

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

Filed: 11/28/01  
49th Day: 1/16/02  
180th Day: 5/27/02  
Staff: AM-LB *AM*  
Staff Report: February 13, 2002  
Hearing Date: March 5, 2002  
Commission Action:



RECORD PACKET COPY

**Tu 6b****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-01-448**APPLICANT:** Edward Z. Tabash**AGENT:** Donn Allen Carter**PROJECT LOCATION:** 16656 Cumbre Verde Court, Pacific Palisades, City and County of Los Angeles (Lot 101, Tract 31935)

**PROJECT DESCRIPTION:** Construction of a 10-foot high, 36-foot long retaining wall and approximately 1,675 square foot sports court located in the rear yard of an existing single family home. Water runoff from the sports court will be directed into trench drains, which drain into a 6' 6" x 6' 6" x 6' 6" gravel filled filtration pit. The project includes 33 cubic yards of graded cut.

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**SUMMARY OF STAFF RECOMMENDATIONS**

Staff is recommending approval with conditions that relate to compliance with the applicant's geotechnical consultant and the City of Los Angeles, Department of Building and Safety, and conformance to the applicant's proposal to incorporate trench drains and a filtration pit to retain runoff water on site. The applicant has proposed the drainage system to minimize the amount of runoff that enters the storm drain system.

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**LOCAL APPROVALS RECEIVED:**

City of Los Angeles, Department of City Planning, Approval In Concept 11/16/01

**SUBSTANTIVE FILE DOCUMENTS:**

1. Categorical Exclusion No. E-79-8
2. Coastal Development Permit A-381-78, as amended (Headlands Properties)
3. Coastal Commission Exemption Letter, 5-01-101-X, 8/24/01
4. Limited Geologic & Soils Engineering Investigation, PIN# 3909 by SubSurface Designs Inc., 2/26/01
5. City of Los Angeles, Department of Building and Safety, Department Review Letter, Log No. 33441, 4/23/01

**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. 5-01-448 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. 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 Limited Geologic & Soils Engineering Investigation, PIN# 3909 by SubSurface Designs Inc., 2/26/01 and the requirements of the City of Los Angeles, Department of Building and Safety, Department Review Letter, Log No. 33441, 4/23/01. The applicant shall also comply with the structural BMP as submitted in the letter dated 2/5/02, and shall maintain the BMP in order to ensure that it retains optimum functional capacity for the life of the development. 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 to the Executive Director for review and written approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site. Any substantial changes in the proposed development approved by the Commission, which may be required

by the consultant, shall require an amendment to this 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.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description and Location**

The proposed project is the construction of a 10-foot high, 36-foot long retaining wall and approximately 1,675 square foot sports court located in the rear yard of an existing two-story single family home (see Exhibits). The applicant has also proposed to incorporate a drainage system around the sports court, which will direct water runoff from the court into trench drains to a 6' 6" x 6' 6" x 6' 6" gravel filled filtration pit (Exhibit #7). The applicant's objective is to retain water runoff from the sports court on site and minimize the discharge of runoff to the storm drain system.

There is an existing two-story single family home with a rear yard swimming pool on the subject property (lot 101 tract 31935) (Exhibit #3 & #4). The subject property is located in the southern portion of the Santa Monica Mountains in the Palisades Highlands area of Los Angeles, approximately 3½ miles from Will Rodgers State Beach (Exhibit #1). As discussed below, the subject property was developed under the Commission approved coastal development permit A-381-78 (Headlands Properties). The permit authorized the development of four tracts with massive amounts of grading. Grading consisted of lowering prominent ridgelines, filling canyons and ravines, and creating building pads. The subject property lies above one of these fill areas (Exhibit #5). The subject property consists of a flat building pad below an ascending, approximately 33 degree slope. The slope ascends approximately 55 feet to a neighboring building pad (Exhibit #3).

##### **B. Project History: Underlying permit #A-381-78 (Headlands)**

In 1978, the Coastal Commission granted Coastal Development Permit A-381-78 to Headlands Properties for the grading of roads and the installation of utilities to accommodate a 230 unit residential tract in the Santa Monica Mountains, in a then undeveloped 1,200 acre holding in the Pacific Palisades area of the City of Los Angeles. The original permit established an urban limit line restricting grading and development within a specified perimeter. In a 1980 amendment to the permit, A-381-78-A1, the Commission approved four tracts, established the total number of dwelling units at 740, allowed massive grading within an extended urban limit line (beyond what was approved in

the original permit), authorized construction of two sites for commercial development (2 acre total) and a 7-acre institutional site, and required the dedication of almost 1,000 acres of public open space (the area outside the urban limit line) to State Parks. In 1981, the applicant recorded certain documents and commenced development, thus vesting the permit. Coastal Development Permit No. A-381-78 was amended 11 times.

In the original Permit No. A-381-78, the Commission defined the scope of the project and the approved development in condition 1, termed the "Scope of Approval." This condition states in part, "all grading, structural development and subdivided lots shall be located entirely within the urban limit line...." Special Condition 1, as modified by the Commission at the time of the ninth amendment, states in part:

*a. This permit amendment authorizes subdivision of four tracts of Palisades Highlands, for up to 740 residential units, a two-acre commercial site and a seven-acre institutional site, grading for all streets and lots, installation of drainage and utilities and construction of residential units as described in the attached Findings and Declarations. All grading, structural development, and subdivided lots shall be located entirely within the urban limit line, as described in the "Modification Exhibit" by VTN Inc shown on PH 87-4 and "Master Plan" PH 87-14, submitted by applicant to the Coastal Commission on Sept 29, 1987, and identified in the Coastal Commission files as approved applicant's Exhibits PH 87-4 and "Master Plan" PH 87-14.*

The subject property is located within Tract 31935 in the Pacific Palisades area of the City of Los Angeles. Tract 31935 was approved in Permit No. A-381-78, as amended. All conditions imposed on the underlying Permit No. A-381-78, as amended were also imposed on all development within Tract 31935. This Permit authorized the "construction of residential units" within the urban limit line. The existing single family home was authorized under this Permit.

As previously mentioned, the underlying permit authorized the construction of residential units. Title 14, Division 5.5, Section 13250 of the California Code of Regulations states:

(a) For purposes of Public Resources Code Section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:

- (1) All fixtures and other structures directly attached to a residence;
- (2) Structures on the property normally associated with a single-family residences such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and
- (3) Landscaping on the lot.

The proposed project is the construction of a 10-foot high, 36-foot long retaining wall for the placement of an approximately 1,675 square foot sports court located in the rear yard of the existing home. The above-described development, however, is not authorized

under the original Permit. The construction of a retaining wall is not considered a part of a single-family home because it is not directly attached to the residence, it is not a structure normally associated with a residence, and it is not part of the landscaping for the lot.

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

The proposed project is located on an interior lot within an approved subdivided tract (lot 101 tract 31935). The proposed project is located within the urban limit line and will not require any brush clearance on State Park property. Therefore, the Commission finds that the proposed project is consistent with the underlying permit, A-381-78.

#### **C. Hazards to Development**

The proposed project consists of the construction of a 10-foot high, 36-foot long retaining wall and approximately 1,675 square foot sports court located in the rear yard of an existing single family home (see Exhibits). Water runoff from the sports court will be directed into trench drains, which drain into a 6' 6" x 6' 6" x 6' 6" gravel filled filtration pit (Exhibit #7). Areas within the Pacific Palisades are susceptible to an array of hazards including landslides, erosion, flooding, and wildfires. The applicant has submitted a geologic and soils engineering investigation by SubSurface Designs Inc. dated February 26, 2001. The geotechnical report indicates that the site is underlain by five to fifty-five feet (5' – 55') of certified compacted fill (Exhibit #5). Bedrock assigned to the Martinez Formation of Paleocene geologic age was encountered under this fill and was observed to be "very hard, very well cemented limestone".<sup>1</sup>

The subject property consists of a flat building pad below an ascending, 55-foot high slope. The submitted geotechnical report states, "[a] thin veneer of natural soil mantles the ascending slope in the rear yard area. The soil was observed to be ½' to 1½' thick." Bedrock lies under the natural soils of the ascending slope. There were no indications of landslide material or active landslides within or immediately 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.

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<sup>1</sup> Limited Geologic & Soils Engineering Investigation PIN# 3909, by SubSurface Designs Inc., 2/26/01

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.*

#### Conformance with Geotechnical Recommendations

Recommendations regarding the design and installation of the retaining wall, sports court, 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 minimize the likelihood of slope instability and increase the structural integrity of the proposed project, and demonstrate that the proposed project 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 #1 requires the applicant to conform to the geotechnical recommendations contained in Limited Geologic & Soils Engineering Investigation, PIN# 3909 by SubSurface Designs Inc., 2/26/01 and the requirements of the City of Los Angeles, Department of Building and Safety, Department Review Letter, Log No. 33441, 4/23/01.

#### **D. Water Quality**

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 construction of a 10-foot high retaining wall and a 1,675 square foot sports court. 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. 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.

In this case, the applicant has proposed a drainage plan that directs all surface runoff from the proposed sports court into a 6' 6" x 6' 6" x 6' 6" gravel filled filtration pit (Exhibit #7). Surface run off is directed to the filtration pit via 4-inch trench drains. The purpose of the filtration pit is to retain the surface runoff from the proposed sports court on site, thus, minimizing the volume and velocity of storm water runoff into the storm drain system. To ensure that the applicant provides and maintains the drainage plan Special Condition #1 is required. Special condition #1 requires the applicant to comply with the structural BMP as submitted in the letter dated 2/5/02, and maintain the BMP in order to ensure that it retains optimum functional capacity for the life of the development. Therefore, the Commission finds the project as proposed and conditioned consistent with Section 30231 of the Coastal Act.

#### **E. Visual Impacts/Landform Alteration**

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.*

The proposed project is the construction of a 10-foot high retaining wall in the rear yard of an existing single family home. The proposed project requires 33 cubic yards of grade cut to extend the applicant's rear yard for the construction of a 1,675 square foot sports court. The subject property is bordered to the north and south by two-story single-family homes. Located to the west of the subject property is the frontage road, Cumbre Verde Court and to the east is the ascending, approximately 55-foot high slope. Above this slope lies neighboring single-family homes and one vacant, graded building pad for a future single family home (Exhibit #2).

The proposed project is located at the toe of the ascending slope in the rear yard of the existing single family home. The proposed retaining wall and sports court are not visible from any public vantage point due to the surrounding development and the location of the proposed project with respect to the ascending slope. The proposed project is located



within the urban limit line and would not impact the scenic and visual qualities of the surrounding area. Therefore, the Commission finds the proposed project consistent with Section 30251 of the Coastal Act.

**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 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 require the applicant to conform to the recommendations of the geotechnical reports, the City of Los Angeles, Department of Building and Safety, and the drainage control plan, 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.

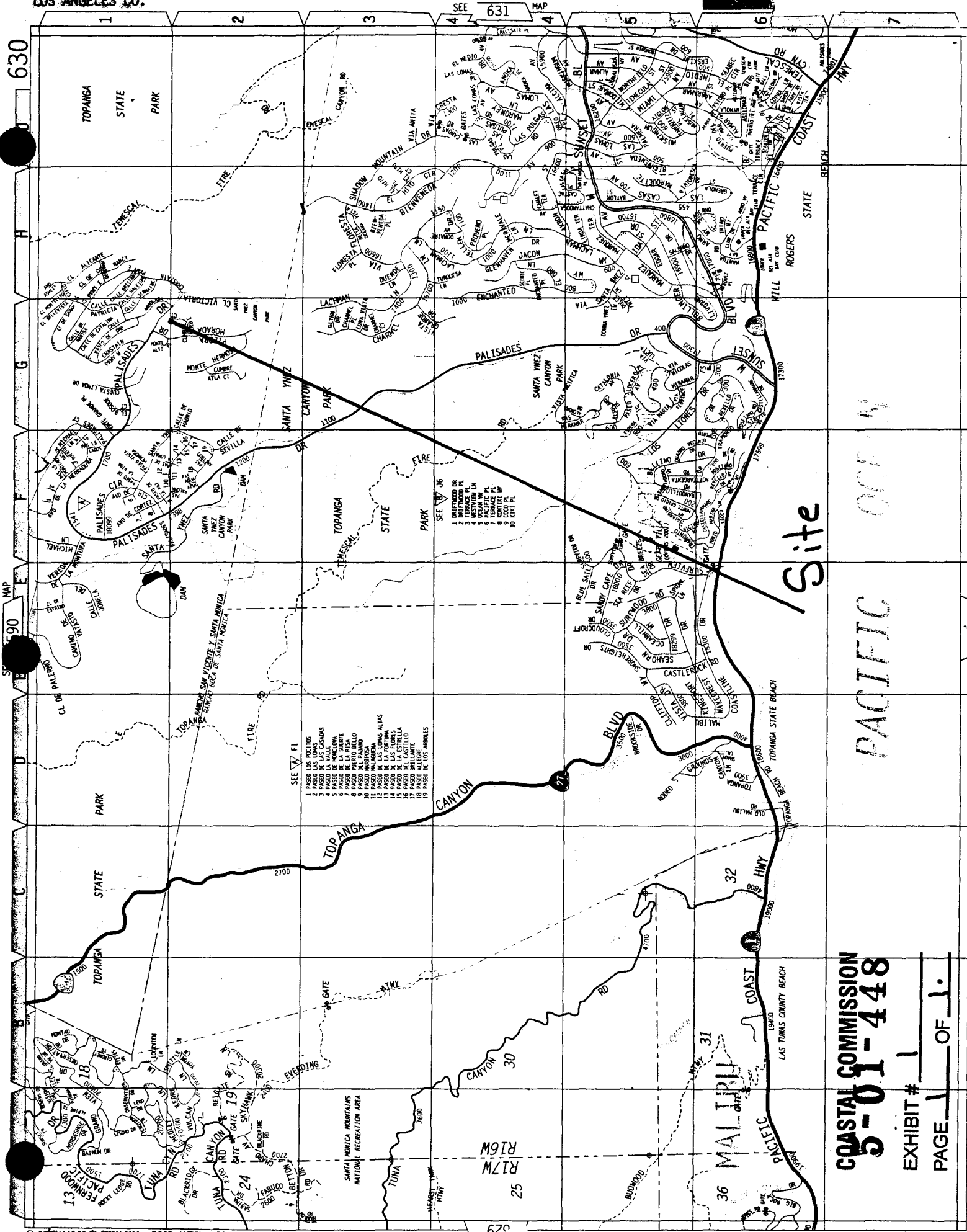
**G. California Environmental Quality Act**

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



COASTAL COMMISSION  
5-01-448

EXHIBIT # 1  
PAGE 1 OF 1

County of Los Angeles: Rick Auerbach, Assessor

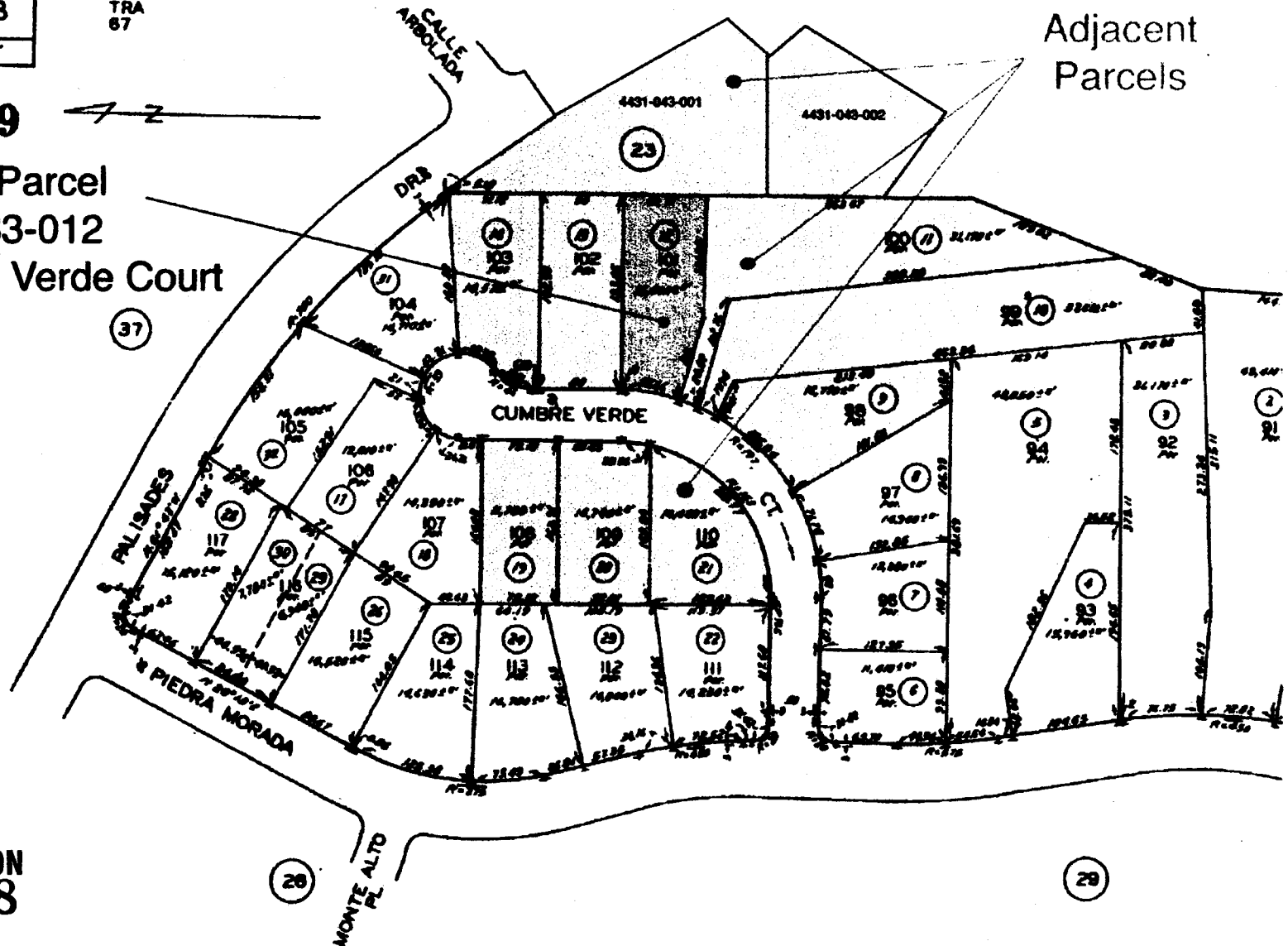
4431	33
SCALE 1" = 100'	

TRA  
67**1989**

Subject Parcel

4431-033-012

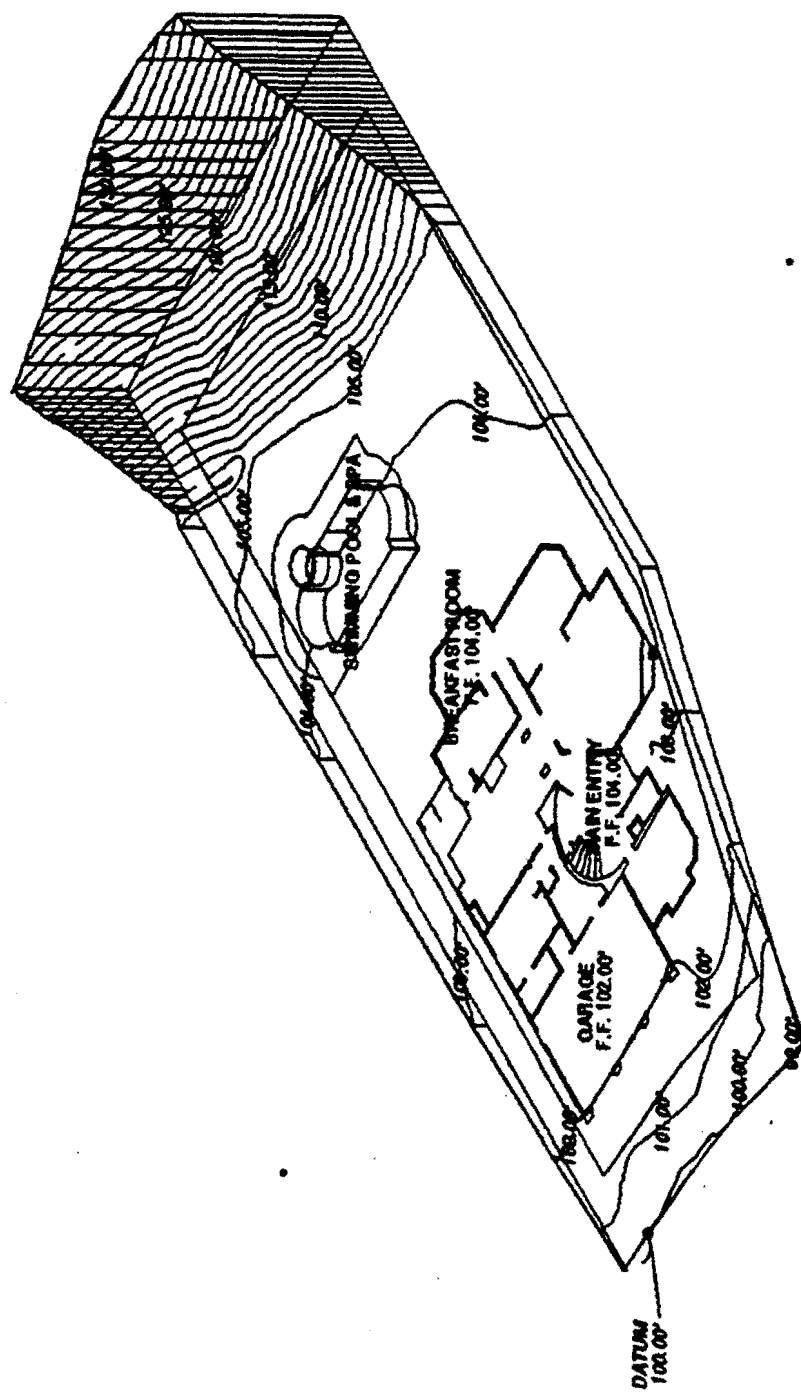
16656 Cumbre Verde Court

Adjacent  
ParcelsCOASTAL COMMISSION  
**5-01-448**EXHIBIT # **2**  
PAGE **1** OF **1**

TRACT NO. 31935

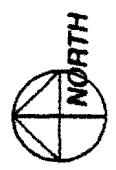
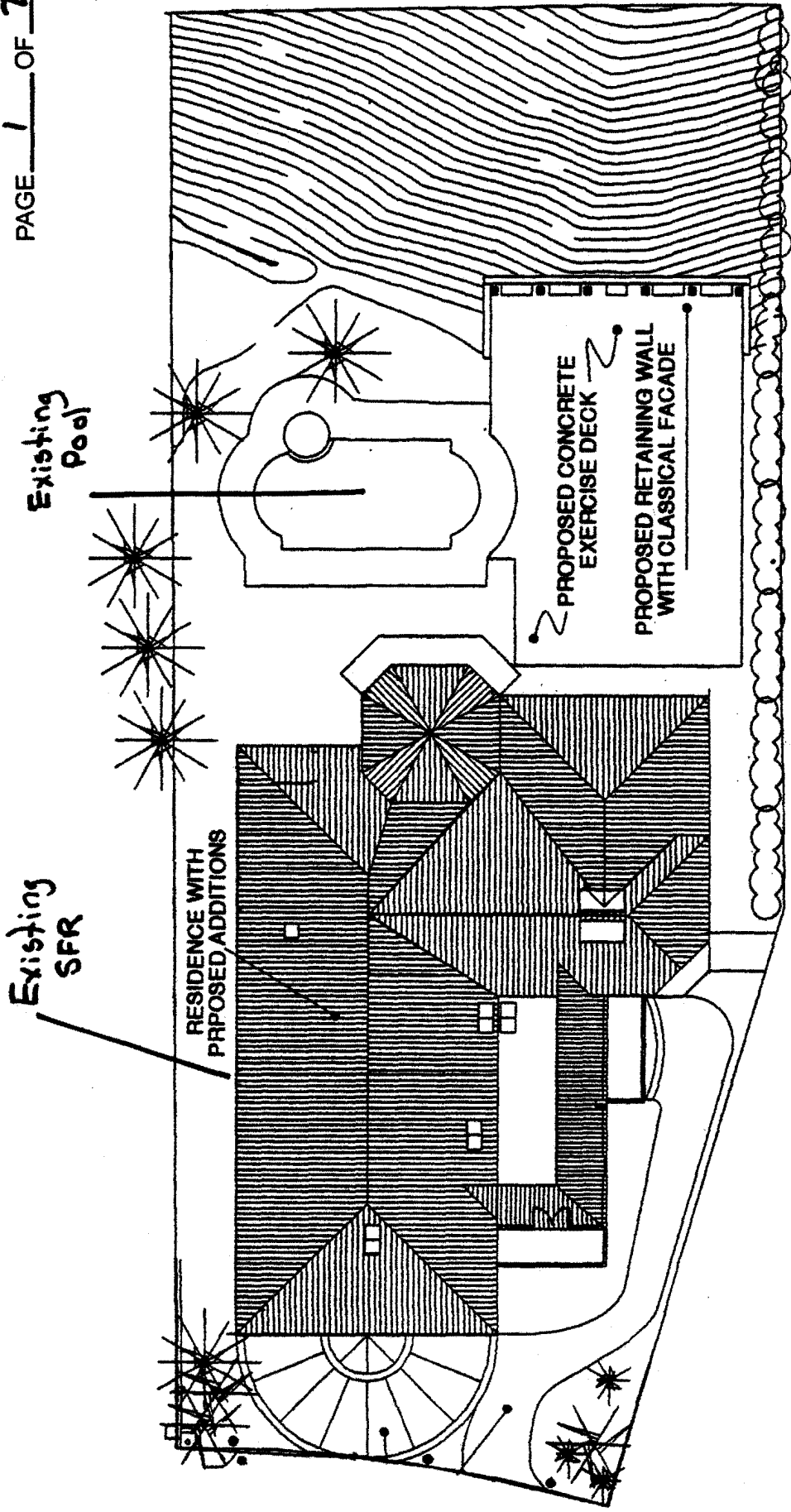
M.B. 1008-73-68

FOR PREV. ASSMT SEE:



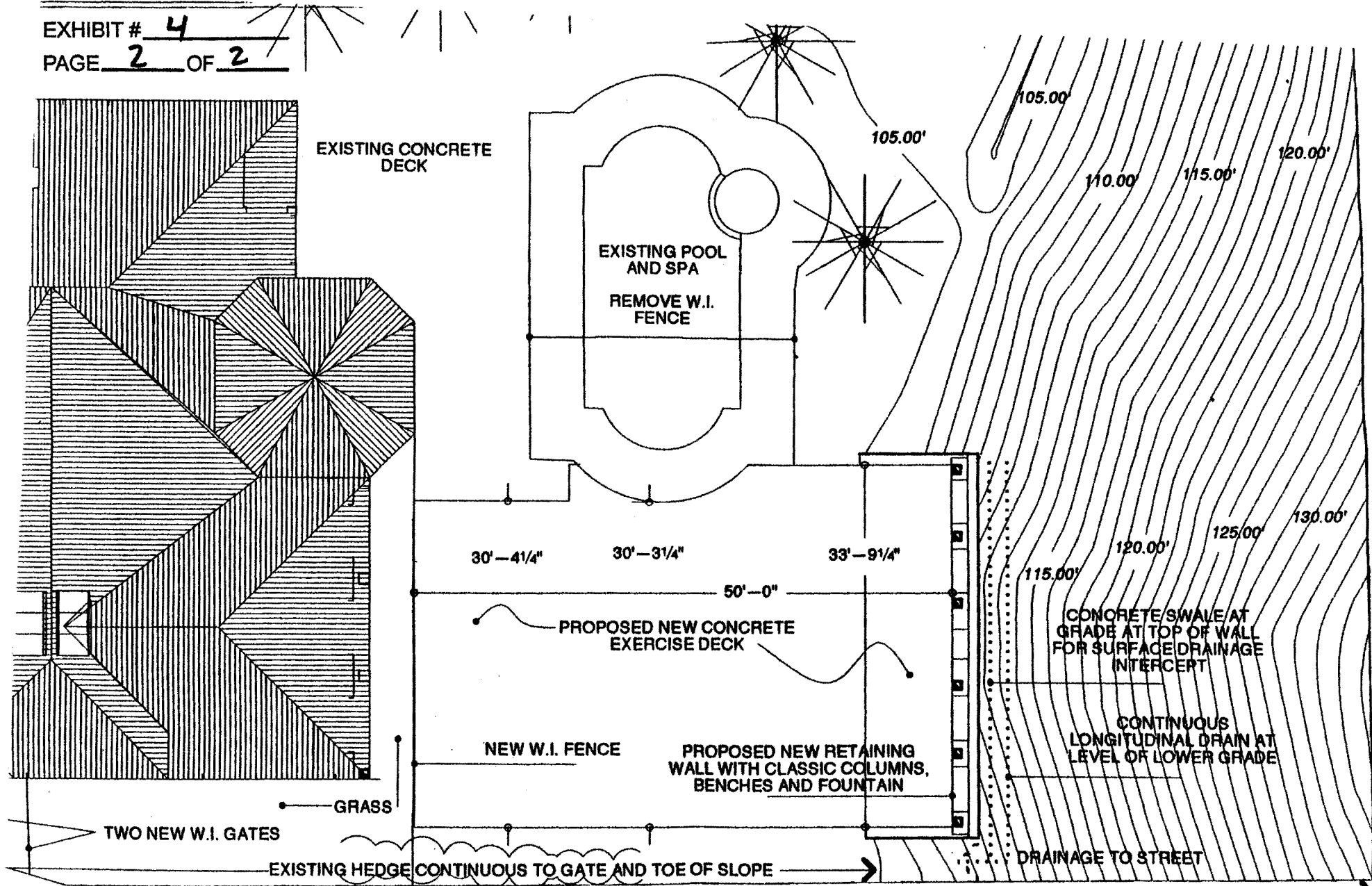
# EXISTING SITE MODEL

SCALE: 1/30=1'-0"



# **PROPOSED SITE PLAN**

SCALE: 1/16"=1'-0"



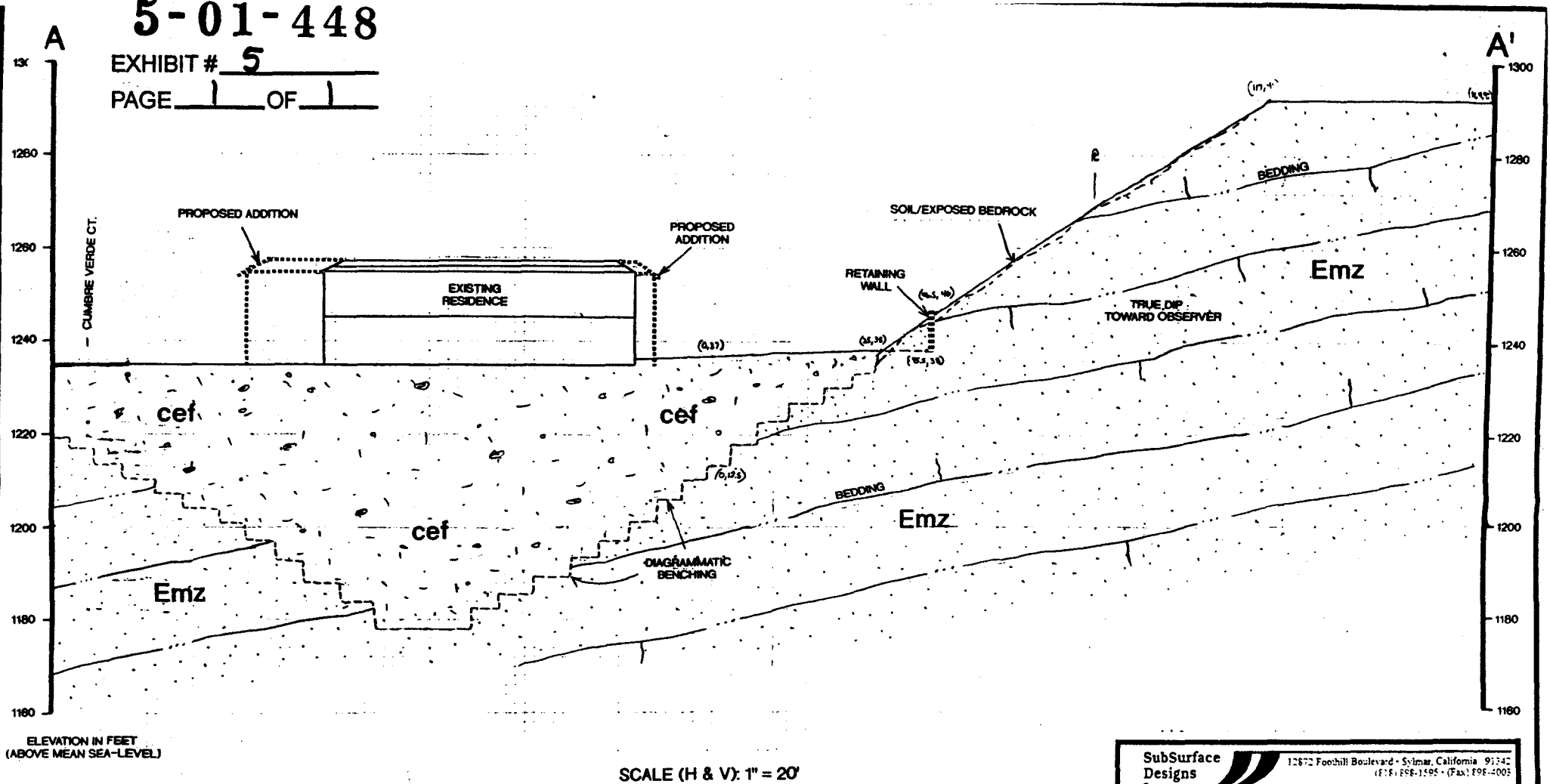
CONTINUE HEDGE FROM TOE OF SLOPE TO EAST PROPERTY LINE TO PROVIDE VISUAL SCREEN FOR RETAINING WALL - NEW PLANTING SHALL NOT EXCEED HEIGHT OF 6'-0"

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EXHIBIT # 5

PAGE 1 OF 1



SubSurface  
Designs  
Inc.

12672 Foothill Boulevard • Sylmar, California 91342  
(TEL) 818-1595 • (FAX) 818-1005

Tabash  
16656 Cumbre Verde Court, Pacific Palisades

Ref # 3909.01S

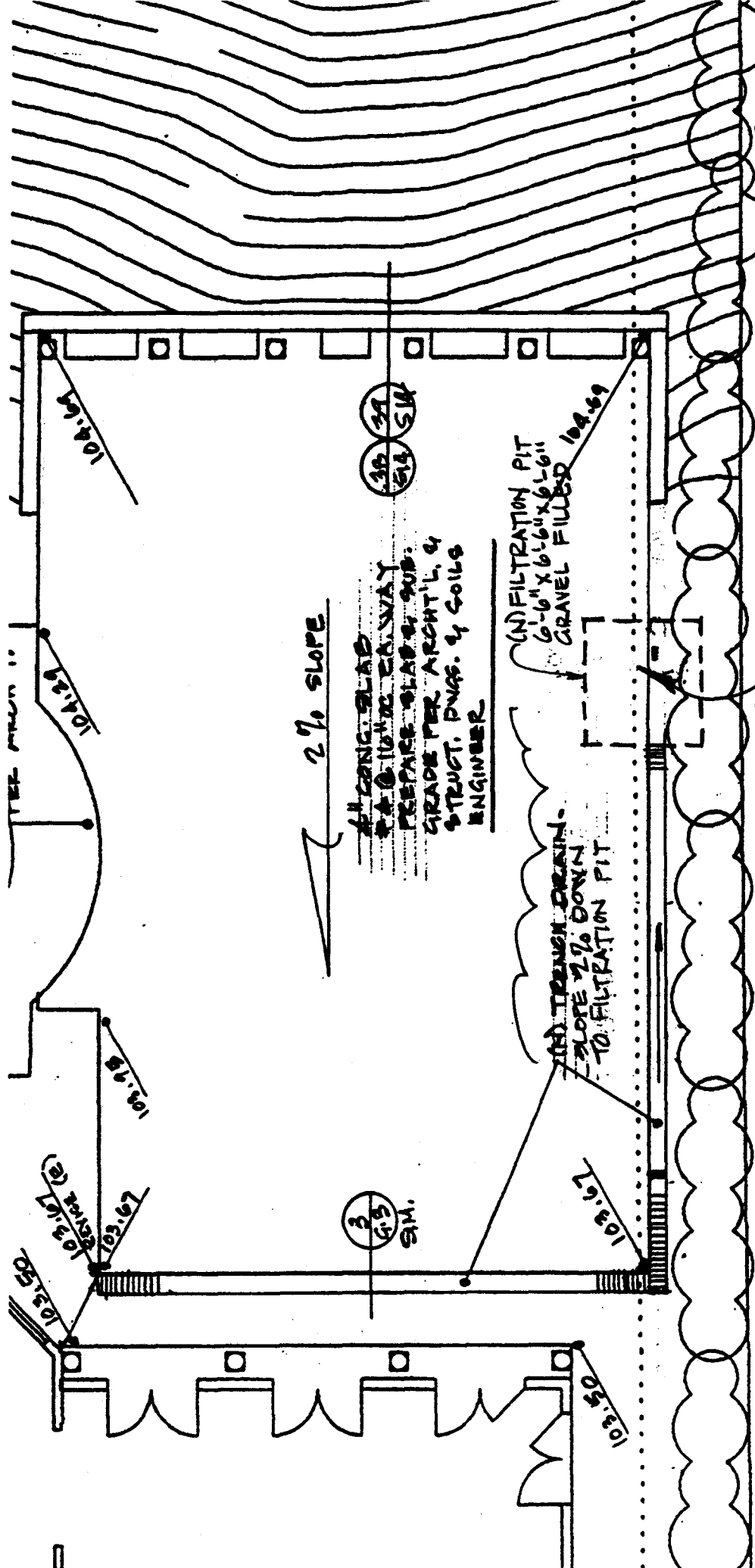
Geologic Cross-Section A-A'

February 26, 2001

Plate B

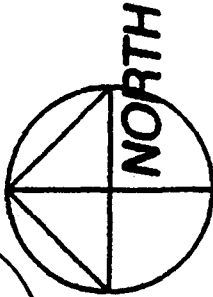






VERT =

- NOTES:
- SEE
  - ALL E
  - SUPP
  - ALL E
  - DE A
  - ALL C
  - COMPLY

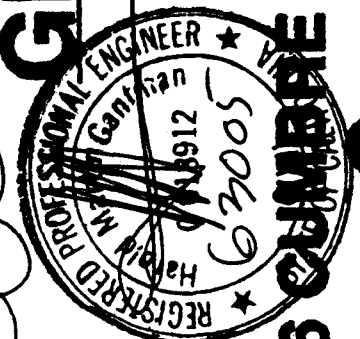


# GRADING PLAN - EAST

SCALE: 1/8"=1'-0"

COASTAL COMMISSION  
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TAPASH RES.  
5-10-448



REVISIONS FOR  
FILTRATION PIT  
2.5.2

IMPROVEMENTS

EXHIBIT # 7  
PAGE 1 OF 2

6 COURBE VERDE COURT

TABASH RESIDENCE

2.05.02

WATER RUNOFF FOR EXERCISE SLAB

AREA OF SLAB =  $30 \times 50 = 1500$  SF

WATER RUNOFF TO BE COLLECTED

$$Q = C i A$$

C FOR RES. CONC. = 0.6

$i = 3.5$  IN/HR

$$Q = 0.6 \times \frac{3.5}{12} \times 1500 = 263 \text{ ft}^3$$

USE:  $6.5' \times 6.5' \times 6.5'$

EXCAVATED  
VOLUME - FILL  
W/ GRAVEL

COLLECT RUNOFF AT SOUTHWEST CORNER  
OF SLAB AND DRAIN IN  $4" \phi$  PIPE TO  
COLLECTION PIT.

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EXHIBIT # 7

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