

**CALIFORNIA COASTAL COMMISSION**

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**TH 8c**

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 Hearing Date: 1/14-16/04  
 Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-03-410**APPLICANT:** Tirosh Family Trust,**AGENT:** Andres Cardenes**PROJECT LOCATION:** 7751 Veragua Drive, Playa del Rey, City of Los Angeles**PROJECT DESCRIPTION:** Construction of a 5,859 square foot, 45 foot high, three-story single-family residence, with attached 495 square foot 2-car garage, spa and 6-foot high perimeter wall.

Lot Area:	5,671 sq. ft.
Building Coverage:	2,260 sq. ft.
Pavement Coverage:	1,961 sq. ft.
Landscape Coverage:	1,450 sq. ft.
Parking Spaces:	2
Zoning:	R1-1—Single Family Residential
Ht above final grade:	45 feet

**LOCAL APPROVALS RECEIVED:** Approval in Concept from the Department of City Planning of the City of Los Angeles.**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the proposed development with special conditions regarding participation in a drainage mitigation project, submittal of a drainage plan, conformance with geologic recommendations, assumption of risk from slope failure/erosion, grading/landscaping, and future improvements.

**SUBSTANTIVE FILE DOCUMENTS:**

1. Certified Playa Vista Land Use Plan.
2. California Coastal Commission; Statewide Interpretive Guideline for Wetland and Other Wet Environmentally Sensitive Habitat Areas.
3. National Audubon Society; Ballona Wetland, Landscape and Access Plan, Appendix III, Landscape.
4. Staff Recommendation on Minor Boundary Adjustment BA#6-89, City of Los Angeles, Los Angeles Co., 8/31/90.
5. City of Los Angeles, ICO Westchester Bluffs #165,508.
6. Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, California Native Plant Society, November 23, 1988.
7. Department of Airport Commission, Airport Dunes Study, By Rudy Mattoni.
8. Coastal Development Permits 5-89-377 (Storey); 5-90-1109 (Wilhelmsen); 5-91-282 (Pridgen); 5-92-349 (Gales).
9. Court Case C525-826 Friends of Ballona Wetlands et al. vs. California Coastal Commission, et al.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission **APPROVE** the following resolution with special conditions.

**Motion:**

I move that the Commission approve Coastal Development Permit No. 5-03-410 pursuant to the staff recommendation.

Staff Recommends a **YES** vote. Passage of this motion will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION FOR APPROVAL WITH CONDITIONS**

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 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. Participation in Drainage Mitigation Project**

Prior to issuance of the permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, that provides that the applicant shall participate on the same basis as all similarly situated projects in the Playa del Rey (Westchester) bluff area in any program to improve the drainage system and water quality of the street drainage emptying into the Ballona Wetlands from the Westchester bluff area. The agreement shall be enforceable by the City of Los Angeles, the State of California, or a private nonprofit organization with the designated responsibility of wetland restoration. The applicant shall agree to pay any fees or assessments that would be applied to any new project on the Playa del Rey (Westchester) bluffs to finance projects designed to improve drainage, filter runoff, or improve the water quality of the Ballona Wetlands, and shall agree to comply with any new standards that would be applied to any new project on the Playa del Rey (Westchester) bluffs for directing storm water to particular drains or treatment devices.

## **2. Drainage and 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. The plan shall be prepared by a licensed water quality professional and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to minimize to the maximum extent practicable 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 with the following requirements:

- (1) Selected BMPs (or suites of BMPs) shall be designed to treat or infiltrate the amount of storm water generated by each runoff event up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (2) 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 a) trap sediment, particulates and other solids and b) remove or mitigate contaminants through treatment or filtration.
- (3) 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.
- (5) All pool drainage shall be directed to the City's sewer lines and shall not be allowed to drain by street or stormdrain.

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. City of Los Angeles Approval of Drainage Plan**

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, the final drainage and erosion control plan, as required in Condition No. 2, approved by the City of Los Angeles showing that all runoff from hardscape surfaces at the proposed building site will be diverted to Veragua Drive and that all swimming pool/spa drainage will not drain to the street or stormdrain system and will be directed to the sewer system.

### **4. Geologist's Recommendations**

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval, a set of project design plans signed by the project Soils Engineer certifying that all recommendations for grading, foundations, retaining walls, and drainage made in the report prepared by Ralph Stone and Company, Inc., Geotechnical, Environmental and Civil Engineers, on May 7, 2003, and consistent with all drainage requirements as required by this permit, have been incorporated into the project design.

### **5. Assumption of Risk/Indemnification**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion, slope failure, mudslides and slumping; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

### **6. Grading and Landscaping**

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a revised landscape plan which has been signed by a landscape architect or landscape contractor. All disturbed areas shall be planted and maintained for erosion control and visual enhancement purposes. All landscaping shall consist of native, drought resistant species (except for tall screening trees) as listed below to minimize the need for irrigation and to screen or soften the visual impact of

development. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. Such invasive plants are noted in an attachment to the document dated January 20, 1992, "Plants suited for wildland corridors of the Santa Monica Mountains" by the Native Plant Society, and in the Airport Department and Audubon documents noted above. All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage. All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan. The revised plans shall indicate the following:

- a) Trees shall be planted within the rear yard setback or in the rear yard area which, when mature, will screen those portions of the structure located more than 24 feet below the highest point on the roof from the Ballona Wetlands, Lincoln Boulevard and Culver Boulevard. Such trees shall not be of species which may naturalize and invade native riparian and bluff areas, or which may inhibit the growth of native plants.
- b) Incorporate the use of California native plants selected from the list below (plants native to the bluff wetlands ecosystem, selected or placed to avoid situations of high flammability).

Acceptable Plants:

Sages (Salvia spp.)  
 Chamise (Adenostoma fasciculatum)  
 Yucca (Yucca whipplei)  
 Buckwheat (Eriogonum fasciculatum), (Eriogonum parvifolium)  
 Coastal brittlebush (Encelia californica)  
 Coyote Bush (Baccharis pilularis)  
 Box thorn (Lycium californicum)  
 Golden bushes (Haplopappus spp.)  
 Big root (Marah macrocarpus)  
 Wild peony (Paeonia californica)  
 Salt bushes (Atriplex spp. Native variety)  
 Lemonade berry (Rhus integrifolia)  
 Bladderpod (Isomeris arborea)

- c) Sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations (soil disturbance) and maintained through the development process to minimize sediment from run-off waters or gravity flow during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- d) Five years from the date of issuance of Coastal Development Permit No. 5-03-410 the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed landscape architect or qualified resource specialist, 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, plant coverage, and an evaluation of the conformance of the landscaping with the requirements of this special condition.

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 applicants, 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 or a qualified Resource Specialist 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.

#### **7. Future Development Restriction**

This permit is only for the development described in coastal development permit No. 5-03-410. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by coastal development permit No. 5-03-410. Accordingly, any future improvements to the single family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 5-03-410 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

#### **8. Deed Restriction**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

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

##### **A. Project Description and History**

The applicant is proposing to construct a 5,859 square foot single-family residence with a two-car garage, spa and perimeter wall. The structure measures 9 feet in height from the centerline of the road or a total of 45 feet high from finished grade. Grading consists of approximately 725 cubic yards of cut and 97 cubic yards of fill.

The site is located on a Pleistocene wave cut terrace on a north-facing slope overlooking the floodplain of Ballona Creek. The project site descends approximately 50 feet on a 2:1 gradient from Veragua Drive to the northern edge of the property. The 2:1 slope continues to descend another 60 feet to Cabora Drive. The site is underlain by dune sands which are susceptible to erosion. Drainage on site is by sheet flow down the slope.

There are single-family residences adjoining the currently vacant lot. The Commission has approved eight previous coastal development permits for single-family residences along these bluffs [5-02-253 (Tirosh); 5-92-349(Gales); 5-91-285(Gondal); 5-91-282(Pridgen); 5-90-1109(Wilhelmsen); 5-92-349(Galos); 5-97-205(Rossall); and 5-98-282(Shiepe)].

##### **Area Planning History**

This property is located on a highly visible bluff (Westchester bluffs) overlooking Ballona Wetlands. These bluffs are a prominent landform rising 140 feet above the Ballona Wetlands. Because the bluff faces were visually and biologically part of the Ballona Wetlands system, Los Angeles County included the lower portions of these bluff face lots as part of the Marina del Rey/Ballona Land Use Plan which was certified by the Commission on October 10, 1984. Subsequently, the City of Los Angeles annexed a 458 acre portion of the county's Marina del Rey/Ballona LCP area which included these blufftop and bluff face lots. The City of Los Angeles then submitted the Playa Vista Land Use Plan for the newly annexed coastal lands. The Commission certified the city's Playa Vista Land Use Plan in 1986. As a result of a court suit challenging the adequacy of habitat protection in the land use plan, the City and County are revising the LUP to reflect a settlement (Friends, etc.). The settlement proposes additional wetlands at the toe of the bluff but does not propose changes in land use for these lots.

The bluff face has been subdivided into multiple "tiers" of lots, with the first row generally located below (north of) Cabora Drive (currently a private, paved access road) and the second and third tiers located above (south of) Cabora Drive and below (north of) Veragua Drive (at the top of bluff). This property lies on the bluff face above (south of) Cabora Drive and below (east of) Veragua Drive. The property is within the certified Playa Vista Land Use Plan area and designated as a single-family residential area. The Playa Vista Land Use Plan identifies the area above (south of) Cabora Drive as Residential I and the area below (north of) Cabora Drive as an Ecological Support area or buffer area for the wetlands. The Ballona Creek wetlands occupy approximately 163 acres north of the bluff and Cabora Drive. The wetlands property, which has been privately owned, is currently in the process of being transferred to a public agency.

Recently, subdivided lots on the bluff face and crest of the bluff have been sold to separate owners who have constructed several single-family homes. Because these houses are highly visible and may have adverse effects on the biologic and visual quality of the Ballona Wetlands that lie below the bluff, the City of Los Angeles applied for a boundary line adjustment so that the Coastal Zone Boundary did not cut through the middle of properties. Several homes were built on this bluff without Coastal Permit requirements before the Coastal Zone Boundary Adjustment took place. The lower portion of the property was previously within the Coastal Zone. The upper portion of the property was annexed into the Coastal Zone in 1990 as a result of the Minor Boundary Adjustment BA #6-89. The recently adjusted Coastal Zone Boundary runs along Veragua Drive at the top of the bluffs which is the eastern border of the subject property. The subject lot zoning is identified as Residential I.

## **B. Environmentally Sensitive Habitat Areas**

Sections 30240 and 30231 of the Coastal Act state:

### Section 30240

*(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.*

### Section 30231

*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, and minimizing alteration of natural streams.*

The Ballona Marsh/Wetlands is located at the base of the Playa del Rey (Westchester) bluffs. Approximately 210 acres of wetland area has been designated as a Habitat Management Area (163 acres will be restored to a full functioning wetland) in the Playa Vista Land Use Plan. Based on a 1991 settlement 190 acres will be restored by the landowner if total number of units is approved. The wetlands provide habitat for two endangered species the Beldings Savannah Sparrow and the Least Tern. The Playa Vista Land Use Plan identifies the area just south of Cabora Drive at the base of the bluff as an Ecologic Support Area or a buffer zone for the

wetlands which will eventually be restored. Early biologic reports identified the bluff face as habitat for predators that were a necessary part of the wetlands system (LA County Museum)

In the Draft Land Use Plan, the bluff face was identified as an Environmentally Sensitive Habitat Area (ESHA). The Department of Fish and Game objected to the inclusion of this portion of the bluff as an Environmentally Sensitive Habitat Area. Except for its proximity to the Ballona Wetlands, the area would not be considered environmentally sensitive in any way. The sensitivity is due to the potential effects of nearby development on the wetlands, including invasion of plants from the yards adjacent to the wetlands. The Department of Fish and Game found that these impacts of adjacent residential uses proposed south of Cabora Drive along the top of the bluffs, as well as use of a portion of Cabora Drive for access to this housing, would preclude the long-term management of that portion of the bluffs as Environmentally Sensitive Habitat Area. The department, because of these long term management difficulties, proposed adding additional habitat in the marshland area, and deleting this area from the ESHA designation. Therefore, the Environmentally Sensitive Habitat Area designation was deleted for that portion of the bluffs from the Land Use Plan.

The proposed project could have the following impacts on the bluff and wetland habitat:

- A. The creation of impervious surfaces and earthwork can increase runoff and erosion adding soil solids to the drainage area and eventually into the wetlands in the form of greater water turbidity, and increased sedimentation.
- B. Residential/urban runoff contain a variety of pollutants (pesticides, residues, fertilizers, chlorinated pool water, etc.) that could be introduced into wetlands.
- C. Outdoor lighting could disturb wetland wildlife (primarily nocturnal and/or secretive species).
- D. Clearing vegetation from the bluff face and introduction of invasive non-indigenous vegetation could supplant native bluff and wetland plant species.

In an adjoining development, the applicants were conditioned to pump the drainage and runoff from development up to Veragua Drive. The applicant's plans show a sump pump connecting to a storm drain pipe. The water would be pumped up to Veragua Drive and would then flow east to the mouth of Hastings Canyon and then into the Ballona Wetlands.

The applicant is pumping the water away from the wetlands because of a city requirement designed to enable the city to develop a future program of storm water control and purification, and in order to preserve the geological stability of the area.

In previous permits, the Commission noted that pumping drainage up to Veragua Drive on top of the bluff would offer no biological advantage because all street runoff flows into a drainage system that directs runoff into Hastings Canyon and then on into Ballona Wetlands. The outlet for this drainage system is only a short distance from the mouth of Hastings Canyon. In addition, the stream course of Hastings Canyon is comprised of a dry sand and silt bottom with

no vegetation. Therefore, runoff receives very little filtering of pollutants, if any, as it travels the short distance in the canyon to the wetlands. In addition, because the canyon area is eroding at a rapid rate large amounts of sediments are transported into the wetlands during storm periods.

The City recently approved a residential subdivision on the property where Hastings Canyon is located. The project, which was located outside of the coastal zone, except for the bluff face, included filling a large portion of Hastings Canyon and drainage improvements.

The Playa Vista Land Use Plan contains policies which require and provide for the restoration of 163 acres of degraded wetlands and feasibly restorable historic wetlands into functioning wetland habitat. The Playa Vista Land Use Plan contains the following policy regarding the restoration of the Ballona wetlands:

### Marine Resources

*P3 If found to be consistent with the Habitat Restoration Plan, a lagoon system of approximately 10 acres may be created in the wetland to (1) capture urban runoff, (2) provide a flood control system, (3) provide the wetlands with fresh water through overflow and (4) create a habitat for marine life.*

The settlement cited "Agreement for Settlement of Litigation in the 1984 Case of Friends of Ballona wetlands, et al. Vs. the California Coastal Commission, et al. Case No. C525-826" above proposes the applicant seek an amendment to the LUP to relocate the lagoon system from a location between Culver Drive west of the terminus of Jefferson, and south of the flood control channel to a location at the toe of the bluffs directly west of Lincoln Boulevard. Wetland restoration may include the alteration of existing drainage systems emptying into the wetlands and possibly some form of runoff treatment. As stated above, runoff from the proposed development will flow into the Ballona Wetlands, contributing to the overall amount of urban runoff flowing into the wetlands.

For this reason, the Commission finds that as a special condition of approval, the applicant must record an agreement with the City of Los Angeles that provides the applicant shall participate on the same basis as all similarly situated projects in any program that improves the drainage system and water quality of the street drainage flowing into the Ballona Wetlands. The applicant shall agree to pay any fees or assessments regarding water quality that would be applied to any new project on the Playa del Rey Bluffs, and comply with any standards for directing storm water to particular drains or treatment devices. Directing runoff to the street, which drains into Hastings Canyon and then the wetlands, creates an opportunity for the runoff from development along Veragua Drive to be treated through future drainage improvements to the City's existing drainage system.

Another potential impact to the wetland habitat could be from outdoor lighting. Outdoor lighting can disturb nocturnal or secretive species within and surrounding the wetland area. The proposed design plans do not include plans illustrating the type and location of outdoor lighting. However, since the development is on the upper portion of the bluff face and not directly

adjacent to the wetlands, night lighting should not significantly impact wetland wildlife since light attenuates rather rapidly with distance.

The existing vegetation on the site will be removed while grading for the development. All of the bluff face within the lot will be replaced by building and hardscape patio area with some landscaping interspersed within the structure. Staff visited the site and observed that vegetation on this portion of the bluff face is comprised of primarily short grasses with no Coastal Chaparral. Therefore, construction and earthwork will not destroy any portion of the Coastal Chaparral Community that is found on other portions of the bluff.

The applicant has not submitted a drainage plan. In keeping with nearby Commission approvals, and in order to protect the ESHA wetlands from siltation due to slope soil erosion and polluted runoff, the Commission finds that the applicant must submit a final drainage plan showing that all drainage and runoff from the developed site is diverted to Veragua Drive. Furthermore, the City prohibits property owners from draining swimming pool/spa water into the City's streets or stormdrains. Pool drainage is required by the City to be directed to the City's sewer system which is treated at the sewage treatment plant. The applicant's plans indicated that the spa's drain will be connected to a drain line which connect to the City's sewer line. To ensure that pool/spa drainage is not directed to the City's streets or stormdrain system the drainage plan shall indicated that pool drainage will be directed to the City's sewer system and that the applicant's geologist has reviewed the plans to ensure that the plans conforms with his overall site drainage recommendations.

In addition, the permit is also being conditioned to require a landscaping plan which conforms to the plant list in Special Condition 6b. Therefore, the Commission finds that as a special condition of approval, the applicant must submit grading and landscaping plans that show: 1) use of indigenous plant species on the site, and 2) identifies the final location and type of plants (all plants) which will be used in landscaping. The project is also conditioned to require the use of sediment basins during grading operations.

Furthermore, because of the steepness of the bluff and visibility of the structures from the wetlands and surrounding area it is also necessary to provide some screening with the use of trees. In this case, because of the height and steepness of the bluff, trees that are 40 feet high would be required to adequately screen the development. However, there are no trees that are 40 feet high that are native to the wetlands or bluffs, and which support ecosystems of low, ground-hugging plants or shrubs. Because from the rear of the property the residence extends to 45' high, trees planted here would not obstruct views. Therefore, the Commission permits the use of non-indigenous trees for purposes of screening, but requires that they not be of the many species that may invade sensitive habitat areas or inhibit native plants and animals. Lists of invasive species have been prepared in the course of preparing revegetation studies currently underway in the Ballona Wetlands, and in the nearby Airport Dunes portion of this same Pleistocene Dune Complex, and by the Native Plant Society. Invasive plants establish themselves in many areas and then choke out native plants which may be food plants to native animals.

The Coastal Act habitat policies require that projects adjacent to Environmentally Sensitive Habitat Areas be developed consistent with the maintenance of the habitat areas. Although this area is not immediately contiguous to the wetland and the value of small patches of habitat may be small, there is grounds within the general policies found in the Playa Vista Land Use Plan for preserving and restoring as much native vegetation as possible. It is most important, however, that development adjacent to the wetlands not include species that may escape and supplant native plants within the ecosystem. As conditioned to include some, (not all) compatible plants and to require no incompatible plants, this development is consistent with Section 30240(a) of the Coastal Act. As conditioned to control grading, reduce landform alteration, and to revegetate, the project conforms with Sections 30240 and 30231 of the Coastal Act.

### **C. Geologic Hazard**

Section 30253 of the Coastal Act states in part that 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, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The Commission's Statewide Interpretive Guidelines state in part that:

*To meet the requirements of the act, bluff and cliff developments must be sited and designed to assure stability and structural integrity for their expected economic lifespans while minimizing alteration of natural landforms. Bluff and cliff developments (including related storm runoff, foot traffic, site preparation, construction activity, irrigation, waste water disposal and other activities and facilities accompanying such developments) must not be allowed to create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas.*

In addition, the Playa Vista Land Use Plan contains the following policy regarding development on the bluff:

#### Hazards

*P11 Grading shall be permitted on the bluffs only to the extent necessary for habitat protection, mitigation of potential geologic hazard, slope stabilization, erosion control, residential development or road construction. However any development on the bluffs shall incorporate adequate standards for grading, drainage control, setbacks and geologic engineering.*

The Playa del Rey Bluffs are in general composed of highly erodible sand with only slight cohesion. Severe erosion has occurred in areas where concentrated drainage has been allowed to flow uncontrolled over the slopes.

The applicant has submitted a geologic and soils report, and a letter of acceptance of the geologic report, however, neither the geologic report nor the residence plans include a slope protection plan, detailed runoff and drainage control plan, and an erosion restoration plan. The applicant has submitted a geotechnical report dated May 7, 2003, by Ralph Stone and company, Inc. The engineering geologic report concludes that the proposed project is considered feasible from a geotechnical standpoint. This determination of the consulting geologist is contingent, however, upon certain recommendations being incorporated into the construction plans and implemented during construction relative to foundations, retaining walls, grading, excavations, and drainage. Therefore, the applicant must submit verification that all recommendations contained in the soils report will be incorporated into the project's final design as a special condition of approval and that the report has been reviewed and approved by the City of Los Angeles Department of Building and Safety Grading Division.

Under Section 30253 of the Coastal Act new development in areas of high geologic, flood, and fire hazard may occur so long as risks to life and property are minimized and the other policies of Chapter 3 are met. The Coastal Act recognizes that new development may involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Because of the inherent risks to development situated on a bluff face that is composed of highly erodible sand, the Commission cannot absolutely acknowledge that the foundation design will protect the proposed residence during all future storms or be constructed in a structurally sound manner and be properly maintained to eliminate any potential risk from slope failure.

The applicant may decide that the economic benefits of development outweigh the risk of harm which may occur from the identified hazards. Neither the Commission nor any other public agency that permits development should be held liable for the applicant's decision to develop. Therefore, as conditioned to assume risk of failure the applicants are required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. Only as conditioned, to submit a comprehensive drainage plan and assumption of risk, is the proposed development consistent with Section 30253 of the Coastal Act and relevant policies of the Playa Vista Land Use Plan.

#### **D. Visual Resources**

Section 30251 of the Coastal Act states that permitted development shall be sited and designed to minimize the alteration of natural landforms and protect the scenic and visual quality of coastal areas:

##### **Section 30251**

*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 surrounding areas, and,*

*where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

In addition, the Playa Vista Land Use Plan contains the following policy regarding the protection of visual resources:

*Development Standards/Compatibility of Development:*

*P1 Views of distinctive visual resources (e.g. bluffs, wetlands) will not be significantly disturbed.*

As mentioned above, the proposed project is a 45-foot high (above existing natural grade) single-family dwelling on a vacant bluff face lot. As proposed, the structure extends approximately 65 feet from Veragua Drive down the bluff face and will be highly visible from the wetlands, and Lincoln and Culver Boulevards. Culver Boulevard is a designated Scenic Highway. From the top of the bluff, expansive, generally unobstructed views of the wetlands, ocean, marina, cityscape, and the Santa Monica and San Gabriel Mountains are offered from Veragua and Berger Drives. A number of single-family dwellings have been recently constructed on the bluff face which are similar to the proposed dwelling regarding size and scale. Since the Coastal Zone Boundary Adjustment, this is the seventh house that has come before the Commission on this row of lots, which also contains other as yet undeveloped parcels.

The Coastal Act issue here is whether the house as a whole has a negative visual impact on areas to be dedicated to the public, the wetlands below, and on views from coastal access routes; Culver and Lincoln Boulevards.

Although the development is approximately 45 feet high and highly visible from Culver Boulevard and the wetlands, it is similar in size and scale to existing homes on the bluff.

The City requires screening of structures on downslope lots which exceed 24 feet in height. This requirement is not possible to carry out by means of potted plants that would grow on a terrace. Tall trees can also be planted below the retaining wall for screening purposes. Coastal Dune and Coastal Sage Scrub plants, appropriate biologically to the area, are not high enough to soften the visual effect of the building. However, there are some plants which are not invasive, which could be placed in the rear yard setback and which could reduce the apparent height of the structure. With the structure as it is proposed, such trees should be at least 20 feet high. Therefore, to minimize the visual impact of the structure, the applicant shall submit plans showing the area landscaped with trees when mature will grow to at least 20 feet in height, to soften visual impacts of solid structures.

Furthermore, to ensure that future development will not have an adverse visual impact and will not adversely impact the ESHA below, the Commission finds that it is necessary to require that all future development on the property will require a coastal development permit or an

amendment to this permit. Special condition #7 requires all future improvements on the site including, but not limited to, grading, lot-line adjustments, landscaping, and fencing to receive a Coastal Development Permit. The applicant shall record a deed restriction to provide notice to future owners of all conditions of this permit. Only as conditioned, is the proposed project consistent with Section 30251 of the Coastal Act and will not reduce the ability of the City to adopt ordinances for view protection consistent with the Playa Vista certified Land Use Plan.

**E. Local Coastal Program**

Section 30604(a) of the Coastal Act states that:

*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).*

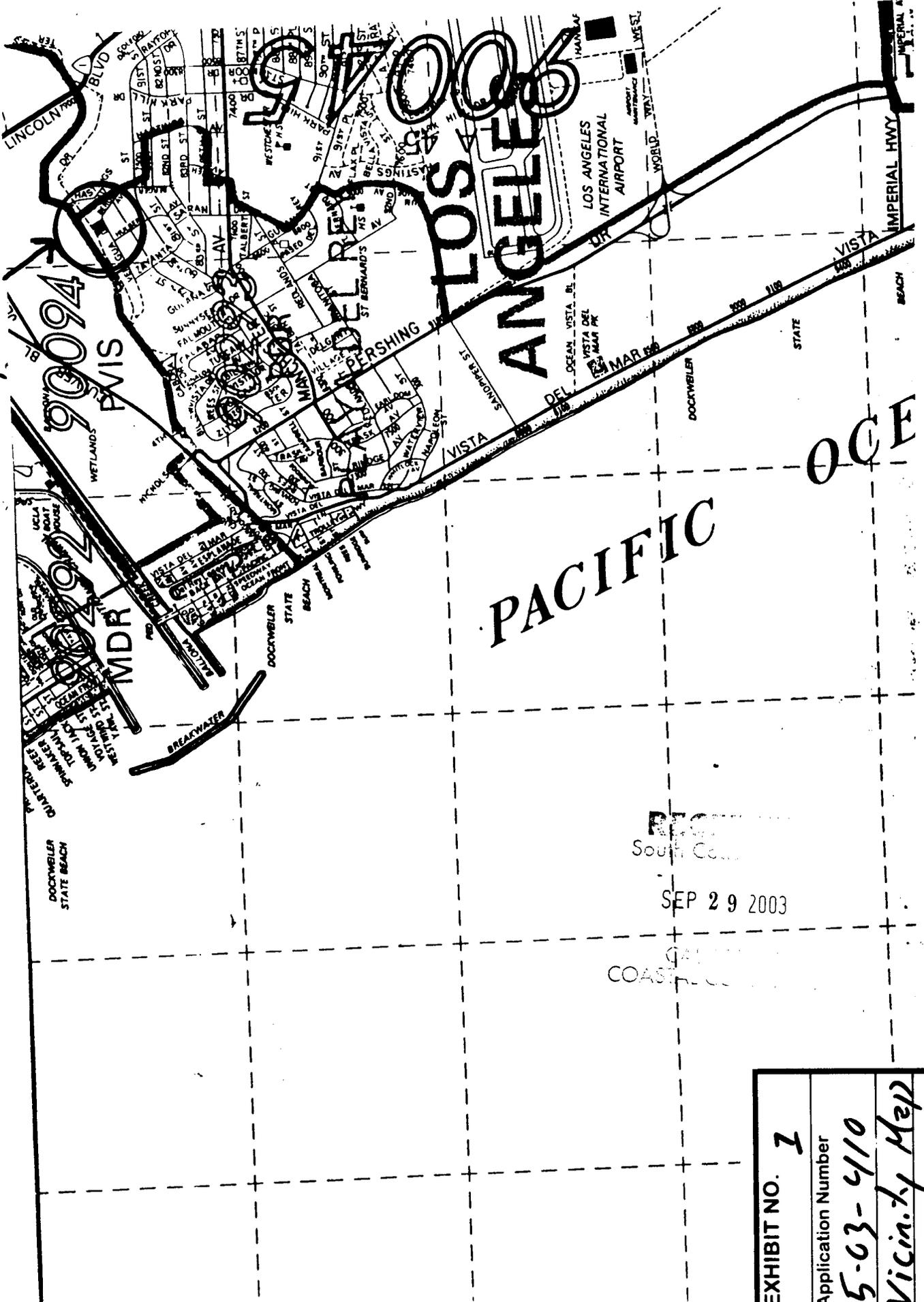
The Playa Vista Land Use Plan was certified with suggested modifications in 1986. The proposed project, as conditioned, is consistent with the Land Use Plan. Approval of the proposed development will not prejudice the city's ability to prepare certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with Section 30604(a) of the Coastal Act.

**F. California Environmental Quality Act**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application 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)(i) 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 impact which the activity may have on the environment.

There is no feasible alternative with less environmental impact. The proposed project will not cause any significant adverse impacts on the environment. Therefore, the Commission finds that the project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

7751 W Veragua



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South Coast

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CALIFORNIA  
COASTAL COMMISSION

EXHIBIT NO. <b>1</b>
Application Number <b>5-03-410</b>
Vicinity Map <b>Vicinity Map</b>
California Coastal Commission

View Enlarged Map

View Printing Instructions

County of Los Angeles: Rick Auerbach, Assessor

4114 2  
SCALE 1" = 80'

TRACT NO. 9167  
M. B. 172-48-49



CODE  
88

FOR PREV. ASSMT. SEE 677-32 & 33

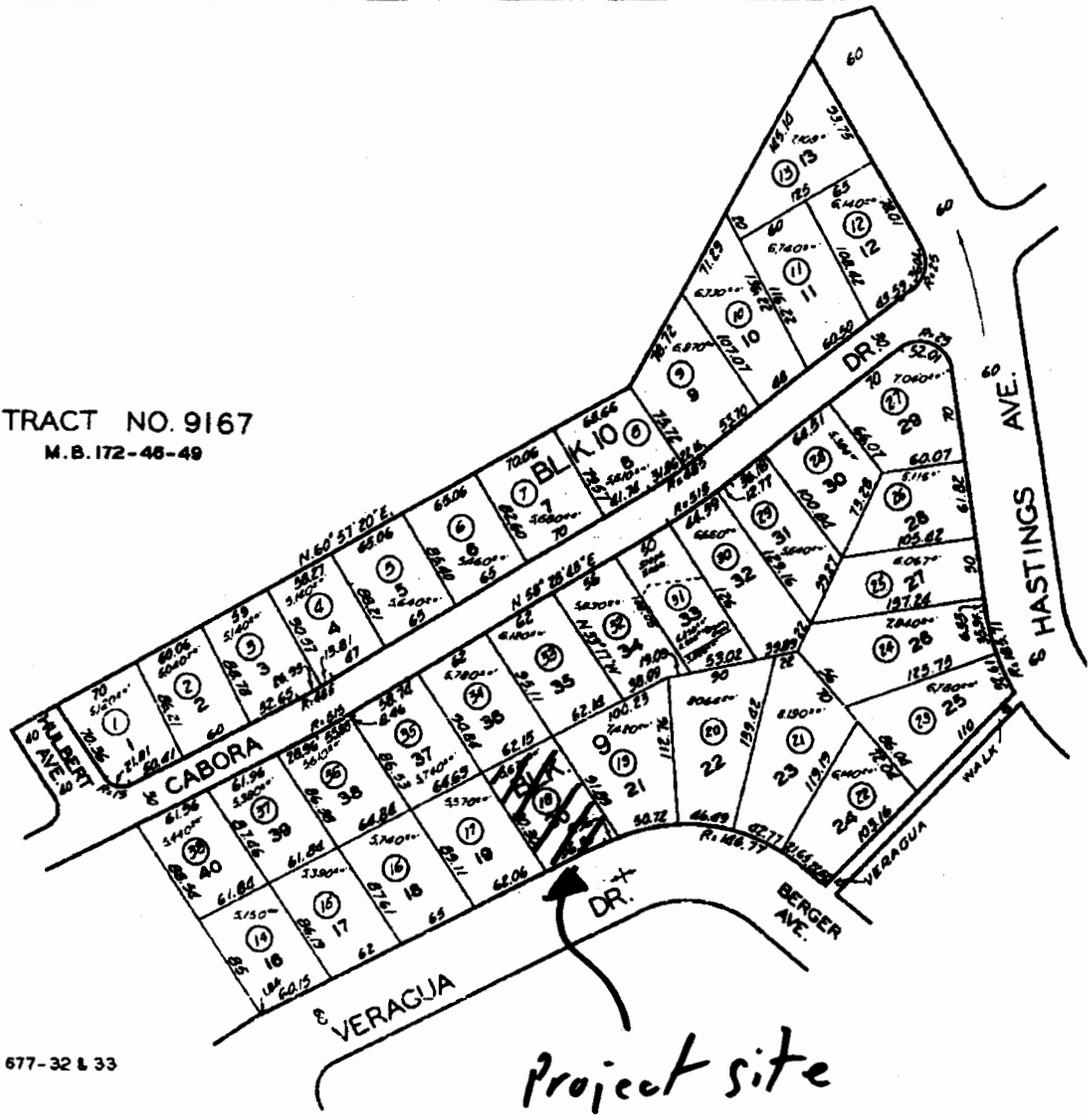
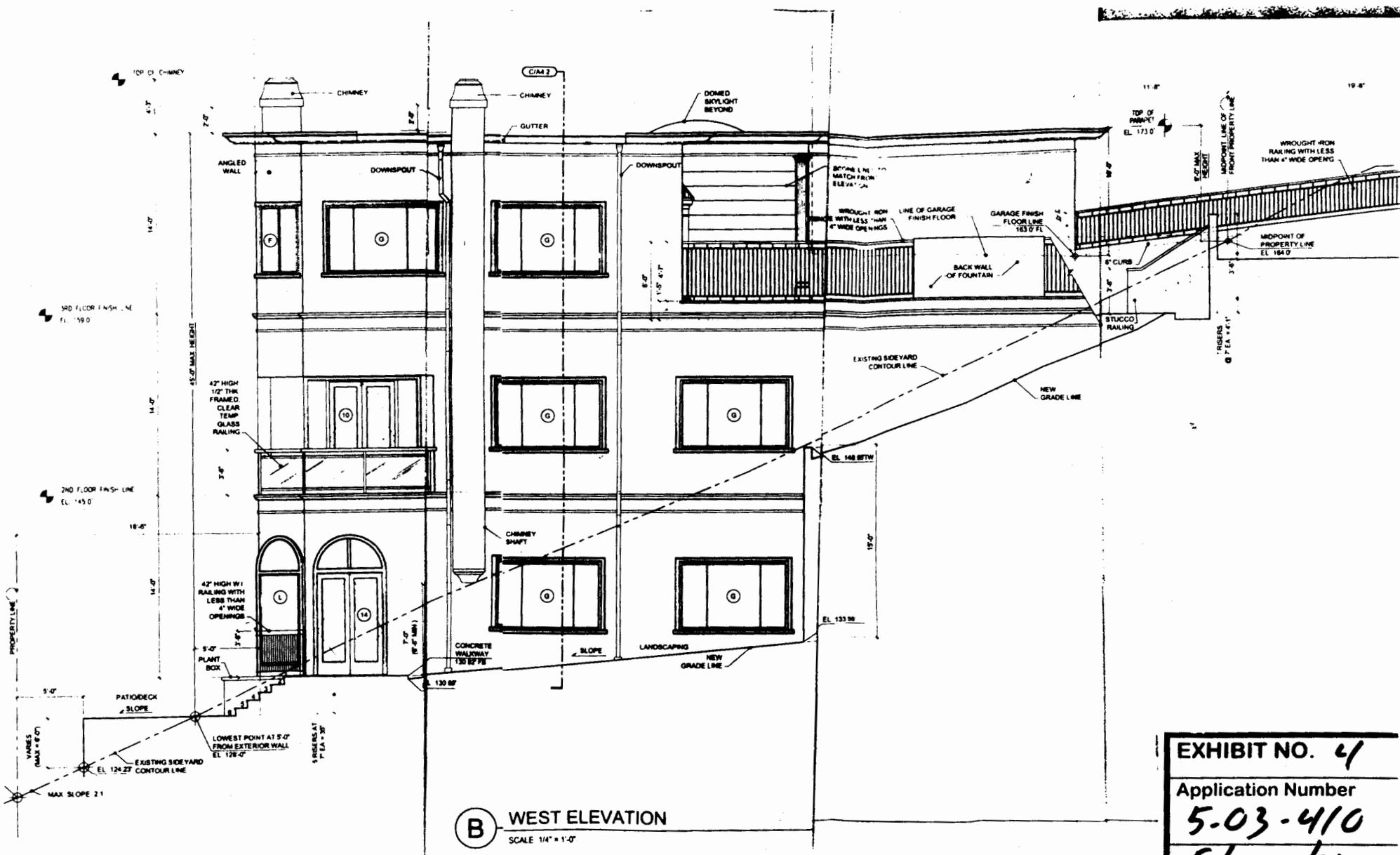


EXHIBIT NO. 2
Application Number 5-03-410
Parcel Map
California Coastal Commission





**(B)** WEST ELEVATION  
SCALE 1/4" = 1'-0"

**EXHIBIT NO. 41**  
 Application Number  
**5.03-410**  
*Elevation*