CALIFORNIA COASTAL COMMISSION

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

W8c

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Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-05-153

APPLICANT: Sunset Coastal, a California Limited Partnership
c/o G.H. Palmer Associates

AGENT: Benjamin Resnik, Esq.

PROJECT LOCATION: 17325 Castellammare, Pacific Palisades, City and County of Los Angeles

PROJECT DESCRIPTION: Stabilize landslide by installing terraced retaining walls supported by caissons, grade building pad and export approximately 60,000 or more cubic yards of soil, construct a 45 foot-high, 82,000 square-foot, three-story residential building encompassing 29 condominium units above a three-level parking garage, pool and spa, landscaping, widen Castellammare Drive, install new curbs, gutters, sidewalks and streetlights.

Lot Area	1.06 acres
Building Coverage	27,000 square feet
Pavement Coverage	15,000 square feet
Landscape Coverage	4,170 square feet
Zoning	(Q)RD2-1
Planning Designation	Low Medium II Residential
Ht. above existing grade	45 feet
Parking Spaces	100

LOCAL APPROVALS RECEIVED: City of Los Angeles CDP No. ZA 2001-5126-CDP-M2

SUBSTANTIVE FILE DOCUMENTS:

1) City of Los Angeles, Department of Building and Safety Geology/Soil Report Review Letter, Log No. 23226, January 5, 1998
2) City of Los Angeles, Department of Building and Safety Geology/Soil Report Review Letter, Log No. 26618-01, February 9, 1999
3) Geologic and Soils Engineering Exploration Update, Project No. JB 18241-I, by The J. Byer Group, Inc., December 17, 1999

4) Addendum to Geologic and Soils Engineering Exploration Report, Project No. JB 18241-I, by The J. Byer Group, Inc., April 19, 2000
5) Geologic and Soils Engineering Exploration Report, Project No. JB 18457-I, by The J. Byer Group, Inc., August 16, 2000
6) City of Los Angeles, Department of Building and Safety Geology/Soil Report Review Letter, Log No. 29622-02, October 16, 2000
7) Addendum to Geologic and Soils Engineering Exploration Report, Project No. JB 18241-I, by The J. Byer Group, Inc., November 20, 2000
8) City of Los Angeles, Department of Building and Safety Correction Letter, Log No. 29622-03R, January 24, 2001
9) Addendum to Geologic and Soils Engineering Exploration Report, Project No. JB 18241-I, by The J. Byer Group, Inc., January 18, 2001 and revised April 6, 2001
10) City of Los Angeles, Department of Building and Safety Geology/Soil Report Approval Letter, Log No. 29622-04, April 24, 2001
11) City of Los Angeles CDP No. ZA 2001-5126-CDP-M2, February 16, 2005
12) Geologic Maps of the Pacific Palisades Area, CDMG Map 1-828, by J.T. McGill, 1989
13) Mitigated Negative Declaration No. 1997-0248 CDP(SPR)(YV), 17325 Castellammare Drive, 8/13/97
14) Draft Environmental Impact Report No. ENV-2000-2696-EIR, Palisades Landmark Condominium Project, January 2003

STAFF NOTE:

Section 30600(b)(1) of the Coastal Act allows local government to assume permit authority prior to certification of a Local Coastal Program. Under this section, local government may establish procedures for the filing, processing, review, modification, approval, or denial of coastal development permits within its area of jurisdiction in the coastal zone. Section 30601 establishes that in certain areas, and in the case of certain projects, a permit from both the Commission and local government is required. Section 30602 states that any action taken by a local government on a coastal development permit application prior to the certification of a Local Coastal Program can be appealed by the Executive Director of the Commission, any person, or any two members of the Commission to the Commission within 20 working days from the receipt of the notice of City action.

In 1978, the City of Los Angeles opted to take its own action on coastal development permits. The Commission staff prepared maps that indicate the area in which Coastal Development Permits from both the Commission and the City are required. This area is commonly known as the “Dual Permit Jurisdiction.” Areas in the coastal zone outside the dual permit jurisdiction are known as the “Single Permit Jurisdiction”. The City assumes permit jurisdiction for projects located in the single permit jurisdiction. This project (5-05-153) is located within the “Dual Permit Jurisdiction.” Therefore, a coastal development permit must be issued from both the City of Los Angeles and the Coastal Commission prior to development.

The applicant received Coastal Development Permit ZA 2001-5126-CDP-M2 from the City of Los Angeles on February 16, 2005 (Exhibit #6). The South Coast District office received a complete notice of final action from the City on February 22, 2005. Upon receipt of the "notice", the South Coast District office established the 20 working day appeal period, which expired on March 22, 2005. Neither the Executive Director, nor two Commissioners, nor any member of the public appealed the City's approval of Coastal Development Permit ZA 2001-5126-CDP-M2. Therefore, all conditions of the City's coastal development permit ZA 2001-5126-CDP-M2 remain in effect. Since the City's coastal development permit and the Commission's coastal development permit are independent of one another, the applicant must comply with the requirements imposed on both sets of permits. The subject application, 5-05-153, is the dual Coastal Development Permit from the Commission.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with seven (7) special conditions addressing: 1) assumption of risk; 2) evidence of conformance with geotechnical recommendations; 3) submittal of erosion, drainage and polluted runoff control plan; 4) submittal of revised landscape plan; 5) disposal of soil exported from site; (6) submittal of plan to mitigate for the potential leakage from the proposed swimming pool and spa; and 7) a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 5-05-153 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

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

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California

Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. 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.

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. Assumption of Risk, Waiver of Liability and Indemnity

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslide, erosion and 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.

2. Conformance with Geotechnical Recommendations

A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in Geologic and Soils Engineering Exploration Update, Project No. JB 18241-1, by The J. Byer Group, Inc., 12/17/99 and 8/16/00; Addendum to Geologic and Soils Engineering Report, Project No. JB 18241-1, by The J. Byer Group, Inc., 4/19/00, 11/20/00 and 4/6/01; and the requirements of the City of Los Angeles, Department of Building and Safety Soils/Geology review letter Log No. 23226, 1/5/98; Log No. 26618-01, 2/9/99, Log No. 29622-02, 10/16/00, Log No. 29622-03R, 1/24/01, Log No. 29622-04, 4/24/01. Such recommendations shall be incorporated into all final design and construction plans.

B. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, 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.

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 to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. <u>Erosion, Drainage and Polluted Runoff Control</u>

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for review and approval of the Executive Director, a final plan for erosion, drainage and polluted runoff control, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of storm water leaving the construction and developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is consistent with geologist's recommendations. In addition to the specifications above, the plan shall demonstrate that:

1. <u>During Construction:</u> The Drainage and Erosion Control 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) Any temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. All disturbed areas shall be stabilized (e.g., seeded with native grass species and include the technical specifications for seeding the disturbed areas). These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

(c) A site plan showing the location of all temporary erosion control measures. The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from the runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriately approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

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

(ii) A site plan showing the location of all permanent erosion and drainage control measures.

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

(iv) A written review and approval of all erosion and drainage control measures by the applicant's engineer and/or geologist.

(d) A written agreement indicating where all excavated material will be disposed and acknowledgement that any construction debris disposed within the coastal zone requires a separate coastal development permit.

2. The temporary erosion control plan shall conform with the following criteria:

(a) Erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.

(b) Clearing and grading activities should be timed to avoid the rainy season whenever possible. If grading takes place during the rainy season (October 15-March 31), the plan shall specify that temporary erosion control measures shall be used during construction (e.g., temporary sediment basins [including debris basins, desilting basins or silt traps], temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill

with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, close and stabilize open trenches as soon as possible).

(c) Only areas essential for construction shall be cleared.

(d) During the rainy season, (October 15- March 31) bare soils shall be stabilized with non-vegetative BMPs as soon as possible, and within five days of clearing or inactivity in construction. If seeding or another vegetative erosion control method is used, it shall become established within two weeks.

(e) Construction entrances shall be properly graded to prevent runoff from the construction site. The entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust and tracking of mud offsite.

(f) Runoff shall be intercepted above disturbed slopes and conveyed to a permanent channel or storm drain by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.

(g) Fuel and vehicle maintenance staging areas shall be located away from all drainage courses and designed to control runoff. Proper maintenance of equipment and installation of proper stream crossings will further reduce pollution of water by these sources.

(h) Spill prevention and control measures shall be developed and implemented.

(i) Sanitary facilities shall be provided for construction workers.

(j) Equipment and machinery shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of properly at an off-site location.

(k) Adequate disposal facilities shall be provided for solid waste, including excess asphalt, produced during construction. Properly recycle or dispose of lunchtime trash and other debris at the end of every construction day.

(l) During construction, the applicant shall obtain approval from the City of Los Angeles Department of Building and Safety for any dewatering necessary during construction and:

  (i) shall install filters on the dewatering system,

  (ii) shall prevent discharge of water pumped from the site onto nearby property, and

  (iii) shall direct all discharges into paved City street and storm drains.

3. Post Construction: Permanent erosion and drainage control measures shall be installed to ensure the stability of the site, adjacent properties, and public streets. Pursuant to this requirement the applicant shall

develop a long-term plan for disposal of water discharged from the site which shall be consistent with the following criteria:

(a) All drainage from the lot shall be directed toward the street and away from the bluff slope directly into the City's storm drain system.
(b) Runoff shall be conveyed off site in a non-erosive manner.
(c) Pesticide, herbicide and fertilizer use shall be eliminated or minimized.
(d) Overflow drainage from the pool and spa shall be directed to the sanitary sewer. The applicant shall not use chemicals in the spa that are incompatible with the sewer system.
(e) Runoff from all parking areas shall be collected and directed through a system of structural BMPs. At a minimum, this must include a bioswale and/or filter designed specifically to minimize vehicular contaminants (oil, grease, automotive fluids, heavy metals, hydrocarbons), sediments, and floatables and particulate debris.
(f) All filters shall be inspected and maintained on an annual basis.
(g) The applicant shall regularly sweep the parking lot at a minimum on a weekly basis, in order to prevent dispersal of pollutants that might collect on those surfaces.
(h) The applicant shall not spray down or wash down the parking lot unless the water used is directed through the sanitary sewer system or a filtered drain.
(i) The drainage plan shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e. 2 or greater) for flow-based BMPs.

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.

4. <u>Revised Landscape Plan</u>

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised landscape plans for the review and approval of the Executive Director. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be utilized on the property. 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.

With the exception of plants used in drainage swales, all plants employed on the site shall be drought tolerant (low water use) plants identified by U. C Davis and the Water Resources Board.

B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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.

5. Disposal of Soil Exported from Site

A. The applicant shall dispose of all excess soils from the site in an approved disposal site either (a) located outside the coastal zone or (b) if located inside 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.

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. 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 stabilize a landslide by installing terraced retaining walls, supported by caissons, grade a building pad and export approximately 60,000 cubic yards of soil, construct a 45 foot-high, 82,000 square-foot, three-story residential building encompassing 29 condominium units above a three-level, 83 space parking garage, pool and spa, landscaping, widen Castellammare Drive, install new curbs, gutters, sidewalks and streetlights. The proposed residential building is approximately 250’ long and approximately 80’ wide and will extend approximately 60 feet high as measured from the centerline of Castellammare Drive (See Exhibits #4 & #5).

The subject property is a sloping, irregular-shaped, parcel of land, consisting of approximately 1.06 acres, approximately 300 feet west of the intersection of Castellammare Drive and Sunset Boulevard, in the Pacific Palisades section of the City of Los Angeles. The project site fronts approximately 300 feet on the northerly side of Castellammare Drive and is located approximately ¼ mile south of Topanga State Park and approximately 300 feet north of Pacific Coast Highway, which borders Will Rogers State Beach (See Exhibit #1). The subject property consists of the toe of the Revello Drive landslide, a major landslide that extends upslope, impacting a number of parcels above the applicant’s property. A 5’ to 14’-high wood bulkhead is present along the southern and southeastern property lines.

Before grading, the applicant proposes to stabilize the landslide and support excavations into the ascending slope with a system of soldier piles. The applicant will complete the

excavation and protect the site from the landslide on the ascending slope with soldier piles, beams and retaining walls located on the northwest (rear upslope) and south (seaward) property lines. The applicant proposes to install an on-site drainage system. The stabilization system will be separate from the structural system for the building. Existing slide debris on the subject site will be removed. The project, grading, drainage and stabilization systems will be located entirely within the boundaries of the subject property.

The retaining wall system at the northwestern and southern property line consists of two tiers that are connected with structural trusses. Both walls are approximately 250' long, vary in height between 30' and 60', and both are anchored to the bedrock by approximately 60 caissons (30 for each wall). Each caisson is 48" in diameter and each will be imbedded 40' to 80' into bedrock. Excavations for the building will displace a significant amount of earth (approximately 70,000 cubic yards), the majority of which will be exported (approximately 60,000 cubic yards).

B. Hazards

The proposed project is located in an area subject to natural hazards. The Pacific Palisades area has a long history of natural disasters, some of which have caused catastrophic damage. Hazards common to this area include landslides, erosion, flooding, and wildfires.

Section 30253 states in part:

> *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 or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The proposed project is located at the toe of the Revello Drive landslide that occurred in the spring of 1965, and resulted in destroyed single-family homes and an apartment building. The landslide occurred after a 1:1 to 1 ½:1 cut slope was created mid-slope. The slope failed onto and bulldozed over a level pad at 17325 Castellammare Drive (subject site). Through the years, additional movement of the original slide mass, and secondary failures, have caused the slide to enlarge and impact the property at 17321 Castellammare Drive and the street. A retaining wall with concrete and I-beam soldier piles and a wood bulkhead was constructed by the City's Bureau of Engineering to protect the property at 17321 Castellammare Drive and the street.
The slide reactivated during the above normal rainfall year of 1997/1998. According to the applicant's consultants, the limits of the reactivated slide were delineated by earth cracks and horizontal and vertical offsets in pavement, hardscaping, fences and the ground surface. The margins of the slide were observed in November of 1998 from the terminus

of Posetano Road, from Revello Drive, Castellammare Drive, and from the Oceanwoods Terrace Apartments, a four-story, 100-plus unit condominium complex on the west side of Tramonto Drive, upslope of the proposed project. That slide toed up at the approximate location of the existing bulkhead along Castellammare Drive. According the applicant's geotechnical consultants, there is no evidence of deeper slide movement or distress to the street and the property between Castellammare Drive and Pacific Coast Highway. According to the applicant's geologist, the slide was cased by removal of the toe of a steep slope; below the slide, the geologic structure of the bedrock is favorably oriented for stability of the site and the proposed project (*Geologic and Soils Engineering Exploration Update, Project No. JB 18241-I, by The J. Byer Group, Inc., December 17, 1999*, *passim*.).

Geotechnical Review

The applicant has provided geology and soils reports from the consulting firm of The J. Byers Group, Inc. from 1999 to 2001. According to the applicant's consulting engineering geologists, the majority of the subject site is mantled by landslide debris of variable thickness. Landslide debris encountered during exploration ranges from 25 feet to 45 feet. The slide debris observed in the borings consists of recent slide debris associated with the 1965 slope failure, and older slide debris, which on the subject property is present beneath the toe of the 1965 and subsequent landslides. The upper, more recent slide debris consists of admixtures of siltstone and sandstone with a silty sand matrix that is gray-brown, tan and slightly moist to moist. The deeper slide debris consists of contorted and discontinuous siltstone and sandstone that is orange-brown, gray-brown, tan, slightly moist to saturated, medium dense to dense, highly oxidized, and has a chaotic structure. The base of the slide is marked by a six inch to two-foot thick zone of clay gouge intensely sheared siltstone that is dark gray-brown to blue-gray, plastic, moist to saturated and contains slicks. The base of the slide acts as an aquiclude and has perched the groundwater above (*Byer, op. cit.*).

According to the applicant's consulting engineering geologists, bedrock underlying the site and encountered in the borings below the landslide debris consists of siltstone, sandstone, and occasional conglomerate. Previous geotechnical consultants working on the subject and adjacent properties have mapped bedrock beneath the site as part of the Martinez Formation of Eocene age. J.T. McGill, 1989 (*Geologic Maps of the Pacific Palisades Area*), based upon the presence of Middle Miocene micro-fossils located on the subject property, has mapped bedrock beneath the subject property as part of the Topanga Formation. The presence of Miocene micro-fossils would indicate that the bedrock beneath the site is younger than the Martinez Formation. In general, the siltstone and sandstone bedrock is thinly to thickly bedded, moderately hard, contorted, and sheared. Cemented conglomerate that is blue-gray to light gray, massive, and slightly weathered was encountered in borings. Where exposed near the ground surface, the bedrock is oxidized to a light tan to gray-brown color. Below the slide plane, the bedrock is dark gray to blue-gray with little oxidation (*Byer, op. cit.*).

The bedrock described is common to this area of the Pacific Palisades near the base of

the south flank of the Santa Monica Mountains. The geologic structure observed in the borings and reported by other consultants is consistent with that mapped by McGill in 1989. Faults were not encountered during exploration. However, bedding plane shears were observed in the bedrock below the slide, which likely formed during regional folding of the bedrock (*Byer, op. cit.*).

The applicant's consulting engineering geologists describe the Revello Drive landslide as a "strength of materials" failure, which occurred with the upper weathered portion of the siltstone and sandstone bedrock, and is not related to the geologic structure. As determined by exploration and shown on numerous cross sections by other consultants, the base of the slide dips between 10 and 15 degrees towards the southeast. Based on 1928 and 1949 Spence oblique photographs and 1952 aerial stereo-pair photographs, it appears that the subject property was underlain by an ancient landslide prior to development (*Byer, op. cit.*).

Subsequent development, introduction of water, and grading in 1965 reactivated a portion of the ancient landslide. The above normal rainfall year of 1997/1998 caused a reactivation of the original Revello Drive landslide. The limits of the recent slide are similar to the limits shown on pre-1998 Geologic Maps. The slide toed up above and was impounded by the existing bulkhead along Castellammare Drive. There is no evidence of deeper slide movement or distress to the street and the property between Castellammare Drive and Pacific Coast Highway (*Byer, op. cit.*).

Below the slide the geologic structure of the bedrock is favorably oriented for stability of the site and the proposed project. According to the applicant's consulting engineering geologists, from a geologic and soils engineering standpoint, it is feasible r to remove landslide debris on the subject property and support the upslope offsite landslide with soldier piles (*Byer, op. cit.*).

On April 24, 2001, the Grading Division of the City of Los Angeles, Department of Building and Safety provided a geologic approval letter indicating that the geotechnical reports and proposed foundations were acceptable, provided that the City's recommendations were complied with during site development (See Exhibit #7).

1. Conformance with Geotechnical Recommendations

The applicant's consultants and the City have provided recommendations regarding the design and installation of the excavation, shoring, condominium building, pool, foundation system, and slope stability have been provided in reports and letters submitted by the applicant, as referenced in the above noted final reports. The proposed solution for the geologic problems of the site is to remove the portions of the landslide that are on the site, install a retaining system, and place the structure on conventional footings placed on exposed bedrock. Adherence to the recommendations contained in these reports is necessary to increase the probability that the proposed condominium building and foundation system will be stable.

The applicant's consulting engineering geologists makes a number of recommendations relative to the sequence of construction and site preparation, including excavation, fill and compaction, foundation design, drainage and waterproofing. For example, the recommended bearing material for the proposed building is bedrock. The applicant's consultant recommends that where the proposed building penetrates the landslide debris, conventional spread and pad foundations may be utilized to support columns and retaining walls. For the central and eastern portions of the lot, the downhill side of the proposed building may not penetrate the landslide debris. Deepened conventional footings, or friction piles tied with grade beams, are recommended to support portions of the building that do not penetrate the landslide. Bedrock or future compacted fill is recommended to support rear yard retaining walls, the pool, and concrete slabs.

The applicant's consulting engineering geologists recommend that installation of the soldier piles and grading for the building pad occur in the late spring through early fall, when the slide debris is less likely to be saturated. Soldier pile excavations should be downhole logged by the engineering geologist to verify the design slide plane depth, insure that deeper slide planes are not present, and to determine the groundwater conditions.

In response to the geologic explorations, the City, in its approval letter (Exhibit #X), is requiring compliance with a total of 44 conditions during development of the site. Two of those conditions are crucial in assuring stability and structural integrity of the development; they are as follows:

> Condition #2: *Proposed buildings and associated retaining wall footings shall be founded in bedrock, as recommended. Cantilevered retaining wall footings for walls supporting favorable geologic conditions or certified fill shall be founded either entirely in bedrock or entirely in certified fill, as recommended.*
>
> Condition #4: *All existing slide debris within the subject property shall be removed and subdrains placed, as recommended.*

Special Condition #2 requires that the applicants conform to all the geotechnical recommendations contained in the submitted reports, including Geologic and Soils Engineering Exploration Update, Project No. JB 18241-1, by The J. Byer Group, Inc., 12/17/99 and 8/16/00; Addendum to Geologic and Soils Engineering Report, Project No. JB 18241-1, by The J. Byer Group, Inc., 4/19/00, 11/20/00 and 4/6/01; and the requirements of the City of Los Angeles, Department of Building and Safety Soils/Geology review letter Log No. 23226, 1/5/98; Log No. 26618-01, 2/9/99, Log No. 29622-02, 10/16/00, Log No. 29622-03R, 1/24/01, Log No. 29622-04, 4/24/01.

The Commission's staff geologist has reviewed the applicant's geotechnical consultant's reports, the City's geotechnical review letters and has visited the site. He concurs with the City's review letter dated April 24, 2001 in which the geotechnical reports are approved. The Commission's staff engineer has also reviewed this information and concurs that constructing the proposed project is feasible from an engineering standpoint, provided the advice and recommendations considered in the reports are followed. Development

consistent with the submitted geotechnical reports, and by reference all previous reports, will minimize the probability of geologic instability, consistent with section 30253 of the Coastal Act. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Assumption of Risk

Under Section 30253 of the Coastal Act, new development in areas of high geologic, flood, and fire hazard may occur so long as risks to life and property are minimized and the other policies of Chapter 3 are met. The Coastal Act recognizes that new development may involve the taking of some risk. 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.

The proposed development would be located at the toe of the Revello Drive landslide mantled by landslide debris of variable thickness. The geotechnical reports have indicated that the subject property possesses a factor of safety of less than the minimum building code required 1.5. The proposed project has been found to achieve a factor of safety of 1.5 by placing soldier piles below the indicated 1.5 factor of safety line. The factor of safety of 1.5 or greater demonstrates that, by a geotechnical standpoint, the subject site in the location of the proposed development possesses a high probability of geologic stability. However, the decision to construct the project relying on the geotechnical reports and the Department of Building and Safety is the responsibility of the applicants.

The proposed project may still be subject to natural hazards such as slope failure and erosion. The geotechnical evaluations do not guarantee that future erosion, landslide activity, or land movement will not affect the stability of the proposed project or that the required soldier piles/retaining walls will be installed as specified. Because of the inherent risks to development in areas of steep slopes and mapped landslides, the Commission cannot absolutely acknowledge that the design of the proposed condominium building will protect the subject property during future storms, erosion, and/or landslides. Therefore, the Commission finds that the proposed project is subject to risk from landslides and/or erosion and that the applicant should assume the liability of such risk.

The applicants may decide that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. However, neither the Commission nor any other public agency that permits development should be held liable for the applicant’s decision to develop. Therefore, the Commission imposes Special Condition #1, which requires the applicant to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. The assumption of risk, when recorded against the property as a deed restriction, will show that the applicants are aware of and appreciates the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development.

In case an unexpected event occurs on the subject property, the Commission attaches Special Condition #7, which requires recordation of a deed restriction whereby the landowner assumes the risk of extraordinary erosion and/or geologic hazards of the property. The deed restriction will provide notice of potential hazards of the property and help eliminate false expectations on the part of potential buyers of the property, lending institutions, and insurance agencies that the property is safe for an indefinite period of time and for further development indefinitely in the future.

Therefore, prior to issuance of the Coastal Development Permit, the applicants shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restriction on development. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. Erosion Control Measures

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion via rain or wind could result in possible acceleration of slope erosion and landslide activity. The applicant shall follow both temporary and permanent erosion control measures to ensure that the project area is not susceptible to excessive erosion. The applicants are proposing an underground dewatering system that would combine surface drainage along with roof drainage, which would evacuate all water from the site. This underground system will also include filtration, and release to a storm drain at Castellammare Drive.

Since the applicants have not submitted a drainage plan demonstrating the permanent erosion control measures, the Commission requires a complete erosion control plan for both permanent and temporary measures. Therefore, prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a temporary and permanent erosion control plan that includes a written report describing all temporary and permanent erosion control and run-off measures to be installed and a site plan and schedule showing the location and time of all temporary and permanent erosion control measures (more specifically defined in Special Condition #3). This issue is more thoroughly addressed in the section on water quality/marine resources, below.

4. Landscaping

The installation of in-ground irrigation systems, inadequate drainage, and landscaping that requires intensive watering are potential contributors to accelerated weakening of some formations; increasing the lubrication along geologic contacts and increasing the possibility of failure, landslides, and sloughing, which could necessitate protective devices. Due to the geologic sensitivity of the site, the Commission requires that all plants be low water

use, as defined by the University of California Cooperative Extension and the California Department of Water Resources in their joint publication: "*Guide to Estimating Irrigation Water Needs of Landscape Plantings in California.*"

The applicant has proposed to landscape 4,170 square feet of their property. The applicant has submitted a preliminary landscaping plan (See Exhibit #5). Use of non-native vegetation that is invasive can have an adverse impact on nearby natural habitats. As noted below the property is within a quarter of a mile of a canyon and restoration area owned by the California State Park System, the Los Liones Canyon unit of Topanga State Park. Los Liones supports a riparian area. Invasive plants can invade a riparian area and displace native plants, impeding restoration and preservation efforts. 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. Commission staff reviewed the landscape plan and determined that the plan does contain invasive species identified on the CNPS list, for example: *Schinus molle, Duchesnea indica, Limonium perezii* and *Myoporum laetum.*

As discussed previously, 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. Commission staff reviewed the submitted landscaping plan for drought tolerant vegetation and determined that *Platanus racemosa, Umbellularria californica, Trachelspermum jasminioides, Gazania spp., Agapanthus africanus, Hemerocallis spp., Heuchera maxima, Iris douglasiana, Ligustrum texanum, Pittosporum crassifolium, Pittosporum tobira, Bambusa oldhamii, Bambusa M. Golden Goddess, Dietes vegeta, Phormium rubrum, Rhapiolepis indica* and *Strellitzia reginea* are not drought tolerant.

The Commission imposes Special Condition #4, which requires that prior to the issuance of this permit, the applicants shall prepare a revised landscape plan, which shall be submitted for the review and approval of the Executive Director. To minimize the potential for the introduction of non-native invasive species and to minimize the potential for future bluff failure, a revised landscaping plan shall be prepared by a licensed landscape architect. As conditioned, to minimize infiltration of water and invasive plant species, the development will be consistent with section 30253 of the Coastal Act.

C. Water Quality/Marine Resources

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, 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 Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, fertilizers, and other pollutant sources. The project's 83-space on-site parking lot is a potential source of pollutants from greases and oils.

To address these concerns, the development, as proposed and as conditioned with Special Condition #3, 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. These special conditions will ensure that 1) sediment is kept on-site during construction; 2) runoff is controlled after construction, so that storm water and on-site irrigation water does not erode or percolate into nearby land (increasing the likelihood of failure); and 3) permanent features that maintain the quality of run off so that run off does not transport pollutants into the ocean.

Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

D. Public Access and Recreation

Section 30211 of the Coastal Act states:

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.

As was stated earlier, the subject property, which fronts Castellammare Drive, is located approximately ¼ mile south of Topanga State Park and approximately 300 feet north of Pacific Coast Highway, which borders Will Rogers State Beach (See Exhibit #1). Check the Thomas guide for spelling. The project is also located ¼ mile from Los Liones unit of Topanga State Park. Los Liones is accessed off Los Liones drive, which crosses Sunset Boulevard one block north of Castellammare Drive.

There are two ways that the project could affect access to these recreational facilities: through impacts on public parking and through increasing the traffic on main coastal access routes. The applicant proposes to provide 83 on-site parking spaces, which is consistent with the Commission's typically applied standards. The City of Los Angeles issued a Negative Declaration for this project, finding it will have no significant impacts on traffic or on natural resources. However, for a nearby project, the 82 unit Landmark Condominiums located on Tramonto, the City performed a full traffic analysis. The City traffic engineer determined that traffic levels on Sunset Boulevard are at less than capacity and that there is adequate capacity on Sunset Boulevard to accommodate additional traffic from 82 units. In this case, the impact would be about a third of the neighboring project. The City acknowledges that Castellammare Drive, which is the fronting street, is narrow and that traffic is impeded because of the Revello slide. As part of the proposed development, the applicant proposes to stabilize and widen Castellammare. The widening will increase its capacity from one and a half lanes to two. The traffic generated by this project would not hinder the public's ability to access nearby recreational facilities.

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, specifically Will Rogers State Beach. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. Habitat

Section 30240 of the Coastal Act states:

> *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
>
> *(b) Development in areas adjacent to environmentally sensitive habitat areas and 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 habitat and recreation areas.*

The proposed project is located on a vacant lot on an east-facing slope. On a recent site, Commission staff observed that the vegetation on the lot consisted of a moderately thick assemblage of both native and non-native chaparral, shrubs and grasses. The lot is adjacent to two multi-family residential buildings in the northwesterly side of Castellammare Drive, commercial development fronting on Sunset Boulevard and Pacific Coast Highway to the southeast, across Castellammare Drive, and vacant land uphill to the north, northeast, and northwest. No environmentally sensitive habitat areas exist on site. The proposed project is not located immediately adjacent to any environmentally sensitive habitat areas, parks or recreation areas, but the property is within a quarter of a mile of a canyon and restoration area owned by the California State Park System, the Los Liones Canyon unit of Topanga State Park. Los Liones supports a riparian area.

The installation of invasive plants can have an adverse impact on nearby natural habitats as invasive plants can invade a riparian area and displace native plants, impeding restoration and preservation efforts. Therefore, the Commission imposes Special Condition #4, which requires the applicant to submit a revised landscape plan that does not contain any invasive species. Unfiltered runoff has the potential to impact the near shore habitat. To mitigate for this potential impact, the Commission has imposed Special Condition #3, which requires the applicant to submit an erosion, drainage and polluted runoff control plan that incorporates design features to minimize the infiltration of water and the effect of construction and post-construction activities on the marine environment. Therefore, as conditioned, the development conforms to Section 30240 of the Coastal Act.

F. Visual Impacts/Landform Alteration

Section 30251 of the Coastal Act states:

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

The Coastal Act protects public views to and along the ocean and requires that development minimize alteration of natural landforms. In this case, the public views are the views from the public beach and the public streets of the hillside, of the Santa Monica Mountains and of the Pacific Ocean. The site is partially visible from Sunset Boulevard, Pacific Coast Highway, and Will Rogers State Beach. The proposed project site is approximately 300 feet inland of Pacific Coast Highway, separated from Sunset Boulevard by Castellammare Drive and situated behind a large triangular shaped, approximately four-story high commercial/retail building complex, that fronts Sunset Boulevard. The commercial complex obscures views of the site from the beach, from Sunset Boulevard, and from Pacific Coast Highway (See Exhibit #2).

Section 30251 of the Coastal Act requires development to minimize alteration of natural landforms. The applicant has proposed 70,000 cubic yards of cut, the majority of which will be exported (approximately 60,000 cubic yards), which conforms to the recommendations of the geotechnical consultants. The remaining 10,000 cubic yards of material would be compacted to create a building pad. All of the grading would occur on the subject site. The maximum cut slope height of 60 feet. According to the applicant's consulting engineering geologists, the grading is necessary to stabilize the landslide and to safely construct the proposed project.

Commission staff considered alternatives to the proposed project. An alternative to the proposed development is to reduce the size of the structure, but a comparable amount of grading would still be necessary to stabilize the landslide and to construct the proposed project safely. Most of the subject site is mapped as being within the landslide area. However there is a small area on the southwestern portion of the property, which is outside of the mapped landslide area. Even if the applicant confined development to this part of the site, the applicant would have to address the landslide because the landslide is above this portion of the site and a comparable amount of grading would still be necessary to stabilize the landslide and to safely construct the proposed project.

One reason the Coastal Act requires protection of natural landforms is to protect public views. In this case, most of the proposed building site is not visible from public beaches, from PCH or from Sunset Boulevard. The site is located at the base of the slope and behind a large, approximately four-story high commercial/retail building complex. The nearby hillside is developed with commercial and multi-unit structures near Sunset Boulevard and large single-family dwellings on the ridge and face of the hill. The columns and retaining walls will be under and behind the building and will not visible from public roads. After development, the structure will blend into the pattern of structures on the hillside.

The proposed grading would significantly alter the natural landform, but because of the location of the proposed building (at the base of the slope and behind a large, approximately four-story high commercial/retail building complex) and because of the surrounding development, the change in the landform would not be visible from the surrounding area.

The proposed project is consistent with the character and scale of the structures in the surrounding community. The proposed condominium building will extend approximately 45 feet above existing grade and 60 feet high as measured from the centerline of Castellammare Drive. The overall height of the structure would be well below the ridge and upper property line of the site and thus would not impact public views to the Pacific Ocean from Tramonto Drive and Revello Drive, which are upslope of the proposed project and will not break up views of the ridgeline from below, more specifically Pacific Coast Highway and Sunset Boulevard.

The project site is located in an established residential community, in a small area that is zoned and partially developed with multifamily structures. Multifamily structures exist northwest of the project site on Castellammare Drive and west of the project site along Tramonto Drive. Other nearby properties are undeveloped, but designated for multi-family use. Southwest of this area, on the upper hillside, the community is zoned for and developed with single-family residences. As noted above, development along Sunset Boulevard includes two four-level commercial and or mixed-use structures.

The proposed project is consistent with the character and scale of the structures in the surrounding community. The project will not impact any public views to or from the Pacific Ocean, Will Rogers State Beach, Pacific Coast Highway and Sunset Boulevard or the surrounding public streets. The proposed development will not be highly visible from the surrounding area and minimizes view impacts to and along the coast. Therefore, as

proposed, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act.

G. 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 Special Condition #6, 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, any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

H. Development

As proposed, the development is located on an existing vacant lot within an existing developed area and is compatible with the character and scale of the surrounding area. Other development in close proximity includes multi-family residential buildings in the northwesterly side of Castellammare Drive, commercial development fronting on Sunset Boulevard and Pacific Coast Highway to the southeast, across Castellammare Drive, and vacant land uphill to the north, northeast and northwest. There are also single-family residences located uphill, and beyond the vacant land. Will Rogers State Beach is located across Pacific Coast Highway.

A multi-family residential project of the density proposed is currently permitted within the corresponding residential plan and zone designation. The density bonus for the proposed project is consistent with State Government Code Section 65915.0 and Section 12.22-A, 25 of the Los Angeles Municipal Code. Therefore, the total number of 29 dwelling units proposed is consistent with all applicable laws and regulations for the project site. The project provides adequate parking based on the Commission's typically applied standards. Therefore, the Commission finds that the development conforms to the Chapter 3 policies of the Coastal Act.

I. Local Coastal Program

Section 30604 (a) of the Coastal Act states:

> *Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).*

In 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, and grading and geologic stability.

The City has submitted five Land Use Plans for Commission review and the Commission has certified three (Playa Vista, San Pedro, and Venice). However, the City has not prepared a Land Use Plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process in 1978, with the exception of two tracts (a 1200-acre and 300-acre tract of land) which were then undergoing subdivision approval, most private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decision remained in the Pacific Palisades. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

As conditioned, to address the geologic stability, water quality, and community character issues related to the project, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

J. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

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. An alternative to the proposed development may include reducing the size of the structure, but a comparable amount of grading would still be necessary to stabilize the landslide and to safely construct the proposed project. 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.