CALIFORNIA COASTAL COMMISSION
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Staff Report:	1/17/13
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STAFF REPORT: REGULAR CALENDAR

Application Number: **5-12-095**

Applicant: **Anna Fuchs**

Agent: Jaime Massey

Project Location: 17948 Porto Marina Way, Pacific Palisades, City of Los Angeles

Project Description: Construction of three retaining walls varying from 2 feet to 12 feet, as measured from finished grade, and regrade slope for slope stability; replace landslide damaged 120 foot long, 26 foot high semicircular retaining wall and deck: replace driveway retaining wall varying from 2 feet to 13 feet; on a bluff lot improved with a 9,445 square foot, two story single-family residence.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with eight (8) special conditions addressing: 1) evidence of conformance with geotechnical recommendations; 2) assumption of risk; 3) submittal of erosion, drainage and polluted runoff control plan; 4) disposal of exported soil; 5) submittal of landscape plans; 6) retaining wall color and texture plan;7)pile exposure; 8) future improvements; 9) a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

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EXHIBITS

MOTION AND RESOLUTION:

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-12-095 pursuant to the staff recommendation.*

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

Resolution:

The Commission hereby approves coastal development permit no. 5-12-301 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

III. SPECIAL CONDITIONS

1. CONFORMANCE WITH GEOTECHNICAL RECOMMENDATIONS AND TO CITY GEOTECHNICAL REVIEW LETTERS

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. All final design and construction, grading, drainage devices and foundation plans shall have been reviewed and approved by the Grading Division of the City of Los Angeles Department of Building and Safety. The plans shall conform to all recommendations put forth in the geologic/soils report by Grover Hollingsworth and Associates, Inc,, dated May 25, 2000 and September 30, 2009, as well as all requirements of the City of Los Angeles Department of Building and Safety, Geology and Soils Report Approval Letter, dated September 10, 2010.

B. The monitoring, construction methods and foundation system including the installation of the piles, the permanent and temporary retaining walls, shall conform to and include all requirements and specifications of the City review letter cited above.

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.

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 activity, erosion and/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. EROSION, DRAINAGE AND POLLUTED RUNOFF CONTROL

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

(a) Erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
(b) Clearing and grading activities should be timed to avoid the rainy season whenever possible. If grading takes place during the rainy season ((October 15-March 31)), the plan shall specify that temporary erosion control measures shall be used during construction (e.g., temporary sediment basins [including debris basins, desilting basins or silt traps], temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, close and stabilize open trenches as soon as possible).
(c) Only areas essential for construction shall be cleared.
(d) During the rainy season, (October 15- March 31) bare soils shall be stabilized with non-vegetative BMPs as soon as possible, and within five days of clearing or inactivity in construction.
(e) Construction entrances shall be properly graded to prevent runoff from construction site. The entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust and tracking of mud offsite.
(f) Runoff shall be intercepted above disturbed slopes and conveyed to a permanent channel or storm drain by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
(g) Spill prevention and control measures shall be developed and implemented.
(h) Sanitary facilities shall be provided for construction workers.
(i) Equipment and machinery shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of properly at an off-site location.
(j) Adequate disposal facilities shall be provided for solid waste, including excess asphalt, produced during construction. Properly recycle or dispose of lunchtime trash and other debris at the end of every construction day.
(k) During construction, the applicant shall obtain approval from the City of Los Angeles Department of Building and Safety for any dewatering necessary during construction and:

(i) shall install filters on the dewatering system,
(ii) shall prevent discharge of water pumped from the site onto nearby property, and shall direct all discharges into paved City street and storm drains.

(l) Permanent erosion and drainage control measures shall be installed to ensure the stability of the site, adjacent properties, and public streets.
(m) All drainage from the lot shall be directed toward the street and away from the bluff slope.
(n) Runoff shall be conveyed off site in a non-erosive manner.
(o) Pesticide, herbicide and fertilizer use shall be eliminated or minimized.
(p) The Drainage and Erosion Control Plan shall include, at a minimum, the following components:
(i) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
(ii) Any temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. All disturbed areas shall be stabilized. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.
(iii) A site plan showing the location of all temporary erosion control measures. The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from the runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriately approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
(iv) A schedule for installation and removal of the temporary erosion control measures.
(v) A site plan showing the location of all permanent erosion and drainage control measures.
(vi) A schedule for installation and maintenance of the permanent erosion and drainage control measures.
(vii) A written review and approval of all erosion and drainage control measures by the applicant's engineer and/or geologist.

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

4. 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.

5. LANDSCAPING PLAN

A) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a final landscaping plan. The plan shall be prepared by a licensed landscape architect and incorporate the following criteria: (a) a majority of the vegetation planted shall consist of native/drought and fire resistant plants of the coastal bluff scrub community as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996; no plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council (formerly known as 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; (b) no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property; (c) no permanent irrigation system shall be allowed within the property. Temporary, above ground irrigation to allow the establishment of the plantings is allowed; (d) the plantings established shall provide 90% coverage in 90 days; (e) all required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.

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

(a) A map showing the type, size, and location of all plant materials that will be on the developed site, topography of the developed site, and all other landscape features, and;
(b) A schedule for installation of plants.

B) Five years from the date of the implementation of the landscaping plan the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect and shall specify measures to

remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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

6. RETAINING WALL COLOR AND TEXTURE PLAN.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a plan demonstrating that the color and texture of the structure will be compatible with the adjacent bluff. The plan shall demonstrate that:

1. The entire face of the proposed retaining walls (lateral and return walls, both above and below finished grades, shall be colored and textured with earth tones should the underground components become exposed by future erosion.
2. The wall structure shall be colored/constructed with concrete that has been colored with earth tones that are compatible with the adjacent bluff.
2. White and black tones shall not be used,
3. The color shall be maintained through-out the life of the structure.
4. The structure shall be textured for a natural look that better blends with the bluff face.
5. Native vegetation appropriate to the habitat type may also be used if feasible to cover and camouflage the structure, consistent with **Special Condition No. 5** above.

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

7. STRUCTURAL APPEARANCE (PILE EXPOSURE)

A. Prior to issuance of the permit the applicant shall submit a plan for the review and approval of the Executive Director to address the potential visual impacts of the pilings in the event that the pilings are exposed and visible from Pacific Coast Highway, or the adjacent public beach, as a result of earth movement or other circumstances. The applicant shall agree in writing to carry out the approved plan, which shall include:

1. Coloring the exposed concrete pilings so that it will match the surrounding soils. The piles should be colored in such a way that the result would be a natural, mottled appearance. If any piling is exposed, the applicant shall immediately dye or conceal such pilings.

2. Installation of a low “breakaway” skirt wall to cover exposed earth and/or pilings.

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

8. FUTURE DEVELOPMENT DEED RESTRICTION

This permit is only for the development described in coastal development permit No. 5-12-095. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by coastal development permit No. 5-12-095. Accordingly, any future improvements to the single family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 5-12-095 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

9. DEED RESTRICTION

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

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The project site is located at 17948 Porto Marina Drive in the Pacific Palisades community of the City of Los Angeles. The subject property consists of three irregularly shaped recorded lots, with a total area of approximately 50,908 square feet. The property slopes from Marina Porto Way down to Pacific Coast Highway.(see **Exhibits No. 1-2**). The lot is improved with an approximately 9,000 square foot, two story single-family dwelling with ancillary improvements, built in 1927. The residence is situated on top of a natural terrace that has been slightly modified by past grading. The natural slopes on the west and northwest sides of the residence descend about 70 to 105 feet at gradients ranging from 2:1 to 1:1. The South side of the property descends approximately 90 feet down to Pacific Coast Highway at a gradient of approximately 1.5:1.

The applicant proposes to construct a total of five retaining walls varying in height from 0 feet to 26 feet and freestanding graded deck with remedial slope repair work for the existing single-family dwelling. Three of the retaining walls, and slope re-grading, are planned to stabilize the descending slope south of the residence by removing and recompacting the near-surface failure debris and highly weathered bedrock to form a 1.75:1 stabilization fill slope. The toe of the slope will be situated a minimum of 4 horizontal feet from the rear face of the existing Caltrans retaining wall located along the northern side of PCH. A 10-12 foot high, pile-supported retaining wall will be placed approximately 20-25 vertical feet above the toe of the slope. Pile supported return retaining walls will be required along the western and eastern property lines. The return walls will vary from 2 feet to 12 feet in height (as measured from finished grade). **See Exhibits No. 4-7**.

The other two retaining walls are replacement walls. One of the proposed walls is a replacement of an existing semicircular wall damaged by a previous landslide. The retaining wall is located between the residence and proposed repaired slope. The semicircular wall will be replaced in the same location and will vary in height from approximately 8 feet to 26 feet, as measured from finished grade. The semicircular deck will be reconstructed, but the retaining wall will not be back-filled to minimize the load behind the wall and on the slope. The second wall will replace the damaged driveway wall that comes off of Porto Marina Way and provides access to the subterranean garage. The driveway retaining wall will vary from 2 to 13 feet, as measured from finished grade.

The remedial slope repair will require approximately 9,800 cubic yards of cut and 9,473 cubic yards of fill for a total of approximately 19,273 cubic yards to remove the slide debris and recompact the slope to 1.75:1.

The subject property is zoned R1-1 and designated for Low Residential uses within the Brentwood-Pacific Palisades Community Plan area. The adjacent properties to the west-northwest are zoned A1-1 and are developed with the Getty Villa (a privately owned museum facility). Adjacent properties to the north and east are zoned R1-1 and developed with single-family dwellings. To the south and south of Pacific Coast Highway (PCH), there is Will Rogers State Beach.

Along the north side of PCH and south side of the applicant's property, Caltrans constructed a 654 foot long tied-back soldier pile retaining wall. The wall was constructed sometime in the 1990's. The wall consists of vertical steel H-beam piles with timber lagging. The wall is approximately 25 feet in height and supported by piles that extend approximately 20 feet below grade and has two rows of tie-back anchors which extend 70 to 100 feet into the ascending slope. The wall extends across the subject property and adjacent properties to the west and east.

In 2010, the Commission approved a Coastal Development Permit (No. 5-10-121) for foundation underpinning of the existing single-family residence with sixteen 30 inch to 36 inch concrete caissons to a depth of approximately 30-35 feet.

B. HAZARDS

The Coastal Act requires that development assure stability and structural integrity. Section 30253 of the Coastal Act states in part:

> *New development shall:*
>
> *1) Minimize the risk 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 coastal bluffs.*

The applicant has provided geotechnical engineering report from the consulting firm of Grover Hollingsworth and Associates, Inc, dated May 25, 2000, September 30, 2009, and an update letter, June 11, 2012. The report and subsequent addendum were reviewed and approved by the Grading Division of the City of Los Angeles, Department of Building and Safety (see **Exhibit No. 8**).

According to the geotechnical report there was a slope failure in 1978. The slope failure damaged a portion of the existing semicircular patio that extended out on to the upper bluff and caused some structural damage to the existing residence. The slope failure was a relatively shallow failure. The semicircular retaining wall/patio was founded on shallow footings embedded in the near surface soil. Based on exploration and testing, the geologic report states the failures occurred in the low strength, near surface, highly weathered bedrock and the colluvium/fill overlying the terrace bedrock. The southwest corner of the residence that sustained damage due to settling up to 5 inches was also underlain by fill and colluvium over terrace deposits. The colluvium, which is highly compressible under increased loads and is subject to significant collapse upon saturation, are believed to be responsible for the building settlement.

The cause of the slope failure was purported to be from inadequate and defective drainage from City facilities (streets and pipes) and due to cutting away of the base of the hillside for PCH construction. In 1999, a settlement agreement was reached between the owners of the subject

property, the City, and Caltrans. The settlement agreement, in part, provided funds to the property owners to go towards repairing the damaged slope.

The geotechnical report states that:

> *It is our opinion that the south-facing slope on the subject property can be restored to a stable condition by removal and recompaction of the slide debris, weathered bedrock and uncertified fill to form a 13/4:1 stabilization fill slope.*
>
> *The pile supported retaining wall should derive support from bedrock and should be sized for a lateral load of 11,000 pounds per linear foot of wall width. This pile supported retaining wall will serve to raise the factor of safety of the stabilization fill to 1.30. The proposed repair is considered remedial because the recommended slope gradient exceeds 2:1 and the factor of safety of the stabilization fill is less than 1.5.*

A factor of safety of 1.5 is the generally accepted minimum value required to ensure slope stability by the City; however, because the project is considered remedial slope repair the City's Grading Division of the Department of Building and Safety accepted a minimum factor of safety of 1.3 in lieu of 1.5.

The geotechnical report for the project states that the proposed development is considered feasible from a geotechnical engineering standpoint provided their recommendations are incorporated into the development plans. Therefore, the slope stability work should assure stability of the site consistent with Section 30253 of the Coastal Act if the project is carried out in accordance with the recommendations set forth in the geotechnical reports. The City reviewed the geologic reports and concluded that the geotechnical report and conclusions were adequate and issued a Geology and Soils Report Approval Letter for the proposed project on July 25, 2012. Furthermore, Dr. Mark Johnsson, Coastal Commission's staff geologist, has visited the site and reviewed the geotechnical reports, and City's geotechnical review approval letter, and concurs with the City's approval.

1. Conformance with Geotechnical Recommendations

Recommendations regarding the grading, drainage and design and installation of the retaining walls have been provided in several reports and letters submitted by the applicant, as referenced in the above noted final report. Adherence to the recommendations contained in these reports is necessary to ensure that the proposed retaining walls and piles assures structural stability 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 No. 1** requires the applicant to conform with the consultants' geotechnical report, dated May 25, 2000 and September 30, 2009, which addresses grading, piles, and retaining walls; and with City requirements, as set forth in the City approval letter dated July 25, 2012.

2. Assumption of Risk Deed Restriction

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 slope stability work is located on a sloping lot that has experienced slope failure in the past. The geotechnical analysis report by Grover Hollingsworth states that as designed with the recommendations made in the geotechnical reports it is possible to repair the slope safely. However, the applicant commissioned the report, and ultimately the conclusion of the report and the decision to construct the project is the responsibility of the applicant. The proposed project may still be subject to natural hazards such as slope failure. The historic slide or nearby slides may unexpectedly move and cause damage to the property, leaving pilings and other foundation work exposed. 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 bluff lot, the Commission cannot absolutely acknowledge that the design of the single family home 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 as a result of the decision to develop. The assumption of risk, when recorded against the property as a deed restriction, will show that the 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 No. 2**, which requires the landowner to assume the risk of extraordinary erosion and/or geologic hazards of the property. **Special Condition No. 9** requires the applicant to record a deed restriction to record this and all special conditions of the permit. The deed restriction will provide notice of potential hazards of the property and help eliminate false expectations on the part of potential buyers of the property, lending institutions, and insurance agencies that the property is safe for an indefinite period of time and for further development indefinitely in the future.

Therefore, prior to issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restriction on development. The deed restriction shall include a legal description of the applicant’s entire parcel. The deed restriction shall run with the land, binding all successors and

assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. Erosion Control Measures

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion via rain or wind could result in possible acceleration of slope erosion and landslide activity. **Special Conditions No. 3 and 4** requires the applicant to dispose of 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's slope to PCH below. This uncontrolled runoff has contributed to an increase in erosion across the subject site. The geotechnical report and City's approval requires erosion and runoff control measures to be incorporated into the plans. To ensure that temporary and permanent drainage and erosion control measures are incorporated the Commission requires a complete erosion control plan for both temporary and permanent measures. Therefore, prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a temporary and permanent erosion control plan that includes a written report describing all temporary and permanent erosion control and run-off measures to be installed and a site plan and schedule showing the location and time of all temporary and permanent erosion control measures (more specifically defined in **Special Condition No. 3**).

4. Landscaping

The installation of in-ground irrigation systems, inadequate drainage, and landscaping that requires intensive watering are potential contributors to accelerated bluff erosion, landslides, and sloughing, which could necessitate protective devices. Due to the geologic sensitivity of the site, the Commission requires that all plants be drought tolerant, as defined by the University of California Cooperative Extension and the California Department of Water Resources in their joint publication: "*Guide to Estimating Irrigation Water Needs of Landscape Plantings in California*". .

The applicant has proposed to landscape the slope to help minimize erosion and to reduce the visual impact of the walls. The Commission has routinely required that landscaping be native, non-invasive and drought tolerant to minimize water use on slopes. To ensure that landscaping is consistent with past Commission permit action, the applicant is required in **Special Condition No. 5** to use plants that are drought tolerant, non-invasive, primarily native plants of the coastal bluff scrub community, and to refrain from installing permanent irrigating. As conditioned, to minimize infiltration of water, the development will be consistent with section 30253 of the Coastal Act.

C. VISUAL RESOURCES

Section 30251 of the Coastal Act requires that the scenic and visual qualities of this coastal area shall be protected. Section 30251 of the Coastal Act states, in part:

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...*

The proposed project will be located on a south facing slope that is visible along PCH and the adjacent beach. The Coastal Act protects public views and the scenic and visual qualities of coastal areas. In this case the public views are the views from the public streets to the Pacific Ocean and from Pacific Coast Highway and Will Rogers State Beach to the Santa Monica Mountains.

The steep south facing slope along Pacific Coast Highway is highly visible and this section along PCH is absent of any residential development along the bluff slope, except for subject property's single-family residence located above the slope and Caltran's 25 foot high, 654 foot long retaining wall located at the base of the slope. A retaining wall supporting Porto Marina Way at the top of the slope is also visible, but the slope is generally undeveloped and is sparsely covered with vegetation.

The proposed retaining walls will vary from 2 feet to 12 feet above finished grade (the semicircular retaining wall, which will extend to approximately 26 feet, is replacing an existing wall that was damaged due to the slide and would be exempt under the disaster replacement provisions of the Coastal Act). Because the lot is on a slope and its close proximity to the coast, the project will be visible from PCH and the beach. The single lateral retaining wall is necessary because of the steep 1.75:1 slope and the return walls. The City would generally require regraded slopes to be laid back to 2:1; however, because of the steepness of the existing slope, existing development and circumstances surrounding the slope, the City considered the grading and retaining walls as remedial slope repair and allowed a steeper slope. The return walls, which are required as part of the remedial slope repair are necessary because the adjacent properties are under separate ownership and grading on the adjacent properties, which would minimize or possibly eliminate the need for return walls, was not granted.

The remedial slope repair will require approximately 9,800 cubic yards of cut and 9,473 cubic yards of fill for a total of approximately 19,273 cubic yards to remove the slide debris and recompact the slope to 1.75:1. The grading and retaining walls is the minimum possible to repair the slope and lessen the risk of earth movement and to create a stable and safe slope. Once constructed, the applicant proposes to landscape the slope; however, landscaping alone may not significantly minimize the visual impact of the walls, therefore, the walls shall be colored and texturized to match the surrounding natural slope to help minimize the visual impact as required by **Special**

Condition No 6. To ensure that in the event that future erosion causes subsurface portions of the retaining wall to become exposed, **Special Condition No. 7** requires the applicant to visually and aesthetically treat the piles to match the surrounding terrain. Such measures shall include coloring the piles to match the surrounding soils or installing a skirt to cover the exposed piles. Furthermore, to minimize the visual impact and minimize erosion along the bluff, **Special Condition No. 5** requires the applicant to provide a final landscape plan and agree to maintain the landscaping within the project area**. Special Condition No. 8** requires that any future development to the project will require an amendment to this permit.

The Commission finds that the applicant has minimized landform alteration in her effort to repair the slope and reconstruct the existing semicircular retaining wall and deck and driveway on her property. The design and grading is the least amount of landform alteration necessary to stabilize the slope and protect the residential improvements above. Therefore, as conditioned, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act.

D. Water Quality/Marine Resources

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, fertilizers, and other pollutant sources.

Section 30231 of the Coastal Act states:

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

To address these concerns, the development, as conditioned with Special **Conditions No. 3 and 4**, incorporates design features to minimize the infiltration of water and the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, the use of non-invasive drought tolerant vegetation, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. These special conditions will ensure that 1) sediment is kept on-site during construction; 2) runoff is controlled after construction, so that storm water and on-site irrigation water does not erode or percolate into nearby land

(increasing the likelihood of failure); and 3) permanent features that maintain the quality of run off so that run off does not transport pollutants into the ocean.

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

E. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) that conforms with Chapter 3 policies of the Coastal Act:

> *(a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would 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) shall be accompanied by a specific finding which sets forth the basis for such conclusion.*

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

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

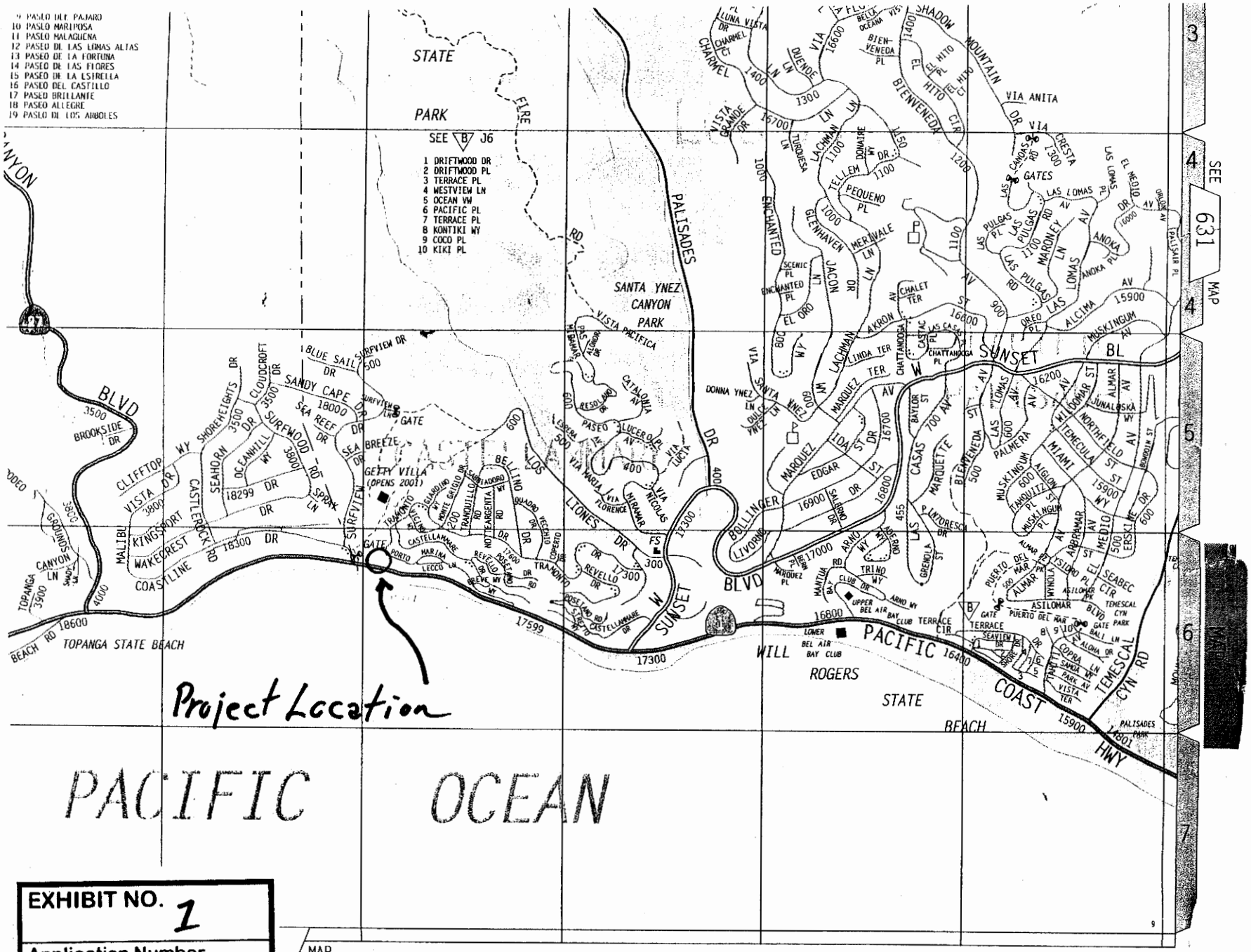


EXHIBIT NO. 1

Application Number

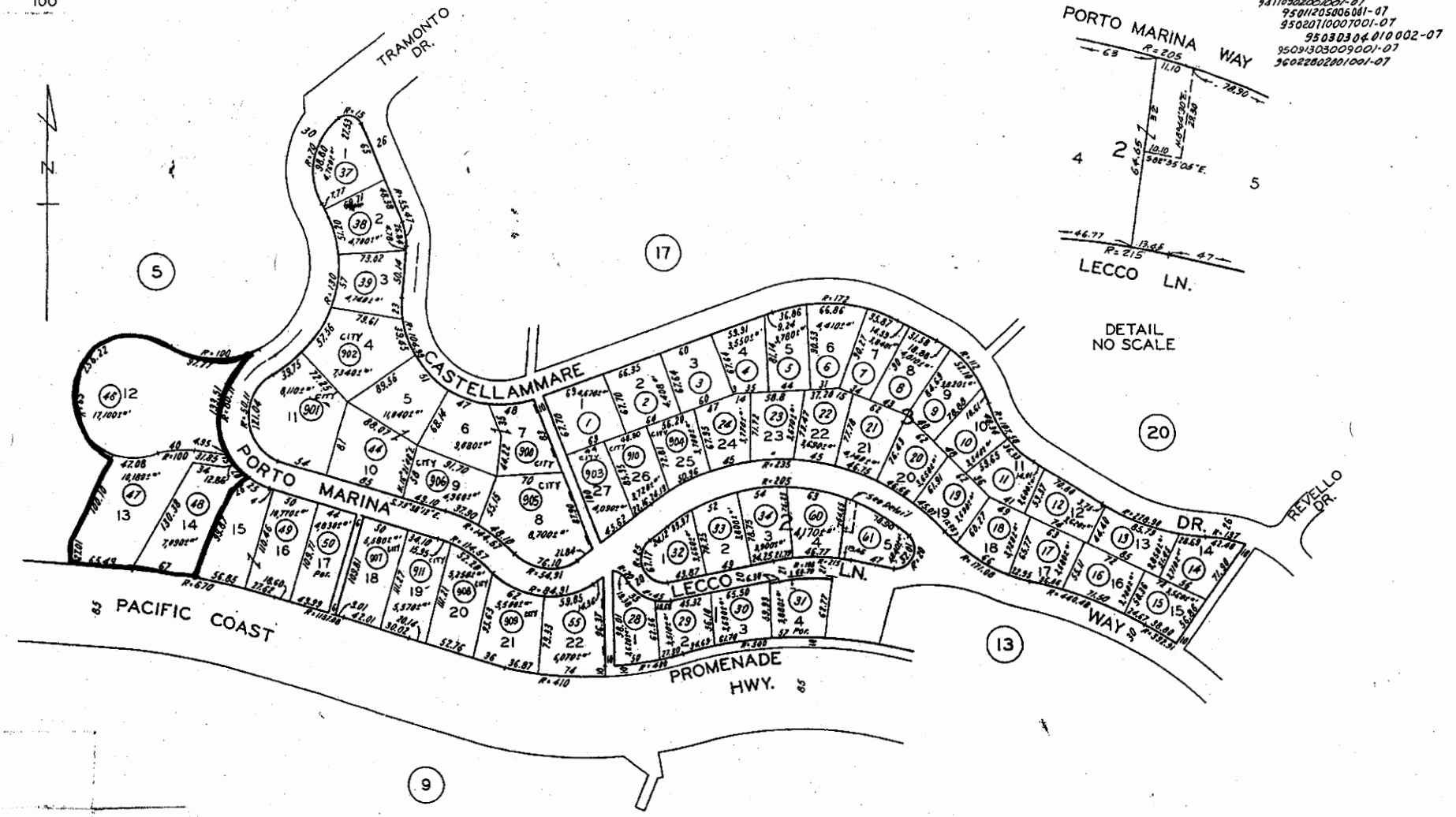
5-12-095

Vicinity Map

California Coastal Commission

4416 15

100'



CASTELLAMMARE M.B. 113 - 3 - 8

CASTLE ROCK M.B. 116 - 91 - 92

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF

EXHIBIT NO. 2

Application Number

5-12-095

Parcel Map

California Coastal Commission

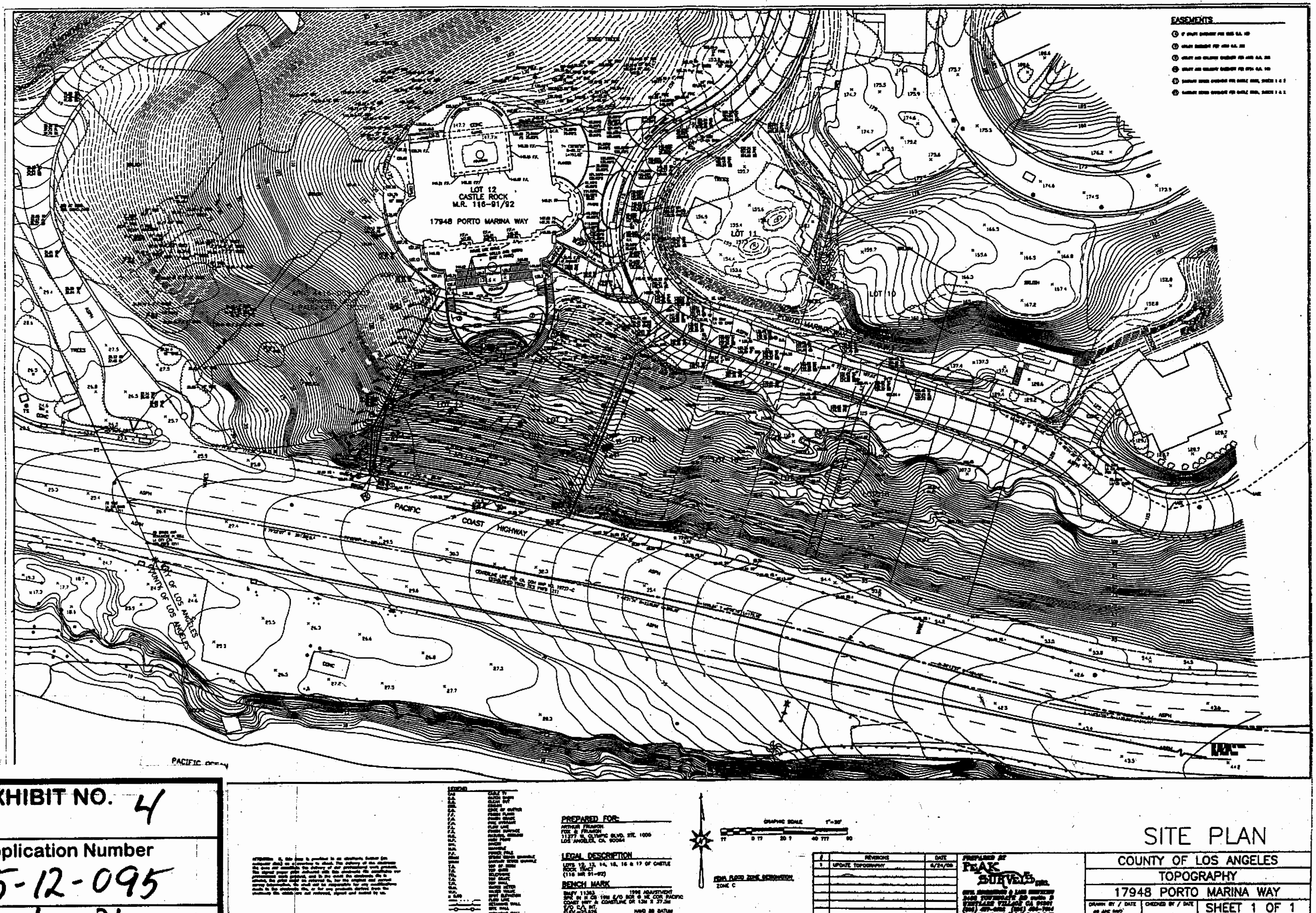
EXHIBIT NO. 3

Application Number

5-12-095

Aerial Photo

California Coastal Commission



RE
South
COAST

EXHIBIT NO. 4

Application Number

5-12-095

Site Plan

California Coastal Commission

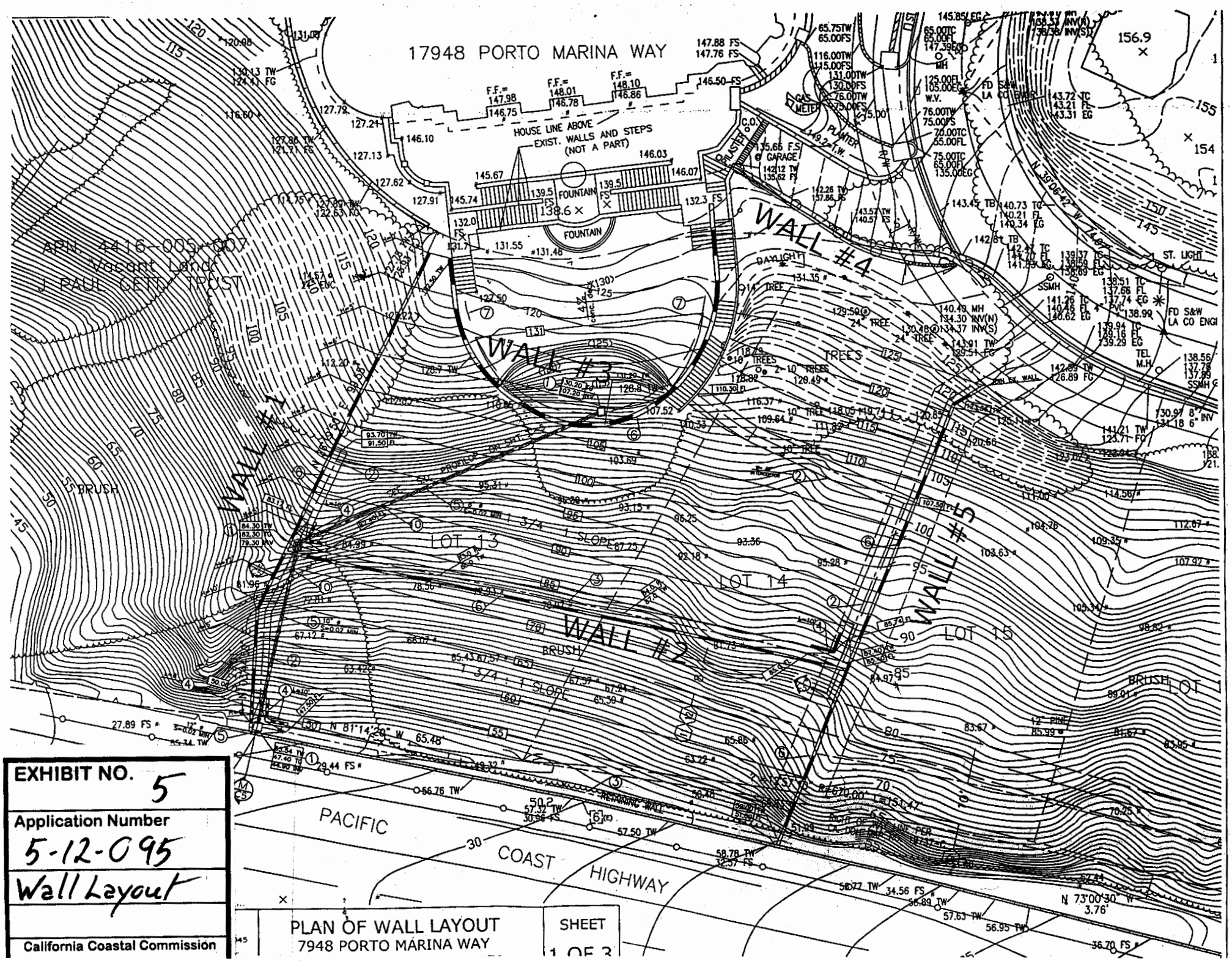


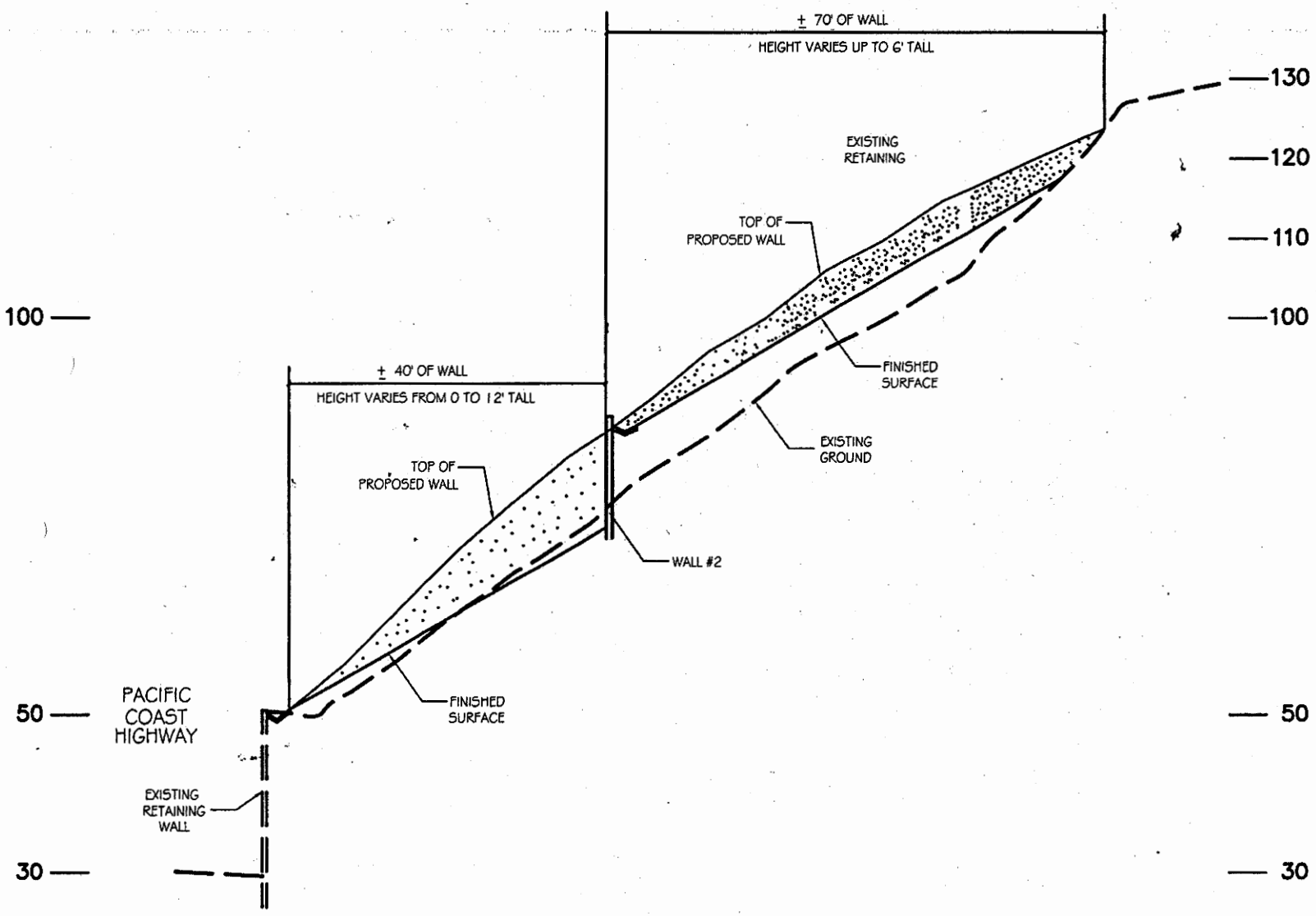
EXHIBIT NO. 5

Application Number

5-12-095

Wall Layout

California Coastal Commission



WALL #1 PROFILE

WEST ELEVATION

EXHIBIT NO. 6

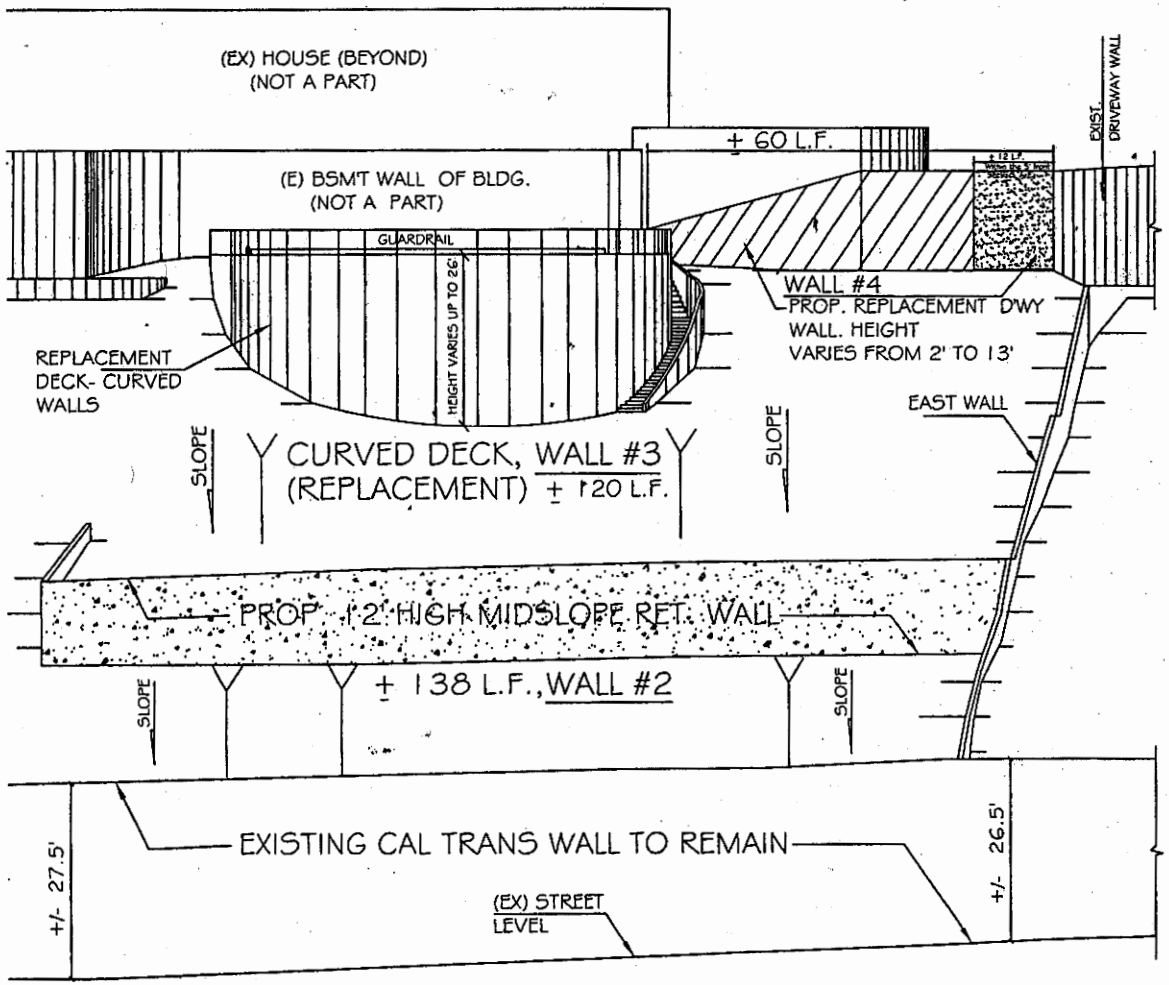
Application Number

5-12-095

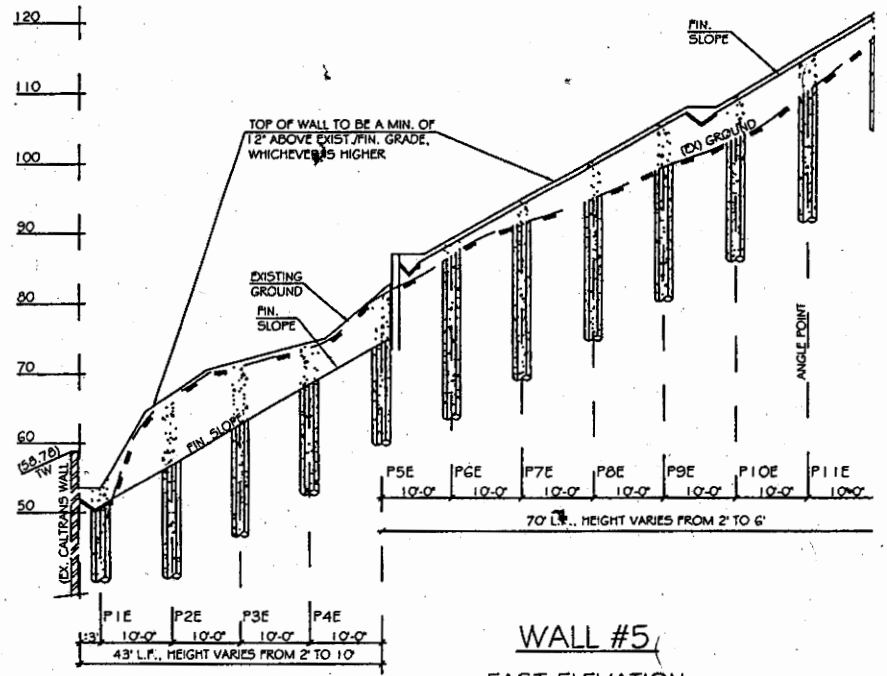
Wall #1

Profile

California Coastal Commission



SOUTH ELEVATION
SCALE: 1" = 10'



WALL #5
EAST ELEVATION
SCALE: 1" = 10'

EXHIBIT NO. 7
Application Number
5-12-095
Wall #2, 3, 4, 5
Profile
California Coastal Commission

CITY OF LOS ANGELES
CALIFORNIA

App 5-12-095

GEOLOGY AND SOILS REPORT APPROVAL LETTER

July 25, 2012

LOG # 77611
SOILS/GEOLOGY FILE - 2
LAN

Anna Fuchs
1681 Benedict Canyon Drive
Los Angeles, CA 90272

TRACT: Castle Rock (M R 116-91/92)
LOT: 14 / 13 / 12
LOCATION: 17942 / 17944 / 17948 W. Porto Marina Way

CURRENT REFERENCE REPORT/LETTER(S)	REPORT NO.	DATE(S) OF DOCUMENT	PREPARED BY
Geology/Soils Update Report	GH13683-G	06/11/2012	Grover Hollingsworth

PREVIOUS REFERENCE REPORT/LETTER(S)	REPORT NO.	DATE(S) OF DOCUMENT	PREPARED BY
Dept. Approval Letter	68873-01	02/18/2010	LADBS - Grading
Request for Modification	19272	02/18/2010	"
Geology/Soils Report	GH13683-G	12/23/2009	Grover Hollingsworth
Dept. Correction Letter	68873	12/10/2009	LADBS - Grading
Geology/Soils Report	GH13683-G	09/30/2009	Grover Hollingsworth
Dept. Approval Letter	41107	09/25/2003	LADBS - Grading
Geology/Soil Report(2 vols)	GH9176-G	08/18/2003	Grover Hollingsworth
Dept Approval letter	31408-01	07/10/2001	LADBS - Grading
Request for Modification	8465	07/10/2001	LADBS - Grading
Geology/Soil Report	GH9176-G	07/03/2001	Grover Hollingsworth
"	GH9176-G	04/06/2001	"
"	GH9176-G	11/28/2000	"
"	GH9176	11/27/2000	"
Dept. Correction Letter	31408	08/22/2000	LADBS - Grading
Geology/Soil Report	GH9176-G	05/25/2000(3)	Grover Hollingsworth

The referenced update report dated June 11, 2012, concerning the proposed 1.75 (H):1(V) remedial slope repair (factor of safety of 1.30), pile supported retaining walls, and pile underpinning and stabilization of the distressed residence into competent bedrock and reconstruction of the deck has been reviewed by the Grading Division of the Department of Building and Safety. The consultants note that the subject site slope repair areas remain essentially the same as described in the referenced geotechnical reports dated September 30, 2009, and December 23, 2009.

Previously, the referenced reports dated September 30, 2009 and December 23, 2009 concerning the proposed 1.75 (H):1(V) remedial slope repair (factor of safety of 1.30), pile supported retaining walls, and pile underpinning and stabilization of the distressed residence into competent bedrock and reconstruction of the deck was reviewed and approved by the Grading Division of the Department of Building and Safety.

Previously proposed repair schemes offered by the consultants and identified in the Department Approval Letters dated July 10, 2001, and September 25, 2003, were never constructed. However, the July 10, 2001, Department Approval Letter addresses a repair scheme most similar to what is currently proposed.

Previously referenced reports dated April 6, 2001 and July 3, 2001, concerning a proposed 1.5 (H):1(V) remedial slope stabilization fill (factor of safety of 1.25), underpinning of a portion of the existing residence, construction of an elevated deck, and drainage improvements were reviewed and approved on July 10, 2001, Log # 31408-01, by the Grading Section of the Department of Building and Safety.

According to the report, the south facing descending slope experienced a slide and portions of the backyard retaining wall, deck, and residence have experienced distress. Up to 5 inches of settlement of the southwest corner of the residence is attributed to compressible fill and colluvium beneath the structure and not slope instability (Pages 23 & 24, 5/25/2000).

Deep seated geologic structure is reported as favorably oriented for stability of the site. The consultants propose to stabilize the descending slope south of the existing residence by removing and recompacting the near surface failure debris and highly weathered bedrock to form a minimum 20 foot wide, 1.75(H):1(V) stabilization fill slope. The toe of the slope will be situated a minimum of 4 horizontal feet from the rear face of the existing Cal Trans retaining wall and 3 feet below the top of the wall. A 10 to 12 foot high pile supported retaining wall is planned 20 to 25 vertical feet above the toe of the slope. This wall is required to accommodate the 1.75:1 slope gradient which is flatter than the current 1.5:1 to slightly steeper gradient.

Return retaining walls will be required along the western property line for Lot 13 and the eastern property line of Lot 14. Both return walls will be pile supported. The length of the western wall can be reduced by trimming the slope west of the western property line for Lot 13 to a 1.5:1 gradient. It is the consultants understanding that the Getty Trust (adjacent property owners) is amenable to this grading.

It is also planned to rebuild the semicircular retaining wall and lawn area south of the residence. This feature will be created as an above ground structural system supported by friction piles. The slope under this feature will parallel the planned 1.75:1 slope. The semicircular perimeter wall will not retain earth.

The southern and southwestern residence walls will be underpinned prior to the commencement of grading. The building shall be releveled as part of the underpinning process. The downslope driveway retaining wall will be demolished to create construction access. The new southern driveway wall shall be pile supported.

A Request for Modification of Building Ordinances was filed to allow a 1.75(H):1(V) geogrid reinforced remedial slope repair (factor of safety of 1.30), in lieu of a 2(H):1(V) fill slope at a minimum factor of safety of 1.3 in lieu of 1.5, was reviewed and approved by the Grading Division of the Department of Building and Safety on February 18, 2010.

The site is within a zone requiring investigation and mitigation for earthquake-triggered ground failure potential as designated by the State of California (Public Resources Code, Section 2690 et. seq.,

Seismic Hazard Mapping Act). However, the currently proposed construction does not qualify as a "project" under the Act and is therefore exempt.

The update report dated June 11, 2012, is acceptable, provided the following conditions are complied with during site development:

(Note: Numbers in parenthesis ( ) refer to applicable sections of the 2011 City of LA Building Code. P/BC numbers refer the applicable Information Bulletin. Information Bulletins can be accessed on the internet at LADBS.ORG.)

1. The original Department Approval Letter, Log#68873-01, dated February 18, 2010, remains in effect unless specifically revised herein.

Jeffrey T. Wilson

JEFFREY T. WILSON
Engineering Geologist I

PASCAL CHALLITA
Geotechnical Engineer II

Log No. 77611
(213) 482-0480

cc: Jamie Massey, Applicant
Grover Hollingsworth, Geotechnical Consultants
WLA District Office