

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
301 E. Ocean Blvd, Suite 300  
Long Beach, CA 90802-4302  
(562) 590-5071



# W16a

Filed:	08/28/2019
180th Day:	02/24/2020
Staff:	E.Stevens-LB
Staff Report:	01/22/2020
Hearing Date:	02/12/2020

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 5-18-1225

**Applicant:** Palisades Capital Fund, 3 LLC

**Agent:** Tony Russo

**Location:** 1448 Cuesta Linda Drive, Pacific Palisades, Los Angeles County (APN: 4431-034-003)

**Project Description:** Approximately 3,529 c. y. of grading (3,279 c. y. cut and 250 c. y. fill) for site preparation for a future single-family residence and a swimming pool, construction of two retaining walls on pile foundations, one 6-ft. high, 362 ft. long along the north portion of the lot and the other 10-ft. high, 243 ft. long along the east and south portion of the lot all on a vacant 53,267 sq. ft. residentially zoned lot.

**Staff Recommendation:** Approval with conditions

---

## SUMMARY OF STAFF RECOMMENDATION

The applicant proposes remedial grading work in addition to expanding and flattening 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 10,978 sq. ft. single-family residence and a swimming pool. The applicant proposes to cut approximately 3,279 c. y. into the sloped area on the northern and western portion of the lot and to fill approximately 250 c. y. onto the southern portion of the site. The slope will be stabilized with two retaining walls, totaling 605 linear ft., with pile foundations, as recommended by the geotechnical engineer.

The site is located within a large subdivision (Headlands) that was previously approved by the Commission in 1979, including grading of this lot (Permit A-381-78), and subsequently amended 13 times. The previous grading on the subject site and surrounding area and approval for

5-18-1225 (Palisades Capital Fund, 3 LLC)

Approval with Conditions

construction of homes on the graded sites was approved by the Commission in 1980 through CDP A-381-78-A1. Thus, no CDP is required from the City or the Commission for construction of the single family residence on the subject site. However, the construction of the proposed retaining walls are not included in the previous Commission approval for the subdivision development and require a CDP because they are not structures normally associated with a residence.

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. The proposed site is surrounded by residential development to the south, west, and east. The northeastern portion of the site is directly adjacent to the state park. However, the proposed grading and retaining walls are not proposed to occur along the northeastern portion of the site. 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, including: 1) compliance with geotechnical engineer's report, 2) construction BMP's, 3) retaining wall finish, and 4) landscaping. The applicant is in agreement with the conditions imposed.

## TABLE OF CONTENTS

<b>I. MOTION AND RESOLUTION.....</b>	<b>4</b>
<b>II. STANDARD CONDITIONS .....</b>	<b>4</b>
<b>III. SPECIAL CONDITIONS .....</b>	<b>5</b>
<b>IV.FINDINGS AND DECLARATIONS.....</b>	<b>7</b>
A. PROJECT LOCATION & DESCRIPTION .....	7
B. PERMIT HISTORY .....	9
C. VISUAL IMPACTS/ LANDFORM ALTERATION .....	10
D. WATER QUALITY .....	10
E. LAND/ HABITAT .....	10
F. LOCAL COASTAL PROGRAM (LCP).....	10
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).....	11

### APPENDICES

Appendix A – Substantive File Documents

### EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Aerial Photo](#)

## 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 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

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 Reports* (Soils Report Nos. GH17614-G & GH18417-G) prepared by Grover Hollingsworth and Associates, Inc. dated July 26, 2016 and June 26, 2019, for 1448 Cuesta Linda Drive, 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 of the retaining walls. 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 a vacant 53,267 sq. ft. lot situated within the Headlands subdivision (Tract 32185) of the Brentwood- Pacific Palisades community of Los Angeles County ([Exhibits 1 & 3](#)). The lot is designated Very Low II Residential and zoned RE15-1-H (Residential Estate Zone) by the City of Los Angeles zoning code. The subject site is located in the *Single Permit Jurisdiction Area* and is situated between Temescal Canyon Park and Topanga State Park. The northeastern portion of the site is directly adjacent to Topanga State Park. Two public access trails are located approximately 1/2 mile from the site (Split Rock and Trailer Canyon). The proposed site is surrounded by residential development to the south, west, and east. Single-family homes characterize this neighborhood.

The site was previously graded to create a building pad for a single-family residence pursuant to a CDP but has been left vacant for several years, which is further described below. The applicant proposes to regrade the lot and expand the flat building pad in preparation for further development of the lot with a single-family residence. Proposed grading includes approximately 3,279 c. y. of cut into the sloped area on the northern and western portion of the lot and approximately 250 c. y. of fill

onto the southern portion of the site. The applicant also proposes to construct a 6-ft. high, 362 ft. long retaining wall along the north portion of the lot and a 10-ft. high, 243 ft. long retaining wall along the east and south portion of the lot ([Exhibit 2](#)). Both retaining walls will be supported by pile foundations and are necessary to stabilize the building pad and support a foundation for the future home. At this time, the applicant is also proposing a swimming pool and pool equipment shed on the vacant lot.

According to the *Geologic and Soils Engineering Exploration Report* (Soils Report No. GH 17614-G) prepared by Grover Hollingsworth and Associates, Inc. dated July 27, 2016, the subject property consists of a graded hillside lot. The property is situated on the south flank of the Santa Monica Mountains. Past grading on the site was performed in several episodes prior to and during tract development in the 1980s, which was permitted by the underlying permit A-381-78. The building pad was compacted providing a 7- to 9-ft.-thick compacted fill blanket. The grading for Tract 32185 was one of five phases for a larger development and grading project for the area. The phases included the grading of Tracts 32185, 32186, 44651, 44652 and 32184. However, in this particular case, after the subject lot was graded as part of the improved subdivision, the lot sat vacant for 30 years. Therefore, in order to construct a new home, the City is requiring the applicant to remove and re-compact the existing grade.

The proposed swimming pool is located approximately 20 ft. from the top of the ascending engineered slope near the southeastern portion of the lot and will utilize a conventional pool shell. 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 30+ 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.

The use of retaining systems is typical of this area. The proposed retaining wall at the north portion of the lot will not be visible from any public viewpoint as it is situated in between the proposed home and a neighboring home. The proposed retaining walls at the south and west portion of the lot may be visible from public viewpoints along Palisades Drive and Cuesta Linda Drive 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, **Special Condition 2** has been imposed to blend in the vertical walls 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. 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 massive grading within an extended urban limit line (beyond what was approved in the original permit), authorized construction of two sites for commercial development (2 acres 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 State Parks. In 1981, the applicant recorded certain documents and commenced development, thus vesting the permit. Coastal Development Permit No. A-381-78 has been amended on numerous occasions.

In the original Permit No. A-381-78, the Commission defined the scope of the project and the approved development in condition 1, termed the “Scope of Approval.” This condition states in part, “all grading, structural development and subdivided lots shall be located entirely within the urban limit line....” Special Condition 1, as modified by the Commission at the time of the ninth amendment, states in part:

- a. This permit amendment authorizes subdivision of four tracts of Palisades Highlands, for up to 740 residential units, a two-acre commercial site and a seven-acre institutional site, grading for all streets and lots, installation of drainage and utilities and construction of residential units as described in the attached Findings and Declarations. All grading, structural development, and subdivided lots shall be located entirely within the urban limit line, as described in the “Modification Exhibit” by VTN Inc shown on PH 87-4 and “Master Plan” PH 87-14, submitted by applicant to the Coastal Commission on Sept 29, 1987, and identified in the Coastal Commission files as approved applicant’s Exhibits PH 87-4 and “Master Plan” PH 87-14.

The subject property is located within Tract 32185 in the Pacific Palisades area of the City of Los Angeles. Tract 32185 was approved in Permit No. A-381-78, as amended. All conditions imposed on the underlying Permit No. A-381-78, as amended were also imposed on all development within Tract 32185. This Permit authorized the “construction of residential units” within the urban limit line. The future single family home planned for the site was authorized under this Permit. Thus, no CDP is required from the City or the Commission for construction of the single family residence on the subject site.

As previously mentioned, the underlying permit authorized the construction of residential units. Title 14, Division 5.5, Section 13250 of the California Code of Regulations states:

(a) For purposes of Public Resources Code Section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:

- (1) All fixtures and other structures directly attached to a residence;
- (2) Structures on the property normally associated with a single-family residences such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and
- (3) Landscaping on the lot.

The proposed project is the construction of two retaining walls on pile foundations, one 6-ft. high, 362 ft. long along the north portion of the lot and the other 10-ft. high, 243 ft. long along the east and south portion of the lot. The above-described development, however, is not authorized under the original Permit. The construction of the proposed retaining walls are not considered a part of a single-family home because they is not directly attached to the residence, they are not structures normally associated with a residence, and they are not part of the landscaping for the lot.

### **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. There are numerous other large homes (greater than 10,000 sq. ft. within this housing development). Therefore, the Commission finds that the development, as conditioned, conforms to 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 October 17, 2017. The City found that the project is categorically exempt.

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.

5-18-1225 (Palisades Capital Fund, 3 LLC)  
Approval with Conditions

### **Appendix - Substantive File Documents**

- Permit A-381-78 (Headland Properties and Gateway Associates) as amended including A-381-78A, A9, A11, and A13 (E-File only).
- Geologic and Soils Engineering Exploration Report No GH17614-G by Grover and Hollingsworth and Associates, Inc., 7/27/2016
- Geologic and Soils Engineering Exploration Report No GH18417-G by Grover and Hollingsworth and Associates, Inc., 6/26/2019
- Geology and Soils Report Approval Letter, Log # 94374-01, dated 12/30/2016
- Geology and Soils Report Approval Letter, Log # 109153, dated 7/30/2019