

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Filed: 8/7/02  
49th Day: 9/25/02  
180th Day: 2/3/03  
Staff: AM-LB AM  
Staff Report: August 21, 2002  
Hearing Date: September 10, 2002  
Commission Action:

**RECORD PACKET COPY****Item Tu 4k****STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-02-254

**APPLICANT:** Bienveneda Associates, LLC

**AGENT:** Archwest Developments, Inc.

**PROJECT LOCATION:** 1502 Bienveneda Avenue, Pacific Palisades, City and County of Los Angeles (Lot 11, Tract 40432)

**PROJECT DESCRIPTION:** Construction of a two-story, 31-foot high, 7,097 square foot single-family home with a 723 square foot 3-car garage, swimming pool, and 410 cubic yards of grading, located on a 26,102 square foot, vacant lot.

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**SUMMARY OF STAFF RECOMMENDATIONS**

Staff is recommending approval with conditions that relate to the submittal of a construction and post-construction drainage and erosion control plan and the submittal of a landscaping plan that prohibits the use of non-invasive plant species.

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**LOCAL APPROVALS RECEIVED:**

1. City of Los Angeles Planning Department, Approval In Concept # ZA 2002-4162-AIC, July 26, 2002

**SUBSTANTIVE FILE DOCUMENTS:**

1. Geotechnical and Geologic Engineering Investigation and Report #4930, by Ralph Stone and Company, Inc., September 18, 2000, January 10, 2001, and October 12, 2001
2. Geotechnical and Geologic Engineering Investigation and Report #5248, by Ralph Stone and Company, Inc., May 15, 2002

3. City of Los Angeles, Department of Building and Safety, Geology and Soils Review Letter, Log #32010-01, February 9, 2001
4. Coastal Development Permit No. A-390-78 (AMH) and amendments
5. Coastal Development Permit No. 5-01-193 (Maron)

**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. 5-02-254 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. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

A) The permittee shall comply with the following construction-related requirements:

- (1) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity.
- (2) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain.
- (3) All trash and debris shall be disposed in the proper trash or recycling receptacle at the end of every construction day.
- (4) Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain, or tracking. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (5) Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day.
- (6) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (7) A pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines.

- (8) All BMPs shall be maintained in a functional condition throughout the duration of the project.
- (9) Debris shall be disposed at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is required.

## **2. Drainage and Polluted Runoff Control Plan**

**A) PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director a drainage and runoff control plan, including supporting calculations, which indicate that drainage and polluted runoff controls shall incorporate structural and non-structural Best Management Practices (BMPs) designed to minimize the volume, velocity and pollutant load of storm water and other runoff leaving the developed site. The plans shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with the geologists' recommendations. All design and construction plans, including but not limited to grading plans, foundation plans, site plans, floor plans, elevation plans, roof plans, landscape and hardscape plans shall be consistent with the final drainage and runoff control plan. In addition to the specifications above, the plans shall be in substantial conformance the following requirements:

- (1) Selected BMPs (or suites of BMPs) shall be designed to treat or infiltrate storm water from each runoff event.
- (2) Design elements, which will serve to reduce directly connected impervious area and maintain permeable space within the development shall be incorporated where feasible. Options include the use of alternative design features such as concrete grid driveways and/or pavers/stepping stones for walkways, and porous material for or near walkways and driveways.
- (3) Runoff from all roofs, parking areas, driveways and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices, where feasible. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge excess runoff from the building site to the street in a non-erosive manner.
- (4) The plan shall include provisions for maintaining the drainage and filtration systems, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the

project's surface or subsurface drainage/filtration structures 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 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.

- B) 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.

3. **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 applicant shall not employ invasive plant species, which tend to supplant native species anywhere on the lot (see Exhibit #4 for a list of invasive plant species). (b) The applicant shall include a plan for landscaping the sloped portion of the lot with low-lying, fire resistant native plant species of the Santa Monica Mountains if brush clearance of the area is undertaken. (c) No permanent irrigation system shall be allowed on the sloped portion of the lot. 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 two years of the planting. (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 the lot. 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 the subject property 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 two-story, 31-foot high, 7,097 square foot single-family home with a 723 square foot, 3-car garage, swimming pool, and 410 cubic yards of grading, located on a 26,102 square foot, vacant lot (Exhibit #2). The construction of a new single family home on this vacant lot requires a coastal development permit because the home would be located within 100 feet of Topanga State Park (see Special Condition #3 above). If the home were located further than 100 feet from Topanga State Park a coastal development permit would not be required (Categorical Exclusion No. E-79-8, as amended).

The subject site is located on a previously graded lot in Pacific Palisades, Tract 40432. Grading for the building pads was authorized under the coastal development permit for the subdivision of tract 40432 (A-390-78, as amended). The property is located approximately 3½ miles inland of Will Rogers State Beach and Pacific Coast Highway (Exhibit #1), on the east side of Bienveneda 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 Bienveneda Ave. and ends at Pacific Coast Highway and Will Rodgers 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 Sate Park is located at the terminus of Bienveneda Ave. and adjacent to the subject property (Exhibit #1).

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 across the applicant's property) is a concrete drainage swale. This swale directs water runoff from the slopes behind the subject property, as well as adjacent properties, to a debris basin, which is owned and operated by the Ridgeview Country Estates Homeowners Association.

As mentioned, 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. One such condition established a designated grading limit line 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 grading 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. The proposed project is located within the grading limit line.

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 Bienveneda) of the concrete drainage swale and within the urban limit line.

**B. Water Quality**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

**C. Community Character**

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, and the public access provisions of the Coastal Act.

**D. Habitat**

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

**E. Local Coastal Program**

The City of Los Angeles does not have a certified LUP for the Pacific Palisades. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, 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 of the Coastal Act.

**F. California Environmental Quality Act**

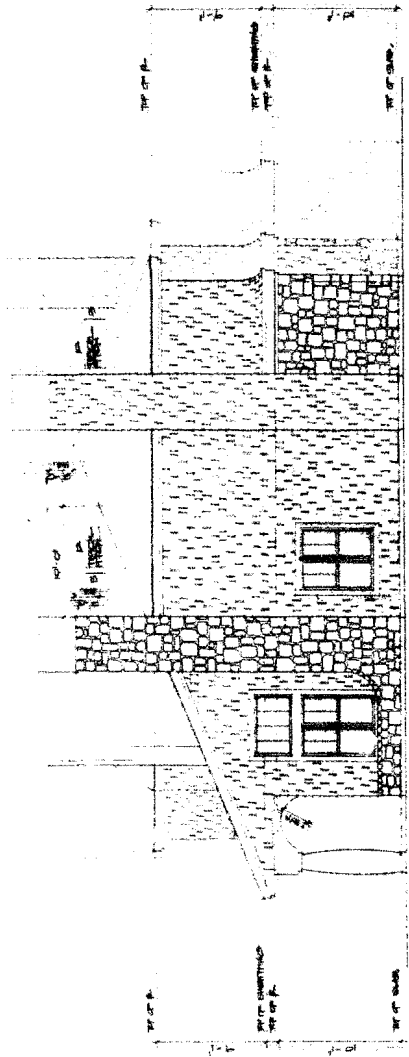
As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/AM

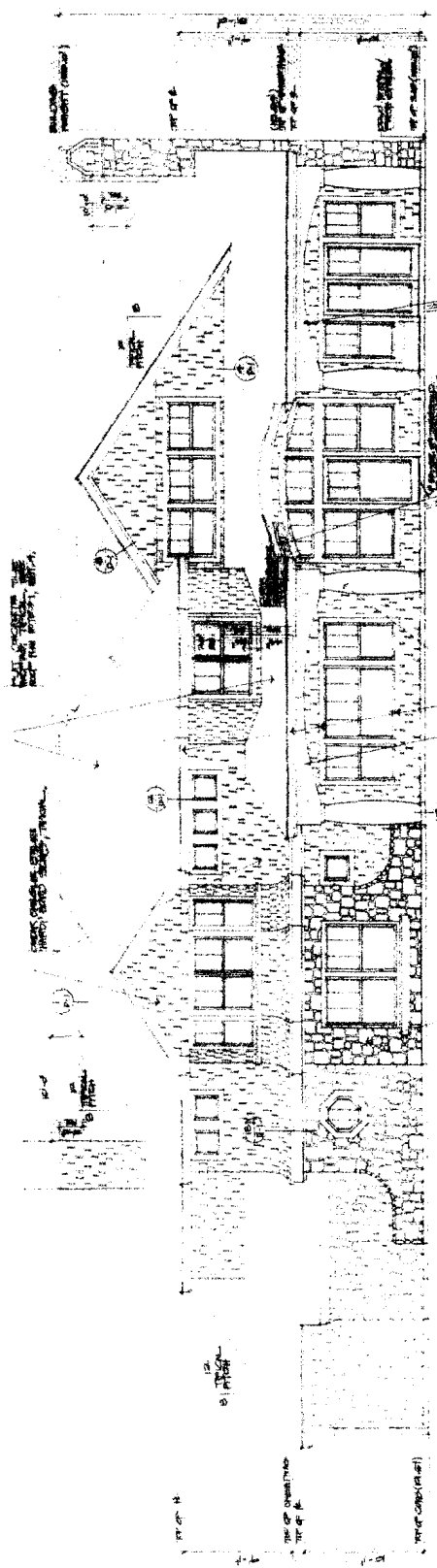
Site



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**RIGHT SIDE ELEVATION** 1/4" = 1' - 0" SCALE



**FRONT ELEVATION** 1/4" = 1' - 0" SCALE



# Prohibited Invasive Ornamental Plants

## SCIENTIFIC NAME

*Acacia* sp. (all species)  
*Acacia cyclops*  
*Acacia dealbata*  
*Acacia decurrens*  
*Acacia longifolia*  
*Acacia melanoxylon*  
*Acacia redolens*  
*Achillea millefolium* var. *millefolium*  
*Agave americana*  
*Ailanthus altissima*  
*Aptenia cordifolia*  
*Arctotheca calendula*  
*Arctotis* sp. (all species & hybrids)  
*Arundo donax*  
*Asphodelus fistulosus*  
*Atriplex glauca*  
*Atriplex semibaccata*  
*Carpobrotus chilensis*  
*Carpobrotus edulis*  
*Centranthus ruber*  
*Chenopodium album*  
*Chrysanthemum coronarium*  
*Cistus* sp. (all species)  
*Cortaderia jubata* [C. *Atacamensis*]  
*Cortaderia dioica* [C. *sellowiana*]  
*Cotoneaster* sp. (all species)  
*Cynodon dactylon*  
*Cytisus* sp. (all species)  
*Delosperma 'Alba'*  
*Dimorphotheca* sp. (all species)  
  
*Diosanthemum floribundum*  
*Diosanthemum hispidum*  
*Eucalyptus* (all species)  
*Eupatorium coelestinum* [Ageratina sp.]  
*Foeniculum vulgare*  
*Gazania* sp. (all species & hybrids)  
*Genista* sp. (all species)  
*Hedera canariensis*  
*Hedera helix*

## COMMON NAME

Acacia  
 Acacia  
 Acacia  
 Green Wattle  
 Sidney Golden Wattle  
 Blackwood Acacia  
 a.k.a. A. *Ongerup*  
 Common Yarrow  
 Century plant  
 Tree of Heaven  
 Red Apple  
 Cape Weed  
 African daisy  
 Giant Reed or Arundo Grass  
 Asphodel  
 White Saltbush  
 Australian Saltbush  
 Ice Plant  
 Hottentot Fig  
 Red Valerian  
 Pigweed, Lamb's Quarters  
 Annual chrysanthemum  
 Rockrose  
 Atacama Pampas Grass  
 Selloa Pampas Grass  
 Cotoneaster  
 Bermuda Grass  
 Broom  
 White Trailing Ice Plant  
 African daisy, Cape marigold,  
 Freeway daisy  
 Rosea Ice Plant  
 Purple Ice Plant  
 Eucalyptus  
 Mist Flower  
 Sweet Fennel  
 Gazania  
 Broom  
 Algerian Ivy  
 English Ivy

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# Prohibited Invasive Ornamental Plants

*Ipomoea acuminata*

*Lampranthus spectabilis*

*Lantana camara*

*Limonium perezii*

*Linaria 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*

*Senecio 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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