

CALIFORNIA COASTAL COMMISSION

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original staff report

Th12b

ADDENDUM

July 7, 2015

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM TH12B**, COASTAL DEVELOPMENT PERMIT APPLICATION NO. **5-14-1571 (Wrobel)** FOR THE COMMISSION MEETING OF **July 9, 2015**.

A. REVISIONS TO THE STAFF REPORT

Commission staff received a letter from the applicant's attorney, Justin Block, dated July 1, 2015, included in this addendum. The letter objects to Special Condition 1 and several findings in the staff report dated June 25, 2015. Commission staff recommends the following changes to the staff report. Language to be deleted from the staff report is identified by ~~strike through~~ and where language is to be added, the font is in **bold, underline**.

1. The applicant's letter states that under Section 30235 of the Coastal Act the applicant is entitled to protection of the pre-Coastal Act residence and patio deck from erosion. However, Section 30235 of the Coastal Act only applies to those structures that alter natural shoreline processes. In this case, Pacific Coast Highway separates the beach from the toe of the coastal bluff. As a result, this bluff has no impact on shoreline processes and Section 30235 does not apply here. The Summary of Staff Recommendation on pages 1-2 is revised as follows:

Although this will not protect the patio deck located between the residence and the bluff edge from erosion and landslides, **this is the project alternative that avoids the exposure of piles, thereby avoiding adverse impacts to scenic resources protected by Section 30251 of the Coastal Act.** ~~only the existing residence is entitled to protection under the Coastal Act.~~

2. Section IV.B.1.d on pages 12-13 is revised as follows:

- c. Abandonment or Relocation of Threatened Structures

Another alternative to protection devices is to abandon or relocate the threatened structures outside of harm's way. The concrete patio deck seaward of the residence could be

abandoned or moved back away from the bluff edge. **The applicant suggests that the patio deck is preventing water saturation of the bluff edge from exacerbating erosion of the coastal bluff, but has not provided any evidence that the rate of bluff retreat at this location is any slower than at neighboring properties that do not have concrete patio decks on the bluff top. Further, if a portion or all of the deck were removed, additional drainage controls and landscaping could continue to prevent or minimize water infiltration and slow expected erosion.** However, there is no area on this property with a factor of safety that would ensure protection of the residence without the proposed stabilization. The proposed project will stabilize the site to a 1.25 factor of safety, lower than the minimum 1.5 factor of safety required by the City of Los Angeles for new development. As a result, relocation of the existing residence **to an area with a 1.5 factor of safety** is not feasible in this case.

d. Least Damaging Structural Alternatives

Because there are no feasible non-structural alternatives, protection is needed along the upper bluff in order to protect the existing residence. The applicant's geotechnical consultant contends that the proposed project is the only viable option because removal of the concrete patio deck would expose more of the bluff top to infiltration of rainwater and reduce the effectiveness of the existing storm-drain system. **As noted above, the applicant has not submitted any evidence that the deck is acting to slow the rate of erosion. Further,** ~~the~~ installation of the soldier piles closer to the residence would not require immediate removal of the patio deck as the soldier piles can be installed through the patio deck. As a result, siting the soldier piles closer to the residence, rather than at the seaward edge of the patio deck as proposed by the applicant would not result in an increased risk to life or property from geologic hazards since the patio deck will remain and continue to prevent infiltration of water into the bluff material. Furthermore, if **50 percent or more of** the patio deck is removed, it can be rebuilt if it complies with the Commission's setback requirement of 10 feet from the bluff edge for ancillary structures. **If the deck is moved inland to comply with the 10 foot bluff setback, an application for a coastal development permit, or an amendment to this permit, will be required to be submitted that evaluates options to minimize saturation of the bluff edge that might exacerbate erosion, including installation of additional drainage controls, landscaping, or grading.**

3. Section IV.B.2 on page 13 is revised as follows:

....Both the residence (built in 1934) and the seaward facing concrete patio deck in the rear yard (assumed to have been built in 1972) are pre-Coastal Act structures. ~~However, ancillary structures, like the concrete patio deck in this case, do not qualify as existing principal structures entitled to protection under the Coastal Act. The residence is an existing principal structure and therefore it can be considered for protection.~~ The Commission typically assumes that the expected economic life of....

4. Section IV.C on pages 15-17 is revised as follows:

The Commission has considered bluff stabilization proposals in this immediate area in the past. The ~~two~~ closest projects approved by the Commission were located at 14914 **& 14930**

Corona del Mar (the Tobarina property),¹ **14868 & 14880 Corona del Mar (the Flury property),**² and at 14984 Corona del Mar (the Giovine property).³ The Tobarina property is located ~~three lots~~ **immediately** to the east of the subject property. **Like the applicant, Tobarina owned two parcels—one vacant lot and one lot developed with an existing residence and pool.** The Tobarina project **at 14914** involved the installation of a row of soldier pilings and associated grade beams to stabilize the existing residential structure and rear yard with an existing pool. The applicants in that case sought approval of the stabilization project after the 1994 Northridge Earthquake and heavy rains in 1994-1995 caused the bluff to fail, damaging a tennis court slab supported on piles and caissons and causing minor damage to the pool decking and to the residence. The final approved plans for the 2004 permit show the row of soldier piles located seaward of the existing pool and approximately 4 to 34 feet from the bluff edge. **At 14930 Corona del Mar, Tobarina sought approval of a new single family residence and bluff stabilization system. The final approved plans for the 2004 permit show the row of soldier piles located approximately 6 to 26 feet from the bluff edge. In both cases, the staff reports did not address visual impacts associated with the proposed projects. However in the years since approving these permits, the Commission has carefully assessed adverse impacts of proposed development on scenic and visual resources in this area.**

In 2005 the Commission approved construction of a new single family residence and swimming pool located four lots east of the subject property at 14868 and 14880 Corona del Mar (Flury). These parcels were previously developed with two single family residences that sustained extensive damage in the Northridge Earthquake. The applicant originally proposed extensive grading and landform alteration, installation of a tied-back soldier pile wall and a soil nail wall with shotcrete facing, construction of a swimming pool and patios at the bluff edge, and located the residence on the upper portion of the bluff face. Commission staff raised concerns about adverse impacts to scenic and visual resources from the amount of landform alteration proposed and the unnatural engineered appearance of the soil nail wall that would be visible from both Pacific Coast Highway and the public beach below the site. To address staff's concerns the applicant redesigned the project to eliminate grading and landform alteration to the bluff face and significantly reduced grading atop the bluff. To ensure the safety of the residence, the Commission required relocation of the proposed residence a minimum distance of 45 feet from the existing bluff edge and behind the 1.5 factor of safety line. As a result, the final plans show the proposed house built on caissons, but no bluff protection device seaward of the residence and the Commission required the applicant to waive his right to any future protective device. The Commission also required proposed ancillary development (a swimming pool, fence, and other hardscape) be set back at least 10 feet from the bluff edge.

¹ The Commission approved the same bluff stabilization project at 14914 Corona del Mar three times between 1997 and 2004 because the applicant let the first two permits expire (CDP Nos. 5-97-312, 5-00-217, and 5-04-213). **The Commission approved the same project for construction of a new single family residence and bluff stabilization at 14930 Corona del Mar two times between 2000 and 2004 because the applicant let the first permit expire (5-00-224 and 5-04-212).**

² **The original application, 5-03-241, was withdrawn. The application was revised and resubmitted as CDP No. 5-05-253.**

³ CDP No. 5-08-191/A-5-PPL-08-192.

In 2008 the Commission took a more protective approach when it approved a stabilization project for the Giovine residence located three lots to the west of the subject property. This property was developed with an existing single family residence and the applicant proposed to construct a pool, improve the factor of safety of the residence above a 1.5 factor of safety and improve the factor of safety of the rear yard to a 1.2 factor of safety. To improve the factor of safety of the residence, the proposed project involved installation of a row of soldier piles located seaward of the residence and tied back to a row of dead man piles near the street front property line. To stabilize the rear yard, the applicant proposed to install a second row of piles approximately 10 feet from the bluff edge. Based on the unstable history of the bluff, Commission staff geologist, Dr. Mark Johnsson, recommended placing the second (more seaward) row of soldier piles further inland on the lot to prevent exposure of the soldier piles for a longer period of time than the applicant's proposal would have achieved. The Commission adopted the staff recommendation, requiring installation of the seaward row of soldier piles no more than 40 feet from the residence and approximately 28 to 30 feet from the bluff edge. Although the approved project did result in stabilization and support of a portion of the rear yard at the Giovine residence, the Commission's primary concern was to protect scenic and visual resources consistent with Section 30251.

In the present case, siting the soldier piles closer to the existing residence would not protect the rear yard patio deck from future erosion and bluff failure. However, **it is the project alternative most protective of scenic and visual resources and** this approach is consistent with the Commission's action on the Giovine **and Flury projects** described above because it would minimize or perhaps even avoid adverse impacts to the scenic and visual resources protected under Section 30251. The site characteristics of this property make it impossible to both protect the applicant's rear yard and comply with Section 30251. In Giovine, because the residence was located 68 to 70 feet from the bluff edge, there was sufficient distance to install the soldier piles in a location consistent with Section 30251 and protect some rear yard area. In this case, the residence varies from approximately 45 to 58 feet from the bluff edge. ~~Further, as already described above in Section IV.B (Hazards), the Commission has generally interpreted the Coastal Act to require bluff protective devices only for the protection of existing principal structures.~~ **Although exposed soldier piles can be colored to resemble a natural bluff, such treatments do not completely blend in and have an unnatural appearance. Avoiding visual impacts by relocating the soldier piles further inland to delay exposure for as long as possible, rather than allowing the soldier piles to be located in an area that could be exposed sooner and simply mitigating the associated adverse impacts, is a more protective and environmentally feasible alternative.** The Commission therefore recommends that siting the proposed development as close to the existing residence as possible, where it would remain covered for as long as possible, is appropriate in this case. Based on past Commission actions, installation of the soldier piles no more than 5 feet seaward of the existing residence is technically feasible.⁴

Due to the age of the existing residence reaching its economic life (75 to 100 years), the residence may soon be demolished and a new structure built. **Like the Flury project described above,** ~~t~~The Commission has required in past permit actions that new structures

⁴ For example, see Coastal Development Permit Nos. 6-07-132 and 6-09-5.

be located as far inland as possible from the bluff edge so that during the structure's economic life, it will not be reliant on a bluff protection device and that coastal scenic and visual qualities are protected from exposure of the caissons. The Commission has also typically required that ancillary structures, like the patio deck in this case, be sited at least 10 feet from the bluff edge. In this case, the applicant is not proposing a new structure and is only proposing to protect the existing residence (including the rear patio deck); however, **a conservative approach is warranted to protect scenic and visual resources and to minimize the alteration of natural landforms as required by Section 30251. As discussed earlier in this Section and in Section IV.B (Hazards),** the applicant's consulting geologist has indicated that the bluff is eroding at **an average of** approximately .78 feet per year and statewide coastal bluffs are eroding at **an average of** approximately .5 feet per year. Based on the applicant's stated erosion rate of .78 feet per year, the bluff will erode approximately 58.5 feet over the next 75 years and jeopardize part, or all, of the rear yard. The erosion rate could slow due to improved drainage and water conservation measures to reduce water use on site. **Instead of the average retreat rate, the majority of historic erosion at this site has been caused by catastrophic events, so that the bluff could remain stable over the next 75 years or a catastrophic event could result in failure of the bluff tomorrow.** ~~but~~ The exact future rate of erosion cannot be determined. Therefore, to reduce the potential of the proposed soldier piles from being exposed and having an adverse impact on coastal views from the surrounding area, the soldier piles need to be placed as far from the bluff edge as possible. **If 50 percent or more of the patio deck must be removed to install the soldier piles closer to the residence as required by Special Condition 1, the replacement of that patio deck will constitute new development requiring a new coastal development permit, or an amendment to this permit, and should be set back a minimum of 10 feet from the bluff edge as required by the Commission in other coastal development permits, such as the Flury project.**

1. Equal Protection Clause

The applicant's attorney alleges that requiring the soldier piles to be installed no further than 5 feet seaward from the residence, violates the Equal Protection Cause (14th Amendment) of the U.S. Constitution. The Equal Protection Clause provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws." (City of Cleburne, Tex. v. Cleburne Living Center (1985) 473 U.S. 432, 439.) Equal protection challenges usually come from claims that a state or local government has discriminated against an identifiable class or group of persons. (Las Lomas Land Co., LLC v. City of Los Angeles (2009) 177 Cal.App.4th 837, 857 ("Las Lomas").) The U.S. Supreme Court, however, provided that a claim may be made by "a 'class of one,' where the plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment." (Village of Willowbrook v. Olech (2000) 528 U.S. 562, 564 ("Olech").) In Olech, the court found that the Village of Willowbrook irrationally and arbitrarily discriminated against a property owner by requiring a 33-foot easement as a condition of connecting her property to the municipal water supply when the Village only required 15-foot easements from similarly situated property owners. (Id. at p. 565.) In cases like Olech and in the applicant's case, where there is an equal protection claim from a "class of one," a "claim is sufficient if the plaintiff alleges that (1) the plaintiff

was treated differently from other similarly situated persons, (2) the difference in treatment was intentional, and (3) there was no rational basis for the difference in treatment.” (Las Lomas, supra, 177 Cal.App. 4th at p. 858.) A claim fails if a claimant cannot meet any one of the three factors, above. In this case, the claim fails because, at a minimum, the Commission has a rational basis for a supposed difference in application of the visual resource policy in the Coastal Act between similarly situated property owners.

The Commission has a rational basis to require the soldier piles to be installed no further than 5 feet seaward from the residence. In a rational basis test, a claimant must show that the government’s differing treatment was “so unrelated to the achievement of any combination of legitimate purposes that we can only conclude that the actions were irrational.” (Gregory v. Ashcroft (1991) 501 U.S. 452, 471.) “The rational basis test is extremely deferential and does not allow inquiry into the wisdom of government action.” (Las Lomas, supra, 177 Cal.App.4th at p. 858.) Courts must reject equal protection challenges to a government action “if there is any reasonably conceivable state of facts that could provide a rational basis for the” different treatment between to similarly situated parties. (FCC v. Beach Communications, Inc. (1993) 508 U.S. 307, 313.) Courts end their inquiry even when there are just plausible reasons for a government action. (Las Lomas, supra, 177 Cal.App.4th at p. 859.)

In this case, the Coastal Act policies related to visual resource protection provides the requisite rational basis to justify Special Condition 1 requiring the soldier piles to be installed no further than 5 feet seaward from the residence. Section 30251 of the Coastal Act requires that “scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance.” It goes on to provide that “[p]ermitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas....” The Legislature also found and declared, in section 30001(b) of the Coastal Act, “[t]hat the permanent protection of the state’s natural and scenic resources is a paramount concern to present and future residents of the state and nation.” The site is visible from Pacific Coast Highway, beaches and the public bike path, all of which constitute important public access and recreation amenities in the area. Given the rate of erosion at the site and past events of failure from seismic activity, the Commission finds that in order to maintain the highly scenic qualities of the natural bluff at the subject site, which has the effect of protecting the public’s views to and along the ocean, it is appropriate to site the piles close to residence to ensure that the piles are never exposed. While the applicant’s attorney argues that the color treatment of any exposed piles would comply with section 30251, that coloring of any exposed piles is a last resort to mitigating for visual resource degradation should the bluff fail close enough to the residence and expose the piles. The environmentally feasible alternative that avoids the exposure of piles, thereby avoiding adverse impacts to scenic resources, would be to place the piles as close as possible to the residence. Therefore, staff finds that the condition requiring placement of the piles within 5 feet of the home is rationally related to the purpose of protecting natural scenic areas like the natural bluff on, and adjacent to, the subject site.

2. Takings Analysis

The applicant's attorney alleges that requiring the soldier piles to be installed as close as practicable to the residence, but no further than 5 feet seaward from the residence, constitutes a taking of his client's property, in violation of the 5th Amendment and section 30010 of the Coastal Act. The applicant's attorney makes a bare claim and fails to justify his claim with any particularity. Nonetheless, the Takings Clause of the 5th Amendment, made applicable to the States through the 14th Amendment, provides that private property shall not "be taken for public use, without just compensation." A taking can occur when there is a direct physical appropriation of private property or the functional equivalent of a practical ouster of possession through some regulatory action. (*Lucas v. South Carolina Coastal Council* (1992)505 U.S. 1003, 1014 ("Lucas").) Because the Commission's action in this present case would not have the effect of a physical appropriation, it can only be presumed that the applicant's attorney is claiming that the Commission's adoption of Special Condition 1 would have the effect of a practical ouster of possession, or a regulatory taking.

Courts have defined two categories of regulatory action that can be deemed a *per se* taking for 5th Amendment purposes. The first is where "government requires an owner to suffer a permanent physical invasion of her property-however minor-it must provide just compensation." (*Lingle v. Chevron U.S.A. Inc.* (2005) 544 U.S. 528, 538 ("*Lingle*").) The second category occurs when the government action completely deprives an owner of "all economically beneficial us[e]" of her property." (*Lucas, supra*, 505 U.S. at p. 1019.) Outside of the two *per se* takings categories, regulatory takings challenges are governed by the standards provided in *Penn Central Transp. Co. v. New York City* (1978) 438 U.S. 104 ("*Penn Central*"). The Court in *Penn Central* found that "[t]he economic impact of the regulation on the claimant and, particularly, the extent to which the regulation has interfered with distinct investment-backed expectations" was a primary factor for the takings analysis. (*Penn Central, supra*, 438 U.S. at p. 124.) Additionally, the "character of the governmental action" is a relevant inquiry to determine whether or not a taking has occurred where those that only affect property interests "through some public program adjusting the benefits and burdens of economic life to promote the common good" are generally found to be within the 5th Amendment's purview. (*Ibid.*) The *Lingle* court acknowledged that "the *Penn Central* inquiry turns in large part, albeit not exclusively, upon the magnitude of a regulation's economic impact and the degree to which it interferes with legitimate property interest." (*Lingle, supra*, 544 U.S. at p. 540.)

In the present case, the Commission's action by imposing Special Condition 1 and requiring the applicant to install the pilings no further than 5 feet seaward of the residence would not constitute a regulatory taking. First, there is no *per se* taking because the Commission is not requiring the applicant to suffer a permanent physical invasion by a third party and the Commission's action will not deprive the applicant of all economically beneficial use of his property because the pilings will support a multi-million dollar home which he can sell or use as security and thereby provides an economically beneficial use of his property. Second, there is no *Penn Central* regulatory taking because the potential very minor economic impact of the proposed condition

may be that the applicant has to remove portions of his concrete patio as they become threatened by instability. As the court in *Lingle* indicated, the magnitude of the economic impact often dictates whether or not government action constitutes a regulatory taking. Although a landowner is not required to demonstrate that the regulatory action destroyed all of the property's value, the landowner must demonstrate that the economic impact is such that the value of the property has been very substantially diminished (see *Tahoe-Sierra Pres. Council, Inc., supra*, [citing *William C. Haas v. City and County of San Francisco* (9th Cir. 1979) 605 F.2d 1117 (diminution of property's value by 95% not a taking)]; *Rith Energy v. United States* (Fed.Cir. 2001) 270 F.3d 1347 [applying *Penn Central*, court finds that diminution of property's value by 91% not a taking]).

The applicant has not provided any detail relative to the value that a concrete deck provides to the overall value of a developed lot on Corona Del Mar in the Pacific Palisades. The applicant's property is the only property on this block with a bluff top concrete patio on the seaward side of the residences. Notably, a home slightly larger than the applicant's home, at 15000 Corona Del Mar, sold for \$12,400,000 on September 23, 2014. This home has no concrete patio. Based on available information found online, the range of the cost per square foot for a concrete patio in Pacific Palisades is \$6.38-\$8.55.⁵ Even assuming the high-end of the range, the total cost for the concrete patio at the applicant's property, which appears to be approximately 3000 square feet, would be \$25,650, which is 0.2% of the value of the potential value of the applicant's property assuming a sales price of \$12,000,000. Clearly, any partial removal of the concrete patio from instability will not have even close to a substantial diminution of property value to find a taking under *Penn Central*.

Further, the purpose of the Commission's action is to protect the natural scenic resources available from highly used access and recreation amenities along Pacific Coast Highway and the beach. In this case, the Coastal Act policies related to visual resource protection provides the basis to justify Special Condition 1 requiring the soldier piles to be installed no further than 5 feet seaward from the residence. Section 30251 of the Coastal Act requires that "scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance." It goes on to provide that "[p]ermitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas...." The Legislature also found and declared, in section 30001(b) of the Coastal Act, "[t]hat the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation." The site is visible from Pacific Coast Highway, beaches and the public bike path, all of which constitute important public access and recreation amenities in the area. Given the rate of erosion at the site and past events of failure from seismic activity, the Commission finds that in order to maintain the highly scenic qualities of the natural bluff at the subject site, which has the effect of protecting the public's views to and along the ocean, it is appropriate to site the piles close to residence to ensure that the piles are never exposed. While the applicant's attorney argues that the color treatment of any exposed piles would comply with section 30251,

⁵ <http://concrete.promatcher.com/cost/pacific-palisades-ca-concrete-costs-prices.aspx>.

that coloring of any exposed piles is a last resort to mitigating for visual resource degradation and would not be equivalent to the natural bluff appearance. The feasible alternative that avoids the exposure of piles, thereby avoiding adverse impacts to scenic resources, would be to place the piles as close as possible to the residence. Therefore, staff finds that the condition requiring placement of the piles within 5 feet of the home to protect natural scenic areas like the natural bluff on, and adjacent to, the subject site, is the type of government action that meets the *Penn Central* test because it imposes a minor burden on the applicant for the good of the public to enjoy the scenic bluff face in its natural form.

For these reasons, the Commission's action in imposing Special Condition 1 will not constitute a taking of the applicant's property and, further, will not violate section 30010 of the Coastal Act.

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July 1, 2015

VIA FIRST CLASS MAIL and EMAIL

California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

Re: Application No. 5-14-1571 (Wrobel, Los Angeles)
Applicants: Harold Wrobel
Property Address: 14954 Corona Del Mar, Los Angeles

Project Description: Installation of 13 underground 30-in. diameter concrete soldier piles with permanent tieback anchors, and 120 cu.yds. of grading to improve slope stability and protect existing home and deck, at 14954 Corona Del Mar, Pacific Palisades, Los Angeles, Los Angeles County.

Scheduled: July 9, 2015
Agenda Item: 12(b)

Dear Commissioners:

Please be advised that this office represents Harold Wrobel, ("Applicant"), the owner of the above referenced property located at 14954 Corona Del Mar, Los Angeles ("Subject Property"). The applicant seeks a Coastal Development Permit ("CDP") to allow the construction, use, and maintenance of underground soldier piles and grade beam system to increase the factor of safety to protect an existing single-family dwelling and deck on the subject property. As the following facts will evidence, the application of the CDP and it's approval are in conformity with Section 30600(b) of the California Public Resource Code and consistent with past Coastal Commission ("Commission") action. Staff recommended Special Condition No. 1 should be deleted.

Applicable Facts

The subject property consists of a hillside lot on the south side of Corona Del Mar, in the Pacific Palisades area of the City of Los Angeles. The subject property is developed

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with a two-story residence, a paved driveway, and a rear-yard concrete deck. The residence was constructed in or around 1934 and has been extensively remodeled and updated. Aerial photographs evidence that the deck was constructed prior to the effective date of Coastal Act. A true and correct copy of an aerial photograph from californiacoastline.com taken in 1972 is attached hereto as **Exhibit 1** and hereby incorporated by reference. The development sits atop the level area of the subject property at an approximate elevation of 186 feet above sea level. A steep bluff descends southward from the level pad containing the residence and deck to Pacific Coast Highway ("PCH"). The slope on and immediately below the subject property has experienced periodic failures that have caused significant retreat of the bluff toward the residence. The applicant retained the services of a consulting geologist, John Byer ("Byer") from Byer Geotechnical, and a civil engineer, DRS Engineering, to assist in safeguarding the subject property and existing development. At their recommendation, the applicant requests the ability the remedial installation, use and maintenance of a series of underground, drilled cast-in-place soldier piles with tiebacks to increase the factor of safety and support the existing pad, residence and deck. Following the recommendations of the project consultants, the applicant submitted the subject applications to install drilled, cast-in-place soldier piles with tiebacks to stop the bluff retreat and to protect the residence, patio area and area of PCH located below the subject property. In order to provide soil stability against possible seismic movement, and therefore afford the deck and pad with a high degree of assurance against slipping down the hill, the applicant, following the recommendations of the project consultants and approval from Los Angeles Department of Building and Safety ("LADBS") Grading Division, is proposing to install a row of 13 caissons. Each caisson will be a minimum of 45 feet deep, 30 inches in diameter and spaced a maximum of eight feet on center. The caissons are to be supported by permanent ground anchors. The project's geotechnical and engineering consultants opine that the installation of the proposed soldier piles will increase the factor of safety by retaining the upper 35 feet of soil (above the 1.25 factor of safety line) and provide soil stability for the deck and dwelling by protecting it from bluff instability and surficial erosion.

The subject property, which is located within the dual permit jurisdiction, has already gone through an extensive review by the City of Los Angeles Department of Planning. On May 27, 2014, the City of Los Angeles Office of Zoning Administration sent out a determination letter approving the above referenced project. On November 14, 2014, the City issued a Letter of Correction as the initial determination letter misstated the caissons diameter. A true and correct copy of the May 27, 2014 and November 14, 2014 City Determination Letter and Letter of Correction are attached hereto as **Exhibits 2 and 3** and hereby incorporated by reference.

Upon obtaining approval of a Coastal Development Permit from the City, the subject

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application was filed.

Applicant's Contentions

Pursuant to the Commission Staff Report, Staff is recommending approval of this application pursuant to numerous special conditions. The applicant and staff are in agreement on all the special conditions with the exception of Special Condition No. 1. Staff has taken the position that the caissons be located no further than 5 feet from the existing residence. Staff's position is clearly and patently inconsistent with past Commission action and it deprives a property owner of the fundamental right of protecting its property that the Commission has given to numerous other similarly situated property owners in the immediate area. Additionally, the imposition of Special Condition No. 1 would require removal of the existing deck in order to construct the caissons in Staff's desired location. Special Condition No. 1 further states that if the applicant has to remove more than 50% of the existing deck in order to comply with Staff's desired caisson location, the applicant would be precluded from reconstructing the deck back in its current location.

Based on the following arguments and past Commission action, substantial evidence exists to support the CDP with the deletion of Special Condition No. 1.

The Coastal Act is clear, bluff protection structures are allowed to protect existing development. As stated, in pertinent part, Section 30235 of the Coastal Act states:

"Revetments, breakwaters, groins, harbor channels, seawalls, **cliff retaining walls**, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or **to protect existing structures** or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply." [Emphasis Added]

Additionally, Section 30010 of the Coastal Act states:

"The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power **to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor**. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States." [Emphasis added]

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As contained in the Commission Staff Report, Staff alleges that the Commission only approves protective devices for the protection of existing principal structures. As stated on page 13 of the Commission Staff Report, "the Commission has consistently required that bluff protective devices be located as far inland as possible to ensure that the protective device will not be exposed during the economic life (75-100 years) of the primary structure" and that "ancillary structures, like the concrete patio deck, in this case, do not qualify as existing principal structures entitled to protection under the Coastal Act." Based on that interpretation Staff has taken the position that the construction of the protective device in the location as proposed by the applicant, protects the existing deck and that is not allowed pursuant to the Coastal Act because a deck is not a principal structure. However, Section 30235 of the Coastal Act does not differentiate between "principal structures" and "ancillary structures". It simply allows a property owner to protect **existing structures** and in the application before you, the proposed project is solely protecting **existing structures** as the deck and single-family residence pre-date the Coastal Act. Furthermore, while Commission Staff is taking the position in the subject application that the existing deck is not a principal structure, the Commission has consistently approved protective devices along this same coastal bluff, on the same block, substantially seaward of the location recommended herein **Special Condition No. 1 to protect rear yards, existing pools and a new pool as referenced in the Past Commission Action section below**. The Commission's past actions evidence that the Commission has consistently interpreted ancillary structures as structures that are able to be protected under the Coastal Act. As such, the applicant should be afforded the same protection to existing structures as the Commission has previously given his immediate neighbors.

The crux of Public Resource Code Section 30253 is to promote safety, health and welfare while minimizing risk to life and property in areas of high geologic areas. As stated in pertinent part, Section 30253 of the Coastal Act states:

"New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area in any way require the construction of protective devices that would substantially alter natural landforms along coastal bluffs and cliffs."

In the situation before you, the subject application is for the construction and

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installation of caissons solely to protect existing development. The applicant is not proposing any development other than development to protect existing structures. Between 1960 and 2006, the top of the slope receded approximately 36 feet with the majority occurring during the 1994 Northridge Earthquake and as a result of heavy rains after the earthquake. While the top of the bluff has remained relatively stable over the last 20 years, the applicant wants to pro-actively protect the remaining portions of his property prior to simply reacting after another natural disaster. The consulting geologist opines that in order to adequately protect the existing development on the subject property, as well as, to assure stability and structural integrity of the subject property and surrounding area **the caissons have to be located in the proposed location adjacent to the existing deck**. The existing deck has been successful in preventing additional bluff retreat and in safeguarding the property, as the existing deck, from a geotechnical standpoint, is an important structure in preventing further slope instability and bluff erosion. The existing deck prevents surface water from infiltrating into the underlying soil in the rear yard and near the bluff face as the deck is equipped with a drainage system to carry water from the rear yard to a storm drain on Corona Del Mar.

Within the Commission Staff Report, Staff has taken the position that the caissons cannot be located as proposed because the single-family residence is approaching the end of its economic life. Staff admits not to have any information on the condition of the residence other than the fact it was constructed in 1934 and is thus, 81 years old. While the condition of the residence should not have any impact on a property owner's ability to adequately safeguard their property, we can assure you the single-family residence on the subject property has been magnificently maintained and is not close to approaching the end of its economic life. Photographs of the interior of the subject property are attached hereto collectively as **Exhibit 4** and hereby incorporated by reference. Based on the foregoing and previous Commission approvals, equal protection under the law requires the applicant to be afforded the same level of protection for his property against geologic instability that the Commission has provided to his immediate neighbors.

The scenic and visual qualities of the coastal areas will not be impacted by Commission's approval of the caissons in the location as proposed by the applicant. As stated in pertinent part, Section 30251 of the Coastal Act provides:

"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 landforms, to be visually compatible with the character of the surrounding areas, and, where feasible, to restore and enhance visual

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quality in visually degraded areas.”

To comply with Section 30251 of the Coastal Act, the caissons will be located underground, slanted inland, and will not be visible from PCH and/or along the beach. As evidenced in the Commission Staff Report, Staff is concerned that the soldier piles could potentially become exposed due to the bluff's erosion process. And if so, believe they would impact the visual qualities of the coastal bluffs. Staff's analysis in the Commission Staff Report concentrates on the bluff retreat rate. However, in a correspondence to the applicant dated October 14, 2014, regarding an Incomplete Notice from the Commission, Byer takes exception with studies of long-term bluff retreat. He states “[s]tudies of long-term bluff retreat in California, which include the entire coastline, indicate an average annual retreat of six inches. However, this rate is deceptive, as catastrophic events can cause large amounts of bluff retreat in one event.” The subject bluff is a perfect example as the majority of the bluff receded as a result of the 1994 Northridge Earthquake, thus the average annual bluff retreat rate is skewed by these catastrophic events. A true and correct copy of Byer Geotechnical, Inc. correspondence to the applicant, dated October 8, 2014 is attached hereto as **Exhibit 5** and hereby incorporated by reference. Furthermore, in Byer's Geotechnical Report submitted as part of the subject application and within the October 8, 2014 correspondence, Byer, points out that the top of the bluff has remained relatively stable over the last 20 years and attributes that partly due to the existing deck diverting water to the catch basin located along Corona Del Mar.

As discussed above, Staff is recommending approval of the subject application pursuant to numerous special conditions. Special Condition No. 3 requires the applicant to agree to a program in the event the piles ever become exposed. Thus, in the event that the piles become exposed, the Commission will have a procedure in place to ensure that said piles do not become visually intrusive.

Special Condition No. 2 requires that all final design and construction plans be in conformance with the geotechnical recommendations by Byer Geotechnical, Inc. dated February 8, 2013, as well as all requirements of the LADBS, Geology and Soils Report Approval Letter, dated April 30, 2013. Byer Geotechnical **recommended the caissons be located adjacent to the existing deck** on the bluff's edge. LADBS confirmed this recommendation on April 30, 2013 when they issued their Geology and Soils Approval Letter. The proposed application **conforms** to all of the geotechnical recommendations as contained in the reports delineated above including the location of the proposed caissons. However, the Commission Staff Report imposes Special Condition No. 1 which is in direct contrast to both the Byer Geotechnical Report and LADBS Geology and Soils Approval Letter, as Special Condition No. 1, requires the caissons to be located in an alternative

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location, not recommended by either Byer Geotechnical or LADBS. Byer opines that locating the piles further landward than recommended in the Byer Geotechnical Report will create an artificial seam and lead to instability of an otherwise stable area of the subject property. This unneeded seam could create a geologically unsafe condition which could then precipitate a failure in the event of a catastrophic event similar to the 1994 Northridge Earthquake. As such, the proposed location of the caissons is consistent with Special Condition No. 2 as they are located along the bluff's edge as recommended in Byer Geotechnical, Inc. Report dated February 8, 2013, as well as in LADBS, Geology and Soils Report Approval Letter, dated April 30, 2013.

Past Commission Action

As stated above, with this application Staff has taken a position inconsistent with past Commission action. The following are a list of projects approved by the Commission which are not only located within the same area of Los Angeles, but located on the same street, Corona Del Mar, and along the same coastal bluff in Pacific Palisades. A true and correct copy of an aerial photograph evidencing the location of the following properties in relation to the subject property is attached hereto as **Exhibit 6** and hereby incorporated by reference.

14984 Corona Del Mar (Giovine) - A-5-PPL-08-192/5-08-191: The application was for the construction, use and maintenance of an underground soldier piles and grade beam system to increase the factor of safety of an existing two-story single family residence and new pool. The Commission approved two rows of soldier piles. One adjacent to the existing residence and the **second row forty (40) feet seaward of the existing house to stabilize the rear yard, including a new pool**. A true and correct copy of the Coastal Development Permit dated November 20, 2008 is attached hereto as **Exhibit 7** and hereby incorporated by reference. Based on the Commission's Staff Report, the Commission approved the second row of soldier piles to protect a **new** pool and rear yard in a location which ranges from approximately 10 to 25 feet closer to the bluff's edge than the location recommended in Special Condition No. 1 in the subject application. According to the applicant's surveyor, Land & Air Surveys, the second row of piles in the Giovine approval is within 22 feet, and not the 28 to 30 feet, from the bluff's edge as stated in the Commission's Staff Report. If Land & Air Survey's measurement is accurate, then Staff is recommending the applicant's caissons be located approximately 30 feet further inland from the bluff's edge than what the Commission approved in 2008 under A-5-PPL-08-192/5-08-191.

14930 Corona Del Mar (Tobalina) - 5-00-224 & 5-04-212: The Commission approved the following development twice. Once as CDP 5-00-224 and then again as CDP 5-04-212. The approval was for the construction of a 6,493 square foot single family residence with attached

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garage, on concrete piling foundation, and construct eleven 36-inch diameter soldier pilings and associated grade beams and grade 2,310 cubic yards to maintain downhill slope protection for a bluff-top lot. The Commission approved the installation of piles close to the bluff's edge, 45 feet seaward of the approved residence. Page 6, of the Commission's Staff Report for CDP 5-04-212 states that "the applicant's geology report concludes that, from a geotechnical perspective, the stability of the rear yard can be improved by construction of a tied-back soldier pile wall and reconfiguring the slope to a 1 1/2:1 grade." On the next paragraph, the Staff Report states "[t]he Commission's staff geologist, reviewed the applicant's proposed plans and geology report and found that the proposed project, if carried out in accordance with the recommendations set forth in the geotechnical reports, should assure stability on the site consistent with Section 30253 of the Coastal Act." A true and correct copy of the Commission Staff Report for application number 5-04-212 is attached hereto as **Exhibit 8** and hereby incorporated by reference. Additionally, a true and correct copy of the Coastal Development Permit dated August 16, 2005 is attached hereto as **Exhibit 9** and hereby incorporated by reference. It is the understanding of our office that the piles were constructed near the bluff's edge after the approval and remain unexposed.

14914 Corona Del Mar (Tobalina) - 5-97-312 & 5-00-217 & 5-04-213: The Commission approved the following development three times. Once in 1997 as CDP 5-97-312, again in 2000, as CDP 5-00-217 and then again in 2004 as CDP 5-04-213. The approval was for the construction of thirteen (13) 36-inch diameter soldier pilings and associated grade beams and grade 1,700 cubic yards to maintain downhill slope protection and stabilize an existing single family residence located on a bluff-top lot. The Commission approved the installation of piles at the bluff's edge to protect the existing residence, existing pool and rear yard. The piles were approved approximately eight (8) feet seaward of the existing pool along the bluff's edge. Page 9, of the Commission's Staff Report for CDP 5-00-217 and pages 6 and 7 of the Commission's Staff Report for CDP 5-04-213 state that "the applicant's geology report concludes that, from a geotechnical perspective, the stability of the rear yard can be improved by construction of a tied-back soldier pile wall and reconfiguring the slope to a 1 1/2:1 grade." On the next paragraph, the Staff Report states "[t]he Commission's staff geologist, reviewed the applicant's proposed plans and geology report and found that the proposed project, if carried out in accordance with the recommendations set forth in the geotechnical reports, should assure stability on the site consistent with Section 30253 of the Coastal Act." A true and correct copy of the Commission Staff Report stamped "Commission Action On September 10, 2004" with the box checked "Approved as Recommended" is attached hereto as **Exhibit 10** and hereby incorporated by reference. Exhibits 3 and 4 of the Staff Report for CDP No. 5-04-213 evidence the piles location seaward of the existing pool on the bluff's edge. It is the understanding of our office that the piles were constructed near the bluff's edge after the approval and remain unexposed.

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14868 & 14880 Corona Del Mar (Flury) - 5-05-253: The Commission approved the construction of a 12,295 square foot, 27 foot high (from finished grade), single-family residence with 12,135 square foot basement for storage, gym, maid's quarters and seven car garage; swimming pool; 16,950 cubic yards of grading (cut) and lowering site approximately 5 feet. As part of project, the applicant proposes to combine the two lots and remove debris from the bluff face using a crane from atop the bluff. The Flury approval is relevant because the Commission approved **new** ancillary development (i.e. hardscapes and swimming pools) 10-feet from the bluff's edge.

Conclusion

The applicant is simply requesting that the Commission treat him in the same manner that it has treated his neighbors, and grant him the ability to protect his property. Of the nine (9) lots located along the south side of Corona Del Mar¹, four (4) property owners have submitted seven (7) separate applications to the Commission² all of which have been approved in a manner which are substantially less restrictive than what Staff is recommending in the current application. The federal equal protection clause and its California counterpart provide that persons who are similarly situated with respect to the legitimate purpose of a law must be treated alike under the law. Since the relevant sections of the Coastal Act have not changed, if the Commission was able to make the appropriate findings that the development in the above referenced projects conform to the requirements of the Coastal Act, then the Commission must make the same findings in this project.

As such, we respectfully urge you to approve the remedial installation as proposed in Application No. 5-14-1571 with the deletion of Special Condition No. 1. In the event, the Commission disagrees with our position contained herein as to the location of the piles, which we clearly contend would be an inappropriate denial of equal protection under the law, by no means should the Commission require the placement of the protective structure in a location more restrictive than past Commission action along Corona Del Mar nor should they preclude the applicant from replacing any portion of the existing deck which must be removed to install the piles in an alternative location.

¹ This determination does not count the dog park as lot and considers the Flurry lots as on based on the approval of the merger.

² This number does not count this application submitted for the subject property by the applicant.

California Coastal Commission

Re: Application No. 5-14-1571 (Wrobel, Los Angeles)

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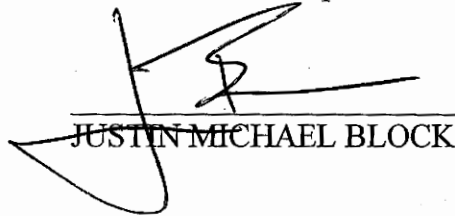
Page 10

I will be present at the hearing on July 9, 2015 to respond to any of your questions and/or concerns.

Thank you for your anticipated courtesy and cooperation in reviewing this most important matter.

Respectfully submitted,

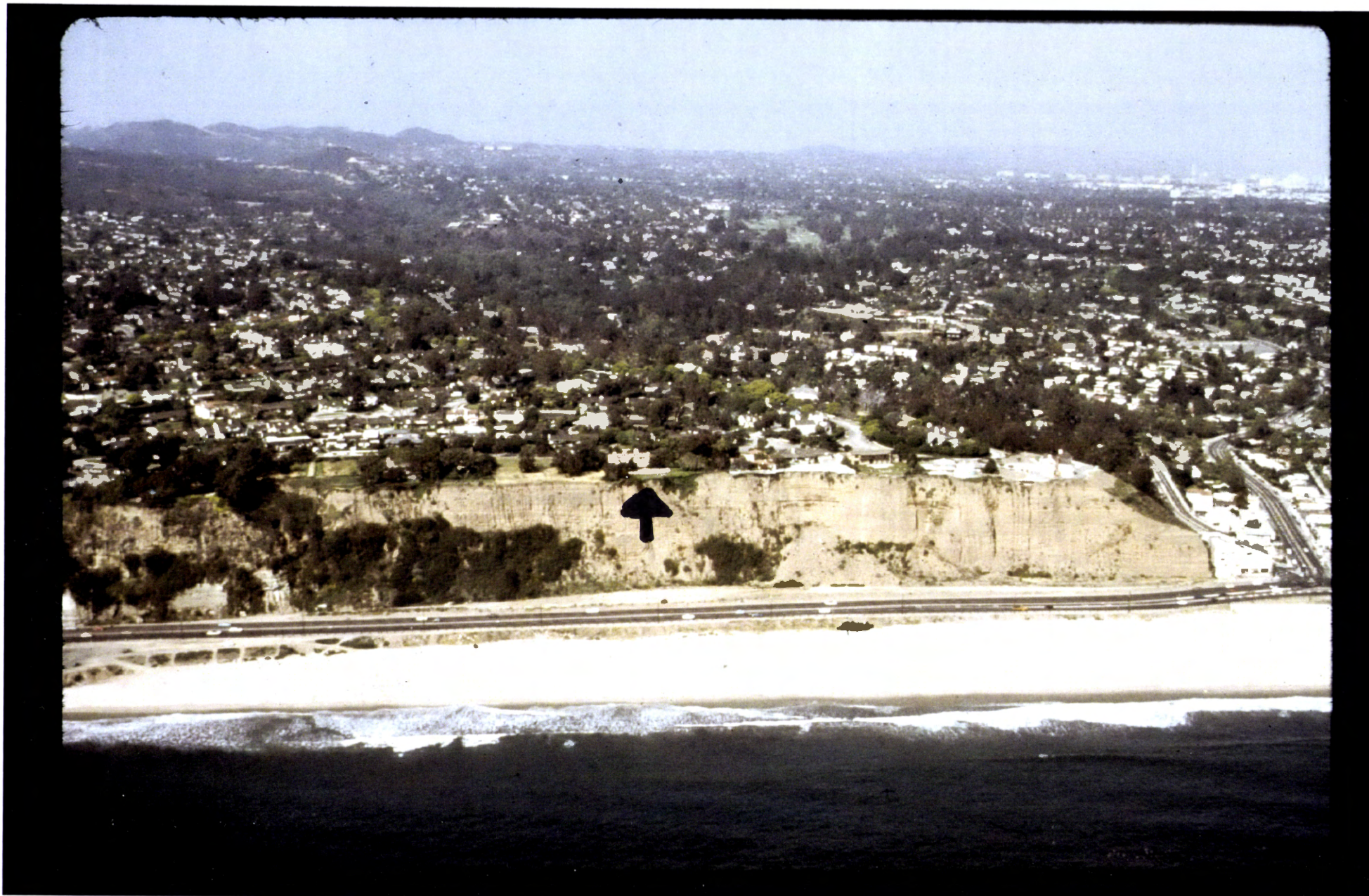
LAW OFFICES
BLOCK & BLOCK
A Professional Corporation



JUSTIN MICHAEL BLOCK

JMB:sp
Enclosures

cc: client



LYNN K. WYATT
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May 27, 2014

Harold Wrobel (A)(O)
14954 Corona Del Mar
Pacific Palisades, CA 90272

Justin Michael Block, Esq. (R)
Block & Block, APC
1880 Century Park East, Suite 415
Los Angeles, CA 90067.

CASE NO. ZA 2013-3422(CDP)
COASTAL DEVELOPMENT PERMIT
14954 Corona Del Mar/
14947 Pacific Coast Highway
Brentwood-Pacific Palisades
Planning Area
Zone : RE20-1
D. M. : 123B129
C. D. : 11
CEQA : ENV 2013-3423-MND
Legal Description: Lot 3, Tract 9377

Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a coastal development permit authorizing the construction of underground soldier piles and grade beam system for an existing single-family dwelling in the dual permit jurisdiction area of the California Coastal Zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.



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5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Approved herein is the construction of 13 underground (36-inch diameter) soldier piles and grade beam system. No other development of the property is authorized as part of this permit.
8. Prior to the issuance of a grading permit, the applicant shall submit an erosion and runoff plan to the satisfaction of the LADBS Grading Division. The erosion control plan shall demonstrate the following:
 - a. During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and Pacific Coast Highway.
 - b. The following temporary erosion control measures shall be used during construction: sand bags, a desilting basin and silt fences.
 - c. Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
 - d. All water from the roof and yards must be directed to the sewer on Corona Del Mar.

The erosion control plan shall include the following components:

- a. A narrative report describing all temporary erosion control measures to be used during construction and all permanent erosion control measures to be installed.
- b. A site plan showing the location of all temporary erosion control measures.
- c. A schedule for installation and removal of the temporary erosion control measures.
- d. A site plan showing the location of all permanent erosion control measures.

- e. A schedule for installation and maintenance of the permanent erosion control measures.
- 9 The project shall comply with all applicable zoning provisions of the Los Angeles Municipal Code to the satisfaction of the Department of Building and Safety. No waivers have been requested or granted herein.
10. The project shall comply with the conditions required in the Geology and Soils Report approval letter dated April 30, 2013. All conditions of the geology, soils, and grading approval shall be incorporated and printed on the plans submitted to the Department of City Planning and the Department of Building and Safety for plan check.
11. The applicant and the project construction manager shall identify a contact person and provide a telephone number for any inquiries from residents regarding construction activities. The phone number shall be provided to all residents within a 100-foot radius and posted on the site in a manner which is readily visible to any interested party.
- 12 The contractor shall establish an off-site staging area for large trucks and any other construction vehicles which cannot be accommodated on the project site in order to control the frequency of construction traffic to the site and to not impede traffic flow.
13. The following mitigation measures from ENV-2013-3423-MND shall be printed on the site plan:
- a. Air Pollution (Demolition, Grading, and Construction Activities):
 - 1) All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - 2) The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind
 - 3) All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - 4) All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - 5) All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust

- 6) General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - 7) Trucks having no current hauling activity shall not idle.
- b. Erosion/Grading/Short-Term Construction Impacts:
- 1) The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
 - 2) Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following: excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
- c. Landslide Area:
- The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter.
- d. Stormwater Pollution (Demolition, Grading, and Construction Activities):
- 1) Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
 - 2) All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop cloths shall be used to catch drips and spills.
 - 3) Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
 - 4) Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarp or plastic sheeting.

e. Increased Noise Levels (Demolition, Grading and Construction Activities):

- 1) The project shall comply with the City of Los Angeles Noise Ordinance No. 161,574, and any subsequent ordinances, which prohibit the emission of noise beyond certain levels at adjacent uses unless technically infeasible.
- 2) Construction and demolition shall be restricted to the hours of 7 am and 6 pm Monday through Friday, and 8 am to 5 pm on Saturday
- 3) Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- 4) The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

14. Within 30 days of the effective date of this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the

privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this authorization is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or not complied with, then this authorization shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after JUNE 10, 2014, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://cityplanning.lacity.org>.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final.

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pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review

NOTICE

The applicant is further advised that all subsequent contact with this Office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on April 17, 2014, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a coastal development permit as enumerated in Section 12.20 2 of the Municipal Code have been established by the following facts:

BACKGROUND

The subject property is a sloping 27,796 square-foot, through lot zoned RE20-1 located in the community of Huntington Palisades. The site is developed with a two-story 5,438 square-foot single-family dwelling constructed in 1934. There is a seaward facing concrete deck in the rear of the property that the applicant believes was constructed in 1972. The property has street frontage and vehicular access from Corona Del Mar and slopes downward towards Pacific Coast Highway. The property is located in the dual permit jurisdiction area of the California Coastal Zone, a Very High Fire Hazard Severity Zone, a seismically induced landslide hazard zone, and is approximately 0.16 kilometers from the Santa Monica Fault. The property is subject to the Baseline-Hillside Ordinance.

Surrounding properties are zoned RE20-1 and are improved with large single-family dwellings on large lots. The lots on the west side of Corona del Mar are located at the top of the bluff above Pacific Coast Highway

Corona Del Mar is a Collector Street dedicated to a width of 70 feet and improved.

Pacific Coast Highway is a Scenic Major Highway Class II improved to a variable width.

Previous zoning related actions in the area include:

Case No. ZA 2014-0688(CDP)(MEL) - On February 26, 2014, an application was filed for a coastal development permit to allow the demolition of a single-family dwelling and the construction of a two-story single-family dwelling, located at 211 Alma Real Drive.

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Case No. ZA 2008-1736(CDP)(ZAA) - On March 13, 2009, the Zoning Administrator approved a Coastal Development Permit for the construction of a two-story, partial basement, single-family dwelling with a retaining wall behind the pool and sloped driveway to the basement within the single jurisdiction permit area; and an adjustment to allow reduced side yards of 6 feet in lieu of the required 7 feet, located at 15211 West Friends Street

Case No. ZA 2008-0353(CDP) - On May 23, 2008, the Zoning Administrator approved the construction of underground soldier piles and grade beam system to increase the factor of safety of an existing single-family dwelling located within the dual permit jurisdiction of the California Coastal Zone, at 14984 Corona Del Mar

Public Hearing

The public hearing was conducted on April 17, 2014 in the West Los Angeles Municipal Building.

Justin Block, Representative:

- The owner is attempting to protect the house which was built in 1934
- The deck was built by a prior owner we think in 1972 before the Coastal Act
- He purchased the property in 1997
- The coastal bluff has eroded
- He hired Byer to stabilize the property, LADBS approve the report last year
- We tried to get an AIC from the City but were told to apply for a CDP
- There are similar approvals on the street, but they also included the construction of a pool or a house
- I'm not sure if the bluff is officially designated as a "coastal bluff", it is separated from the sea waves by PCH
- We are attempting to protect an existing legal structure
- It will be completely underground and not visible from PCH or other properties
- The deck edge is 5 feet from the bluff edge
- There will only be 120 cubic yards of grading
- It will take only a few weeks to construct it
- The owner has installed French drains to the street
- We have not spoken to the Coastal Commission staff yet

Chris Robertson, Council District 11, stated that she was aware of visible support structures constructed in the vicinity that have been controversial with the community members.

Correspondence

On April 30, 2013, the LADBS Grading Division issued a Geology and Soils Report Approval letter for the subject property (Log No. 79833) which stated the following:

CASE NO ZA 2013-3422(CDP)

PAGE 9

An email dated April 14, 2014, was submitted by Justin Michael Block in support of the proposed permit.

On April 22, 2014, Al Padilla of the Coastal Commission emailed the following to the Zoning Administrator after speaking on the phone about the proposed project:

Maya, here is one of the staff reports we did on Corona del Mar. On this site there was erosion or landslide issues that needed to be addressed. The concern with the location of piles is the potential exposure of the piles over time due to future erosion of the bluff. The geotech report should address the erosion rate of the bluffs and the piles should be located in an area that will not be likely exposure over an approx 50 year period. And locating the piles close to the bluff edge could accelerate the erosion rate.

MANDATED FINDINGS

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20 2 of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same.

1. **The development is in conformity with Chapter 3 of the California Coastal Act of 1976.**

The subject property is a sloping 27,796 square-foot, through lot zoned RE20-1 located in Huntington Palisades. The site is developed with a two-story 5,438 square-foot single-family dwelling constructed in 1934. There is a seaward facing concrete deck in the rear of the property that the applicant believes was constructed in 1972. The property has street frontage and vehicular access from Corona Del Mar and slopes downward towards Pacific Coast Highway. The property is located in the dual permit jurisdiction area of the California Coastal Zone, a Very High Fire Hazard Severity Zone, a seismically induced landslide hazard zone as shown on the California "Seismic Hazard Zones" map, and is approximately 0.16 kilometers from the Santa Monica Fault. The property is subject to the Baseline Hillside Ordinance. The applicant has requested a coastal development permit to authorize the construction of soldier piles and permanent tieback anchors on the southern edge of the deck to support the pad and deck in case of seismic movement.

Byer Geotechnical, Inc prepared a Geotechnical Engineering Exploration report for the proposed remedial pad stabilization dated February 8, 2013. The report stated that the property's westerly slope "has experienced periodic failures that have caused significant retreat of the bluff toward the residence and left steep scarps and debris-blanketed slopes." The report was approved by the LADBS Grading Division on April 30, 2013. The approval letter from LADBS stated the following about the property:

The site is situated near the top of a coastal bluff that has a history of slope instability. According to the report, the top of the bluff has receded

approximately 36 feet in the last 46 years and is currently encroaching upon an existing concrete deck. The geologic unit underlying the site consists of older (Pleistocene) alluvium with landslide and talus debris on the bluff face, as well as buttress fill at the bottom of the slope adjoining Pacific Coast Highway (PCH) that was placed by Cal Trans in 1979. The proposed remedial repair consists of installing a row of soldier piles with tiebacks along the edge of the bluff to increase the factor of safety of the slope to 1.25.

Section 30253 of the Coastal Act states in part that new development shall:

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

Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or the surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The applicant is proposing to install a row of 13 caissons supported by permanent anchors. Each caisson will be a minimum of 45 feet deep, 30 inches in diameter and spaced a maximum of 8 feet on center. The Geotechnical report determined that the proposed soldier piles will increase the factor of safety by retaining the upper 35 feet of soil and provide soil stability for the deck and dwelling by protecting it from bluff instability and surficial erosion. These grade beams are going to be installed below the grade. The applicant submitted photographs of the slope taken from the rear deck which show the erosion that has occurred on the beach facing side of the property. The property owner has installed artificial turf at the top of the slope rather than landscaping which could compromise the hillside.

The Grading Division has imposed conditions to control the site's drainage and to prevent future runoff from draining over the descending slope. The property owner recorded an affidavit for the maintenance of the remedial pad and stabilization in an area subject to landslides or unstable soil (No 20130657794). The property owner acknowledges the property is subject to geologic risks that can't be fully mitigated. The proposed project has been designed so that the caissons and the grade beams will be embedded in the embankment and are not going to be visible from Pacific Coast Highway. The caissons should not result in any adverse visual impacts from the right-of-way or from Will Rodgers State Beach. Unlike some of the other permits approved in the Huntington Palisades, this permit only authorizes the construction of the soldier pile system to minimize the risk to lives and to the property. No expansion of the single-family dwelling or any other construction on the property (e.g. a pool or deck) is authorized by this permit. There is minimal grading involved (approximately 120 cubic yards), and the construction is expected to take a few weeks. There was no opposition to the proposed permit from area residents. Pursuant to Section 30601 of the Coastal Act, the applicant is required to file for a second permit from the Coastal Commission who may impose additional restrictions on the development. As conditioned, the development is in conformity with Chapter 3 of the California Coastal Act of 1976.

2. **The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.**

There is no adopted local coastal program (LCP) for the Pacific Palisades portion of the Coastal Zone. The Brentwood-Pacific Palisades Community Plan contains the applicable land use policies and goals for that portion of the Coastal Zone. The Brentwood-Pacific Palisades Community Plan designates the property for Very Low I Density Residential land uses with corresponding zones of RE20 and RA, and Height District No. 1. The property is not within the area of any specific plan or interim control ordinances. The continued use of the property for residential purposes is consistent with the land use designation and the site's zoning. The majority of the surrounding area is developed with single-family dwellings.

The property is located in an area of the Pacific Palisades which is subject to landslides, and in response the City has strict procedures for the geologic review of developments before issuing permits. The construction has been approved by the LADBS Grading Division to increase the safety factor of the property. The caissons will be set back 5 feet from the cliff's edge which is consistent with Policy 1-3.2 of the Community Plan, which states, "preserve existing views in hillside areas" and with corresponding program "condition new development adjacent to or in the view shed of State parkland to protect views from public lands and roadways." The approval of the permit is consistent with others approved by the City and the Coastal Commission in the Huntington Palisades, and on an individual basis, the project is not anticipated to prejudice the ability of the City to prepare a Local Coastal Plan.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination. Such Guidelines are designed to provide direction to decision-makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP. In this instance, the Guidelines standards concerning the following are relevant:**

The California Coastal Commission's Interpretive Guidelines have been reviewed and considered in preparation of these findings. However, following prevailing case law (e.g., Pacific Legal Foundation v. Coastal Commission (1982) 33 Cal.3d 158), the City's determination is based on the cited provisions of the California Coastal Act and other legally established laws and regulations. The project has been required to comply with all of the measures enumerated in the MND and the Soils Approval letter, as well as additional conditions required to further control erosion of the bluff during and after construction

4. **The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.**

The Zoning Administrator reviewed the Coastal Commission's approvals of a CDP for the construction of soldier piles and grade beam system to increase the factor of safety of an existing single-family dwelling located at 14914 Corona Del Mar (No. 5-00-217), the CDP for 14984 Corona Del Mar (No. 5-08-191), and the CDP for the construction of a 6,493 square-foot dwelling on soldier piles located at 14930 Corona Del Mar (No. 5-00-224). The approval of those permits provided guidance for the limitations imposed herein.

5. **The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

Section 30210 of the Coastal Act states the following in regards to public access:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, right of private property owners, and natural resources from overuse.

Section 30211 of the Coastal Act states the following in regards to public recreation:

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

The subject property is separated from Will Rodgers State Beach by Pacific Coast Highway. Due to the very steep topography there is no direct shoreline access from the subject property. The construction of the soldier piles will not restrict public access or recreation over the existing conditions. The development is in conformity with the public access and public recreation policies of the California Coastal Act.

6. **An appropriate environmental clearance under the California Environmental Quality Act has been granted.**

Byer Geotechnical, Inc. prepared a Geologic and Soils Engineering Investigation which evaluated the construction of the proposed soldier piles and grade beam system. The Department of Building and Safety issued a Geology and Soils

CASE NO. ZA 2013-3422(CDP)

PAGE 13

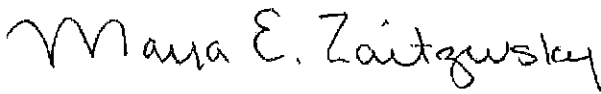
Approval Letter for the proposed development which included 11 conditions. A Mitigated Negative Declaration (ENV 2013-3423-MND) was prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The MND concluded that after the implementation of the mitigation measures (including the conditions required by the Department of Building and Safety), the proposed development would not result in any significant impacts to the environment. The MND prepared for the proposed development was appropriate pursuant to CEQA.

7. **The project is consistent with the special requirements for low and moderate income housing units in the Coastal Zone as mandated by California Government Code Section 65590 [Mello Act].**

The property is developed with a single-family dwelling which will remain and no additional dwelling units are proposed. The remedial project is exempt from the Mello Act Exemption pursuant to a Settlement Agreement effective January 3, 2001.

ADDITIONAL MANDATORY FINDINGS

8. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
9. On April 7, 2014, a Mitigated Negative Declaration (ENV-2013-3423-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Department of City Planning located at 200 North Spring Street, Room 750, Los Angeles, California 90012.



MAYA E. ZAITZEVSKY
Associate Zoning Administrator
Direct Telephone No (213) 978-1416

MEZ:lmc

cc: Councilmember Mike Bonin
Eleventh District
Adjoining Property Owners

GENERAL NOTES

The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period.

EXCAVATION NOTIFICATION

The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period.

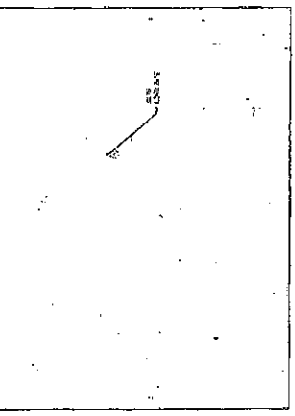
MATERIALS

The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period.

DESIGN CRITERIA

The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period.

PRIORITY WORK



GENERAL PROCEDURES

The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period.

PERMANENT GANBSON INSTALLATION

The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period.

POST-CASTED GROUND ANCHORS INSTALLATION

The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period.

REINFORCED CONCRETE

The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period.

GROUND ANCHOR TESTING

The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period.

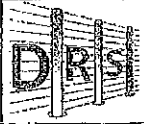
SPECIAL INSPECTIONS

The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period.

STRUCTURAL OBSERVATIONS

The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period. The contractor shall be responsible for the maintenance of the site during the construction period.

EXHIBIT "A"
Page No. 1 of 5
Case No. ZA-2013-3422-CDP

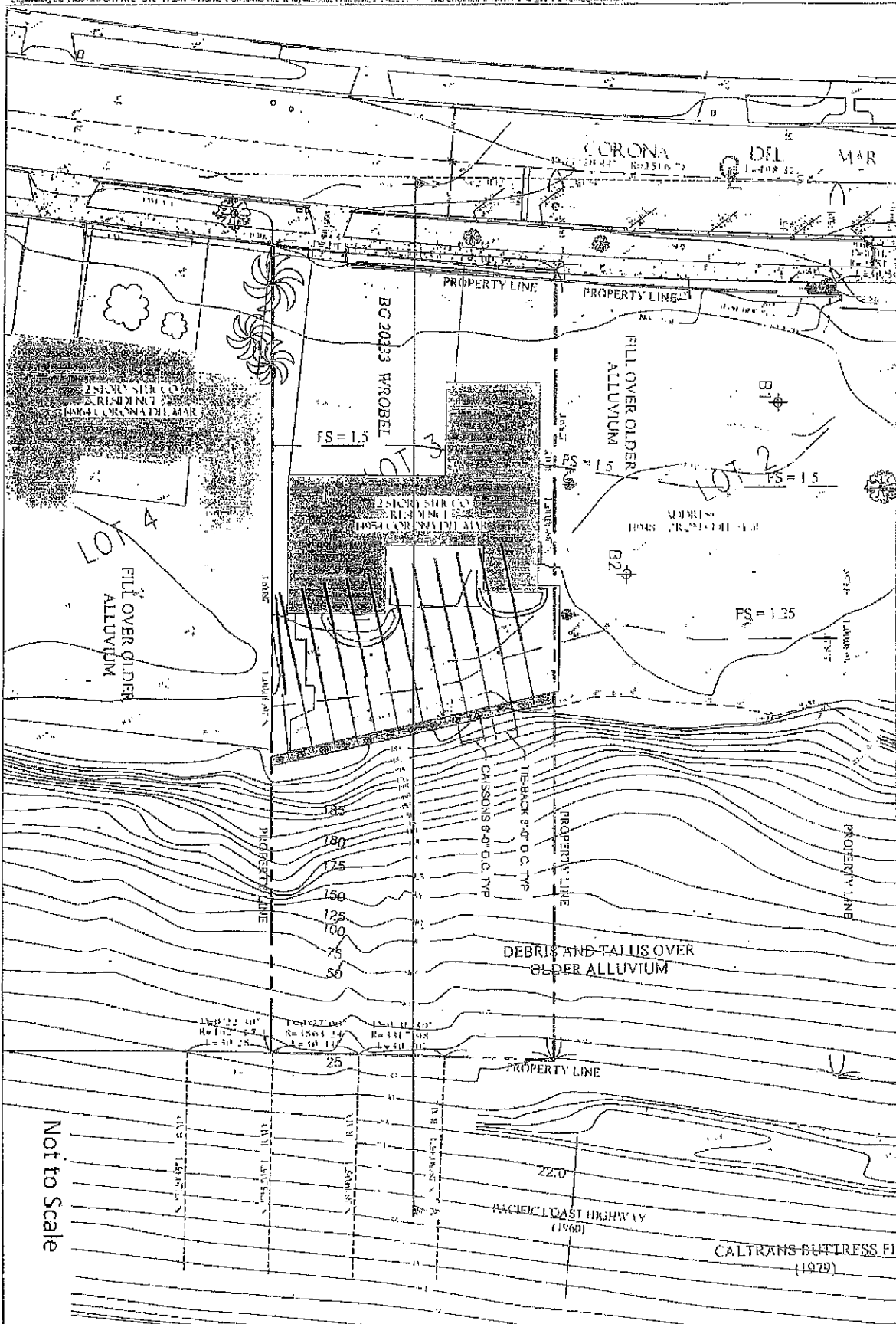


14954 Corona Del Mar
Notes

DATE	2013-01-29	REV	DESCRIPTION	DATE
DRAWN	DRS - ODO			
CHECKED	DRS			
SCALE	AS SHOWN			
SHEET No	SH1.0		PROJECT 2012-27	

ZA 2013-3422

Engineers: L-4 2200 AIRPORT BL. STE. 115AN, CARLSBAD, CA 92008 TEL: (760) 465-2802 FAX: (760) 465-1522 WWW: DRSENGINEERING.COM OFFICE: CARLSBAD, CA



DATE	2013-01-28	REV	DESCRIPTION	DATE
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SCALE	AS SHOWN			
SHEET No	SH2.0	PROJECT	2012-27	

14954 Corona Del Mar
Caissons Plan

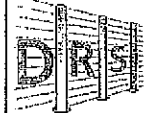
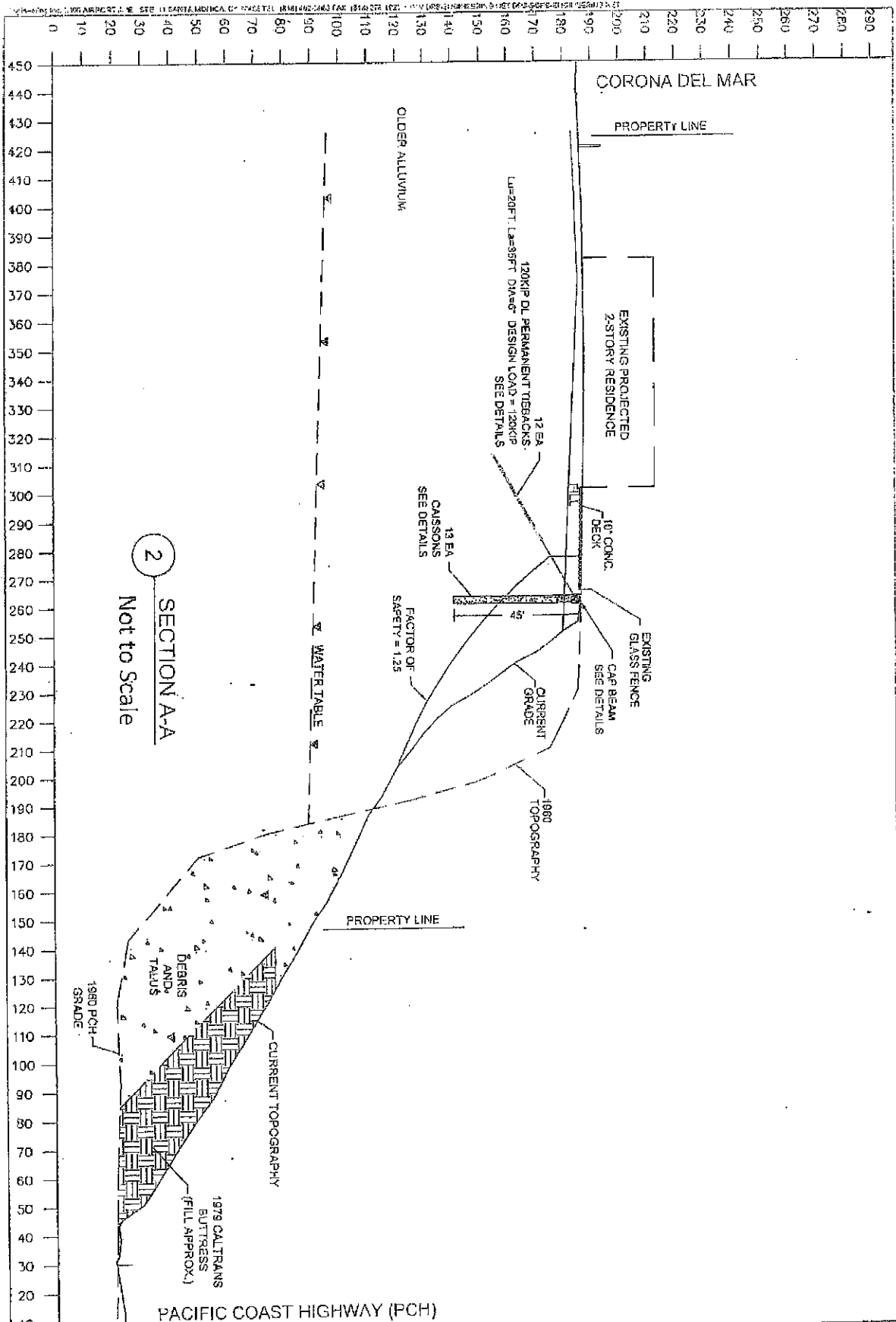


EXHIBIT "A"
Page No. 2 of 5
Case No. ZA-2013-3424

100



SECTION A-A
Not to Scale

DATE	REV.	DESCRIPTION	DATE
2013-01-29			
DRAWN		DRS - ODO	
CHECKED		DRS	
SCALE		AS SHOWN	
SHEET No	SH3.0		PROJECT 2012-27

14954 Corona Del Mar
Tieback Caissons

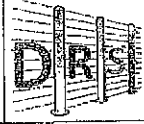


EXHIBIT 'A'
Page No. 3 of 5
Case No. ZA-2013-3422-CDF

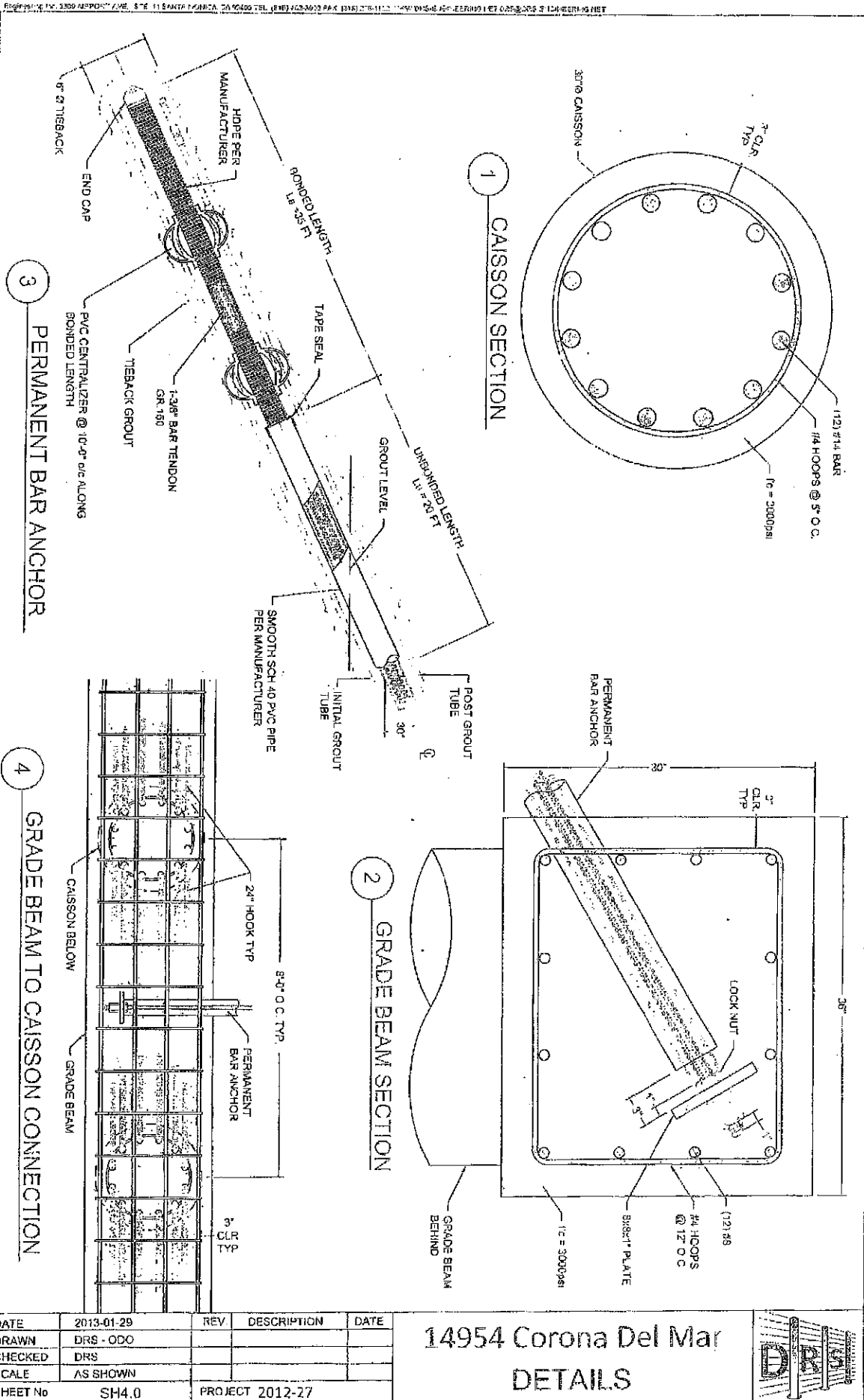


EXHIBIT 1A
Page No. 14 of 5
Case No. ZA-2013-3422 LDR

DATE	2013-01-29	REV	DESCRIPTION	DATE
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CHECKED	DRS			
SCALE	AS SHOWN			
SHEET No	SH4.0	PROJECT	2012-27	

14954 Corona Del Mar
DETAILS

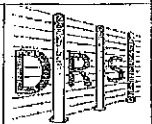
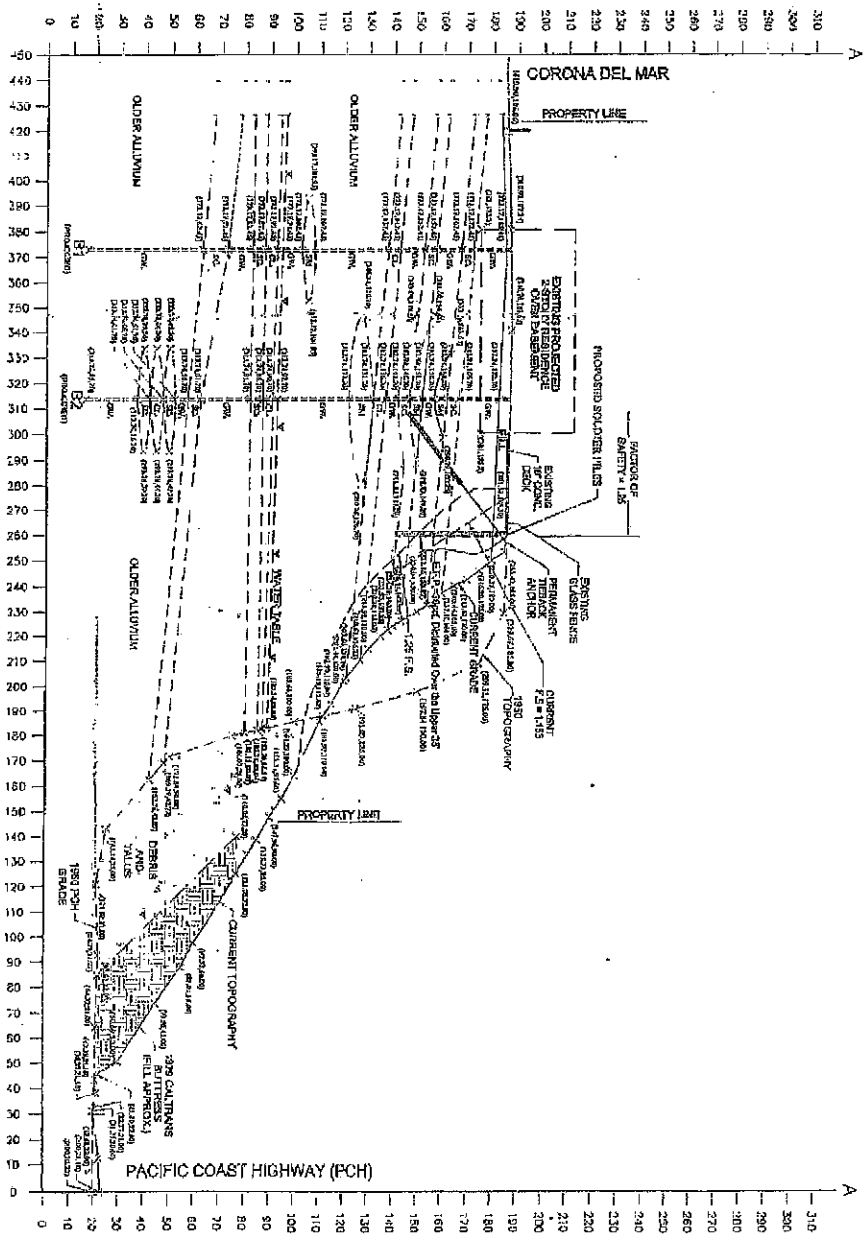


EXHIBIT "A"
Page No. 5 of 5
Case No. 2A-2013-3422-COR

SECTION A-A



SECTION A-A
SCALE: 1" = 20'
DATE: 11/13/13

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
CHARLES J. RAUSCH, JR.
JIM TOKUNAGA
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING

MICHAEL J. LOGRANDE
DIRECTOR

**OFFICE OF
ZONING ADMINISTRATION**

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334
www.planning.lacity.org

November 14, 2014

Harold Wrobel (A)(O)
14954 Corona Del Mar
Pacific Palisades, CA 90272

Justin Michael Block, Esq. (R)
Block & Block, APC
1880 Century Park East, Suite 415
Los Angeles, CA 90067

CASE NO. ZA 2013-3422(CDP)
LETTER OF CORRECTION
14954 Corona Del Mar/
14947 Pacific Coast Highway
Brentwood-Pacific Palisades Planning Area
Zone : RE20-1
D.M. : 123B129
C.D. : 11
CEQA : ENV 2013-3423-MND
Legal Description: Lot 3, Tract 9377

On May 27, 2014, pursuant to Los Angeles Municipal Code Section 12.20.2, the Zoning Administrator approved a coastal development permit authorizing the construction of underground soldier piles and grade beam system for an existing single-family dwelling in the dual permit jurisdiction area of the California Coastal Zone. No appeals were filed. On October 24, 2012, Justin Block, the property owner's attorney, emailed the Zoning Administrator to request a letter of clarification. Mr. Block wrote that he was in the process of applying for a coastal development permit with the Coastal Commission and noticed that Condition No. 7 inaccurately stated that the 13 caissons were proposed to be 36 inches in diameter. He stated that the project application, geotechnical report, and site plan stated that "the caissons would be 30 inches at a minimum in diameter but not a specific size (i.e., 36 inches)." He noted that Finding No. 1 on Page 10 of the determination letter correctly stated each of the 13 caissons "will be a minimum of 45 feet deep, 30 inches in diameter and spaced a maximum of 8 feet on center." He requested that a letter of correction be issued in order for the second permit to be processed by the Coastal Commission staff.

The Zoning Administrator reviewed the administrative record and concurs that caisson diameter stated in Condition No. 7 is incorrect. The Coastal Commission issued Permit No. 5-00-224 which involved the use of 36-inch diameter soldier piles for the property located at 14930 Corona Del Mar. That permit was attached to the Geotechnical engineering report prepared by Byer Geotechnical for the subject remediation project and that may have been the source of the error found in Condition No. 7. It was not the intention of the Zoning Administrator to require the property owner to have wider soldier piles than what was approved by the LADBS Grading Division or what was shown on the project application and plans. Therefore, Condition No. 7 is corrected to read as follows:

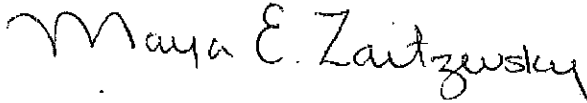


CASE NO. ZA 2013-3422(CDP)

PAGE 2

7. Approved herein is the construction of 13 underground caissons (to a depth of 45 feet and 30 inches in 36-inch diameter) soldier piles and grade beam system. No other development of the property is authorized as part of this permit.

All other conditions of approval and findings shall remain unchanged.



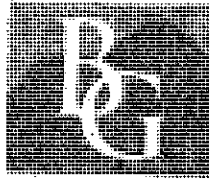
MAYA E. ZAITZEVSKY
Associate Zoning Administrator
Direct Telephone No. (213) 978-1416

MEZ:aln

cc: Councilmember Mike Bonin
Eleventh District







BYER GEOTECHNICAL, INC.

October 8, 2014
BG 20333

Mr. Harold Wrobel
14954 Corona Del Mar
Pacific Palisades, California 90272

Subject

Response to California Coastal Commission
Proposed Remedial Pad Stabilization
Lot 3, Tract 9377
14954 West Corona Del Mar
Pacific Palisades, California

References: Report by Byer Geotechnical, Inc.:

Geotechnical Engineering Exploration, Proposed Remedial Pad Stabilization, Lot 3, Tract 9377, 14954 West Corona Del Mar, Pacific Palisades, California, dated February 8, 2013.

Response by the City of Los Angeles, Department of Building and Safety (LADBS):

Geology and Soils Report Approval Letter, Log # 79833, dated April 30, 2013.

Response by the California Coastal Commission:

Notice of Incomplete Application (2); Coastal Development Permit Application No. 5-14-1571, dated October 3, 2014.

Dear Mr. Wrobel:

Byer Geotechnical has received and reviewed the referenced California Coast Commission Notice of Incomplete Application. A copy of the Notice is enclosed. The items requested in the Notice are listed below, followed by Byer Geotechnical's item-by-item response.

October 8, 2014
BG 20333
Page 2

Item 1. ***LONG-TERM BLUFF RETREAT RATE***

The geotechnical report submitted with your application does not describe the rate of bluff retreat. Please provide an updated geotechnical report evaluating the long-term average rate of bluff retreat at this location

Response: A discussion of the bluff retreat can be found on page 5 of the February 8, 2013, report, under Site History. Based upon topographic maps from 1960 and the current survey, prepared by Mark Fox, Licensed Surveyor 6892, Iacobellis and Associates, Inc, from 1960 to 2006, the top of the slope receded approximately 36 feet. The majority of this occurred during the 1994 Northridge Earthquake, when the Huntington Palisades bluff was subject to strong ground shaking, which caused the outer portion of the bluff to fail. The top of the bluff has remained relatively stable over the last 20 years.

Studies of long-term bluff retreat in California, which include the entire coastline, indicate an average annual retreat of six inches. However, this rate is deceptive, as catastrophic events can cause large amounts of bluff retreat in one event. More important than the long-term bluff retreat is the geotechnical analysis of the slope using data obtained from deep borings to determine the stability of the slope surface. The proposed project is designed to increase the stability of the rear yard from a calculated factor of safety of 1.1 to a supported factor of safety of 1.25. Installation of the piles will result in stopping any future bluff retreat at the piles.

Item 2. ***CURRENT TOPOGRAPHIC SURVEY TO IDENTIFY BLUFF EDGE***

The plans that you submitted with your application do not indicate when the underlying topographic survey was conducted. In a letter dated September 26, 2014 Coastal Commission staff requested two (2) copies of site plans, drawn to scale and prepared by a licensed surveyor, clearly identifying the bluff edge and all project components. Please identify the bluff edge using a current topographic survey.

October 8, 2014
BG 20333
Page 3

Response: The Geologic Map and Site Plan provided with the February 8, 2013, report references the Topographic Survey prepared by Iacobellis and Associates, Inc., dated August 8, 2006. This survey was performed by Mark Fox, Licensed Surveyor 6892, who is representing Iacobellis and Associates, Inc. It is the opinion of Byer Geotechnical that the 2006 survey accurately depicts the current topographic features along the southern edge of the subject property.

Item 3 ***PROJECT DESCRIPTION***

Is this project, in its proposed location, necessary to protect the existing residence only, or is this work proposed to also protect the deck?

Response: The existing deck is an important structure as it was placed to help prevent surface water from infiltrating into the underlying older alluvial terrace near the bluff face. The drainage plan was implemented to help carry surface drainage from the rear yards of two lots to the storm drain in Corona Del Mar. The existing concrete deck has been successful in preventing additional bluff retreat. The project is considered necessary to protect the existing deck and residence, as well as to preserve the pad and limit bluff retreat.

Item 4. ***PROJECT ALTERNATIVES***

Please describe any alternative you considered to the proposed project, including removing the deck and installing the caissons closer to the residence.

Response: The proposed project is considered the only viable alternative. Removal of the deck will result in exposing additional soil to infiltration of rainwater, and will reduce the effectiveness of the storm-drain system installed to prevent future erosion of the bluff.

BYER GEOTECHNICAL, INC.

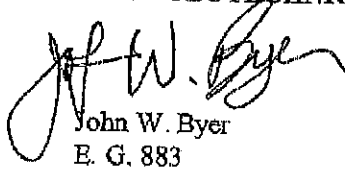
1461 East Chevy Chase Drive, Suite 200 • Glendale, California 91208 • tel 818.549.9959 • fax 818.543.3747 • www.byergeo.com

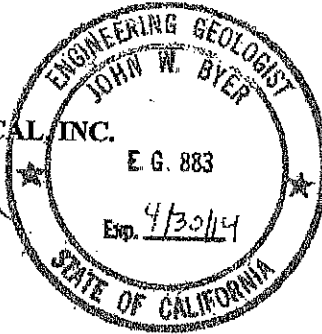
October 8, 2014
BG 20333
Page 4


CONCLUSIONS

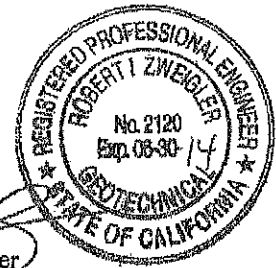
It is the opinion of Byer Geotechnical that this report answers the four requests for additional information.

Very truly yours
BYER GEOTECHNICAL, INC.


John W. Byer
E. G. 883




Robert I. Zweigler
G. E. 2120



JWB:RIZ:mh

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Enc: Notice of Incomplete Application (2), dated October 3, 2014 (2 Pages)
LADBS, Geology and Soils Report Approval Letter, dated April 30, 2013 (2 Pages)

xc: (1) Harold Wrobel (E-mail)
(1) Justin Block (E-mail)



CALIFORNIA COASTAL COMMISSION

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

Page 1 of 6

Date: November 20, 2008

Permit No: 5-08-191 &
A5-PPL-08-192



COASTAL DEVELOPMENT PERMIT

On **October 16, 2008**, the California Coastal Commission granted to **Tom & Elizabeth Giovine** Coastal Development Permit **5-08-191 & A5-PPL-08-192**, subject to the attached Standard and Special Conditions, for development consisting of:

Application for the construction, use and maintenance of an underground soldier piles and grade beam system to increase the factor of safety of an existing two-story single family residence located on a 31,856 square foot lot on the south side of Corona Del Mar just north of Pacific Coast Highway, in the Pacific Palisades area of the City of Los Angeles. More specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at **14984 Corona del Mar, Pacific Palisades.**

Issued on behalf of the California Coastal Commission on November 20, 2008.

PETER DOUGLAS
Executive Director

By: 
Title: Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance . . . of any permit . . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE 14 CAL ADMIN. CODE SECTION 13158(a).

Date

Signature of Permittee

Please sign and return one copy of this form to the Commission office at the above address.

COASTAL DEVELOPMENT PERMIT

No. 5-08-191 & A5-PPL-08-192

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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.

SPECIAL CONDITIONS:

1. **Assumption of Risk, Waiver of Liability and Indemnity**

By acceptance of this permit, the applicant acknowledges that the site may be subject to hazards from landslide, bluff retreat, erosion, and earth movement, and agrees (i) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (ii) 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 (iii) 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

COASTAL DEVELOPMENT PERMIT

No. 5-08-191 & A5-PPL-08-192

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2. Submittal of Revised Project Plans

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of revised project plans that show that the seaward row of soldier piles to be located no further than 40 feet seaward of the existing single family residence.
- 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 legally required.

3. Conformance with Geotechnical Recommendations

- A. All final design and construction plans, as modified and approved under Coastal Development Permit No. 5-08-191 and A-5-PPL-08-192, including soldier piles and grade beams, grading and drainage plans, shall be consistent with all recommendations contained in the Geotechnical and Geologic Engineering Investigation and Report prepared by Ralph Stone and Company, Inc., dated November 30, 2007, and subsequent amendments. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, evidence that a licensed certified engineering geologist has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.
- 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 legally required.

4. Future Development

This permit is only for the development described in coastal development permit 5-08-191. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(b) shall not apply to the development governed by the coastal development 5-08-191. Accordingly, any future improvements to the structures

COASTAL DEVELOPMENT PERMIT

No. 5-08-191 & A5-PPL-08-192

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authorized by this permit shall require an amendment to permit 5-08-191 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

5. Erosion Control Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a plan for runoff and erosion control.

1. EROSION CONTROL PLAN

(a) The erosion control plan shall demonstrate that:

- (1) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and Pacific Coast Highway.
- (2) The following temporary erosion control measures shall be used during construction: sand bags, a desilting basin and silt fences.
- (3) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
- (4) The following permanent erosion control measures shall be installed: a drain to direct roof and yard drainage to the street; no drainage shall be directed to the rear yard slope; no drainage shall be retained in the front yard.

(b) The plan shall include, at a minimum, the following components:

- (1) A narrative report describing all temporary erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
- (2) A site plan showing the location of all temporary erosion control measures.
- (3) A schedule for installation and removal of the temporary erosion control measures.
- (4) A site plan showing the location of all permanent erosion control measures.
- (5) A schedule for installation and maintenance of the permanent erosion control measures.

COASTAL DEVELOPMENT PERMIT

No. 5-08-191 & A5-PPL-08-192

Page 5 of 6

- 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 legally required.

6. Swimming Pool Leak Detection

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a written plan to mitigate for the potential of leakage from the proposed swimming pool and spas. The plan shall, at a minimum: 1) provide a separate water meter for the pool to allow monitoring of the water usage for the pool and the home; 2) identify the materials, such as plastic linings or specially treated cement, to be used to waterproof the underside of the pool to prevent leakage, and information regarding past success rates of these materials; 3) provide double wall construction to swimming pools and spas with a drainage system and leak detection system installed between the walls, and; 4) identify methods used to control pool drainage and to prevent infiltration from drainage and maintenance activities into the soils of the applicant's and neighboring properties. The applicant shall comply with the mitigation plan approved by the Executive Director.

7. Landscape Plan

- A. The applicant shall undertake plant installation as outlined in its proposal that describes the existing on-site landscaping to remain and any removed landscaping from the existing rear lawn be replaced. No disturbance or bluff face landscaping is proposed.
- B. Vegetation in landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive 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 utilized within the property.

COASTAL DEVELOPMENT PERMIT

No. 5-08-191 & A5-PPL-08-192

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C. The permittee shall undertake development in accordance with the approved final plans. 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.

8. 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.

CALIFORNIA COASTAL COMMISSION

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



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Filed: 6/02/04
49th Day: 7/21/04
180th Day: 11/29/04
Staff: AJP-LB
Staff Report: 8/16/04
Hearing Date: 9/8-10/04
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-04-212

APPLICANT: Linda and Maria Tobalina

Jessup

AGENT: Milton Jeffs

PROJECT LOCATION: 14930 Corona Del Mar, Pacific Palisades

PROJECT DESCRIPTION: Construction of a 6,493 square foot single family residence with attached garage, on concrete piling foundation, and construct eleven 36-inch diameter soldier pilings and associated grade beams and grade 2,310 cubic yards to maintain downhill slope protection for a bluff-top lot.

Lot Area	32,547 sq. ft.
Building Coverage	7,439 sq. ft.
Pavement Coverage	800 sq. ft.
Landscape Coverage	5,500 sq. ft.
Parking Spaces	2
Zoning	Low Density Residential
Ht above final grade	26 feet

LOCAL APPROVALS RECEIVED: City of Los Angeles CDP NO. ZA 2003-5834

SUBSTANTIVE FILE DOCUMENTS:

1. City adopted Brentwood-Pacific Palisades Community Plan.
2. Geotechnical Report prepared by Gorian & Associates, Inc. dated May 5, 1997
3. CDP No. 5-00-224 (Tobalina)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed project with special conditions requiring: 1) conformance with geologic and soil recommendations; 2) submittal of landscaping plans; 3) submittal of erosion and runoff control plans; 4) assumption of risk; and 5) recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report.

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Page 2

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

MOTION: *I move that the Commission approve 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 TO APPROVE THE PERMIT:

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:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Conformance with Geotechnical Recommendations

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit grading and foundation plans for the review and approval of the Executive Director. The approved foundation plans shall include plans for the retaining walls, subdrains and footings. These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations contained in the Geotechnical Report prepared by Gorian & Associates, Inc. dated May 5, 1997 and subsequent updates. The approved development shall be constructed in accordance with the plans approved by the Executive Director. Any deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

2. Erosion and Runoff Control Plans

A. Prior to issuance of the permit, the applicant shall submit, for review and approval of the Executive Director, erosion and runoff control plans. The plans shall include:

Erosion Control Plan

I. The erosion control plan shall demonstrate that:

- (a) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties.
- (b) The following temporary erosion control measures shall be used during construction: sand bags, a desilting basin and silt fences.
- (c) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
- (d) The following permanent erosion control measures shall be installed: a drain to direct roof and front yard runoff to the street; no drainage shall be directed to rear yard slope; no drainage shall be retained in front yard.

II. The plan shall include, at a minimum, the following components:

- (a) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.

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- (b) A site plan showing the location of all temporary erosion control measures.
- (c) A schedule for installation and removal of the temporary erosion control measures.
- (d) A site plan showing the location of all permanent erosion control measures.
- (e) A schedule for installation and maintenance of the permanent erosion control measures.

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.

C. In the event the soldier piles become exposed due to further bluff erosion the applicant shall contact the Executive Director to determine measures, which are to be implemented, to minimize further erosion and minimize the visual impact of the exposed piles from Pacific Coast Highway and the public beach. The Executive Director will determine if an amendment to this permit will be required.

3. Landscape Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and written approval of the Executive Director, a final landscaping plan. The plan shall be prepared by a licensed landscape architect and incorporate the following criteria: (a) Planting shall be of drought tolerant plants. (b) A majority of the vegetation planted shall consist of native/drought and fire resistant plants of the coastal sage community. (c) The applicant shall not employ invasive, non-indigenous plant species, which tend to supplant native species. (d) No permanent irrigation system shall be allowed on the site. Temporary, above ground irrigation to allow the establishment of the plantings is allowed. Irrigation system shall be connected to an automatic shut-off valve which will limit the amount of water on the slope. The quantity of water shall be based on recommendations by the landscape architect and geologist/soils consultant; (e) The plantings established shall provide 90% coverage in 90 days (f) 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. 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.

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Page 5

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. 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 erosion, landslide, or earth movement; (ii) to assume the risks to the applicant and 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.

5. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to construct a 6,493 square foot single family residence with attached garage, on concrete piling foundation, and construct eleven 36-inch diameter soldier pilings and associated grade beams and grade 2,680 cubic yards for slope stability. The top part of the bluff

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Page 6

will be graded and laid back at a 1.5:1 slope. The material (1,340 cubic yards) removed from the upper portion of the bluff will be used as fill for a lower failed portion of the slope.

The subject site consists of a relatively flat bluff top area in northern portion of the site, extending south approximately 140 feet from the frontage road. The southern portion of the lot consists of a steep 160 foot bluff. The soldier piles and residence will be located atop bluff on the flat portion of the site. The proposed residence will be setback 45 feet behind the soldier piles.

The applicant's geology report concludes that, from a geotechnical perspective, the stability of the rear yard can be improved by construction of a tied-back soldier pile wall and reconfiguring the slope to a 1 1/2:1 (horizontal to vertical) grade. Those recommendations are incorporated in the subject coastal permit application. The City of Los Angeles Department of Building and Safety Grading Division reviewed the geology reports and subsequent updates and found them acceptable. The City's conditional approval included 18 conditions addressing geotechnical issues with specific recommendations for site preparation, grading, foundation design and site drainage (see Exhibit No. 5).

The Commission's staff geologist, reviewed the applicant's proposed plans and geology report and found that the proposed project, if carried out in accordance with the recommendations set forth in the geotechnical reports, should assure stability of the site consistent with Section 30253 of the Coastal Act.

The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.caleppc.org/>) and California Native Plant Society (www.CNPS.org) in their publications. Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

In November 2000, the Coastal Commission approved Coastal Development Permit No. 5-00-224 (Tobalina) for development that is identical to the one that is being proposed under this permit. Permit No. 5-00-224 expired and the applicant has submitted a new application. The applicant has also filed a separate application (No. 5-04-213) for similar slope stability work on the adjoining property.

B. Access

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

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C. 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.

D. Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, the use of non-invasive drought tolerant vegetation, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. Geologic Hazard

Under Section 30253 of the Coastal Act new development may occur in areas of high geologic, flood, and fire hazard so long as risks to life and property are minimized and the other policies of Chapter 3 are met. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his/her property. To minimize risks to life and property and to minimize the adverse effects of development on areas of high geologic, flood, and fire hazard, the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, 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 Section 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

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Page 8

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. The Pacific Palisades area of the City of Los Angeles has neither a certified LCP nor a certified Land Use Plan. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

H. California Environmental Quality Act.

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

CALIFORNIA COASTAL COMMISSION

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

Page 1 of 5
Date: August 16, 2005
Permit No: 5-04-212



COASTAL DEVELOPMENT PERMIT

On September 10, 2004, the California Coastal Commission granted to Linda & Maria Tobalina Coastal Development Permit 5-04-212, subject to the attached Standard and Special Conditions, for development consisting of:

Construction of a 6,493 square foot single family residence with attached garage, on concrete piling foundation, and construct eleven 36-inch diameter soldier pilings and associated grade beams and grade 2,310 cubic yards to maintain downhill slope protection for a bluff-top lot. More specifically described in the application file in the Commission offices.

More specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 14930 Corona del Mar, Pacific Palisades.

Issued on behalf of the California Coastal Commission on August 16, 2005.

PETER DOUGLAS
Executive Director

By: [Signature]
Title: Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance . . . of any permit . . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 CAL. ADMIN. CODE SECTION 13158(a).

Date

Signature of Permittee

Please sign and return one copy of this form to the Commission office at the above address.

COASTAL DEVELOPMENT PERMIT

No. 5-04-212

Page 2 of 5

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.

SPECIAL CONDITIONS:**1. Conformance with Geotechnical Recommendations**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit grading and foundation plans for the review and approval of the Executive Director. The approved foundation plans shall include plans for the retaining walls, subdrains and footings. These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations contained in the Geotechnical Report prepared by Gorian & Associates, Inc. dated May 5, 1997 and subsequent updates. The approved development shall be constructed in accordance with the plans approved by the Executive Director. Any deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

2. Erosion and Runoff Control Plans

A. Prior to issuance of the permit, the applicant shall submit, for review and approval of the Executive Director, erosion and runoff control plans. The plans shall include:

COASTAL DEVELOPMENT PERMIT

No. 5-04-212

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Erosion Control Plan

I. The erosion control plan shall demonstrate that:

(a) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties.

(b) The following temporary erosion control measures shall be used during construction: sand bags, a desilting basin and silt fences.

(c) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.

(d) The following permanent erosion control measures shall be installed: a drain to direct roof and front yard runoff to the street; no drainage shall be directed to rear yard slope; no drainage shall be retained in front yard.

II. The plan shall include, at a minimum, the following components:

(a) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.

(b) A site plan showing the location of all temporary erosion control measures.

(c) A schedule for installation and removal of the temporary erosion control measures.

(d) A site plan showing the location of all permanent erosion control measures.

(e) A schedule for installation and maintenance of the permanent erosion control measures.

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.

C. In the event the soldier piles become exposed due to further bluff erosion the applicant shall contact the Executive Director to determine measures, which are to be implemented, to minimize further erosion and minimize the visual impact of the exposed piles from Pacific Coast Highway and the public beach. The Executive Director will determine if an amendment to this permit will be required.

COASTAL DEVELOPMENT PERMIT

No. 5-04-212

Page 4 of 5

3. Landscape Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and written approval of the Executive Director, a final landscaping plan. The plan shall be prepared by a licensed landscape architect and incorporate the following criteria: (a) Planting shall be of drought tolerant plants. (b) A majority of the vegetation planted shall consist of native/drought and fire resistant plants of the coastal sage community. (c) The applicant shall not employ invasive, non-indigenous plant species, which tend to supplant native species. (d) No permanent irrigation system shall be allowed on the site. Temporary, above ground irrigation to allow the establishment of the plantings is allowed. Irrigation system shall be connected to an automatic shut-off valve which will limit the amount of water on the slope. The quantity of water shall be based on recommendations by the landscape architect and geologist/soils consultant; (e) The plantings established shall provide 90% coverage in 90 days. (f) 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. 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. 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. 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 erosion, landslide, or earth movement; (ii) to assume the risks to the applicant and 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.

COASTAL DEVELOPMENT PERMIT

No. 5-04-212

Page 5 of 5

5. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1900
Long Beach, CA 90802-4112
(562) 590-5071



COMMISSION ACTION ON 9.10.04

- Approved as Recommended
- Denied as Recommended
- Approved with Changes
- Denied
- Other

F 6G

Filed: 6/02/04
 49th Day: 7/21/04
 180th Day: 11/29/04
 Staff: AJP-LB
 Staff Report: 8/16/04
 Hearing Date: 9/8-10/04
 Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-04-213

APPLICANT: Linda and Maria Tobalina

AGENT: Milton Jeffs

PROJECT LOCATION: 14914 Corona Del Mar, Pacific Palisades

PROJECT DESCRIPTION: Construct thirteen 36-inch diameter soldier pilings and associated grade beams and grade 1,700 cubic yards to maintain downhill slope protection and stabilize an existing single-family residence located on a bluff-top lot.

Lot Area	32,547 sq. ft.
Zoning	Low Density Residential

LOCAL APPROVALS RECEIVED: City of Los Angeles CDP NO. ZA 2003-5825

SUBSTANTIVE FILE DOCUMENTS:

1. City adopted Brentwood-Pacific Palisades Community Plan.
2. Geotechnical Report prepared by Gorian & Associates, Inc. dated May 5, 1997
3. CDP No. 5-00-217 (Tobalina)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed project with special conditions requiring: 1) conformance with geologic and soil recommendations; 2) submittal of landscaping plans; 3) swimming pool protection measures; 4) submittal of erosion and runoff control plans; 5) an assumption of risk; and 6) recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report.

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Page 2

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

MOTION: *I move that the Commission approve 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 TO APPROVE THE PERMIT:

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:**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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Page 3

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Conformance with Geotechnical Recommendations

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit grading and foundation plans for the review and approval of the Executive Director. The approved foundation plans shall include plans for the retaining walls, subdrains and footings. These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations contained in the Geotechnical Report prepared by Gorian & Associates, Inc. dated May 5, 1997 and subsequent updates. The approved development shall be constructed in accordance with the plans approved by the Executive Director. Any deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

2. Erosion and Runoff Control Plans

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, erosion and runoff control plans. The plans shall include:

Erosion Control Plan

I. The erosion control plan shall demonstrate that:

- (a) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties.
- (b) The following temporary erosion control measures shall be used during construction: sand bags, a desilting basin and silt fences.
- (c) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
- (d) The following permanent erosion control measures shall be installed: a drain to direct roof and front yard runoff to the street; no drainage shall be directed to rear yard slope; no drainage shall be retained in front yard.

II. The plan shall include, at a minimum, the following components:

- (a) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.

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Page 4

- (b) A site plan showing the location of all temporary erosion control measures.
- (c) A schedule for installation and removal of the temporary erosion control measures.
- (d) A site plan showing the location of all permanent erosion control measures.
- (e) A schedule for installation and maintenance of the permanent erosion control measures.

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.

C. In the event the soldier piles become exposed due to further bluff erosion the applicant shall contact the Executive Director to determine measures, which are to be implemented, to minimize further erosion and minimize the visual impact of the exposed piles from Pacific Coast Highway and the public beach. The Executive Director will determine if an amendment to this permit will be required.

3. Minimizing Swimming Pool Impacts

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, a written plan to mitigate for the potential of leakage from the proposed swimming pool. The plan shall, at a minimum: 1) provide a separate water meter for the pool to allow monitoring of the water usage for the pool and the home and 2) identify the materials, such as plastic linings or specially treated cement, to be used to waterproof the underside of the pool to prevent leakage, and information regarding past success rates of these materials, 3) identify methods used to control pool drainage and to prevent infiltration from drainage and maintenance activities into the soils of the applicant's and neighboring properties. The applicant shall comply with the mitigation plan approved by the Executive Director.

4. Landscape Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and written approval of the Executive Director, a final landscaping plan. The plan shall be prepared by a licensed landscape architect and incorporate the following criteria: (a) Planting shall be of drought tolerant plants. (b) A majority of the vegetation planted shall consist of native/drought and fire resistant plants of the coastal sage community. (c) The applicant shall not employ invasive, non-indigenous plant species, which tend to supplant native species. (d) No permanent irrigation system shall be allowed on the site.

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Page 5

Temporary, above ground irrigation to allow the establishment of the plantings is allowed. Irrigation system shall be connected to an automatic shut-off valve which will limit the amount of water on the slope. The quantity of water shall be based on recommendations by the landscape architect and geologist/soils consultant; (e) The plantings established shall provide 90% coverage in 90 days. (f) 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.

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. 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. 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 erosion, landslide, or earth movement; (ii) to assume the risks to the applicant and 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.

6. 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

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Page 6

and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to construct thirteen 36-inch diameter soldier pilings and associated grade beams and grade 1,400 cubic yards to maintain downhill slope protection and stabilize an existing single-family residence.

The subject site consists of a relatively flat bluff top area in the northern portion of the site, extending south approximately 140 feet from the frontage road. The southern portion of the lot consists of a steep 160 foot bluff. The soldier piles will be located atop the bluff on the flat portion of the site, between the existing residence and bluff edge.

The proposed project is located at the top of a 160 ft. high bluff that has been subject to historic and prehistoric landslides. The subject parcel is located in the Huntington Palisades area of Pacific Palisades, a planning subarea of the City of Los Angeles. Numerous past landslides have occurred in the Huntington Palisades area. Major recorded landslides occurred in October 1932, March 1951, February 1974, March 1978, February 1984, November 1989 and March 1995. The landslides that occurred in 1974, 1978, 1984 and 1995 were correlated with rainfall that was much higher than average seasonal amounts. The most recent landslide in 1995 occurred after a total seasonal rainfall that was approximately twice the average cumulative seasonal amount for the area.

The applicant's geology report concludes that, from a geotechnical perspective, the stability of the rear yard can be improved by construction of a tied-back soldier pile wall and reconfiguring the slope to a 1 1/2:1 (horizontal to vertical) grade. Those recommendations are incorporated in the subject coastal permit application. The City of Los Angeles Department of Building and Safety Grading Division reviewed the geology reports and subsequent updates and found them acceptable. The City's conditional approval included 18 conditions addressing geotechnical issues with specific recommendations for site preparation, grading, foundation design and site drainage (see Exhibit No. 5).

The Commission's staff geologist, reviewed the applicant's proposed plans and geology report and found that the proposed project, if carried out in accordance with the

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Page 7

recommendations set forth in the geotechnical reports, should assure stability of the site consistent with Section 30253 of the Coastal Act.

The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.caleppc.org/>) and California Native Plant Society (www.CNPS.org) in their publications. Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

In November 2000, the Coastal Commission approved Coastal Development Permit 5-00-217 (Tobalina) for development that is identical to the one that is being proposed under this permit. Permit No. 5-00-217 expired and the applicant has submitted a new application. The applicant has also filed a separate application (No. 5-04-212) for the adjoining property.

B. Access

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. 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.

D. Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and

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Page 8

construction materials, the use of non-invasive drought tolerant vegetation, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. Geologic Hazard

Under Section 30253 of the Coastal Act new development may occur in areas of high geologic, flood, and fire hazard so long as risks to life and property are minimized and the other policies of Chapter 3 are met. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his/her property. To minimize risks to life and property and to minimize the adverse effects of development on areas of high geologic, flood, and fire hazard, the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, 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 Section 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

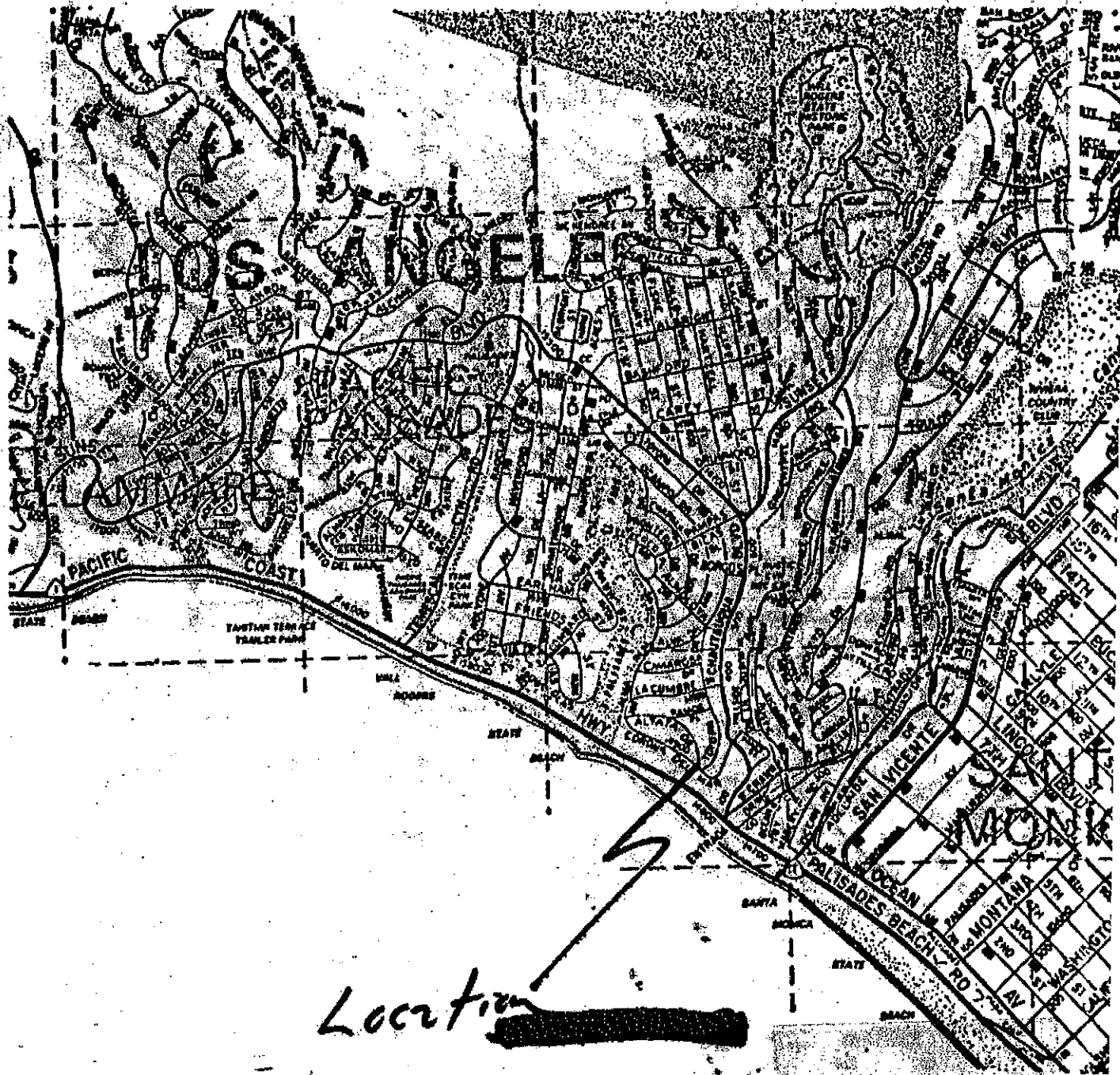
Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Pacific Palisades area of the City of Los Angeles has neither a certified LCP nor a certified Land Use Plan. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project will not prejudice the ability of the local

5-04-213
Page 9


government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

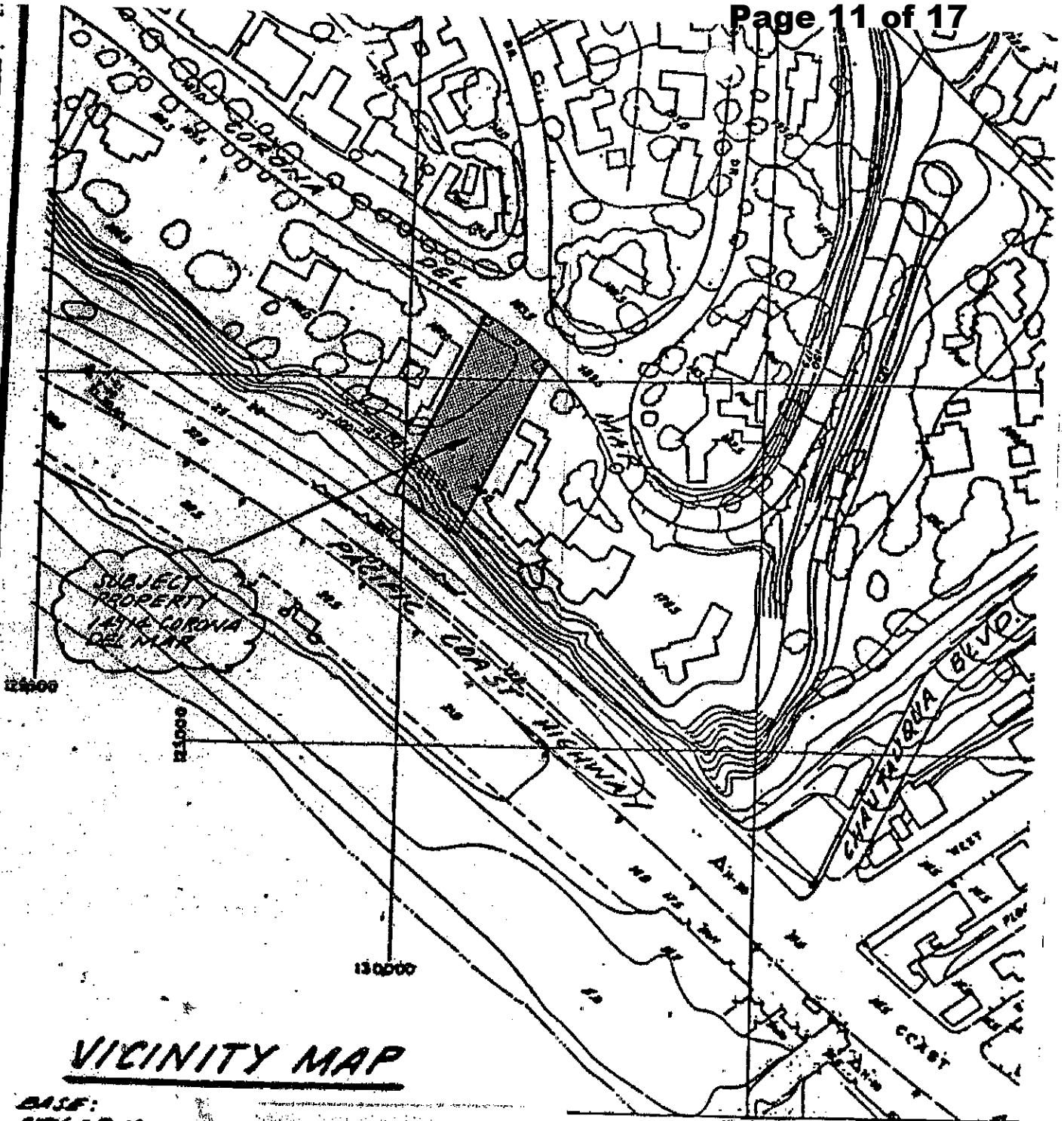
H. California Environmental Quality Act.

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



Location 

EXHIBIT NO. 1
APPLICATION NO. 5-04-213
Vicinity Map
 California Coastal Commission



VICINITY MAP

BASE:
 CITY OF LOS ANGELES SANTA MONICA
 MOUNTAINS TOPOGRAPHIC MAPS 1940

130500
 Scale

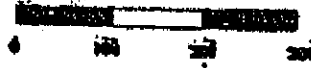


EXHIBIT NO. 2
APPLICATION NO. 5-04-213
Location Map
California Coastal Commission

GORIAN & ASSOCIATES, INC. Applied Earth Sciences	FIGURE 1
Job No.: 2097-1-10	Date:
Scale: AS SHOWN	Drawn by: JGR
Approved by:	Log No.:

BLDG e 14914 CORONA DEL MAR ALT. 1

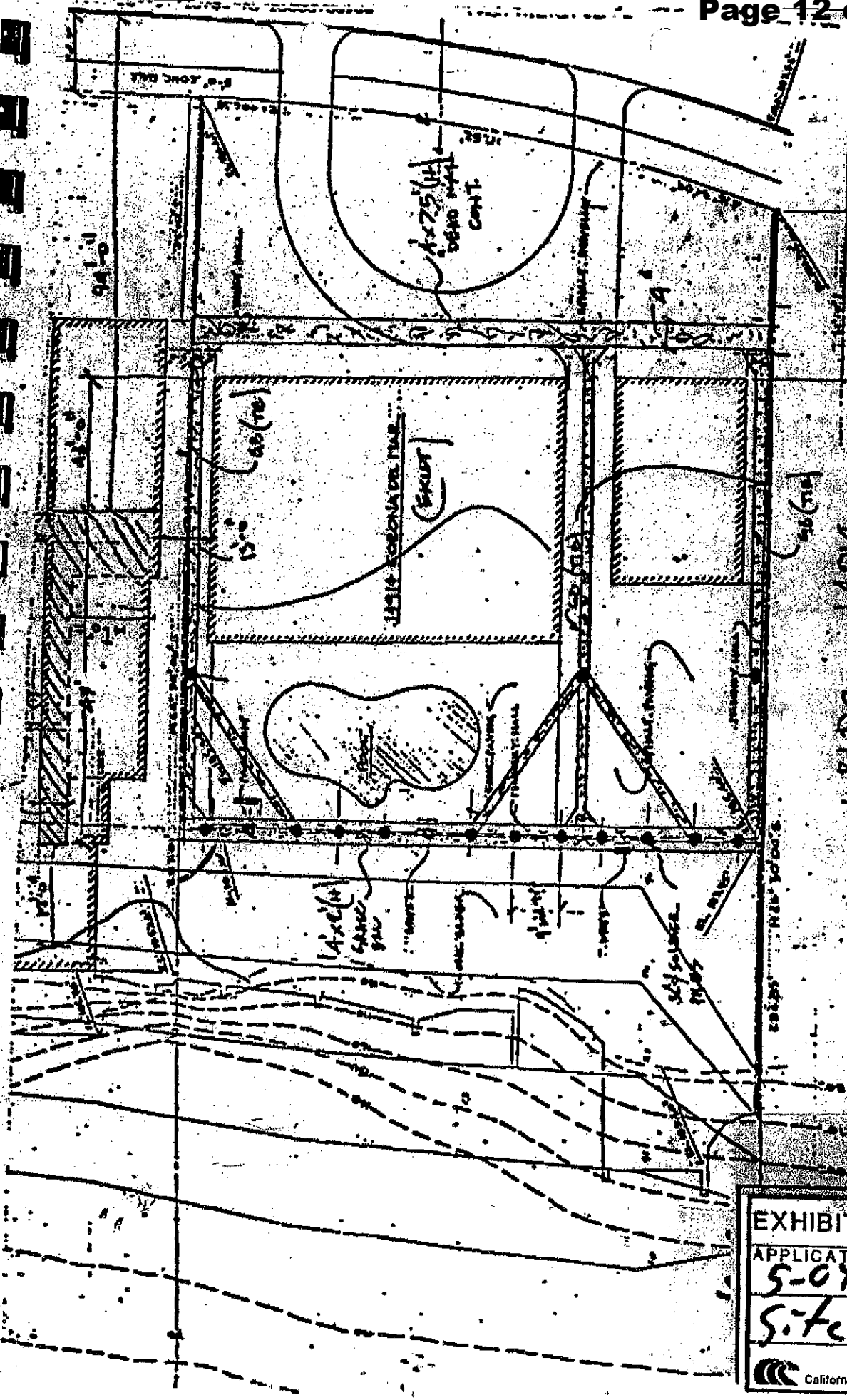
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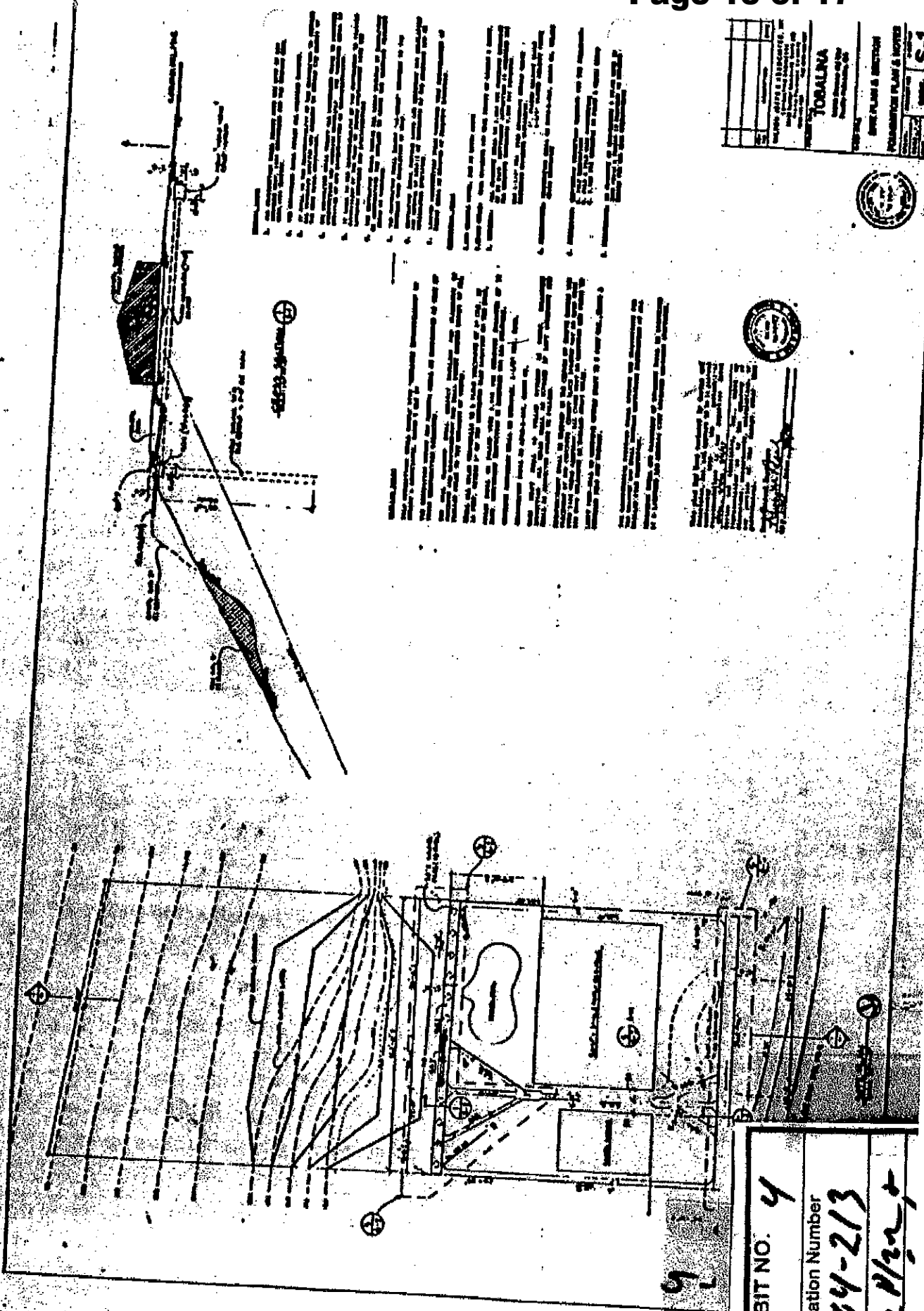
EXHIBIT NO. 3

APPLICATION NO.

5-04-213

Site Plan





TOBALINA
 ENGINEERING & ARCHITECTURE, INC.
 1000 N. GARDEN AVENUE, SUITE 100
 GARDEN CITY, MISSOURI 64503
 PHONE: (816) 439-1234
 FAX: (816) 439-1235
 WWW: www.tobalina.com

DATE: 11/11/11
 PROJECT: [Illegible]

1. [Illegible text]

2. [Illegible text]

3. [Illegible text]

4. [Illegible text]

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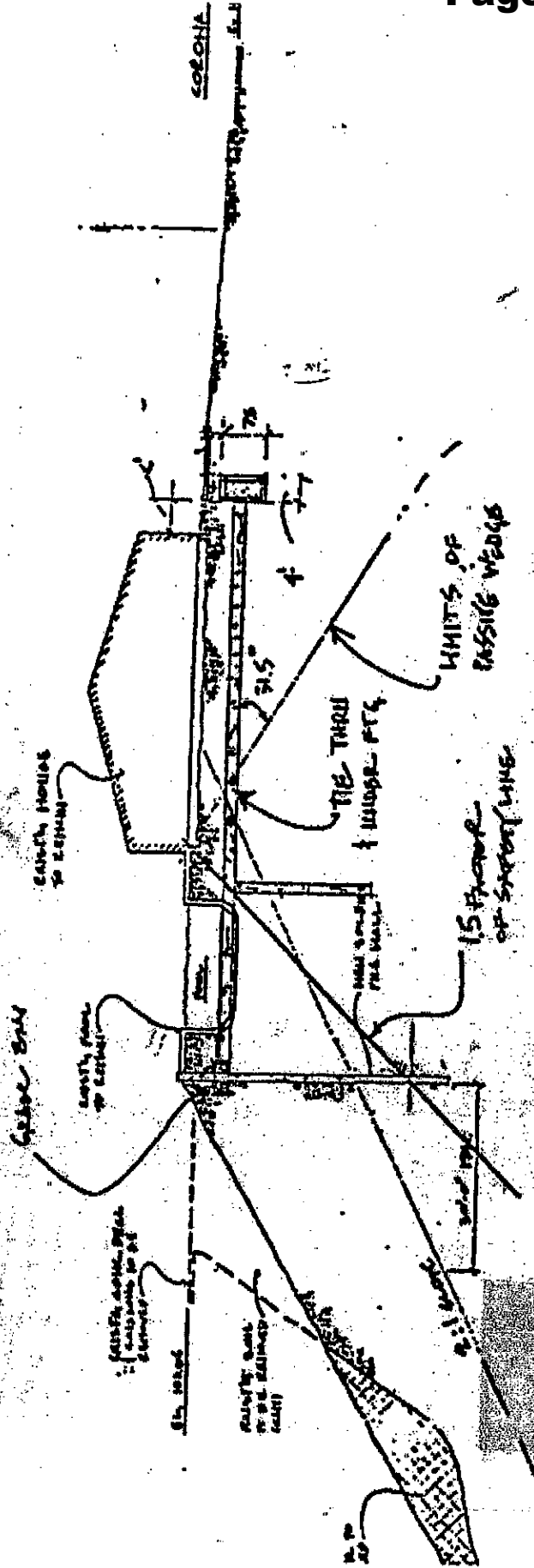
EXHIBIT NO. 4
 Application Number
 5-04-213
 Site Plan

NO. 1	DATE	11/11/11
NO. 2	DATE	
NO. 3	DATE	
NO. 4	DATE	
NO. 5	DATE	
NO. 6	DATE	
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NO. 14	DATE	
NO. 15	DATE	
NO. 16	DATE	
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NO. 18	DATE	
NO. 19	DATE	
NO. 20	DATE	



11/11/11
 5-04-213
 Site Plan

Sheet



CROSS SECTION MAP CORONA DEL MAR

EXHIBIT NO:	5
Application Number	5-04-213
Cross-Section	

ALT # 1

The plant species listed below are considered to be weeds. Other weeds may be identified and subsequently added to this list. These plants should be controlled and/or removed and eradicated to the greatest extent feasible whenever one or more species are detected on a private residential lot, park, fire buffer, golf course, and within lots designated as open space.

SCIENTIFIC NAME	COMMON NAME
<i>Avena fatua</i>	Wild oats
<i>Avena barbata</i>	Slender oats
<i>Brassica nigra</i>	black mustard
<i>Brassica rapa</i>	field mustard
<i>Bromus diandrus</i>	riggult grass
<i>Bromus hordeaceus</i> [B. mollis]	brome grass, soft chess
<i>Bromus rubens</i>	foxtail chess
<i>Carduus pycnocephalus</i>	Italian thistle
<i>Centaurea melitensis</i>	yellow star thistle
<i>Centaurea solstitialis</i>	Barnaby's thistle
<i>Chenopodium album</i>	pigweed, lamb's quarters
<i>Chenopodium murale</i>	goosefoot
<i>Cirsium vulgare</i>	bull thistle
<i>Conium maculatum</i>	poison hemlock
<i>Cynara cardunculus</i>	artichoke thistle
<i>Descurainia sophia</i>	flixweed
<i>Ehrharta calycina</i>	veidt grass
<i>Erodium cicutarium</i>	filaree
<i>Hirschfeldia incana</i>	perennial mustard
<i>Hordeum leporinum</i>	foxtail barley
<i>Lactuca scariola</i>	prickly lettuce
<i>Malva parviflora</i>	cheeseweed
<i>Marrubium vulgare</i>	horehound
<i>Piptatherum [Oryzopsis] miliacea</i>	rice grass, smilo grass
<i>Phalaris aquatica</i>	harding grass
<i>Picris echinoides</i>	bristly ox-tongue
<i>Raphanus sativus</i>	wild radish
<i>Rumex conglomeratus</i>	creek dock
<i>Rumex crispus</i>	curly dock
<i>Salsola tragus</i> [S. australis]	Russian thistle
<i>Silybum marianum</i>	milk thistle
<i>Sisymbrium irio</i>	London rocket
<i>Sisymbrium officinale</i>	hedge mustard
<i>Sisymbrium orientale</i>	Eastern rocket
<i>Sonchus asper</i>	prickly sow thistle
<i>Sonchus oleraceus</i>	sow thistle
<i>Sorghum halepense</i>	Johnson grass
<i>Taraxacum officinale</i>	dandelion
<i>Tribulus terrestris</i>	puncture vine
<i>Xanthium spinosum</i>	cocklebur

EXHIBIT NO. 6
APPLICATION NO. 5-64-213
Ervasive Ph
list (1)

SCIENTIFIC NAME

Acacia sp. (all species)
Acacia cyclops
Acacia dealbata
Acacia decurrens
Acacia longifolia
Acacia melanoxylon
Acacia redolens
Achillea millefolium var. *millefolium*
Agave americana
Allanthus altissima
Aptenia cordifolia
Arctotheca calendula
Arctotis sp. (all species & hybrids)
Arundo donax
Asphodelus fistulosus
Atriplex glauca
Atriplex semibaccata
Carpobrotus chilensis
Carpobrotus edulis
Centranthus ruber
Chenopodium album
Chrysanthemum coronarium
Cistus sp. (all species)
Cortaderia jubata [C. *Atacamenis*]
Cortaderia dioica [C. *sellowiana*]
Coloneaster sp. (all species)
Cynodon dactylon
Cytisus sp. (all species)
Delosperma 'Alba'
Dimorphotheca sp. (all species)

Drosanthemum floribundum
Drosanthemum hispidum
Eucalyptus (all species)
Eupatorium coelestinum [Ageratina sp.]
Foeniculum vulgare
Gazania sp. (all species & hybrids)
Genista sp. (all species)
Hedera canariensis
Hedera helix

COMMON NAME

Acacia
Acacia
Acacia
 Green Wattle
 Sidney Golden Wattle
 Blackwood *Acacia*
 a.k.a. *A. Ongerup*
 Common Yarrow
 Century plant
 Tree of Heaven
 Red Apple
 Cape Weed
 African daisy
 Giant Reed or *Arundo* Grass
 Asphodie
 White Saltbush
 Australian Saltbush
 Ice Plant
 Hottentot Fig
 Red Valerian
 Pigweed, Lamb's Quarters
 Annual chrysanthemum
 Rockrose
 Atacama Pampas Grass
 Selloa Pampas Grass
 Coloneaster
 Bermuda Grass
 Broom
 White Trailing Ice Plant
 African daisy, Cape marigold,
 Freeway daisy
 Rosea Ice Plant
 Purple Ice Plant
 Eucalyptus
 Mist Flower
 Sweet Fennel
Gazania
 Broom
 Algerian Ivy
 English Ivy

EXHIBIT NO.
APPLICATION NO.

Ipomoea acuminata
Lampranthus spectabilis
Lantana camara
Limonium peresii
Linaria bipartita
Lobularia maritima
Lonicera japonica 'Halliana'
Lotus comiculatus
Lupinus sp. (all non-native species)
Lupinus arboreus
Lupinus texanus
Malephora crocea
Malephora luteola
Mesembryanthemum crystallinum
Mesembryanthemum nodiflorum
Myoporum laetum
Nicotiana glauca
Oenothera berlandieri
Olea europea
Opuntia ficus-indica
Osteospermum sp. (all species)

Oxalis pes-caprae
Pennisetum clandestinum
Pennisetum setaceum
Phoenix canariensis
Phoenix dactylifera
Plumbago auriculata
Ricinus communis
Rubus procerus
Schinus molle
Schinus terebinthifolius
Senecio mikanioides
Spartium junceum
Tamarix chinensis
Trifolium fragiferum
Tropaeolum majus
Ulex europaeus
Vinca major

Blue dawn flower,
Mexican morning glory
Trailing Ice Plant
Common garden lantana
Sea Lavender
Toadflax
Sweet Alyssum
Hall's Honeysuckle
Birdsfoot trefoil
Lupine
Yellow bush lupine
Texas blue bonnets
Ice Plant
Ice Plant
Crystal Ice Plant
Little Ice Plant
Myoporum
Tree Tobacco
Mexican Evening Primrose
Olive tree
Indian fig
Trailing African daisy, African daisy,
Cape marigold, Freeway daisy
Bermuda Buttercup
Kikuyu Grass
Fountain Grass
Canary Island date palm
Date palm
Cape leadwort
Castorbean
Himalayan blackberry
California Pepper Tree
Florida Pepper Tree
German Ivy
Spanish Broom
Tamarisk
Strawberry clover
Nasturtium
Prickley Broom
Periwinkle

EXHIBIT NO.

APPLICATION NO.

CALIFORNIA COASTAL COMMISSION

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



Th12b

Filed: 02/09/2015
180th Day: 08/08/2015
Staff: E.Prahler-LB
Staff Report: 06/25/2015
Hearing Date: 07/09/2015

STAFF REPORT: REGULAR CALENDAR

Application No.: 5-14-1571

Applicant: Harold Wrobel

Agent: Justin Block

Location: 14954 Corona del Mar, Pacific Palisades, Los Angeles County (APN 4411-030-003)

Project Description: Install thirteen underground 30-inch diameter concrete soldier piles at least 45 feet deep along bluff edge with permanent tieback anchors and grade 120 cubic yards to improve downhill slope stability and protect the existing single-family residence and patio deck located on a bluff-top lot.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION:

The proposed project is located on Corona del Mar, a bluff top site in the Pacific Palisades area of the City of Los Angeles that is highly visible from Pacific Coast Highway and the beach below. The applicant is proposing to install an underground bluff stabilization system to protect an existing 81-year old single family residence and rear yard concrete patio deck on top of the bluff. As proposed, this project raises Coastal Act issues related to safety of development in a hazardous location, protection of natural landforms and public views, and protection of water quality. The applicant proposes to install a single row of soldier piles at the seaward edge of the patio deck, approximately 3.7 to 13 feet from the bluff edge, with tiebacks. The existing residence is approximately 45 to 58 feet from the bluff edge. Because the bluff will continue to erode, the soldier piles will eventually be exposed, resulting in significant adverse impacts to scenic and visual resources. To prevent or at least delay these impacts, **Special Condition 1** requires the soldier piles to be moved landward to no more than 5 feet seaward of the residence. Although this will not protect the patio deck located between the residence and the bluff edge from erosion and landslides, only the existing residence is

entitled to protection under the Coastal Act. If 50 percent or more of the patio deck must be removed in order to install the soldier piles closer to the residence, **Special Condition 1** also requires the applicant to bring the patio deck into conformance with the 10 foot setback requirement for accessory structures on bluff top lots. In the event that the soldier piles are exposed due to erosion or landslide activity, **Special Condition 3** requires the applicant to take measures to minimize the visual impact.

The applicant is seeking approval of the bluff stabilization system to improve the stability of the site to a 1.25 factor of safety. This is meant to improve current conditions only and will not achieve the 1.5 factor of safety required by the City of Los Angeles for new bluff top development. Based on the age of the existing single family residence and the history of landslide and erosion activity at this site, **Special Condition 2** requires all final design and construction plans to conform with the recommendations contained in the geotechnical report completed for this project. **Special Condition 8** requires the applicant to assume the risk of the development and **Special Condition 9** requires the applicant to record a deed restriction to provide notice to future prospective owners of the site 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.

Staff is recommending **approval** of the proposed coastal development permit with **nine (9)** special conditions regarding: **1) Submittal of Revised Project Plans; 2) Conformance with Geotechnical Recommendations; 3) Structural Appearance (Pile Exposure); 4) Future Development; 5) Erosion Control Plan; 6) Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris; 7) Disposal of Soil Exported from Site; 8) Assumption of Risk, Waiver of Liability and Indemnity; and 9) Deed Restriction.**

Staff Note:

The proposed development is within the coastal zone of the City of Los Angeles. Section 30600(b) of the Coastal Act allows a local government to assume permit authority prior to certification of its local coastal program. Under that section, the local government must agree to issue all permits within its jurisdiction. In 1978 the City of Los Angeles chose to issue its own coastal development permits pursuant to this provision of the Coastal Act.

Within the areas specified in Section 30601 of the Coastal Act, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Act requires that any development that receives a local coastal development permit also obtain such a permit from the Coastal Commission. Section 30601 requires a second coastal development permit from the Commission on all lands located (1) between the sea and the first public road, (2) within 300 feet of the inland extent of a beach, or the sea where there is no beach, (3) on tidelands or submerged lands, (4) on lands located within 100 feet of a wetland or stream, or (5) on lands located within 300 feet of the top of the seaward face of a coastal bluff. Outside that area, the local agency's (City of Los Angeles) coastal development permit is the only coastal development permit required. Thus it is known as the Single Permit Jurisdiction area.

The proposed development is located just inland of Pacific Coast Highway, on the coastal bluffs within 300 feet of the top of the seaward face of a coastal bluff. This area is located within the

coastal zone area of the City of Los Angeles that has been designated in the City's permit program as the "Dual Permit Jurisdiction" area pursuant to Section 13307 of Title 14 of the California Code of Regulations and Section 30601 of the Coastal Act. The applicant received a coastal development permit (ZA 2013-3422) from the City of Los Angeles on May 27, 2014. The permit was not appealed to the Commission and is, therefore, a final action by the City. This application is for the Commission's dual permit.

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APPENDICES

[Appendix A](#) - Substantive File Documents

EXHIBITS

- Exhibit 1 – Vicinity Maps
- Exhibit 2 – Site Plan
- Exhibit 3 – Project Plans
- Exhibit 4 – Site Survey

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-14-1571 pursuant to the staff recommendation.*

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:

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. **Submittal of Revised Project Plans.**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, two (2) sets of revised project plans that show that the row of soldier piles is to be located no further than 5 feet seaward of the existing residence.

- B. If installation of the underground stabilization system requires removal of 50 percent or more of the existing patio deck, the revised project plans shall also show the proposed removal and replacement of the patio deck. If replaced, the patio deck shall be located no closer than 10 feet landward of the bluff edge. Any replaced windscreen shall not exceed 42 inches in height and shall be installed no less than 10 feet landward of the bluff edge. Any Plexiglass or other glass wall shall be non-clear, tinted, frosted, or incorporate other elements to prevent bird strikes.

- C. 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 unless the Executive Director determines that no amendment is legally required.

2. **Conformance with Geotechnical Recommendations.**

- A. All final design and construction plans, including grading and drainage plans, and as modified and approved under Coastal Development Permit No. 5-14-1571, shall be consistent with all recommendations contained in the geotechnical report by Byer Geotechnical, Inc., dated February 8, 2013, as well as all requirements of the City of Los Angeles Department of Building and Safety, Geology and Soils Report Approval Letter, dated April 30, 2013. 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.

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, two full sets of plans with evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced report.

- C. 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 unless the Executive Director determines that no amendment is legally required.

3. **Structural Appearance (Pile Exposure).**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a plan for the review and approval of the Executive Director to address the potential visual impacts of the pilings in the event that the pilings are exposed and visible from Pacific Coast Highway as a result of earth movement or other circumstances. The applicant shall agree in writing to carry out the approved plan, which shall include:
1. If the pilings are exposed, then the applicant shall submit photographs to the Executive Director within 30 days of exposure identifying the extent of the exposure.
 2. Within 30 days of submitting photographs identifying the extent of the exposure of the pilings, the applicant shall color the exposed concrete pilings so that it will match the surrounding soils. The piles should be colored in such a way that the result would be a natural, mottled appearance.
 3. Installation of a low “breakaway” skirt wall to cover exposed earth and/or pilings. The applicant shall contact the Coastal Commission for a determination of whether or not the installation of the low “breakaway” skirt wall requires an amendment to this permit.

- B. The permittee shall undertake development in accordance with the final approved 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 Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

4. **Future Development.** This permit amendment is only for the development described in Coastal Development Permit No. 5-14-1571. Pursuant to Title 14 California Code of Regulations Section 13250(b) (6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-14-1571. Accordingly, any future improvements to the structures authorized by this permit, including but not limited to 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. 5-14-1571 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

5. **Erosion Control Plan.**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director’s review and approval, a plan for runoff and erosion control.

1. Erosion Control Plan

- (a) The erosion control plan shall demonstrate that:

- (1) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and Pacific Coast Highway.
- (2) The following temporary erosion control measures shall be used during construction: sand bags, a desilting basin and silt fences.
- (3) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
- (4) The following permanent erosion control measures shall be installed: a drain to direct roof and yard drainage to the street; no drainage shall be directed to the rear yard slope; no drainage shall be retained in the front yard.

(b) The plan shall include, at a minimum, the following components:

- (1) A narrative report describing all temporary erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
- (2) A site plan showing the location of all temporary erosion control measures.
- (3) A schedule for installation and removal of the temporary erosion control measures.
- (4) A site plan showing the location of all permanent erosion control measures.
- (5) A schedule for installation and maintenance of the permanent erosion control measures.

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 legally required.

6. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.

A. The permittee shall comply with the following construction-related requirements:

1. No construction materials, debris, or waste shall be placed or stored where it may be subject to water, wind, rain, or dispersion;
2. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
3. 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 into coastal waters;
4. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
5. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be

maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

1. The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These 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. It shall be located as far away from the receiving waters and storm drain inlets as possible;
2. The applicant shall develop and implement spill prevention and control measures;
3. The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a storm drain, open ditch or surface water; and
4. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

7. **Disposal of Soil Exported from Site.**

A. The applicant shall dispose of all excess soil from the site in an approved disposal site either (a) located outside of the coastal zone or (b) if located within the coastal zone, that has a valid coastal development permit from the Coastal Commission.

B. The permittee shall undertake development in accordance with the final approved 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 Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

8. **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 erosion, landslide, or earth movement; (ii) to assume the risks to the applicant and 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.

9. **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:

A. PROJECT LOCATION & DESCRIPTION

The applicant proposes to install underground soldier piles with permanent tieback anchors to increase the factor of safety of an existing patio deck and single family residence located on a 27,796 square foot bluff-top lot on the south side of Corona del Mar just north of Pacific Coast Highway, in the Pacific Palisades area of the City of Los Angeles (Exhibit #1). The proposed project includes installation of a row of thirteen 30-inch diameter soldier piles a minimum of 45 feet deep along the seaward edge of the existing rear patio deck, with permanent tieback anchors, in order to raise the safety factor of the rear yard and residence to a 1.25 building factor of safety (Exhibits #2 and #3). This factor of safety is lower than the 1.5 factor of safety required by the City of Los Angeles for new development, and is only intended to improve site conditions for the existing residence and rear yard patio deck. The proposed project also includes approximately 120 cubic yards of grading. No additional development is proposed.

The project site is located on the southern side of Corona del Mar, approximately one-quarter mile west of the intersection of Pacific Coast Highway and Chautauqua Boulevard on a bluff composed primarily of marine and non-marine terrace deposits. The proposed project site is on a coastal bluff overlooking and visible from Pacific Coast Highway and the beach. The coastal bluff is not currently subject to marine erosion as Pacific Coast Highway is located between the sea and the toe of the bluff. The subject property is a rectangular lot measuring approximately 280 feet in length and 100 feet in width. The site consists of a level pad that varies from approximately 150 to 185 feet deep, as measured from the street to the existing bluff edge. The bluff begins its seaward descent from an elevation of approximately 186 feet above sea level. The toe of the slope has been buttressed with a fill slope installed by Caltrans.

The applicant purchased the subject site and the vacant, landscaped lot next door in 1997. The property is developed with a pre-Coastal Act two-story 5,438 square-foot single family residence constructed in 1934. Commission staff does not have any information about the condition of the 81-year old residence. The applicant believes that the concrete patio deck between the residence and bluff in the rear yard of the property was constructed in 1972. The seaward edge of the concrete patio deck varies from approximately 3.7 to 13 feet from the bluff edge. The residence varies from approximately 45 to 58 feet from the bluff edge (Exhibit #4). Artificial turf is located between the seaward edge of the patio deck and the bluff edge. The applicant proposes to return the artificial turf carpet following installation of the soldier piles and tiebacks—no landscaping will occur in this area following installation of the bluff stabilization system. Existing drainage improvements collect and transfer deck drainage to the storm drain on Corona del Mar. The applicant also owns the vacant, landscaped parcel to the east of the subject property, but is not proposing bluff stabilization on this

adjoining lot. Surrounding properties are improved with large single-family dwellings on large lots. The property slopes downward towards Pacific Coast Highway and is located in a Very High Fire Hazard Severity Zone, a seismically induced landslide hazard zone, and is approximately 0.16 kilometers from the Santa Monica Fault.

B. HAZARDS

Coastal Act section 30253 states in relevant part:

New development shall do all of the following:

- (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.*

Development on a coastal bluff is inherently risky due to the potential for bluff failure. Bluff development poses potential adverse impacts to the geologic stability of bluffs and the stability of residential structures and ancillary improvements. In general, bluff instability is caused by environmental factors and impacts caused by human activity. Environmental factors include seismicity, wave attack, drying and wetting of soils, wind erosion, salt spray erosion, rodent burrowing, percolation of rain water, poorly structured bedding and soils conducive to erosion. Factors attributed to human activity include bluff over steepening from cutting roads and railroad tracks, irrigation, over-watering, building too close to the bluff edge, grading into the bluff, improper site drainage, use of impermeable surfaces that increase runoff, use of water-dependent vegetation, pedestrian or vehicular movement across the bluff top, face and toe, and breaks in water or sewage lines.

The applicant has provided geological reports for the subject site. The applicant's geotechnical reports acknowledge that the subject parcel has inherent geologic risks regarding slope stability and states that the "slope has experienced failures that have caused significant retreat of the bluff toward the residence and left steep scarps and debris-blanketed slopes." The report was approved by the Los Angeles Department of Building and Safety (LADBS) Grading Division on April 30, 2013. The LADBS approval letter states:

The site is situated near the top of a coastal bluff that has a history of slope instability. According to the report, the top of the bluff has receded approximately 36 feet in the last 46 years and is currently encroaching upon an existing concrete deck. The geologic unit underlying the site consists of older (Pleistocene) alluvium with landslide and talus debris on the bluff face, as well as buttress fill at the bottom of the slope adjoining Pacific Coast Highway (PCH) that was placed by Cal Trans in 1979.

According to the applicant's geotechnical consultant, the average bluff retreat rate in this location is 0.78 feet per year, and although both the patio deck and the residence are at risk from erosion, when these structures will be undermined and fail is unclear. The applicant's geotechnical consultant

notes that the majority of this historic erosion was caused by the 1994 Northridge Earthquake and that “[t]he top of the bluff has remained relatively stable over the last 20 years. Studies of long-term bluff retreat in California, which include the entire coastline, indicate an average annual retreat of six inches. However, this rate is deceptive, as catastrophic events can cause large amounts of bluff retreat in one event.” According to a recent survey, the bluff edge is currently located as little as 3.7 feet and as far as approximately 13 feet from the seaward edge of the patio deck on this parcel (Exhibit #4). The residence varies from approximately 45 to 58 feet from the bluff edge (Exhibit #4).

1. Feasible Alternatives

The Coastal Act requires analysis of project alternatives to identify the least environmentally damaging alternative. Other alternatives typically considered include: the “no project” alternative; drainage and vegetation measures on the bluff top itself; abandonment or relocation of the threatened structures; other less damaging structural alternatives; and combinations of some or all of these options.

a. No Project Alternative

Based on current conditions, the no project alternative would result in continued erosion of the coastal bluff. This retreat would eventually cause the concrete patio deck and the residence to fail completely.

b. Drainage and Landscaping

Non-structural alternatives to the proposed upper bluff protective device include the use of landscaping and improved bluff top drainage controls to reduce erosion. While drainage controls and vegetation can slow coastal erosion, they would not, by themselves, be sufficient to protect the existing residence from being undermined by continued erosion. In this case, the concrete patio deck and existing drainage system prevent drainage from exacerbating erosion of the coastal bluff. Plantings and additional bluff drainage controls alone would not be adequate to address the erosion problem.

c. Abandonment or Relocation of Threatened Structures

Another alternative to protection devices is to abandon or relocate the threatened structures outside of harm’s way. The concrete patio deck seaward of the residence could be abandoned or moved back away from the bluff edge. However, there is no area on this property with a factor of safety that would ensure protection of the residence without the proposed stabilization. The proposed project will stabilize the site to a 1.25 factor of safety, lower than the minimum 1.5 factor of safety required by the City of Los Angeles for new development. As a result, relocation of the existing residence is not feasible in this case.

d. Least Damaging Structural Alternatives

Because there are no feasible non-structural alternatives, protection is needed along the upper bluff in order to protect the existing residence. The applicant’s geotechnical consultant contends that the

proposed project is the only viable option because removal of the concrete patio deck would expose more of the bluff top to infiltration of rainwater and reduce the effectiveness of the existing storm-drain system. Installation of the soldier piles closer to the residence would not require immediate removal of the patio deck as the soldier piles can be installed through the patio deck. As a result, siting the soldier piles closer to the residence, rather than at the seaward edge of the patio deck as proposed by the applicant would not result in an increased risk to life or property from geologic hazards since the patio deck will remain and continue to prevent infiltration of water into the bluff material. Furthermore, if the patio deck is removed, it can be rebuilt if it complies with the Commission's setback requirement of 10 feet from the bluff edge for ancillary structures.

2. Economic Life of the Structure and Future Redevelopment of the Site

For new development, to ensure consistency with Section 30253 of the Coastal Act, the Commission has consistently required that bluff protective devices be located as far inland as possible to ensure that the protective device will not be exposed during the economic life (75-100 years) of the primary structure. In this case, the applicant is not proposing a new residential structure, but is proposing to protect an existing older residence. Both the residence (built in 1934) and the seaward facing concrete patio deck in the rear yard (assumed to have been constructed in 1972) are pre-Coastal Act structures. However, ancillary structures, like the concrete patio deck in this case, do not qualify as existing principal structures entitled to protection under the Coastal Act. The residence is an existing principal structure and therefore it can be considered for protection. The Commission typically assumes that the expected economic life of a residential structure is 75 to 100 years. The existing principal structure in this case was built in 1934. At 81 years old, the residence is nearing the end of its expected economic life. Commission staff does not have any information on the condition of the residence, and although the applicant is not proposing additional development or redevelopment of the property at this time, future redevelopment of the site should be considered in light of the age of the principal structure and its location on a coastal bluff top that is subject to impacts from wind, salt spray, land movement and erosion.

The applicant proposes to install the soldier piles along the seaward edge of the patio deck to stabilize the deck and residence. The soldier piles would extend to a minimum depth of 45 feet underground in order to intercept the 1.25 factor of safety line. The City's Municipal Code requires a minimum 1.5 factor of safety for new construction. Although the proposed project is not consistent with the City's requirement of achieving a 1.5 factor of safety for the site, the LADBS approval letter states that "the proposed method of repair is not in full conformance with current Code regulations and therefore is intended to improve site conditions over that which currently exist." Further, the City of Los Angeles required the applicant to record an Affidavit Regarding Maintenance of Remedial Pad Stabilization in an Area Subject to Landslides or Unstable Soil acknowledging that the proposed stabilization system does "not bring the deck area up to the minimum code standard for stability and that in the event future additions or other improvements are proposed additional stabilization will be required." At this time, the applicant is not proposing additional development on the property that would require a 1.5 factor of safety. However, given the age of the existing single family residence, future redevelopment of the site and the location of a new single family residence should be considered in the placement of any bluff protection. Because of the low factor of safety, a new single family residence may have to be set back further than the existing residence. Therefore, the proposed bluff protection should be located as close as possible to the existing single family residence to take into account bluff retreat and future redevelopment of the site. Without more information, Commission staff cannot currently determine whether future

development would require bluff protection or whether this site could meet the factor of safety requirement without relying on the proposed stabilization system.

3. Conclusion

To ensure that the proposed development assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area, the soldier piles should be moved as far landward as possible. Therefore, the Commission imposes **Special Condition 1** requiring the applicant to submit revised plans showing the proposed row of soldier piles located no more than 5 feet seaward of the existing single family residence. The geotechnical consultant has found that the subject site is suitable for the proposed development provided the recommendations contained in the geotechnical investigation prepared by Byer Geotechnical, Inc. dated February 8, 2013 are implemented in design and construction of the project. Adherence to the recommendations contained in the above-mentioned geotechnical investigation is necessary to ensure that the proposed project assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area. Therefore, the Commission imposes **Special Condition 2** requiring the applicant to submit final foundation, grading and drainage plans conforming to the geotechnical recommendations in the above-mentioned geotechnical investigation.

The proposed project, even as conditioned, may still be subject to natural hazards such as slope failure and erosion. The geotechnical recommendations do not guarantee that future erosion, landslide activity, or land movement will not affect the stability of the proposed project. Because of the inherent risks to development situated on a coastal bluff, the Commission finds that the proposed project is subject to risk from erosion and that the applicant shall assume the liability of such risk. Therefore, the Commission imposes **Special Condition 8** requiring the applicant to assume the risk of the development. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission as a result of the failure of the development to withstand the hazards. Additionally, the Commission imposes **Special Condition 9** requiring the applicant to record a generic deed restriction to ensure that future owners of the property will be informed of the conditions of this permit.

The Commission also imposes **Special Condition 5** requiring the applicant to submit erosion and runoff control plans to minimize the percolation of water into the bluff. As conditioned, the Commission finds that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. VISUAL RESOURCES

Coastal Act section 30251 states, in relevant part:

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 surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Coastal Act section 30240 states, in relevant part:

(b) Development in areas adjacent to...parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those...recreation areas.

The proposed project is located atop a coastal bluff directly above Pacific Coast Highway, just west of Chautauqua Boulevard. Because the site is situated on a steep bluff overlooking Pacific Coast Highway and the beach, development on the bluff face and on top of the bluff will be highly visible from Pacific Coast Highway and the public beach. Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be protected and development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, and minimize alteration of natural landforms. This protection extends not only to immediate alteration of natural landforms, but also relates to the future impacts proposed development may have on visual resources. Similarly, Section 30240 requires development be designed to avoid adverse impacts to adjacent parks and recreation areas, like the public beach below this property.

Due to the presence of Pacific Coast Highway and the Caltrans buttress fill at the toe of the slope the Commission acknowledges that the rate of erosion for this bluff is independent of marine erosion. The applicant's consulting geologist has indicated that the bluff is eroding at approximately .78 feet per year. This rate varies along the Huntington Palisades bluffs due to various factors including catastrophic events, such as landslides, which the area is highly prone to. Numerous past landslides have occurred in this area. Major recorded landslides occurred in October 1932, March 1951, February 1974, March 1978, February 1984, November 1989 and March 1995. Coastal bluffs are inherently unstable and subject to often unpredictable rates of erosion and sloughing. The bluffs present on the subject site are no exception as identified by the applicant's geotechnical consultant: "[t]he top of the bluff has remained relatively stable over the last 20 years. Studies of long-term bluff retreat in California, which include the entire coastline, indicate an average annual retreat of six inches. However, this rate is deceptive, as catastrophic events can cause large amounts of bluff retreat in one event."

The applicant proposes to install the soldier piles along the seaward edge of the patio deck which is located approximately 3.7 to 13 feet from the bluff edge. Under the applicant's proposal, if the bluff retreats more slowly over time (at the .78 feet per year rate of retreat), the soldier piles will be exposed and will adversely impact scenic and visual qualities of this coastal area within approximately 5 to 17 years. This is much sooner than if the row of soldier piles is installed closer to the residence—for example, if the soldier piles were located within 5 feet of the existing residence, they would be exposed within approximately 51 to 68 years at the .78 feet per year rate of retreat. If a catastrophic event occurred causing a large amount of bluff retreat, the row of soldier piles would likely be exposed if located at the applicant's proposed location. However, if the soldier piles were installed closer to the residence, a catastrophic event may or may not expose the system because the house is located approximately 45 to 58 feet from the bluff edge. Siting the soldier piles closer to the house is a more conservative approach that would minimize or perhaps even avoid adverse impacts to the scenic and visual resources protected under Section 30251.

The Commission has considered bluff stabilization proposals in this immediate area in the past. The two closest projects approved by the Commission were located at 14914 Corona del Mar (the

Tobalina property)¹ and at 14984 Corona del Mar (the Giovine property).² The Tobalina property is located three lots to the east of the subject property. The Tobalina project involved the installation of a row of soldier pilings and associated grade beams to stabilize the existing residential structure and rear yard with an existing pool. The applicants in that case sought approval of the stabilization project after the 1994 Northridge Earthquake and heavy rains in 1994-1995 caused the bluff to fail, damaging a tennis court slab supported on piles and caissons and causing minor damage to the pool decking and to the residence. The final approved plans for the 2004 permit show the row of soldier piles located seaward of the existing pool and approximately 4 to 34 feet from the bluff edge.

In 2008 the Commission took a more protective approach when it approved a stabilization project for the Giovine residence located three lots to the west of the subject property. This property was developed with an existing single family residence and the applicant proposed to construct a pool, improve the factor of safety of the residence above a 1.5 factor of safety and improve the factor of safety of the rear yard to a 1.2 factor of safety. To improve the factor of safety of the residence, the proposed project involved installation of a row of soldier piles located seaward of the residence and tied back to a row of dead man piles near the street front property line. To stabilize the rear yard, the applicant proposed to install a second row of piles approximately 10 feet from the bluff edge. Based on the unstable history of the bluff, Commission staff geologist, Dr. Mark Johnsson, recommended placing the second (more seaward) row of soldier piles further inland on the lot to prevent exposure of the soldier piles for a longer period of time than the applicant's proposal would have achieved. The Commission adopted the staff recommendation, requiring installation of the seaward row of soldier piles no more than 40 feet from the residence and approximately 28 to 30 feet from the bluff edge. Although the approved project did result in stabilization and support of a portion of the rear yard at the Giovine residence, the Commission's primary concern was to protect scenic and visual resources consistent with Section 30251.

In the present case, siting the soldier piles closer to the existing residence would not protect the rear yard patio deck from future erosion and bluff failure. However, this approach is consistent with the Commission's action on the Giovine project described above because it would minimize or perhaps even avoid adverse impacts to the scenic and visual resources protected under Section 30251. The site characteristics of this property make it impossible to both protect the applicant's rear yard and comply with Section 30251. In Giovine, because the residence was located 68 to 70 feet from the bluff edge, there was sufficient distance to install the soldier piles in a location consistent with Section 30251 and protect some rear yard area. In this case, the residence varies from approximately 45 to 58 feet from the bluff edge. Further, as already described above in Section IV.B (Hazards), the Commission has generally interpreted the Coastal Act to require bluff protective devices only for the protection of existing principal structures. The Commission therefore recommends that siting the proposed development as close to the existing residence as possible, where it would remain covered for as long as possible, is appropriate in this case. Based on past Commission actions, installation of the soldier piles no more than 5 feet seaward of the existing residence is technically feasible.³

¹ The Commission approved the same bluff stabilization project at 14914 Corona del Mar three times between 1997 and 2004 because the applicant let the first two permits expire (CDP Nos. 5-97-312, 5-00-217, and 5-04-213).

² CDP No. 5-08-191/A-5-PPL-08-192.

³ For example, see Coastal Development Permit Nos. 6-07-132 and 6-09-5.

Due to the age of the existing residence reaching its economic life (75 to 100 years), the residence may soon be demolished and a new structure built. The Commission has required in past permit actions that new structures be located as far inland as possible from the bluff edge so that during the structure's economic life, it will not be reliant on a bluff protection device and that coastal scenic and visual qualities are protected from exposure of the caissons. The Commission has also typically required that ancillary structures, like the patio deck in this case, be sited at least 10 feet from the bluff edge. In this case, the applicant is not proposing a new structure and only is proposing to protect the existing residence (including the rear patio deck); however, the applicant's consulting geologist has indicated that the bluff is eroding at approximately .78 feet per year and statewide coastal bluffs are eroding at approximately .5 feet per year. Based on the applicant's stated erosion rate of .78 feet per year, the bluff will erode approximately 58.5 feet over the next 75 years and jeopardize part, or all, of the rear yard. The erosion rate could slow due to improved drainage and water conservation measures to reduce water use on site, but the exact future rate of erosion cannot be determined. Therefore, to reduce the potential of the proposed soldier piles from being exposed and having an adverse impact on coastal views from the surrounding area, the soldier piles need to be placed as far from the bluff edge as possible.

In conclusion, the Commission finds that the project, as currently proposed, is designed to protect scenic and visual qualities of the site provided that the proposed row of soldier piles is redesigned to be located no more than 5 feet seaward of the existing single family residence. Accordingly, the Commission imposes **Special Condition 1** requiring that the applicant submit revised site plans that show the new landward location of the row of proposed soldier piles prior to issuance of this coastal development permit. **Special Condition 1** also requires that if 50 percent or more of the rear patio deck must be removed in order to install the bluff stabilization system, the applicant will bring the patio deck into conformance with the 10 foot minimum bluff setback for ancillary structures.

The bluff stabilization system will be installed underground and will not be visible. However, even if sited within 5 feet of the existing residence, over time, due to erosion or landslide activity, the soldier piles could be exposed and become visible from Pacific Coast Highway and the surrounding beach area creating a visual impact that degrades the visual quality of the area. Therefore, **Special Condition 3** requires that if the piles are exposed the applicant shall report the extent of the exposure and undertake measures to minimize the visual impact. Such measures shall include coloring the piles to match the surrounding soils and installing a skirt to cover the exposed piles.

The development is located within an existing developed area and is compatible with the character and scale of the immediately surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in development which is not consistent with the Chapter 3 policies of the Coastal Act. The Commission therefore imposes **Special Condition 4** requiring that any future development on the subject site require an amendment to this permit. As conditioned, the Commission finds that the proposed project is consistent with Section 30251 and 30240 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 proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. The subject property already has drainage improvements, including collection and transfer of runoff from the rear yard patio deck to the storm drain system and away from the bluff. To address possible water quality concerns during construction, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and the effect of construction and post-construction activities on the marine environment. **Special Condition 5** requires the applicant to submit an erosion and runoff control plan. In addition, the Commission imposes **Special Condition 6** requiring Best Management Practices, such as 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 and removal of construction debris and sediment from construction areas each day to prevent the accumulation of sediment and other debris which may be discharged to coastal waters. Finally, **Special Condition 7** requires the applicant to dispose of any excess soil at an appropriate location outside of the coastal zone, or to a Commission-approved site inside the coastal zone. 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.

E. LOCAL COASTAL PROGRAM (LCP)

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. The Pacific Palisades area of the City of Los Angeles has neither a certified LCP nor a certified Land Use Plan. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act.

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

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 Title 14 of the California Code of 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 which the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

Special Conditions 1 through 9

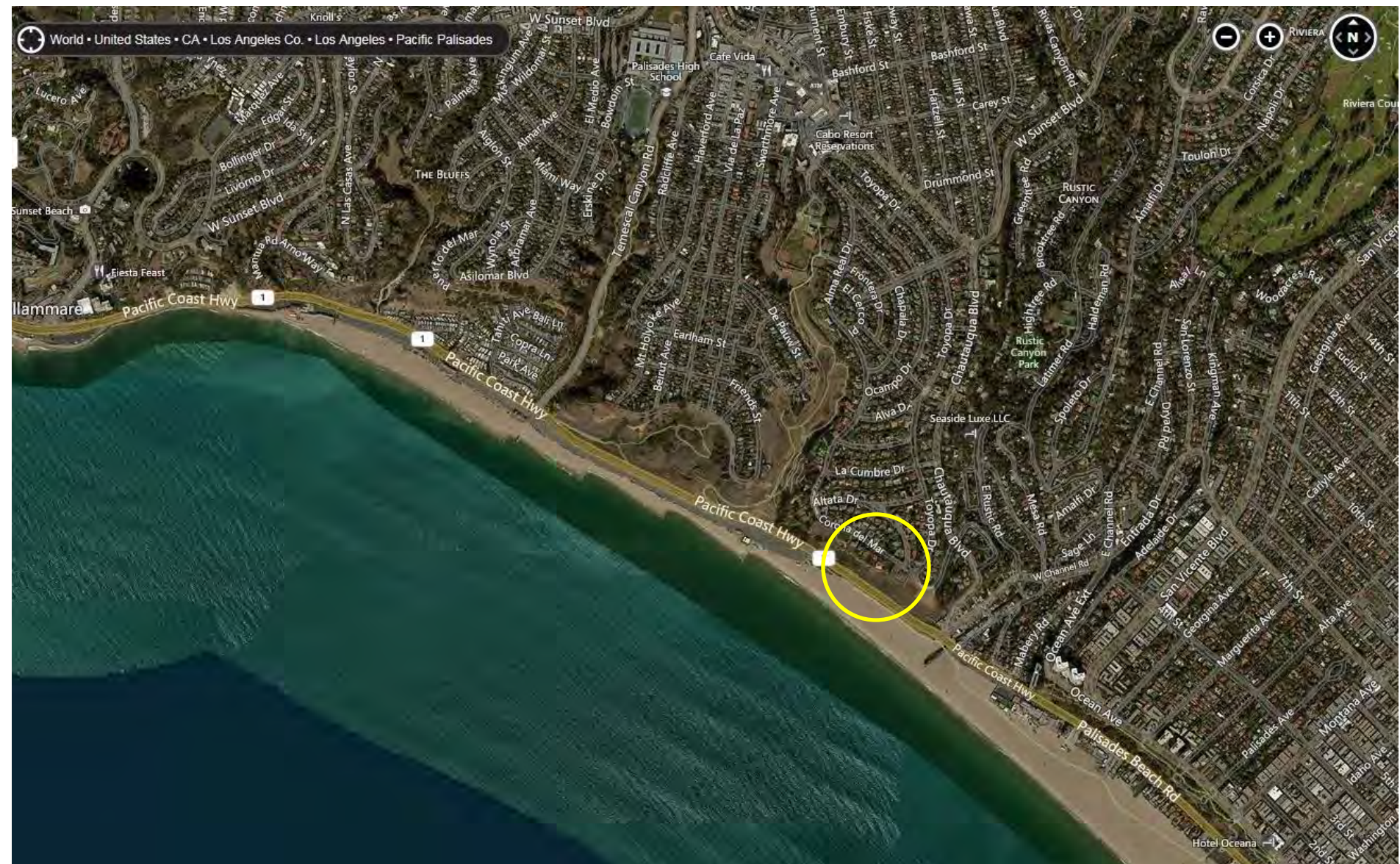
As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the 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 A - Substantive File Documents

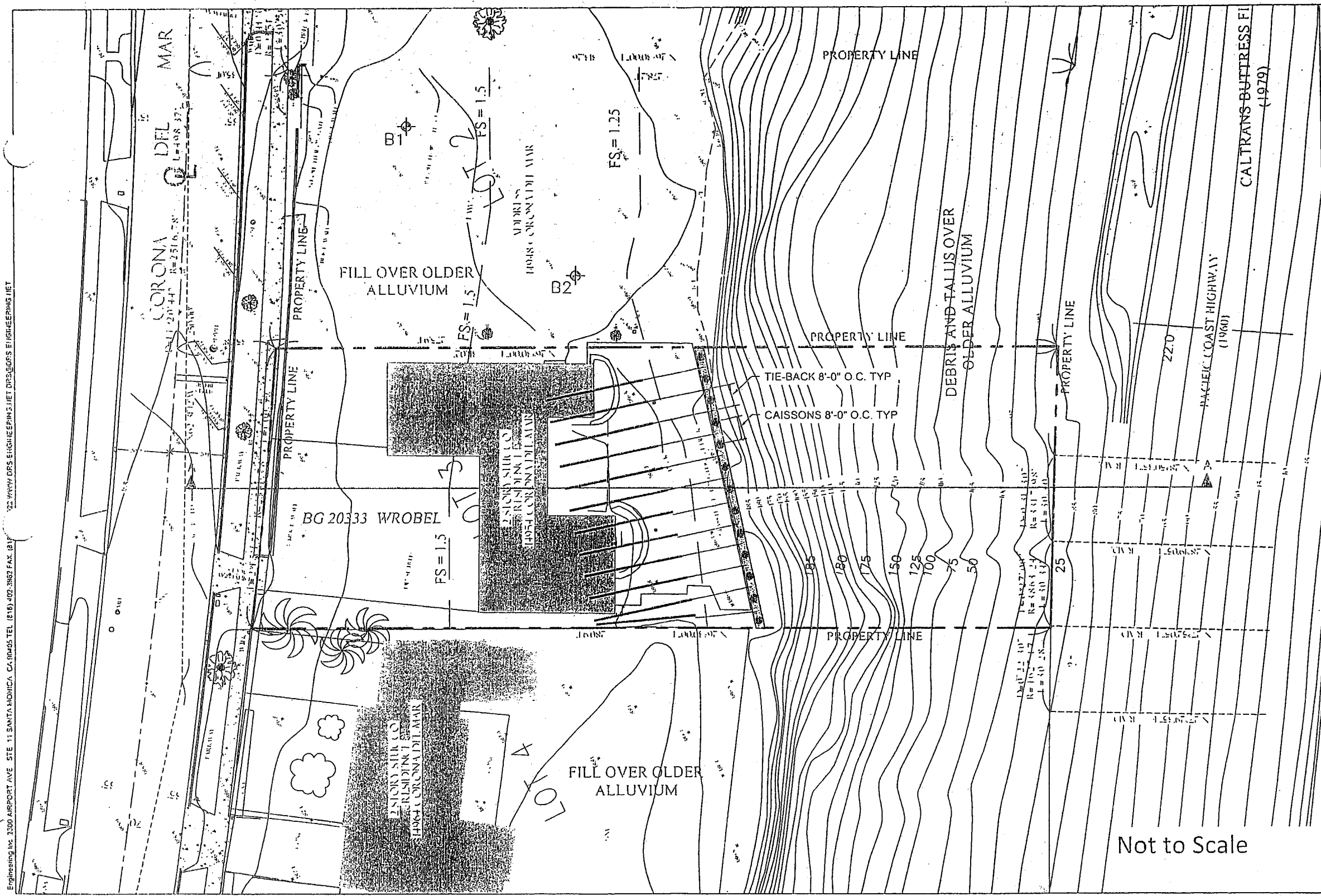
- City of Los Angeles Local Coastal Development Permit ZA 2013-3422 (CDP) and Letter of Correction dated November 14, 2014.
- Geotechnical Engineering Exploration for Proposed Remedial Pad Stabilization at 14954 West Corona Del Mar, Pacific Palisades, California, prepared by Byer Geotechnical, Inc., dated February 8, 2013.
- Geology and Soils Report Approval Letter, City of Los Angeles Department of Building and Safety, dated April 30, 2013.
- Affidavit Regarding Maintenance of Remedial Pad Stabilization in an Area Subject to Landslides or Unstable Soil, recorded April 30, 2013.
- Letter from Byer Geotechnical, Inc. to Harold Wrobel dated October 8, 2014.
- Coastal Development Permits 5-10-058, 5-08-191, 5-04-213, 6-09-5, 6-07-132

Exhibit 1

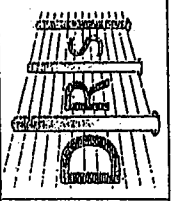
Page 1 of 2







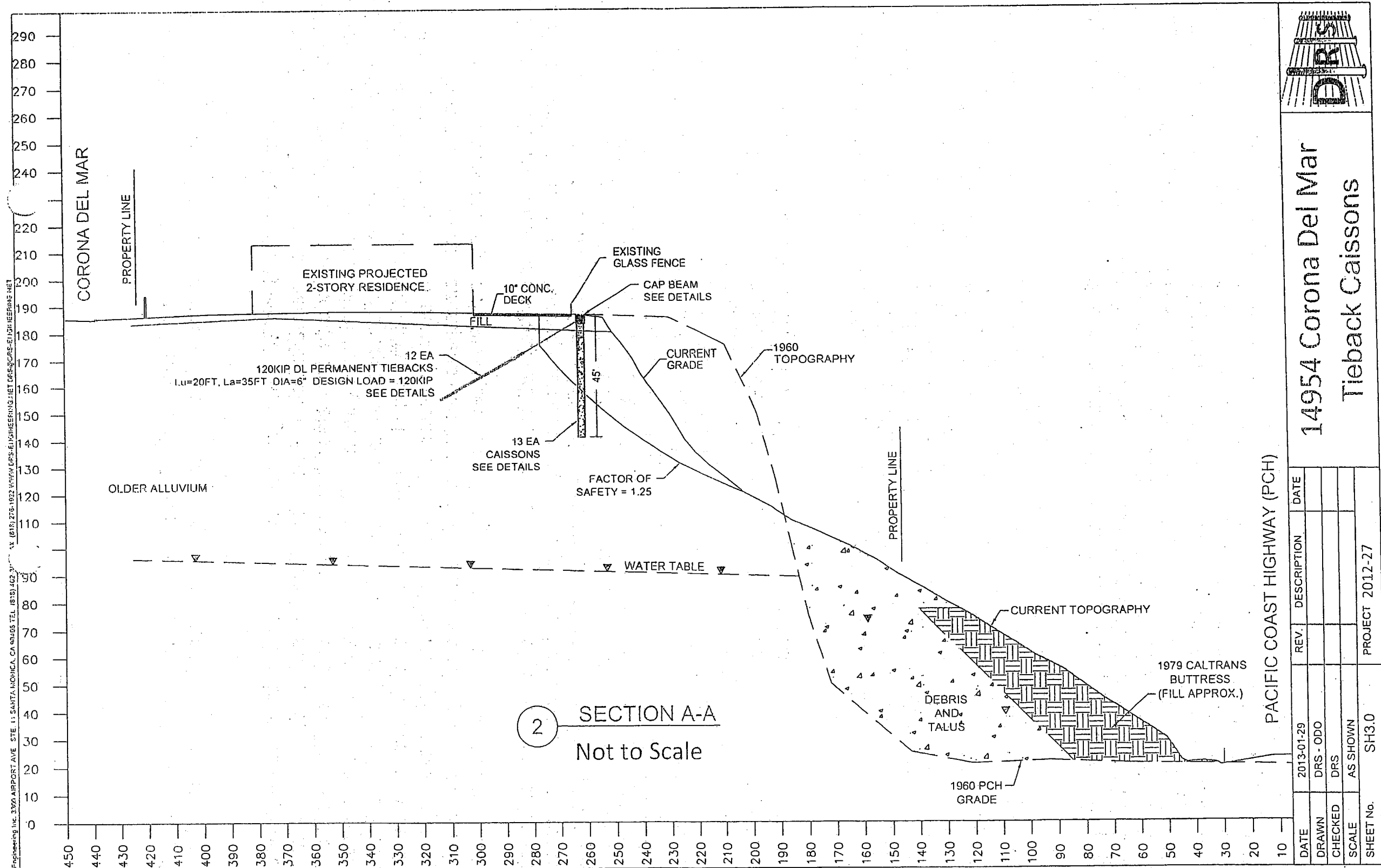
Engineering Inc. 3500 AIRPORT AVE. STE. 11 SANTA MONICA, CA 90405 TEL: (818) 402-2067 FAX: (818) 402-2068 WWW.DRS-ENGINEERING.NET DRS-ENGINEERING.NET



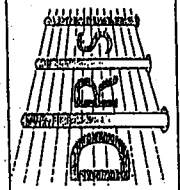
14954 Corona Del Mar
Caissons Plan

DATE	REV	DESCRIPTION	DATE
2013-01-29	DRS - ODO		
	DRS		
	AS SHOWN	PROJECT 2012-27	
SHEET No.	SH2.0		

Not to Scale



2 SECTION A-A
Not to Scale

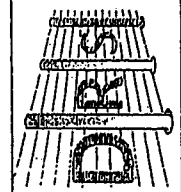
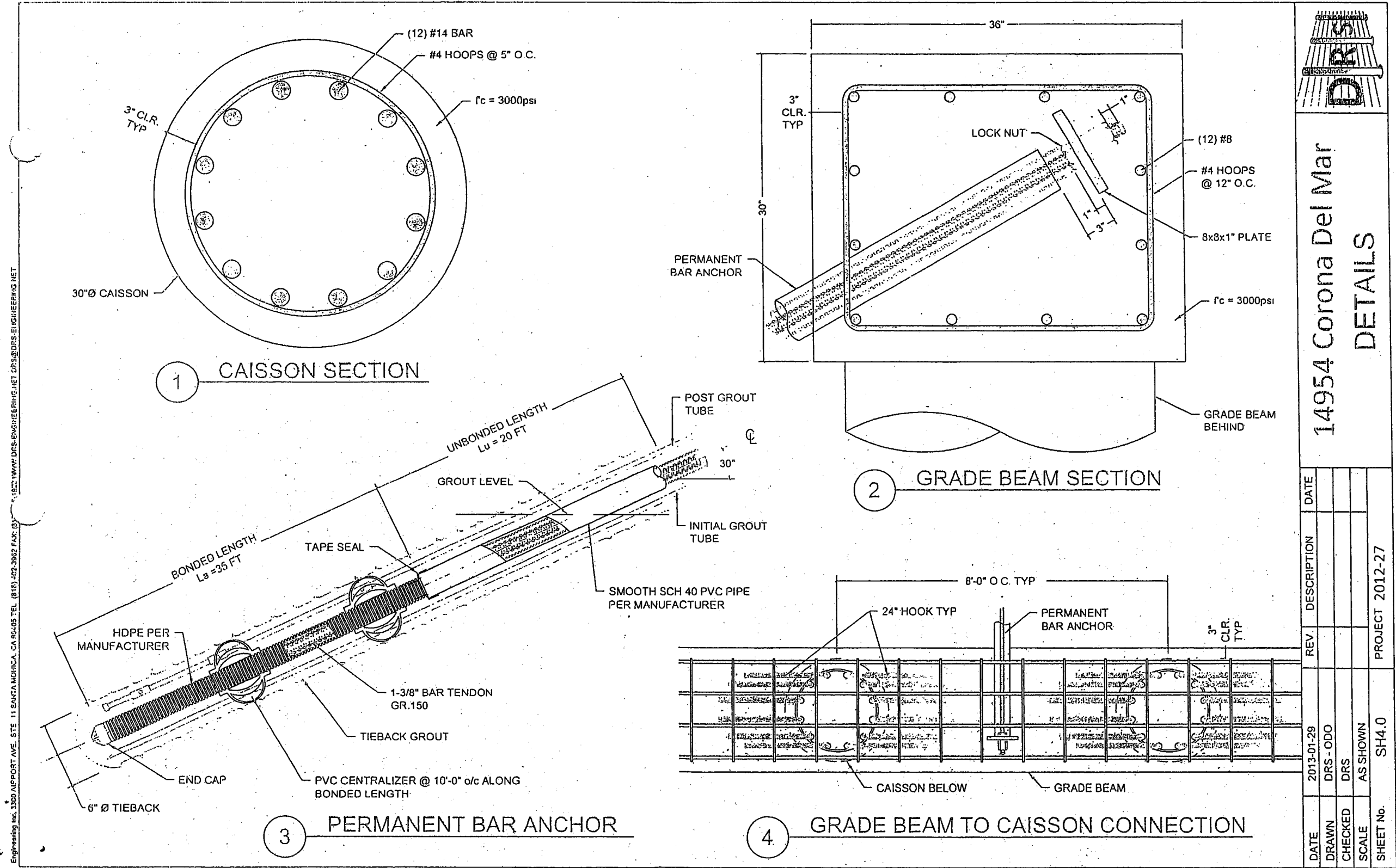


14954 Corona Del Mar
Tieback Caissons

PACIFIC COAST HIGHWAY (PCH)

DATE	REV.	DESCRIPTION	DATE
2013-01-29		DRS - ODO	
		DRS	
		AS SHOWN	
SHEET No.		SH3.0	PROJECT 2012-27

Engineering Inc. 3300 AIRPORT AVE. STE. 11, SANTA MONICA, CA 90405 TEL: (818) 463-2100 FAX: (818) 275-1022 WWW.DRS-ENGINEERING.NET DRS-CRS-EI/DRS-ENGINEERING-NET

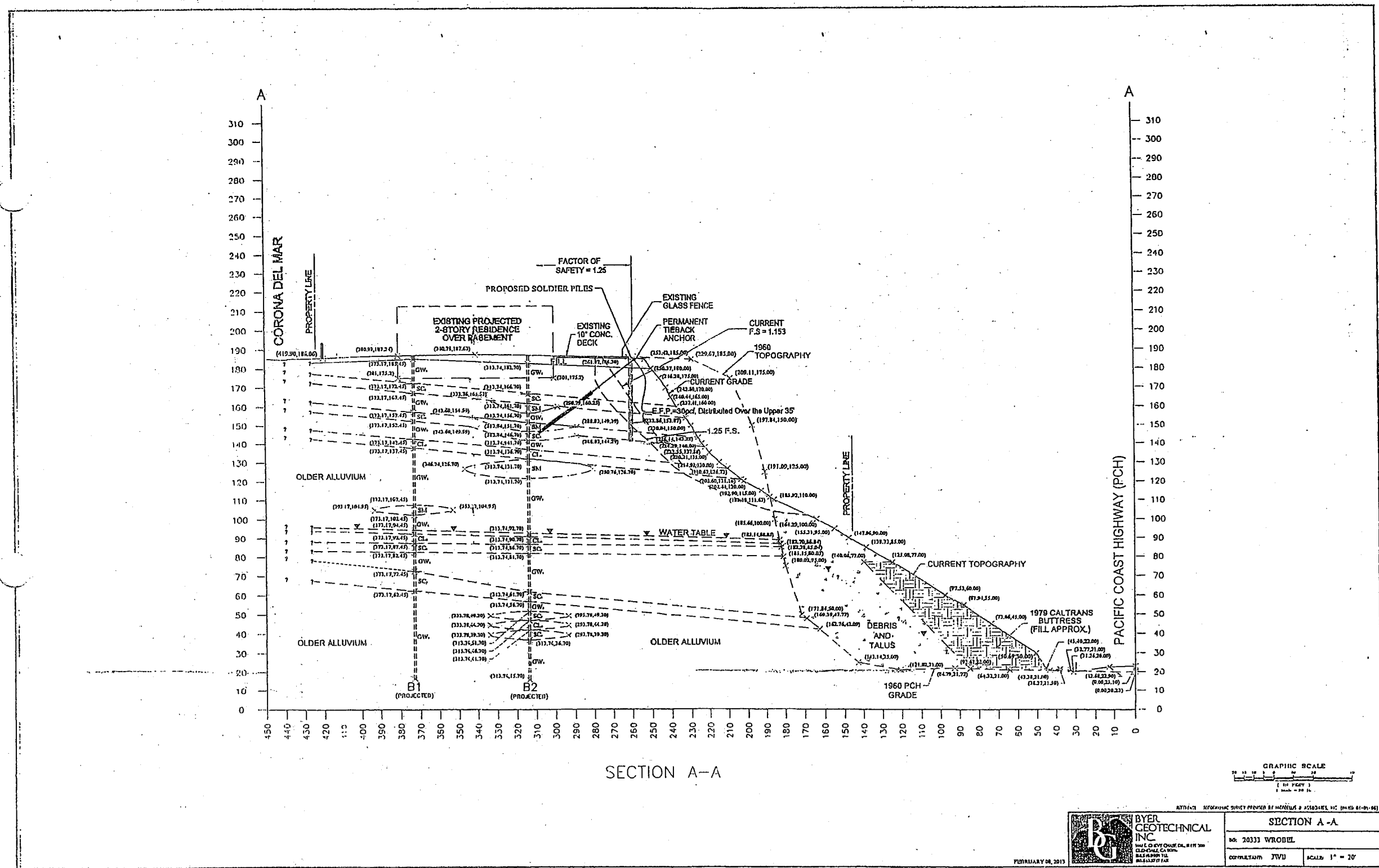


14954 Corona Del Mar

DETAILS


DATE	REV	DESCRIPTION	DATE
2013-01-29	DRS - ODO		
	DRS		
	AS SHOWN		
			PROJECT 2012-27
			SHEET No. SH4.0

Engineering, Inc. 1300 Airport Ave., Ste. 11, Santa Monica, CA 90405 TEL: (818) 492-3962 FAX: (818) 492-3963 WWW.DRS-ENGINEERING.NET CP'S: DRS-ENGINEERING.NET



GRAPHIC SCALE
 1" = 20'

SECTION A-A

 <p>BYER GEOTECHNICAL INC. 1000 GUY DR. #100 CLARK CA 94019 TEL: 415.351.1100 FAX: 415.351.1101</p>	<p>NO: 20331 WROBIL</p> <p>DATE: FEBRUARY 04, 2013</p> <p>SCALE: 1" = 20'</p>
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PROPERTY ADDRESS:

14954 CORONA DEL MAR
PACIFIC PALISADES

ASSESSOR'S PARCEL NO.'S:

4411-030-003 (LOS ANGELES COUNTY)

LEGAL DESCRIPTION:

LOT 3 IN BLOCK 1 OF TRACT NO. 9377, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 129 PAGES 3 TO 7 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

BASIS OF BEARINGS:

THE BEARING OF N 02° 14' 10" W ALONG THE CENTERLINE OF VISTA CREST ROAD AS SHOWN ON TRACT NO. 3452 IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 109 PAGES 9-11 IN THE OFFICE OF THE RECORDER OF SAID COUNTY, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BENCH MARK:

LOS ANGELES 130.56' WIRE SPK E CURB CORONA DEL MAR 14-02890
(2000) 3 FT S OF BC CURB RET TO CHATAUQUA BLVD N END CB

ELEVATIONS SHOWN ON THIS MAP ARE BASED ON NAVD 1988 DATUM.

NOTES:

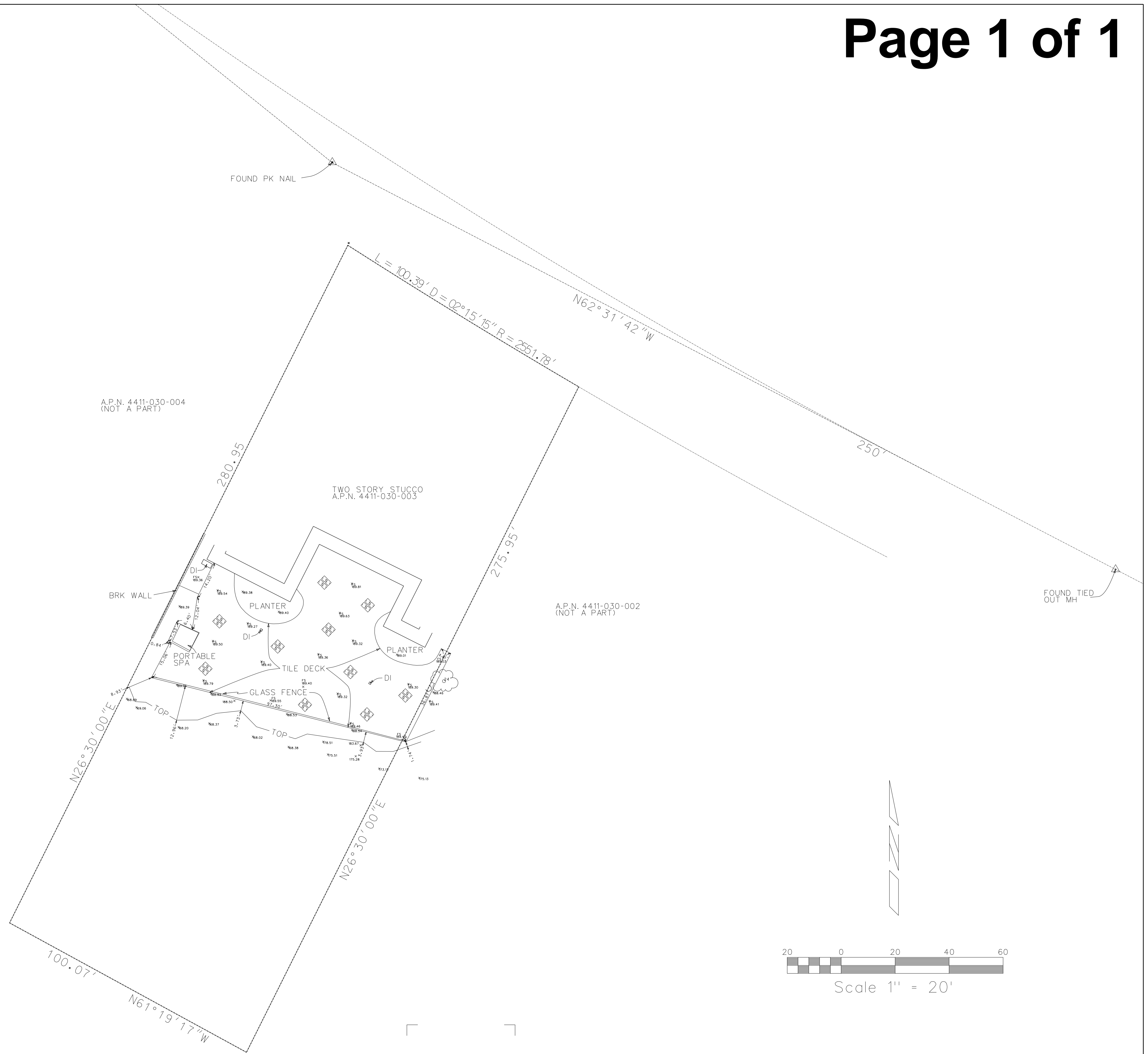
- 1) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE REPORT. EASEMENTS, IF ANY, ARE NOT SHOWN ON THIS MAP..
- 2) PERTAINING TO SURVEY AND TOPO MAP, IF RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM CONTOURS SHOWN ON THIS MAP, GROUND ELEVATIONS AT CRITICAL POINTS CONTROLLING THE DESIGN SHOULD BE VERIFIED BY DIRECT LOCATION AND LEVELS PRIOR TO FINAL DESIGN ADOPTION.
- 3) UTILITIES, IF LOCATED, ARE BY SURFACE EVIDENCE ONLY. (MANHOLES, WATER METERS, GAS METERS, POWER POLES, ETC.)

LEGEND:

- PROPERTY LINE:
- STREET CENTERLINE:
- EASEMENT:
- MONUMENT:
- STREET LIGHT (ST.LT.):
- ASPHALT (A/C):
- BUILDING:
- CHAIN LINK FENCE (C.L.F.):
- WOOD FENCE:
- WIRE FENCE:
- WROUGHT IRON-FENCE:
- CONCRETE (CONC.):
- TILE:
- SLATE/FLAGSTONE:
- GRAVEL:
- BRICK (BRK):
- MANHOLE (M.H.):
- TREES:
 - PINE
 - PALM
 - EUC
 - OAK
 - TREE
 - SYC
 - PEPPER
 - CORK
 - OLIVE

LIST OF ABBREVIATIONS:

- | | |
|---------|--------------------------|
| AC UNIT | AIR CONDITIONING UNIT |
| A/C | ASPHALT |
| BLK | BLOCK |
| B.O.B. | BASIS OF BEARING |
| BRK | BRICK |
| CLR | CLEAR |
| CN | CONCRETE NAIL |
| CONC | CONCRETE |
| DI | DRAIN INLET |
| DO | DRAIN OUTLET |
| FD | FOUND |
| FS | FINISHED SURFACE |
| ICV | IRRIGATION CONTROL VALVE |
| IP | LEAD & TACK |
| MH | MANHOLE |
| PILE | CONC PILE / CAISSON |
| PMX | PAINT MARK "X" |
| SPK | SPIKE |
| SSCO | SANITARY SEWER CLEAN OUT |
| SSMH | SANITARY SEWER MANHOLE |
| W | WASHER |



S:\JOBS_W-Z\WROBEL_HAROLD\WROB114.DGN

PARTIAL ARCHITECTURAL SURVEY				
REVISIONS:	SURVEYED FOR:	SURVEYED BY:	SCALE:	CALC'D BY:
	HAROLD WROBEL C/O JUSTIN BLOCK BLOCK & BLOCK 1880 CENTRY PARK EAST, SUITE 415 LOS ANGELES CA 90067	LAND & AIR SURVEYING BOUNDARY - TOPOGRAPHIC - ALTA. SURVEYS SUBDIVISIONS - PARCEL MAPS 2771 PACIFIC COAST HIGHWAY SUITE 400A MALIBU, CA 90265 BUSINESS (310) 456-9381 FAX (310) 456-9821	1" = 20'	TW
SURVEYED BY:	JF, JM		JOB NO:	RIVER114
DRAWN BY:	JF		SURVEY DATE:	12-31-14
			SHEET:	1 OF 1
			EASE BY:	N/A
			EASEMENTS CHK'D BY:	N/A