

CALIFORNIA COASTAL COMMISSION

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**Th20a**

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STAFF REPORT: REGULAR CALENDAR & DE NOVO

Application Nos.: 5-17-0135 & A-5-PPL-17-0002

Applicant: Marlin Prager, 15000 Corona Del Mar Trust

Agents: Matt Richman, Susan McCabe, Anne Blemker

Project Location: 15000 Corona del Mar, Pacific Palisades, City of Los Angeles

Project Description: Construction of an in-ground pool utilizing a cantilevered foundation system, stone paved deck, patio trellis, built-in barbeque area, fire pit, backyard fence, and new patio doors.

Staff Recommendation: Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

On October 3, 2016, the City of Los Angeles Director of City Planning held a public hearing for Local CDP DIR-2016-533 for the project. On December 2, 2016, the Director of City Planning issued a determination letter approving the project. The local CDP was appealed to the Coastal Commission by the Executive Director on the grounds that the City-approved development raised issues related to safety of development in a hazardous location and protection of natural landforms and public views with respect to a row of caissons proposed to be located between the proposed pool and the bluff edge, which were intended to protect the proposed pool only. On March 9, 2017, the Commission found substantial issue with regard to the grounds on which the appeal was filed. The applicant has since revised the project. The applicant has since worked with Commission staff to revise the project to eliminate all previously proposed caissons underneath and seaward of the the proposed pool by utilizing a cantilevered foundation system that would extend from the residence.

This is the combined staff report for the de novo hearing (for the appeal) and for the dual permit application. Staff is recommending **approval** of the proposed project with nine [\(9\) special conditions, including: \(1\) submittal of Final Project Plans, \(2\) conformance with geotechnical recommendations; \(3\) pool protection plan; \(4\) hazards and exposure; \(5\) erosion control plan; \(6\) landscaping plan; \(7\) construction BMPs; \(8\) assumption of risk; and \(9\) deed restriction.](#)

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I. MOTIONS AND RESOLUTIONS

Motion 1:

*I move that the Commission **approve** Coastal Development Permit A-5-PPL-17-0002 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on 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 1:

The Commission hereby approves Coastal Development Permit A-5-PPL-17-0002 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.

Motion 2:

*I move that the Commission **approve** Coastal Development Permit 5-17-0135 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on 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 2:

The Commission hereby approves Coastal Development Permit 5-17-0135 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 accessory development and foundation system, including, but not limited to, the pool, spa, hardscaping, landscaping, patio trellis, fire pit, barbeque area, grading, and fence. The plans shall also identify all foundation features, such as caissons and grade beams, and all other relevant features. All caissons must be located no further seaward than the existing caissons foundation under the existing residence. Where such devices are deemed necessary to protect the proposed development, then such devices shall be located as far landward as feasible but in no case shall any new caissons extend further seaward than the existing caissons supporting the existing residence to ensure consistency with Sections 30251 and 30253 of the Coastal Act. Any accessory development seaward of the existing residence, must be sited and designed in a manner that does not necessitate protective devices such as caissons further seaward than that of the existing residential foundation system. If accessory development seaward of the residence cannot be safely constructed without the utilization of protective devices such as caissons, seaward of the existing residential foundation system, 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 Nos. A-5-PPL-17-0002 & 5-17-0135, 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. **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.

4. **Hazards and 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 hazardous and visual impacts of the pool and other accessory development as well as the caissons and grade beams in the event that they are threatened by erosion or earth movement or 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 pool, accessory development, and/or caissons and/or grade beams are threatened by erosion, earth movement, or other circumstance and/or exposed, then the applicant shall submit photographs to the Executive Director within 30 days of the development being threatened and/or exposed identifying the extent of the threat and/or exposure.
- ii. Within 30 days of submitting photographs identifying the extent of the threat and/or exposure of the pool, other accessory development, caissons and/or grade beams, the applicant shall submit a plan to remove the threatened development and/or exposed portions of the caissons and/or grade beams at grade if feasible. All threatened accessory structures shall be completely removed from the site or resited and designed so they are no longer threatened. 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.

5. **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 rear 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.

6. **Landscape Plan.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, two (2) complete sets of landscaping plans showing vegetated landscaped areas consisting of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. 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. All plants shall be low water use plants as identified by California Department of Water Resources (See:<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>). Existing vegetation that does not conform to the above requirements shall be removed.

No permanent irrigation system shall be allowed on the site. Temporary, above ground irrigation to allow the establishment of the plantings is allowed. Irrigation system shall be connected to an automatic shut-off valve which will limit the amount of water on the slope. The quantity of water shall be based on recommendations by the landscape architect and geologist/soil consultant. 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.

7. **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.

8. **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.

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 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 CDPs 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 CDP also obtain such a permit from the Coastal Commission. Section 30601 requires a second CDP 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) CDP 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 a coastal bluff and 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 local CDP (DIR-2016-533-CDP) from the City of Los Angeles on December 2, 2016. The permit was appealed to the Commission and on March 24, 2017, the Commission determined that a

substantial issue existed with regard to the grounds on which the appeal was filed. Therefore, the City's action on the local CDP is void. This application is for the de novo hearing on the appeal and the Commission's dual permit.

V. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The project site is a 33,799 sq. ft. lot located at 15000 Corona del Mar, Pacific Palisades in the City of Los Angeles, Los Angeles County ([Exhibit 1](#)). The lot has a land use designation of Very Low I Residential and is zoned RE20-1. The lot has 100 ft. of frontage on Corona del Mar and has a depth of 337 ft. There is a downward sloped area of 14,490 sq. ft. in the rear of the lot from the top of the bluff, facing Pacific Coast Highway below. The slope is approximately 150 ft. high with a gradient that varies between 40 degrees at the toe to 55 degrees near the top. The toe of the slope is buttressed with a fill slope and an approximately eight-foot high debris wall installed by Caltrans. The beach is located directly across Pacific Coast Highway, approximately 130 ft. from the property line as measured from the toe of the bluff. The surrounding area is developed with single family residences along Corona del Mar and Pacific Coast Highway and the beach to the west ([Exhibit 1](#)).

The lot is currently developed with an 8,422 sq. ft., two-story, single-family residence with an attached three-car garage that was approved with conditions by the Commission in 1995 (CDP 5-94-281) and amended in 1997 (CDP 5-94-281-A1). At that time the Commission approved the new residence with a caisson grade beam foundation and found that the new residence was sited and designed to meet a factor of safety of 1.5. The backyard of the property is currently enclosed with a fence and contains a concrete bench, trees, and hedging along the perimeter. The applicant originally proposed to construct an in-ground pool with spa, new stone paved deck, new patio trellis, and new underground stabilization grade beam foundation with a row of caissons between the pool/back yard improvements and the bluff edge ([Exhibit 2](#)). The applicant has revised the project and now proposes to construct a new in-ground pool with spa supported using a new cantilevered foundation that would eliminate the need for caissons under or seaward of the pool itself. The new cantilevered foundation would involve installation of eight new caissons located under the existing house. The new caissons would be entirely located landward of the existing caisson grade beam foundation for the house, which was approved pursuant to CDPs 5-94-281 & 5-94-281-A1 to support the existing house. The proposal also includes new hardscape decking with area drains, a new patio trellis, a new barbeque area, sitting area, fire pit, steps to the lower yard, backyard fence, and drought-tolerant landscaping ([Exhibit 3](#)).

Project History

On October 3, 2016, the Director of City Planning held a public hearing for Local CDP DIR-2016-533 (Marlin Prager) for the project. On December 2, 2016, the Director of City Planning issued a determination letter approving the construction of an in-ground pool with spa, new stone paved deck, new patio trellis, new patio doors, new front yard fence, new solar panels, and new underground stabilization grade beam foundation with a row of caissons between the pool/back yard improvements and the bluff edge. The City's Notice of Final Local Action for the local CDP was received in the Coastal Commission's Long Beach Office on December 22, 2016. On

January 24, 2017, one appeal was received from the Executive Director. No other appeals were received.

In summary, the appeal asserted that due to a history of landslides and erosion along the subject coastal bluff, the City-approved caissons, between the proposed pool and bluff edge, could eventually become exposed resulting in significant adverse impacts to scenic and visual resources. Additionally, the installation of the caissons would result in natural landform alteration along a coastal bluff and because the caissons were solely meant to provide protection for accessory development on the site and not the primary residential structure, which was built on a caisson grade beam foundation, the project was not consistent with Sections 30240, 30251, and 30253 of the Coastal Act.

The Commission found substantial issue on the grounds on which the appeal was filed on March 9, 2017, after which the applicant revised the project description as described above.

B. HAZARDS

Coastal Act Section 30253, states in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structure 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.*

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 artificial/manmade impacts. Relevant environmental factors include, but are not limited to, seismic activity, drying and wetting of soils, wind erosion, salt spray erosion, rodent burrowing, percolation of rain water, poorly structured bedding, and soils conducive to erosion. Relevant artificial/manmade factors include, but are not limited to, bluff over steepening from cutting roads, 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 vegetation, pedestrian movement across the bluff top, face and toe, and breaks or leaks in water or sewage lines.

The project site is located on the southwestern side of Corona Del Mar, directly above Pacific Coast Highway on a coastal bluff composed primarily of marine and non-marine terrace deposits. City of Los Angeles Local CDP 94-013 approved the existing residence on the site. The City's staff report acknowledged geologic hazards in the area and on the site stating, in part:

*It was reported by the owner's representative that approximately 15 to 20 feet of the back yard was lost during the January 17, 1994 Northridge Earthquake. Several tension cracks were observed near the edge of the cliff. The recent **earth quake-induced** landslide caused the loss of 16 and 20 feet in the north-south direction of the back yard area. Two landslide structures are depicted on the preliminary Geologic Map No. 311 of the Santa Monica*

Topographic Series prepared by the City of Los Angeles. These landslide structures are located along the rear vertical cliff face on the southwestern portion of the subject property. The landslide structures are approximately 30 feet southwesterly of the existing residence. The area within the landslide structures [that was] modified by CalTrans in 1978 [includes the placement of] and earth fill sloped along Pacific Coast Highway. The geotechnical investigation undertaken by MTC Engineering, Inc states that “the horizontal sand and grand strata are grossly unstable on the southwesterly 80 feet of the property. A careful examination of the exterior of the dwelling shows severe new cracks were found on the southwesterly portion of the property and the foundation was settled resulting from the January 17, 1994 Northridge Earthquake... [emphasis added]

***“The preexisting sea cliff has failed in prior years and will undoubtedly continue to fail in the future.** The U.S.G.S. Map M.1.284 shows the sea cliff to have failed since January 1, 1952 and also between March 1884 and January 1, 1952. Some measurements of the success has been attained by the property owners in removing a portion of the upper slope and replacing it [with] soil cement. Piling, grouting, and gunite to mitigate weathering processes are possibilities... [emphasis added]*

The subject property is located approximately ½ mile northerly of [the] Malibu Coast Fault. This fault is considered to be active along portions of the fault trace. The Malibu Coast Fault is approximately 48 miles long and is a north-dipping thrust fault that could be capable of generating a 7.0 Richter magnitude earthquake. Future movement along this earthquake fault will result in moderate to strong ground shaking at the site. Although the subject property is located ½ mile northerly of the Malibu Coast Fault, it is not near or within any California special fault study zones. Moreover, no active or inactive faults cross the site nor are such features in close proximity. The property, in our opinion, is no more or less subject to seismic response than any other location in Southern California. Nevertheless, the usual seismic response factors should be incorporated in design parameters for any habitable structure proposed to be erected at the site...”

The applicant has provided a geotechnical report and letters for the site. The geotechnical investigation acknowledges that the subject parcel has inherent geologic risks regarding slope stability and states, in part:

The site is currently occupied with a multi-level single-family residence and attached garage. The site is surrounded by similarly-developed properties.

The rear yard drains towards the rear slope contributing to slope saturation during rainy periods. The descending slope has a history of shallow slope failures during or following rainy periods that contribute to regression of the top edge of the slope...

Hillside properties are subject to potential hazards not found in conventional flatland developments. These hazards include floods, landslides, debris flows, erosion, raveling of slopes, concentrated drainage and fires.

Under Section 30253 of the Coastal Act new development may occur in areas of high geologic, flood, and fire hazard so long as risks to life and property are minimized and the other policies of Chapter 3 are met. The applicants’ initial geologic report concluded that, from a geotechnical

perspective, the proposed development is feasible. The applicant has since revised the project to use a cantilevered foundation system for the new pool to avoid the need for caissons under or seaward of the pool itself. The revised pool foundation proposal includes two rows of four caissons (eight new caissons total) with grade beams tied into the new caissons that would be located under the existing residence and from which the pool would be cantilevered from. The new caissons for the pool foundation system would be located in line with and landward of the existing residential caisson grade beam foundation system ([Exhibit 3](#)).

The applicant's revised proposal does not add any new bluff protective devices located further seaward than those that already exist at the site. The proposed new caissons would be located in line with and landward of the existing caissons and offer stability for the proposed pool thereby mitigating the geologic hazards associated with constructing a new pool on the subject blufftop. Although the new caissons could further alter the natural landform of the area, considering the extensive caisson grade beam foundation system that already exists under the residence, the additional caissons and grade beams would not result in substantial additional landform alteration and can thereby be found consistent with Section 30253 of the Coastal Act.

After meetings and discussions with the City, the City of Los Angeles Department of Building and Safety has provided a preliminary review of the revised foundation system and concluded that the revised pool foundation system is feasible. Because the City has not officially signed off on the revised project, however, [Special Condition 1](#) requires the applicant to submit revised final plans that have been reviewed and approved by the City of Los Angeles Department of Building and Safety. Additionally, [Special Condition 2](#) requires the applicant to submit an updated Geology and Soils Report Approval Letter approved by the City of Los Angeles Department of Building and Safety and to adhere to all of the recommendations contained in that report. Furthermore, in order to minimize exasperating erosion at the site, [Special Condition 3](#) requires the applicant to submit a pool protection plan, which requires the applicant to incorporate measure into the proposed pool that will help prevent and detect pool leaks, and [Special Conditions 5 & 7](#), which require the applicant to observe an erosion control plan during and post construction activities and to observe best management practices, respectively.

The geological and geotechnical evaluations do not guarantee that future erosion, landslide activity, or land movement will not affect the stability of the proposed project. Because of the inherent risks to development situated on a coastal bluff, the Commission cannot absolutely acknowledge that the design of the foundation stabilization system will protect the proposed development during future storms, erosion, earthquakes, landslides, and/or other hazards. Therefore, the Commission finds that the proposed project is subject to risk from erosion and/or land movement and that the applicant shall 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, [Special Condition 8](#) requires the applicant 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 ([Special Condition 9](#)) 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. 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 30240, states in part:

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

Coastal Act Section 30251, states:

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

The proposed project is located directly above Pacific Coast Highway, atop a 155-foot high bluff above and north of Pacific Coast Highway, just west of Chautauqua Boulevard. Because the site is situated on a steep bluff overlooking Pacific Coast Highway and the beach, development on the bluff will be visible from Pacific Coast Highway and the public beach.

Coastal bluffs are inherently unstable and subject to often unpredictable erosion and sloughing. The bluffs present on the subject site are no exception as described above. The applicant's geology report states that the annual erosion rate at the site is approximately 1 inch per year, but fails to analyze episodic erosion. Episodic erosion is typically associated with earthquakes and heavy rain events, which are not uncommon at the subject site. 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. In this specific case, if the proposed pool, other accessory development, and/or caissons and grade beams became exposed due to natural erosion processes, they would present a significant impact to the natural bluff landform visible from both Pacific Coast Highway and the public beaches located adjacent to the subject site.

The applicant is proposing the construction, use and maintenance of a new in-ground swimming pool and other accessory development with an underground caisson grade beam foundation system, which is meant to provide protection for the proposed pool. The proposed stabilization system includes the installation of two rows of caissons (four caissons in each row) ([Exhibit 3](#)). One row of caissons would be placed in line with the seaward edge of the existing caissons under the residence, which are located approximately 75 feet from the bluff edge and are a part of the existing residential foundation system. The first row (seaward row) would be tied back to a second

row of caissons located approximately 21 feet landward of the first row of caissons. The two proposed rows of caissons would be installed below grade underneath the existing residence in order to support grade beams to be installed approximately eight feet below grade that would be cantilevered approximately 17 feet seaward of the seaward row of caissons in order to support the proposed pool ([Exhibit 3](#)).

The applicant's revised proposal does not add any new bluff protective devices located further seaward than those that already exist at the site. Although the proposed grade beams would be cantilevered under the pool, seaward of the existing caissons, in the event they are ever threatened or exposed, they are much easier to conceal or remove than a wall of caissons thereby mitigating potential visual impacts of the stabilization system in the event all or portions of it are ever exposed.

Nevertheless, the presence of the proposed accessory development, 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 and to locate them as far landward as feasible. Although the caissons and grade beams may still become exposed as a result of natural processes, such exposure may take longer than it would have under the applicant's previous proposal and will occur at a more landward location which would be 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 that the pool and other accessory development are subject to geologically hazardous conditions, [Special Condition 4](#) requires the applicant to remove all accessory development that is subject to hazards or to relocate it in a manner that it is no longer subject to such hazards. [Special Condition 4](#) further requires the applicant to remove any exposed portions of the caissons and/or grade beams 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 down a coastal bluff and 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 5](#) requires the applicant to submit an erosion and runoff control plan. In addition, the Commission imposes [Special Condition 7](#) 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 9](#) 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

Section 30604(a) of the Coastal Act states:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

The City of Los Angeles has not prepared a draft Land Use Plan for this planning subarea. In its initial "Work Program," the city identified protection of public views and stability of the lots along Pacific Coast Highway as issues that needed investigation. As proposed the project will not adversely impact public coastal views from the adjacent public areas including Pacific Coast

Highway and Will Rogers State Beach, and will minimize the amount of grading that would substantially alter natural landforms along bluffs and cliffs. The Commission, therefore, finds that the project as conditioned is consistent with the Chapter 3 policies of the Coastal Act with regards to the protection of public coastal views, and approval of the project as proposed will not prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

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

1. *Geotechnical Engineering and Geologic Investigation and Report for Proposed Pool and rear yard stabilization at 15000 Corona Del Mar, Pacific Palisades, California* by ralph Stone and Company, Inc., dated May 10, 2011
2. Updated Letter to *Geotechnical Engineering and Geologic Investigation and Report for Proposed Pool and rear yard stabilization at 15000 Corona Del Mar, Pacific Palisades, California* by ralph Stone and Company, Inc., dated May 28, 2014
3. Updated Letter to *Geotechnical Engineering and Geologic Investigation and Report for Proposed Pool and rear yard stabilization at 15000 Corona Del Mar, Pacific Palisades, California* by ralph Stone and Company, Inc., dated October 17, 2016
4. City of Los Angeles Geology and Soils Approval Letter dated August 16, 2011
5. City of Los Angeles Geology and Soils Approval Letter dated June 16, 2014
6. City of Los Angeles Geology and Soils Approval Letter dated December 8, 2016
7. Coastal Development Permits 5-94-281 & 5-94-281-A1
8. Appeal A-5-VEN-17-0002