

**CALIFORNIA COASTAL COMMISSION**

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## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 5-18-0159

**Applicant:** ML Magur LLC

**Agent:** Louis Magur

**Location:** 1543 Calle Patricia, Pacific Palisades, Los Angeles County (APN: 4431042004)

**Project Description:** Grading approximately 462 cubic yards (131 c.y. cut and 331 c.y. fill) for re-compaction and site preparation, and construction of a swimming pool and addition of a 6' high, 224 linear feet of retaining wall with pile foundations along the north, west, and southern portion on a vacant, residentially zoned lot.

**Staff Recommendation:** Approval with conditions

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### SUMMARY OF STAFF RECOMMENDATION

The applicant proposes grading work to expand and flatten the existing building pad of a vacant residential lot in the Pacific Palisades area of Los Angeles County in preparation for construction of a future house, and construction of a pool and pool shed. The applicant proposes to cut into the sloped area on the northern portion of the lot and remove approximately 131 cubic yards of soil and to fill approximately 331 cubic yards of soil on the western portion of the lot, and will utilize retaining walls with pile foundations to stabilize the building pad.

The site is located within a 200 lot subdivision that was previously approved by the Commission in 1979, including grading of this lot (Permit A-381-78). However, the lot has remained empty and additional grading is necessary to prepare the site for construction. Staff has analyzed the proposed grading to assess potential impacts to visual resources, such as views from the adjacent Topanga State Park and Temescal Ridge trail. However, the proposed site is located within one of the

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subdivision's interior lots and is surrounded by residential development, and, therefore, the landform alterations will not adversely impact any public view areas. Staff is recommending **approval** of the proposed coastal development permit with **four (4)** special conditions. The special conditions are: **1)** compliance with geotechnical engineer's report, **2)** construction BMP's, **3)** retaining wall finish, and **4)** landscaping. The applicant agrees with the conditions imposed.

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### **APPENDICES – Substantive File Documents**

Appendix 1 – Permit A-381-78 (Headland Properties and Gateway Associates) as amended including A-381-78A, A9, A11, and A13.

Appendix 2 – Coastal Development Permit No. 5-01-190 (Calvary Church of Pacific Palisades) as revised

Appendix 3 – Coastal Development Permit No. 5-01-448 (Tabash)

Appendix 4 – Geologic and Soils Engineering Exploration Report No GH17845-G by Grover and Hollingsworth and Associates, Inc., 9/16/16

### **EXHIBITS**

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Tentative Tract Map No. 32184](#)

[Exhibit 4 – Site Visit Photos, 3/23/18](#)

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the 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 of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

*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

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 of 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

This permit is granted subject to the following special conditions:

1. **Recommendations of the Geotechnical Report.** All final design and construction plans shall be consistent with all recommendations contained in the *Geologic and Soils Engineering Exploration Report* (Soils Report No. GH 17845-G) prepared by Grover Hollingsworth and Associates, Inc. dated September 16, 2016, for 1543 Calle Patricia, Pacific Palisades, CA. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
2. **Retaining Walls.** The proposed retaining walls shall maintain a surface finish (paint or vegetation) that blends in with the surrounding area in order to reduce their visibility from public vantage points and to protect public views along the coast.
3. **Landscaping Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and written approval by the Executive Director, two (2) full size sets of final landscaping plans prepared by a licensed landscape architect or a qualified resource specialist. The landscaping plans shall be reviewed and approved by a qualified landscaping architect to ensure that the plans are in conformance with the consultants' recommendations. 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. It shall include a planting schedule that indicates that the planting plan shall be implemented within sixty (60) days of completion of construction. Within ninety (90) days of completion of construction, the Permittee shall submit for the review and written approval of the Executive Director a landscaping implementation report, prepared by a licensed Landscape Architect or qualified resource specialist that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The implantation report shall include photographic documentation of plant species and plant coverage.
  - B. All cut and fill slopes shall be stabilized with planting at the completion of final grading. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
  - C. To minimize the need for irrigation all landscaping shall consist of primarily native drought tolerant plants, as listed by the California Native Plant Society. (See <http://www.cnps.org/cnps/grownative/lists.php>.) Some non-native drought tolerant

non-invasive plants may be used within 30 feet of habitable structures. Use of turf irrigated with potable water shall be minimized and irrigated with micro-spray systems. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the site.

- D. The use of rodenticides containing any anticoagulant compounds is prohibited.
- E. All irrigation systems shall limit water use to the maximum extent feasible. Use of reclaimed water for irrigation is encouraged. If permanent irrigation systems using potable water are included in the landscape plan, they shall use water conserving emitters (e.g., microspray) and drip irrigation only. Use of reclaimed water (“gray water” systems) and rainwater catchment systems are encouraged. Other water conservation measures shall be considered, including use of weather based irrigation controllers.

The Permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

**4. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:

- a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.

- f) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility outside of the coastal zone.
- h) 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.
  - (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
  - (ii) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- i) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- j) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.

All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

## **IV.FINDINGS AND DECLARATIONS**

### **A. PROJECT LOCATION & DESCRIPTION**

The project site is located on an 8,105 sq. ft. lot situated within the Headlands subdivision (Tract 44651) of the Brentwood- Pacific Palisades community of Los Angeles County ([Exhibit 1](#)). The lot is designated Low Residential and zoned R1-1. The subject site is located in the *Single Permit Jurisdiction Zone* and is situated between Temescal Canyon Park and Topanga State Park. A public access trail is located approximately 0.2 miles from the site. The lot is currently unimproved and vacant. The lot sits between a row of houses which descends approximately 12 feet to the south and 12 feet to the west at a 2:1 gradient. Below this slope lies a flag lot accessed by a driveway to a single-family home which is located west of the subject property. The lot ascends to the north by approximately 10 feet at a 2:1 gradient. Above this slope lies a neighboring single-family home. Single-family homes characterize this neighborhood.

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The applicant proposes to stabilize the expanded flat building pad with a 6-foot tall, 224-foot long retaining wall along all but the east portion of the lot fronting Calle Patricia road. The addition of retaining walls with pile foundations would include the filling of approximately 331 cubic yards throughout the site to support a foundation for the future home, a swimming pool, and pool equipment shed. The applicant proposes to cut into the sloped area on the northern portion of the lot by approximately 131 cubic yards. The applicant also proposes to fill the southern portion of the lot and establish retaining walls with pile foundations to stabilize the site. Approximately 200 cubic yards of earth will be imported ([Exhibit 2](#)). The lot will also be re-compacted per City requirements to allow for a future home utilizing a conventional foundation.

According to the *Geologic and Soils Engineering Exploration Report* (Soils Report No. GH 17845-G) prepared by Grover Hollingsworth and Associates, Inc. dated September 16, 2016, the site is currently overlain by compacted fill (certified in 1989) at a depth of 4.5 to 9 feet overlying bedrock. The lot was graded in 1989 to create the existing building pad as permitted by the underlying permit A-381-78, which allowed for the grading of 324 dwelling units. The grading for Tract 44651 was one of five phases for a larger development and grading project, Tentative Tract 32184 ([Exhibit 3](#)). The phases included the grading of Tracts 32185, 32186, 44651, 44652 and 32184. However, after the lot was graded as part of the improved subdivision, the lot sat vacant for 29 years. Therefore, in order to construct a new home, the City required the applicant to remove and re-compact the existing grade.

The proposed swimming pool is located approximately 3 feet from the top of the descending engineered slope near the western portion of the lot and will utilize a conventional pool shell. The retaining wall at the western portion of the lot will extend 6 feet above grade and is necessary to support the swimming pool due to the close proximity of the pool to the top of the slope. The retaining wall at the northern portion of the lot will extend 10 feet above grade. The retaining wall at the southern portion of the lot will extend approximately 6 feet above grade. All retaining walls will utilize piles to withstand seismic activity. In addition, no specific hazard has been identified by the applicant's geotechnical consultant other than seismic hazards that are present throughout the Southern California region. According to the slope stability analysis provided by Grover Hollingsworth and Associates, Inc., the south-facing descending engineered slope, which was previously graded under Permit A-381-78, has a static factor of safety of over 1.5 and is considered highly stable. The entire site is considered stable and has not experienced significant erosion in the last 29 years. The report states that the site will generally be safe from erosion and landslides if the recommendations provided by the Geotechnical Engineer are followed. Therefore, **Special Condition 1** has been imposed to assure structural stability for the life of the structure and to minimize landform alteration consistent with Section 30253 of the Coastal Act.

During a site visit, staff observed retaining walls with natural finishes surrounding the homes fronting Calle Patricia ([Exhibit 4](#)). The use of retaining systems is typical of this area. The retaining wall at the north portion of the lot will not be visible from any public viewpoint as it is situated in between a neighboring home. The retaining walls at the south and west portion of the lot may be visible from public viewpoints in Topanga State Park due to the location of the proposed project with respect to the descending slope. However, as stated in Permit A-381-78, "*Areas within the urban limit line are slightly less steep, are at lower elevations, and are therefore generally less visible from the west, north and east*". The retaining walls are located within the urban limit line and are not significantly visible from the west, north and east public viewpoints. However, to minimize



any view impacts from the adjacent public trails to the ocean, **Special Condition 2** has been imposed to blend in the vertical wall with natural vegetation. **Special Condition 3** has been imposed to vegetate slopes which were previously exposed to grading consistent with Special Condition 1(e) of the underlying permit A-381-78, stating that slope areas exposed to grading are to be reserved for landscaping to “*reduce visibility of future residential units from Topanga State Park*”. As conditioned, the Commission finds that the development conforms to the requirements of Section 30251 of the Coastal Act regarding the protection of public coastal views.

To reduce the potential for construction and post-construction related impacts on water quality, **Special Condition 4** is imposed requiring the appropriate storage and handling of construction equipment, materials and debris to minimize the potential for pollutants to enter coastal waters and for the use of on-going best management practices following construction.

## **B. PERMIT HISTORY**

In 1978, the Coastal Commission granted Coastal Development Permit A-381-78 to Headlands Properties for the grading of roads and the installation of utilities to accommodate a 230 unit residential tract in the Santa Monica Mountains, in a then undeveloped 1,200 acre holding in the Pacific Palisades area of the City of Los Angeles. The original permit established an urban limit line restricting grading and development within a specified perimeter to preserve habitat and public park space. In a 1980 amendment to the permit, A-381-78-A1, the Commission approved four tracts, established the total number of dwelling units at 740, allowed approximately 3.5 million cubic yards of grading within an extended urban limit line (beyond what was approved in the original permit), authorized construction of two sites for commercial development (2 acre total) and a 7-acre institutional site, and required the dedication of almost 1,000 acres of public open space (the area outside the urban limit line) to California State Parks agency. In 1981, the permit was issued and the development commenced, thus vesting the permit. Coastal Development Permit No. A-381-78 was subsequently amended 13 times.

## **C. VISUAL IMPACTS/ LANDFORM ALTERATION**

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, and has been designed to assure structural integrity. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, and 30253 of the Coastal Act.

## **D. WATER QUALITY**

The proposed work will occur in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters could adversely impact the marine environment. To reduce the potential for post-construction impacts to water quality and the marine environment the Commission imposes **Special Condition 4** requiring measures for handling and storage of construction equipment, materials and debris, waste disposal, and the continued use and maintenance of post construction BMPs. As conditioned, the Commission finds that the proposed development conforms with Sections 30230 and 32031 of the Coastal Act.

**E. LAND/ HABITAT**

The proposed development will have no significant adverse impact on adjacent habitat, recreation areas, or parks. Therefore, the Commission finds that the project conforms with Section 30240(b) of the Coastal Act.

**F. LOCAL COASTAL PROGRAM (LCP)**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP). The City of Los Angeles, in particular the Pacific Palisades area, does not have a certified Local Coastal Program or Land Use Plan. Therefore, the standard of review is the Chapter 3 policies of the Coastal Act. As conditioned, the proposed development is consistent with the Chapter 3 policies of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

**G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application 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 that the activity may have on the environment. The City of Los Angeles is the lead agency for CEQA compliance and issued a notice of exemption on August 17, 2017. The project is categorically exempt from an environmental impacts review.

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 to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**Appendix - Substantive File Documents**

Appendix 1 – Permit A-381-78 (Headland Properties and Gateway Associates) as amended including A-381-78A, A9, A11, and A13.

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