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STAFF REPORT: REGULAR CALENDAR

Application No.:	**5-16-1095**
Applicant:	**Palisades Builders, LLC/Joe Phelps**
Agents:	Tony Russo & Mario Arellanes
Location:	15425 Via de Las Olas, Pacific Palisades, Los Angeles County (APN 4412-023-033)
Project Description:	Demolition of a 1,525 sq. ft. single-family residence and detached garage and construction of a two-story plus basement, 24-ft. high, 6,236 sq. ft. single-family residence with an attached 657 sq. ft. two-car garage, two additional uncovered on-site parking spaces, and a swimming pool and spa on a caisson grade beam foundation on an 8,181 sq. ft. blufftop lot in the dual permit jurisdiction.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The proposed project is located on Via de Las Olas, a blufftop site in the Pacific Palisades area of the City of Los Angeles that is visible from the public beach across Pacific Coast Highway. The proposed project raises Coastal Act issues related to safety of development in a hazardous location and protection of natural landforms and public views. The applicant proposes to install 64 caissons ranging in depth from 16 to 55 feet, approximately 50 feet inland of the bluff edge to support the proposed residence, accessory development, and yard. Currently, there is a City-owned public road between the site and the bluff edge. Part of the road has failed due to landslides. The City has not repaired the failed part of the road and during conversations between Commission staff and City staff, the City communicated that there are currently no plans to repair the failed portion of the road. Because of the geologic nature and instability of the area, the proposed caissons may eventually be exposed as natural processes contribute to bluff erosion and/or seismic activity, resulting in adverse impacts to scenic and visual resources.

The City's Building Code requires all lots proposed for major new/re-development to meet a minimum factor of safety of 1.5 for the entire lot. As such, the proposed caissons will improve slope

stability at the project site for the proposed residence, accessory development, and yard as required by the City. The Coastal Act requires new development to minimize alterations of natural landforms, to minimize risk to life and property in areas of high geologic hazards, and to assure stability and structural integrity without the need for protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed caissons seaward of the proposed new residence are primarily intended to protect the proposed yard and accessory development on the lot, not the proposed new residence (primary structure) as required by the City. Because the applicant is proposing major re-development of the site, the new development should be sited and designed in a manner that minimizes the need for protective devices such as caissons, as required by the Coastal Act. In past permit actions, the Commission has found that bluff protective devices (including soldier piles and caisson/grade beam devices) that are the least environmentally damaging alternative and are necessary to protect a primary structure on a legal lot may be allowed; Although, the Commission has found such bluff protective devices are *not* allowable to protect new accessory development or backyard areas located seaward of the primary structure due to an inherent conflict with the provisions of Sections 30251 and 30253 of the California Coastal Act.

In this case, the City has requested the applicant install caissons and grade beams seaward of the residence in order to achieve a higher level of stability for undeveloped portions of the property; however, given the extensive caisson grade beam foundation proposed underneath the residence, the use of such devices seaward of the proposed residence do not appear necessary to ensure the geologic and engineering stability of the residence itself. In order to address the inherent policy conflict with the Chapter 3 provisions of the Coastal Act, the City has agreed to re-evaluate the feasibility of the revised plans for foundation work that limit the use of caissons and grade beams to only those necessary to ensure the stability of the residence. Where such devices are deemed necessary to protect the proposed residence, then such devices should be located as far landward as feasible or within the footprint of the proposed new residence to ensure consistency with Sections 30251 and 30253 of the Coastal Act.

In this case, the City would require the applicant to propose a new foundation system that meets the City's minimum factor of safety requirements for the proposed development that is also consistent with the Coastal Act. The applicant has agreed to submit revised plans to the City that limit the use of a caisson grade beam foundation system that is intended to protect the proposed new residence only, which the City has agreed to reevaluate. As such, the City may require the applicant to sign an affidavit acknowledging the risks associated with development in a geologically hazardous area. Commission staff is recommending **approval** of the proposed project with a special condition that requires the applicant to relocate the proposed caissons and grade beams as far landward as possible in order to protect the proposed new residence only, and to obtain revised plans for this foundation work approved by the City of Los Angeles Department of Building and Safety.

In order to ensure that the applicant carries out the development as proposed and minimizes adverse impacts to coastal resources, staff recommends that the Commission approve the permit subject to eight (8) special conditions requiring: 1) final project plans approved by the City that require the applicant to build only those caissons that are necessary to support the primary residence and to move the caissons as landward as possible; 2) conformance with revised geotechnical recommendations approved by the City; 3) a plan to address the potential visual impacts of the caissons in the event that they are exposed; 4) an erosion control plan; 5) a construction best management plan; 6) pool protection plan; 7) assumption of risk, waiver of liability, and indemnity; and 8) the recordation of deed restriction incorporating the terms of the permit.

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I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-16-1095 pursuant to the staff recommendation.*

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

Resolution:

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

II. STANDARD CONDITIONS

This permit is granted subject to the following 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 applicant 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Submittal of Final Project Plans.**

   A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, two (2) complete sets of final project plans, including site plans and elevations. The project plans shall identify the proposed residence and accessory development, including, but not limited to, the residence, pool, spa, hardscaping, landscaping, and grading. The plans shall also identify all protective devices, such as caissons and grade beams, and all relevant foundation features. All caissons, grade beams, and similar protective devices must be intended to protect the proposed new residence only. Where such devices are deemed necessary to protect the proposed residence, then such devices shall be located as far landward as feasible or within the footprint of the proposed new residence to ensure consistency with Sections 30251 and 30253 of the Coastal Act. Any accessory development seaward of the proposed residence, including the proposed yard, must be sited and designed in a manner that does not necessitate protective devices such as a caisson grade beam foundation. If accessory development seaward of the residence cannot be safely constructed without the utilization of protective devices such as caissons, then it shall be eliminated from the project plans. The final project plans must be approved by the City of Los Angeles Department of Building and Safety and be accompanied with an updated Geology and Soils Report Approval Letter from the City of Los Angeles Department of Building and Safety.

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

2. **Conformance with Geotechnical Recommendations.**

   A. All final design and construction plans, including grading and drainage plans, and as modified and approved under Coastal Development Permit No. 5-16-1095, shall be consistent with all recommendations contained in an updated Geology and Soils report, as well as all requirements of the City of Los Angeles Department of Building and Safety in an updated Geology and Soils Report Approval Letter.

   B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, two full sets of plans with evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced report.

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

3. **Structural Appearance (Caisson Exposure).**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a plan for the review and approval of the Executive Director to address the potential visual impacts of the caissons and grade beams in the event that they are exposed and visible from Pacific Coast Highway and/or the 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:

i. If the caissons and/or grade beams are exposed, then the applicant shall submit photographs to the Executive Director within 30 days of exposure identifying the extent of the exposure.

ii. Within 30 days of submitting photographs identifying the extent of the exposure of the caissons, the applicant shall submit a plan to remove the exposed portions of the caissons and/or grade beams at grade if feasible. If it is not feasible to remove the exposed portions of the caissons and/or grade beams due to geologic hazards, the caissons and/or grade beams shall be colored in such a way that the result would be a natural, mottled appearance or the applicant shall install a "breakaway" skirt wall to cover exposed earth and/or caissons and/or grade beams. The breakaway skirt shall be colored in such a way that the result would be a natural, mottled appearance. The applicant shall contact the Coastal Commission for a determination of whether or not the installation of the low "breakaway" skirt wall requires an amendment to this permit.

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

4. **Erosion Control Plan.**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, a plan for runoff and erosion control.

i. The erosion control plan shall demonstrate that:
   (1) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and Pacific Coast Highway.
   (2) The following temporary erosion control measures shall be used during construction: sand bags, a desilting basin and silt fences.
   (3) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
   (4) The following permanent erosion control measures shall be installed: a drain to direct roof and yard drainage to the street; no drainage shall be directed to the rear yard slope; no drainage shall be retained in the front yard.
   (5) No underground irrigation system shall be installed in the rear yard.

ii. The plan shall include, at a minimum, the following components:

(1) A narrative report describing all temporary erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
(2) A site plan showing the location of all temporary erosion control measures.
(3) A schedule for installation and removal of the temporary erosion control measures.
(4) A site plan showing the location of all permanent erosion control measures.
(5) A schedule for installation and maintenance of the permanent erosion control measures.

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

5. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.**

A. The permittee shall comply with the following construction-related requirements:

i. No construction materials, debris, or waste shall be placed or stored where it may be subject to water, wind, rain, or dispersion;
ii. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
iii. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
iv. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
v. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

i. The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
ii. The applicant shall develop and implement spill prevention and control measures;
iii. The applicant shall maintain and wash equipment and machinery 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 at a location not subject to runoff and more than 50-feet away from a storm drain, open ditch or surface water; and

iv. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

6. **Pool Protection Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, a pool protection plan. The pool protection plan shall incorporate mitigation of the potential for geologic instability caused by leakage from the proposed pool, including: 1) installation of a pool leak detection system such as, but not limited to, leak detection system/moisture sensor with alarm and/or a separate water meter for the pool which is separate from the water meter for the house to allow for the monitoring of water usage for the pool; 2) use of materials and pool design features, such as but not limited to double linings, plastic linings or specially treated cement, to be used to waterproof the undersides of the pool and spa to prevent leakage, along with information regarding the past and/or anticipated success of these materials in preventing leakage; and where feasible; 3) installation of a sub drain or other equivalent drainage system under the pool that conveys any water leakage to an appropriate drainage outlet. The applicant shall comply with the final pool plan approved by the Executive Director.

   Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. **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 slope instability, erosion, landslides and wave uprush, storm conditions, and sea level rise; (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.

8. **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 landowners have 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. DUAL PERMIT JURISDICTION AREA

The proposed development is within the coastal zone of the City of Los Angeles. Section 30600(b) of the Coastal Act allows a local government to assume permit authority prior to certification of its local coastal program. Under that section, the local government must agree to issue all permits within its jurisdiction. In 1978 the City of Los Angeles chose to issue its own coastal development permits pursuant to this provision of the Coastal Act.

Within the areas specified in Section 30601 of the Coastal Act, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Act requires that any development that receives a local coastal development permit also obtain such a permit from the Coastal Commission. Section 30601 requires a second coastal development permit from the Commission on all lands located (1) between the sea and the first public road, (2) within 300 feet of the inland extent of a beach, or the sea where there is no beach, (3) on tidelands or submerged lands, (4) on lands located within 100 feet of a wetland or stream, or (5) on lands located within 300 feet of the top of the seaward face of a coastal bluff. Outside that area, the local agency's (City of Los Angeles) coastal development permit is the only coastal development permit required. Thus it is known as the Single Permit Jurisdiction area.

The proposed development is located just inland of Pacific Coast Highway, on the coastal bluffs within 300 feet of the top of the seaward face of a coastal bluff. This area is located within the coastal zone area of the City of Los Angeles that has been designated in the City's permit program as the "Dual Permit Jurisdiction" area pursuant to Section 13307 of Title 14 of the California Code of Regulations and Section 30601 of the Coastal Act. The applicant received a coastal development permit (DIR-2016-1311) from the City of Los Angeles on November 4, 2016. The permit was not appealed to the Commission and is, therefore, a final action by the City. This application is for the Commission's dual permit.

V. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The project site is located on the inland side of Via De Las Olas, approximately one-quarter mile east of the intersection of Pacific Coast Highway and Temescal Canyon Road. The lot sits atop a coastal bluff overlooking and visible from Pacific Coast Highway and Will Rogers State Beach below. The bluff is composed primarily of non-marine and marine terrace deposits over sedimentary bedrock, which has been mapped as part of the Modelo Formation[1]. The coastal bluff is not currently subject to marine erosion as Pacific Coast Highway is located between the sea and the toe of the bluff. The subject property is a level rectangular lot measuring approximately 164 feet in depth and 50 feet in width. Seaward of the site is a public road (Via De Las Olas) owned and maintained by the City of Los Angeles. Part of the road has failed due to the Via De Las Olas Landslide complex located adjacent to and south of the subject property and is currently closed to

[1] The Modelo Formation is a lithological configuration in the eastern Santa Monica Mountains that is highly susceptible to landslides during high volume rain events. USGS Professional Paper 1360. *Evaluating Earthquake Hazards in the Los Angeles Region – An Earth-Science Perspective*. J. I. Zionly, Editor. 1985.

vehicular traffic. Seaward of the road, the bluff begins a seaward descent toward Pacific Coast Highway and the beach from an elevation of approximately 250 feet above sea level (**Exhibit 1**).

The applicant proposes to demolish a 1,525 square-foot single-family residence and detached garage and construct a two-story over basement, 24-foot high, 6,236 square-foot single-family residence with an attached 657 square-foot two-car garage and two additional uncovered on-site parking spaces, swimming pool and spa, 29 caissons approximately 16 feet deep on a grade beam foundation under the residence, ten caissons approximately 12 feet deep on a grade beam foundation for the pool and spa, and 25 caissons approximately 26 feet – 55 feet deep around the perimeter of the 8,181 square-foot lot **(Exhibit 2)**. The proposed project also includes approximately 710 cubic yards of grading, 673 of which are proposed be exported outside of the coastal zone.

According to the City, the property is located in a Very High Fire Hazard Severity Zone, a seismically induced landslide hazard zone, and is approximately 1200 feet from the Santa Monica Fault and approximately 1200 feet from the Potrero Canyon Fault. According to USGS, the Potrero Canyon Fault is recognized as part of the Santa Monica Fault system[2]. The Southern California Earthquake Data Center states that the Santa Monica Fault has a probability of a magnitude 6.0 – 7.0 earthquake[3]. The subject site experienced strong ground shaking during the 1994 Northridge Earthquake, which produced a magnitude 6.7 earthquake centered approximately 13 miles north of the site on the other side of the Santa Monica Mountains[4].

B. HAZARDS

Coastal Act section 30253 states in relevant 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.*

This project primarily raises issues related to minimizing risks of new development in geological hazardous areas, and ensuring stability of the new structures while also limiting the impacts of protective devices. Development on a coastal bluff is inherently risky due to the potential for bluff failure. Bluff development poses potential adverse impacts to the geologic stability of bluffs and the stability of residential structures and ancillary improvements. In general, bluff instability is caused by environmental factors and impacts caused by human activity. Environmental factors include seismicity, wave attack, drying and wetting of soils, wind erosion, salt spray erosion, rodent burrowing, percolation of rain water, poorly structured bedding and soils conducive to erosion. Factors attributed to human activity include bluff over steepening from cutting roads and railroad tracks, irrigation, over-watering, building too close to the bluff edge, grading into the bluff, improper site drainage, use of impermeable surfaces that increase runoff, use of water-dependent

[2] https://earthquake.usgs.gov/cfusion/qfault/show_report_AB_archive.cfm?fault_id=101&section_id=, accessed January 24, 2018.
[3] http://scedc.caltech.edu/significant/santamonica.html, accessed January 24, 2018.
[4] http://scedc.caltech.edu/significant/northridge1994.html, accessed January 25, 2018

vegetation, pedestrian or vehicular movement across the bluff top, face and toe, and breaks in water or sewage lines.

The applicant has provided a geological analysis for the subject site. The applicant's geotechnical analysis acknowledges that the subject parcel has inherent geologic risks regarding slope stability and states:

> The coastal bluff area located to the south and southeast of the subject property has been adversely affected by landsliding over the years and is referred to as the Via De Las Olas Landslide…linear to curvilinear asphalt cracks and areas of asphalt repairs and drainage improvements were observed in the City street (Via De Las Olas) located to the south and southeast of the subject property. This distress is located within the mapped limits of the historically active portion of the Via De Las Olas Landslide complex and is attributed to continued settlement and creep of this portion of the mapped landslide…the Via De Las Olas Landslide is a prehistoric landslide which has experienced periodic movement (i.e. re-activation) since development in the area began in the 1920s. Moran et al (1959) reports that the earliest recorded movement of the landslide complex occurred in the late 1800s. However, the most notable movement of the landslide occurred on March 31, 1958 when an estimated 700,000 cubic yards of material moved vertically and laterally to the south which crossed and buried the original alignment of Pacific Coast Highway…it was reported that grading associated with the improvement of the Pacific Coast Highway during the late 1950s contributed to the reactivation of the prehistoric landslide which was located on the south-facing bluff, immediately south Via De Las Olas. Subsequent exploration and study of the overall Via De Las Olas Landslide complex by Moran et al and Dames and Morre suggests that the lower portion of the 1958 primary landslide failed on a surface that was coincident, or nearly coincident, with the prehistoric landslide mass. However, it is interpreted that prehistoric landslide debris extended further northward that the steep headscarp which was created by the 1958 primary landslide. Subsequent to the landslide of March 31, 1958, it is reported that movement of the headscarp portion of the primary landslide began to occur…this landslide creep has caused settlement and ground cracking within the City street (i.e. Via De Las Olas) and has also necessitated the installation of piles and bulkheads along portions of the street, and the abandonment of other portions of the street…based on the findings of our engineering geologic study, the landslide debris of the Via De Las Olas Landslide complex is <u>not</u> interpreted to underline the subject property. The mapped limits of the landslide debris to the south of the subject property have been interpreted by our review of the referenced geologic/geotechnical reports, detailed geologic field mapping of the area, the findings of the extensive subsurface exploration of the subject property, and our analysis of the referenced aerial photographs…at its closest point, the northern-most limit of the headscarp landslide is located 55 to 60 feet to the south of the southern margin of the subject property.

The Geology and Soils Report Approval Letter (log # 82982-02) was issued by the Los Angeles Department of Building and Safety (LADBS) Grading Division on October 28, 2015. The LADBS approval letter states:

> The site is located in a designated seismically induced landslide hazard zone as shown on the "Seismic Hazard Zone" map issued by the State of California…An affidavit (File # 20151346636) was required of the owners to be filed with the

> County of Los Angeles Records Office for the erection and maintenance of a building in an area subject to landslides or unstable soil.

The proposed residence would be set back approximately 44 feet from the seaward property line. According to the applicant's geotechnical consultant, the average bluff retreat rate in this location is approximately 0.33 feet per year; however there is an approximately 40-foot wide road (Via De Las Olas) between the bluff edge and the property line and erosion is not anticipated to affect the site as long as the road is present. The applicant's geotechnical consultant notes that the majority of this historic erosion seaward of the road has been caused by episodic erosion due to landslide events. Indeed, the bluff erosion rate of 0.33 feet per year is deceptive, as catastrophic events (i.e. landslides triggered by heavy rains, construction, or seismic activity) can cause large amounts of bluff retreat in a single episode. The actual annual erosion rate for this area could be much less than 0.33 feet per year.

The Coastal Act and California Environmental Quality Act require analysis of project alternatives to identify the least environmentally damaging alternative. Alternatives typically considered for proposed bluff stabilization projects include: the "no project" alternative; drainage and erosion control on the bluff top; abandonment or relocation of threatened structures; other less damaging structural alternatives; and combinations of some or all of these options.

a. No Project Alternative

The no project alternative would maintain the existing residence and accessory development on the site, which would not require a CDP.

b. Drainage and Landscaping

Non-structural alternatives to the proposed perimeter protective devices include the use of landscaping and improved drainage controls to reduce erosion and infiltration. While drainage controls and vegetation can contribute to geologic stability, they may not, by themselves, be sufficient to protect the proposed residence from being undermined in the event of a major landslide or seismic event. In this case, a caisson grade beam foundation for the proposed residence could be found consistent with the Coastal Act if it would be located as far landward as possible. However, plantings and additional onsite drainage controls alone would not be adequate to address erosion or seismic problems.

c. Abandonment or Relocation of Threatened Structures

The applicant could relocate the proposed home further landward on the property. However, based on the applicant's geotechnical engineering exploration, there is no portion of the property that would ensure protection of the home without the proposed caisson grade beam foundation system underneath the residence. As a result, relocation of the proposed home further landward is not feasible in this case. However, accessory structures proposed to be constructed seaward of the proposed residence that would require the use of protective devices such as caissons could be eliminated from the plans, thereby eliminating the use of additional bluff stabilization mechanisms that would not be consistent with the Coastal Act.

d. Least Damaging Structural Alternatives

There are no feasible non-structural alternatives that minimize risk to life and property for the proposed new residence. The "no project" alternative allows the applicant to maintain the existing

residence on the site, but does not allow for major new development on the site without the use of protective devices such as caissons. The existing home was built circa 1948. The expected economic life of a residence is approximately between 75 and 100 years. The current condition of the existing residence is unknown, but it is reaching the lower limit of its probable economic life. A new residential development on the site would require protection in order to minimize the risk to life and property. The City required the applicant to bring the entire site up to a factor of safety of 1.5. While this would be consistent the City's Building Code, the proposed perimeter caissons and caissons seaward of the proposed residence, which are intended to protect the proposed yard and accessory development, would not be consistent with the Coastal Act as described above. A caisson grade beam foundation necessary to protect a proposed new residence could be found consistent with the Coastal Act; however, new accessory development necessitating protective devices such as caissons could not. As such, in order for the proposed project to be consistent with the Coastal Act, the applicant could remove the accessory development seaward of the proposed residence that would rely on protective devices or site and design such accessory development in a manner that would not require the use of protective devices.

The least damaging structural alternative would consist of modifying the proposed project to include construction of caissons only as necessary to support the primary residence, and also construction of the caissons as landward as possible to safely support the structure. Here, the applicant has agreed to submit revised plans to the City that limit the use of caissons or similar devices to only those necessary to protect the proposed new residence, and which will include construction of any such necessary caissons as landward as feasible. The City, for its part, has agreed to reevaluate the revised foundation plans for consistency with its zoning regulations. As part of that process, the City may require the applicant to sign an affidavit acknowledging the risks associated with development in a geologically hazardous area.

To ensure that the proposed development assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area, as required the by Coastal Act, **Special Condition 1** explicitly requires as a condition of this permit that only caissons necessary to support the primary residence may be constructed, and that all such caissons must be located as far landward as possible. **Special Condition 1** requires the applicant to submit revised final plans that identify all proposed protective devices, such as caissons and grade beams. All protective devices must be intended to protect the proposed new residence only. Where such devices are deemed necessary to protect the proposed residence, then such devices must be located as far landward as feasible or within the footprint of the proposed new residence to ensure consistency with Sections 30251 and 30253 of the Coastal Act. Any accessory development seaward of the proposed residence, including the proposed yard, must be sited and designed in a manner that does not necessitate protective devices such as a caisson grade beam foundation. If accessory development seaward of the residence cannot be safely constructed without the utilization of protective devices such as caissons, then it shall be eliminated from the project plans. The final project plans must be approved by the City of Los Angeles Department of Building and Safety and be accompanied with an updated Geology and Soils Report Approval Letter from the City of Los Angeles Department of Building and Safety.

The applicant's geotechnical consultant will need to determine the suitability for the proposed development and provide the recommendations contained in an updated geotechnical investigation, which must also be approved by the City and accepted by the Commission. Adherence to recommendations contained in the above-mentioned geotechnical investigation will ensure that the proposed project assures stability and structural integrity, and neither creates nor contributes

significantly to erosion, geologic instability, or destruction of the site or surrounding area. In order to ensure that the applicant carries out development in accordance with the final approved plans,

In order to minimize risks in the geologically hazardous area, **Special Condition 2** requires the applicant to conform to the recommendations in an updated geology and soils report and the conditions imposed by the City of Los Angeles Department of Building and Safety in an updated Geology and Soils Approval Letter. Additionally, **Special Condition 6** requires the applicant to submit a pool protection plan that incorporates mitigation of potential for geologic instability caused by leakage from the proposed pool. **Special Condition 7** requires the applicant to acknowledge and assume the risks associated with developing in a geologically hazardous area. As conditioned, the Commission finds that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. VISUAL RESOURCES

Coastal Act section 30251 states, in relevant part:

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of pubic 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 30240 states, in relevant part:

> *(b) Development in areas adjacent to…parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those…recreation areas.*

The proposed project is located atop a coastal bluff directly above Pacific Coast Highway, just west of Temescal Canyon Road. Development on top of the bluff will be visible from Pacific Coast Highway and the public beach. Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be protected and development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, and minimize alteration of natural landforms. This protection extends not only to immediate alteration of natural landforms, but also relates to the future impacts proposed development may have on visual resources. Similarly, Section 30240 requires that development be designed to avoid adverse impacts to adjacent parks and recreation areas, like the public beach below this property.

Due to the presence of Pacific Coast Highway, the rate of erosion for this bluff is independent of marine erosion. The applicant's consulting geologist has indicated that the bluff is eroding at approximately 0.33 feet per year. This rate varies within the Pacific Palisades bluffs due to various factors including catastrophic events, such as landslides and seismic activity, as described above. The applicant proposes to build a new residence and accessory development with 64 caissons with grade beams, including caissons and grade beams along the perimeter of the lot, seaward of the proposed residence in order to protect accessory development. The applicant acknowledges that if a catastrophic event such as an earthquake occurs, the caissons and grade beams may be exposed at the proposed location. The presence of the proposed caissons and grade beams in this location may have adverse impacts to public scenic and visual resources if the caissons and grade beams are ever exposed. **Special Condition 1** requires the applicant to minimize the use of caissons and grade beams to protect the proposed residence only and to locate the proposed caissons and grade beams as far landward as possible. Although the caissons may still become exposed as a result of natural

processes, such exposure may take longer than it would have under the applicant's proposal and will occur at a more landward location which would be slightly less visible from Pacific Coast Highway and the public beach below. Avoiding visual impacts by relocating the caissons further inland to delay exposure for as long as possible, rather than allowing the caissons to be located in an area that could be exposed sooner and simply mitigating the associated adverse impacts, is a more protective and environmentally feasible alternative. Additionally, in the event the caissons are ever exposed, **Special Condition 3** requires the applicant to remove the exposed portions of the caissons or to conceal them in a manner that gives the appearance that they are a part of the natural landform. This approach will minimize adverse impacts to the scenic and visual resources protected under Section 30251. As conditioned, the Commission finds that the proposed project is consistent with Section 30251 and 30240 of the Coastal Act.

D. WATER QUALITY

Section 30230 of the Coastal Act states:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

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

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address possible water quality concerns during construction, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and the effect of construction and post-construction activities on the marine environment. **Special Condition 4** requires the applicant to submit an erosion and runoff control plan. In addition, the Commission imposes **Special Condition 5** requiring Best Management Practices, such as placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and the Pacific Ocean, use of debris fences as appropriate, a pre-construction meeting to review procedural and BMP guidelines and removal of construction debris and sediment from construction areas each day to prevent the accumulation of sediment and other debris which may be discharged to coastal waters. 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. DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition 8** requiring that the property owner record a deed restriction against the property, referencing all of the above Special

Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

F. LOCAL COASTAL PROGRAM

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, as conditioned, 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.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Feasible mitigation measures, which will minimize all significant adverse environmental effects, have been required as special conditions.

As conditioned to minimize adverse impacts to coastal resources, including scenic public views and water quality, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, has no remaining significant environmental impacts, is the least environmentally damaging feasible alternative, and is consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A – Substantive File Documents

Coastal Development Permit Application 5-16-1095