### CALIFORNIA COASTAL COMMISSION

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

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#### STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-04-212

APPLICANT: Linda and Maria Tobalina

AGENT: Milton Jeffs

PROJECT LOCATION: 14930 Corona Del Mar, Pacific Palisades

PROJECT DESCRIPTION: Construction of a 6,493 square foot single family residence with attached garage, on concrete piling foundation, and construct eleven 36-inch diameter soldier pilings and associated grade beams and grade 2,310 cubic yards to maintain downhill slope protection for a bluff-top lot.

Lot Area32,54Building Coverage7,43Pavement Coverage800Landscape Coverage5,500Parking Spaces2ZoningLow IHt above final grade26 fe

32,547 sq. ft. 7,439 sq. ft. 800 sq. ft. 5,500 sq. ft. 2 Low Density Residential 26 feet

LOCAL APPROVALS RECEIVED: City of Los Angeles CDP NO. ZA 2003-5834

#### SUBSTANTIVE FILE DOCUMENTS:

- 1. City adopted Brentwood-Pacific Palisades Community Plan.
- 2. Geotechnical Report prepared by Gorian & Associates, Inc. dated May 5, 1997
- 3. CDP No. 5-00-224 (Tobalina)

#### SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed project with special conditions requiring: 1) conformance with geologic and soil recommendations; 2) submittal of landscaping plans; 3) submittal of erosion and runoff control plans; 4) assumption of risk; and 5) recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report.



#### STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution to <u>APPROVE</u> the coastal development permit application:

# **<u>MOTION</u>**: I move that the Commission approve coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

#### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California 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 alternative that would substantially lessen any significant adverse impacts of the development on the environment.

#### II. STANDARD CONDITIONS:

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

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5. <u>Terms and Conditions Run with the Land.</u> These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

#### III. SPECIAL CONDITIONS

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#### 1. Conformance with Geotechnical Recommendations

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit grading and foundation plans for the review and approval of the Executive Director. The approved foundation plans shall include plans for the retaining walls, subdrains and footings. These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations contained in the Geotechnical Report prepared by Gorian & Associates, Inc. dated May 5, 1997 and subsequent updates. The approved development shall be constructed in accordance with the plans approved by the Executive Director. Any deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

#### 2. Erosion and Runoff Control Plans

**A.** Prior to issuance of the permit, the applicant shall submit, for review and approval of the Executive Director, erosion and runoff control plans. The plans shall include:

#### **Erosion Control Plan**

I. The erosion control plan shall demonstrate that:

(a) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties.

(b) The following temporary erosion control measures shall be used during construction: sand bags, a desilting basin and silt fences.

(c) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
(d) The following permanent erosion control measures shall be installed: a drain to direct roof and front yard runoff to the street; no drainage shall be directed to rear yard slope; no drainage shall be retained in front yard.

II. The plan shall include, at a minimum, the following components:

(a) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.

(b) A site plan showing the location of all temporary erosion control measures.

(c) A schedule for installation and removal of the temporary erosion control measures.

(d) A site plan showing the location of all permanent erosion control measures.

(e) A schedule for installation and maintenance of the permanent erosion control measures.

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

**C.** In the event the soldier piles become exposed due to further bluff erosion the applicant shall contact the Executive Director to determine measures, which are to be implemented, to minimize further erosion and minimize the visual impact of the exposed piles from Pacific Coast Highway and the public beach. The Executive Director will determine if an amendment to this permit will be required.

#### 3. Landscape Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and written approval of the Executive Director, a final landscaping plan. The plan shall be prepared by a licensed landscape architect and incorporate the following criteria: (a) Planting shall be of drought tolerant plants. (b) A majority of the vegetation planted shall consist of native/drought and fire resistant plants of the coastal sage community. (c) The applicant shall not employ invasive, non-indigenous plant species, which tend to supplant native species. (d) No permanent irrigation system shall be allowed on the site. Temporary, above ground irrigation to allow the establishment of the plantings is allowed. Irrigation system shall be connected to an automatic shut-off value which will limit the amount of water on the slope. The quantity of water shall be based on recommendations by the landscape architect and geologist/soils consultant; (e) The plantings established shall provide 90% coverage in 90 days. (f) All required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan. 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.

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**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.

#### 4. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion, landslide, or earth movement; (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.

#### 5. 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:

The Commission hereby finds and declares:

#### A. <u>Project Description and Location</u>

The applicant proposes to construct a 6,493 square foot single family residence with attached garage, on concrete piling foundation, and construct eleven 36-inch diameter soldier pilings and associated grade beams and grade 2,680 cubic yards for slope stability. The top part of the bluff

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will be graded and laid back at a 1.5:1 slope. The material (1,340 cubic yards) removed from the upper portion of the bluff will be used as fill for a lower failed portion of the slope.

The subject site consists of a relatively flat bluff top area in northern portion of the site, extending south approximately 140 feet from the frontage road. The southern portion of the lot consists of a steep 160 foot bluff. The soldier piles and residence will be located atop bluff on the flat portion of the site. The proposed residence will be setback 45 feet behind the soldier piles.

The applicant's geology report concludes that, from a geotechnical perspective, the stability of the rear yard can be improved by construction of a tied-back soldier pile wall and reconfiguring the slope to a 1 1/2:1 (horizontal to vertical) grade. Those recommendations are incorporated in the subject coastal permit application. The City of Los Angeles Department of Building and Safety Grading Division reviewed the geology reports and subsequent updates and found them acceptable. The City's conditional approval included 18 conditions addressing geotechnical issues with specific recommendations for site preparation, grading, foundation design and site drainage (see Exhibit No. 5).

The Commission's staff geologist, reviewed the applicant's proposed plans and geology report and found that the proposed project, if carried out in accordance with the recommendations set forth in the geotechnical reports, should assure stability of the site consistent with Section 30253 of the Coastal Act.

The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (http://www.caleppc.org/) and California Native Plant Society (www.CNPS.org) in their publications. Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm.

In November 2000, the Coastal Commission approved Coastal Development Permit No. 5-00-224 (Tobalina) for development that is identical to the one that is being proposed under this permit. Permit No. 5-00-224 expired and the applicant has submitted a new application. The applicant has also filed a separate application (No. 5-04-213) for similar slope stability work on the adjoining property.

#### B. <u>Access</u>

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

#### C. <u>Development</u>

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

#### D. <u>Water Quality</u>

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and 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, the use of non-invasive drought tolerant vegetation, 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.

#### E. Geologic Hazard

Under Section 30253 of the Coastal Act new development may occur in areas of high geologic, flood, and fire hazard so long as risks to life and property are minimized and the other policies of Chapter 3 are met. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his/her property. To minimize risks to life and property and to minimize the adverse effects of development on areas of high geologic, flood, and fire hazard, the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, and to require that the landowner or any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in hazardous locations.

#### F. <u>Deed Restriction</u>

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing

all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

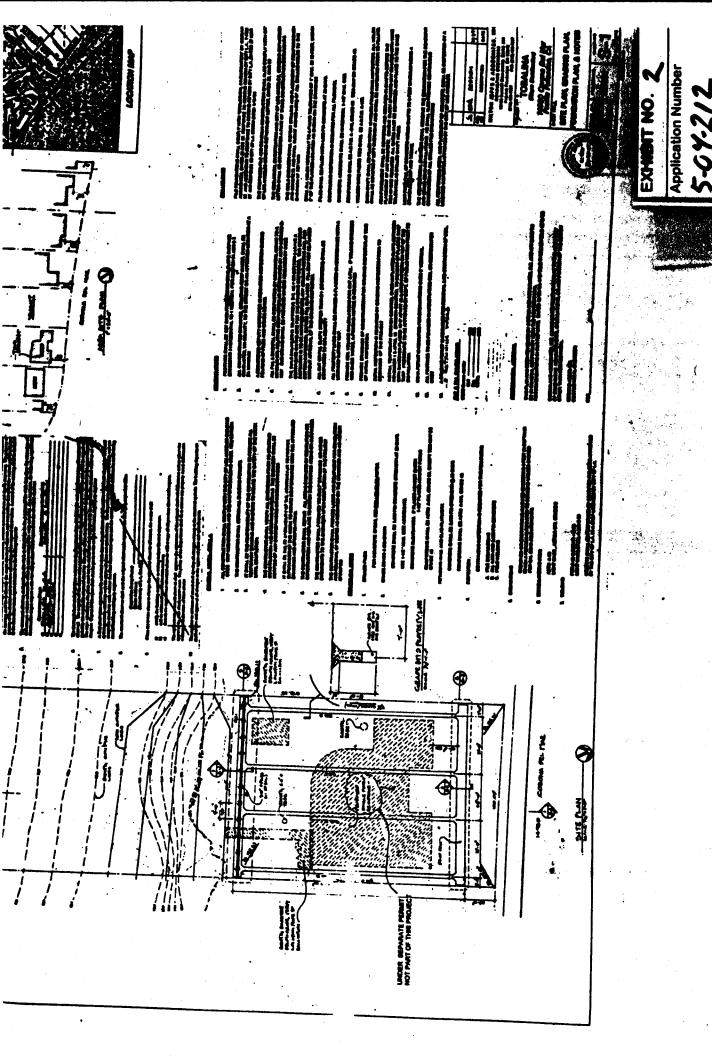
#### G. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Pacific Palisades area of the City of Los Angeles has neither a certified LCP nor a certified Land Use Plan. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. The proposed development is consistent with Chapter 3 of the Coastal Act. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project 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.

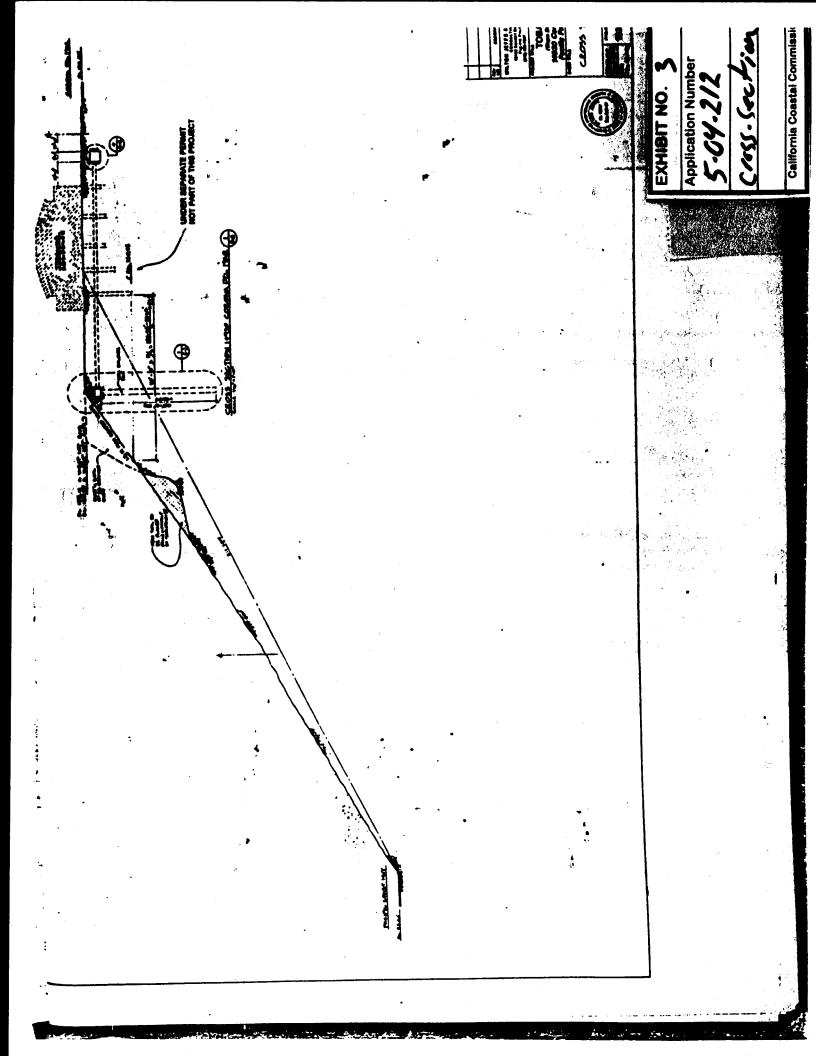
#### H. California Environmental Quality Act.

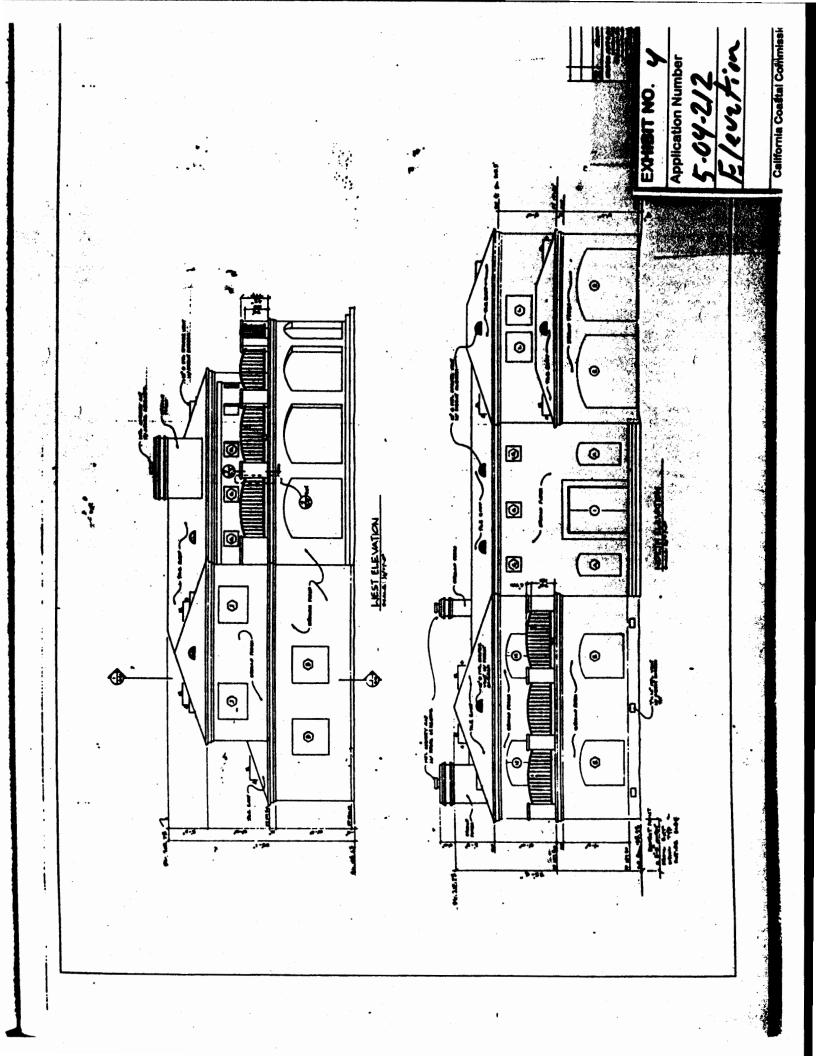
There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as submitted, is the least environmentally damaging feasible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





**California Coastal Commission** 





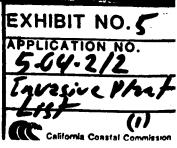
The plant species listed below are considered to be weeds. Other weeds may be identified and subsequently added to this list. These plants should be controlled apd/or removed and eradicated to the greatest extent feasible whenever one or more species are detected on a private residential lot, park, fire buffer, golf course, and within lots designated as open space.

#### SCIENTIFIC NAME

Avena fatue Avena barbata Brassica nigra Brassice repe Bromus diandrus Bromus hordeaceus [B. mollis] Bromus rubens Carduus pycnocephalus Contauroa melitensis Centaurea solstitialis Chenopodium album Chenopodium murale Cirsium vulgere Conium maculatum Cynara cardunculus Descurainia acohia Ehrharta calycine Erodium cicutarium Hirschfeldia incana Hordeum leporinum Lectuce service Malva parvillora Marrubium vulgare Piplatherum [Oryzopsis] miliaces Phalaris aquatica Picris echicides Raphanus sativus Rumex conglomeratus Rumex crispus Salsola tragus [S. australis] Silybum marianum Sisymbrium Irio Sisymbrium officinale Sisymbrium orientale Sonchus asper Sonchus oleraceus Sorgum halepense Taraxacum officinale Tribulus terrestris Xanthium spinosum

#### <u>COMMON NAM</u>

Wild offe Slender of black mustard field mu ripgul grane brome grass, soft ch foxtall ches Italian thi yellow star shall Barnaby's th pigweed, temb's d gooselogt bull this poison hemiocle artichoke thieti fibrovend ..... veidt graes Starse perennial mustard foxtall barley prickly lettuce cheeseweed horehound rice grass, smilo grass harding grass bristly ax-longue wild radiah creek dock curly dock **Russian thistle** milk thistle London rocket hedge mustant Eastern rocket prickly sow this sow thiste Johnson gras dandelion puncture vine cocklebur



#### SCIENTIFIC NAME

Acecia sp. (all species) Acecia cyclopia Acacia dealbata Acacia decumente Acecié longible Acacia melanoxyton Acacia radolans Achilles millefolium var. millefolium Agave americane Allanthus altissim Aolenia condibile Arctothece calendule Arctotis sp. (all species & hybrids) Arundo donex Asphodelus fisuloeus Airiplex glauce Alriplex semibaccat Carpobrolus chilenais Carbobrotus adults Centranthus ruber Chenopodium album Chrysanthemum coronarium Cistus sp. (all species) Corladeria jubata [C. Atacamensis] Corladeria dioice [C. sellowana] Coloneaster sp. (all species) Cynodon deciyion Cytisus sp. (all species) Delosperma 'Alba' Dimorphotheca sp. (all species)

Drosanthemum floribundum Drosanthemum hispidum Euce:yptus (all species) Eupatorium coelestinum [Ageratina sp.] Foeniculum vulgare Gazania sp. (all species & hybrids) Genista sp. (all species) Hedera canariensis Hedera halix

#### **COMMON NAME**

Acecia Acada Acada Green Wat Sidney Golden Wi Blackwood Acecia a.k.a. A. Oncenio Common Yarrow Century plant Tree of Heaven **Red Apple** Cape Wi African de Giant Reed or Arundo Gra Asphodie While Saltbuch Australian Satibuat ice Plant Hotlenict Fig **Red Valerian** Pigweed, Lamb's Quarters Annual chrysanthemum Rockrose Atacama Pampas Grass Selloa Pampas Grass Coloneaster Bermuda Grass Broom White Trailing Ice Plant African daisy, Cape marigold, Freeway daley Rosea ice Plant Purple Ice Plane Eucalyphia Mist Flower EXHIB NO. Sweet Fernal Gažania APPLICATION NO.

Broom

Algerian by

English hy

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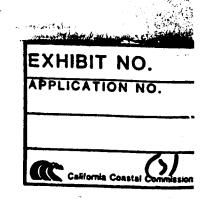
#### Ipomoea acuminata

Lampranthus spectabilis Lantana camara Limonium perezii Linaria bipartita Lobularia maritime Lonicera japonica "Halliana" Lolus comiculature Lupinus sp. (all non-riative species) Lupinus arboreus Lupinus texanus Malephora crocea Malephora luteola Mesembryanthemum crystallinum Mesembryanthemum nodiflorum Myoporum laetum Nicoliana glauce Oenothera bertandieri Olea europea Opuntia ficus-indica Osteospermum sp. (all species)

Oxalis pes-capree Pennisetum clandestinum Pennisetum setaceum Phoenix canariensis Phoenix dactylilera Plumbago auriculata Ricinus communis Rubus procerus Schinus molle Schinus terebinthifolius Senecio mikanioides Spartium junceum Tamarix chinensis Trifolium tragiferum Tropaelolum majus Ulex europeeus Vince major

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Blue dawn flower, Mexican morning glory Trailing Ice Plant Common garden lantant Sea Lavender Toadilax Sweet Alyssum Hall's Honeysuckle Birdsfoot trefoll Lupine Yellow bush tupine Texas blue bonnets Ice Plant Ice Plant Crystal ice Plant Little ice Plant Myoporum Tree Tobacco Mexican Evening Primroe Olive tree Indian fig Trailing African daisy, African daisy, Cape marigold, Freeway dalay Bermuda Butteroup Kikuyu Grass Fountain Grass Canary Island date paim Date pelm Cape leadwort Castorbean Himalayan blackberry California Pepper Tree Florida Pepper Tree German ivy Spanish Broom Tamarisk Strawberry clover Nasturtium Prickley Broom Periwinkle



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