

CALIFORNIA COASTAL COMMISSION

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 Staff Report: August 23, 2001
 Hearing Date: September 11, 2001
 Commission Action:

**Item Tu 23e****STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-01-193**RECORD PACKET COPY****APPLICANT:** Mark Maron**AGENT:** Christiansen, Miller, Fink, Jacobs, Glaser, Weil, & Shapiro LLP**PROJECT LOCATION:** 1490-1502 Bienveneda Avenue, Pacific Palisades, City and County of Los Angeles (Lot 11 and 12, Tract 40432)

PROJECT DESCRIPTION: Construction of a gazebo and 525 square foot addition to an existing single family home at 1490 Bienveneda Ave. (Lot 12) and construction of a swimming pool, spa, pool house, tennis court, retaining wall, storage area, and 388 cubic yards of grading (216 cy cut and 172 cy fill) on a vacant, 25,650 square foot lot (1502 Bienveneda Ave – Lot 11).

SUMMARY OF STAFF RECOMMENDATIONS

Staff is recommending approval with conditions that relate to submittal of a drainage and erosion control plan, compliance with both the applicant's geotechnical consultant and the City of Los Angeles, Department of Building and Safety, provide a mitigated lighting system for the proposed tennis court, and submittal of a landscaping plan.

LOCAL APPROVALS RECEIVED:

1. City of Los Angeles Planning Department, Zoning Administrator's Adjustment # ZA 2000-4538(ZAA), February 14, 2001

SUBSTANTIVE FILE DOCUMENTS:

1. Geotechnical and Geologic Engineering Investigation and Report #4930, by Ralph Stone and Company, Inc., September 18, 2000

2. Geotechnical and Geologic Engineering Investigation and Report #4930, by Ralph Stone and Company, Inc., January 10, 2001
3. City of Los Angeles, Department of Building and Safety, Department Review Letter #32010, November 15, 2000
4. City of Los Angeles, Department of Building and Safety, Geology and Soils Review Letter, Log #32010-01, February 9, 2001
5. Coastal Development Permit A-390-78 (AMH) and amendments

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-01-193 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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 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. **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. **Erosion and Drainage Control**

A. **Prior to Issuance of the Coastal Development Permit**, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and 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 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.
- 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 flat portion of the lot shall be directed toward the street into suitable collection and discharge facilities.

(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 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) The drainage control plan shall demonstrate that:
- Run-off from all roofs, patios, driveways and other impervious surfaces on the site shall be collected and discharged to avoid ponding and/or erosion either on or off the site.
- (d) The drainage control plan shall include, at a minimum, the following components:
- The location, types and capacity of pipes drains and/or filters proposed.
 - A schedule for installation and maintenance of the devices.
 - A site plan showing finished grades at two-foot contour intervals and drainage improvements.
- (e) These erosion and drainage control measures are required to be in place and operational on the project site prior to or concurrent with the initial grading 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.
- (f) The plan shall also include temporary erosion control measures should grading 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.

2. 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 Geotechnical and Geologic Engineering Investigation and Report #4930, by Ralph Stone and Company, Inc., September 18, 2000 and January 10, 2001 and the requirements of the City of Los Angeles, Department of Building and Safety, Department Review Letter #32010, November 15, 2000 and February 9, 2001. 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 permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Tennis Court Lighting

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

4. Landscape Plan

A) Prior to Issuance of the Coastal Development Permit, the applicant shall submit, for the review and written approval of the Executive Director, a final landscaping plan. The landscaping plan shall include all areas of the lot. The plan shall be prepared by a licensed landscape architect or resources specialist and incorporate the following criteria: (a) The flat portion of lot 11 shall be planted with fire resistant/non-combustible plant species. (b) The applicant shall not employ

invasive plant species, which tend to supplant native species anywhere on both lot 11 and lot 12 (see Exhibit #7 for a list of invasive plant species). (c) The applicant shall include a plan for landscaping the sloped portion of both lot 11 and lot 12 with low-lying, fire resistant native plant species of the Santa Monica Mountains if brush clearance of the area is undertaken. (d) No permanent irrigation system shall be allowed on the sloped portion of both lot 11 and lot 12. Temporary aboveground irrigation is allowed for the establishment of the plantings for up to three years (if brush clearance is undertaken). (e) The plantings established shall provide 90% coverage within 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) Fuel Modification Plan

The applicant shall provide, for the review and approval of the Executive Director, a fuel modification and fire safety plan for the development. The fuel modification plan shall include the permittee's landscaping plan, details regarding the types, sizes and location of plant materials, and how often thinning is to occur. Highly volatile plants that increase the fuel load, such as eucalyptus, conifers, and other introduced plants that add to the fuel load shall not be used on any portion of lot 11. The plan shall minimize impacts to natural vegetation and public views and must have been reviewed and approved by the Los Angeles City Fire Department. The fuel modification plan shall include a signed statement from the applicant and the Los Angeles City Fire Department stating that no brush clearance will be undertaken on Topanga State Park adjacent to lot 11 and lot 12 due to the proposed project.

C) 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 a 196 square foot gazebo, 179 square foot gazebo trellis, and 525 square foot addition to an existing single family home at 1490 Bienvenida Ave. (Lot 12). Also included in the project is the construction of a swimming pool, spa, 730 square foot pool house, 200 square foot trellis, paddle tennis court, storage area, retaining wall, and 388 cubic yards of grading (216 cy cut and 172 cy fill) on a vacant, 25,650 square foot lot (1502 Bienvenida Ave – Lot 11) (see Exhibits). Lot 11 and lot 12 are adjacent, separate legal lots owned by the applicant. However, on April 14, 2000 the applicant recorded a covenant and agreement holding both properties (lot 11 and lot 12) as one parcel.

The subject site is located on a previously graded lot in Pacific Palisades, Tract 40432 (Exhibit #2). Grading for the building pads was authorized under the coastal development permit for the subdivision of tract 40432 (see section B below). The property is located approximately 3½ miles inland of Will Rogers State Beach and Pacific Coast Highway (Exhibit #1). Both lots are located on the east side of Bienvenida Avenue at the terminus of the street. A majority of the building pads (authorized under Permit No. A-390-78) were graded at the bottom of a canyon, known as Las Pulgas Canyon. Las Pulgas Canyon begins above the terminus of Bienvenida Ave. and ends at Pacific Coast Highway and Will Rogers State Beach, 3½ miles below the subject property. Canyon walls with an approximately 26 degree slope are located above the graded lots and are vegetated with predominantly coastal sage scrub and chaparral. Topanga State Park is located at the terminus of Bienvenida Ave. and adjacent to both lot 11 and lot 12 (Exhibit #3).

Las Pulgas Canyon was filled with material from the cutting of the hills (approved under Permit No. A-390-78. The applicant's geotechnical report states that the subject site is underlain with between 18 and 20 feet of fill material. The compacted fill was tested and certified in 1987 by Pacific Soils Engineering. An additional stability fill was placed along the cut at the toe of the slope. Directly above this engineered fill (approximately 10 feet high and 20 to 24 feet in plan view) is a concrete drainage swale. This swale directs water runoff from the slopes behind the subject properties, as well as adjacent properties to a debris basin, which is owned and operated by the Ridgeview Country Estates Homeowners Association.

Categorical Exclusion E-79-8

The applicant owns and lives in a single family home on lot #12, tract 40432. The home was approved under Categorical Exclusion E-79-8. A categorical exclusion order issued under 30610.1 of the Coastal Act only exempts certain identified categories of development from permit requirements. The Categorical Exclusion (E-79-8) authorized construction of the single family homes in the subdivision with certain limitations regarding the location on the lots. The limitations state that the excluded single family homes must conform to the City height and use requirements without a variance. Projects are not excluded if they are within 100 feet of the State Park or if they require significant grading. The Commission could exempt a pool, pool house, pool house trellis, and landscaping (under 30610 (a) of the Coastal Act) because such developments are considered appurtenant structures associated with a single family home. However, in this situation the pool, pool house, and landscaping are not located on the same legal lot as the existing single family home. The proposed paddle tennis court is also not exempt under Categorical Exclusion (E-79-8) or 30610 (a) of the Coastal Act because the paddle tennis court is not a category of development identified in Categorical Exclusion (E-79-8). The paddle tennis court is not considered an appurtenant structure normally associated with a single family home and the project is not located on the lot where the existing single family home is located. The addition to the existing single family home is a category of development included in Categorical Exclusion E-79-8 and is therefore exempt under Section 30610.1 of the Coastal Act. The addition is also found exempt under Section 30610(a) of the Coastal Act as an addition to an existing single family home. The gazebo and gazebo trellis are not considered structures normally associated with a single family home and are therefore not exempt under Categorical Exclusion E-79-8 and Section 30610(a) of the Coastal Act [see Section 13250(a) CA Code of Regulations]. For simplicity purposes of carrying out the proposed development, the applicant has included the addition to the existing home in this permit application.

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

The subject property is located within Tract 40432 in the Pacific Palisades area of the City of Los Angeles. Tract 40432 was approved in Permit No. A-390-78. All conditions imposed on the underlying Permit A-390-78 were also imposed on all development within Tract 40432.

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

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

C. Urban Limit Line

As previously stated, a designated urban limit line was established to lessen the impacts on native habitat and public views caused by the subdivision of the tracts by preventing development outside of such a line (Exhibit #2). The intended purpose of the urban limit line was to protect undisturbed areas from grading, avoid an expanded build-out of the subdivision into the canyon, and reduce the impacts of development on public views to and from Topanga State Park. If this restriction was not placed on developments in such areas, native vegetation would be lost and the views of the Santa Monica Mountains and from mountain trails could be impacted.

Grading will be required for the project to recontour a previously engineered 2:1 slope. This previously graded 2:1 slope was constructed during the grading of the subdivision to install a concrete drainage swale. The drainage swale is located between the flat building pads and the toe of the slope on individual property owners' lots. The proposed project is located west (toward Bienvenida) of the concrete drainage swale and within the urban limit line (Exhibit #3 & #6).

D. Visual Impacts/Landform Alteration

As part of the approval for A-390-78 (AMH), the applicant for the subdivision deeded lands to the State Park system to offset the impacts of the development on the ability of important public access routes to provide access for recreational use of the beaches and mountain parks in western Los Angeles County (Exhibit #2). This land dedication

extended Topanga State Park from the eastern boundary of the lots to Temescal Ridge on the east and Pacific Highlands to the northwest. The urban limit line established in the approval created a buffer to protect the visual resources to and from Topanga State Park and the habitat within it.

Section 30251 of the Coastal Act states, in part:

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.

Under this section of the Coastal Act development must be sited to avoid impacts to the visual qualities of coastal areas. In this case the public views are the views from Topanga State Park to the hillsides and canyons of the Santa Monica Mountains of Pacific Palisades and from the surrounding public streets and viewpoints to the ocean.

The project is located approximately 3½ miles inland of Will Rodgers State Beach and Pacific Coast Highway (Exhibit #1). Lot 11 and lot 12 (the subject properties) border Topanga State Park, which is located upslope of the properties (Exhibit #1 - #3). Bienvenida Ave. is a residential street lined on either side with single family homes. The predominant height of the homes in this area of Bienvenida is 28 feet. The height of the applicant's existing single family home on lot 12 is also 28 feet. The applicant has proposed to construct a 23½-foot high pool house, pool, tennis court, 10-foot high fencing, and a 10-foot high retaining wall, all of which are located on lot 11 (the vacant lot). The applicant has also proposed to add 525 square feet to the existing single family home and construct a 23½-foot high gazebo behind the single family home on lot 12 (Exhibit #4 & #5).

As mentioned in Section A of this staff report, the subject properties are located within an area that was designated in Categorical Exclusion E-79-8. A single family home would be exempt on lot 11 so long as it was 100 feet away from the State Park. However, the applicant has chosen to use lot 11 as a private recreation area for his own use. The construction of the 10-foot high fence, 10-foot high retaining wall, 23-foot high pool house, pool, and tennis court would have less of an impact on the visual quality of the area than a 28 foot high single family home across the entire property.

The proposed project will require 388 cubic yards of grading. Most of this grading is proposed along the previously graded 2:1 slope below the concrete drainage swale. Grading is required to create a flat area for a portion of the paddle tennis court, pool house, and storage areas. This grading is within the urban limit line and would not impact the visual quality of the surrounding area of Topanga State Park.

The proposed recreational amenities on lot 11 are located below Topanga State Park in an established residential community and do not have an impact on the scenic and visual qualities of the surrounding area. Therefore, the Commission finds the proposed project consistent with Section 30251 of the Coastal Act.

E. Hazards to Development

The proposed project consists of the construction of a paddle tennis court, pool, pool house, storage area, retaining wall, fencing, and 388 cubic yards of grading, all of which are located on lot 11. The project also includes a 525 square foot addition to the existing single family home and construction of a gazebo on lot 12. Areas within the Pacific Palisades are susceptible to an array of hazards including landslides, erosion, flooding, and wildfires. The applicant has submitted a geotechnical and geologic engineering investigation by Ralph Stone and Company, Inc. dated 9/18/00 and addendum to that report dated 1/10/01. The geotechnical report indicates that the site is underlain with 18 to 20 feet of certified compacted fill. Bedrock of the Cretaceous-age Martizez-Chico Formation was encountered under this fill and was observed to be "well sorted, well cemented, and dry". There were no indications of landslide material or active landslides under or adjacent to the subject property and the site possesses a factor of safety in excess of the City of Los Angeles Code required 1.5. While there were no landslide hazards indicated within the geology reports, hazards can still occur if the applicant does not follow the recommendations of the geotechnical consultant and if a proper erosion and drainage control plan for the project is not incorporated into the project plans.

Section 30253 states in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

1. Conformance with Geotechnical Recommendations

Recommendations regarding the design and installation of the pool, pool house, paddle tennis court, retaining wall, foundation system, and grading have been provided in reports 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 #2 requires the applicant to conform to the geotechnical recommendations in Geotechnical and Geologic Engineering Investigation and Report #4930, by Ralph Stone and Company, Inc., September 18, 2000 and January 10, 2001 and the requirements of the City of Los Angeles, Department of Building and Safety, Department Review Letter #32010, November 15, 2000 and February 9, 2001.

2. Erosion Control Measures

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion via rain or wind could result in possible acceleration of erosion and possible landslide activity. Special Condition #1 requires the applicant to dispose of all demolition and construction debris at an appropriate location outside of the coastal zone and informs the applicant that use of a disposal site within the coastal zone will require an amendment or new coastal development permit. The applicant shall follow both temporary and permanent erosion control measures to ensure that the project area is not susceptible to excessive erosion. Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a temporary and permanent erosion control plan that includes a written report describing all temporary and permanent erosion control and run-off measures to be installed and a site plan and schedule showing the location and time of all temporary and permanent erosion control measures (more specifically defined in special condition #1).

The project site is located at the bottom of a canyon that was partially filled during the grading for the subdivision. Natural slopes exist above the property at a slope of 26 degrees. Topanga State Park is adjacent to both lot 11 and 12 (the subject properties) to the north and east (Exhibit #1-3). The slopes in this area (both on private property and state property) are vegetated with coastal sage scrub and chaparral endemic to the Santa Monica Mountains. The City of Los Angeles brush clearance ordinance (Section 57.21.07) requires clearance of vegetation within 100 feet of any structure and selective clearing within the next 100 feet of any structure for a total of 200 feet. Section 57.21.07 A.2.a. states:

Remove from the property all dead trees, and maintain all weeds and other vegetation at a height of no more than three inches, except as otherwise provided therein, if such weeds or other vegetation are within 100 feet of a building or structure located on such property or on adjacent property. This requirement does not apply to the maintenance of trees, ornamental shrubbery, or plants which are used as ground cover provided such do not provide a ready fuel supply to augment the spread or intensity of a fire; nor does it apply to a native shrub provided such a shrub is trimmed up from the ground to one-third of its height, does not exceed 216 cubic feet in volume, is spaced at a distance of not less than three times its maximum diameter but of less than 18 feet from the edge of any other native shrub, building or structure, and all dead wood and other combustible material within 18 feet of such shrub is removed except as provided above.

This requirement would not only require the homeowners of lots along the canyon to clear their property but would also require the clearance of State Park property as well. The

proposed Gazebo on lot 12 is 100 feet or more from the State Park and the proposed pool house on lot 11 is approximately 50 feet away from the State Park (Exhibit #3). In a July 10, 2001 meeting with the City of Los Angeles, Brush Clearance Department (Battalion Chief Stormes, Battalion Chief Hernandez, and Captain McCarty), Commission staff confirmed that the City would not require any clearance on State Park property but would require the clearance of the applicant's entire sloped portion of the property on both lot 11 and lot 12 (between 50 and 100 feet in plan view). Commission staff addressed alternatives of re-siting the proposed project toward the street and away from the State Park. The City responded by stating that the clearance of the entire portion of the sloped property would be required no matter where the project is sited.

Clearing the entire sloped portion of the applicant's property will leave 50 to 100 feet (in plan view) of the slope with vegetation trimmed to within three inches of the ground, leaving the existing root system in the ground to stabilize the topsoil. While the root system could hold the existing topsoil in place during dry weather, there is a possibility of extensive erosion across the slopes during heavy rainfall. A larger brush canopy, as well as wider and deeper root systems prevents excessive erosion by dissipating rainfall before it reaches the ground and holding the topsoil in place. By reducing the vegetative coverage by clearing to within three inches of the ground there is a greater possibility of erosion across the subject and adjacent properties. Therefore, to reduce the possibility of excessive erosion across both lot 11, lot 12, and adjacent properties, the applicant shall include in his landscaping plan (see Special Condition #4 and Section F below) a plan to revegetate all areas that are required by the City Fire Department for brush clearance. The Commission does not intend for this condition to undermine the intent of the brush clearance requirements imposed by the Los Angeles City Fire Department. Therefore, the landscaping condition requires the applicant to replant all areas of the sloped portion of lot 11 and lot 12 that are cleared with low-lying, fire resistant native plant species of the Santa Monica Mountains (as further described in Special Condition #4 and Section F of this staff report). The plantings shall be submitted to the Los Angeles Fire Department, Brush Clearance Unit for their approval.

Therefore, only as conditioned, the applicant shall 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, the applicant incorporate all recommendations by the geotechnical consultant and the City of Los Angeles, Department of Building and Safety, and a landscaping plan is submitted that includes the replanting of any cleared portion of the property with low-lying, fire resistant native plant species, can the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

F. 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 subject property is located adjacent to Topanga State Park. The Park and the surrounding habitat within the Santa Monica Mountains still contain large expanses of native vegetation, which is home to several avian and terrestrial species. Such vegetation includes coastal sage scrub, chaparral, scrub oak, and several other plant species endemic to the Santa Monica Mountains. Coastal sage scrub has incurred tremendous losses statewide. Native plants common to this community are highly adapted to the temperate climate of Southern California and provide habitat for the endangered California gnatcatcher, cactus wren, and orange-throated whiptail lizard, among a list of approximately 100 potentially threatened or endangered species¹.

The original subdivision permit for this tract (A-390-78) and the Headlands tract (A-381-78) required the dedication of lands to Topanga State Park to offset the expansive development within the Santa Monica Mountains. This dedication protected a large portion of the Santa Monica Mountains from development and ensured the protection of habitat (such as coastal sage) for avian and terrestrial species and for the public enjoyment of the State Park system. Tracts approved within A-390-78 and A-381-78 were conditioned to establish a limit of development outside a designated area. The condition stated that no development could occur outside of the urban limit line. The urban limit line prevents an expanse of the subdivision that would impact public views from the State Park and extirpate native habitat within the Santa Monica Mountains. However, invasive plant species could encroach past these invisible barriers and supplant the established native species. Invasive, non-native plant species can easily overcome and eradicate established native plant species. If new development on the edge of the State Park were to incorporate invasive plant material in its landscaping, the native species could be overwhelmed and supplanted.

To ensure that the project maintains non-invasive plant species, Special Condition #4 is required by the Commission. Special Condition #4 requires the applicant to submit a landscaping plan for the review and approval of the Executive Director. The plan requires the applicant to plant the entire site with non-invasive plant species. A list of invasive plant species is shown as Exhibit #7 of this report. Such plants are restricted in the landscaping plan because of the possibility that native plant species within Topanga State Park would eventually be supplanted by the invasive plants. The landscaping plan also requires the planting of low-lying, fire resistant native vegetation on all sloped portions of the property if brush clearance is undertaken. Low-lying, fire resistant native plants are used because they require little to no watering once they are established (1-3 years), they have deep root

¹ Premises on Coastal Sage Scrub Ecology, CA Department of Fish and Game

systems that tend to stabilize the soil, are spreading plants that tend to minimize erosion impacts of rain and water run-off, and would not add to a ready fuel supply for brush fires. 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 earth movement.

As mentioned in Section E.2. of this staff report, the City of Los Angeles, Brush Clearance Unit, requires the clearance of brush within 100 feet of any structure and an additional 100 feet of selective clearing from any structure, for a total of 200 feet. The proposed gazebo on lot 12 is located 100 feet or further from the State Park property line and the proposed pool house on lot 11 is located approximately 50 feet from the State Park property line. As discussed previously, during a July 10, 2001 meeting, the City of Los Angeles Brush Clearance Unit (Battalion Chief Stormes, Battalion Chief Hernandez, and Captain McCarty) stated to Commission staff that the applicant will have to conduct brush clearance no matter where the project is located on the lot. The City also indicated that clearance will not be required on any portion of the State Park.

Section 30240 requires projects to be "sited and designed to prevent impacts which would significantly degrade such areas [parks and recreation areas], and shall be compatible with the continuance of such habitat areas. The proposed gazebo on lot 12 is sited as close to the existing single family home as possible to lessen the impacts to the State Park. The proposed pool house is located approximately 50 feet from the State Park property line and 41 to 62 feet away from Bienvenida Avenue. Therefore, there is an alternative to site the project in a way that would lessen any impacts due to brush clearance on State Park lands by relocating the recreational amenities toward the street. However, the City Fire Department has stated that in this project the applicant will be required to clear all portions of his lot no matter where the project is located and has also stated that no portion of the State Park will require brush clearance. Even if the proposed project were sited toward the street and away from the slope portion of the property, the Brush Clearance Unit would still issue clearance requirements for the entire property. If clearance were required on State property due to the siting of the proposed development the Commission would require the applicant to re-site the development so as to limit the amount of clearance on the State Park.

Therefore, as further conditioned in Special Condition #4, the applicant shall include a fuel modification plan for lot 11 and lot 12. The fuel modification plan shall include the permittee's landscaping plan, details regarding the types, sizes and location of plant materials, and how often thinning is to occur. Highly volatile plants that increase the fuel load, such as eucalyptus, conifers, and other introduced plants that add to the fuel load shall not be used on any portion of lot 11. The plan shall minimize impacts to natural vegetation and public views and must have been reviewed and approved by the Los Angeles City Fire Department. The fuel modification plan shall include a signed statement from the applicant and the Los Angeles City Fire Department stating that no brush clearance will be undertaken on Topanga State Park, adjacent to lot 11 and lot 12 due to the proposed project.

The applicant has also proposed to construct a paddle tennis court with minor grading and a retaining wall. The applicant has stated that he plans to install a lighting system that will illuminate the court for nighttime activity. Excessive lighting has been found to negatively affect certain avian and terrestrial behavioral patterns. Also, flooding surrounding habitat with light that is normally darkened by the night sky could lead to excessive predation on certain animal species that use darkness for protection. For example, crows prefer to roost in lit areas, which could create an adverse ecological impact on the overall bird community. Direct effects are also found on amphibian, reptile, and mammal populations.

The City of Los Angeles, Zoning Adjustment approval conditioned the project to avoid lighting impacts to surrounding properties. Condition #12 states, in part:

a. The paddle tennis court shall be lighted by a maximum of four horizontally mounted, rectilinear-type, sharp cut-off fixtures shielded in such a manner that the light source will not be viewable from the abutting properties. Lamps shall be metal-halide type of not more than 1,000 watts each and mounted at a height of 20 feet or less above the court.

d. No paddle tennis court light shall be turned on or left on after 9 p.m., Sunday through Thursday, and 10 p.m., Friday and Saturday...

The condition further requires a 10-foot high fence or wall to enclose the paddle tennis court.

While the fencing and directional lighting will reduce some light impacts on the surrounding area, the Commission must ensure that the lighting will not impact the habitat on the adjacent State Park. To ensure that the tennis court lighting does not negatively impact the habitat of the surrounding environment, Special Condition #3 is imposed that requires the applicant to use a lighting system that directs the lights toward the court and not into the hillside areas. The lights shall be equipped with 180 to 360-degree shields to guarantee that light does not escape outside the tennis court and into surrounding habitat.

Only as conditioned to incorporate a landscaping plan prohibiting invasive plant species and the use of a directed and shielded lighting system does the Commission find the project consistent with Section 30240 of the Coastal Act.

G. Local Coastal Program

Section 30604 (a) of the Coastal Act states:

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

local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

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

The City has submitted five Land Use Plans for Commission review and the Commission has certified three (Playa Vista, San Pedro, and Venice). However, the City has not prepared a Land Use Plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process in 1978, with the exception of two tracts (a 1200-acre tract of land and this approximately 300-acre tract) which were then undergoing subdivision approval, all private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decisions remained in the Pacific Palisades. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

As conditioned, to address the habitat, scenic and visual resources, erosion related issues and the 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.

H. 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.

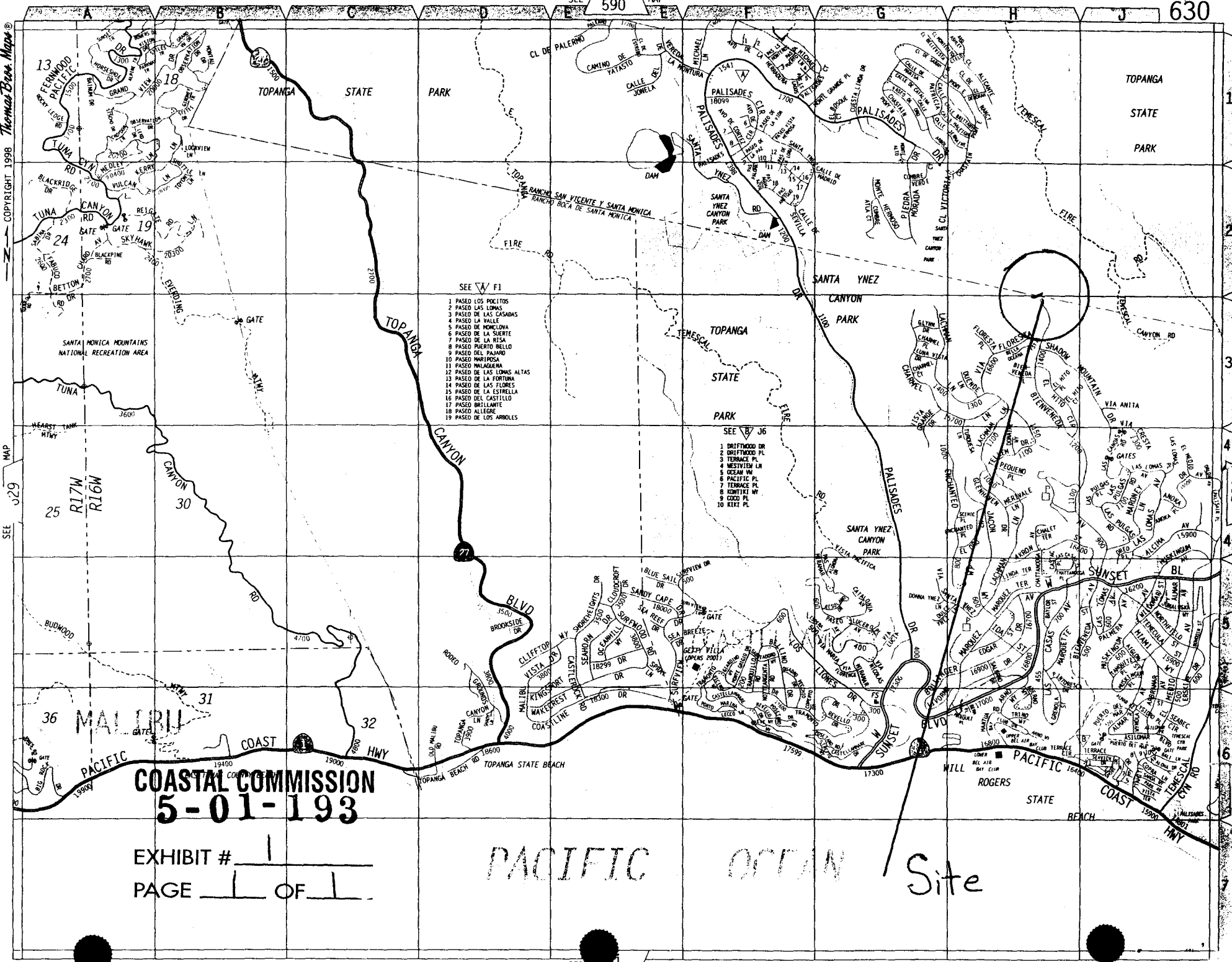
The proposed project, as conditioned to supply and implement an erosion control plan, submit and incorporate a landscaping plan, and to lessen the impacts of the tennis court lighting system, is found to be consistent with the Chapter 3 policies of the Coastal Act. As explained above and incorporated herein, all adverse impacts have been minimized and the project, as proposed, will avoid potentially significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project is consistent with the requirements of the Coastal Act and CEQA.

End/am

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SEE 590 MAP

630



- SEE V F1
- 1 PASO LOS POQUITOS
 - 2 PASO LAS LOMAS
 - 3 PASO DE LAS CASADAS
 - 4 PASO LA VALLE
 - 5 PASO DE MONOLONA
 - 6 PASO DE LA SIERRA
 - 7 PASO DE LA RISA
 - 8 PASO PUERTO BELLO
 - 9 PASO DEL PAJARO
 - 10 PASO MARIQUISA
 - 11 PASO MALAGUENA
 - 12 PASO DE LAS LOMAS ALTAS
 - 13 PASO DE LA FORTUNA
 - 14 PASO DE LAS FLORES
 - 15 PASO DE LA ESTRELLA
 - 16 PASO DEL CASTILLO
 - 17 PASO BRILLANTE
 - 18 PASO ALLEGRE
 - 19 PASO DE LOS ARBOLES

- SEE V J6
- 1 DRIFTWOOD DR
 - 2 DRIFTWOOD PL
 - 3 TERRACE PL
 - 4 NESTVIEW LN
 - 5 OCEAN HWY
 - 6 PACIFIC PL
 - 7 TERRACE PL
 - 8 NORTVIEW HWY
 - 9 COCO PL
 - 10 KIRT PL

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EXHIBIT # 1
 PAGE 1 OF 1

PACIFIC OCEAN Site

SEE 590 MAP

4 TORONGA STATE PARK

TEMPERAL HEDGIC

BY EASEMENTS (LOTS 51-54)

TR. 21601

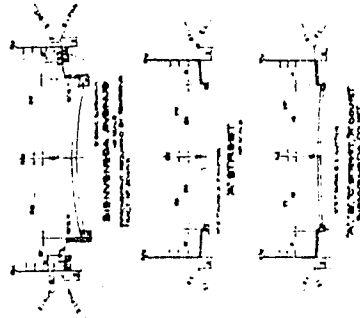
TR 30453

RESIDUALS TR 20453

Lot 11

Lot 12

"GOLF COURSE" TENTATIVE TRACT N° 40492



--- Limit of Grading
- - - Existing Trails

AREA TO BE DEDICATED (GOLF)

NOTE: NOT A PART SUBDIVISION (PAGES)

TRAIL

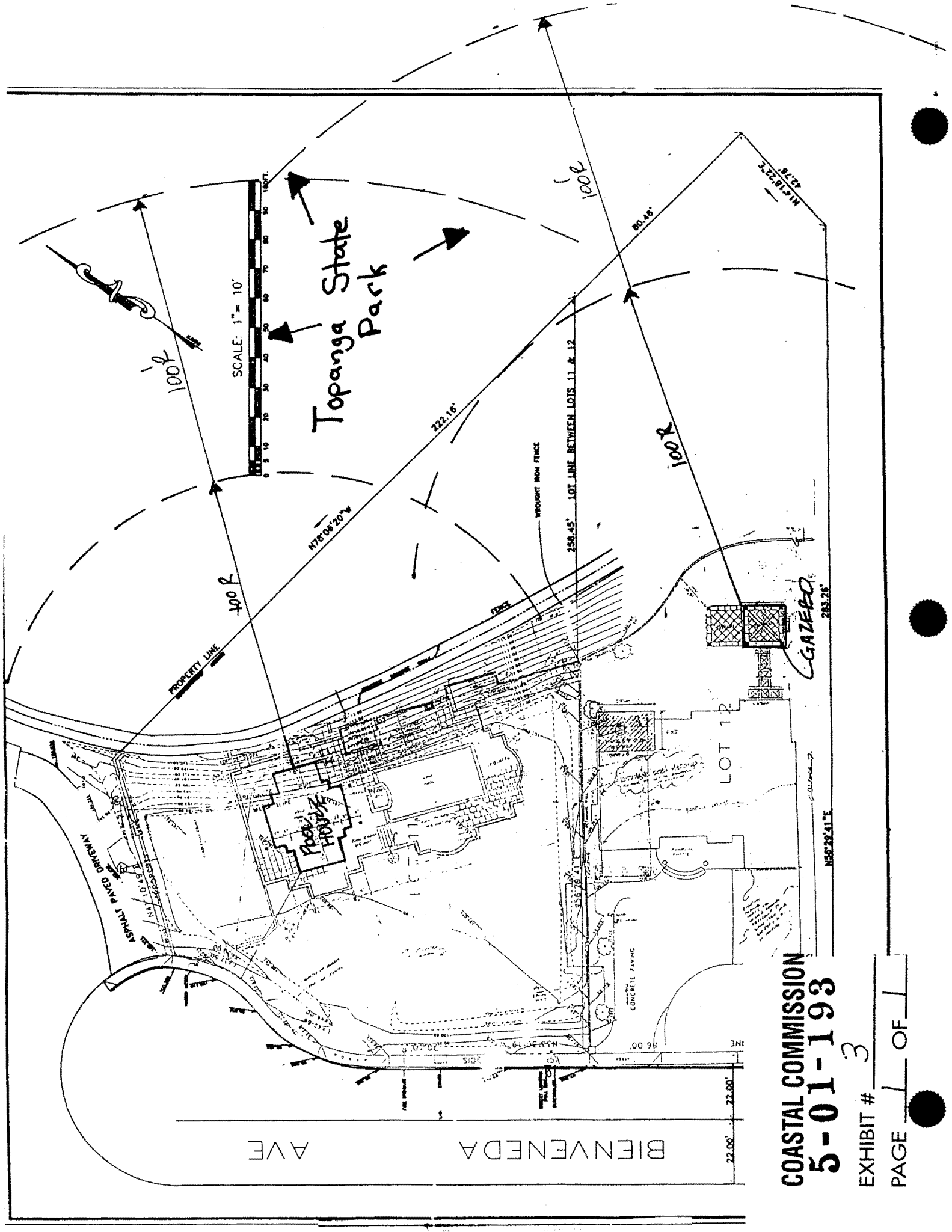
TRAILS

COASTAL COMMISSION 5-01-193

EXHIBIT # 2

PAGE 1 OF 1

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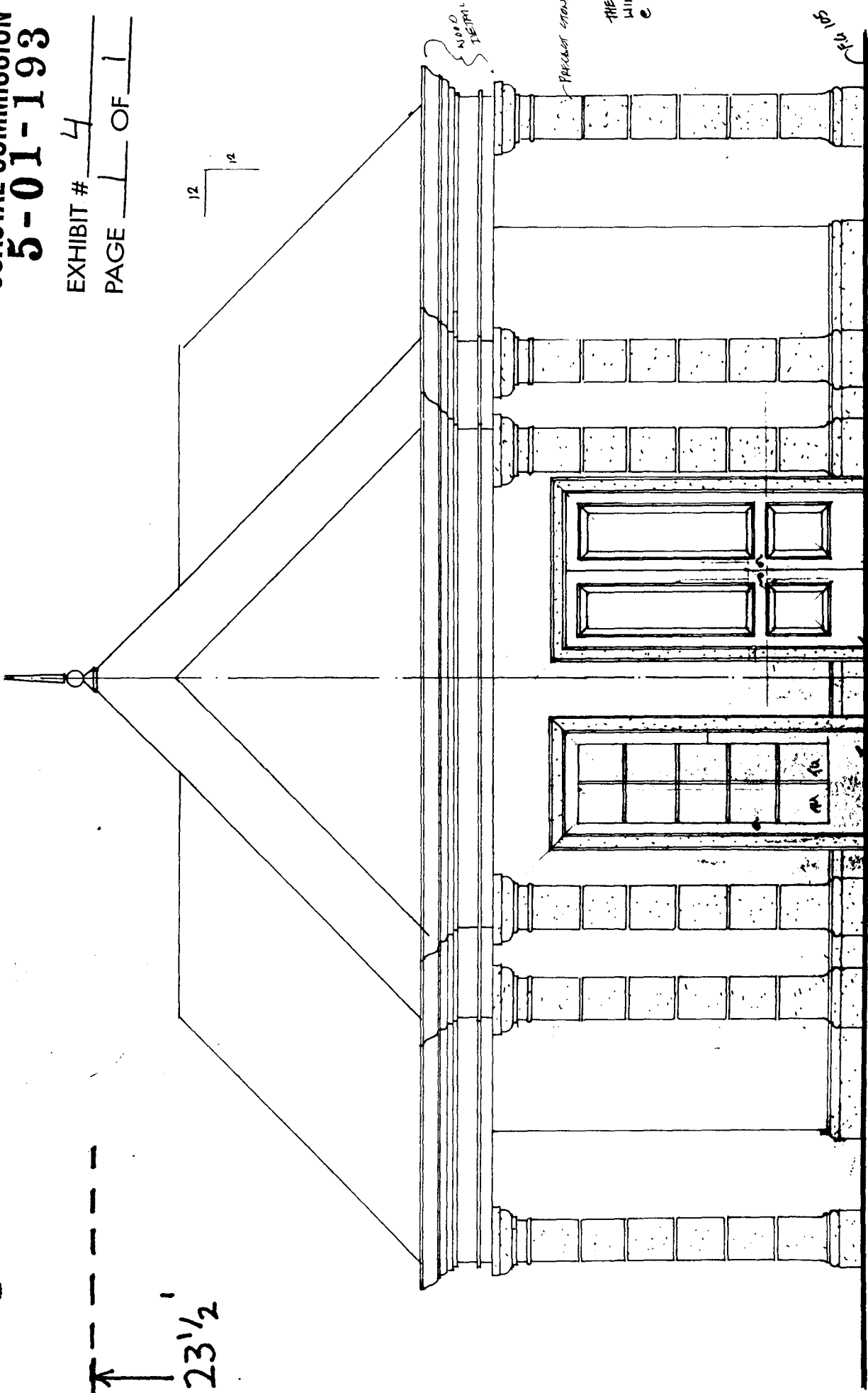


BIENVENEDA AVE

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EXHIBIT # 3

PAGE 1 OF 1

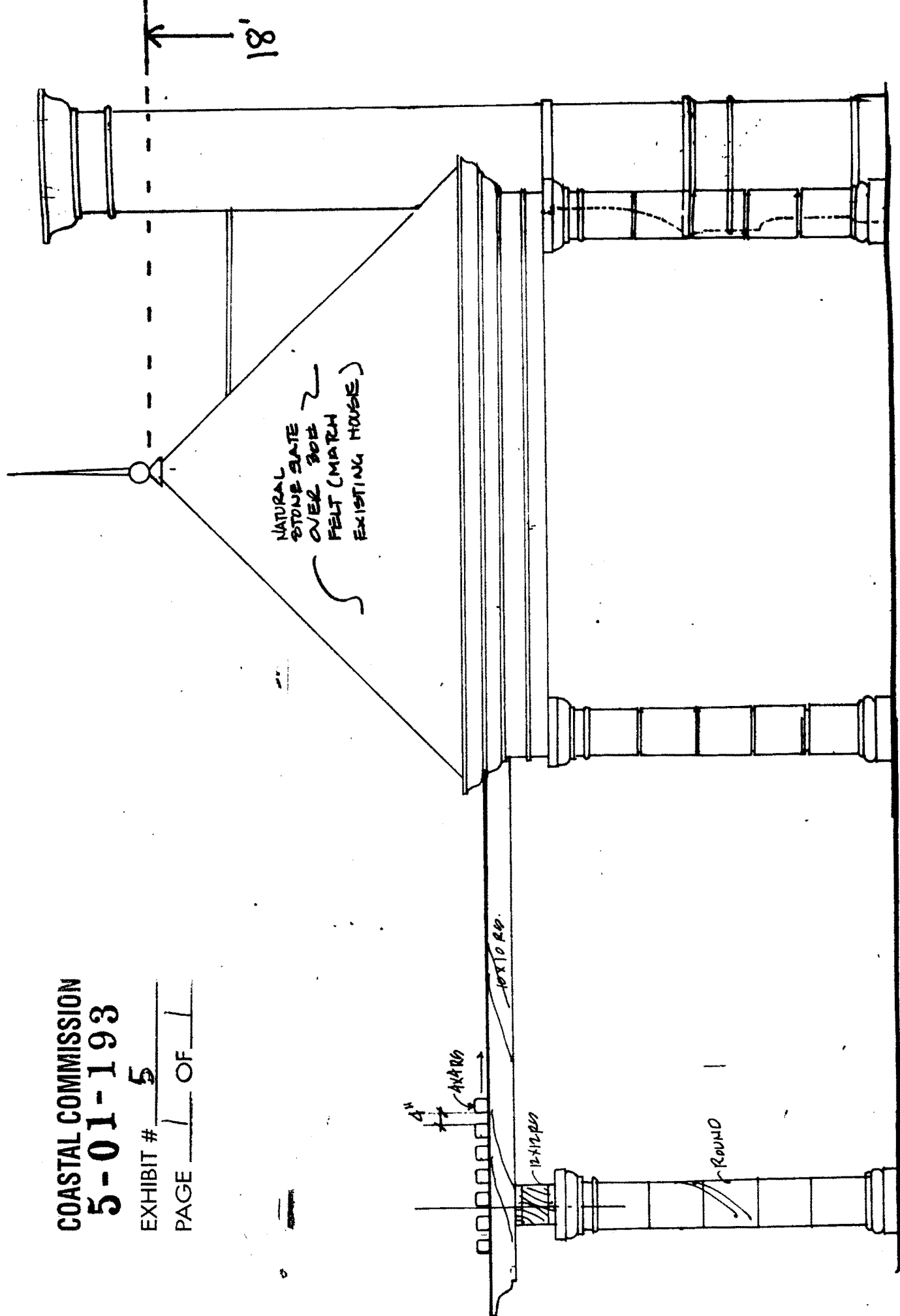


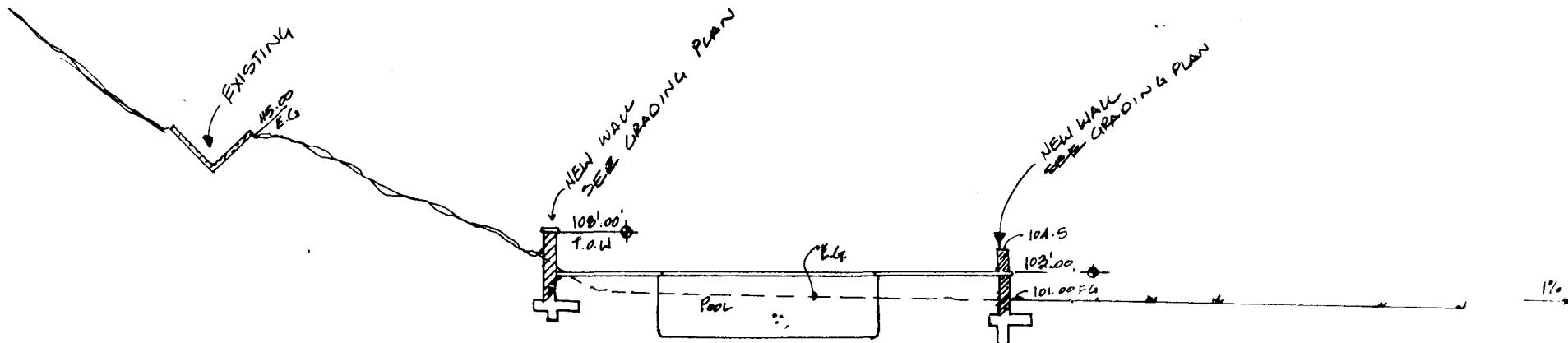
Pool House

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5-01-193

EXHIBIT # 5

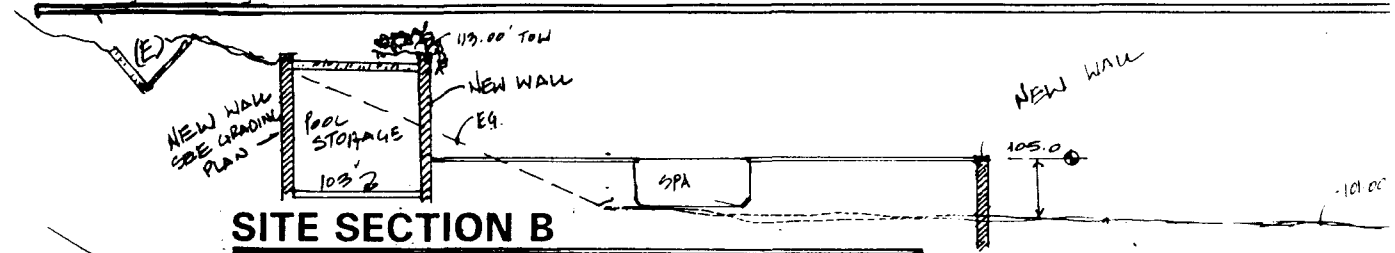
PAGE 1 OF 1





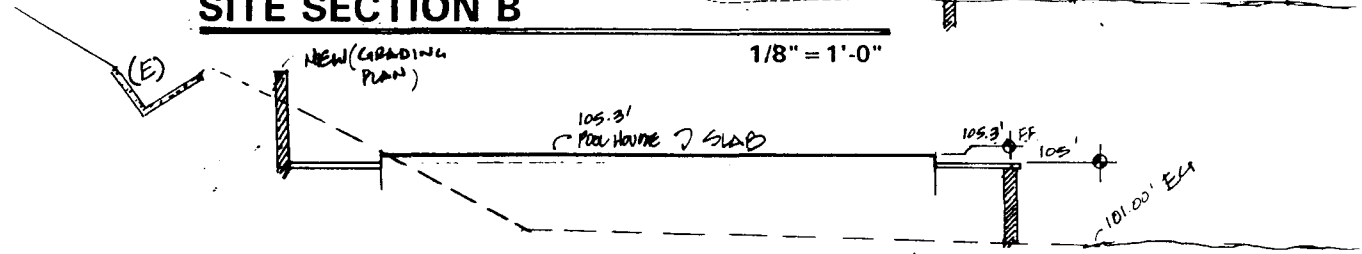
SITE SECTION A

1/8" = 1'



SITE SECTION B

1/8" = 1'-0"



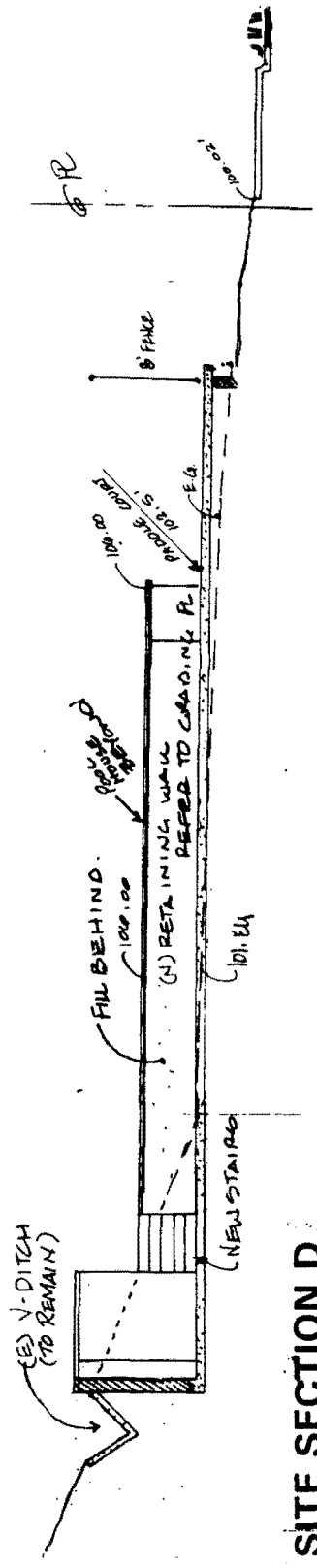
SITE SECTION C

1/8" = 1'-0"

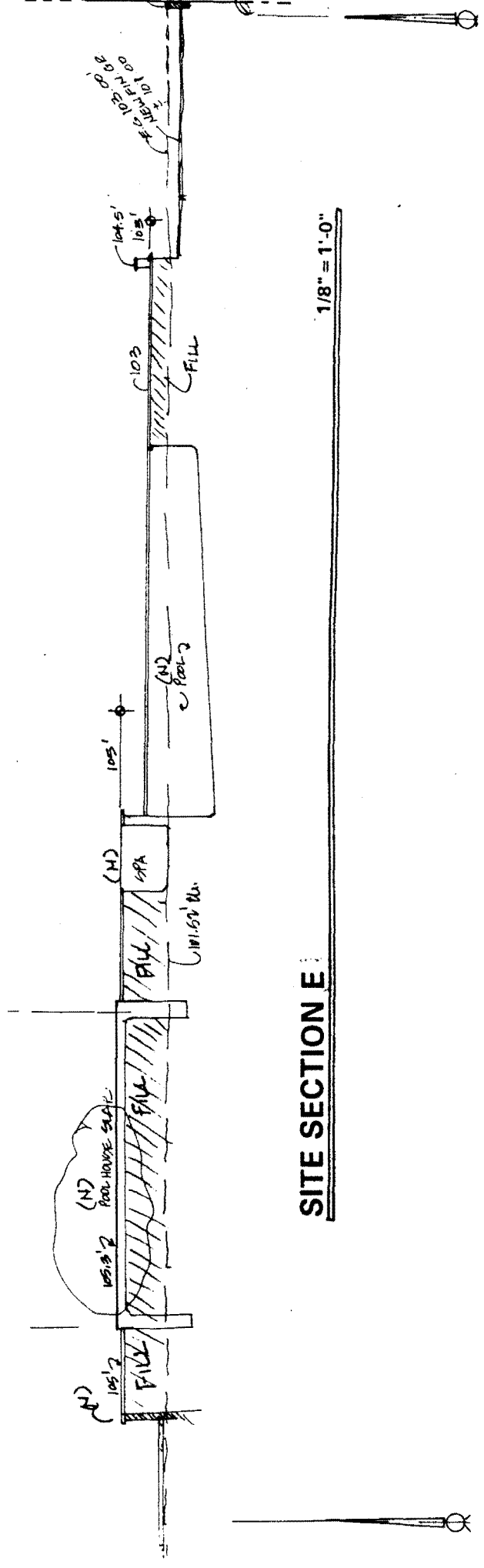
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5-01-193

EXHIBIT # 6

PAGE 1 OF 2



SITE SECTION D



SITE SECTION E

1/8" = 1'-0"

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5-01-193

EXHIBIT # 6
 PAGE 2 OF 2

Prohibited Invasive Ornamental Plants

SCIENTIFIC NAME

COMMON NAME

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

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EXHIBIT # 7
PAGE 1 OF 2

Prohibited Invasive Ornamental Plants

Ipomoea acuminata

Lampranthus spectabilis

Lantana camara

Limonium perezii

Unaria bipartita

Lobularia maritima

Lonicera japonica 'Halliana'

Lotus corniculatus

Lupinus sp. (all non-native species)

Lupinus arboreus

Lupinus texanus

Malephora crocea

Malephora luteola

Mesembryanthemum crystallinum

Mesembryanthemum nodiflorum

Myoporum laetum

Nicotiana glauca

Oenothera berlandieri

Olea europea

Opuntia ficus-Indica

Osteospermum sp. (all species)

Oxalis pes-caprae

Pennisetum clandestinum

Pennisetum setaceum

Phoenix canariensis

Phoenix dactylifera

Plumbago auriculata

Ricinus communis

Rubus procerus

Schinus molle

Schinus terebinthifolius

Saneclo mikanioides

Spartium junceum

Tamarix chinensis

Trifolium fragiferum

Tropaeolum majus

Ulex europaeus

Vinca major

Blue dawn flower.

Mexican morning glory

Trailing Ice Plant

Common garden lantana

Sea Lavender

Toadflax

Sweet Alyssum

Hall's Honeysuckle

Birdsfoot trefoil

Lupine

Yellow bush lupine

Texas blue bonnets

Ice Plant

Ice Plant

Crystal Ice Plant

Little Ice Plant

Myoporum

Tree Tobacco

Mexican Evening Primrose

Olive tree

Indian fig

Trailing African daisy, African daisy,

Cape marigold, Freeway daisy

Bermuda Buttercup

Kikuyu Grass

Fountain Grass

Canary Island date palm

Date palm

Cape leadwort

Castorbean

Himalayan blackberry

California Pepper Tree

Florida Pepper Tree

German Ivy

Spanish Broom

Tamarisk

Strawberry clover

Nasturtium

Prickly Broom

Periwinkle

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EXHIBIT # 7

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