

**CALIFORNIA COASTAL COMMISSION**

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**T 4c**

Filed: 6/26/06  
49th Day: 8/14/06  
180th Day: 12/23/06  
Staff: Al Padilla-LB  
Staff Report: 7/5/06  
Hearing Date: 8/8-11/06  
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-06-182

**APPLICANT:** Wallace Miller

**PROJECT LOCATION:** 1515 N. Palisades Drive, Pacific Palisades

**PROJECT DESCRIPTION:** Construction of a 120 foot long retaining wall, consisting of thirteen below grade caissons and reinforced concrete wall varying from 3 to 10 feet high, to protect an existing 30 space parking lot of a commercial building.

Lot Area	47,370 sq. ft.
Parking Spaces	23
Zoning	Neighborhood Office Commercial
Ht above final grade	10 feet

**LOCAL APPROVALS RECEIVED:** City of Los Angeles Approval In Concept No. 2006-3292; Geology/Soil Report approval Letter, dated August 16, 2005.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City adopted Brentwood-Pacific Palisades Community Plan.
2. Geotechnical Report prepared by GeoSoils Consultants Inc., dated March 7, 2005.
3. Coastal Development Permit No. A381-78

**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 erosion and runoff control plans; 3) storage of construction material and debris removal; 4) an 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 **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. 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 GeoSoils Consultants Inc., dated March 7, 2005. 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.

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.

**3.      Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris**

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

- (a) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity;
- (b) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain;
- (c) Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into streams or coastal waters by wind, rain or tracking. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- (d) Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into storm drains or adjacent properties. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
- (e) The discharge of any hazardous materials into any receiving waters shall be prohibited;
- (f) A pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines;
- (g) All BMPs shall be maintained in a functional condition throughout the duration of the project.
- (h) Debris shall be disposed at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is required.

**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. Project Description and Location**

The applicant proposes to construct a 120 foot long retaining wall, consisting of thirteen below grade caissons and reinforced concrete wall, varying from 3 to 10 feet high, to protect, from further slope failure, an existing paved 23 space at grade parking lot of an existing commercial building. The existing rail-road ties that were used as a retaining wall will be removed and replaced with the proposed retaining wall. The proposed retaining wall is only for the repair and protection of the slope adjacent and below the existing parking lot, and will not extend across the entire property.

The proposed project is located on Palisades Drive, approximately 3 miles from Pacific Coast Highway, in the Pacific Palisades area of the City of Los Angeles. The subject site consists of a 1.03 acre lot developed with a two-story, 12,605 square foot commercial building, consisting of a market, and office and retail space with 23 space at-grade parking lot (CDP No. 77-1010). The commercial building and parking lot are located on a graded flat building pad with descending slopes to the west. The slope descends approximately 70 feet into a small canyon, that is within Santa Ynez Canyon Park. The canyon contains a USGS blue line stream, which is approximately 200 feet from the existing parking lot and the area of the proposed retaining wall. A public trail is also located along the bottom of the canyon.

The existing commercial development was a requirement of the coastal development permit for the underlying subdivision (No. A381-78).

Portions of the west-facing descending slope, with gradients ranging from 1.5:1 to 2:1, failed due to past season's heavy rains. According their geotechnical consultant, GeoSoils Consultants Inc., the slope failed in two locations adjacent to the parking lot and in an area that was supported by a low-height railroad tie retaining wall. The failures occurred in the upper colluvial soil within the natural slope area, and extended into a corner of a compacted fill slope. The bottoms of the slope failures are on firm bedrock. The geotechnical report recommends removal of the railroad ties, removal of loose material in the failure areas, and the perimeter edges of the failure areas be trimmed back to conform with the natural surrounding gradients.

The project is visible from the canyon's trail. However, due to the heavy along bottom and lower portion of the canyon the proposed retaining wall will only be mainly visible from the trail located directly below the site. Because of the limited visibility and existing commercial development on the site, the proposed retaining wall will not have a significant visual impact on the surrounding area.

The City of Los Angeles Department of Building and Safety Grading Division reviewed the geotechnical report and subsequent updates and found them acceptable. The City's conditional approval included conditions addressing geotechnical issues with specific recommendations for site preparation, grading, foundation design and site drainage.

## **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, 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.



**EXHIBIT NO.**

Application Number

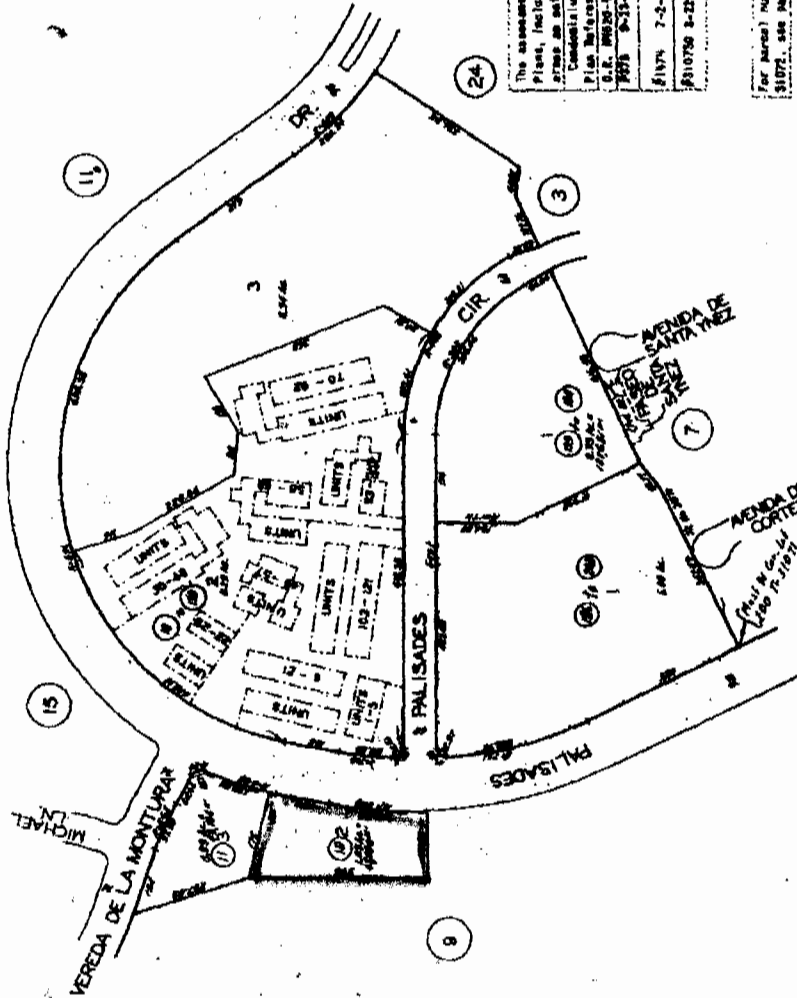
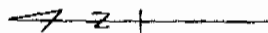
California Coastal Commission

Next >>

View Enlarged Map

County of Los Angeles: Rick Auerbach, Assessor

4431 10 1999  
SHEET 1 OF 200



The statement of units is the following Condominium Plan, includes all rights and interests in the common areas as set forth in deeds of record.

Condominium	Tract No.	Subdivision	Sheet No.
Unit 1	31072	1	Sheet 1
Unit 2	31072	2	Sheet 2
Unit 3	31072	3	Sheet 3
Unit 4	31072	4	Sheet 4
Unit 5	31072	5	Sheet 5
Unit 6	31072	6	Sheet 6
Unit 7	31072	7	Sheet 7
Unit 8	31072	8	Sheet 8
Unit 9	31072	9	Sheet 9
Unit 10	31072	10	Sheet 10

For parcel numbers in lot 3, Tract No. 31072, see page 25, sheets 10 to 11.

CONDOMINIUM TRACT NO. 31072 M.B. 832-8-63  
TRACT NO. 31070 M.B. 839-5-6  
CONDOMINIUM TRACT NO. 34023 M.B. 991-8-7

FOR PRELIMINARY DECISION  
4432-33

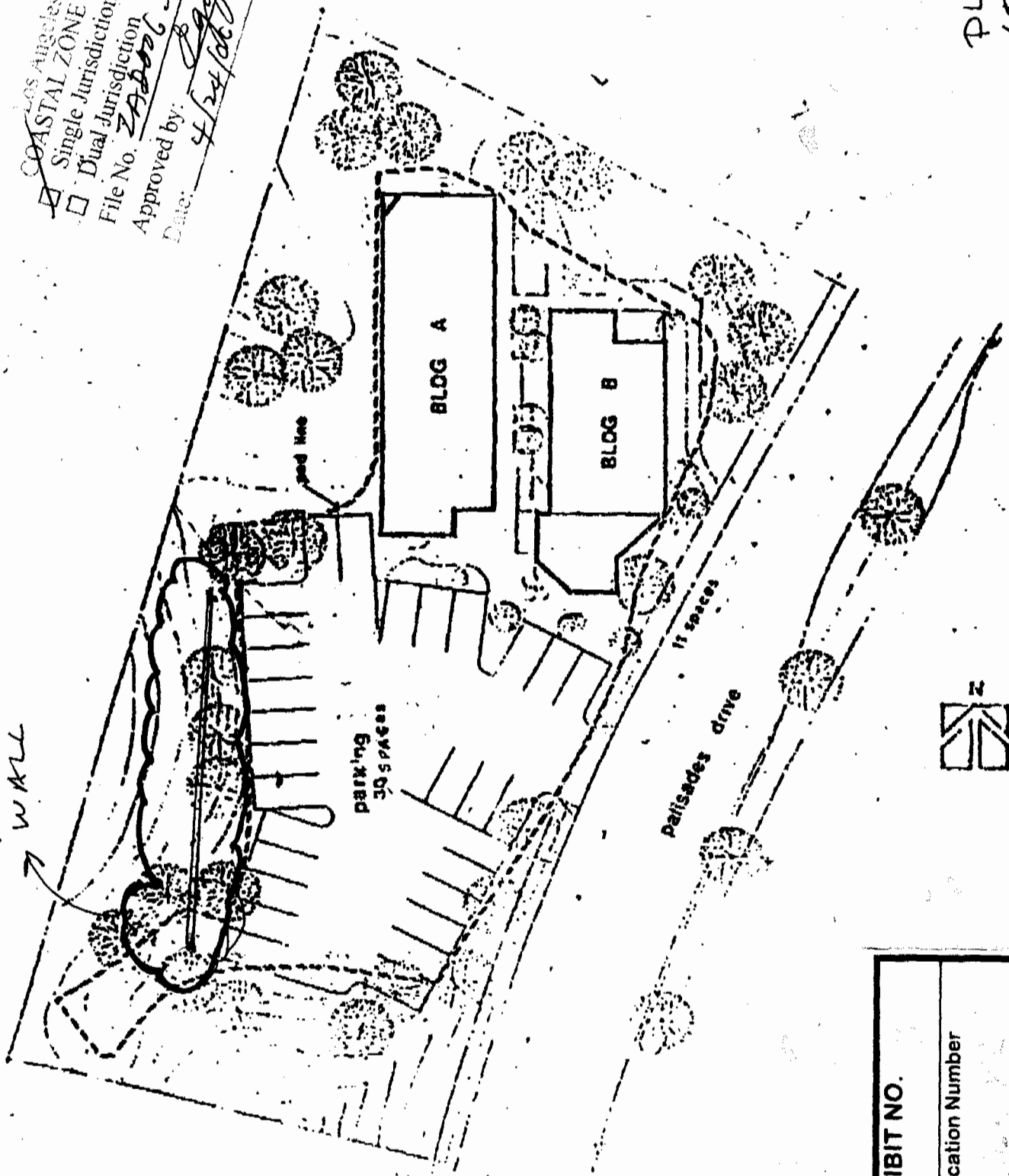
COUNTY OF

EXHIBIT NO. 2

Application Number

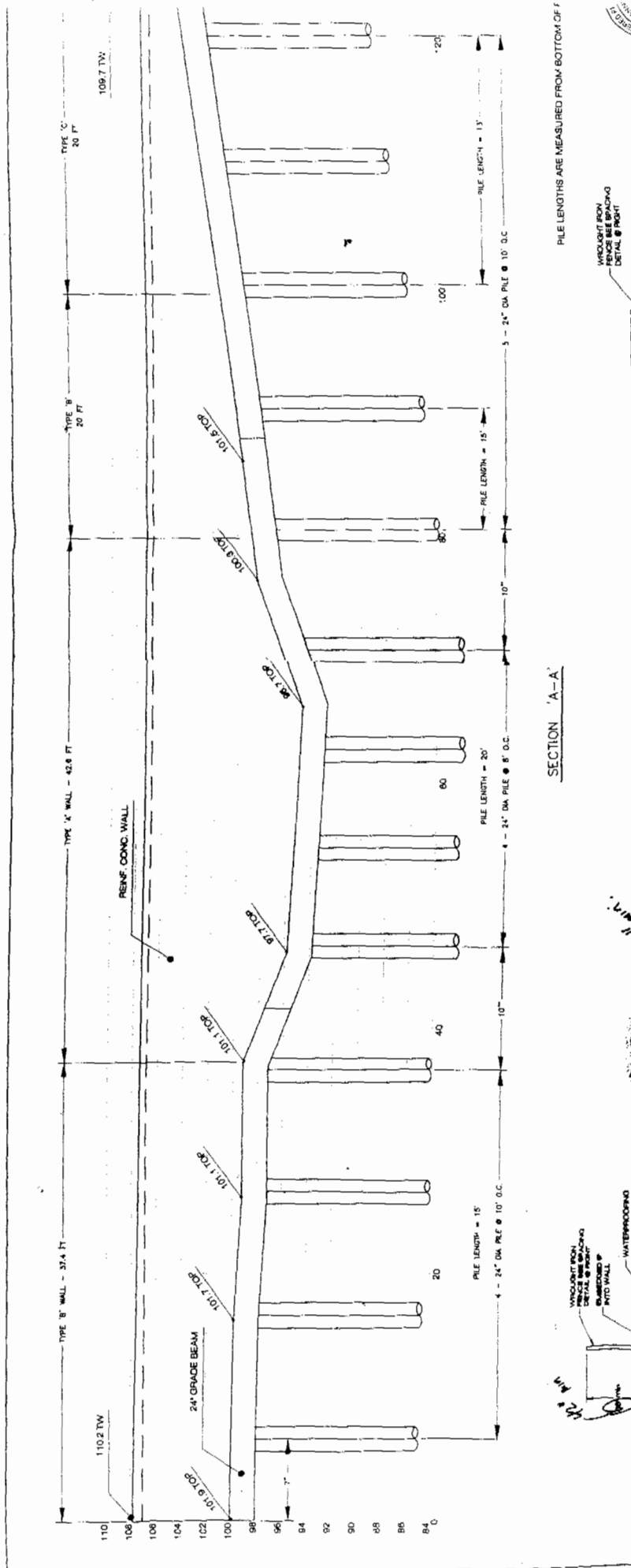
LOCATION OF  
NEW RETAINING  
WALL

Los Angeles City Planning  
☒ COASTAL ZONE PLAN APPROVAL  
☐ Single Jurisdiction  
☐ Dual Jurisdiction  
 File No. 2A0006-3252-AIC  
 Approved by: [Signature]  
 Date: 4/24/06



PLOT PLAN  
1515 N PALISADES DR

EXHIBIT NO.
Application Number
California Coastal Commission



SECTION 'A-A'

PILE LENGTHS ARE MEASURED FROM BOTTOM OF F

WINDUPT BOW  
PILLS ARE SPACING  
DETAIL @ RIGHT  
EMBEDDING

WINDUPT BOW  
PILLS ARE SPACING

WINDUPT BOW  
PILLS ARE SPACING  
DETAIL @ RIGHT  
EMBEDDING

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