

**CALIFORNIA COASTAL COMMISSION**

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**F15c**

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**STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE**

**Appeal Number:** A-5-PPL-17-0007

**Applicant:** MBJJ LLC, John Janick

**Agent:** Chris Parker

**Local Government:** City of Los Angeles

**Local Decision:** Approval with Conditions

**Appellants:** Coastal Commission Executive Director

**Project Location:** 14904 Corona del Mar, Pacific Palisades, City of Los Angeles, Los Angeles County

**Project Description:** Appeal of City of Los Angeles Local Coastal Development Permit No. DIR-2016-1377 approved with conditions for the construction of a 33-ft 7-in. high, 9,310 sq. ft. single-family residence, with an attached 851 sq. ft. three-car garage, and a two-level basement on a caisson grade beam foundation with retaining walls and 4,078 cu. yds. of grading on a vacant 31,194 sq. ft. bluff top lot.

**Staff Recommendation:** Substantial Issue

**IMPORTANT HEARING PROCEDURE NOTE**

The Commission will not take testimony in the “substantial issue” recommendation unless at least three commissioners request it. The Commission may ask question of the applicant, any aggrieved person, the Attorney General or the executive director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally and at the discretion of the Chair limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which the Commission will take public testimony.

## SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission determine that a **substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reasons: the project, as approved by the City of Los Angeles, raises substantial Coastal Act issues related to safety of development in a hazardous location and protection of natural landforms and public views. The applicant proposes to build a new single-family residence on a vacant bluff top lot, including retaining walls and hardscaping within ten feet of the bluff edge. Development within ten feet of the bluff edge has typically not been allowed by the Coastal Commission in observation of geologic hazards, including incremental and episodic erosion. The local CDP fails to provide justification for allowing development within ten feet of the bluff edge. Additionally, the lot was previously graded and lowered by 13 ft. without a coastal development permit (CDP). The proposed project is located on Corona del Mar in the Pacific Palisades area of the City of Los Angeles, which is highly visible from Pacific Coast Highway and the beach below. The local CDP fails to recognize the unpermitted grading and does not account for the scenic and visual impacts of this grading. The City also approved a lot line adjustment of the parcel without a local CDP. Pursuant to Section 30106, lot line adjustments are considered development and require a CDP. As such, the City's actions do not adequately meet the mandates of the Coastal Act. As approved by the City, this project raises substantial Coastal Act issues related to safety of development in a hazardous location and protection of natural landforms and public views.

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## APPENDICES

Appendix A - Substantive File Documents

## EXHIBITS

[Exhibit 1 – Project Location /Vicinity Map](#)

[Exhibit 2 – Local CDP DIR-2016-1377 including City-Approved Project Plans](#)

[Exhibit 3 – Appeal](#)

## I. MOTION AND RESOLUTION – SUBSTANTIAL ISSUE

**Motion:** *I move that the Commission determine that Appeal No. A-5-PPL-17-0007 raises **NO Substantial Issue** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.*

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

**Resolution:**

*The Commission hereby finds that Appeal No. **A-5-PPL-17-0007** presents **A SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.*

## II. APPELLANT’S CONTENTIONS

The City-approved local CDP authorizes the construction of a 33-ft, 7-in. high, 9,310 sq. ft. single-family residence, with an attached 851 sq. ft. three-car garage, a two-level basement on a caisson grade beam foundation with retaining walls and 4,078 cu. yds. of grading on a vacant 31,194 sq. ft. bluff top lot.

The appeal was filed by the Executive Director of the Coastal Commission ([Exhibit 3](#)). The appellant contends the following:

Development on a coastal bluff is inherently dangerous due to the potential for bluff failure. Bluff development poses potential adverse impacts to the geologic stability of bluffs and the stability of residential and ancillary structures. The proposed project is located on Corona del Mar, an approximately 150- ft. high bluff top site, inland of Pacific Coast Highway, in the Pacific Palisades area of the City of Los Angeles. The subject coastal bluff is highly visible from Pacific Coast Highway and the beach below. It is an integral part of the vast public views to and along the coast.

The City’s Geology and Soils Report Approval Letter (LOG # 83320-01), dated February 24, 2016, states that “... *the site is situated on top of a coastal bluff slope where a previously existing residence was damaged due to the 1994 Northridge Earthquake and subsequently removed. The elevation [of the] lot was lowered about 13 feet by exporting soil...*” Lowering the bluff top lot by 13 ft. would require a CDP that would analyze the impacts of the grading on coastal resources and ensure that it is consistent with the hazards and the scenic and visual resource policies of the Coastal Act. The City provided no such evidence that a CDP was approved or issued for the previous grading of the lot and no such permits exist in the Coastal Commission’s records. As such, the City should have acknowledged that deficiency and treated the applicant’s project as an after-the-fact request that included the previous grading of the lot and completed an analysis of the impacts that the grading had on the relevant coastal resources. The City took no such action. Therefore, the City’s approval is inadequate and an analysis of the impacts that the unpermitted grading had on coastal resources in

the area must be conducted in observation of Coastal Act Sections 30240, 30251, and 30253. As such, the City's action is lacking legal support and raises a substantial issue.

Additionally, the City's approval includes development within ten feet of the bluff edge, including retaining walls and hardscaping. Past Commission actions have limited development within ten feet of the bluff edge to landscaping to minimize erosion and reduce the potential for hardscape falling down the bluff. This limitation is in observation of geologic hazards including incremental and episodic erosion and other irregular geologic events. The City failed to provide justification for the development within ten feet of the coastal bluff. As such, the City's action raises a substantial issue with regard to the coastal resources affected by the City's action.

Furthermore, the City's Planning Department Advisory Agency approved a lot line adjustment (AA-2013-1984-PMEX). The local CDP does not include the lot line adjustment. Before a single-family residence can be approved on the lot, the lot line adjustment needs to be approved through the City's CDP process ([Exhibit 3](#)).

### **III. LOCAL GOVERNMENT ACTION**

On November 21, 2016, the Director of City Planning held a public hearing for Local CDP DIR-2016-1377 (MBJJ LLC, John Janick) for the project. The local CDP was not appealed to the City. On December 30, 2016, the Director of City Planning issued a determination letter approving the project. The City's Notice of Final Local Action for the local CDP was received in the Coastal Commission's Long Beach Office on February 9, 2017, and the Coastal Commission's required twenty working-day appeal period was established. On March 10, 2017, one appeal was received from the Executive Director ([Exhibit 3](#)). No other appeals were received prior to the end of the appeal period on March 10, 2017.

### **IV. APPEAL PROCEDURES**

Section 30600(b) of the Coastal Act provides that prior to certification of its LCP, a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local CDP application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice, which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] As provided under section 13318 of Title 14 of the California Code of Regulations, the appellant must conform to the procedures for filing an appeal as required under section 13111 of Title 14 of the California Code of Regulations, including the specific grounds for appeal and a summary of the significant question raised by the appeal.

The action currently before the Commission is to find whether there is a “substantial issue” or “no substantial issue” raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

Commission staff recommends a finding of **substantial issue**. If the Commission decides that the appellants’ contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the local CDP is voided and the Commission typically continues the public hearing to a later date in order to review the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission’s regulations.

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue and the Commission will schedule the de novo phase of the public hearing on the merits of the application for a future Commission meeting. A de novo public hearing on the merits of the application uses the Chapter 3 policies of the Coastal Act. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, those who are qualified to testify at the hearing, as provided by Section 13117 of Title 14 of the California Code of Regulation, will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

## **V. SINGLE/DUAL PERMIT JURISDICTION AREA**

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 any development which receives a local CDP permit also obtain a second (or “dual”) CDP from the Coastal Commission. The Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local CDP is the only CDP required. The proposed project site is located within the *Dual Permit Jurisdiction Area*.

## **VI. FINDINGS AND DECLARATIONS – SUBSTANTIAL ISSUE**

### **A. PROJECT LOCATION & DESCRIPTION**

The project site is an approximately 31,194 sq. ft. lot located at 14904 Corona del Mar, Pacific Palisades in the City of Los Angeles, Los Angeles County ([Exhibit 1](#)). The lot has a curved, approximately 130 ft. long frontage along Corona del Mar, a rear length of approximately 117 ft. adjacent to Pacific Coast Highway, and a varying depth between approximately 248 ft. to 285 ft.

The lot has a land use designation of Very Low I Residential and is zoned RE20-1 by the City of Los Angeles. The top of the lot is relatively level extending approximately 150 feet from Corona del Mar seaward to the edge of the bluff. From the top of the bluff, the lot descends seaward approximately 70 vertical ft. to the rear property line adjacent to Pacific Coast Highway. The toe of the slope, which is outside of the applicant's property line, is buttressed with a fill slope and an approximately 8-ft. high debris wall installed by Caltrans. The beach is located directly across the street from Pacific Coast Highway, approximately 230 ft. from the rear property line and 130 ft. as measured from the toe of the bluff. Single-family residences sit on lots up coast and inland of the site. Down coast of the site are vacant lots. Pacific Coast Highway and the beach are directly west of the site ([Exhibit 1](#)).

The lot was previously developed with a residence that was damaged in the 1994 Northridge Earthquake and subsequently removed. According to the applicant, about 4,000 cu. yds. of grading previously occurred on the lot without a CDP. The unpermitted grading resulted in lowering the natural grade of the lot by approximately 13 ft. The lot is currently vacant. The applicant is proposing to construct a 33-ft. 7-in. high, 9,310 sq. ft. single-family residence, with an attached 851 sq. ft. three-car garage, and a two-level basement on a caisson grade beam foundation. The proposal also includes the construction of several retaining walls, a new pool, hardscaping, and approximately 4,078 cu. yds. of additional grading.

## **B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS**

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulation simply indicates that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." In previous decisions on appeals, the Commission had been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations if its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that **a substantial issue exists** with respect to whether the local government action conforms to the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

## C. SUBSTANTIAL ISSUE ANALYSIS

As stated in Section IV of this report, the grounds for an appeal of a CDP issued by the local government prior to certification of its LCP are the project's conformity with Chapter 3 policies of the Coastal Act. Any local government CDP issued or denied prior to certification of its LCP may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act.

Section II of this staff report outlined the appellant's contentions regarding the project. Concerns raised by the appellant include the City-approved project's consistency with sections 30240(b), 30251, and 30253 of the Coastal Act. There is no certified LCP or LUP for this area of the City of Los Angeles. As such, the Coastal Act is the standard of review for this coastal development permit.

The Commission's standard of review for determining whether to hear the appeal is only whether the appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act. Cal. Pub. Res. Code § 30625(b)(1); 14 C.C.R. § 13321. The Commission's decision will be guided by the factors listed in the previous section of this report (B. Factors to be Considered in Substantial Issue Analysis).

This appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act (Cal. Pub. Res. Code §§ 30200-30265.5).<sup>1</sup> The City's Director Determination for Local CDP No. DIR-2016-1377 issued by the City of Los Angeles states that the City applied the policies of Chapter 3 of the Coastal Act and concluded, in part, that the development, as proposed and conditioned by the City, would be consistent with Chapter 3 of the Coastal Act and will not prejudice the ability of the City to prepare an LCP for the Pacific Palisades Coastal Zone ([Exhibit 2](#)).

A substantial issue exists with respect to the proposed project's conformance with Chapter 3 of the Coastal Act, and with the approval of the Local CDP No. DIR-2016-1377, because the City-approved project does not provide sufficient evidence that the unpermitted grading did not substantially alter the coastal bluff, a prominent natural landform upon which the subject site is located, or that it had no impact to the scenic and visual qualities to and along the coast. The City-approved project also does not provide sufficient evidence that the locally-approved development located within 10 ft. of the bluff edge is consistent with hazards policies of the Coastal Act, nor did the City require or approve a local CDP for the lot line adjustment.

### **Coastal Act Section 30106 Development, states:**

*Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with [Section 66410 of the Government Code](#)), **and any other division of land, including lot splits**, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure,*

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<sup>1</sup> Unless otherwise indicated, all subsequent statutory references are to sections within the Coastal Act. Cal. Pub. Res. Code §§ 30000 *et seq.*

*including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the [Z'berg-Nejedly Forest Practice Act of 1973](#) (commencing with [Section 4511](#)).*

*As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.[Emphasis added]*

**Coastal Act Section 30240(b), states:**

*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.*

**Coastal Act Section 30251, 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.*

**Coastal Act Section 30253, states in part:**

*New development shall do all of the following:*

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

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

The issues of geologic stability, preservation of the quality of recreational areas, and scenic and visual resources are important and substantial issues. Sections 30240(b), 30251, and 30253 of the Coastal Act mandate that the quality of scenic and visual coastal areas be protected and limit development in hazardous areas. As such, the Commission has carefully reviewed projects like the City-approved development. The City did not analyze or consider alternatives to minimize the effects of natural landform alterations caused by the previous unpermitted grading of approximately 4,000 cu. yds. on the subject bluff top lot. The unpermitted grading lowered the elevation of the lot and bluff face by 13 ft. The project site is located on a highly scenic coastal bluff adjacent to a popular public beach (Will Rogers State Beach). The City's staff report states in relevant part:

*“Section 30240 [of the Coastal Act] requires the protection of environmentally sensitive habitat areas and to prevent significant impacts on such area. The subject property is*

*zoned for residential uses and currently vacant. No mature trees or vegetation are on-site. **The site is not adjacent to any open space**, water body, or form of habitat. Further, migratory non-game native bird species are protected under federal and state law. The project is not expected to disrupt habitat values on environmentally sensitive habitat areas.” [Emphasis added]*

*“Section 30251 [of the Coastal Act] states the importance of preserving and protecting the scenic and visual qualities of coastal areas, protecting views to and along the ocean, requiring development to be visually compatible with the character of the surrounding areas, and minimizing the alteration of natural land forms. **The project’s location results in no impacts on scenic or visual qualities of coastal areas or prominent natural landforms**. The site is not located along or near a designated scenic corridor.” [Emphasis added]*

*“Section 30253 [of the Coastal act] requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard, minimize impacts along bluffs and cliffs, and protect special communities and neighborhoods that are popular visitor destination points for recreational uses. The **subject property is located on a coastal bluff** that slopes down from street level, but the project is required to comply with state and local building codes that would minimize structural and seismic impacts. Regulatory compliance measures are in place to reduce any adverse impacts. Further, the project has a Geology and Soils Report Approval letter dated February 24, 2016 which contains conditions of approval that must be followed during the construction phase.” [Emphasis added]*

The City acknowledged that the project site is located on a coastal bluff but failed to realize that the coastal bluffs in this area are prominent landforms that rise over Pacific Coast Highway, a State scenic highway, which is directly adjacent to a public beach, a protected open space and an environmentally sensitive area. The City also did not acknowledge the unpermitted grading that occurred at the site. The City’s review of the impacts that the proposed project, including the unpermitted grading, will have on the scenic and visual resources in the area is incomplete; thus, the City’s findings of conformity with Coastal Act policies regarding scenic and visual resources are incomplete and the claim that that proposed project will have “no impacts on [the] scenic or visual qualities of coastal areas or prominent natural landforms” is unsubstantiated.

Additionally, the City points to unspecified State and local regulatory measures and a geology and soils report as evidence that any geologic hazards associated with the proposed development are addressed. The City did not cite the State and local regulations to which it was referring, and the geology approval letter from the City does not provide a detailed analysis of the development that is proposed within 10 ft. of the bluff edge or the 4,000 cu. yds. of unpermitted grading. There are no findings in the City’s staff report that justify the development proposed within ten ft. of the bluff edge. Thus, the City’s findings regarding geologic hazards and grading associated with the proposed development are inadequate.

Furthermore, the City approved a lot line adjustment for the proposed project but failed to require or approve a local CDP for the lot line adjustment. Pursuant to Section 30106 of the Coastal Act, lot line adjustments are considered development and require a CDP. As such, the City failed to properly approve the lot line adjustment. An analysis and CDP for the lot line adjustment are important to determine the potential impact a lot line adjustment would have on the adjacent lot, which was previously graded under a Coastal Commission-approved CDP for a single-family residence.

Only with careful review of the project can the Commission ensure that the scenic and visual qualities of the coast are protected and that the geologic hazards are adequately addressed. If it finds that a substantial issue exists, the Commission will have the opportunity to review and act on the project at the subsequent de novo hearing.

Applying the five factors listed in the prior section clarifies that the appeal raises “a substantial issue” with respect to Chapter 3 of the Coastal Act, and therefore, does meet the substantiality standard of Section 30265(b)(1), because the nature of the proposed project and the local government action are not consistent with policies of Chapter 3 of the Coastal Act.

The first factor is the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act. The local CDP does not acknowledge the substantial unpermitted grading that has occurred at the site or how that grading, considered in conjunction with the proposed development, will affect the scenic and visual qualities of the area consistent with Sections 30240 and 30251 of the Coastal Act. The local CDP does not provide adequate findings that justify the proposed development that is located within ten feet of the bluff edge, which is required in order to be consistent with the geologic hazards policy in Section 30253 of the Coastal Act. Furthermore, the City did not require or approve a local CDP for the lot line adjustment, which is considered development pursuant to Section 30106 of the Coastal Act and requires a CDP. Therefore, the Coastal Commission finds that the City provided an inadequate degree of factual and legal support for its decision.

The second factor is the extent and scope of the development as approved or denied by the local government. The City-approved development includes the construction of a very large single-family residence and associated structures that fall within ten ft. of the bluff edge along a 150 foot tall bluff top site. The site will also require extensive excavation and grading to accommodate a two-level basement and retaining walls. The site sits above Pacific Coast Highway and across the street from the beach in a highly scenic area. The City’s findings did not adequately address the development proposed within ten feet of the bluff edge, and they completely ignored the extensive amount of grading that previously occurred on the site without a CDP. Additionally, the City did not require or approve a CDP for the lot line adjustment as is required by the Coastal Act. As such, the extent and scope of development, if not properly addressed or mitigated, is significant. Therefore, the extent and scope of the development as approved by the City is not consistent with the hazard, scenic and visual quality provisions of Chapter 3 of the Coastal Act.

The third factor is the significance of the coastal resources affected by the decision. As mentioned above, the project site is located on a scenic coastal bluff adjacent to a State scenic highway. The beach is located directly across from the site. The bluffs are a prominent visible feature along the coast and from the beach. Sections 30240 and 30251 of the Coastal Act explicitly protect the scenic and visual qualities of coastal areas. Therefore, the coastal resources affected by the development are significant.

The fourth factor is the precedential value of the local government’s decision for future interpretations of its LCP. The City does not currently have a certified LCP for the Pacific Palisades area. The coastal resources affected by the City-approved development are significant. As such, the baseline by which these significant resources are reviewed for LCP policy purposes should be as though the coastal bluffs are in a natural state. This project, as proposed and conditioned by the City, significantly alters the natural state of the prominent coastal bluffs and may prejudice the ability of the City to prepare an LCP that adequately protects scenic, visual and

recreational resources, and protects development from coastal hazards, in conformity with Chapter 3 of the Coastal Act.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. Although this appeal raises local issues with regard to the specific hazards associated with this bluff top development and the specific views affected by the development, allowing development like this without a thorough analysis of the potential hazards and visual impacts could set a negative precedent city-wide or statewide. Applicants across the state regularly apply for bluff top development, and it is important that the Commission and local jurisdictions consistently carry out the Coastal Act's requirement to protect life and property, as well as preserve scenic bluffs and natural landforms. Allowing the City to permit bluff top development that has not been comprehensively considered would set a bad statewide precedent. In addition, the City's failure to issue CDPs for the prior grading on the site or for the lot line adjustment demonstrates the regional significance of the appeal. It is critical to have the Commission consider these apparent errors and provide guidance to the city for future projects within its jurisdiction. Therefore, the City's approval does raise issues of statewide significance.

In conclusion, the issues raised by the appeal relate to hazards associated with bluff top development, adequate protection and consideration for the scenic, recreational and visual qualities of the coast, and the City's failure to require a CDP for portions of the development proposed in the coastal zone. The City failed to provide adequate findings that the proposed development is consistent with the geologic hazards and the scenic and visual resource policies of the Coastal Act or to require a CDP for the lot line adjustment. Therefore, the Commission finds that the appeal raises a substantial issue as to conformity with Chapter 3 policies of the Coastal Act.

## **Appendix A**

1. *Geotechnical and Geotechnical Engineering Exploration Update, Proposed Residence, Lot 2, Block 6, Tract 6753, 14904 West Corona Del Mar, Pacific Palisades, California* by Byer Geotechnical, Inc., dated January 27, 2016

2. *Response to California Coastal Commission Notification of Appeal* by Byer Geotechnical, Inc., dated March 28, 2017

3. City of Los Angeles Geology and Soils Approval Letter, Log 83320-01, dated February 24, 2016

4. City of Los Angeles Parcel Map Exemption No. AA-2013-1984-PMEX, dated January 7, 2015