

CALIFORNIA COASTAL COMMISSION

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180th Day:	1/24/14
Staff:	A. Dobson-LB
Staff Report:	8/18/14
Hearing Date:	9/11/14

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-14-0997

APPLICANT: Mukesh Patel

PROJECT LOCATION: 7829 Veragua Dr. Playa del Rey, City of Los Angeles, Los Angeles County

PROJECT DESCRIPTION: Construction of a 4 story, 5,237 square foot single-family residence with a roof deck and an attached 492 sq. ft. two-car garage on a 5,333 square foot vacant lot, descending approximately 50 feet from south to north down a slope. The structure will be 45 feet high from finished grade (measured from the lowest elevation on the lot) and a maximum of 9 feet high from the curb (facing Veragua Dr.). Grading consists of 942 cubic yards of cut and 271 cubic yards of fill.

I. MOTION AND RESOLUTION

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:

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

This permit is granted subject to the following 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 on which the Commission voted on the application. 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. **Future Development.** This permit is only for the development described in coastal development permit No. 5-14-0997. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the development governed by the coastal development permit No. 5-14-0997. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to changes in foundation, antennas, or height of the structure, and repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 5-14-0997 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
2. **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 landowner 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.
3. **Participation in Drainage Mitigation Project.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, that provides that the applicant shall participate on the same basis as all similarly situated projects in any program to improve the drainage system and water quality of the street drainage emptying into the Ballona Wetlands. The agreement shall be enforceable by the City of Los Angeles, the State of California, or a private nonprofit organization with the designated responsibility of wetland restoration. The applicant shall agree to pay any fees or assessments to finance projects which would improve drainage, filter runoff, or improve the water quality of the Ballona Wetlands that would be applied to any new project on the Playa del Rey Bluffs, and would comply with any new standards for directing storm water to particular drains or treatment devices.

4. **Drainage and Polluted Runoff Control Plan.**

A) PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director an Erosion and Runoff Control Plan, including supporting calculations. The plan shall be prepared by a licensed water quality professional and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the volume, velocity and pollutant load of storm water and other runoff leaving the developed site. The plans shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with the geologists' recommendations. All design and construction plans, including but not limited to grading plans, foundation plans, site plans, floor plans, elevation plans, roof plans, landscape and hardscape plans shall be consistent with the final drainage and runoff control plan. In addition to the specifications above, the plans shall be in substantial conformance with the following requirements:

(1) Selected BMPs (or suites of BMPs) shall be designed to treat or infiltrate the amount of storm water generated by each runoff event up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.

(2) Runoff from all roofs, parking areas, driveways and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices, where feasible. The filter elements shall be designed to a) trap sediment, particulates and other solids and b) remove or mitigate contaminants through treatment or filtration.

(3) The drainage system shall also be designed to convey and discharge excess runoff from the building site to the street in a non-erosive manner.

(4) The plan shall include provisions for maintaining the drainage and filtration systems, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

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. **Geologist Recommendation.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval, a set of project design plans signed by the project Soils Engineer certifying that all recommendations for grading, foundations, retaining walls, and drainage made in the report prepared by Bay City Geology, Inc., on March 21, 2011, and consistent with all drainage requirements as required by this permit, have been incorporated into the project design.

6. **Assumption of Risk/Indemnification.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant as landowner shall execute and record a Deed Restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from erosion, slope failure, mudslides and slumping and the applicant assumes the liability from such hazards; and the (b) that the applicant unconditionally waives any claims of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents, and employees relative to the Commission's approval of the project for any damage due to natural hazards. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

7. **Grading and Landscaping.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a revised landscape plan prepared by a licensed landscape architect or a qualified resource specialist. The consulting landscape architect or qualified landscape professional shall certify in the writing that the final landscape plans are in conformance with the following requirements:
 - a) All graded and disturbed areas onsite and surrounding the site shall be planted and maintained for erosion control purposes and visual enhancement purposes within thirty (30) days of receipt of the certificate of occupancy for the residence. All landscaping shall screen or soften the visual impact of development.

 - b) Invasive, non-indigenous plant species which tend to supplant native species shall not be used. Landscaping shall consist only of species that minimize the need for irrigation, native and/or drought tolerant species, as listed by the California native Plant Society, Santa Monica Mountains Chapter. All native plants shall be of local genetic stock/seed. No plants listed as problematic and/or invasive by the California Native Plant Society, The California Invasive Plant Council, or as may be identified from time to time by the State of California shall be allowed in planned landscaping, nor allowed to naturalize on site. 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) Native trees (minimum 10 gallon size) shall be planted within the rear yard setback or in the rear yard area which, when mature, will screen those portions of the structure located more than 20 feet below the highest point on the roof from the Ballona Wetlands, Lincoln Boulevard and Culver Boulevard. The retaining wall along the rear property line shall be set back a minimum of 3 feet to allow landscaping and planting of trees.

- d) Plants will be maintained in good growing conditions throughout the life of the project and, whenever necessary, shall be replaced with new plants to ensure continued condition compliance with applicant landscape requirements.
- e) Rodenticides containing and anticoagulant compounds (including but not Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used. Pesticides that are persistent in water shall not be used on the rear of the property and/or anywhere near the bluffs.
- f) Sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations (soil disturbance) and maintained through the development process to minimize sediment from run-off waters or gravity flow during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

8. **Construction Responsibilities and Debris Removal.**

BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, The permittee agrees to comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave/wind erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to sensitive habitat areas, during construction, to include the following, at minimum: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and the Pacific Ocean; use of debris fences as appropriate, a pre-construction meeting to review procedural and BMP guidelines;
- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged to coastal waters.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The applicant is proposing to construct a 4 story, 5,237 square foot single-family residence with a roof deck and a two-car garage on a 5,332 square foot vacant lot, descending approximately 50 feet from south to north down a slope. The structure will be 45 feet high from finished grade (measured from the lowest elevation on the lot) and a maximum of 9 feet high from the curb (facing Veragua Dr.). Grading consists of 942 cubic yards of cut and 271 cubic yards of fill. Approximately 671 cubic yards will be exported to a disposal site outside of the coastal zone. The project has received a Coastal Development Permit from the City of Los Angeles (CDP No. ZA

2013-0021 (CDP) (ZAA)) with conditions mainly related to: screening, height and alignment of the fence/wall along the rear property line, construction responsibilities, outdoor shielded lighting, and landscaping.

The site is located on a Pleistocene wave cut terrace on a north-facing slope overlooking the floodplain of Ballona Creek. The site is underlain by sands dune which are susceptible to erosion. Drainage on site is by sheet flow down the slope. The project is conditioned to comply with the Geology and Soils report recommendations as approved by the City of Los Angeles, Dept. of Building and Safety (Log No. 74002-02). The development will be constructed on a caisson foundation for stability.

The surrounding area and slopes are residentially developed and there are single-family residences adjoining the currently vacant lot. The Commission has approved 7 previous coastal development permits for similar single-family residences along these bluffs: 5-90-1109 (Wilhelmsen), 5-91-282 (Pridgen), 5-91-285 (Gondal), 5-92-349 (Galos), 5-97-205 (Rossall), and 5-98-282 (Shiepe); 5-02-253 (Triosh).

Drainage onsite currently sheet flows north to south and over the bluff edge, eventually flowing North to Ballona Creek and the Pacific Ocean. The proposed drainage plans show that runoff from the development will be collected at the Northwest corner of the site, collected in a 55 cubic feet underground retention cistern, connected to a sump pump that will pump excess flows up to Veragua Dr. and outlet into the City's storm drain system.

The proposed rear fence/retaining wall will be no more than 13 feet high and will be 3 feet landward from the rear property line to allow for access and maintenance of the proposed screening trees. The trees will be approximately 20 feet tall at maturity and will be native, drought tolerant species (proposed to be a mix of *CEANOTHUS* 'RAY HARTMAN' and *RHUS LAURINA*, LAUREL SUMAC) to screen the wall and house from view from the public right-of-way; therefore, the visual impact of development will be minimized and will not negatively impact public coastal views. The proposed development meets the zoning requirements (R1-1) of the area. Other homes in the area are similar, 4 story single family homes and is consistent with the community character of the area.

Special conditions related to grading, erosion control, drainage, adherence to geologist recommendations, and construction responsibilities onsite ensure the protection of water quality and prevent bluff erosion. A special condition related to landscaping ensures the protection of native habitat surrounding the site, and the maintenance of scenic and visual qualities in the area. The assumption of risk condition acknowledges that the area's bluffs and erosion are inherently dangerous qualities of the site, yet the applicant assumes all responsibilities for the development. A deed restriction is applied to ensure the continuance of these conditions into the future.

Area Planning History

This property is located on a highly visible bluff (Westchester bluffs) overlooking Ballona Wetlands. These bluffs are a prominent landform rising 140 feet above the Ballona Wetlands. The property is within the certified Playa Vista Land Use Plan area and designated as a single-family residential area. The Playa Vista Land Use Plan identifies the area above Cabora Drive as

Residential I and the area below Cabora Drive as an Ecological Support area or buffer area for the wetlands. The Ballona Creek wetlands occupy approximately 163 acres north of the bluff and Cabora Drive. The subject lot zoning is identified as Residential I.

B. HABITAT AREAS

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

C. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize 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, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, 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. 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.

E. HAZARDS

Development adjacent to the ocean and the edges of bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, or shoreline protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, visual resources, and shoreline processes. To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs, hillsides, and shoreline processes the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, an appropriate set-back from the edge of a bluff or hillside, to prohibit the construction of protective devices (such as a retaining wall or shoreline protective device) in the future, 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 Sections 30235 and 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 of the Coastal Act.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

7829 Veragua Dr. Playa del Rey PROJECT SITE

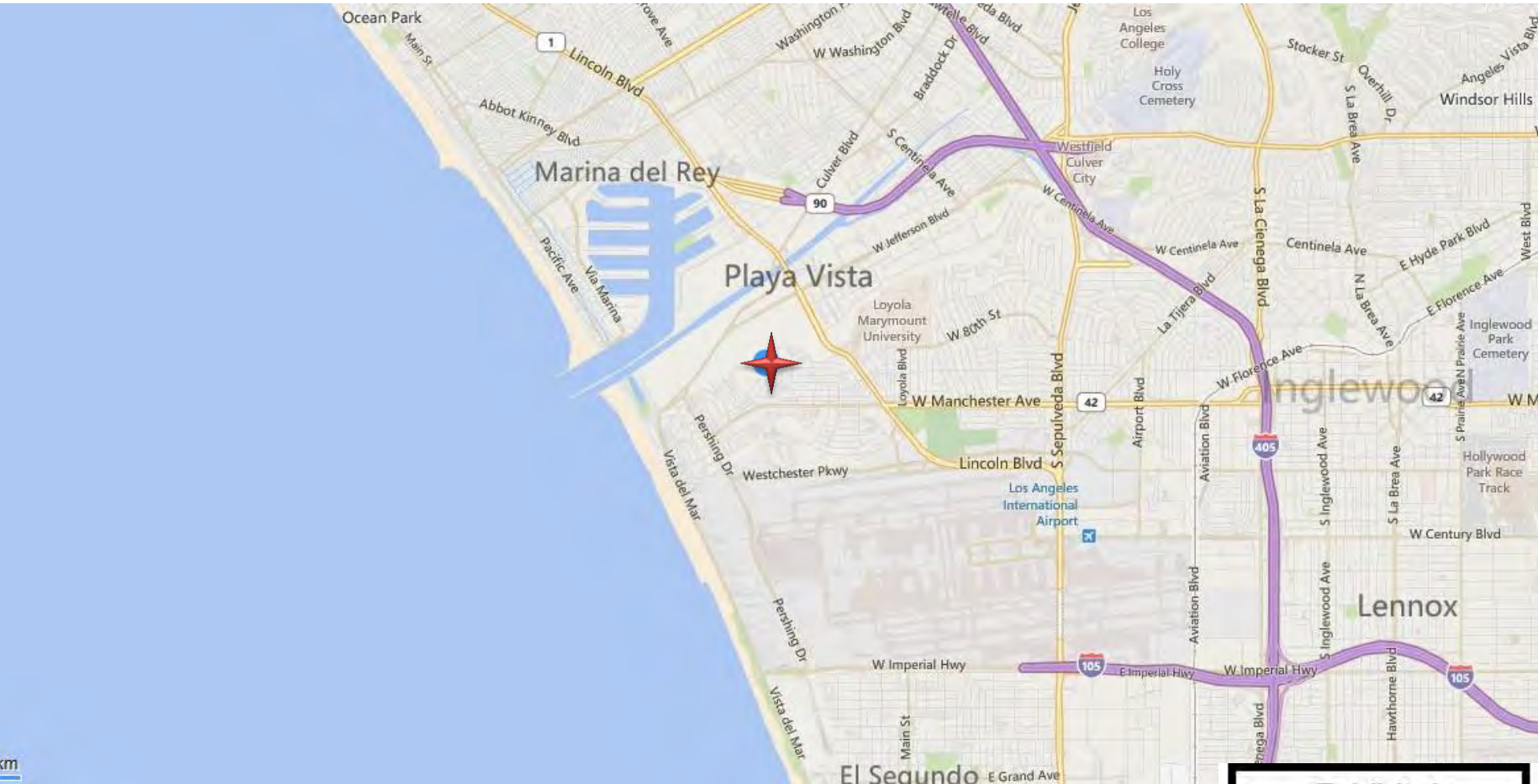



Exhibit 1	
	California Coastal Commission

Project Site



Ballona Creek

Exhibit 1



California Coastal
Commission

Project Site

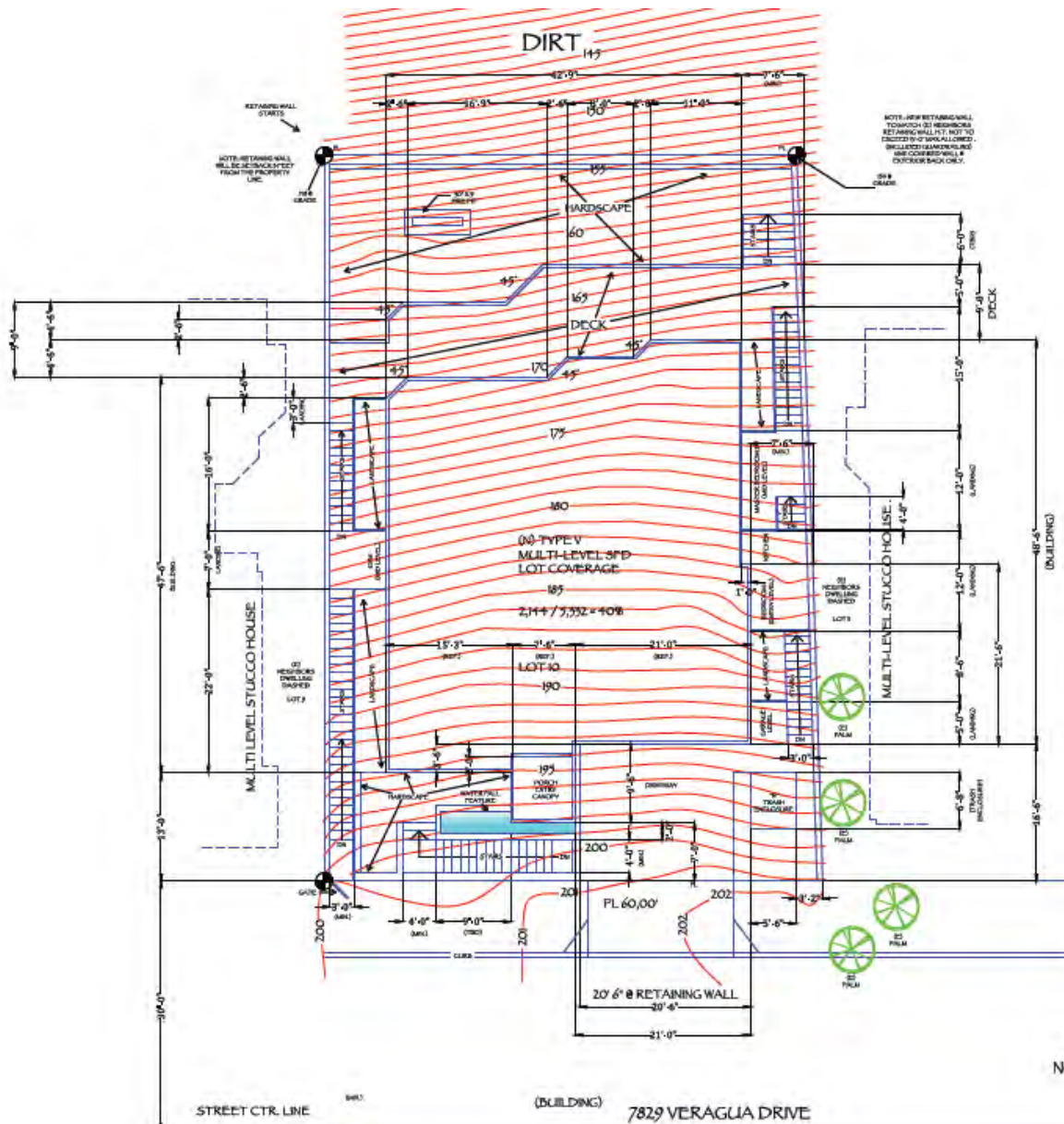


Exhibit 1



California Coastal
Commission

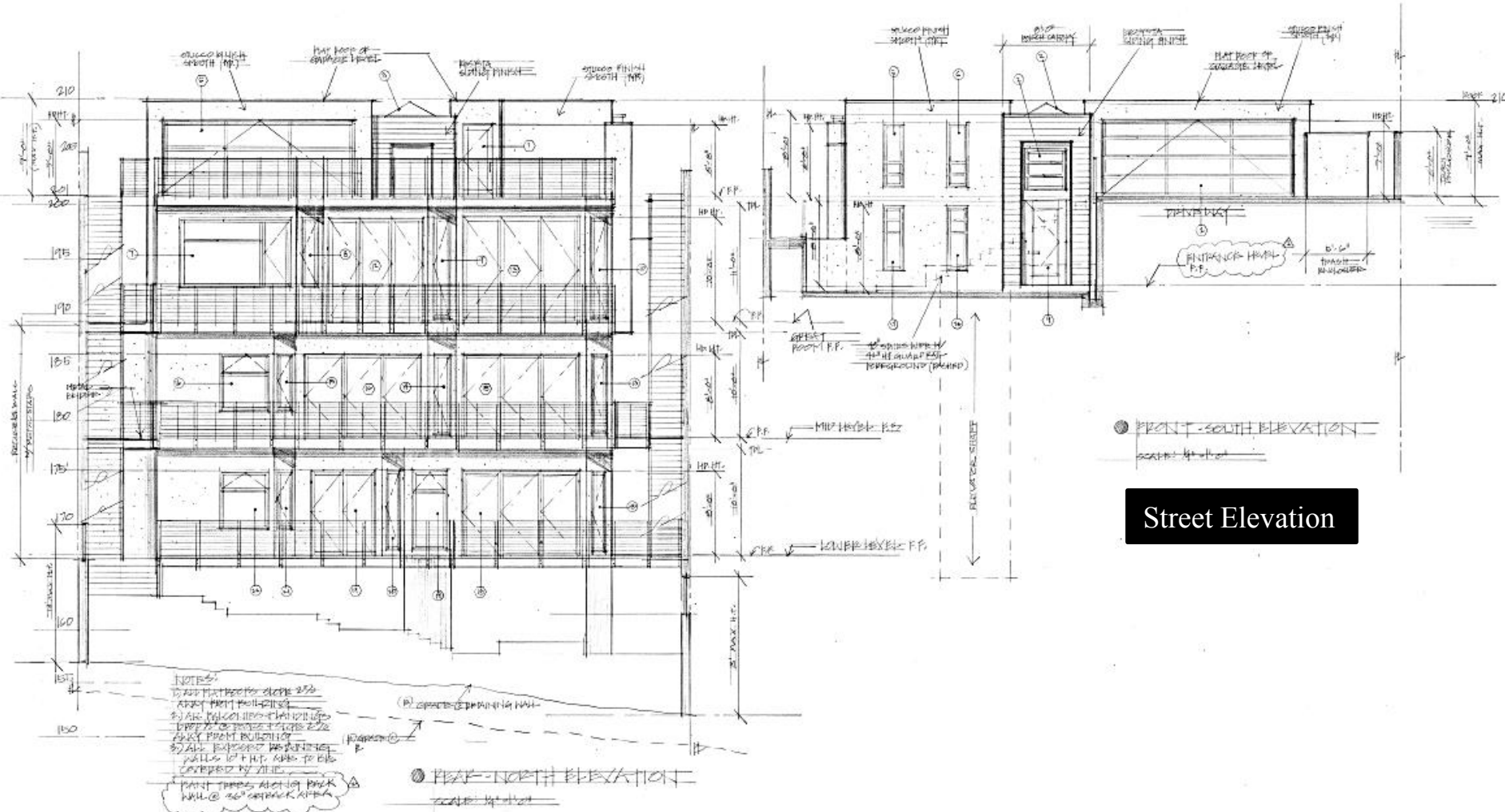
Site Plan



SITE PLAN

Exhibit 2
 California Coastal Commission

Proposed Plans



Creek Elevation

Street Elevation

Exhibit 3

California Coastal Commission

