CALIFORNIA COASTAL COMMISSION

W23c

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

Filed: 8/26/08 49th Day: 10/14/08 180th Day: 2/22/09 Staff: AL Padilla-LB Staff Report: 1/14/09 Hearing Date: 2/4-6/09 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-08-245

APPLICANT: Pacific Palisades Bowl Mobile Home Estates, LLC

AGENT: Sherman Stacey

PROJECT LOCATION: 16321 Pacific Coast Highway, Pacific Palisades

PROJECT DESCRIPTION: To permanently authorize the construction allowed under emergency permit 5-05-401-G for installation of subsurface dewatering drains, main drains and area drains, dewatering well and pump. The project will also include removal of 4,000 cubic yards of fill and regrading and paving access road.

> Lot Area: Zoning:

19.92 acres RE40—Residential Estate

SUMMARY OF STAFF RECOMMENDATION:

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

STAFF RECOMMENDATION:

MOTION: I move that the Commission approve Coastal Development Permit No. 5-08-245 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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. <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.

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

1. Conformance of Design and Construction Plans to Geotechnical Report

A) All final design and construction plans and grading and drainage plans, shall be consistent with all recommendations contained in Geologic Engineering Report, by Joseph M. Provenzano, P. E., dated December 20, 2006, except for landscaping and irrigation which shall be consistent with Special Condition No. 3 below.

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.

2. 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 landslide activity, erosion and/or earth movement, (ii) to assume the risks to 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.

3. Landscape Plan

A) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final landscaping plan prepared by a landscape architect or qualified landscape professional. The consulting landscape architect or qualified landscape professional shall certify in writing that the final Landscape plans are in conformance with the following requirements:

(a) the vegetation planted shall consist primarily of native/drought and fire resistant plants of the coastal sage community as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains,

dated February 5, 1996; no plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council (formerly known as the California Exotic Pest Plant Council), or as may be identified from time to time by the State of California shall be utilized on the property; (b) no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property; (c) no temporary or permanent irrigation system shall be allowed on the repaired slope area. Irrigation shall be by hand only; (d) 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.

1) 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) Five years from the date of the implementation of the landscaping plan the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

C) 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. 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 is requesting a coastal development permit to permanently authorize the construction allowed under an emergency permit (5-05-401-G) for the installation of subsurface dewatering drains, main drains and area drains, dewatering well and pump; and regrade and pave the access street on a 19 acre 170 unit mobile home park. Approximately 4,000 cubic yards of fill material is being removed which is mainly landslide debris that covered the existing roadway and surrounding area within the mobile home park. The fill removed has been exported off-site and outside of the coastal zone.

The dewatering drain lines (miradrain drainage panels) consist of nine subterranean lines extending 8 to 12 below grade and varying from approximately 60 to 90 feet in length. The drain lines connect to a 12 inch diameter main line located along the existing road (Terrace Drive) at the toe of the slope. The main drain connects to the existing storm drain along Pacific Coast Highway (see Exhibit No. 3 and 4).

The project is located within an irregular shaped 19 acre parcel. The front portion of the site is a gently sloping graded area varying in depth from Pacific Coast Highway inland, from approximately 100 feet along the western (upcoast) portion of the property to approximately 275 feet along the eastern (downcoast) portion of the property. The property then ascends approximately 200 feet at a 2:1 slope where the property ends approximately 2/3 up the 275 foot high slope. Beyond the upper portion of the property is a fire access road for the adjacent mobile home park (Tahitian Terrace). At the top of the slope is the public residential street, Asilomar Boulevard, and residential development along the inland side of the street.

The approximately 170 mobile homes are located on the flat portion of the property, between the toe of the slope and PCH. Running along most of the entire length of the toe of the slope, within the property, is one of the park's private interior circulation roads (Terrace

Road). The slope drainage devises will be located along the slope and within the existing roadway (see Exhibit No. 3).

The proposed project is a follow-up of an emergency permit (5-05-401-G) that was issued in October 2005 for installation of drainage panels and slope drains; installation of erosion control blanket on the slope; and removal of unconsolidated stockpiles of earth generated by slope failure. As required, following the issuance of an emergency permit, the applicant submitted a regular permit application (5-05-401) for permanent authorization of development approved under the emergency permit, as well as proposed regrading of the lower half of the slope to a gradient of 1.5:1(horizontal: vertical) and upper slope to a gradient of 2:1, with 19,740 cubic yards of grading. Staff was concerned with the amount and necessity of the grading and was also concerned with the further destabilization of the slope. Because of these concerns and lack of information regarding the overall stability of the entire slope, which involves two other properties (City of Los Angeles and Tahitian Terrace Mobile Home Park), the applicant withdrew the application due to the Permit Streamlining Act and to provide additional time to redesign the project and work with the adjoining property owners to do further geologic investigation of the entire slope.

According to the applicant's representative, the applicant, the City of Los Angeles, and the owner of the adjacent Tahitian Terrace Mobile Home Park have entered into a cooperative agreement and financed an investigation of the landslide area above the property. Subsequently, the applicant submitted a second application (No. 5-07-403) for the drainage improvements, including two, approximately 700 foot and 160 foot long, 4 foot high soldier beam retaining walls. The two retaining walls were not intended as an overall solution to the landslide problem that encompasses a greater area than the applicant's property, but was an immediate project to address the sliding along the lower portion of the site on the applicant's property by supporting the toe of the slope and protecting the existing roadway and mobile homes from further slope sliding or sloughing. However, according to the applicant, due to new subsurface explorations conducted in 2007, the applicant needed additional time to conduct further geotechnical studies for the retaining walls and withdrew the second application in order to complete the geotechnical investigation. The Geotechnical Engineering Investigation Report, was completed on August 15, 2008, by Praad Geotechnical, Inc. The report concluded that the proposed retaining walls, as designed, would have little effect upon the stability of the soils and would be subject to substantial landslide movement and distress. Therefore, the applicant resubmitted an application for only the drainage improvements and removed the retaining walls from the proposed project.

The applicant, the City of Los Angeles, and Tahitian Terrace Mobile Home Park continue to work together to address remediation of the entire slope and to design a comprehensive slope stabilization plan.

The mobile home park is registered with the State Department of Housing and Community Development (HCD). The State Department of Housing and Community Development (HCD) regulates mobile home parks under the State Mobile Home Parks Act and has adopted regulations governing construction and occupancy of privately owned mobile homes within California. Except for certain enumerated categories of local land use regulations, the

Mobile Home Parks Act preempts local government police power authority to regulate land uses affecting mobile home parks. However, the Mobile Home Parks Act does not address or prevent application of statewide policies of the Coastal Act.

B. <u>Geologic Hazards</u>

Section 30253 states:

New development shall:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

- (b) 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 bluffs and cliffs.
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- (d) Minimize energy consumption and vehicle miles traveled.
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30253 of the Coastal Act requires new development to minimize risk to life and property in areas of high geologic hazard and assure stability and structural integrity of the subject site and development.

The project site has experienced slope failure in 1982, 1998, 2001, and most recently in 2005. The slide known as the Asilomar Boulevard landslide (see Exhibit No. 5) affects at least three separate properties (the applicant's mobile home park, the Tahitian Terrace Mobile Home Park, and the City of Los Angeles right-of-way (Asilomar Boulevard). According to the consulting geotechnical engineer, the slide reactivates during periods of heavy rainfall. Over the years there has been lateral movements and cracking (tension cracks) of asphalt pavement at the base of the slope; tension cracks at the top of the slope along the old fire road; erosion gullies along the slope; existing shallow storm drains along the slope have been displaced by ground movement and are no longer operating; and active seepage. According to the applicant's representative, after the 2000/2001 rains activated a slide mass on the slope, recommendations for a drain system were made to the previous property owner, but never implemented. During the following years the slide mass destroying the park road at the toe of the slope and forcing the removal of 11 mobile homes.

Following a geotechnical investigation conducted by Josehph M. Provenzano, P.E., Geotechnical Engineer, dated Sepember 28, 2005, that included a total of seventeen

borings, a new drainage system was proposed. The drainage system included slope subdrains, perimerter subdrains, and an intercept subdrain/well system. The drainage system was installed in 2005 under the emergency permit (No. 5-05-401-G). During construction, erosion control methods, such as the use of sand bags and silt curtains, were implemented and all soil debris has been removed and disposed of in an appropriate site outside of the Coastal Zone.

According to the applicant's representative, the drainage system that was installed under the emergency permit was performing well and there has been no major movement of the slope; however, a 100 foot section of the 12 inch perimeter drainline installed beneath Terrace Drive to drain the slope drains and dewatering well suffered a collapse due to insufficient wall strength. Once the damage pipe was discovered and located, the damaged section was removed and replaced with a same diameter pipe but with a thicker wall (1.25 inches).

The consulting geotechnical engineer is also recommended that jut mats be installed to prevent erosion during the rainy season and that the slope be planted with ivy and irrigated with an automatic irrigation system to encourage growth. The jut mats were installed following the installation of the drainage lines. However, the slope has not been revegetated.

Generally, ivy, which is proposed for vegetating the disturbed area of the slope, is an invasive plant and is a moderate water user. The Commission has consistently required that landscaping be non-invasive and consist of drought tolerant type plants, and on a slope that has experienced slope failure due to excess rain water, it is important that water use is kept to a minimum and that an irrigation system be prohibited on the slope to prevent over watering and/or accidental line breaks. Therefore, the project is conditioned (Special Condition No.1) to comply with the recommendations of the geotechnical report, except for the landscaping and irrigation recommendations. Special Condition No. 4 requires a landscape plan using non-invasive and drought tolerant plants, to minimize water use on the slope, and that irrigation be done by hand only to ensure that the slope is not over watered.

The report for the drainage system concludes that the proposed drainage system will provide localized stability to the slope. However, the report prepared by Praad Geotechnical, Inc. which analyzed additional borings and the previously proposed retaining wall, indicates that due to the magnitude of the landslide extensive slope improvements will be necessary to address the global stabilization of the landslide that involves the two adjacent properties. The applicant and adjoining property owners are continuing to work together to comprehensively address the global stabilization of the slope. The proposed project is to address an immediate erosion issue on the subject property and will not adversely affect any future overall slope stability designs developed for the entire slope. However, the proposed drainage system does not eliminate the geologic risk on the property or surrounding area associated with the existing landslide. In previous actions on hillside development in geologically hazardous areas, the Commission has found that there are certain risks that can never be entirely eliminated. In addition, the Commission notes that the applicant has no control over off-site or on-site conditions that may change and adversely affect the slope on the property. Therefore, based on the information in the applicant's geotechnical and soils investigation reports, the Commission finds that the proposed project is subject to risk from

erosion and/or slope failure and that the applicant should assume the liability of such risk. Therefore, Special Condition No. 2 requires that the applicant should be aware of such risks and assume any liability associated with the development. The assumption of risk will place the applicant and future owners on notice of the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development (Special Condition No. 2).

To ensure measures are incorporated into the project to avoid erosion impacts to the surrounding area this permit is also conditioned in Special Condition No. 1 to require the applicant to conform to geotechnical recommendations to incorporate best management practices regarding grading and erosion. Special Condition No. 3 requires that all disturbed areas outside of the paved roadways shall be restored and landscaped with native and drought tolerant vegetation or hydroseeded with a native seed mix, to reduce soil erosion. As conditioned, the Commission finds that the proposed development is consistent with Section 30253 of the Coastal Act.

C. Visual Impacts/Landform Alteration

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of the surrounding areas, and, where feasible, to restore and enhance the visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Coastal Act protects public views. In this case, public views are from PCH and the beach and are of the hillsides of the Santa Monica Mountains of Pacific Palisades.

The project is located just inland of Pacific Coast Highway and Will Rogers State Beach (Exhibit No. 1). The construction site is located along the bottom of a slope and is separated from PCH and the beach by 3 to 6 rows of mobile homes within the trailer park. The 4,000 cubic yards of grading involved with the project was mainly the removal of soil that slid onto the trail park's roadway and the minor trenching necessary to install the drain lines. Therefore, other than the removal of the slide material, there was only a minor amount of landform alternation associated with the installation of the drainage system.

The drainage system and grading, which are located along the lower portion of the slope, will not be visible from PCH or the beach. As designed, the existing slope will only be minimally affected near the bottom of the slope along the roadway. The subdrains will be buried along the slope or within the existing roadway, and as conditioned, landscaped. Because of the project site's setback from PCH and existing development that blocks public views of the area, public visual impacts will be insignificant. Therefore, the project is found consistent with Section 30251 of the Coastal Act.

D. 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 development will include trenching, loading debris onto a transport truck and transportation of the debris off-site, use of heavy construction equipment for placing the new sewer and storm drain lines, and pouring concrete and grout for the construction of the new lines and abandonment of the old. These proposed activities will occur adjacent to roadways and drainages that lead to Pacific Coast Highway. If not properly controlled, the proposed activities could have adverse impacts upon water quality resulting in impacts to biological productivity of coastal waters. For instance, trenching and stockpiling of debris or construction material could have adverse impacts if the debris or construction material is allowed to run off down the roadways and into street drains which could eventually end up in the ocean. Also, storage or maintenance of heavy equipment could result in the release of fuel, oil, lubricants, and other materials which could enter and pollute the watershed and adjacent coastal waters. Washing out trucks could result in the discharge of polluted rinse into coastal waters.

Therefore, the Commission imposes Special Condition No. 3 which requires the applicant to implement best management practices. In addition, in order to avoid impacts related to the discharge of sediment from the construction area, the condition requires the applicant to use measures such as sand bags, hay bales and sediment fences to prevent the discharge of sediment from the construction area to coastal waters.

Finally, since the contractor will be responsible for disposing of all material and debris Special Condition No. 3 puts the applicant on notice that disposal of the material within the coastal zone will require an amendment or new coastal development permit. However, only as conditioned for appropriate storage of construction materials and equipment, incorporation of best management practices, and identification of a debris disposal site, does the Commission find that the proposed development is consistent with Section 30230 and 30231 of the Coastal Act.

E. 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.

The City of Los Angeles has not prepared a draft Land Use Plan for this planning subarea. However, the City's work program to develop a Local Coastal Program considers natural hazards as an issue for this area of the City. Approval of the proposed development, as conditioned to minimize risks from natural hazards, will not prejudice the City's ability to prepare a certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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.

For the part of the proposed development that is being approved, with conditions, there are no feasible alternatives or mitigation measures (beyond the conditions imposed) available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.









