CALIFORNIA COASTAL COMMISSION

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Filed:	7/08/05
180th Day:	waived
270th Day	4/04/06
Staff:	AJP-LB
Staff Report:	12/09/05
Hearing Date:	1/11-13/06

STAFF REPORT: Regular Calendar

APPLICATION NUMBER: 5-05-253

APPLICANT: Ron Flury

AGENTS: Gary Morris and Sherman Stacey

PROJECT LOCATION: 14868 & 14880 Corona Del Mar, Pacific Palisades

PROJECT DESCRIPTION: 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 a maximum of 5 feet. As part of the project, the applicant proposes to combine the two lots and remove the debris from the bluff face using a crane from atop the bluff

SUMMARY OF STAFF RECOMMENDATION

The proposed project is located on a bluff top site that is highly visible from Pacific Coast Highway and where the bluff has retreated significantly. As initially proposed, this project raised issues with Coastal Act sections that require protection of natural landforms and public views and address the safety of development. The applicant has now revised this proposal to minimize visual impacts, to eliminate most of the grading, and to protect the safety of the development. To implement these revisions, staff recommends **APPROVAL** of the proposed project with special conditions. These special conditions require: 1) Revised plans ensuring an adequate setback from the bluff edge for safety of the development; 2) an agreement to install no future slope protective device; 3), construction of an impervious subsurface clay layer; 4) landscaping plans; 5) installation of a pool and water feature leak monitoring system; 6) an erosion and runoff control plan; 7) conformance with geotechnical recommendations; 8) an assumption of risk; 9) a future development restriction;10) legal merger of the two lots; and 11) recordation of a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

The proposed project is located on Corona del Mar, directly above Pacific Coast Highway, in the Pacific Palisades area of the City of Los Angeles. The building site is situated atop a 155-foot high bluff above and north of Pacific Coast Highway and just west of Chautauqua Boulevard on a site that is highly visible from Pacific Coast Highway. As now proposed the

project will be set back from the bluff edge in an area that is both safe and does not rely on landform and bluff alteration to achieve stability. The applicant's geological investigation provides cross-section plans that locate a 1.5 factor of safety line, which intersects the surface of the lot approximately 45 feet inland of the existing bluff edge. The applicant is proposing to locate the residence inland of the 1.5 factor of safety line to ensure that the structure will not contribute to erosion or geologic instability. As conditioned, the proposed project is consistent with the policies in Chapter 3 of the Coastal Action, including, specifically, Sections 30240(b), 30251 and 30253.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles Coastal Development Permit No. ZA 2001-0196(CDP)

Staff Notes:

a. Dual Permit Jurisdiction

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, which is known as the Dual Permit Jurisdiction 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 2001-0196) from the City of Los Angeles on February 27, 2003. The permit was not appealed to the Commission. This application is for the Commission's dual permit.

The Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area of Los Angeles is the Chapter 3 policies of the Coastal Act. The City of Los Angeles does not have a certified Local Coastal Plan for the Pacific Palisades area.

b. Permit History

As stated, the applicant received a coastal development permit (ZA 2001-0196) from the City of Los Angeles on February 27, 2003. The Commission received notice of the City's action on March 24, 2003. The Commission's twenty working day appeal period on the City's coastal development permit action ended on May 22, 2003, without any appeals having been filed.

On June 3, 2003, the applicant submitted an application (No. 5-03-241) to the Coastal Commission for the required additional (dual) coastal development permit. On June 25, 2003, Commission staff notified the applicant that the application was incomplete and sent out a notice requesting additional information. Subsequently, the applicant submitted additional information. After reviewing of the submitted information, the staff determined that the information still did not support the development's consistency with the Coastal Act, was incomplete, inadequate, and raised additional questions that needed to be answered by the applicant and technical consultants. On July 29, 2003, a second incomplete notice was sent out requesting additional information. On October 7, 2004, within 30 days of receiving additional information, Commission staff issued a third incomplete notice, asking the applicant to provide information that was previously requested but not submitted. After receiving all requested information the file was deemed complete on October 25, 2004.

On April 15, 2005, just prior to the deadline for Commission action on the permit application, pursuant to the Permit Streamlining Act, the applicant's authorized agent, Gary Morris, signed and submitted a 90-day time extension of that deadline, extending it to July 22, 2005. The application was subsequently scheduled for the July 13-15, 2005 hearing. The applicant's agent then withdrew the application on July 8, 2005, due to the impending deadline. The application was immediately re-filed as a new application (No. 5-05-253).

c. Applicant's Argument That Permit Has Been Deemed Approved By Operation Of Law

Mr. Sherman Stacey, an authorized agent for the applicant, submitted a letter in September of 2005 arguing, for the first time, that the application has been deemed approved as a matter of law pursuant to the Permit Streamlining Act and that the Commission staff had no authority to refuse to file the application in order to request additional information other than that listed in its regulations (see letter dated August 22, 2005, Exhibit No 7).

1) Permit Streamlining

Mr. Stacey argues that the Commission, pursuant to Government Code Section 65952 and 65957 failed to act within 180 days or the 90 day extension thereof. Mr. Stacey's, argument applies only to the original permit application (No. 5-03-241) and not the current application (No. 5-05-253) since the current application was only recently resubmitted by the applicant and deemed complete and is still within the 180th day. Regarding application No. 5-03-241, the applicant, after discussions with Commission Staff regarding Permit Streamlining Act deadlines for that application, provided staff on April 15, 2005, a 90-day extension of time to extend the hearing deadline beyond the 180th day time limit, and subsequently, on July 8, 2005, submitted a letter to withdraw the application (No. 5-03-241). On both occasions, Commission Staff received a valid extension of time and letter for withdrawal from the applicant's agent. The applicant never raised this issue and continued to work with staff until he eventually withdrew the application and resubmitted. Therefore, this is not a valid argument for the application to be deemed approved by operation of law.

2) Right to Postponement

Mr. Stacey also argues that the Commission violated 14 CCR Section 13073 by not allowing the applicant to postpone the hearing, since staff did not set the application for hearing until the last possible hearing date within the 270th the day limit. This is not a valid argument. Section 13073(c) expressly limits the right to a postponement, stating that any request must include a waiver of applicable time limits for Commission action on the application. Moreover, the applicant had the opportunity to go to hearing prior to the expiration of the 270th day under protest and then pursue a legal challenge to this issue. However, instead, the applicant withdrew the application and reefiled. Therefore, the applicant cannot now raise this as a valid argument for the application to be deemed approved by operation of law.

3) Time Limits Notification

Mr. Stacey further argues that the Commission violated Government Code Section 65941.5 by failing to inform Mr. Flury of the time limits established for the review and approval of their applications. The history of the Commission staff's dealings with Mr. Flury and Mr. Flury's submission of extension and withdrawal requests indicate that he was aware of these deadlines. However, even if this assertion were correct, it would not cause the permit to be approved by operation of law.

4) Required Information for application submittal

Finally, with regards to the Commission staff's authority to request the additional information that it sought during the application review process, Mr. Stacey argues that the Commission violated Government Code Section 65940 by providing a list of required items in section IV of our permit application form, but requiring more than is listed either there or in the Commission's regulations (14 CCR Section 13052). Staff does not agree. Neither Section IV of our permit application nor 14 CCR Section 13052 is intended as an exhaustive list of information that may be necessary in order for the commission to process a permit application. Government Code Section 65943 allows agencies to reject an

application and explain what additional information is necessary to complete it. Furthermore, the request for additional information pertained to the original permit application file; therefore, any issue with the request for additional information and how it affected the filing of the permit application would only pertain to the original application and not this current permit application. Moreover, at the time the request for additional information was made or after, the applicant never asserted that the application was filed as a matter of law. Instead, the applicant continued to work with staff to satisfy the staff's information request, then later withdrew its application. Therefore, the applicant cannot now raise this as a valid argument for the application to be deemed approved by operation of law.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR COASTAL DEVELOPMENT PERMIT NO. 5-05-253:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit 5-05-253 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.

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 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. Revised Plans

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two full size sets of final project plans (i.e. site plan, elevations, cross-sections, grading, foundation, etc.) showing that the residential structure is setback a minimum distance of 45 feet from the existing bluff edge and behind the theoretical 1.5 Factor of Safety Line, as generally depicted in Exhibit No. 4 of the staff report. All ancillary structures, such as hardscape, patios, sheds, swimming pools, shall be set back a minimum of 10 feet from the bluff edge.

B. The permittees 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.

2. No Future Protective Device

A. By acceptance of this permit, the applicant agrees, on behalf of himself and all successors and assigns, that no bluff protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit 5-05-253, including future improvements, in the event that the property is threatened with damage or destruction from erosion, landslide, or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of himself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

B. By acceptance of this Permit, the applicants further agree, on behalf of himself and all successors and assigns, that the landowner shall remove the development authorized by this permit, including the residence and decks, if any government agency has ordered that the structure(s) is/are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

C. In the event the edge of the bluff recedes to within ten (10) feet of the principal residence but no government agency has ordered that the structures are not to be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the applicants, that addresses whether any portions of the residence are threatened by bluff and slope instability, erosion, landslides or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the principal residence without bluff protection, including but not limited to removal or relocation of portions of the residence. The report shall be submitted to the Executive Director and the appropriate local government official. If the geotechnical report concludes that the residence or any portion of the residence is unsafe for occupancy, the permittee shall, within 90 days of submitting the report, apply for a coastal development permit amendment to remedy the hazard which shall include removal of the threatened portion of the structure.

3. Subsurface Impervious Clay Layer

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, engineered grading plans approved by the applicant's geotechnical consultants, showing the location and construction details of an impervious clay layer and drainage system to be installed on all pervious areas on top of the bluff, in order to prevent infiltration of runoff or irrigation water into the bluff. The impervious clay layer shall be a minimum of twelve inches thick and shall have a maximum hydraulic conductivity of 1×10^{-6} cm/sec. The clay layer shall be capped by a layer of sand with minimum hydraulic conductivity of 1×10^{-2} cm/sec, containing perforated drainage pipes designed to collect groundwater and carry it to the street.

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 landscaping plan shall conform with the following requirements: a) all plants shall be low water use plants 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*"; b) the plan shall incorporate plants to help screen or soften the visual impact of development from the public areas along Pacific Coast Highway and the beach; c) The applicant shall not employ invasive, non-indigenous plant species, which tend to supplant native species as identified on the California Native Plant Society publication "California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled *Recommended List of Native Plants for Landscaping in the Santa Monica Mountains,* January 20, 1996 " and/or by the California Exotic Pest Council; d) A permanent irrigation system is allowed on the bluff top within the property with the incorporation of an impervious subsurface clay layer and drainage system as required under Special Condition No. 3, and with the installation of a soil moisture sensor system in all irrigated areas to provide the owner warning of any overwatering conditions. Temporary, aboveground irrigation on the bluff face to allow the establishment of the plantings is allowed; e) Use of California native plants indigenous to the Pacific Palisades/Santa Monica Mountains area is encouraged; f) All required plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.

B. 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.

5. 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.

6. 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 the 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.

7. Conformance with Geotechnical Recommendations

A. All final design and construction plans, as modified and approved under Coastal Development Permit No. 5-05-253, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Engineering Geologic Reports prepared by The J. Byer Group, Inc., dated November 1, 2000, 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.

8. 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.

9. Future Development Restriction

This permit is only for the development described in coastal development permit No. 5-05-253. 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. 5-05-253. Accordingly, any future improvements to the single family house 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. 5-05-253 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

10. Lot Merger

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence, for the review and approval of the Executive Director, that the properties identified as Lots 3 and 4, in Exhibit No.3 of the staff report, dated December 9, 2005, have been legally merged into one parcel pursuant to applicable State and Local statutes. The merged lots shall be held as one parcel of land for all purposes including, but not limited to, sale, conveyance, development, taxation, or encumbrance.

After the document implementing the merger is recorded, the applicant shall provide a copy of the document to the Los Angeles County Assessor's office and request that the assessor's office revise its records and maps to reflect the merger of the parcels.

11. 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: (i) 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 (ii) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the subject property. The deed restriction shall include a legal description of the entire parcels 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.

II. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Area History

The applicant is proposing 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 quarters and seven car garage; a swimming pool; and 16,950 cubic yards of grading (cut). The proposed project will be located on a bluff top lot overlooking Pacific Coast Highway. No grading or alteration of the bluff face is proposed.

The original proposal submitted on June 3, 2003 included a visible structure on the upper portion of the bluff face and major grading and landform alteration. In response to staff's

concerns regarding the consistency of the amount of landform alteration with the Coastal Act, the applicant modified the project from the original proposal, which included :

> The construction of a 24,430 square foot, 27 foot high (from finished grade), single-family residence, including basement for storage, gym, maid's quarters and fifteen car garage; swimming pool; and 47,000 cubic yards of grading (cut), lowering site 15-25 feet; and 27 foot high soil nail wall[1] with shotcrete facing.

In the present proposal, the applicant has not changed the square footage of the proposed residence. However, in response to explanations from the applicant, the staff has revised the description of the residence from 24,430 square foot total to separate out the 12,295 square foot first floor from the 12,135 square foot subterranean basement that includes the garage, storage, personal gym, and maid's quarters.

The significant change to the proposed project includes elimination of the soil nail wall on the bluff face, and reduction of grading from 47,000 cubic yards to 16,950 cubic yards, a reduction of 30,050 cubic yards. The reduction in the grading quantity would be accomplished by reducing the amount of grading for the basement, eliminating the proposal to lower the bluff 15-25 feet, as originally proposed, and, instead, lower the inner portion of the lot by approximately 4-8 feet. As revised, the proposed project will not require grading on the bluff face.

The proposed project site is located off Corona Del Mar, between Corona del Mar and Pacific Coast Highway in the Pacific Palisades area of the City of Los Angeles (see Exhibit No. 1 & 2). The subject site consists of two relatively flat graded bluff top lots totaling approximately 1.87 acres (see Exhibit No. 3 & 4). The lots extend south approximately 140 feet from the frontage road to the bluff edge, where the property then drops down a steep approximately 155 foot high bluff.

The two lots were previously developed with two single-family dwellings. The dwellings were extensively damaged and one partially slid down the slope due to the 1994 Northridge earthquake. All development has since been removed from the site, except for debris remnants that have fallen onto the bluff face. The applicant proposes to combine the two lots as part of this application, and remove the debris from the bluff face using a crane from atop the bluff

The proposed project site has been subject to historic and prehistoric landslides. The subject parcel is located in the Huntington Palisades area of Pacific Palisades, a planning

[1] "The soil nail retaining wall utilizes steel tendons grouted into drilled holes into the alluvial terrace to reinforce the ground. The reinforced ground becomes the primary structural element of the wall and shotcrete supports the excavation face between the soil nails. The soil nailed mass behaves as a composite unit, similar to a gravity retaining wall", Geologic and Soils Geotechinical Engineering Exploration report, prepared by The J. Byer Group, Inc., November 1, 2000, for 14868 and 14880 Corona del Mar, Pacific Palisades, California.

subarea of the City of Los Angeles. Numerous past landslides have occurred in the Huntington Palisades area over the years. Major recorded landslides occurred in October 1932, March 1951, February 1974, March 1978, February 1984, November 1989, January 1994, 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 loss of the previous residential structure on this and the adjacent parcel occurred as a result of slope failure induced by the 1994 Northridge earthquake. The most recent landslide on the site occurred in 1995, after a total seasonal rainfall that was approximately twice the average cumulative seasonal amount for the area.

The original project has received a coastal development permit [ZA 2001-0196(CDP)] from the City of Los Angeles, as well as approval of numerous geology reports reviewed and conditionally approved by the City of Los Angeles' Department of Building and Safety.

B. Geologic Hazards/ Natural Landforms

Section 30253 of the Coastal Act provides in part:

> *New Development shall:*
>
> *(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazards.*
>
> *(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 City of Los Angeles Municipal Code specifies a factor of safety of 1.5 as the minimum acceptable static factor of safety for cut, fill and buttress fill slopes, and for natural slopes where construction is proposed. Section 91.7005.9 of the City's Municipal Code states:

> *Whenever the principal building on a site is added to, altered or repaired in excess of 50 percent of its replacement value, the entire site shall be made to conform with the provisions of this division and Division 18.*

Furthermore, the City's Department of Building and Safety policy regarding construction and slope stability states:

> *When the proposed construction consists of a new single-family residence or the value of the improvements (additions and/or remodeling) to an existing building exceeds 50 percent of the replacement value, then the entire site (emphasis added) shall have a minimum factor of safety of 1.5. Where slopes with a factor of safety less than 1.5 will not pose a hazard to the proposed construction, the site*

access or to adjacent property, the Department may consider waiving this requirement.

The project site consists of two partially graded blufftop lots, on the bluff north of Pacific Coast Highway, in the Pacific Palisades area of the City of Los Angeles. It is located on the south side of Corona del mar, west of Santa Monica Canyon, and approximately 1/8 of a mile northwest of the intersection of Pacific Coast Highway and Chautauqua Boulevard. The existing level pad is located at an elevation of approximately 165 feet above sea level. Slopes descend from the level pad to the south and east. The south facing slope is approximately 155 feet high and descends at a gradient ranging from near vertical to 1 ½ :1. Fill underlies the building pad portion of the site to a maximum observed depth of two feet. Fill consists of silty sand, which is brown, slightly moist, medium dense to dense with rock and concrete fragments to ½ inch. Alluvial terrace deposits underlie the subject property. The lower 55-foot portion of the slope, which is owned by the California Department of Transportation, consists of a buttress fill slope, which was placed by the California Department of Transportation to protect Pacific Coast Highway from slope failure.

The applicant has provided a series of geological reports. The applicant's geotechnical reports acknowledge that the subject parcel has inherent geologic risks regarding slope stability. According to the geologic and soils Geotechnical report, prepared by The J. Byer Group, Inc. (11/1/2000), the alluvial terrace is generally massive to horizontally layered and lacks significant structural planes. The massive nature of the alluvial terrace is favorable for the gross stability of the site and proposed project. The geotechnical report further states:

The slope above PCH between Santa Monica Canyon and Potrero Canyon has been affected by landsliding from prehistoric times to the present. A compacted fill buttress, approximately 55 feet high, was constructed at the base of the slope below the subject property in 1979. The top of the slope has been receding during the time the site was developed due to erosion of the near vertical upper portion of the slope. The most recent slope failure occurred during intense ground shaking caused by the January 1994 Northridge earthquake, which caused the top of the slope to recede approximately 38 feet. The south 12 feet of the single family residence was undercut and collapsed as a result. The failures left a near vertical scarp at the new top of slope with debris scattered over the lower portion of the slope and covering the slope bench which was previously located at the top the compacted fill buttress.

A slope stability analysis was completed for the site and a significant portion of the lot was shown to have a factor of safety of 1.485, less than the minimum required 1.5. To meet the City's requirement of a minimum factor of safety of 1.5 for the entire site, the applicant's initial 11/1/2000 geology report recommended construction of a tied-back soldier pile wall, trimming the mid portion of the south facing slope to a 1 1/2:1 (horizontal to vertical) grade, lowering of the blufftop and construction of the soil nail wall. Those recommendations were incorporated into the original coastal permit application.

The subject lot has a relatively level bluff top that varies from approximately 144 to 210 feet deep, as measured from the street to the existing bluff edge. The geotechnical cross-section plans locate the 1.5 factor of safety line approximately 15 to 40 feet inland of the bluff edge. Based on these cross-sections, there is a 100 to 180 foot wide area on top of the bluff that presently has a factor of safety at, or greater than, 1.5. However, the geologic investigation states that surficial slope instability could impact proposed improvements such as hardscape and fencing located near the bluff edge.

To meet the requirements of the Coastal Act, bluff top developments must be sited and designed to:

> *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 Commission's staff geologist, Dr. Mark Johnsson, reviewed the applicant's originally proposed plans and geology reports, including the City's geologic review, and noted that the proposed project, if carried out in accordance with the recommendations set forth in the geotechnical reports to date, would be stable; however Dr. Johnsson had expressed concern regarding the extensive land form alteration originally proposed on the slope, and the necessity of such work. Based on the information provided, the applicant could construct a new residence sited to avoid the areas subject to slope instability and long term bluff erosion rate concerns.

While the area near the bluff face has a factor of safety of less than 1.5, as noted above, there is a 100 to 180 foot wide area on top of the bluff, that is setback at least 45 feet from the edge of the bluff, that presently has a factor of safety at, or greater than, 1.5 where the applicant can site development without altering the landform and constructing a retaining wall system on the bluff face. The applicant's consultants acknowledge that there is a location on the bluff where the house could be constructed safely, achieving a 1.5 factor of safety for the building site, without the extensive grading and slope stability structure that they originally proposed.

Although the proposed project is not consistent with the City's requirement of achieving a 1.5 factor of safety for the *entire* site, it does meet the City's minimum requirement of a 1.5 factor of safety for the building area of the residential structure and is consistent with Commission's past coastal development permit approvals for achieving a 1.5 factor of safety for the building area. After conversations between the consultants, city staff and coastal staff, City staff indicated that if the residence can be constructed on an area of the site with a factor of safety of 1.5, and not pose a hazard to adjacent properties, it is possible that the Department can approve the development with a modification or a waiver of the requirements that require stabilization of the entire slope. This waiver could be issued if the Commission does not approve the slope stability measures originally approved by the City to achieve a 1.5 factor of safety for the entire site. (The City staff notes that waiving this requirement is not a preferred option due to the hazards associated with developing this site

and the liability issues; however, if the Commission was to not approve the slope stability measures, the City would consider issuing a modification or waiver depending on the design alternatives).

In response to discussions with staff, the applicant's geologist revisited his recommendations, noting that he had identified an area on the lot where there is a factor of safety of 1.5 and concluding that a house can be safely constructed in that area. The ability of the applicant to do this, however, would be dependent on the City's willingness to grant an exception to its requirement that the entire lot, not just the building site, reach a factor of safety of 1.5 or more.

While the proposed modified plan would eliminate the alteration of the landform that was originally proposed, in order to assure stability and structural integrity, as required in Section 30253, a development setback line must be established that places the proposed structures not only a sufficient distance from unstable or marginally stable bluffs to assure their safety, but that also takes into account bluff retreat over the life of the structures, thus assuring the stability of the structures over their design life. The goal is to assure that by the time the bluff retreats sufficiently to threaten the development, the structures themselves are obsolete. Replacement development can then be appropriately sited behind a new setback line.

The first aspect to consider in establishing development setbacks from the bluff edge is to determine whether the existing coastal bluff meets minimum requirements for slope stability. If the answer to this question is "yes," then no setback is necessary for slope stability considerations. If the answer is "no," then the distance from the bluff edge to a position where sufficient stability exists – and is predicted to exist after 75 years – to assure safety must be found, or engineered, and the proposed structures must be sited in such a way as to maximize the setback from the bluff and eliminate the need for any protective device that would substantially alter the natural landform along the bluff. In other words, a determination must be made relative to how far back from the unstable or marginally stable slope must development be sited to assure its safety. Assessing the stability of slopes against landsliding is undertaken through a quantitative slope stability analysis. In such an analysis, the forces resisting a potential landslide are first determined. These are essentially the strength of the rocks or soils making up the bluff. Next, the forces driving a potential landslide are determined. These forces are the weight of the rocks as projected along a potential slide surface. The resisting forces are divided by the driving forces to determine the "factor of safety." A value below 1.0 is theoretically impossible, as the slope would have failed already. A value of 1.0 indicates that failure is imminent. Factors of safety at increasing values above 1.0 lend increasing confidence in the stability of the slope. The industry-standard for new development is a factor of safety of 1.5.

In this case, the applicant has submitted slope stability analyses indicating that the slope has a factor of safety of less than 1.5. Thus, the slope is known to be unstable and some portions of the site on the bluff top also have a factor of safety less than 1.5, however it is possible to infer from the applicant's analysis that a significant part of the bluff top has a

factor of safety of 1.5 or greater. In a geotechnical report from the J. Byer Group dated December 9, 2005, slope stability analyses on three cross sections are used to constrain the line on the bluff top behind which a factor of safety against sliding exceeds 1.5. The Commission's staff geologist concurs with the methodology and the results. Siting the development behind this line will assure stability of the development at the current time. Part of the reason that this can be achieved is a that a fairly large amount of grading (cut) is contemplated, reducing the driving forces on a potential slide surface.

The second aspect to be considered in the establishment of a development setback line from the edge of a coastal bluff is the issue of more gradual, or "grain by grain" erosion. In order to develop appropriate setbacks for bluff top development, the future position of the bluff edge must be predicted so that development can be sited to be safe from long-term coastal erosion. The Coastal Act requires development to be stable for the anticipated life of the development (typically taken to be 75 years). The Commission has typically defined 'stable' to mean the development is sited in a location that will retain a 1.5 factor of safety throughout the life of the development without reliance upon a protective device. In this case, the single-family residence can be built landward of the theoretical factor of safety line of 1.5, with a minimum set back of 32 feet from the bluff edge, based on the location of the factor of safety line, that could provide the applicant an adequate buffer from the slope where the slope will not pose a hazard to the proposed construction, site access, or to adjacent properties.

With time, the upper portion of the bluff will erode back toward the building envelope. The 9 Dec 2005 geotechnical report states, and the Commission's staff geologist concurs, that erosion is unlikely to bring the bluff edge to the building's foundations over its expected economic life (assumed to be 75 years). However, it has not been demonstrated that there will be a factor of safety of 1.5 or more at the site of the building at the end of 75 years. The Commission would normally provide this assurance by adding the expected amount of bluff retreat over 75 years to the setback needed to assure a factor of safety of 1.5 at the present time. Accordingly, the proposed building envelope is likely not sited as conservatively as the Commission would normally require on eroding coastal bluffs. However, unlike coastal bluffs subject to marine erosion, bluff edge retreat is not likely to continue indefinitely on this site, but instead will tend to be reduced, eventually to zero, as the slope becomes less steep. With extensive drainage controls, as proposed, the types of rocks in the bluff can hold up a slope as steep as 32 degrees, the internal angle of friction of the weakest units. In reality, the slope may stabilize at a steeper angle since these rocks do have some cohesion and some units are stronger than the weakest units. Extrapolating a 32 degree slope from the toe of the bluff to the proposed grade, the bluff edge does not intersect the building footprint.

As sited, the residential structure will 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. However, in addition to the proposed residential structure, the applicant is proposing the development of a swimming pool and other hardscape at or near the edge of the bluff. Development, including ancillary

structures such as hardscape and swimming pools, on or near the bluff face in areas of high geologic risk can contribute and accelerate erosion of the bluff. The Commission in past coastal development permit actions has required that ancillary development be set back at least 10 feet from the bluff edge to minimize any potential erosion risk or geologic hazard and that any future threat to the ancillary development due to erosion or geologic instability will require the removal or relocation of the threatened structure so that a slope stability structure will not be necessary. Special Condition No. 1 requires that the applicant submit revised project plans showing relocation of the existing residence setback, at a minimum, 45-feet from the existing bluff edge, as proposed by the applicant, and that any proposed hardscape and appurtenances be, at a minimum, 10-feet from the existing bluff edge as generally depicted on Exhibit No. 4 of this staff report to minimize the potential that the development will contribute to slope instability.

As conditioned by this permit, to limit development to no further than the 1.5 factor of safety line and a minimum of 45 foot setback from the edge of the bluff, as proposed by the applicant, and limiting ancillary development to at least 10 feet from the bluff edge, development will be constructed in a geologically stable area, 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. However, coastal bluff lots are inherently hazardous. It is the nature of bluffs to erode. Bluff failure can be episodic, and bluffs that seem stable now may not be so in the future. Even when a thorough professional geotechnical analysis of a site has concluded that a proposed development is expected to be safe from bluff retreat for the life of the project, it has been the experience of the Commission that in some instances, unexpected bluff retreat episodes that threaten development during the life of a structure sometimes do occur. In the Commission's experience, geologists cannot predict with absolute certainty if or when bluff failure on a particular site may take place, and cannot predict if or when a residence or property may become endangered. Because of the hazardous nature of the area and potential for future slope failure, there may be a time where portions of the approved development may be threatened by erosion or slope failure. The Coastal Act limits construction of protective devices because they increase erosion and negatively affect views. Under Coastal Act Section 30235, a protective device, such as a cliff retaining wall or seawall, must be approved if: (1) there is an existing principal structure in imminent danger from erosion; (2) shoreline altering construction is required to protect the existing threatened structure; and (3) the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply.

The Commission has generally interpreted Section 30235 to require the Commission to approve protection of development only for <u>existing</u> principal structures. The construction of a protective device to protect <u>new</u> development would not be required by Section 30235 of the Coastal Act. The proposed project involves the construction of new development. In addition, allowing the construction of a protective device to protect new development would conflict with Section 30253 of the Coastal Act, which states that permitted development shall not require the construction of protective devices that would substantially alter natural landforms along bluffs.

The proposed project does not include the construction of any protective device to protect the proposed development. However, it is not possible to completely predict what conditions the proposed structure may be subject to in the future. The proposed development could require a protective device as a result of increased erosion of the bluff face. Consequently, it is conceivable the proposed structure may be subject to erosion hazards that could lead to a request for a protective device, such as a retaining wall, to support the development. The construction of such devices would represent a conflict with Section 30251, which protect the integrity of natural landforms. Based on the information provided by the applicant, the proposed project can be built and meet the minimum factor of safety of 1.5 required on bluff areas, without any bluff protective structures. The setback from the bluff edge and physical conditions of the site are such that the project is not expected to engender the need for a bluff protective structure.

The proposed development could not be approved as being consistent with Section 30253 of the Coastal Act if projected bluff retreat would affect the proposed development and necessitate construction of a protection device. As currently proposed, no bluff protection device is proposed. However, because the proposed project includes new development, development can only be found consistent with Section 30253 of the Coastal Act if a bluff protective device is not expected to be needed in the future. To ensure that the proposed project is consistent with Section 30253 of the Coastal Act, and to ensure that the proposed project does not result in future increased bluff erosion and adverse effects to coastal processes, the Commission imposes Special Condition No. 2. Special Condition No. 2 requires the applicant, or future landowner, to refrain from constructing a protective device for the purpose of protecting any of the development approved as part of this application. This condition is necessary because it is impossible to completely predict what conditions the proposed structure may be subject to in the future.

By requiring the applicant to agree that no protective devices, including retaining walls, shall ever be constructed to protect the development approved by this permit, the Commission makes it clear that it's approval is based on the understanding the proposed development will be safe from potential erosion or slope failure damage. Based on Special Condition No. 2, the Commission also requires that the applicant remove the structures if any government agency orders that the structures be removed due to erosion or other hazards.

Furthermore, irrigation or excess water on a geologically hazardous bluff can cause erosion. Although landscaping on the site is important to stabilize the bluff and minimize erosion, too much irrigation or accidental water line breaks can contribute to and accelerate instability and erosion of the bluff. The Commission in past permit action has either prohibited permanent irrigation or required other measures such as plastic liners or a clay layer to prevent or minimize infiltration of water on bluffs that pose a geologic hazard. The applicant has indicated that he would install a clay layer and drainage system to prevent water infiltrating the bluff and direct water to subdrains that lead to the street. Therefore, as a condition of this permit, Special Condition No. 3 requires that the applicant shall submit drainage and erosion control plans that include the grading and incorporation of subsurface clay layer under all

pervious areas to retard water infiltration into the bluff. The design and location of the clay layer and drainage system shall be approved by the applicant's geotechnical consultants. Furthermore, to ensure that the area is not over watered, as part of a required landscape plan, Special Condition No. 4 requires that the applicant submit plans and install a soil moisture sensor system in all irrigated areas to provide the owner warning of any overwatering conditions. The landscape plan shall ensure that the project maintains mostly drought tolerant vegetation and adequate drainage. The plan shall include drought tolerant vegetation common to coastal bluffs, no invasive non-indigenous plant species (see Exhibit No. 8) and no permanent irrigation system on the bluff face. The plan shall allow for the temporary use of above ground irrigation on the bluff face, if necessary, to allow time to establish the plantings.

In addition to potential overwatering due to irrigation, swimming pools and other water features can be a source of excess water on the bluff due to leaks. Therefore, Special Condition No. 5 is necessary to require a special construction and a leak detection system for the swimming pool and any other water feature to be incorporated and implemented into the project. Special Condition No. 6 requires that the applicant submit and implement an erosion control plan to minimize erosion during construction and permanent measures to be implemented for the development.

To ensure that final plans, as conditioned by this permit, are consistent with the recommendations contained in the geotechnical report prepared by the geotechnical consultant the Commission imposes Special Condition No. 7, which states that the geotechnical consultants' recommendations should be incorporated into the design of the project, as modified by this permit. As a condition of approval the applicant shall submit for the review and approval of the Executive Director evidence that the final plans have been reviewed and signed by a consulting geologist.

In previous actions on hillside development in geologically hazardous areas, the Commission has found that there are certain risks that can never be entirely eliminated. In addition, the Commission notes that the applicant has no control over off-site or on-site that may change and adversely affect the coastal slope on the property. Therefore, based on the information in the applicant's geologic reports and the City's review, the Commission finds that the proposed project is subject to risk from erosion and/or slope failure (topple) and that the applicant should assume the liability of such risk. Therefore, the applicant and any future owner of the properties should be aware of such risks and Special Condition No. 8 is necessary. The assumption of risk, when recorded against the property as part of the deed restriction, will provide notice to all 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.

Furthermore, the development as conditioned, is consistent with the applicable sections of the coastal act. However, without controls on future development, the applicant could construct future improvements to the single-family house, including but not limited to improvements to the residence and hardscape, that could have negative impacts on coastal resources, and

could do so without first acquiring a coastal development permit, due to exemption for improvements to existing single-family residences in Coastal Act Section 30610 (a). To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes Special Condition No. 9, a future improvements special condition that requires that all future development of the site will require a new coastal development permit.

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 No. 11 requiring that the property owners 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 owners 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.

The Commission, therefore, finds that only as conditioned will the proposed development be consistent with Sections 30251 and 30253 of the Coastal Act.

C. Visual Resources

Section 30251 of the Coastal Act states in part that:

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

and Section 30240 (b), in part states:

> *(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 directly above Pacific Coast Highway, atop a 155-foot high bluff above and north of 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.

The applicant is proposing a one-story, 27-foot high, as measured from finished grade, 12,295 square foot single-family residence, with 12,135 square foot basement and 16,950 cubic yards of grading (cut). Approximately 11,500 cubic yards, or 67%, of the total grading will be for the construction of the basement and the remaining 5,450 cubic yards, or 34% of the total grading, will be to reduce driving forces on the bluff face and to create positive drainage away from the bluff edge and direct it to the street through slopes and drainage devises. The overall elevation of the existing grade will be lowered from approximately 166 feet to 162 feet. The residence as proposed is set back from the existing bluff edge a minimum of 45 feet, with at-grade patios and swimming pools up to the bluff edge.

The applicant has submitted a view analysis from two locations to the west and east on the beach, and one from directly across Chautauqua Boulevard (see Exhibit No. 6 & 6a). The sight lines indicate that the structure will not be highly visible from those areas. However, because the property sits on a prominent bluff overlooking Pacific Coast Highway and the beach, a residential structure at this location will be visible east of the project site along Pacific Coast Highway for approximately a quarter mile distance where the view is then blocked by existing vegetation and the bluffs located along PCH and east of Chautauqua Boulevard. In addition, as one moves further seaward and away from the bluff, development atop the bluff will become more visible from the beach area to the south (seaward).

With the original proposal Commission staff was concerned that the grading along a slope face with near vertical walls and placement of shotcrete, would provide an unnatural engineered appearance, which would further add to the visual impact along the bluff. In response to staff's concerns the applicant has eliminated all grading along the slope face, the use of shotcrete, and alteration of the slope.

The applicant originally argued that leaving the bluff alone would contribute to erosion and their proposal of grading and construction of the soil nail wall would help protect the bluff and enhance the visual quality of the slope in the degraded area. However, the originally proposed project did not minimize grading and would have provided an unnatural engineered appearance, creating an adverse visual impact within the surrounding coastal area. Although, blending the retaining wall with the surrounding natural slope color and texture would reduce the visual impact as compared to a standard concrete or timber and iron retaining wall, such walls do not completely blend in with the natural slope and have an unnatural appearance. Over time erosion of the abutting natural slope exposes the edges of the shotcrete and retaining wall system creating a greater visual impact.

Section 30251 states that development shall minimize the alteration of natural landforms. The originally proposed project with grading along the bluff face, including the lowering of the existing bluff top by 15 to 20 feet, with 47,000 cubic yards of cut, is not minimizing grading and landform alteration when there are alternatives available that would significantly further reduce grading and landform alteration. To address staff's concerns regarding grading and landform alteration, the applicant eliminated all grading and landform alteration to the bluff face, and significantly reduced grading atop the bluff.

The grading currently proposed by the applicant includes 5,450 cubic yards for excavation for the basement, and 11,500 cubic yards to grade the bluff top and slope the bluff top to the street to improve slope stability and proper drainage. The proposed grading on the bluff top will lower the top of the bluff approximately a maximum of 5 feet overall to reduce further erosion of the bluff edge and to direct drainage away from the bluff. As currently proposed, the grading will not significantly alter the natural landform and as proposed will be visually compatible with the surrounding area.

Although the single-family residence will be visible from the surrounding area because of the topography of the property, as proposed, the development reduces the visual impact from the surrounding public coastal areas by having the residential structure sited a minimum of 45 feet from the bluff edge, and designed as a one story, 27 foot high structure. However, because of the prominence of the property, development on top of the bluff will be visible from portions of PCH and the beach. Therefore, to help minimize the visual impact from the surrounding public coastal areas, the applicant shall include landscaping that will help break up the mass of the residential structure and soften the view of the development from the surrounding coastal areas. Special Condition No. 4 requires that the applicant submit a landscaping plan that requires the use of drought tolerant and native plants that will minimize erosion and reduce the visual impact of the development. As sited and designed with adequate landscaping the proposed project will minimize view impacts to and along the ocean and scenic coastal areas, and minimizes the alteration of natural landforms.

Furthermore, the proposed single-family residence is over 12,000 square feet with an additional 12,000 square feet for a basement for the garage, maids quarters, and personal gym. The size of the residence exceeds the average square footage for single-family residences in the surrounding area. Newer homes in the area are approximately 4,000 to 5,000 square feet with older homes being much smaller. Although the proposed residence is larger than the surrounding development the applicant is combining two lots, approximately 28,400 square feet and 52,977 square feet, for a total of 81,457 square feet (1.87 acres). As a condition of the City's Coastal Development Permit, the applicant is required to merge the two lots and hold them as one parcel. By holding the two lots as one, the potential for developing a second residential development on the second lot would be eliminated, reducing the potential cumulative visual impact of having two large homes on this bluff. To ensure that the lots are held as one parcel, and will not be sold or developed separately in the future, Special Condition No. 10, similar to the City's condition, requires that the applicant legally merge the properties to make them into one legal parcel, so that neither current lot can be sold, subdivided, or developed with a separate single-family residence.

As conditioned, the single-family residence will not have a significant visual impact on views from the surrounding area. The Commission, therefore, finds that the proposed project will not adversely impact the visual resources of the surrounding area and minimizes natural landform alteration and is consistent with Section 30240(b) and 30251 of the Coastal Act.

D. Local Coastal Program

Section 30604(a) of the Coastal Act states:

> *(a) 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.*

The City of Los Angeles has not prepared a draft Land Use Plan for this planning subarea. In its initial "Work Program," the city identified protection of public views and stability of the lots along Pacific Coast Highway as issues that needed investigation. As proposed the project will not adversely impact public coastal views from the adjacent public areas including Pacific Coast Highway and Will Rogers State Beach, and will minimize the amount of grading that would substantially alter natural landforms along bluffs and cliffs. The Commission, therefore, finds that the project as conditioned is consistent with the Chapter 3 policies of the Coastal Act with regards to the protection of public coastal views, and approval of the project as proposed will not prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. CEQA

Section 13096(a) of the Commission's administrative 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 impact which the activity may have on the environment.

In this case, the applicant considered an alternative that would have considerably more impacts on coastal views and landforms that the revised project, and has modified its project to reduce these impacts. Other lots along Corona Del Mar also face stability issues. The project as originally proposed, would have impacted views and could have established a pattern of maximizing the developable areas of the lots on the bluff top along Corona del Mar by landform alteration and construction of visible retaining walls. Although such walls can be colored to mimic a natural bluff, they are clearly not natural bluffs and their construction could individually and cumulatively change the view along the bluffs from Pacific Coast Highway and the beach. As revised, the development has minimized such individual and cumulative impacts on views.

As revised and 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.