

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: March 13, 2007
 49th Day: May 5, 2007
 180th Day: September 9, 2007
 Staff: Gabriel Buhr-LB
 Staff Report: April 16, 2007
 Hearing Date: May 9-11, 2007
 Commission Action:

Th6c**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-07-032

APPLICANT: Diane Waingrow

AGENT: n/a

PROJECT LOCATION: 1014 Maroney Lane/929 Las Lomas Avenue, Pacific Palisades

DESCRIPTION: Construction of a 1,140 square foot, 21 foot-high, one story with split levels, accessory building with a 300 square foot deck, on a 19,144 square-foot canyon lot with an existing single family residence.

Lot Area	19,144 square feet
Zoning	RE11-1 Very Low Density Residential

	<u>Proposed</u>	<u>Total</u>
Building Coverage	1,140 square feet	4,150 square feet
Pavement Coverage	490 square feet	2,550 square feet
Parking Spaces	0	2
Ht above final grade	21 feet	----

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending that the Commission grant a coastal development permit (5-07-032) for the proposed development with special conditions requiring conformance to geotechnical consultant's and City of Los Angeles Department of Building and Safety's recommendations, drainage and erosion control, landscaping that does not include invasive plants, allowable land uses, and a recordation of a deed restriction against the property referencing all of the Standard and Special Conditions contained in this staff report.

SUBSTANTIVE FILE DOCUMENTS:

1. Geotechnical and Soils Engineering Report prepared by Schick Geotechnical, Inc. dated March 12, 2006
2. Zoning Regulations for the City of Los Angeles

LOCAL APPROVALS RECEIVED: City of Los Angeles Approval in Concept
ZA 2007-8195-AIC

LIST OF EXHIBITS

1. Location Map
 2. Assessor's Parcel Map
 3. Site Plan
 4. Drainage and Landscape Plan
-

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 with special conditions Coastal Development Permit 5-07-032 per the staff recommendation*

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:

I. 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. Conformance with Geotechnical Recommendations

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, The applicant shall conform to the submitted grading and foundation plans for the review and approval of the Executive Director. The approved foundation plans shall include plans for the retaining walls, and friction piles. 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 Schick Geotechnical, Inc. dated March 12, 2006. 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, final erosion and runoff control plans. The plans shall include:

1) Erosion and Drainage Control Plan (Construction Phase)

(a) The erosion and drainage control plan shall demonstrate that:

- During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties.
- The following temporary erosion control measures shall be used during construction: temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible.
- Permanent erosion and drainage control measures shall be installed to ensure the stability of the site, adjacent properties, and public streets.
- The erosion and drainage control plans shall show all roof drainage from the structure.

- (b) The erosion control plan shall include, at a minimum, the following components:
- 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.
 - A site plan showing the location of all temporary erosion control measures.
 - A schedule for installation and removal of the temporary erosion control measures.
 - A written review and approval of all erosion and drainage control measures by the applicant's engineer and/or geologist.
 - A written agreement indicating where all excavated material will be disposed and acknowledgement that any construction debris disposed within the coastal zone requires a separate coastal development permit.
- (c) These erosion and drainage control measures shall be required to be in place and operational on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from the runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriately approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- (d) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles and/or mats, sand bag barriers, and/or silt fencing; and include temporary drains and swales and sediment basins. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.
- 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. Drainage and Landscape Plans

- A. The landscape and drainage control plan shall:
- Use efficient irrigation systems to minimize nuisance water runoff.
 - Minimize to the maximum extent practicable the use of chemical pesticides, herbicides and fertilizers on all landscaped areas.
 - No less than 80 percent of vegetation shall be low water use plants for southern California coastal areas as defined by the University of California Cooperative Extension and the California Department of Water Resources in their joint publication: "*Guide to estimating irrigation water needs of landscape plantings in California*".
 - The applicant shall employ no invasive, non-indigenous plant species, which tend to supplant native species as identified on the California Native Plant Society publication "California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled *Recommended List of Native*

Plants for Landscaping in the Santa Monica Mountains, January 20, 1992 “ and/or by the California Invasive Plant Council.

- Use of California native plants indigenous to the Santa Monica Mountains is encouraged. As much as possible, local seed sources shall be used.
- All required plantings shall be installed within 60 days of the receipt of the certificate of occupancy for the structure. 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.

- 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. Land Use

By acceptance of this permit, the applicant acknowledges and agrees that the site is subject to local zoning regulations related to allowable uses for accessory buildings. Pursuant to those regulations the accessory building shall not be permitted for use as a secondary residence or as the primary location for a home occupation or other commercial application.

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 single story, split level, 21 foot high, 1,140 square foot accessory building, with a 300 square foot attached deck, and an associated 10 foot high and 33 foot long retaining wall. A single family residence with attached 2-car garage already exists on the project site and is not being modified as a part of the proposed project.

The proposed project is located on Maroney Lane in the Pacific Palisades area of the City of Los Angeles (Exhibit 1 and 2). The subject site consists of a single 19,144 square foot lot located on the south side of Maroney Lane. The southern edge of the project site is bordered by Las Lomas Avenue, and an existing gate on the lot perimeter provides access to this street at the address of 929 Las Lomas Ave. The property is on a sloping lot of a small canyon that descends approximately 70 feet from Las Lomas Avenue to Maroney Lane below, the slope above the existing primary residence where the accessory building is proposed descends approximately 35 feet at a gradient of approximately 2:1 (horizontal to vertical) (Exhibit 3). There is no blue line stream within this canyon. The surrounding area is residentially developed with single-family residences on hillside and canyon lots.

The subject site is over a mile inland from the beach. The subject site is located a half mile west of Temescal Gateway Park, and several smaller trails access the Santa Monica Mountains at the terminus of both Maroney Lane and Las Lomas Avenue. The local neighborhood is comprised of narrow local streets utilized primarily by residents and those accessing the local mountain trails.

B. Access

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30252 of the Coastal Act states in part:

The location and amount of new development should maintain and enhance public access to the coast by:

(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.

The proposed project is not located between the sea and the first public road, but nevertheless could adversely impact public access to inland coastal recreational resources. The low residential zoning for the area precludes the construction of secondary residences or buildings that would be utilized for the commercial purposes of a home occupation, these restrictions are designed to maintain the quiet neighborhood character of the area. To address these concerns, the development, as proposed and as conditioned in **Special Conditions 4 and 5**, allows for the use of the accessory building as described and restricted by local zoning regulations, and requires a deed restriction to ensure that any prospective future owners of the property are made aware of the conditions of this permit as they

pertain to use of the accessory building. **Special Condition 4** is further required because no additional parking is being provided for the proposed project as would be required by Section 30252.

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast, the Santa Monica Mountains and other nearby recreational facilities. Residential use is appropriate for the area because it is consistent with surrounding uses, pattern of development, and past Commission approvals in the area. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30223, and 30252 of the Coastal Act.

C. Water Quality

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

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 sloped property is vegetated with mainly non-native plants, including large eucalyptus, and ivy along the slope. The applicant is proposing to retain most of the existing vegetation and incorporate new vegetation where the ground would be cleared for grading and construction. As recommended in the soils report, replaced vegetation on the slope must be erosion resistant.

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 and is available for review at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

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 in **Special Conditions 2 and 3**, 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 and erosion resistant 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.

D. Geologic Hazard

Section 30253 of the Coastal Act states in part:

New development shall:

- (1) Minimize the risk 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, geologic 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 coastal bluffs.*

The applicant's geologic report concludes that, from a geotechnical perspective, the proposed accessory structure is feasible. Those recommendations are incorporated in the subject coastal permit application, **Special Condition 1** requires the applicant to abide by those recommendations. 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 conditions addressing geotechnical issues with specific recommendations for site preparation, grading, foundation design and site drainage.

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. In this case, no specific hazard has been identified by the applicant's geotechnical consultant other than seismic hazards that are present throughout the Southern California region. 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 proposed development has been conditioned to require: adherence to the geotechnical recommendations and for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff. 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.

E. 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.

F. Local Coastal Program

Section 30604 (a) of the Coastal Act states:

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).

In 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, and grading and geologic stability.

The City has submitted five Land Use Plans for Commission review and the Commission has certified three (Playa Vista, San Pedro, and Venice). However, the City has not prepared a Land Use Plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process in 1978, with the exception of two tracts (a 1200-acre and 300-acre tract of land), which were then undergoing subdivision approval, all private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decision remained in the Pacific Palisades. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey

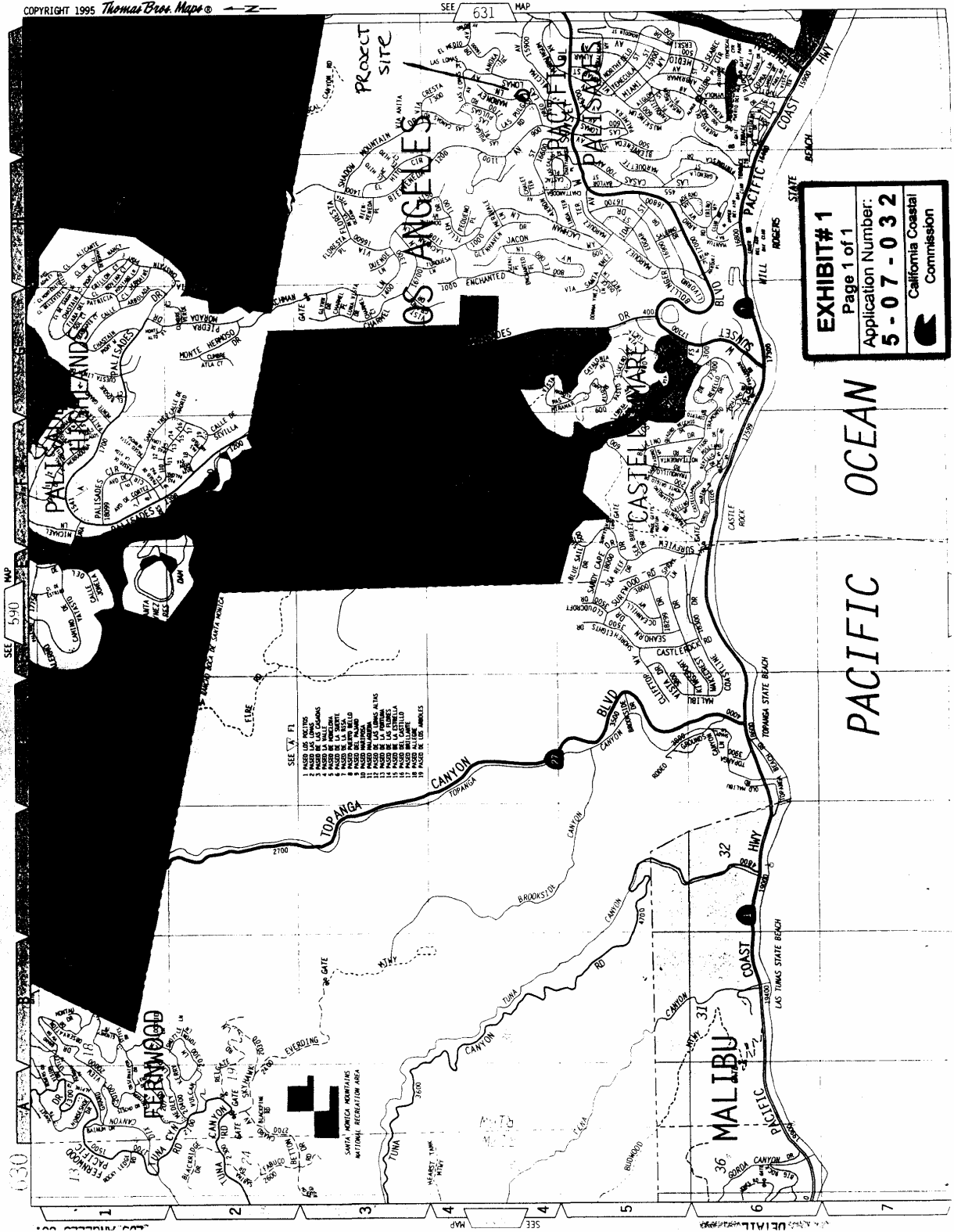
As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. California Environmental Quality Act.

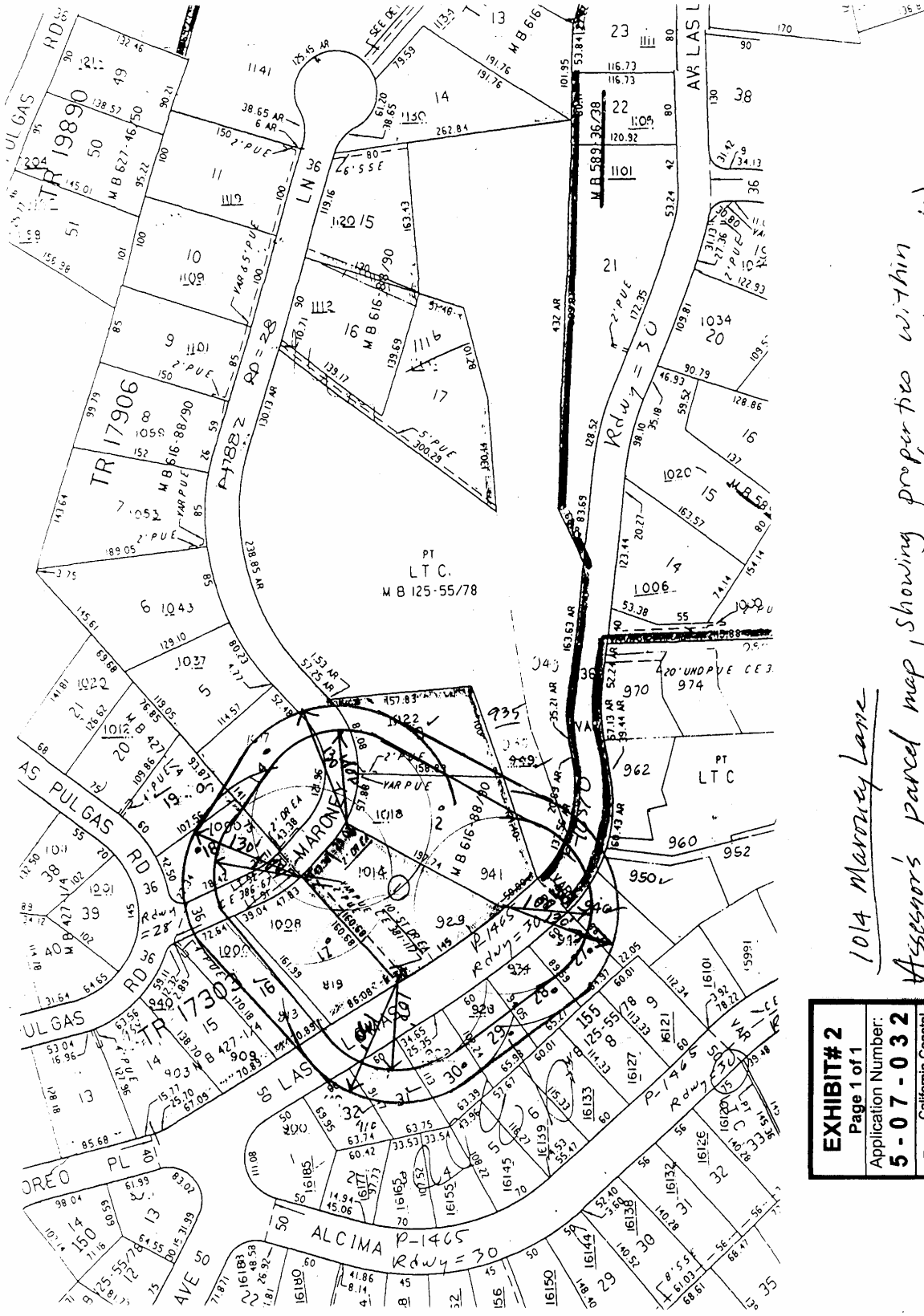
Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

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.

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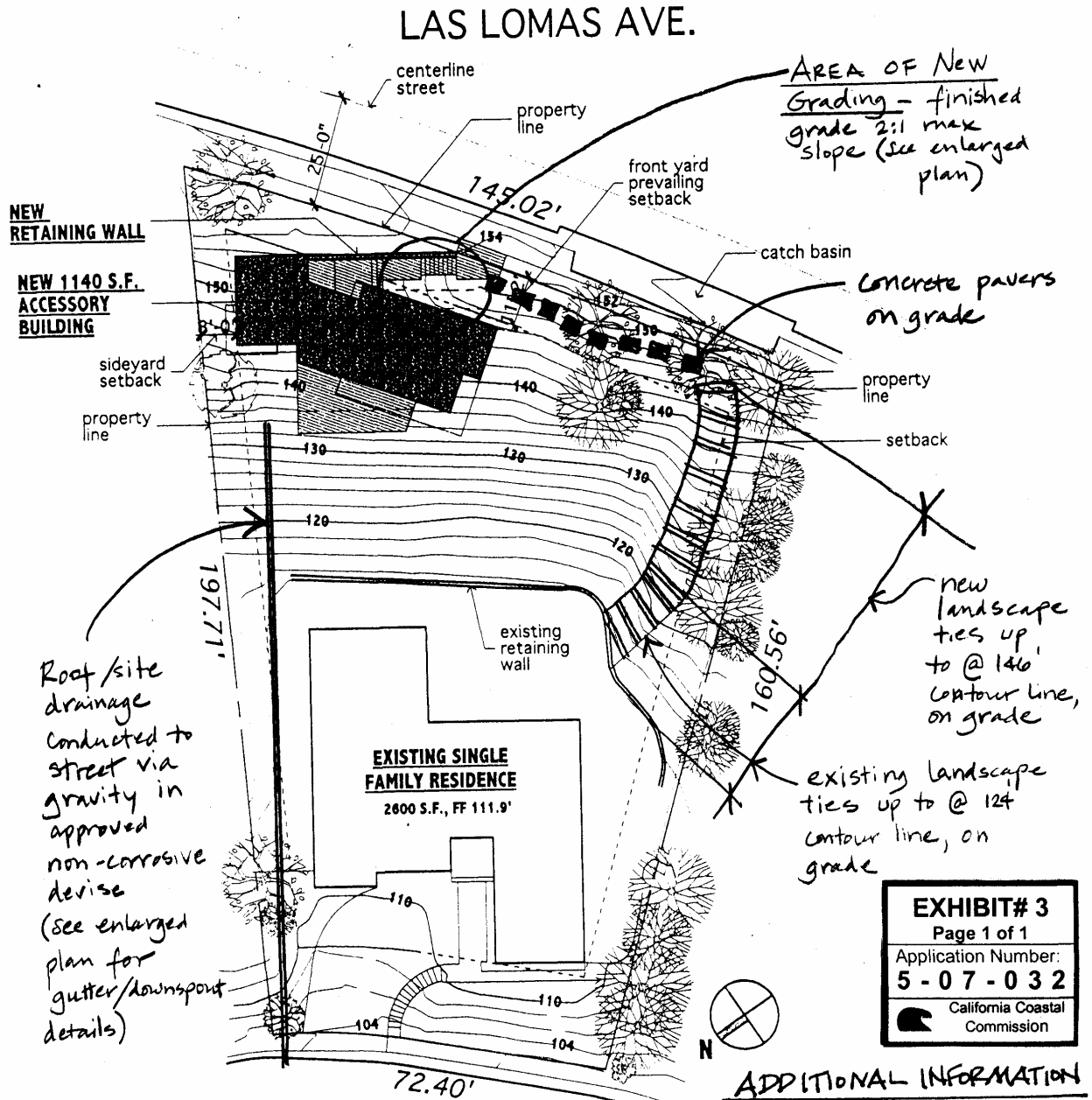
100' + 30' (ROAD) = 130' Radius



1014 Maroney Lane

*Assessor's parcel map, showing properties within
 100' of proposed development site (not including roads)*

EXHIBIT# 2
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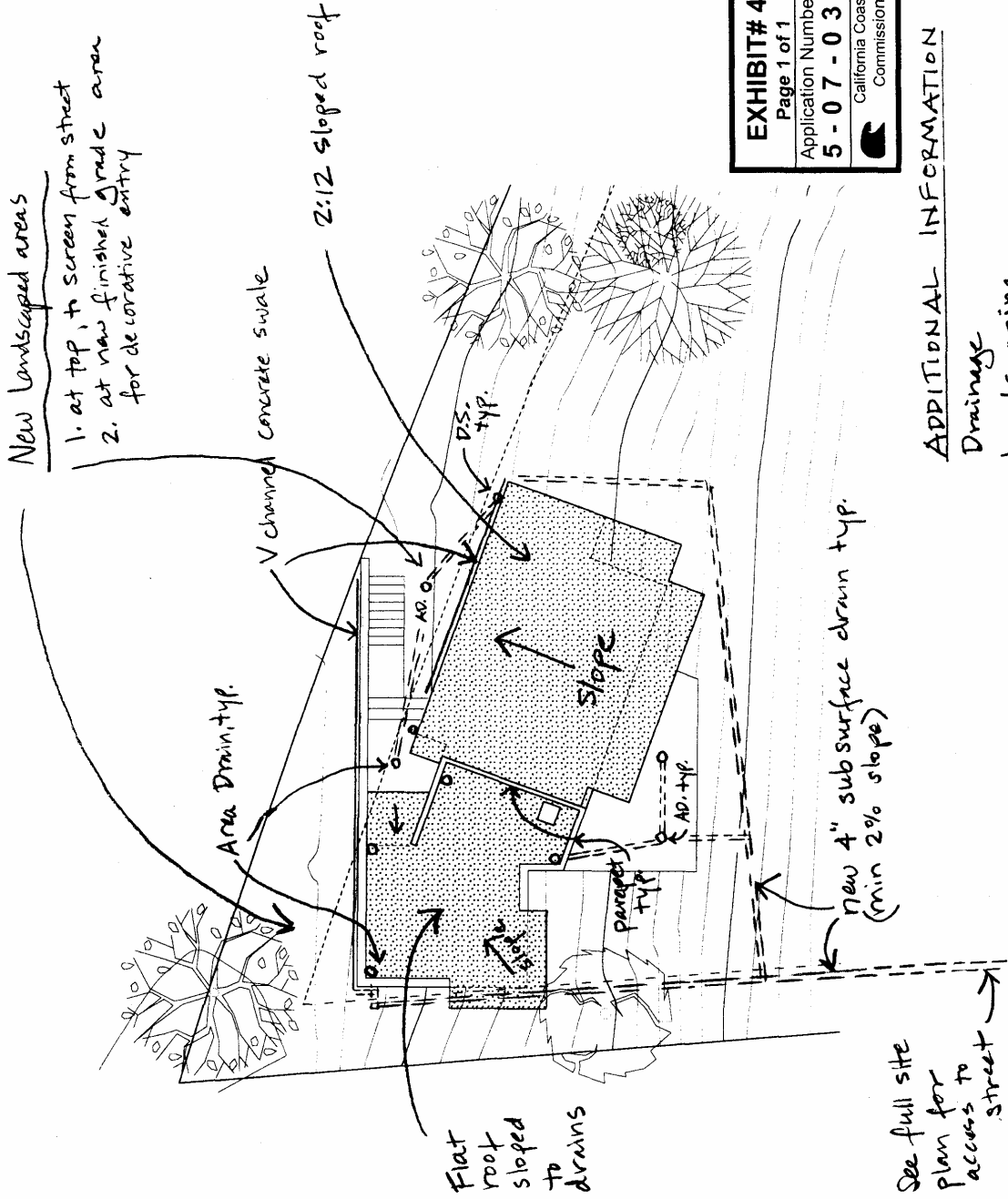
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ADDITIONAL INFORMATION

Access
 Grading
 Drainage.

3/1/07

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ADDITIONAL INFORMATION
 Drainage
 Landscaping