

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Th5b

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STAFF REPORT: CONSENT CALENDAR

Application No.: 5-17-0666

Applicant: Turbo Grey, LLC / Guy Grimberg

Agents: Allen Conception

Location: 17878 – 17884 Castellammare, Pacific Palisades, Los Angeles County (APNs 4416-015-001 & 4416-015-002)

Project Description: Demolition of a 920 sq. ft. single-family residence and construction of a 4,230 sq. ft., two-story, 28-ft. high single-family residence on a caisson grade beam foundation with an attached 475 sq. ft. two-car garage, with two additional uncovered parking spaces on the driveway apron, with a swimming pool and a rooftop deck on two side-by-side hillside lots totaling 9,115 sq. ft. in area.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The subject site is located on two adjacent lots on a coastal bluff above Pacific Coast Highway (PCH), in the Castellammare area of Pacific Palisades. One of the lots is vacant and the other lot is developed with a 920 square-foot single-family residence built circa 1950. The applicant is proposing to demolish the existing single-family residence and construct a new residence on a caisson grade beam foundation with a swimming pool. The proposed development would span both lots. The major issue before the Commission relates to geologic hazards and appropriate bluff setback.

Section 30253 of the Coastal Act requires that new development not rely on construction of bluff protective devices to ensure the structural integrity of the development if the bluff protective devices would alter natural landforms, such as the coastal bluffs upon which the development is

proposed. Here, new caissons or other bluff protective devices would alter natural landforms by modifying erosion patterns, becoming exposed as erosion occurs, and creating instability and erosion if they ever need to be removed. However, in this case, the geologic properties of the lot upon which the residence is proposed are such that a new residence would not be able to obtain the minimum factor of safety for residential structures required by the City of Los Angeles Building Code without the use of a caisson grade beam foundation. As such, the applicant is proposing to construct the new residence on a caisson grade beam foundation that is designed and intended to protect the primary residence on the subject lot only. Two rows of caissons are proposed to be located under the residence and one row of caissons is proposed to be located approximately 15 ft. downslope of the proposed residence. When new development is proposed at a site where shoreline or bluff protective devices are required, the Commission can require, in appropriate circumstances, that the protective devices be removed or treated to minimize visual impacts as a condition of approval of the new development if they are ever exposed.

Although the proposed residence has been designed, and conditioned, to ensure structural stability relative to geologic vulnerabilities to the extent feasible, it is not possible to completely preclude the possibility that conditions on site or on the adjacent lot will change and that the residence could be subject to erosion and/or geologic instability in the future. If there is such future structural instability, **Special Condition 1** ensures that no future bluff protective devices will be constructed on site to protect the accessory development on the site, and it requires the landowner to remove accessory development if it becomes threatened by erosion or if a government agency orders any structure or any portion of any structure not to be occupied due to hazards identified in this report. Also, in order to protect visual resources, **Special Condition 2** requires the applicant to remove or visually treat any exposed caissons or grade beam in the event they become exposed. **Special Conditions 3, 4, 5, 6 and 7** require the applicant to incorporate and observe best management practices into the project in order to address hazardous geological conditions at and near the site. **Special Condition 8** requires the applicant to acknowledge and accept the risks associated with development in a hazardous area. **Special Condition 9** requires the applicant to record a deed restriction so any futures owners of the property are aware of the conditions of development on the site. Therefore, staff recommends that the Commission **approve** the proposed project as conditioned.

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EXHIBITS

[Exhibit 1 – Vicinity Maps](#)

[Exhibit 2 – Project Plans](#)

I. MOTION AND RESOLUTION

Motion: *I move that the Commission **approve** Coastal Development Permit No. 5-17-0666 pursuant to the staff recommendation.*

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

Resolution:

The Commission hereby approves 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. **No Future Bluff or Shoreline Protective Device(s).**

A. By acceptance of this permit, the applicant agrees, on behalf of itself and all other successors and assigns, that the proposed caissons and grade beams approved under CDP 5-17-0666 on the subject site shall not be enhanced/augmented or reconstructed for purposes of protecting accessory development approved by this coastal development permit (CDP 5-17-0666) and that no new shoreline or bluff protective device(s) shall ever be constructed to protect accessory development on the site including, but not limited to, foundations, patios, pools, decks, balconies, and any future improvements and/or accessory structures, in the event that the development is threatened with damage or destruction from erosion, landslides, storm conditions, sea level rise or other natural coastal hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to augment, maintain and/or construct such devices that may exist under applicable law.

B. By acceptance of this permit, the applicant/landowner further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this permit including, but not limited to, the residence, pool, patio, garage, and driveway, and any other accessory structures if the structures become subject to erosion or if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. If any portion of the proposed blufftop caissons and grade beams are ever removed, the applicant/landowner shall have a geotechnical investigation prepared by a licensed coastal engineer and geologist, retained by the permittee, that addresses whether any portions of the development approved per CDP 5-17-0666 are threatened by coastal hazards, landslides, or erosion. The report shall identify all those immediate or potential future measures that could stabilize the development without bluff or shoreline protective device(s), including but not limited to removal or relocation of portions of the development. The report shall be submitted to the Executive Director and the appropriate local government official. If the geotechnical investigation concludes that any portion of the development is unsafe for occupancy, the permittee shall, within 90 days of submitting the investigation, apply for a coastal development permit amendment to remedy the hazard.

Prior to removal/relocation, the permittee shall submit two copies of a Removal/Relocation Plan to the Executive Director for review and written approval. The Removal/Relocation Plan shall clearly describe the manner in which such development is to be removed/relocated and the affected area restored so as to best protect coastal resources. In the event that portions of the development fall down the bluff before they are removed, the landowner shall remove all recoverable debris associated with the development and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

2. **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 public visual impacts of the caissons and grade beams in the event that they are exposed and publicly 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.

3. **Pool Protection Plan.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval a pool protection plan which incorporates 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; and 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. **Landscape Plan.** The applicant shall conform to the landscape plan received on October 27, 2017 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.

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.
- (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 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. **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. 5-17-0666, shall be consistent with all recommendations contained in the geotechnical reports by Calwest Geotechnical Consulting Engineers, dated March 20, 2014, as well as all requirements of the City of Los Angeles Department of Building and Safety, Geology and Soils Report Approval Letters, dated May 9, 2014.
- 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.

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

- A. The permittee shall comply with the following construction-related requirements:
 - 1. No construction materials, debris, or waste shall be placed or stored where it may be subject to water, wind, rain, or dispersion;
 - 2. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
 - 3. 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;
 - 4. 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
 - 5. 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:
 - 1. 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;
 - 2. The applicant shall develop and implement spill prevention and control measures;
 - 3. 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
4. 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 (ZA 2014-3515-CDP-MEL) from the City of Los Angeles on March 20, 2017. 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 DESCRIPTION & LOCATION

The applicant proposes to demolish an existing 920 square-foot single-family residence built circa 1950 and construct a two-story, 28-foot high (15 feet high along the street frontage and 33 feet high down the slope), 4,230 square-foot single-family residence on a caisson grade beam foundation, with an attached 475 square-foot two-car garage and two additional on-site parking spaces, a pool, and a rooftop deck on two adjacent hillside lots totaling approximately 9,115 square-feet in area ([Exhibit 2](#)). The applicant also proposes 1,563 cubic yards of grading, including 570 cubic yards of fill and 992 cubic yards to be exported outside of the coastal zone.

The project site is located on two adjacent lots that slope down from the street to seaward property line. The lots are located at 17878 (Lot 2) and 17884 (Lot 1) Castellammare Drive in Pacific Palisades, City of Los Angeles ([Exhibit 1](#)). Lot 1 is currently vacant. Lot 2 is currently developed with a single-family residence that the applicant is proposing to demolish. The proposed new residence would span both lots tying them together. The combined street frontage of both lots is approximately 136 feet along Castellammare Drive. The depth of each lot is approximately 68 feet and are zoned R1-1, Low Residential, by the City of Los Angeles Zoning Code. Both lots slope down toward the west. The coastal bluff overlooks and is visible from PCH and Will Rogers State Beach and is not currently subject to marine erosion as PCH is located between the sea and the toe of the bluff. The proposed development would cascade down the bluff face from Castellammare Drive toward the west. The surrounding area is comprised of single-family residences and vacant lots. Currently, there are three rows of residences, vacant lots, and remnants of old residential foundations between the subject site and Pacific Coast Highway. The public beach is directly seaward of Pacific Coast Highway along this stretch of coastline.

Geotechnical Hazards and Visual Resources

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. The applicant has provided a geological analysis (*CalWest Geotechnical Consulting Engineers, Project 5467, December 17, 2013*) for the subject site. The applicant's geotechnical analysis acknowledges that the subject site has inherent geologic risks regarding slope stability and states:

Slope stability analyses have been prepared utilizing the Geologic Map and Cross-sections provided by the project engineering geologist, Land Phases Inc., and the results of our records review, laboratory tests, and a back-calculation for the landslide debris. As anticipated, the slope stability analyses resulted in substandard potential failures for the static and pseudo-static conditions.

Based on the slope stability analysis, it is recommended that the foundation system for the proposed development consist of a deepened foundation system, comprised of soldier piles tied together with structural grade beams...

The Geology and Soils Report Approval Letter (Log # 82824-01) was issued by the Los Angeles Department of Building and Safety (LADBS) Grading Division on May 9, 2014. The City's Building Code requires residential structures to be constructed in a manner that meets a minimum factor of safety of 1.5. As such, the applicant designed the proposed residence to meet the City's minimum factor of safety requirement, which necessitates the installation of a caisson grade beam foundation system to support the proposed new residence. The applicant is proposing two rows of caissons to be located under the residence and one row of caissons to be located 15 ft. downslope of the proposed residence at the. Additionally, the applicant is proposing to install landscaping in the approximately 15-foot area between the footprint of the proposed residence and the downslope property line. There are no accessory structures proposed for this 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** restricts future bluff protective devices to those meant to protect the proposed residence only. Any future proposal to install protective devices to protect accessory development on the site shall not be allowed. Additionally, any accessory development on the site that is threatened by hazards is required to be removed rather than protected.

Additionally, **Special Condition 3** requires the applicant to adhere to a pool protection plan that incorporates mitigation of potential for geologic instability caused by leakage from the proposed pool. **Special Condition 4** requires all landscaping on the site to be drought tolerant and primarily native. **Special Conditions 5** and **7** require the applicant to observe an erosion control plan and best management practices during and after construction of the project. **Special Condition 6** requires the applicant to conform to the recommendations set forth in the provided geotechnical report. **Special Condition 8** requires the applicant to acknowledge and assume the risks associated with developing in a geologically hazardous area.

The applicant's geology report states that if a catastrophic event such as an earthquake occurs, severe damage can occur at the project location. Although the project site is not currently highly visible from Pacific Coast Highway or the public beach, if the structures seaward of the project site are removed due to a catastrophic event or for some other reason, and the proposed caisson grade beam foundation is exposed, there may be an adverse impact to public scenic and visual resources along the coast. As such, if any portions of the proposed foundation are ever exposed, **Special Condition 2** requires the applicant to remove the 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 in order to minimize adverse impacts to the scenic and visual resources along this stretch of coastline. **Special Condition 9** requires the applicant to record a deed restriction in order for any future owners of the property are aware of the development restrictions placed on the site. Thus, as conditioned, the project is consistent with Coastal Act section 30253, as it relates to geotechnical hazards.

B. HAZARDS

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. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his/her property. To minimize risks to life and property and to minimize the adverse effects of development on areas of high geologic, flood, and fire hazard, the proposed development has been conditioned to require a landscaping plan to minimize risks to life and property associated with the project. 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

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, to reduce potential adverse visual impacts associated with the retaining wall system, Commission staff recommends special conditions which recognize that the proposed retaining wall system shall maintain a finish that blends in with the natural surrounding area in order to protect public views along the coast. As conditioned, the project will not disrupt public coastal views. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, and 30252 of the Coastal Act

D. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, 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. These design features include, but are not limited to, the appropriate management of equipment and construction materials, the use of non-invasive drought tolerant vegetation, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. 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 one additional condition 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

1. Soils Report, Calwest Geotechnical 5467, December 17, 2013; Amended March 20, 2014
2. City of Los Angeles Geology and Soils Approval Letter, Log #82824-01, May 9, 2014
3. City of Los Angeles Local CDP ZA 2014-3515-CDP-MEL, March 20, 2017