

CALIFORNIA COASTAL COMMISSION

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**W14b,
14c**

Appeal Filed: 2/18/2005
Substantial issue: 4/13/2005
Permit application filed 11/18/2005
180th day permit application: 5/17/2006
Staff: PE-LB
Staff Report: 1/19/2006
Commission Action:

STAFF REPORT:
DE NOVO & REGULAR CALENDAR

APPLICATION NUMBER: 5-05-236

APPEAL NUMBER: A-5-PPL-05-063

APPLICANT: Palisades Landmark, LLC

PROJECT LOCATION: 17331-17333 Tramonto Drive, Pacific Palisades, City of Los Angeles.

PROJECT DESCRIPTION: Demolition of two apartment buildings and construction of a 61-unit condominium project in four three-level and four four-level structures above a 205 space parking lot; project requires 130,000 cubic yards cut and 80,000 cubic yards fill to stabilize Revello landslide on 173,496 square foot lot on RD2-1 and RE9-1 Zoned site; designated Low Medium-II Residential and Low Residential in the Community Plan.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve the project with special conditions to protect visual, biological, and recreational resources and to assure the safety of development. The recommended Special Conditions address: 1) visual impacts and height, 2) assumption of risk, 3) preconstruction monitoring of ground water levels, 4) conformance of construction with geological and engineering recommendations, 5) control of discharge during construction, 6) proper disposal of soil exported from the site; 7) providing plan notes summarizing construction related special conditions, 8) control water quality of discharges after construction, 9) monitoring of the pool for leaks, 10) use of non invasive plants for landscaping, salvage on native plants that are now on the site, 11) protection of nesting birds, 12) preservation of archaeological resources, 13) maintenance of drainage devices, 14) maintenance of debris walls, 15) requiring a permit for future development and 16) a deed restriction memorializing the special conditions. **Motions for approval with conditions are found on pages 3 and 4 of this report.**

The applicant proposes to construct 61 units on a hillside that overlooks the densely developed intersection of Pacific Coast Highway and Sunset Boulevard in the Pacific Palisades neighborhood of the City of Los Angeles. The applicant has modified his project after approval by the City of Los Angeles to reduce the number of units from the originally approved 82 units to 61 units (Exhibit 17), but is not proposing changes in the height, bulk,

or siting of the proposed structures. The project raises issues of geologic stability, landform alteration, and impacts on views from Pacific Coast Highway. The project requires removal of the portion of a landslide that crosses applicant's property—requiring 130,000 cubic yards cut and 80,000 cubic yards fill. The Revello landslide is a major landslide that extends both up- and downslope off the property, covering almost 80,000 square feet. Prior to excavation, the applicant proposes to install soldier piles at ten-foot intervals around the northerly and westerly property lines to protect properties located on the slide above his project from damage. The project consists of eight structures built around an underground garage, a recreation shelter, and a pool. Four of the structures will have three levels over the garage, and four will have four levels. The structures, including the garage levels each extend approximately forty-seven (47) feet above the existing natural grade (Exhibit 6).

Currently there are two apartment buildings (8 and 12 units) on the northern two thirds of the property. The Revello slide occupies the southern third of the property. Vegetation on the undeveloped portion of the property consists of native cactuses and introduced trees and grasses.

SUBSTANTIVE FILE DOCUMENTS: See Appendix A

Staff Note – City of Los Angeles Pre-certification Permit Program:

The proposed development is within the coastal zone of the City of Los Angeles. Section 30600(b) of the Coastal Act allows local government to assume permit authority prior to certification of a local coastal program. Under that section of the Coastal Act, 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.

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the "Dual Permit Jurisdiction Area", the Coastal Act requires that development which receives a local development permit must also obtain 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 of the sea where there is no beach, (3) on tidelands or submerged lands, (4) within 100 feet of a wetland or stream, or (5) located within 300 feet of the top of the seaward face of a coastal bluff. Outside the "Dual Permit Jurisdiction Area", the local agency's (City of Los Angeles) coastal development permit is the only coastal development permit required. About a third of the land area of this project is located in the Dual Permit Jurisdiction Area. Projects such as this one that are located partially in the Dual Permit Jurisdiction Area are subject to both the Commission's and the City's jurisdiction.

The City of Los Angeles Planning Commission approved coastal development permit number ZA-2000-2697 on November 4, 2004. The approval was effective January 18, 2005 and authorized the demolition of two structures, reconstructive grading and the

construction of the condominium buildings. The applicant, the Executive Director, and others appealed the coastal development permit within 20 working days of the receipt of the City's Notice of Final Action on the coastal development permit. The applicant withdrew its appeal upon issuance of a corrected Notice Final Action that amended City Conditions on low and moderate-income housing. On April 13, 2005, The Commission found substantial issue with the City's approval. The Commission now has scheduled a *de novo* action on the underlying City-approved coastal development permit (A-5-PPL-05-063) along with an application that the applicant filed directly with the Commission, 5-05-236.

The Los Angeles City Council approved the Vesting Tentative Tract Map Number 52928 (for creation of 82 condominium units, the same project) on June 3, 2005, independent of its action on the coastal development permit. The applicant indicates that its intended project includes the subdivision as described in Vesting Tentative Tract Map 52928, and has requested that the Commission allow it to amend its locally issued coastal development permit, which is now subject to the *de novo* action on appeal A-5-PPL-05-063, to incorporate the subdivision.

The applicant initially submitted permit application 5-05-236 to the Commission on June 22, 2005. The application did not include all information necessary for the Commission to evaluate the project. The applicant submitted additional information, completing the application on 11/18/2005. On January 19, 2006, the applicant amended its project to reduce the total number of units to 61 units.

In order to minimize duplication Commission staff has combined its analysis for the *de novo* review of appeal A-5-PPL-05-063 and coastal development permit application (5-05-236 (submitted directly to the Commission under the dual jurisdiction requirements) into one staff report to be heard at one Commission hearing. However, Commission approval, modifications, or disapproval of this project will require separate actions on the appeal (De Novo) and on the coastal development permit.

STAFF RECOMMENDATIONS AND MOTIONS.

Staff recommends that the Commission approve the project with conditions and adopt the following two motions:

I. **MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR COASTAL DEVELOPMENT PERMIT NO. A-5-PPL-05-063:**

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

MOTION: *I move that the Commission approve Coastal Development Permit No. A-5-PPL-05-063 pursuant to the staff recommendation*

STAFF RECOMMENDATION:

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

RESOLUTION

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

II. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR COASTAL DEVELOPMENT PERMIT NO. 5-05-236:

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

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-05-236 pursuant to the staff recommendation*

STAFF RECOMMENDATION:

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

RESOLUTION

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or

alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

III. 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.

IV. SPECIAL CONDITIONS.

1. VISUAL AND IMPACTS: HEIGHT AND BULK COLOR SCHEME AND DENSITY OF THE DEVELOPMENT.

A. Prior to issuance of the coastal development permit the applicant shall provide for the review and approval of the Executive Director detailed final plans and architectural drawings that are consistent the following:

1. The overall height of each structure shall not exceed 48 feet as measured from the floor of the garage to the highest point on the roof. Consistent with this requirement, the heights of the structures shall be consistent with the heights shown on the conceptual plans drawn by JZMK Partners dated 6 September 2005 and the site plan dated 10-31-05 drawn on a surveyed base

map (Grimes) dated April 24, 1999 and stamped by the City of Los Angeles Zoning Administrator on November 16, 2005. The plans shall show that the height of the highest point on each structure, which is the peak of the ridgeline of each building above sea level, is not more than the following:

a)	Building A	202.81 feet (above mean sea level.)	
b)	Building B	199.27 feet	”
c)	Building C	180.00 feet	“
d)	Building D	180.34 feet	“
e)	Building E	166.40 feet	“
f)	Building F	158.49 feet	“
g)	Building G	186.00 feet	“
h)	Building H	183.00 feet	“
i)	Clubhouse	176.00 feet	“

2. Massing. Siting and massing of the structures shall be consistent with the site plan version 10-31-05, stamped by the City of Los Angeles Zoning Administrator on November 16, 2005, as further revised in the version received on December 27, 2005 to show a 30 foot gap between buildings G and H, and a 50 foot gap between buildings F and G (occupied by the pool and pool house) as shown on the depiction identified as “Exhibit 4”.

3. Color scheme. The applicant shall use contrasting earth and chaparral tones on the façades of the structures in order to reduce apparent size of the individual buildings as seen from Pacific Coast Highway, the public beach and Sunset Boulevard.

4. Number of units. In order to reduce traffic impacts of the development, the applicant shall reduce the total number of units to 61. Prior to issuance of the permit, the applicant shall provide confirmation in writing from the Deputy Advisory Agency of the Planning Department of the City of Los Angeles that such change is consistent with its city approval and requires no further action at the City level.

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 be carried out without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslide, erosion, or earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

3. PRE-CONSTRUCTION MONITORING REPORTS.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall monitor the level of the groundwater on the property as recommended in the consultant's reports and as required by the City Department of Building and Safety in condition 14 of its December 17, 2001 letter. Monitoring of slope movement and soil moisture, as required by the City of Los Angeles, shall be continued through the rainy season (November 1-March 31) prior to construction. Upon approval of the reports by the City of Los Angeles Department of Building and Safety, the reports and all comments by the Department of Building and Safety shall be provided to the Executive Director for review and approval. If installation of a monitoring device requires grading, the applicant shall seek a separate coastal development permit to install the monitoring devices

B. The applicant shall provide copies of any updated review letters from the City of Los Angeles Department of Building and Safety along with any reports required by this condition for the review and approval of the Executive Director. If (1) the design of the foundation, the construction methods, or dewatering system were to change, or (2) if various assumptions concerning the soils, or if (3) the extent of the ancient or modern slide or the level of the water table on the property were determined to be wrong, or if the Executive Director determines that significant design changes in the project have been made or required, the permit shall not issue. In the event the permit cannot issue, the applicant may prepare a revised design addressing the new circumstances and the Executive Director may accept an amendment application incorporating a revised design for the Commission's review.

4. CONFORMANCE OF CONSTRUCTION PLANS TO GEOTECHNICAL REPORTS.

A. PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall provide, for the review and approval of the Executive Director, all final construction drawings and drainage plans.

1. Soils. All final design and construction, grading, drainage devices and foundation plans shall reflect the data in the Soils Report, prepared by Byer/Irvine on August 16, 2000, and where not superseded by subsequent reports prepared by Byer and listed below, final designs shall reflect recommendations of the aforementioned report as modified by subsequent reports and as approved by the City of Los Angeles Departments of Building and Safety (letter of December 17, 2001), and Public Works (letter of 10/31/01). Subsequent reports by Byer include reports dated November 29, 2000, June 29, 2001, August 28, 2001 and October 29, 2001, December 12, 2001 and signed by consulting engineering geologist and civil geotechnical engineer Jon A Irvine, (E.G. 691/RCE 55005) and Robert I. Zweigler (E.G. 1210/G.E. 2120).
2. Soldier piles. The pilings shall conform to the dimensions originally recommended in the reports listed above.
3. Dewatering/prevention of the development of a high water table. Horizontal Drains shall conform to the recommendations of the City Department of Building and Safety letter of December 5, 2001.

B. The monitoring, construction methods and foundation system including:

1. Two copies of all monitoring reports required in the approval letters and technical reports listed above shall be provided within ten days of their completion to the Executive Director, along with, when and if such become available, recommendations and comments by the City of Los Angeles Department of Building and Safety. Any changes recommended or approved in the soldier piles, excavation methods, foundation design, drainage, installation or monitoring program shall not be executed until the Executive Director indicates in writing that no amendment of this permit is required or, if an amendment is required, until the applicant obtains an amendment from the Commission or its successor agency, or in the event of an emergency, the Executive Director grants an emergency permit.
2. Copies of all monitoring reports shall be provided to the Executive Director, to each homeowner at the time of purchase, to the homeowners association and shall be posted on the site after construction.
3. Copies of these requirements shall be provided as part of the CC and R's of the developer to each owner at time of purchase, accompanied by a summary in simple language that has been approved by the Executive Director and the

Project Engineer.

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 be carried out without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. CONTROL OF DISCHARGES DURING CONSTRUCTION AND REMOVAL OF CONSTRUCTION DEBRIS.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall provide evidence of necessary approvals and detailed plans, a schedule of installation and a list of measures to assure that during demolition grading and construction the project shall comply with the following requirements:

1. Dewatering. The applicant shall provide evidence that he has received approval from the City of Los Angeles Department of Building and Safety for (a) any dewatering necessary during construction and (b) the maintenance and discharges of the sump pumps.
 - a) The approval shall indicate that the discharge is consistent with all applicable orders from and agreements with the Regional Water Quality Control Board as well as with requirements to protect the soils of the subject and adjacent sites from additional saturation. The applicant shall provide the Executive Director of copies of any monitoring reports and any changes in the requirements of the Board order.
 - b) No unfiltered discharge shall be directed to intertidal areas.
 - c) The Applicant shall carry out the requirements of the City as long as any part of the approved structure remains on the site.
2. As part of the initial plans, the applicant shall assess the presence of toxic materials (lead, asbestos, asphalt, etc.) and provide a plan for controlling these substances. The applicant shall follow that plan and shall provide adequate disposal facilities for solid waste and toxic materials, including excess asphalt, produced during demolition or construction.
3. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction related materials, sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. The applicant shall provide a list of such measures and shall include them as appropriate on construction drawings.

4. Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to the ocean and beach during construction, and consistent with that requirement, the applicant shall do, among other things, the following:

- a) Place sand bags around drainage inlets, on graded slopes, excavations and stockpiles and the edges of all pads, to prevent runoff/sediment transport to the street and storm drain system.
- b) Cover stockpiles and use debris fences as appropriate, including at the down hill side of any disturbed area.
- c) Conduct a pre-construction meetings to review procedural and BMP guidelines at each stage of the project,
- d) Develop and implement spill prevention and control measures.
- e) Promptly treat and remove any and all unexpected overflows
- f) Provide sanitary facilities for construction workers.
- g) Maintain and wash equipment and machinery in confined areas specifically designed to control runoff, place mats to prevent tracking; regularly wash adjacent streets.
- h) Prevent thinners or solvents from being discharged into sanitary or storm sewer systems.
- i) Dispose of washout from concrete trucks at a location that is not subject to runoff and that is more than 50 feet away from any storm drain, open ditch, beach, or surface water.

5. Demolition and construction debris shall be removed from construction areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters. At the end of each phase of construction the applicant shall inspect the area for construction related debris and remove it

6. The Construction Best Management Practices plan approved by the Executive Director pursuant to this condition shall be attached to all final construction plans.

7. All spoils or loose materials from excavation shall be removed from the project site, or stored on an approved stockpile area, within 24 hours of completion of construction. Stockpiles shall be covered.

8. Crew parking areas and material and heavy equipment storage shall be controlled such that oil is not deposited on public ways or in park area

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.

6. 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.

7. CREW PARKING.

Crew parking areas and heavy equipment storage and material storage shall be accommodated on the site as much as possible; crew parking shall not interfere with public recreational parking along Los Liones Drive.

8. PLAN NOTES.

A. The text of special conditions 3, 4, 5, 6, 8, 9, 10, 11, and 12 of this permit shall be recited as plan notes on the final working drawings and any language or graphic depiction that is inconsistent with these conditions of approval shall be removed from the plans.

B. The permittee shall undertake development in accordance with the approved 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

9. POST CONSTRUCTION WATER QUALITY MANAGEMENT PLAN (WQMP).

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, two (2) copies of a Final Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. The approval shall indicate that the discharge is consistent with all applicable orders from and

agreements with the Regional Water Quality Control Board. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

1. Water Quality Goals

- (a) Appropriate structural and non-structural BMPs shall be designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site;
- (b) Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs;
- (c) Runoff from all roofs and parking areas shall be collected and directed through a system of structural BMPs. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.
- (d) The water quality plan shall conform with the recommendations of the geotechnical reports and the City geotechnical approval letter of December 17, 2001 and the Los Angeles City Department of Public Works letter of 10/31/01.

2. Parking Structures and Project Driveways.

- (a) The WQMP shall provide for the treatment of runoff from parking structures and project driveways using appropriate structural and non-structural BMPs. At a minimum, this must include a filter designed specifically to minimize vehicular contaminants (oil, grease, automotive fluids, heavy metals, and hydrocarbons), sediments, and floatables and particulate debris.
- (b) The applicant and its successors in interest shall regularly sweep the parking structures and project driveways at a minimum on a weekly basis, in order to prevent dispersal of pollutants that might collect on those surfaces.
- (c) The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used;

- (d) The applicant shall not spray down or wash down the parking structures and project driveways unless the water used is directed through the sanitary sewer system or a filtered drain.

3. Swimming Pool.

- (a) The swimming pool shall discharge to the sanitary sewer system.
- (b) The swimming pool deck shall be designed to retain overflow and prevent ponding of water on the site or overflow to the surface drainage system.
- (c) The applicant and successors in interest shall employ no chemicals in the swimming pool that might persist in the marine environment and damage marine life.

4. All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season.

- (a) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner;
- (b) It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.

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.

10. POOL LEAK PREVENTION PLAN.

A. 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 pool. The plan shall, at a minimum:

- 1. Provide a separate water meter for the pool to allow separate monitoring of the water usage for the pool and the rest of the development;
- 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 into the structure and the adjacent soils. The plan shall include information regarding past success rates of these materials;

3. The pool shall be installed using two layers of such material, with a drain between the layers.
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;
5. Identify normal and expected water consumption by the pool;
6. Provide an automatic cut-off of water to the pool if water use in a three-hour period exceeds the normal and expected flow. The cut-off shall have an override control of up to two hours to allow for the maintenance and cleaning of the spa/fountain.
7. The applicant's engineer shall inspect the liner before the concrete is poured and shall inspect the connections before the installation of any decks or coverings

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.

11. LANDSCAPING, PRESERVATION OF NATIVE SPECIMEN PLANTS.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence that he has offered public agencies, non-profit conservation groups and/or approved restoration projects a reasonable opportunity to salvage seeds, cuttings, and/or specimen plants from the relatively undisturbed western portion of the site in the interval between issuance of the permit and the commencement of construction.

B. Revised Landscape Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised landscape plans for the review and approval of the Executive Director.

1. 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 or allowed to persist 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.
2. The applicant shall install no below grade or permanent irrigation, and after establishment of the landscaping, temporary irrigation shall be removed.

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

12. CONFORMANCE WITH CITY REQUIREMENTS RELATIVE TO NESTING BIRDS.

A. PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall agree in writing to conform to EIR mitigation measure 119 regarding protection of nesting birds. As required in that mitigation measure, the applicant shall arrange for a qualified biologist to undertake a field survey for nesting birds prior to commencement of site preparation activities.

1. The applicant shall provide the Executive Director with copies of all reports, orders, and clearances.
2. If nesting birds are found, the applicant shall stop work in within 100 feet of the nest (or 200 feet if nesting raptors are observed) and maintain a buffer between the construction activities and the nest until the Department of Fish and Game grants a written clearance to recommence.

B. The permittee shall undertake development in accordance with this special condition. 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.

13. ARCHAEOLOGICAL RESOURCES.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide the Executive Director with copies of the literature search that it conducted in preparation of the EIR and a written agreement to comply with an archaeological monitoring plan prepared by a qualified professional, that the applicant shall submit for the review and approval of the Executive Director. The archaeological monitoring plan shall incorporate the following measures and procedures:

1. The monitoring plan shall ensure that any prehistoric or historic archaeological, paleontological, or cultural resources that are present on the site and could be impacted by the approved development will be identified so that a plan for their protection can be developed. To this

end, the cultural resources monitoring plan shall require that archaeological and Native American monitors be present during all grading operations unless the applicant submits evidence, subject to the review and approval of the Executive Director, that a more complete survey of cultural resources adjacent to and within a one-half mile radius of the project site finds no cultural resources. If cultural resources are found adjacent to, or within a one-half mile radius of the project site, the applicant may choose to prepare a subsurface cultural resources testing plan, subject to the review and approval of the Executive Director, in-lieu of proceeding with development with the presence of archaeological and Native American monitors on the site during grading activities. If the subsurface cultural resources testing plan results in the discovery of cultural resources, the applicant shall prepare a mitigation plan, which shall be peer reviewed and reviewed by the appropriate Native American tribe, and shall apply for an amendment to this permit in order to carry out the mitigation plan.

2. The mitigation plan shall include measures recommended by the Native American Heritage Commission letter of May 24, 2002, and the letter dated May 15, 2002 from the South Central Coastal Information Center California State University Fullerton Department of Anthropology.
3. There shall be at least one pre-grading conference with the project manager and grading contractor at the project site in order to discuss the potential for the discovery of archaeological or paleontological resources.
4. Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading, if required in the approved cultural resources monitoring plan required above.
5. If required by the above cultural resources monitoring plan to have archaeological and Native American monitors present during grading activities, the permittee shall provide sufficient archaeological and Native American monitors to assure that all project grading that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;
6. If any archaeological or paleontological, i.e. cultural deposits, are discovered, including but not limited to skeletal remains and grave-related artifacts, artifacts of traditional cultural, religious or spiritual sites, or any other artifacts, all construction shall cease within at least 50 feet of the discovery, and the permittee shall carry out significance testing of said

deposits in accordance with the attached "Cultural Resources Significance Testing Plan Procedures" (Appendix 1). The permittee shall report all significance testing results and analysis to the Executive Director for a determination of whether the findings are significant.

7. If the Executive Director determines that the findings are significant, the permittee shall seek an amendment from the Commission to determine how to respond to the findings and to protect both those and any further, cultural deposits that are encountered. Development within at least 50 feet of the discovery shall not recommence until an amendment is approved, and then only in compliance with the provisions of such amendment.

B. The permittee shall undertake development in accordance with the approved 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.

14. MAINTENANCE OF DEVICES REQUIRED TO CONTROL LEVEL OF GROUND WATER AND SOIL SATURATION AFTER CONSTRUCTION; NOTIFICATION OF SUCCESSORS IN INTEREST.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT the applicant shall provide for the review and approval of the Executive Director a maintenance manual addressing methods for controlling the level of groundwater on the site and the reasons such program is necessary. The manual shall contain a list of all possible sources of water, including the swimming pool, waste lines, and site irrigation. The manual shall also include a list of all procedures and practices that need to be followed, and devices and pumps that need to be maintained to assure stability of the site, and the reasons for their presence. Prior to submittal, the manual shall be reviewed and approved by the City of Los Angeles Department of Building and Safety. The manual shall provide instructions for maintaining the dewatering wells and hydraugers and drainage system, and the design and maintenance of the swimming pool and site landscaping. It shall discuss the role of water diversion, pumping, low water-use landscaping, and other methods for reducing the amount of ground water on the site and controlling runoff. It shall reiterate the requirements of the City Department of Building and Safety regarding the discharge from the dewatering wells, maintenance of drains and pumps, the pool, and of any off-site filters. It shall describe the reasons for limiting irrigation on the site to the period necessary for establishing the landscaping.

B. The applicant shall provide all successors in interest a copy of the manual as a part of transfer to the property. The owner of the lot or its agents shall maintain

the devices/features as described in the manual. Any change in maintenance program shall be reported to the Executive Director of the Commission to determine whether an amendment to the coastal development permit is required.

C. Pursuant to this condition, any change in the language that the City of Los Angeles imposed as a condition of the City of Los Angeles Department of Building and Safety approval letter of December 5, 2001 and addressing continued maintenance of the drain system, pool, or irrigation shall require notification of the Executive Director, and if the Executive Director determines that the change would change the terms of the applicant's proposal to the Commission, namely continued maintenance of the pumps and hydraugers pool and drains by the present and future owners of the property, this change will require an amendment to the permit.

15. MAINTENANCE OF DEBRIS WALLS, DEBRIS WALL SETBACK AFTER CONSTRUCTION.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT the applicant shall provide for the review and approval of the Executive Director a maintenance manual addressing methods for controlling the levels of mud, earth and other debris trapped above and behind the debris walls, the reasons for the required setbacks from the ascending slope at the rear of the property and reasons such program and setback are necessary. The manual shall contain a list to activities necessary to maintain the walls and the reason the activities are necessary. Prior to submittal, the manual shall be reviewed and approved by the City of Los Angeles Department of Building and Safety. The manual shall reiterate the requirements of the City Department of Building and Safety regarding the maintenance of debris walls and setbacks from ascending slopes.

B. The applicant shall provide all successors in interest a copy of the manual as a part of transfer to the property. The owner, or its agents and successors in interest shall maintain the debris walls and setbacks as described in the manual. Any change in maintenance program shall be reported to the Executive Director of the Commission to determine whether an amendment to the coastal development permit is required.

C. Pursuant to this condition, any change in the language that the City of Los Angeles imposed as a condition of the City of Los Angeles Department of Building and Safety approval letter of December 5, 2001 addressing continued maintenance of the debris wall and setbacks from the ascending slope shall require notification of the Executive Director, and if the Executive Director determines that the change would change the terms of the applicant's proposal to the Commission, namely continued maintenance of the debris walls and slope setbacks by the present and future owners of the property, this change will require an amendment to the permit.

16. FUTURE DEVELOPMENT.

This Coastal Development Permit A5-PPL-05-063 and 5-05-236 is only for the development expressly described and conditioned herein. The permittee shall undertake development in accordance with the approved coastal development permit. Any proposed changes to the development shall be reported to the Executive Director. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

17. 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.

V. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

A. Project Description and Location.

The applicant proposes to demolish two apartment buildings and construct a 61-unit condominium project consisting of eight structures and a one level underground garage with 205 parking spaces on a 173,496 square foot (3.98 acre) lot in an RD2-1 and RE9-1 ZONED site which is designated Low Medium II Residential and Low Residential in the Community plan. The applicant changed its original request from 82 units to 61 units by letter on January 19, 2006. The change has not been reviewed by the City of Los Angeles. As part of the project, the applicant proposes to excavate the part of the Revello Drive landslide that occupies the southernmost third of its property: first installing soldier piles on the south and west sides of the property, excavating all slide materials and replacing them with engineered fill (approximately 130,000 cubic yards cut 80,000 cubic yards fill). The applicant then proposes to install drainage, retaining walls, driveways, and the three and four level structures. The applicant shows the structures as three and four levels above the parking structures. The structures will be placed above a one level shared garage. Excess rock and earth will be trucked to an approved site outside the coastal zone or used on the site. The project was originally proposed with 82 units in six structures and a pool house. In response to visual impact issues, the applicant has now proposed eight structures, with a 30-foot gap between the two structures that will be most visible from the beach. In response to local residents' continuing concern about traffic impacts on Tramonto and Los Liones Drives, the applicant has reduced the number of units to 61, within the same envelope.

The site is located on the east-facing slope of Castellammare Mesa in Pacific Palisades, between Tramonto and Castellammare Drives, overlooking the westernmost terminus of Sunset Boulevard. Currently there are twenty apartment units in two structures on the property and an undeveloped landslide. To the north there is a four level condominium project; to the west and south on the top of the mesa there are single family dwellings, to the east facing Sunset Boulevard there are two three level commercial structures, and a plant nursery. Directly down-slope facing Castellammare Drive, there are two apartment buildings and a site that the Commission approved for 29 condominium units (5-05-153 (Palmer)) in January 2006.

B. Geologic Safety of Development.

The Coastal Act requires the Commission to examine the safety of development and its effects on natural landforms.

Section 30251 of the Coastal Act states, in part:

Section 30251 Scenic and visual qualities

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

Section 30253 of the Coastal Act states, in pertinent part:

Section 30253 Minimization of adverse impacts

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 Project's Relation to Active and Historic Landslide

The project lies in an area of active and historic landslides (Exhibits 5, 8, 9, and 13). As demonstrated in a Report on Landslide Study Pacific Palisades Area, September 1976, by the U.S. Army Corps of Engineers and the U.S. Geological Survey, and in later studies (McGill) relied upon by the project consultants, an historic landslide covers the site and a large area in the immediate vicinity. In addition a newer, active landslide overlays the older material and covers the westernmost third of the applicant's property

"The sliding began as a small surficial failure of a steep road cut in Castellammare Drive in 1941. In 1946, a separate debris slide about 90 feet wide occurred on the western side of "slide 'Ys'". By 1958 this failure enlarged to become a 90 foot wide slump along Castellammare Drive with a low main scarp about 10 feet from Posetano Road. At this time there were seeps at the toe of both slides, a slight bulge in Castellammare Drive, and a prominent crack 100 feet long in the curved part of Posetano Road. In early 1969, the entire area slid, and the crack in Posetano Road became a new main scarp approximately six feet high. Castellammare Drive cracked and buckled. Following this, the City attempted to stabilize the landslide by installing wooden poles approximately 35 feet into the slide along both sides of Castellammare Drive and the south side of Posetano Road." (Pacific Palisades Area - Report on Landslide Study; U.S. Army Corps of Engineers and U.S. Geological Survey; September 1976)

About a third of the site of the proposed project is covered by the Revello slide, the major landslide described above. The site is unbuildable without extensive grading and/or a foundation and piling system. In order to assure the safety of the development, the applicant has proposed to remove the entire 130,000 cubic yard landslide and re-grade the

site on stable underlying formations. In order to assure the safety of adjacent property during construction, the applicant is proposing to install soldier piles along the westerly and southerly boundaries of the site; after construction there will be a retaining wall along the property line and a system of drains under the walls and the fill to further protect the development.

Castellammare Mesa is a seaward facing mesa that is separated from the remaining Pacific Palisades bluffs by what remains of the conjoined canyons of Los Liones and Santa Ynez Creeks. The canyon was filled long ago when Sunset Boulevard was constructed. The eastern side of the mesa has long been relatively unstable because its relatively weak sediments have been oversteepened by erosion.

In 1965, during construction of a 10-unit apartment structure on the southwest corner of the site, the former owner graded a pad on the upslope side of Castellammare Drive, which is parallel to and downslope of Tramonto Drive. The grading triggered a slope failure that stretched from Castellammare to well east of Revello Drive, the street upslope of Castellammare near the hilltop. The slide blocked Castellammare, and endangered a number of houses. The City built a bulkhead just upslope of Castellammare to reopen the road, and the slide remained. The slide and the bulkhead area described in a 1978 USGS investigation of the Pacific Palisades landslides. In the late 1960's early 1979 the former owner installed some soldier piles between the slide and the remaining two structures as a temporary measure. The City however did not approve plans to rebuild on the slide. Other than some reconstruction of these devices, there were no changes to the slide until, during the nineteen-eighties, the City approved two major commercial structures downslope of the toe, adjacent to Sunset Boulevard. Those structures incorporated retaining walls on their Castellammare property lines that were designed to support the slide (5-84-145 [Parravano]).

Presently there are two applications to build on the Revello slide. The Commission approved one, 5-05-153(Sunset Coastal) at 17255 Castellammare at its January 2006 hearing. That project proposes to build a double retaining wall on the upper side of its property, adjacent to this property's lower end and to build residential condominiums on the toe of what it now the slide. The other is the present application. The projects are designed so that they can be constructed independently.

On the applicant's property, the slide is about 65 feet deep and irregularly shaped, 400 feet long at its longest dimension and 220 feet wide at its widest point. The applicant's geologist indicates that the underlying structure of the site is favorable, that the weakness of the materials and that height of the water table rather than the structure of the underlying rock caused the slide. He states that there is a shallower upper slide, which was originally triggered by the 1965 grading, and a second, deeper slide that later moved. The applicant's geologist states that the second, 65-foot deep slide is the deepest slide. The current factor of safety of the slide is presently about 1.1 to 1.0, which means that while unstable, the slide is not currently moving. Houses on the periphery experience

damage to their yards, and the City has had to shore up both Revello Drive, which crosses the top of the slide, and the water and sewer lines that follow that street.

The initial geology report prepared for this applicant (Byer/Irvine, August 16, 2000) stated:

V. GEOLOGIC STRUCTURE

The bedrock described is common to this area of the Pacific Palisades near the base of the south flank of the Santa Monica Mountains. Bedding mapped on the subject property and offsite by other consultants is warped and folded. However, the majority of bedding planes mapped strike to the northwest and dip moderately to steeply to the northeast. The geologic structure observed in the borings and reported by other consultants is consistent with that mapped by McGill, 1989 (see Regional Geologic Map). 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. The Revello Drive landslide is a 'strength of materials' failure, which occurred within the upper weathered portion of the siltstone and sandstone bedrock, and is not related to the geologic structure. As determined by this exploration and as shown on numerous cross sections by other consultants, the base of the slide dips between 10 and 15 degrees toward the southeast. Based upon 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.

Subsequent development, introduction of water, and grading in 1965 reactivated the ancient landslide. The toe of the 1965 landslide bulldozed across a pad graded approximately 10 feet above Castellammare Drive. Slide debris was not encountered in retaining wall excavations for the referenced project at 17318 Sunset Boulevard, which is across Castellammare Drive from the slide. The above normal rainfall year of 1997 -1998 caused a reactivation of the Revello Drive landslide. The limits of the recent slide are similar to the limits shown on pre-1998 Geologic Maps and represent likely movement along the lower slide plane. The slide toed up above and was impounded by the existing City of Los Angeles bulkhead along Castellammare Drive.

There is no evidence of deeper slide movement (below the lower slide plane) or distress to the street and the property between Castellammare Drive and Pacific Coast Highway. Below the landslide, the geologic structure of the bedrock is favorably oriented for stability of the site and the proposed project. Recommendations to remove and recompact landslide debris on the subject property and support the upslope offsite landslide with soldier piles are presented in the conclusions and recommendations section of this report. (Byer, 2000)

The excavation of the site and construction of the new structures pose four issues.

- 1) The project involves major alteration of a landform. However, the applicant already has a use of this property, and it has occurred without major regrading of the site. Alteration of a landform under the Coastal Act should be limited to situations in which such activity is necessary to protect an existing structure or to have a use of the property –there are already two apartment buildings on the property, which seem to have been stabilized by installing a row of soldier piles between them and the slide.

2) Because the excavation would temporarily remove the toe of the slide, the excavation to re-grade the slide poses a risk to the stability of single-family homes that are located on the slide up-hill of the development or adjacent to and just uphill of the slide.

3) The safety of the adjacent property will depend on the adequacy of the shoring installed, and the applicant's ability to complete the project in a timely fashion. The City indicates that grading should not occur during the rainy season, and should not begin until the water table falls below the level of the bottom of the slide.

4) The safety of the proposed development is dependent on the design and construction of the engineered fill, the retaining walls, the debris walls, and other devices that the owner plans to install. To add a complication, the geologic reports indicate that if the adjacent downhill property owner, who is planning a wall to hold back the slide, builds first, some of the measures advised for this structure will not be necessary. However, in that case, the safety of this development will be dependent not only on the design and the correct construction of the walls and fills designed and installed by this applicant, but on the measures undertaken by the adjacent owner.

The applicant responded to both the City and then to the Commission staff on these issues. Before approving the project, (Exhibit 8) the Los Angeles City Department of Building and Safety required four supplemental soils reports (cited in Substantive File Documents). The City Department of Building and Safety approved the applicant's geology and soil engineering reports on December 17, 2001 in a letter from David Hsu chief of the grading section to Emily Gabel Luddy Deputy Advisory Agency (Planning Department regarding Vesting Tentative Tract 52928-1, 82 lots condominium).

Specifically, the applicant's response concerning these issues is the following:

1) Necessity of the landform alteration and slide repair. The applicant asserts that the alteration of the landform is necessary to develop the site. The applicant states that he does not have the option of leaving the slide alone and setting back development from the slide. He states that the City approved the soldier pile protection of the existing two structures as temporary measures, and draws the Commission's attention to reports by John Merrill and Leroy Crandall that are in the file. He states that in the intervening years, the two apartment buildings located on his property east of and adjacent to the slide have experienced cracks and other damage attributable to the slide. In addition, the applicant indicates that he is subject to a lawsuit brought by adjacent upslope owners, who assert that the existence of an un-repaired slide on the applicant's property is resulting in damage to their homes.

2) The applicant and the City acknowledge that the excavation could reactivate the slide. In response to these issues, the applicant has been required to a) excavate during the dry season when the level of saturation of the slide is low, b) de-water the slide during and after construction, and c) install soldier piles and lagging between the excavation and the upper portion of the slide before removing the material. In response to concerns over the

safety of adjacent development, the City has required numerous recalculations of both the depth and strength of the shoring along the upslope property lines. In response to this issue, the commission is requiring that the applicant measure the water level of the slide for one year prior to commencement of grading.

3) In response to concerns about the safety of the development, the City is requiring the applicant to construct this development on stable natural soils that are found underneath the slide, install soldier piles during construction, and install hydraugers and subdrains under any fill. The Commission is further requiring the applicant to limit the introduction of water to the soils of the site through limiting irrigation and controlling discharge from the pool. Finally, the consultants recommend and the City requires that the applicant protect this property from earth moving from the un-stabilized slide still located above the property above by constructing the walls along upper property line high enough to control off-site raveling, and to set back the development no less than 15 feet from the slope. The applicant and successors in interest are required to establish a program to remove earth that may move onto the site from the un-stabilized slide above the property.

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 December 17, 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.

Conformance with Geotechnical Recommendations

Recommendations regarding the saturation of the soils in advance of excavation, design and installation of the soldier piles, foundation system, retaining walls, staging of construction, drainage and grading have been provided in several reports and letters submitted by the applicant, as referenced in the above noted final reports. Adherence to the recommendations contained in these reports is necessary to ensure that the proposed development assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way requires the construction of protective devices that would substantially alter natural landforms.

Therefore, Special Condition 4.A.1 requires all final design and construction, grading, drainage devices and foundation plans to reflect the data in the Soils Report, prepared by Byer August 16, 2000, as modified by subsequent reports and as approved by the City of Los Angeles Departments of Building and Safety (letter, December 5, 2001), and Public Works (letter 10/31/01). Subsequent reports by Byer include reports dated November 29, 2000, June 29, 2001, August 28, 2001 and October 29, 2001, December 12, 2001 and signed by consulting engineering geologist and civil geotechnical engineer Jon A. Irvine, (E.G. 691/RCE 55005) and Robert I. Zweigler (E.G. 1210/G.E. 2120).

Secondly, Special Condition 4.A.2 requires that the proposed soldier piles shall conform to the dimensions originally recommended in the reports listed above. Special Condition 4 A.3 requires the applicant to install horizontal drains that conform to the recommendations of the City Department of Building and Safety letter of December 5, 2001 at the time indicated in that letter.

Special Condition 4.B requires that the applicant monitor ground movement and water levels of the site at specified intervals and to provide copies of relevant reports to the Executive Director, the Department of Building and Safety and to home owners. These special conditions require an amendment if (1) the design of the foundation, the construction methods, or dewatering system were to change or (2) if various assumptions concerning the soils, extent of the ancient or modern slide or the level of the water table on the property were determined to be wrong.

In addition, the Commission requires that the applicant carry out the requirements of the covenants required by the City. Special Conditions 14 and 15 require the applicant to submit and agree that after construction, he or his successors will assume the responsibility of maintain the sump pumps and drains and retaining wall and removal of any debris that creeps up to or over the wall at the upper end of the property. First, the applicant is responsible for addressing any problems cause by continued movement of the larger slide. Second, the applicant and his successors are responsible for continued maintenance of the sump pumps and hydraugers meant to reduce the ground water on the property. These requirements will be recorded along with other special conditions, so that future owners are informed of the need to maintain the drains of the property and to remove any soil that moves onto the property from the portions of the slide that are located upslope of the applicant's property. Any change in the covenants with the City will need to be reported to the Commission before execution and may require an amendment to this coastal development permit.

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 project is located partially on an active slide. The geotechnical analysis and reports by the Byer group have stated that with modern engineering it is possible to develop the lot safely. However, the applicant commissioned these reports, and ultimately the conclusion of the report and the decision to construct the project relying on the reports is the responsibility of the applicant. The proposed project may still be subject to natural hazards such as slope failure. As noted elsewhere, the ancient slide extends well off the property (Exhibit 5). This slide may unexpectedly move and cause damage to the property, moving onto the property from above. 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 movement of offsite slides might not affect this property or adjacent roads. Because of the inherent risks to development situated on a steeply sloping lot, the Commission cannot absolutely acknowledge that the design of the project 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 that the applicant should assume the liability of such risk.

The applicant 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 applicant is required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered because of the decision to develop. The assumption of risk, when recorded against the property as a deed restriction, will show that the applicant is 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 imposes Special Condition 2, which requires the landowner to assume 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 and for further development indefinitely in the future.

Therefore, prior to issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects all the above restrictions 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.

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, or off-site siltation. Special Conditions 5,6 and 9 require the applicant to dispose of all excess soil and all demolition and construction debris at an appropriate location outside of the coastal zone, or to a Commission-approved site inside the coastal zone, and informs the applicant that any change in this plan, including use of a disposal site within the Coastal Zone that has not been approved by the Commission will require an amendment or new coastal development permit. The applicant shall follow both temporary and permanent erosion control measures to ensure that the project area is not susceptible to excessive erosion.

Currently, runoff flows uncontrolled over and across the subject property to Castellammare Drive. This has created cuts in the existing slope and has contributed to an increase in erosion across the subject site. The applicant has submitted a drainage plan that will, if carried out, collect runoff water and direct it to the street and not across the subject property. Although the applicant has indicated its intention to construct permanent erosion control measures on the site, the Commission requires a complete and specific 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. The applicant shall also submit a schedule of installation showing the location of all temporary and permanent erosion control measures and the timing of their installation (More specifically defined in Special Condition 6, 9 and 10). In addition, the applicant shall address the disposal of water from the sump pumps; hydraugers and the pool so that the project does not add polluted water to the storm drain system. This issue is more thoroughly addressed in the section on marine resources, below.

Ground Water

The applicant's reports indicate that ground water adds to the instability of the site. The reports indicate that there is a clay layer under the ancient slide. This clay lens that holds perched ground water in the upper levels of the soils of the site. The City has required that initial excavation may only occur when the level of ground water is lower, in normal years, after the rainy season and that the applicant install hydraugers, sump pumps and other devices to reduce the level of ground water in the site before removing any soils. The special conditions require that the applicant and its successors in interest install a ground water monitor for a rainy season prior to commencement of grading. If grading is necessary to install the device, the applicant may seek a separate coastal development permit to enable him to install the device in advance of issuance of this permit. The Commission requires that the applicant and successors in interest maintain the permanent devices and that the future owners be informed of their necessity.

Pool Monitoring

The applicant has proposed to construct a pool as an amenity for the project. Water from leakage of the proposed pool can add to the amount of ground water, potentially contributing to slope instability. Possible events involving the pool that could create instability within the bluff are leakage, spillage, and discharge of a concentrated flow of water during pool maintenance.

For this reason that the Commission imposes Special Condition 10 that requires the applicant, prior to issuance of the coastal development permit, to submit a written plan to mitigate for the potential of leakage from the proposed pool and control any water discharged when the pool is drained. The plan shall include separate water meters for the

pool and the proposed condominiums. Separate water meters will help in determining whether there is a leak in either the pool structures. An automatic cut-off, similar to that of irrigating landscaping on bluffs, shall be incorporated in the spa/fountain system if water uses exceed that of normal and expected uses in a three-hour period. This shall ensure that if a break were to occur beneath the surface, without the knowledge of the property owner/resident, the water flow will be terminated. An override period of no more than two hours is allowed for routine maintenance and cleaning. The applicant shall provide the materials that will be used to waterproof the underside of the pool and past success rates of such materials. The Commission requires that the pool be constructed with a double layer of impervious membrane below it, with a pump or drain between the layers. The applicant's engineer should inspect the connections before the installation of any decks or coverings. In addition, the applicant's final drainage plans should demonstrate where spill water and water from maintenance activities will be contained and diverted. The applicant shall include such a drainage plan in the overall drainage plan of the property.

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. Development undertaken consistent with both the geology reports and the conditions imposed above to reduce the likelihood of failure during or after construction, will minimize risk to the development and is consistent with Section 30253 of the Coastal Act

C. Public Access and Recreation.

The Coastal Act requires that the Commission protect access to the sea, and reserve upland areas suitable for recreation for parks and visitor serving commercial facilities. In addition to requiring a direct examination of the impacts of proposed projects on recreation areas and beaches, these and related sections of the Coastal Act require that the Commission consider the impacts of development on routes that provide access to popular beaches and upland sites.

Section 30210 Access; recreational opportunities; posting

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. (Amended by Ch. 1075, Stats. 1978.)

Section 30211 Development not to interfere with access

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.

Section 30223 Upland areas

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The proposed project is not adjacent to the beach, and construction of the project will not block any existing beach accessways. However, the project's impacts on street capacity of Sunset Boulevard, PCH, and Los Liones Drive and on public beach and park parking during construction and after could have impacts on public access to beach and recreation areas. The project is located on Tramonto Drive, a collector street that traverses Castellammare Mesa from Los Liones Drive to Pacific Coast Highway. Los Liones Drive is the second major street inland of Pacific Coast Highway that crosses Sunset Boulevard. It provides access to the residential streets located near the top of Castellammare Mesa, to the Los Liones unit of Topanga State Park, to a church and to the bus entrance for the Getty Villa Museum. The west end of Tramonto also connects, after a number of tight turns, to Portomarina Lane, which connects directly to Pacific Coast Highway.

During construction, the project is anticipated to export 130,000 cubic yards of earth. This will generate significant truck traffic, 130 trips per day, for six months or more. After construction, the project as initially proposed is expected to generate 32 evening peak hour trips. Pacific Coast Highway in the vicinity of the project is operating at level D during evening rush hour. Pacific Coast Highway is a major coastal access route: it is heavily used during peak beach use times; levels at mid-day on sunny weekends mirror but do not approach peak hour traffic. During the review of the EIR, the City of Los Angeles Department of Transportation concluded that the project will not have a significant impact on Pacific Coast Highway. However even a few trips can have an impact on the relatively lightly traveled neighborhood streets –Los Liones and Tramonto Drives, that connect this project with Sunset Boulevard.

During preparation of the EIR a senior engineer in the City of Los Angeles Department of Transportation provided a memorandum that indicated that the project will have a significant impact on the capacity of both Los Liones and Tramonto Drives, which are presently lightly traveled. The memorandum indicates that the project would have significantly fewer adverse impacts if the project were limited to 61 units instead of as originally proposed, 82 units (Exhibits 10,11). Los Liones is a standard collector street with two travel lanes and two parking lanes, and links Sunset Boulevard to Tramonto Drive. The EIR indicates that Tramonto Drive is a two lane Standard Limited Hillside Street "fully developed" at 36 feet. The Commission notes that Tramonto Drive is relatively steep (over 7.5 percent) and includes numerous sharp curves, which reduce its ability to safely accommodate a significant increase in traffic. The initial analysis in the EIR determined that the project would result in an increase in number of trips by more than ten percent, a percentage increase that is normally considered a significant impact in Los Angeles. The final EIR conclude that there would not be a significant traffic impact and noted that the level of service would remain at level A (light traffic) (Exhibit 11). The conclusion was based on the following rationale:

“While the above results¹ exceed the related impact percentages, it cannot be concluded that the project would cause a significant traffic impact on either Tramonto Drive or Los Liones Drive as these criteria are not appropriate for application to this particular site location. The project site is near the downstream terminus of Tramonto Drive. The approximately 470 foot long segment of Tramonto Drive between the project driveway and Los Liones Drive, which is expected to be used entirely by project traffic, is undeveloped on both sides. Consequently, the flow of project traffic on this segment of Tramonto Drive would not be affecting any residential or other developed use.

Similarly, Los Liones Drive; the other analyzed street is not a local or residential street but rather a designated collector street. The principal function of collector streets is to assemble traffic from the interior and deliver it to the closest arterial, such as Sunset Boulevard. As they are expected to experience more traffic, collector streets are typically wider than local or residential streets, and such is the case with Los Liones Drive. While many collector streets are developed with residential uses, the only existing uses along Los Liones Drive are non residential, i.e. a fire station on the northwest corner and a plant nursery at the southwest corner of the intersection with Sunset Boulevard. A 16 unit multiple family residential projects are proposed at 321 Los Liones Drive between Tramonto Drive and Sunset Boulevard; however, its development is tentative. Therefore, in terms of existing development along Los Liones Drive, project traffic would only be traversing by two non-residential uses. (Crain Associates, letter to Ms. Esther Tam, April 4, 2002, page 26; project EIR Appendices.) “

The project's impact on recreational and institutional traffic is relevant to the Commission's evaluation of the project's consistency with the Coastal Act. The project will raise the level of traffic between Tramonto Drive and Sunset Boulevard by 11.4 %. This is a significant increase although the level of service would remain at level A. The Commission notes that Tramonto Drive is used for access to Castellammare Mesa, where many streets are impassible over parts of their length due to landslides. Moreover, there are additional uses on Los Liones Drive that the EIR did not describe: the Los Liones State Park Canyon trailhead and picnic area, the Getty Villa emergency and tour bus entrance, and a church that has an approximately 200-car parking lot. Los Liones provides parking for the beach, and for employees of beach serving food businesses, for the Los Liones Trail in the State Park and for the picnic grounds. The development as initially proposed would have a significant impact on the local collector streets, particularly on Tramonto, which is a winding mountain road (Standard Limited Hillside Street.) In response to this issue, the applicant has proposed to reduce the number of units in his project to 61 units, a number that will not result in a significant impact to the local streets. The applicant asserts that by reducing the number of units (in the same building envelope) he can reduce the impacts on Los Liones and Tramonto Drives. As modified by the applicant and as conditioned to reduce the number of units to 61 units, the project will not significantly adversely impact access to the beach and nearby State Park and is consistent with the public access and recreation policies of the Coastal Act.

¹ The study indicates a 14.5% increase in traffic for Tramonto and 11.4 % increase for Los Liones.

D. Scenic Resources – Development Adjacent to Parks and Recreation Facilities

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 landforms, 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 Coastline Preservation and Recreation Plan prepared by the Department of Parks and local government shall be subordinate to the character of its setting.

The Coastal Act protects the scenic and visual quality of coastal areas and requires that projects be sited and designed to protect the surrounding coastal resources and the natural landforms of the area. Pacific Coast Highway (PCH) is listed as a Designated Scenic Highway on the City of Los Angeles General Plan Scenic Highways Map. In this case, there are significant public views to and along the coast from Pacific Coast Highway, Sunset Boulevard, and Will Rogers State Beach to the Santa Monica Mountains that include the site. The project will be above Pacific Coast Highway and Sunset Boulevard, separated from these major highways by two large structures and a local street, Castellammare Drive.

The hillside in this area is the backdrop to the beach and the proposed development will be visible from the beach and from Sunset Boulevard. The north side of the project will be visible from the State Park. The project site is located in an established residential community and existing residences are visible from both the beach and from the State Park. The hillside along Revello and Tramonto Drives is developed with single-family residences that are visible from the State Beach and Pacific Coast Highway. Due to the presence of slides, large sections of the hillside above Pacific Coast Highway and above Los Liones Drive are not developed. The toe of the slope along Sunset Boulevard and Pacific Coast Highway is developed with two multi-story mixed residential and commercial developments. One structure at Pacific Coast Highway and Sunset Boulevard is four levels over a multi-level garage and one at Sunset Boulevard and the toe of the slope where the development is proposed is six levels, including parking.

The bulk of the structures that are presently visible along Sunset and Pacific Coast Highway in this immediate area vary. While the existing five-level structure at the toe of the slope extends about 190 feet laterally, the condominium and office at the corner of PCH appears to be about a third wider. The older single-family houses on the upper ridge present 40 or 50 feet of visible facade, which is partially screened by landscaping or hidden by the curve of the slopes. The existing commercial development along the east side of Sunset Boulevard is one story, including a large grocery store and parking lot. There is a multi-level condominium at the top of the slope overlooking Pacific Coast Highway just east of the intersection. In general, in this area, the larger buildings are lower

and are subordinate to the shape of the hillside; buildings on the hill blend in with the shape of the hill.

Each of the eight proposed residential structures will extend about 47 feet from the bottom of the garage to the top of its ridgeline. The buildings are proposed to extend laterally about 793 feet in a curve along the face of the hill with three gaps (30, 54 and 8 feet.) The actual structures will extend laterally 701 feet. The apparent width at any point will be less because the curve of the hill limits the cone of vision of an observer. The garages, which will not be visible, are continuous. Between 30 and 35 feet of each building's vertical face will be visible from the beach, from Sunset Boulevard and from Pacific Coast Highway. According to the applicant's survey, the hill extends from about elevation 25 at Sunset Boulevard and the commercial structure to about elevation 247 in a back yard above Revello Drive. The buildings would be located mid-slope and would occupy about a fifth of the total height of the hill, and extend laterally more than three times the height of the hill. Although the bottom of the structures will not be visible From Sunset Boulevard or Pacific Coast Highway, the ridge of the roofs and the upper two stories will be visible from the beach. (Exhibits 6 and 7)

Six of the buildings are proposed to extend to approximately elevation 180 feet above sea level; the two westernmost structures, will extends to 199.29 and 202.8 feet above sea level. The heights as presented by the applicant are the following.

a)	Building A	202.81 feet above sea level
b)	Building B	199.27 feet above sea level
c)	Building C	180.00 feet above sea level
d)	Building D	180.34 feet above sea level
e)	Building E	166.40 feet above sea level
f)	Building F	158.49 feet above sea level
g)	Building G	186.00 feet above sea level
h)	Building H	183.00 feet above sea level
i)	Clubhouse	176.00 feet above sea level

As originally proposed, the structure appeared to dominate the middle of the slope, with one uninterrupted structure that extended at least a fifth of the height of the hill for three times its length. To mitigate the visual impact of the structure, the applicant has offered to enlarge the gap between the two buildings nears the beach to thirty feet, and to use color to break up the façades of the structures by coloring the structure with contrasting earth tones. The applicant argues that using contrasting colors and enlarging the gaps will reduce the apparent extent of the structure. As revised by the applicant and as conditioned, the buildings will appear to be four 250-to 140-foot wide structures with other structures hidden behind them. The building widths will be:

Revised Plans Proposed Building Widths At The Second Floor Row nearest PCH	
Building	Width
H	250 feet
G	147 feet
F	164 feet
E	140 feet

While massive landform alteration will occur, the applicant proposes to leave a slope on the site that follows the elevations of the existing hillside. Therefore, as conditioned, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act.

E. Water Quality

The standard of review for development proposed in and adjacent to coastal waters is the Chapter 3 policies of the Coastal Act, including the following water quality policies. Sections 30230, and 30231 of the Coastal Act require the protection of biological productivity, public recreation, and marine resources.

Section 30230 of the Coastal Act states, in pertinent part:

Marine resources shall be maintained, enhanced, and where feasible, restored.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

1. Construction Impacts to Water Quality

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction or demolition debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of

lubricants or oils that are toxic to marine life. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. Best Management Practices will be implemented to ensure that secondary construction-related impacts to biological resources are minimized during construction. Soil erosion can occur naturally, and may be accelerated during grading and construction when the area cover is removed and bare soil is disturbed. Precautions will be taken to assure that construction runoff and storm water run-off is filtered prior to leaving the site. The measures proposed adequately deal with water quality impacts associated with construction activities. However, in order to verify that the proposed measures listed in the applicant's plans are followed, the Commission imposes **Special Condition No.'s 5 and 6**, which requires submittal of a Final Runoff and Erosion Control Plan, and proper disposal of excess soil. The Commission finds the proposed project, as conditioned, is consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

2. Post Construction Impacts to Water Quality

The proposed development will result in urban runoff entering Santa Monica Bay. Pollutants such as sediments or toxic substances, such as grease, motor oil, heavy metals, hydrocarbons, pesticides, and fertilizers are often contained within urban runoff entering the Bay. In this case, the site drains new buildings, a parking structure, walkways, a pool, and landscaped areas. Therefore, the primary post-construction water quality concerns associated with the proposed project include sediments, trash and debris, grease, motor oil, heavy metals, hydrocarbons, pesticides and fertilizer.

The proposed development would result in the discharge of storm water into the Bay. As such, the amount of pollutants carried through the system would increase proportionally. Therefore, the project has the potential to affect the water quality of the coastal waters.

In order to deal with these post construction water quality impacts, the applicant has agreed to submit a post construction *Runoff Control Plan* prepared by their project engineer. Contaminants such as oil and grease, fertilizers, pesticides, and other toxic chemicals typically accumulate on ground surfaces and are then washed into storm drains and waterways by irrigation or rainfall. In order to reduce the level of contaminants leaving the property, the project has been designed to include a stormwater detention and water filtration system. Drainage from the "parking areas" will be directed to a series of storage/Infiltration systems that will filter the water and provide storage during rain events.

In order to protect water quality impacts associated with parking lot runoff, and pool discharges the BMPs implemented must be designed specifically to minimize and/or treat these pollutants. There will be no significant long-term adverse affects of the siting of the facilities and the associated infrastructure on the nearby sensitive biological habitats and resources. In order to ensure that water quality is adequately protected, the Commission has imposed **Special Condition Number 9**, which requires submittal and implementation of a Final Water Quality Management Plan. In order to assure that pool water not be

discharged into the storm drain system, the Commission has imposed Special Condition 10 to assure monitoring of the pool. As conditioned, the proposed project will be consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

F. Biological Resources.

The Coastal Act requires consideration of sensitive biological resources, especially when development is either in an environmentally sensitive habitat area, or near a state park.

Section 30240 Environmentally sensitive habitat areas; adjacent developments

(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.

(Amended by Ch. 285, Stats. 1991.)

The site is on the southwestern flank of the Santa Monica Mountains about a fourth of a mile from the Santa Ynez Canyon unit of the Topanga State Park, in a location that has long been disturbed. The site is not an environmentally sensitive habitat area. The developed portion of the site is partially landscaped with introduced plants. The undeveloped portion of the site supports non-native grasses, a relatively large number of trees (about 36), all introduced, or at least not from this region of California, and a remnant population of native plants, including buckwheat and large, established specimens of "prickly pear" *Opuntia littoralis*, a native cactus. Because of the extent of the grading, the project will remove all vegetation from the site, including the trees. The City has required the applicant to survey and salvage the trees, and, at the request of the Department of Fish and Game has required the applicant before cutting the trees, survey the trees for nesting birds. If nesting birds are found, the City requires the applicant to delay removing the tree with the nest until the young birds have fledged. Because the birds nesting in this area are arguably part of the population of animals that feeds and breeds in nearby canyons, including the State Park, the Commission finds that it is appropriate to impose a similar Special Condition Number 12 to reduce impact on nesting birds.

Cumulative removal and extirpation of native plants reduces the population of native animals and reduces the ability of plants in areas identified for preservation to breed and survive. The EIR's consideration of native plants and animals was confined to the identification of endangered or threatened animals on the site. No endangered plants were identified on the site. In addition to introduced trees and grasses, the site supports a remnant population of plants found in neighboring coastal sage scrub communities. While the species found on the site are relatively common in the area in undisturbed locations, the number of undisturbed locations that support these plants is diminishing. The EIR did

not identify populations of native plants for salvage, nor consider the role of locally native plants in the ecosystem of Los Liones and Santa Ynez Canyons if such plants are not endangered. At the same time there are a number of active restoration projects in the immediate area, including an attempt to restore two publicly owned canyons, the lower portion of Los Liones Canyon, recently purchased by the Department of Parks and Recreation and Potrero Canyon, the site of a City of Los Angeles operated landfill that will also, eventually be restored. Parks and restoration projects are frequently required to use plant material from the immediate area for restoration. While it is impractical to require the applicant to preserve the material on site, if the sponsors of local restoration efforts can salvage the plants, the genetic material of the plants in question may be preserved, and the development as approved will be consistent with the preservation and restoration of nearby environmentally sensitive habitat areas. The Commission finds that the development can partially mitigate the cumulative impacts of replacing undeveloped, naturally and partially naturally vegetated areas in the Santa Monica Mountains with development if 1) no non-native invasive plants are used on the site that might invade environmentally sensitive habitat areas, and 2) if native plants on the site can be made available for salvage for restoration projects. Special condition 10 requires the applicant to provide an opportunity to public agencies and approved restoration projects to enter the site and salvage the plants in the interval between issuance of the permit and beginning of grading. Special Condition 10 also requires the applicant to refrain from using invasive plants that might invade nearby natural areas. The applicant has agreed to this condition. As conditioned, the project is consistent with Section 30240(b) of the Coastal Act.

G. Archaeological and Paleontological Resources.

The Coastal Act requires mitigation to impacts to archaeological and paleontological resources. Such resources are sometimes not identified until grading begins. They are more common on relatively undisturbed sites.

Section 30244 Archaeological or paleontological resources

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The project EIR includes an archaeological resource records search that states that the nearest archaeological or cultural deposits are two "prehistoric" sites located one-half of a mile away but that there are no surface deposits apparent on this site. However, the report advised the employment of an archeologist for an initial pedestrian survey prior to grading and clearance (Exhibit 19). The Native American Heritage Commission responded to notice of the development with a letter indicating that there was some chance for the discovery of cultural deposits or human remains in the general area and advising the employment of a monitor during excavation. The letter described the procedures required if human remains were discovered (Exhibits 18).

The Commission notes that portions of the site that have not been disturbed by grading are located on the shoulder of the hill overlooking the sea. Overlooks within a half a mile of an identified site have on occasion unexpectedly supported archaeological deposits an/or human remains. For these reasons, the Commission is requiring further investigation, including monitoring during clearance and grading. If deposits are identified, the applicant will be required to inform the Executive Director. If the deposits are significant and require salvage and or reburial, the applicant will be required to return for an amendment to enable salvage of the site or appropriate treatment of any human remains. As conditioned the development is consistent with the requirements of Section 30244 of the Coastal Act, and other related Sections of State Law.

H. Development

The Coastal Act requires the development be approved in areas able to accommodate it, and encourages consolidation of development is already developed areas. Section 30250 states, in part:

Section 30250 Location; existing developed area

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

As proposed, the development is located on an existing partially developed lot within an existing developed multi-family node adjacent to Sunset Boulevard, a major highway. The project is located in a medium-density commercial and residential node surrounded by lower density residential development. Other development in close proximity includes a three-story 26 unit apartment building to the west of this structure along Tramonto Drive, two other apartment structures directly down hill facing Castellammare Drive, a five level mixed commercial and residential building on Sunset Boulevard below the project and a three story mixed commercial and residential project over a multilevel garage on Sunset Boulevard near the corner of Pacific Coast Highway. To the east of Sunset Boulevard, there is a multistory apartment building set into the bluff face above Pacific Coast Highway, some neighborhood commercial development, including a supermarket, and a regional park/conference center. Immediately uphill of the development there are single-family residences. To the east, there is a State Park and several subdivisions that are developed with both single and multifamily units.

While there has been some opposition to this project based on geology, impact on views and traffic, there has been no opposition based on the multi-family use. With respect to

traffic, some opponents assert that if there were fewer units, the project would have significantly less impact on Tramonto and Los Liones Drives. This issue is discussed in more detail in the access section, above.

The project as proposed and as modified by the applicant is consistent with the intensity of development in the area and as modified is within the capacity of the transportation facilities. Therefore, the Commission finds that as conditioned, the project conforms to the Section 30250 of the Coastal Act.

I. 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 #17, 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.

J. Local Coastal Program.

Section 30604 (a) of the Coastal Act states that:

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, grading and geologic stability.

The City has submitted five Land Use Plans for Commission review and the Commission has certified two (Playa Vista and San Pedro). 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 tract of land and an adjacent approximately 300-acre tract), which were then undergoing subdivision approval, all 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 impacts the proposed development will have on geologic hazards, public access, coastal views, water quality, and archaeological and biological resources, approval of the proposed development will not prejudice the City's ability to prepare a certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

K. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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.

The Commission considered denial of the project. However there is ample evidence that the project can be safely constructed and that its impacts minimized by reducing the number of units and other special conditions.

The Commission considered requiring the applicant to confine its development to the northern relatively stable part of the property. The result of not repairing the landslide would be that damage to existing development on this and adjacent parcels would continue. Because of the ongoing damage, the City would be unable to allow redevelopment of the site without repairing the slide.

As conditioned, the proposed permit will not cause any significant adverse impacts on the environment. Therefore, the Commission finds that there are no feasible alternatives or additional mitigation measures available which would substantially lessen any significant adverse impact which the activity would have on the environment, and that the project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SUBSTANTIVE FILE DOCUMENTS:

1. ENV-200-2696-EIR (SCH No. 2002051086)
2. Coastal Development Permit ZA-200-2697-CDP-1A

3. Los Angeles City Council Resolution approving Vesting Tentative Tract No. 52928, June 6, 2005.
4. United States Army Engineer District Corps Of Engineers, Los Angeles, California, in cooperation with the U.S. Department of The Interior, Geological Survey, Denver, Colorado, "Report of the Landslide Study, Pacific Palisades, California, September, 1975."
5. David T. Hsu, Chef of Grading Section Department of Building and Safety approval letter to Emily Gabel-Luddy, Deputy Advisory Agency regarding Vesting Tentative Tract 52928-1, 82 lots condominium, December 17, 2001.
6. Geology/Soil Report 18457-1 10/02/01 J. Byer Group
7. Geology/Soil Report 18457-1 08/28/01 J. Byer Group
8. Geology/Soil Report 18457-1 06/29/01 J. Byer Group
9. Geology/Soil Report 18457 11/29/00 J. Byer Group
10. Geology/Soil Report 18457-1 08/16/00 J. Byer Group i
11. Department letter 29828 02/07/00 Los Angeles City Department of Building and Safety
12. Department letter 31581 09/21/00 Los Angeles City Department of Building and Safety
13. Department letter 31581 09/21/00 Los Angeles City Department of Building and Safety
14. Department letter 31587-01 01/22/01, Los Angeles City Department of Building and Safety LADBS
15. Department letter 31587-02 06/30/01 Los Angeles City Department of Building and Safety LADBS
16. Department letter 31587-03 09/13/01 Los Angeles City Department of Building and Safety, LADBS.
17. Department letter 31587-04 10/29/01 Los Angeles City Department of Building and Safety LADBS;
18. Approval letter 00-101, 10/31/01 Los Angeles City Department Of Public Works I
19. Coastal development permits 5-05-153 (Sunset Coastal), 5-02-334- A-5-PPL-02-276 (Leeds), A-386-78 as amended (Headlands/Palisades Highlands), 5-91-286 as amended (City of Los Angeles Potrero Canyon), A5-PPL-00-028 (Getty Trust), 5-84-145 (Parravano).
20. City of Los Angeles, Department of Building and Safety, 2002, "Tract Castellammare (MP 113-3/8), Block 10, Lot 6, 17633 Castellammare Drive; Log # 35867", 1 p. Review letter dated 10 January 2002 and signed by D. Hsu, D. Prevost and P. Challita.
21. University of California Cooperative Extension and California Department of Water Resources, "A Guide to 'Estimating Irrigation Water Needs of Landscape Planting in California,'" August, 2000