coastal Development Permit**, the applicant shall submit evidence to the Executive Director of the consultants' review and approval of all final design and construction plans. The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal development permit.

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

5. Future Improvements

5

A. This permit is only for the development described in Coastal Development Permit No. 5-01-341. Pursuant to Title 14 California Code of Regulations §13250 (b)(6) and §13253 (b)(6), the exemptions otherwise provided in Public Resources Code §30610 (a) and (b) shall not apply to the entire parcel. Accordingly, any future structures, future improvements, or change in intensity of use to the permitted structures approved under Coastal Development Permit No. 5-01-341, shall require an amendment to Permit 5-01-341 from the Commission or shall require a new Coastal Development Permit from the Commission, with the exception of property line fencing, walkways, and decks at grade,

Prior to the 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 legal descriptions 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Location

The proposed project is an addition to an existing two-story 2,618 square foot single family home on a 12,550 square foot lot. The proposed addition consists of converting the existing two-car garage to livable space, adding 1,449 square feet to the existing home, constructing a new 400 square foot, two-car garage, constructing a 240 square foot cabana, and paving 213 square feet of additional concrete around the existing driveway (Exhibit #4). The project will not increase the 25½-foot height of the existing single-family home (Exhibit #5).

The proposed project is located on two separate, legal lots, both of which are owned by the applicant. The existing single family home is located on Lot 28 of Block 7, Fract 9300 (15200 Friends Street). The adjacent lot, Lot 1 of Block 7, Tract 9300 (15201 Via De Las Olas) is a vacant, 12,389 square foot lot that is located directly north of Lot 28. Lot 1 is

landscaped with an extensive lawn area and mature trees. Approximately 221 square feet of the proposed 240 square foot cabana is sited on this lot (Exhibit #4). No other proposed development is located on Lot 1. The applicant has recorded a covenant and agreement to hold the properties as one parcel. However, the two lots were not merged into one and are still considered separate legal lots under the Subdivision Map Act.

The subject property is located in the Huntington Palisades area of Pacific Palisades, a planning subarea within the City of Los Angeles. The proposed project is situated on two gently sloping lots, approximately 200 feet above Pacific Coast Highway and Will Rodgers State Beach (Exhibit #1). Both lots are separated from the coastal bluff edge by a residential street, Friends Street, which connects with Via de las Olas (Exhibit #1, #2, & #4). The existing single family home is located 32 feet from the property line adjacent to Via de las Olas and approximately 70 feet from the bluff edge (at its closest point). The proposed addition is located at the rear of the home, away from the street and bluff edge (Exhibit #4). The existing structure, as well as the proposed addition, is not visible from either Coast Highway or the state beach.

B. <u>Project History</u>

Section 30600(b)(1) of the Coastal Act allows local government to assume permit authority prior to certification of a Local Coastal Program. Under this section, local government may establish procedures for the filing, processing, review, modification, approval, or denial of coastal development permits within its area of jurisdiction in the coastal zone. Section 30601 establishes that in certain areas, and in the case of certain projects, a permit from both the Commission and local government will be required. Section 30602 states that any action taken by a local government on a coastal development permit application can be appealed by the Executive Director of the Commission, any person, or any two members of the Commission to the Commission within 20 working days from the receipt of the notice of City action.

In 1978, the City of Los Angeles opted to its own action on coastal development permits. The Commission staff prepared maps that indicate the area in which Coastal Development Permits from both the Commission and the City are required. This area is commonly known as the "Dual Permit Jurisdiction." Areas in the coastal zone outside the dual permit jurisdiction are known as the "Single Permit Jurisdiction". The City assumes permit jurisdiction for projects located in the single permit jurisdiction. This project (5-01-341) is located within the "Dual Permit Jurisdiction." Therefore, a coastal development permit must be issued from both the City of Los Angeles and the Coastal Commission.

The applicant received Coastal Development Permit 2000-9964 from the City of Los Angeles on February 23 2001. The South Coast District office received the City's notice of final action on March 20, 2001. Upon receipt of the "notice", the South Coast District office established the 20 working day appeal period, which expired on April 17, 2001. Neither the Executive Director, nor two Commissioners, nor any member of the public appealed the City's approval of Coastal Development Permit 2000-9964. The subject application, 5-01-341, is the dual Coastal Development Permit from the Commission.

C. Potrero Canyon Fill Project

1

In the late 1970's and early 1980's, nine major slides and a number of surficial slumps occurred as a result of erosion from the stream that is located in the bottom of Potrero Canyon (Exhibit #2 & #4). As a result of the slides a number of residential structures were damaged and demolished by their owners. In 1984, the City determined that the only way to protect the houses that were still intact on the rim of the Canyon was to fill the canyon and install a subdrain to reduce saturation of the sediments (Coastal Development Permits #5-86-958 and #5-91-286 and amendments). By 1986, the City of Los Angeles had acquired 20 homes on the canyon rim, some of which were later demolished. The Commission approved a project with 25 feet of fill and a subdrain system throughout the canyon. The slides however, continued. By 1991 the City had acquired one additional lot and was considering the acquisition of 7 more lots on the west canyon rim. At the present time, the City has acquired 31 lots along both sides of the canyon.

In 1991, after the expiration of its original action, the Commission re-approved an expanded project in three phases, subject to conditions. In its approval of the revised project, the Commission reviewed evidence that the headscarps were moving inland, potentially threatening additional houses along at least four streets that were parallel to the rim: De Pauw Street, Friends Street, Earlham Street, and Alma Real Drive. The third phase of the fill of the revised project extended about 75 feet above the flow line of the stream. Above that level, the City proposed to place buttress fills extending twenty-five to thirty feet up the canyon sides, in some instances onto privately owned residential lots. These buttress fills were designed to slow down the incremental failure of the lots. The material would then be compacted to 90%. The Commission approved the fill with conditions that required the City to create an artificial stream with riparian habitat on top of the fill, build a public park and trails in the canyon, and revegetate the upper canyon sides and buttress fills with coastal sage scrub. There was a parallel California Department of Fish and Game agreement regarding the alteration of the streambed in the bottom of Potrero Canyon.

The subject property is located on the inland side of Friends Street and Via de las Olas. These streets separate the subject properties from the bluff and canyon edge. Part of the fill project approved by the Commission is located below Friends Street and Via de las Olas (as discussed further in the following section) (Exhibit #7).

C. <u>Hazards to Development</u>

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 damage. Hazards common to this area include landslides, erosion, flooding, and wildfires. The subject property is located on a gently sloping lot adjacent to an approximately 200-foot high coastal bluff above Pacific Coast Highway (Exhibit #2). The properties are separated from this bluff by a residential street (Friends Street, which connects with Via de las Olas).

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.

Project's Relation to Active and Historic Landslide

The subject lot is located in an area of historic and prehistoric landslides (Exhibit #2 & #3). As demonstrated in a <u>Report On Landslide Study Pacific Palisades Area</u>, September 1976, by the U.S. Army Corps of Engineers and the U.S. Geological Survey, historic landslide have occurred near the subject site. The report includes the following description of the landslide map shown on Exhibit #2. The following is a summary of that report.

Slide #23: [Staff note: the south portion of this slide is represented by the Symbol "O" on the landslide map]. It is a steep, arcuate scar. This location was noted as a prehistoric slide. Landslide debris was noted at the base of the bluff. The slope of the ground surface was documented at 50°.

[Staff note: the north portion of slide #23 is represented on the landslide map by the symbol "Y". This denotes a more recent landslide event]. In 1939 slope failure occurred at "Y" and described as a sudden slide or soilfall after extraordinarily heavy rainfall in September. In early 1940, further erosion occurred, which undermined parts of Via de las Olas. In March 1940, a berm and bin-type cribbing were constructed to restore the street. In 1952, following heavy rains, a rockslide took out the constructed berm in the northwest portion of "Y". From 1958 to 1969 three more reported landslides occurred in the "Y" area. Material flowed onto Pacific Coast Highway in some instances.

Since the report conducted by the U.S. Army Corps, approximately three other landslides occurred below and southwest of Friends Street. Also, several additional landslides occurred throughout Potrero Canyon before and during the Commission approved fill project (see 5-86-958 as amended and 5-91-286 as amended).

Geotechnical Review

The applicant has submitted copies of Geotechnical and Geologic Engineering reports by Ralph Stone and Company, Inc., and addendums, as well as geology and soils review letters from the City of Los Angeles, Department of Building and Safety. Ralph Stone and



5

Company submitted their first geo/soils report to the Department of Building and Safety on May 27, 1999. The initial project was proposed as a 500 square foot studio at 15201 Via de las Olas (Lot 1, Block 7) and an addition and new garage at 15200 Friends Street (Lot 28, Block 7). The report describes the project location, surrounding geology, drainage pattern, existing landscaping, and slope stability. The project site is located on Friends Street and Via de las Olas, a quarter of a mile from Potrero Canyon and Pacific Coast Highway. Across Via de las Olas and Friends Street the slope descends 200 feet at an approximate gradient of between 40° and 50° (Exhibit #6). The report indicates that several landslides have been mapped on this 200-foot slope to Pacific Coast Highway. The City of Los Angeles, Department of Parks and Recreation has constructed slope repair in this location (see Section C of this staff report). A buttress fill was constructed and compacted to 90 percent at the base of the slope (Exhibit #7). The report indicates that the pre-existing landslide in this location was removed and replaced. The report also indicates that the remedial slope repair work supports the street bordering the subject property. Phreatophytes (plant species that grow near or thrive on water) were observed on these slopes indicating the possibility of groundwater. Field and lab testing of the borings on site indicate that a thin layer of artificial fill underlies the subject properties. Below this fill and overlying the bedrock is non-marine and marine terrace deposits. Bedrock assigned to the Pleistocene age Fernando Formation was encountered at approximately 33 feet in depth. The Department of Building and Safety reviewed the report and sent a review letter to the geotechnical consultant requesting an addendum to the submitted report.

On November 4, 1999, Ralph Stone and Company submitted addendum #1 to the Department of Building and Safety. This report evaluated deep-seated slope stability analysis. The report concluded that a large portion of the vacant lot (15201 Via de las Olas – lot 1, block 7) possesses a factor of safety below 1.5 (Exhibit #9). The 1.5 factor of safety is the generally accepted factor of safety among geotechnical engineers and the Department of Building and Safety as the minimum value required to ensure slope stability and structural integrity of proposed structures.

The area under the proposed 500 square foot studio had a calculated factor of safety of 1.4 (Exhibit #9). The geotechnical consultant suggested/recommended that the applicant file a Request for Modification to the Department of Building and Safety to allow the 500 square foot studio be built within this area. The City of Los Angeles, Department of Building and Safety, again, required an addendum that could demonstrate recommendations to achieve a factor of safety of 1.5.

The geotechnical consultant submitted a revised report demonstrating that the proposed 500 square foot studio had been deleted and a new 272 square foot cabana located further north and east, away from the unstable portion of the property, was proposed. The cabana as well as the addition to the existing single family home has a computed factor of safety of 1.62, which is greater than the 1.5 minimum required by building code. The City of Los Angeles, Department of Building and Safety approved of the report and imposed 17 conditions for compliance during site development. The future development deed

5-01-341 (Shelton) Page 12 of 21

restriction is required on this project because of the issues regarding this slope stability analysis, as further referenced on page 16 of this staff report.

1. Conformance with Geotechnical Recommendations

Recommendations regarding the design and installation of the single family home, foundation system, and slope stability have been provided in 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 single family home and foundation 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 #4 requires the applicant to conform to the geotechnical recommendations contained in Geology and Soils Report, File No. 4713, by Ralph Stone and Company, Inc., April 17, 2000, Nov. 4, 1999, and May 27, 1999 and the requirements of the City of Los Angeles, Department of Building and Safety, Soils/Geology review letter Log No. 28219-02, May 1, 2000, Log No. 28219-01, Dec. 7, 1999, and Log No. 28219, August 23, 1999.

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/her property.

The proposed remodel and addition to the existing single-family home lie above and across a residential street from a steep coastal bluff. The geotechnical reports have indicated that a portion of the project site possesses a factor of safety under the minimum building code required 1.5 (Exhibit #9). After revisions to the project plans were made to delete the 500 square foot studio within the area described above, the geotechnical reports concluded that the proposed additions to the single family home and the cabana obtained a factor of safety of 1.62. The factor of safety in excess of 1.5 demonstrates that, by a geotechnical standpoint, the subject site in the location of the project relying on the geotechnical reports and the Department of Building and Safety is the responsibility of the applicant. 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 in areas possessing a factor of safety less than 1.5 and near mapped landslides, the Commission cannot absolutely

acknowledge that the design of the single family home 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 landslides and/or erosion 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 - Permanent

The proposed project would increase the amount of impermeable surface by the construction of approximately 1,200 square feet of new building area and 213 square feet of additional paving (Exhibit #4). Reducing permeable area allows for higher water flow during storm events as well as during regular irrigation of the yard area. Increased runoff across the property can lead to a higher probability of erosion and landslide occurrences. The applicant's geotechnical consultant states in his report that the control of soil moisture is essential for the long-term performance of the proposed project. The report recommends:

All roof and surface drainage should be conducted away from the development in engineered nonerosive devices to a safe point of discharge to the street. No site runoff drainage should be allowed to cross over the tops of slopes except in nonerosive engineered devices.... All slabs and planted areas should be sloped to drain to a safe point of collection.... All roof drainage should be collected in eave gutters that discharge directly into engineered nonerosive drainage devices. t

Currently, drainage is by sheet flow runoff across the surface of the property to the street.¹ Both properties are planted with extensive lawn areas, mature trees, and other ornamental landscaping. The applicant has not proposed a change to the existing landscaping. For water quality purposes, it is preferred to direct water runoff through vegetated areas prior to entering the storm drain system (see Section D *Water Quality* below). The vegetated areas filter runoff water prior to entering the storm water conveyance system. In this case, however, the submitted geology reports indicate that the stability of portions of the subject properties is below the code required minimum factor of safety. The reports also conclude that maintaining soil moisture in the subsurface is essential for the ongoing integrity of the site. Therefore, for this project, it is not a preferable option to solely allow runoff water to filter through the subsurface. Rather, runoff water should be directed through a drain system to the street or designated outlet area to lessen the possibility of erosion and geologic instability

The applicant has submitted information regarding the proposed drainage plan. It demonstrates that all roof top drainage is directed through six-inch drain lines to the street. This plan is in conformance with the recommendations of the geotechnical consultant and the City of Los Angeles, department of Building and Safety. To ensure that the applicant complies with the drainage plan as submitted the Commission imposes Special Condition #2. Special Condition #2 requires the applicant to comply with the Site Drainage and Utility Plan submitted August 23, 2001 prepared by Jeff Shelton Architect and with all recommendations contained in the Conclusions and Recommendations section of the Geotechnical and Geologic Engineering Slope Stability Investigation and Report, File No 4713, May 27, 1999, November 4, 1999, and April 17, 2000. To further ensure that the proposed project does not contribute to increased erosion or slope instability both on and off site. Special Condition #2 requires that run-off from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be collected and discharged via pipe or other non-erosive conveyance to the frontage street or designated outlet point to avoid ponding or erosion either on- or off- site (See also Section D Water Quality of this staff report).

4. Erosion Control Measures - Temporary

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 and landslide activity. 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

¹ Ralph Stone and Company, Inc.; File No. 4713; May 27, 1999; pg. 2

amendment or new coastal development permit. Special condition #3 also requires the applicant to use construction related Best Management Practices. Such procedures include sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilization of any stockpiled fill with geofabric covers or other appropriate cover, installation of geotextiles or mats on all cut or fill slopes, and the closure and stabilization of open trenches as soon as possible. The condition requires that such measures be installed prior to or concurrent with the initial construction operations and maintained throughout the development process. This will assure that sediment is retained on-site and will not lead to increased erosion or instability across the site or on adjacent properties. The applicant shall follow the temporary erosion control measures throughout the project duration to ensure that the project area is not susceptible to excessive erosion.

Finally, Special Condition #3 requires the applicant, prior to issuance of the Coastal Development Permit, to submit a temporary erosion control plan that includes a written report describing all temporary erosion control and run-off measures to be installed and a site plan and schedule showing the location and time of all temporary erosion control measures (more specifically defined in Special Condition #3).

5. Future Development

As discussed previously in this section, several major landslides have occurred along this stretch of coastal bluff and canyon. The subject site was not affected by the landslide activity but does lie in close proximity to them (Exhibit #2 & #3). The geotechnical consultant indicates that portions of the subject properties have a factor of safety below the minimum City code requirement for construction (Exhibit #9). The City of Los Angeles, Department of Building and Safety responded to this in their review letters by requiring that all development demonstrate a calculated factor of safety of 1.5 or higher [staff note: as mentioned previously, the 1.5 factor of safety is the generally accepted factor of safety among geotechnical engineers and the City of Los Angeles, Department of Building and Safety as the minimum value required to ensure slope stability]. It has also been shown by the applicant's geotechnical consultant and reviews by the Department of Building and Safety that, based on the slope stability analysis, portions of the subject properties cannot be developed. The initial proposal for a 500 square foot studio on 15201 Via de las Olas (lot 1, block 7) was deleted from the project after the Department of Building and Safety required the structure to obtain a factor of safety of 1.5 or higher.

The geotechnical consultant's response given to the applicant with regards to the City's request to provide a 1.5 factor of safety for the initially proposed studio states:

The proposed structures [studio] should be founded behind or below the lowest calculated 1.5 factor of safety line to meet the Code requirement. This would require foundations up to ± 200 feet deep. In our opinion such foundation may be economically un-buildable. We suggest/recommend that you file a Request for Modification of the Code requirement for a 1.5 factor of safety since the area proposed for the small additions has a calculated factor of 1.4 as shown above.

This would require shallow foundation more closely matching the main residence as described in our previous reports.²

ź

After a second review letter sent to the applicant by the Department of Building and Safety indicating that a 1.5 factor of safety needed to be reached, the geotechnical consultant recommended to delete the studio from the proposed project and move all proposed additions further north and east, toward the existing home and away from the unstable area. The Department of Building and Safety accepted the reports, which demonstrate that all additions were located behind a 1.5 factor of safety line.

However, the existing geologic hazards could intensify if, at a later time, the applicant decides to expand the home toward the bluff edge or construct amenities, even minor in scale, in areas that do not maintain a factor of safety of 1.5 or greater. Therefore, Special Condition #5 is required to allow the Commission to further review future improvements or developments on the subject property, which would ensure the project's consistency with Section 30253 of the Coastal Act. If the applicant decides to undertake further development on the subject property he/she are required to apply for an amendment to this Coastal Development Permit (5-01-341) or a new Coastal Development Permit. Special Condition #5 also requires the applicant to record a deed restriction on the property that incorporates the above restrictions. This will give notice to the applicant and all successors in interest that exemptions otherwise provided in Public Resources Code §30610 (a) and (b) shall not apply to the subject properties.

6. Feasibility of Lot Merger

As discussed throughout this section, *Hazards to Development*, both the applicant's geotechnical consultant and the City of Los Angeles, Department of Building and Safety have indicated that portions of the lots possess a factor of safety below the minimum 1.5 as required by City Code. The 1.5 factor of safety is recognized as the generally accepted factor of safety among geotechnical engineers and geologist as the minimum value required to ensure slope stability.

The applicant has recorded a covenant and agreement to hold the property as one parcel (a "parcel tie"). The City of Los Angeles, Department of Building and Safety required this recordation in response to the applicant's request to construct a portion of his proposed project across two separate, legal lots. In this case, the applicant owns both lots (Lot 28 in Block 7 of Tract 9300 and Lot 1 in Block 7 of Tract 9300. By holding the properties as one parcel, the applicant can construct a structure across two legal lots in conformance with City Ordinances. While the Department of Building and Safety realized the geologic instability on portions of the site (see Geology and Soils review letters, Log No. 28219-02, May 1, 2000; Log No. 28219-01, Dec. 7, 1999; and Log No. 28219, August 23, 1999), they did not require the parcel tie in response to such issues. In a conversation with the Subdivision Department of the City of Los Angeles, Department of City Planning, staff confirmed that the parcel tie agreement recorded by the applicant does not merge the two

² Ralph Stone and Company, Inc.; File No. 4713, Addendum No. 1; Nov. 4, 1999; pg. 2

lots into one legal lot consistent with the Subdivision Map Act. Therefore, after the applicant recorded the parcel tie two separate legal lots still exist.

Staff reviewed the possibilities of requiring the applicant to conduct a lot line adjustment to tie the two separate lots into one legal lot. In the past, the Commission has required such a condition for approval of a coastal development permit (See Coastal Development Permit 5-00-119 – Lynn). A condition requiring a lot tie agreement has been required by the Commission when the instability of the lot is such that construction of a single family home would require extensive engineering that, in turn impacts the scenic and visual qualities or an environmentally sensitive habitat area. Imposing a lot tie condition in such areas would allow for development as well as the preservation of open space for the visual quality of a coastal area and/or protection of significant habitat.

Staff has determined that the proposed project and site characteristics do not warrant a lot tie condition. The site is not visible from Will Rodgers State Beach and Pacific Coast Highway (located 200 feet below the subject properties) or from the future location of the Potrero Canyon Park (located approximately 400 meters south of the subject properties). Both lots are landscaped with lawns, ornamental plants, and mature trees. In this case there are no visual resource or habitat issues that would necessitate the need for added open space. The site is bordered on three sides by Friends Street and Via de las Olas and one side by existing single family homes (Exhibit #1 & #2). Therefore, there is no significant habitat located on the site and no habitat corridors leading from the site to a larger habitat area.

The Department of Building and Safety, the applicant's geotechnical consultant, and the Commission are aware of the instability of the site. If, at a later time the applicant or successor in interest wishes to sell one of the two lots separately, he/she must either remove the structure crossing the lot lines or request a lot line adjustment from the Subdivision Department of the City of Los Angeles and the Coastal Commission, which would both require a coastal development permit. As required in this Coastal Development Permit 5-01-341, the applicant must record a deed restriction on both properties acknowledging and assuming the risk of development in a hazardous area and a deed restriction that requires an amendment to this permit or new coastal development permit for any future development on both properties.

Only as conditioned 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, to follow all recommendations of the applicant's geotechnical consultant and the recommendations of the City of Los Angeles, Department of Building and Safety, and that the applicant is aware that future improvements on the subject property will require an amendment or new Coastal Development Permit can the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

D. <u>Water Quality</u>

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, fertilizers, and other pollutant sources. Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

As described, the proposed project includes the remodel and 1,449 square foot addition of an existing two-story, 2,681 square foot single family home, creating a two-story, 4,130 square foot single family home with a 240 square foot cabana and paving 213 square feet of additional concrete around the existing driveway, located on two separate legal lots (combined 24,939 square feet).

The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site (Exhibit #4). The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and

pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition #2, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that Special Condition #3 is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Therefore, only as conditioned to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site and to require a temporary erosion and drainage control plan, can the Commission find the project consistent with Section 30231 of the Coastal Act.

E. 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.



3

The Coastal Act protects public views. In this case the public views are the views from the public streets to the Pacific Ocean and beaches and from Pacific Coast Highway and Will Rodgers State Beach to the Santa Monica Mountains.

The project is located atop a 200-foot high coastal bluff that rises above Pacific Coast Highway (Exhibit #2). The proposed addition is situated at the rear of the existing home, away from the ocean fronting side. The project site is located in an established residential community and is not visible from the Will Rodgers State Beach or Pacific Coast Highway. The height of the proposed structure (which is not increasing from the existing 25½ -foot high structure) is consistent with the Hillside Ordinance that was established by the City of Los Angeles Planning Department (Exhibit #5). The neighboring homes in this area consist of predominately two-level single family homes. The proposed single family home is consistent with the existing homes in this area. The project will not impact any public views to or from the Pacific Ocean, Will Rodgers State Beach or Pacific Coast Highway and is found consistent with the character of the surrounding community.

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.

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, most 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

5-01-341 (Shelton) Page 21 of 21

communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

As conditioned, to address the geologic stability, water quality, and community character issues related to the project, 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 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













SEP 5 2001

CALIFORNIA COASTAL COMMISSION

COASTAL COMMISSION 5 - 0 1 - 3 4 1 EXHIBIT # 5 PAGE 2 OF 2

THE COURSE

(† (†

۱ آ

 ${igodot}$

1

the burgers

1

٩





14.







and the second se

. •