

CALIFORNIA COASTAL COMMISSION

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

**F 6G****RECORD PACKET COPY**

Filed: 6/02/04
49th Day: 7/21/04
180th Day: 11/29/04
Staff: AJP-LB
Staff Report: 8/16/04
Hearing Date: 9/8-10/04
Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NUMBER:** 5-04-213**APPLICANT:** Linda and Maria Tobalina**AGENT:** Milton Jeffs**PROJECT LOCATION:** 14914 Corona Del Mar, Pacific Palisades

PROJECT DESCRIPTION: Construct thirteen 36-inch diameter soldier pilings and associated grade beams and grade 1,700 cubic yards to maintain downhill slope protection and stabilize an existing single-family residence located on a bluff-top lot.

Lot Area
Zoning

32,547 sq. ft.
Low Density Residential

LOCAL APPROVALS RECEIVED: City of Los Angeles CDP NO. ZA 2003-5825**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. 5-00-217 (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) swimming pool protection measures; 4) submittal of erosion and runoff control plans; 5) an assumption of risk; and 6) 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 **APPROVE** the coastal development permit application:

MOTION: *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. **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. 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 COASTAL DEVELOPMENT 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. Minimizing Swimming Pool Impacts

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, a written plan to mitigate for the potential of leakage from the proposed swimming pool. The plan shall, at a minimum: 1) provide a separate water meter for the pool to allow monitoring of the water usage for the pool and the home and 2) identify the materials, such as plastic linings or specially treated cement, to be used to waterproof the underside of the pool to prevent leakage, and information regarding past success rates of these materials, 3) identify methods used to control pool drainage and to prevent infiltration from drainage and maintenance activities into the soils of the applicant's and neighboring properties. The applicant shall comply with the mitigation plan approved by the Executive Director.

4. 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 valve 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.

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.

5. 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.

6. 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. Project Description and Location

The applicant proposes to construct thirteen 36-inch diameter soldier pilings and associated grade beams and grade 1,400 cubic yards to maintain downhill slope protection and stabilize an existing single-family residence.

The subject site consists of a relatively flat bluff top area in the 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 will be located atop the bluff on the flat portion of the site, between the existing residence and bluff edge.

The proposed project is located at the top of a 160 ft. high bluff that has been subject to historic and prehistoric landslides. The subject parcel is located in the Huntington Palisades area of Pacific Palisades, a planning subarea of the City of Los Angeles. Numerous past landslides have occurred in the Huntington Palisades area. Major recorded landslides occurred in October 1932, March 1951, February 1974, March 1978, February 1984, November 1989 and March 1995. The landslides that occurred in 1974, 1978, 1984 and 1995 were correlated with rainfall that was much higher than average seasonal amounts. The most recent landslide in 1995 occurred after a total seasonal rainfall that was approximately twice the average cumulative seasonal amount for the area.

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 5-00-217 (Tobalina) for development that is identical to the one that is being proposed under this permit. Permit No. 5-00-217 expired and the applicant has submitted a new application. The applicant has also filed a separate application (No. 5-04-212) for the adjoining property.

B. Access

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. Development

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. Water Quality

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. Deed Restriction

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. 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.

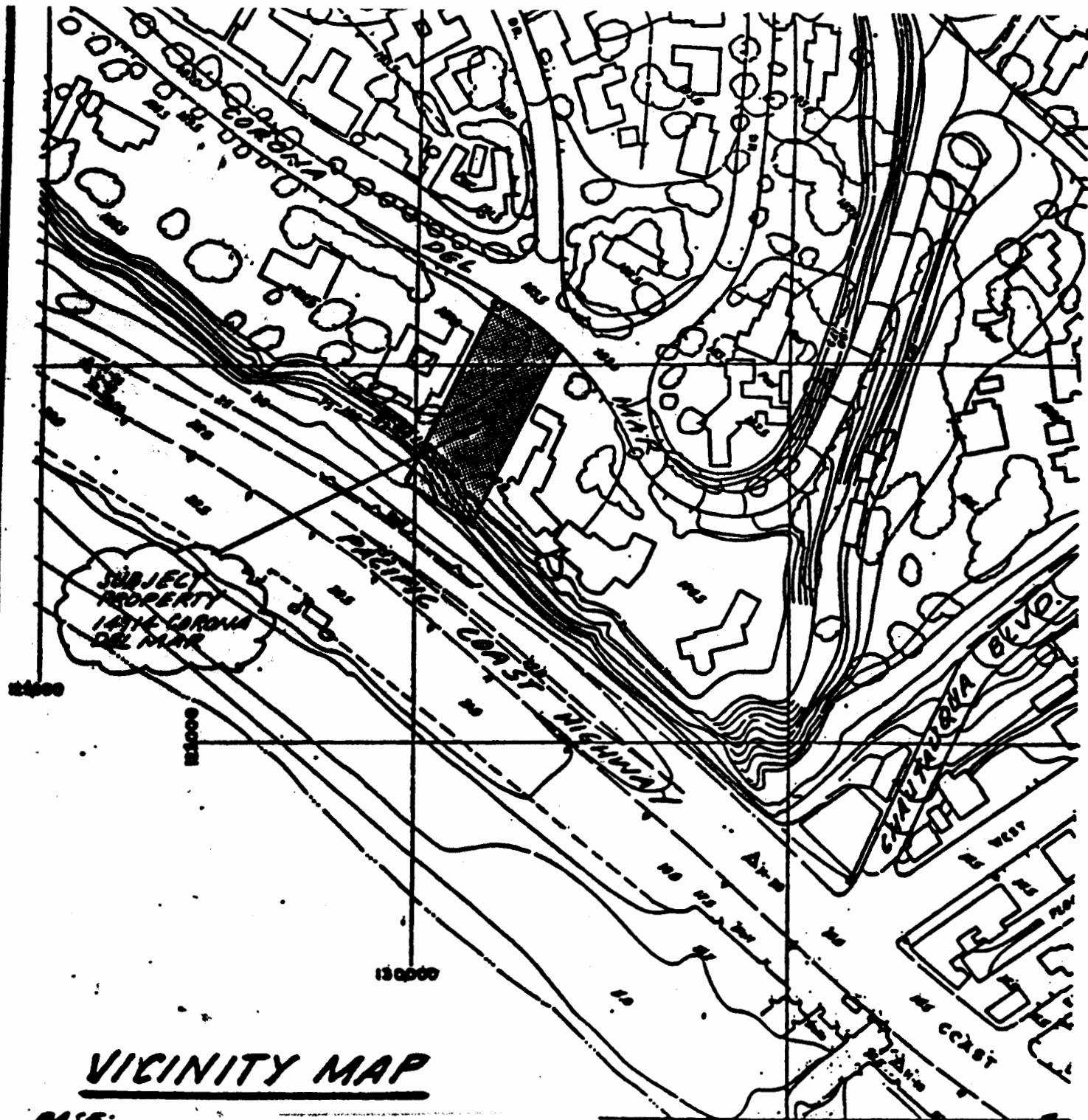
H. California Environmental Quality Act.

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.



Location

EXHIBIT NO. 2
APPLICATION NO.
5-04-213
Vicinity Map
 California Coastal Commission



VICINITY MAP

BASE:
CITY OF LOS ANGELES SANTA MONICA
MOUNTAINS TOPOGRAPHIC MAPS 1960

EXHIBIT NO. 2

APPLICATION NO.

5-64-213

Location Map



California Coastal Commission



GORIAN & ASSOCIATES, INC.
Applied Earth Sciences

FIGURE 1

Job No.: 2097-1-10

Date:

Scale: AS SHOWN Drawn by: JER

Log No.:

Approved by:

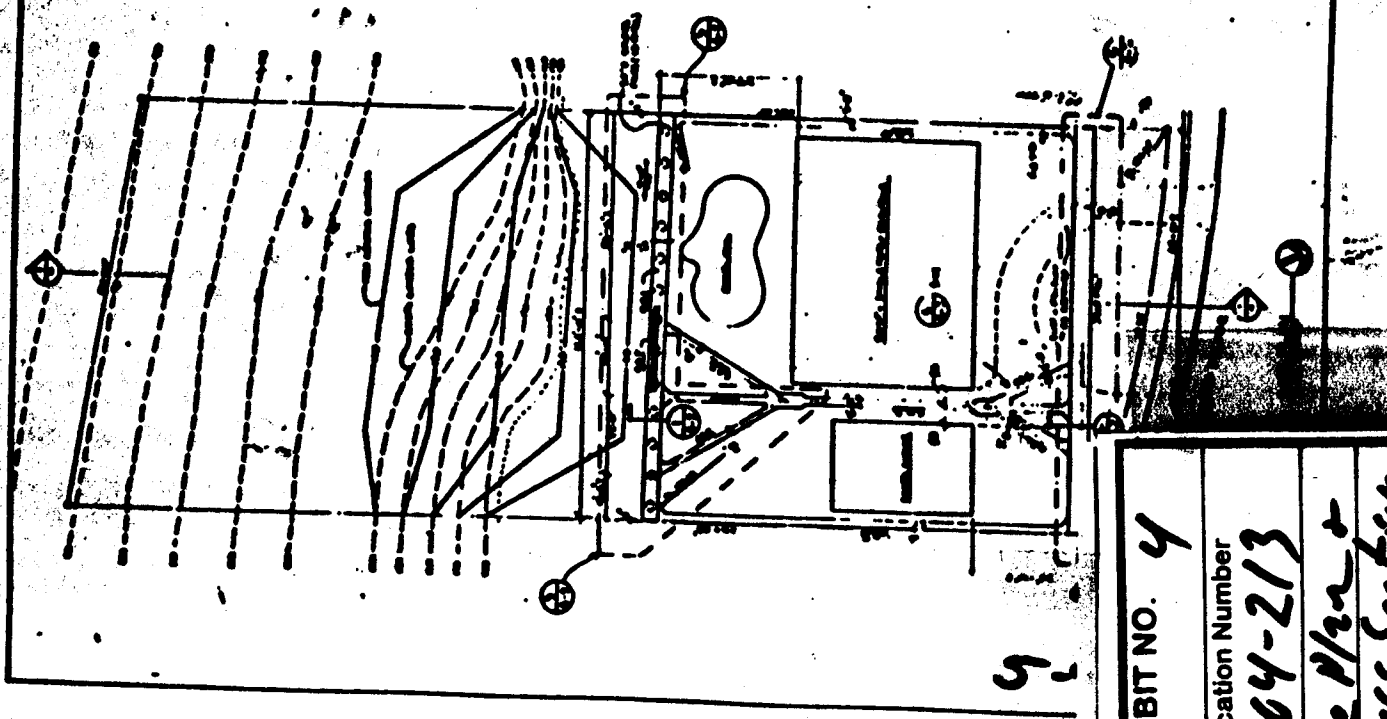
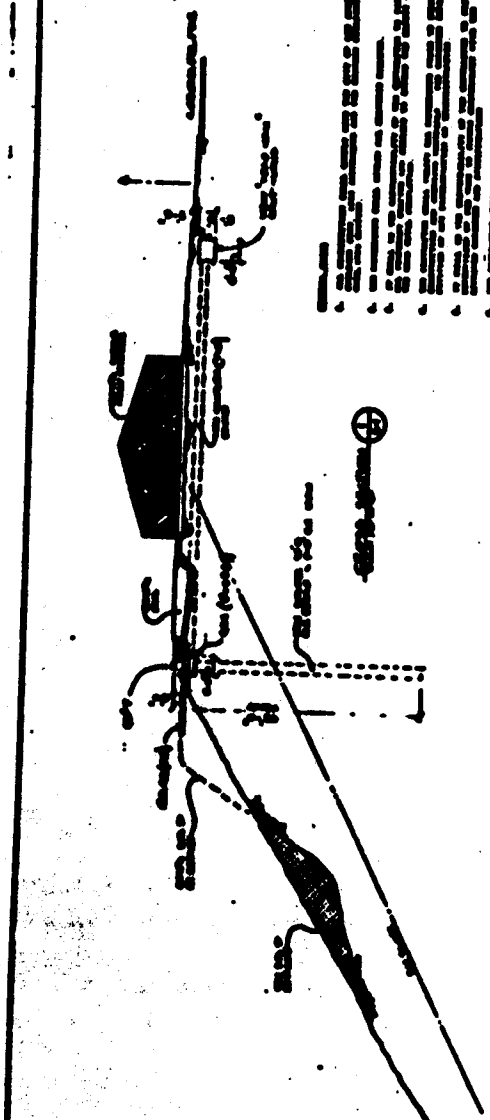


EXHIBIT NO. 4
Application Number 5-64-213
Site Plan & Section C. C. C. Co.



The following information is provided for your information and is not to be used for any other purpose. The information is provided for your information and is not to be used for any other purpose. The information is provided for your information and is not to be used for any other purpose.

TOTALINA	
SITE PLAN & SECTION	
C. C. C. Co.	
5-64-213	



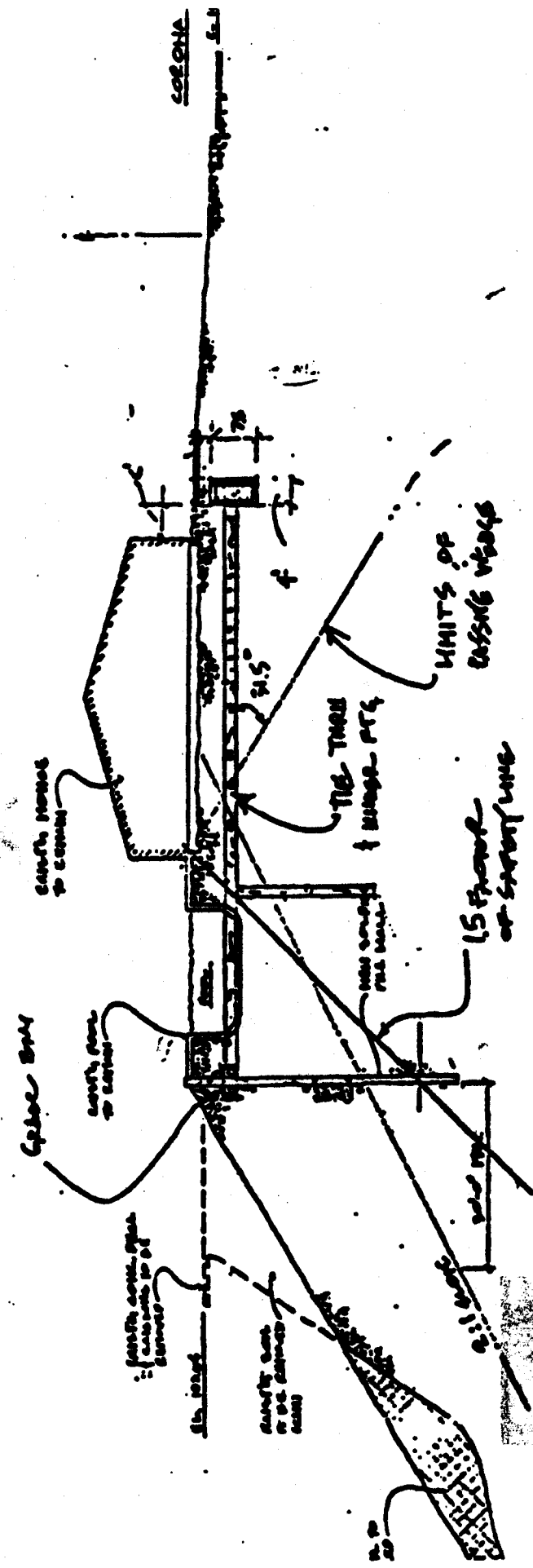


EXHIBIT NO. 5
Application Number 5-64-213
Cross-Section
California Coastal Commission

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 and/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

COMMON NAME

Avena fatua
Avena barbata
Brassica nigra
Brassica rapa
Bromus diandrus
Bromus hordeaceus [B. mollis]
Bromus rubens
Carduus pycnocephalus
Centaurea melitensis
Centaurea solstitialis
Chenopodium album
Chenopodium murale
Cirsium vulgare
Conium maculatum
Cynara cardunculus
Descurainia sophia
Ehrharta calycina
Erodium cicutarium
Hirschfeldia incana
Hordeum leporinum
Lactuca scariola
Malva parviflora
Marrubium vulgare
Piptatherum [Oryzopsis] *milliacea*
Phalaris aquatica
Picris echioides
Raphanus sativus
Rumex conglomeratus
Rumex crispus
Salsola tragus [S. australis]
Silybum marianum
Sisymbrium lrio
Sisymbrium officinale
Sisymbrium orientale
Sonchus asper
Sonchus oleraceus
Sorghum halepense
Taraxacum officinale
Tribulus terrestris
Xanthium spinosum

Wild oats
 Slender oats
 black mustard
 field mustard
 ripgut grass
 brome grass, soft chess
 foxtail chess
 Italian thistle
 yellow star thistle
 Barnaby's thistle
 pigweed, lamb's quarters
 goosefoot
 bull thistle
 poison hemlock
 artichoke thistle
 flaxweed
 veldt grass
 flares
 perennial mustard
 foxtail barley
 prickly lettuce
 cheeseweed
 horseshoe
 rice grass, smilo grass
 harding grass
 bristly ox-tongue
 wild radish
 creek dock
 curly dock
 Russian thistle
 milk thistle
 London rocket
 hedge mustard
 Eastern rocket
 prickly sow thistle
 sow thistle
 Johnson grass
 dandelion
 puncture vine
 cocklebur

EXHIBIT NO. 6

APPLICATION NO.

5-64-213

Invasive Plant

list (1)

California Coastal Commission

SCIENTIFIC NAME

Acacia sp. (all species)
Acacia cyclops
Acacia dealbata
Acacia decurrens
Acacia longifolia
Acacia melanoxylon
Acacia redolens
Achillea millefolium var. *millefolium*
Agave americana
Alanthus 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. sellowana*]
Coloneaster sp. (all species)
Cynodon dactylon
Cytisus sp. (all species)
Delosperma 'Alba'
Dimorphotheca sp. (all species)

Drosanthemum floribundum
Drosanthemum hispidum
Eunajptus (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
Seloa Pampas Grass
Coloneaster
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

EXHIBIT NO.

APPLICATION NO.

(2)

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 europaea

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

EXHIBIT NO.

APPLICATION NO.



California Coastal Commission

