

**CALIFORNIA COASTAL COMMISSION**

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# Th10c

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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 5-18-0162

**Applicant:** Maged Guirguis

**Agent:** Kimberlina Whettam & Associates c/o Rosemary Medel

**Location:** 17616-17622 Posetano Road, Pacific Palisades, Los Angeles County (APNs: 4416012019 and 4416012032)

**Project Description:** Major remodel to an existing 3-level, 21.8 feet high from existing grade, 2,393 sq. ft. single-family residence, including expanding the home onto an adjacent vacant hillside lot, resulting in a new 5-level, 21.8 feet high from existing grade (42.5 feet overall height from lowest grade to top of parapet), 2,885 sq. ft. single-family residence with family room, swimming pool, deck and retaining walls supported by fifteen 36 inch diameter caissons and export of 1,660 cubic yards of earth.

**Staff Recommendation:** Approval with conditions

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## SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to remodel a majority of the existing multi-story structure and construct a 492 sq. ft. addition which will attach to the existing structure onto a neighboring vacant lot owned by the applicant. The development will result in a new 2,885 sq. ft. single-family structure with five (5) levels and a new façade to match the proposed addition. The additions include a family room and swimming pool on a deck, rainwater collection reservoir and pool mechanical space below the deck, grade beams within an irregularly shaped approximately 997.5 sq. ft. excavated void space supported by retaining walls and new fifteen (15) 36 inch diameter caissons below and along the footprint of the foundation. Exterior façade work is proposed to square out the rounded portion of the building in between the addition and existing structure ([Exhibit 2](#)).

The site is located within the Castellammare area of Pacific Palisades, which is a prominent coastal bluff stretching from Sunset Boulevard to Surfview Drive. The site descends 35 feet from Posetano Road to Castellammare Drive with a generally 1.5:1 gradient with slightly steeper gradients throughout the slope. The existing slope was previously disturbed by landslides and uncertified fill. The structure will be visible from Pacific Coast Highway (PCH) and the beach at the western and southern elevation. However, the site is located in a highly developed area and is surrounded by existing single-family homes including a 15,400 sq. ft. commercial structure downslope of the site along PCH. In addition, the project is similar to past projects approved by the Commission in the Castellammare bluffs (Coastal Development Permit Nos. 5-15-2074, 5-10-008, and 5-09-231).

The project site is located in a geologically hazardous area as indicated in the Palisades Area Landslide Study and geotechnical report. The project is also visible from PCH and the public beach and may impact public views along the coast. Therefore, in order to minimize construction impacts to an unstable hillside area and public view impacts, staff is recommending **approval** of the proposed coastal development permit with **eight (8)** special conditions.

The Commission imposes **Special Condition No. 1** which assures conformance with geotechnical recommendations, **Special Condition No. 2** which assures conformance with an erosion, drainage, and polluted runoff control plan that requires implementation of construction BMP's and water quality standards, and **Special Condition No. 3** which seeks submittal of a swimming pool leak detection monitoring plan that minimizes liquefaction to the hillside. In order to minimize public view impacts, the Commission imposes **Special Condition No. 4** which assures compliance with the submitted landscape plan, **Special Condition No. 5** which seeks submittal of a pile/ retaining wall exposure plan, and **Special Condition No. 6** which assures that the retaining wall finish complies with the landscape plan while providing a visual buffer and compatibility with community character. In addition, the applicant may decide that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. The Commission therefore imposes **Special Condition No. 7** which assures the applicant assume all risks of development and waive all claims of damage or liability against the Commission and **Special Condition No. 8** which seeks recordation of a deed restriction. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act.

The motion to approve staff recommendation is on Page Four.

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### **APPENDICES - Substantive File Documents**

Appendix A – Coastal Development Permit No. 5-96-235 (Bednar)

Appendix B – City of Los Angeles permit no. DIR-2017-702-CDP

Appendix C – Geotechnical Engineering Report No. GH15165-G, Grover Hollingsworth and Associates, Inc., 8/19/2016

Appendix D – Pacific Palisades Area, Los Angeles County, California. *Report on Landslide Study*. 1976. US Army Corps of Engineers, US Department of the Interior.

### **EXHIBITS**

[Exhibit 1 - Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Landslide Area in Pacific Palisades](#)

[Exhibit 4 – Grading Plan](#)

[Exhibit 5 – Structural Plans](#)

[Exhibit 6 – Local Approvals](#)

[Exhibit 7 – Drainage Plan](#)

[Exhibit 8 – Erosion Plan](#)

[Exhibit 9 – Landscape Plan](#)

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the Coastal Development Permit Application No. 5-18-0162 subject to the conditions set forth in the staff recommendations.*

Staff recommends a **YES** vote. 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 affirmative vote of a majority of the Commissioners present.

### Resolution:

*The Commission hereby approves coastal development permit 5-18-0162 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 permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

**1. Conformance with Geotechnical Recommendations.** The applicant shall conform to the final design, construction, grading, drainage devices and foundation plans received on March 7, 2018 which have been reviewed and approved by the Grading Division of the City of Los Angeles Department of Building and Safety. The plans shall conform to all recommendations set forth in the geologic report GH15165-G by Grover Hollingsworth and Associates, Inc., dated August 19, 2016, as well as all requirements of the City of Los Angeles Department of Building and Safety, Soils/Geologic approval letter dated September 22, 2016, signed by Jeffrey T. Wilson and Ying Liu. The monitoring, construction methods and foundation system including the installation of the piles, grade beams, permanent and temporary retaining walls shall conform to and include all requirements and specifications of the City review letter cited above.

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

**2. Erosion, Drainage and Polluted Runoff Control.** The applicant shall conform to the erosion, drainage and runoff control plan received on May 5, 2018 per the certified civil engineer's requirements. The final plan for erosion, drainage and polluted runoff control, including supporting calculations, has been prepared by a licensed engineer and incorporates Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of storm water leaving the construction and developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is consistent with geologist's recommendations. In addition to the specifications above, the plan shall demonstrate that:

1. During Construction:

- (a) Erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
- (b) Clearing and grading activities should be timed to avoid the rainy season whenever possible. If grading takes place during the rainy season (November 15-April 31), the plan shall specify that temporary erosion control measures shall be used during construction (e.g., temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, close and stabilize open trenches as soon as possible).
- (c) Only areas essential for construction shall be cleared.

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- (d) During the rainy season, (November 15-April 31) bare soils shall be stabilized with non-vegetative BMPs as soon as possible, and within five days of clearing or inactivity in construction.
- (e) Construction entrances shall be properly graded to prevent runoff from the construction site. The entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust and tracking of mud offsite.
- (f) Runoff shall be intercepted above disturbed slopes and conveyed to a permanent channel or storm drain by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
- (g) Spill prevention and control measures shall be developed and implemented.
- (h) Sanitary facilities shall be provided for construction workers.
- (i) Equipment and machinery shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of properly at an off-site location.
- (j) Adequate disposal facilities shall be provided for solid waste, including excess asphalt, produced during construction. Proper recycling or disposal of lunchtime trash and other debris at the end of every construction day.
- (k) During construction, the applicant shall obtain approval from the City of Los Angeles Department of Building and Safety for any dewatering necessary during construction and:
  - (i) shall install filters on the dewatering system,
  - (ii) shall prevent discharge of water pumped from the site onto nearby property, and
  - (iii) shall direct all discharges into paved City street and storm drains.

2. Post Construction:

- (a) Permanent erosion and drainage control measures shall be installed to ensure the stability of the site, adjacent properties, and public streets.
- (b) All drainage from the lot shall be directed toward the street and away from the bluff slope directly into the City's storm drain system.
- (c) Runoff shall be conveyed off site in a non-erosive manner.
- (d) Pesticide, herbicide and fertilizer use shall be eliminated or minimized.
- (e) The Drainage and Erosion Control Plan shall include, at a minimum, the following components:
  - (i) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
  - (ii) Any temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. All disturbed areas shall be stabilized. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.
  - (iv) A schedule for installation and removal of the temporary erosion control measures.
  - (iv) A site plan showing the location of all permanent erosion and drainage control measures.

- (v) A schedule for installation and maintenance of the permanent erosion and drainage control measures.
- (vi) A written review and approval of all erosion and drainage control measures by the applicant's engineer and/or geologist.
- (vii) A written agreement indicating where all excavated material will be disposed and acknowledgement that any construction debris disposed within the coastal zone requires a separate coastal development permit.

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

**3. Swimming Pool Leak Detection.** PRIOR TO ISSUANCE OF THIS PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a written plan to mitigate for the potential of leakage from the proposed swimming pool and spas. The plan shall, at a minimum: 1) provide a separate water meter for the pool to allow monitoring of the water usage for the pool and the home; 2) identify the materials, such as plastic linings or specially treated cement, to be used to waterproof the underside of the pool to prevent leakage, and information regarding past success rates of these materials; 3) provide double wall construction to the swimming pool and spa with a drainage system and leak detection system installed between the walls, and; 4) identify methods used to control pool drainage and to prevent infiltration from drainage and maintenance activities into the soils of the applicant's and neighboring properties.

**4. Landscaping – Drought Tolerant, Non-Invasive Plants (Urban/Developed Area).** The applicant shall conform to the landscape plan received on March 5, 2018 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>). No permanent irrigation system shall be allowed within the property. Temporary, aboveground irrigation to allow the establishment of the plantings is allowed.

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

**5. Retaining Walls.** The proposed retaining walls façade shall conform to the landscape plan as shown in the renderings received on May 7, 2018. The walls shall maintain a surface finish (color and vegetation consistent with Special Condition No. 4) that blends in with the surrounding area in

order to reduce their visibility from public vantage points such as PCH and the beach that minimizes public view impacts along the coast.

**6. Structural Appearance (Foundation Exposure).** PRIOR TO ISSUANCE OF THIS PERMIT, the applicant shall submit a plan for the review and approval of the Executive Director to address the potential visual impacts of the pilings and retaining wall in the event that the pilings and retaining walls are exposed and visible from Pacific Coast Highway as a result of earth movement or other circumstances. The applicant shall agree in writing to carry out the approved plan, which shall include:

A. Coloring the exposed concrete pilings and retaining walls so that it will match the surrounding soils. The piles and retaining walls should be colored in such a way that the result would be a natural, mottled appearance. If any piling and below grade retaining walls are exposed, the applicant shall immediately dye or conceal such foundations.

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

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

**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 landslide activity, erosion and/or earth movement (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission’s approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

**8. Deed Restriction.** PRIOR TO ISSUANCE OF THIS 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. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION

The applicant is proposing to remodel a majority of the existing multi-story structure and construct a 492 sq. ft. addition to the structure on an adjoining vacant lot owned by the applicant. The structure will result in a new 21.8-foot high as measured from existing grade (42.5<sup>1</sup> foot total overall height), 2,885 sq. ft. single-family structure with a total of five (5) levels and a new façade to match the proposed addition. The additions include a 452.5 sq. ft. family room and approximately 540 sq. ft. cantilevered swimming pool and deck (main level), 411.8 sq. ft. trellis and 284 sq. ft. roof deck with 42 inch high guardrails and parapet (second level), 1,200 gallon reservoir that collects on-site runoff and pool mechanical space (lower level 1), grade beams within an irregularly shaped approximately 997.5 sq. ft. excavated void space supported by stepped back retaining walls 34 feet high at north portion of lot and 23 feet high at the south portion of the lot, mat slab foundation (lower levels 2 and 3) and new fifteen (15) 36 inch diameter caissons ranging from 33 feet to 96 feet deep ([Exhibit 2](#)). Exterior façade work is proposed to square out the rounded portion of the building in between the addition and existing structure. The proposed project is similar to other projects that were approved by the Commission in the Castellammare area (Coastal Development Permit Nos. 5-15-2074, 5-10-008, and 5-09-231).

The subject site is a 3,840 sq. ft. developed lot (17616 Posetano) and 3,634 sq. ft. vacant lot (17622 Posetano) on a steep sloping hillside ([Exhibit 1](#)). The site is located approximately 150 feet away from Pacific Coast Highway (PCH) and 230 feet from Will Rogers State Beach. The two adjacent lots are under the same ownership totaling 7,474 sq. ft. The lot is designated Residential Low and zoned R1-1 in the City of Los Angeles General Land Use Plan. The house was built in 1996 under Coastal Development Permit No. 5-96-235 for a 2,633 sq. ft., 3-story, 34 feet high single-family<sup>2</sup> residence on a vacant lot. A commercial structure, single-family residences and vacant lots characterize this neighborhood.

The site is descending 35 feet from Posetano Road to Castellammare Drive with a generally 1.5:1 gradient with slightly steeper gradients throughout the slope. The existing slope was previously disturbed by landslides and uncertified fill. At the toe of the hill parallel to Castellammare Drive is an existing 165-foot long wooden retaining wall spanning westward across vacant lots. Immediately west of the site is a vacant lot and immediately east of the site is a two-story, single-family home.

The Castellammare area of Pacific Palisades is a prominent coastal bluff stretching from Sunset Boulevard to Surfview Drive. Pacific Coast Highway was constructed at the toe of this bluff,

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<sup>1</sup> 42.5 feet total overall height means the height as measured from the lowest elevation point within 5 horizontal feet of the exterior walls of the structure to the highest elevation point of the parapet wall. This definition is gathered from the City of Los Angeles Baseline Hillside Ordinance, published May 9, 2011.

<sup>2</sup> Although there may be a discrepancy between the CCC-approved CDP and the current building area (retrieved from City of LA website ZIMAS), there may be differences in the way building area is calculated. In addition, when the permit was approved, there was no condition requiring final design plans. During submittal, plans are conceptual and sometimes do not wholly reflect what is existing on-site.

between the bluff face and the beach. Unlike most coastal bluffs in Southern California, this bluff face has undergone extensive development. In the mid 1920's several streets were constructed parallel to Pacific Coast Highway following the contours of the bluff, which are lined with one to four-level single-family homes. These roads (namely Castellammare Drive, Posetano Road, Revello Drive, Stretto Way, and Porto Marina Way) were graded on the face and top of the coastal bluff as part of the development of the Castellammare tract. There are many ancient landslides on the bluff face and canyon sides, with more recent slides nested on top of them. Within the last nearly fifty years, several landslides along the bluff face and canyon sides have led to loss of property and life.<sup>3</sup>

Currently, the Castellammare area is developed with one to four-level single-family homes. A few vacant lots remain along of the bluff from Sunset Boulevard to Surfview Drive. Typically, these remaining vacant lots were left undeveloped due to landslides. In some cases, portions of the bluff were developed then destroyed by landslides, creating open areas. According to the geotechnical report that was prepared for this project, the proposed site contains historic and recent landslide debris that may pose hazards to the proposed development. But the report also recommends caissons and other development that will assure structural integrity for the expected life of the project.

## **B. HAZARDS**

The Coastal Act requires that development assure stability and structural integrity.

Section 30253 of the Coastal Act states in part:

*New development shall:*

- 1) *Minimize the risk to life and property in areas of high geologic, flood, and fire hazard.*
- 2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along coastal bluffs.*

### Active and Historic Landslide

The applicant has provided a geology and soils report from the consulting firm Grover Hollingsworth and Associates, Inc., dated 8/19/2016. According to the Geotechnical Report No. GH15165-G, the site is descending 35 feet from Posetano Road to Castellammare Drive with a generally 1.5:1 gradient with slightly steeper gradients throughout the slope. The existing site consists of approximately 1.5 feet of uncertified fill underlain by up to 24 feet of landslide debris then underlain by Topanga Formation claystone, sandstone, and basalt bedrock. The existing slope was previously disturbed by historic landslides which come from topographic expression upslope at Tramonto Drive. According to the 1976 Pacific Palisades area landslide study by US Army Corps

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<sup>3</sup> Pacific Palisades Area - Report on Landslide Study; U.S. Army Corps of Engineers and U.S. Geological Survey; September 1976.

of Engineers and U.S. Geological Survey, the ground in the uppermost part of area 124 ([Exhibit 3](#)) cracked and deformed following heavy rains in the winter of 1969.

#### Conformance with Geotechnical Recommendations

According to the geotechnical report, the slide mass on the project site and lower portion of the site along Castellammare Drive are considered near failure under static conditions at a safety factor of 1.0. In order to stabilize the site, the City required the applicant to remove the existing uncertified fill along with any loose foundation material such as landslide debris. In this case, the applicant will excavate up to 1,660 cubic yards of earth, which will be exported outside the coastal zone, in order to create the irregularly shaped approximately 997.5 sq. ft. void space. The perimeter of the excavation will be temporarily shored and then established with permanent retaining walls which are approximately 192.3-feet long and founded on a mat slab foundation, further supported by grade beams ([Exhibit 4](#)). Beneath the foundation, fifteen subsurface piles ranging from 33 to 96 feet will be placed within the footprint of the proposed foundation as indicated in the structural plans ([Exhibit 5](#)). The piles will extend into competent bedrock as recommended by the geotechnical report. According to the slope stability analysis provided in the report, the piles beneath the foundation will provide a static safety factor of 2.13. A factor of safety of 1.5 is the generally accepted minimum value required to ensure slope stability.

As stated above, the site is located within a coastal bluff that has been previously disturbed by landslides and human activity such as grading and housing development including retaining walls and caissons to stabilize the bluff and support the residential development. The site does not significantly alter natural landforms because the excavated area and foundation will occur underneath the development. Furthermore, the site is approximately 240 feet inland from the beach with presence of development seaward of the site. The PCH and a row of vacant lots that could be built on in the future are located between the beach and the site, and the bluff is not subject to wave uprush, wave erosion, and will not contribute to loss of natural supply of sand to the beach due to the location and developed nature of the site. In addition, according to the geotechnical report, temporary and permanent piles will be drilled and cast-in-place to a depth necessary to assure structural stability for the home. The caissons and excavation will be located under the footprint of the development and are not proposed around the perimeter of the property or designed to protect the entire property. The foundation and caissons are located at or below the grade level of the lower fronting road (Castellammare Drive) and due to their location, will not contribute to landform alteration. Caissons and retaining walls are necessary for development in this area and are similar to projects which were approved by the Commission in past permit actions. In this case, the caissons and walls will support the single-family addition including a deck with a family room and pool.

Based on the geotechnical findings and City approval, the proposed structure will not cause the subject site and surrounding area to become unsafe from geologic instability and does not significantly contribute to landform alteration. The proposed development is considered feasible from a geotechnical engineering standpoint provided that all recommendations are incorporated into the development plans ([Exhibit 6](#)). Therefore, **Special Condition No. 1** is imposed for design conformance with the geologic recommendations which requires that the development assure stability and structural integrity consistent with Section 30253 of the Coastal Act.

### Erosion Control

According to the geotechnical report, site runoff currently flows uncontrolled by sheet flow over the subject property to Castellammare Drive. This uncontrolled runoff has contributed to an increase in slumping and erosion across the subject site. The geotechnical report and the City's approval require erosion and runoff control measures to be incorporated into the plans. The applicant has submitted a drainage plan ([Exhibit 7](#)). The drainage plan shows that roof and surface flow will be conveyed through the planters and into atrium drains towards catch basins located throughout the site. Surface flow will also be conveyed beneath the deck into a 1,200 gallon reservoir. The reservoir will be conveyed to a spigot which will be used to surface irrigate or hose on-site vegetation within a 492 sq. ft. irrigation area as a water conservation method. The retaining walls will be waterproofed and contain sub drains that convey water towards the pervious pavers onto the garage slab along Castellammare. The applicant will utilize erosion control measures during construction such as velocity check dams, sediment traps and drains, and sandbags to minimize polluted runoff from entering the storm drain ([Exhibit 8](#)). Therefore, **Special Condition No. 2** is imposed to ensure that the applicant complies with the drainage and erosion plan that includes a schedule showing the location and time of all temporary and permanent erosion control measures (more specifically defined in Special Condition No. 2).

In addition, storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion via rain or wind could result in possible acceleration of slope erosion and landslide activity. **Special Condition No. 2** requires the applicant to conform to the Erosion, Drainage and Polluted Runoff Control Plan that incorporates BMPs to manage temporary and long term erosion on-site to ensure that the project area is not susceptible to excessive erosion. The condition also requires that the applicant dispose of all demolition and construction debris at an appropriate location outside of the coastal zone, or to a Commission-approved site inside the coastal zone, and informs the applicant that any change in this plan, including use of a disposal site within the coastal zone that has not been approved by the Commission will require an amendment or new coastal development permit.

The potential for erosion may occur due to overwatering from plant irrigation, swimming pools and other water features that can be a source of excess water on the bluff due to leaks. Therefore, **Special Condition No. 3** is necessary to require special construction and a leak detection system for the swimming pool and any other water feature to be incorporated and implemented into the project.

### Assumption of Risk Deed Restriction

Under Section 30253 of the Coastal Act new development in areas of high geologic, flood, and fire hazard may occur so long as risks to life and property are minimized and the other policies of Chapter 3 are met. The Coastal Act recognizes that new development may involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his/her property.

The proposed single-family home is located on a steep coastal bluff lot. The geotechnical analysis report by Grover Hollingsworth and Associates, Inc. dated August 19, 2016, states that, as designed with the recommendations made in the geotechnical reports, it is possible to develop the lot safely.

However, the applicant commissioned the report and, ultimately, the conclusion of the report and the decision to construct the project is the responsibility of the applicant. The proposed project may still be subject to natural hazards such as slope failure. As noted, the prehistoric slide extends well off the property ([Exhibit 3](#)) and there has been historic slope failure in the immediate surrounding area. The geotechnical evaluations do not guarantee that future erosion, landslide activity, or land movement will not affect the stability of the proposed project or that movement of offsite slides might not affect this property or adjacent roads. Because of the inherent risks to development situated on a steeply sloping bluff lot, the Commission cannot be certain that the design of the single-family home will protect the subject property during future storms, erosion, and/or landslides. Therefore, the Commission finds that the proposed project is subject to risk from landslides and that the applicant should assume the liability of such risk.

The applicant may decide that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. However, neither the Commission nor any other public agency that permits development should be held liable for the applicant's decision to develop. Therefore, the applicant is required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. The assumption of risk, when recorded against the property as a deed restriction, will show that the applicant is aware of and appreciates the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development.

In case an unexpected event occurs on the subject property, the Commission imposes **Special Condition No. 7**, which requires the landowner to assume the risk of extraordinary erosion and/or geologic hazards of the property. **Special Condition No. 8** requires that the property owner record a deed restriction which will provide notice of potential hazards of the property and help eliminate false expectations on the part of potential buyers of the property, lending institutions, and insurance agencies that the property is safe for an indefinite period of time and for further development indefinitely in the future.

Therefore, prior to issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restriction on development. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit. In addition, the new development is designed to assure structural stability and integrity and does not significantly contribute to erosion of the site. The project does not substantially alter natural landforms of the coastal bluff because no natural landforms exist on site, and as conditioned with a recorded assumption of risk, is consistent with Section 30253 of the Coastal Act.

### C. VISUAL IMPACTS

The Coastal Act protects public views. In this case the public views are the views from the public streets to the Pacific Ocean and from Pacific Coast Highway and Will Rogers State Beach to the Santa Monica Mountains.

Section 30251 of the Coastal Act 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 land forms, to be visually compatible with the character of the surrounding areas, and, where feasible, to restore and enhance the 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 subject site is bounded by Posetano Road and Castellammare Avenue with a total relief of 35 feet at a 1.5: 1 gradient. At the toe of the hillside, a 3.5-foot tall, 165-foot long wooden retaining wall extends across multiple vacant lots to the west and exhibits significant degradation. Beyond the property, a 6.5 to 9-foot tall bulkhead supports Castellammare Drive. Downslope from Castellammare Drive, the slope descends towards a row of vacant lots and then a 15 to 18-foot tall gravity wall along the upslope side of Porto Marina Drive, which parallels PCH and is in good condition. Adjacent to the gravity wall is a 15,400 sq. ft. commercial use structure fronting PCH. The applicant notes that the height of the proposed residence will maintain the existing height at 21.8 feet tall as measured from existing grade.

The structure will be visible from PCH and the beach at the western and southern elevation due to the site's location near vacant lots on the hillside. The residence is designed to be built into the hillside by excavating out 1,660 cubic yards of debris for the non-habitable void space. The side walls will be stepped-back at 42 inches to 10 feet above grade extending from the lower portion of the lot to the upper portion of the lot. A majority of the retaining walls will be enclosed below grade and thus, will not be visible. The remaining grade beyond the perimeter of the excavated space will be removed and filled with certified compacted material and engineered for a slope trim of a 2:1 gradient on the upper portion of the lot and a 1.5:1 slope trim on the lower portion of the lot. The engineered slope will be landscaped with native and non-native, non-invasive vegetation to provide a visual buffer at the western elevation to reduce the visible mass of the remaining above-grade retaining walls. The void space and above grade retaining walls will not be significantly visible from the west because the slope will be landscaped per the landscape plans submitted on May 7, 2018. In addition, the proposed project complies with the City of Los Angeles' Baseline Hillside Ordinance that imposes certain single-family development standards to protect hillside views and minimize hazards associated with hillside development.

#### Visual Minimization of Retaining Walls

The residence will maintain the existing profile from the east and west directions on the exposed south facing slope. The existing retaining wall at the lower portion of the site will be maintained and the existing wooden retaining wall will be removed. The west elevation walls will not significantly affect public views because the walls are built into the hillside, and any above-grade walls will be landscaped to provide a visual buffer between PCH and the beach and the retaining wall. The south elevation walls will provide a frontage of a five (5)-level, 42-foot tall structure as measured from the lowest grade to the roof and will be visible from PCH and the beach.

However, the view impacts from public viewpoints to the hillside will be reduced because the structure utilizes earth tone façades, landscaping, and color restrictions to be compatible with the landscape and existing development in the area. According to the landscape plan and renderings provided ([Exhibit 9](#)), the exterior façade will include a stone finish and vertical plants on the west and south elevation retaining walls to soften public views on the hillside from the public beach below. All slopes on the property will also be landscaped with native and non-native, non-invasive plants. In addition, vacant lots downslope of the site will be developed in the future and will minimize the contrast of the proposed development to adjacent vacant lots. Therefore, in order to further minimize visual impacts, **Special Condition No. 4** is imposed to ensure compliance with the landscaping plan provided. Native plants or non-native drought tolerant plants, which are non-invasive, shall be planted throughout the site to minimize view impacts at the west and south elevations. **Special Condition No. 5** is imposed detailing the vertical façade to maintain a natural surface finish with non-native, non-invasive plants that minimizes view impacts along the coast.

The site has a potential for future erosion due to seismic hazards that are present throughout the Southern California region, and may be exacerbated due to the steep nature of the site and instability from previous slide debris. In addition, the prehistoric slide or nearby slides may unexpectedly move and cause damage to the property, leaving pilings and other foundation work exposed. The proposed caissons will occur below grade and are not visible from any public view point. However, the piles and below grade portions of the retaining wall may become exposed overtime as earth movement occurs. Commission staff, therefore, imposes **Special Condition No. 6** to treat the piles and other exposed foundation work with a natural finish in the event that they become exposed to public views.

The Commission staff finds that the project has been designed and conditioned to protect public views to and along the coast in addition to minimizing landform alteration in the effort to safely construct a single-family home on the property. The design and grading is the least amount of landform alteration necessary to provide adequate support for the proposed project. Therefore, as conditioned, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act.

#### **D. WATER QUALITY**

The Commission recognizes that new development in Pacific Palisades has the potential to adversely impact coastal water quality through the removal of vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources. Section 30231 of the Coastal Act states:

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

*vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.*

As described above, the proposed project is located on a 7,474 sq. ft. steeply sloping lot that is sparsely vegetated with a mixture of native and introduced vegetation. As a result of the proposed development, only approximately 1,169 square feet will remain uncovered by structures or hardscape. The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

In this case, because BMPs that involve infiltration of water into the soil are impractical and unsafe due to the history of landslides in the area, it is important to take extraordinary measures to reduce infiltration and runoff from the site. Therefore, the Commission finds that **Special Condition No. 4** is necessary to require the use of low water use plants over the entire lot that can survive without irrigation, no permanent or in-ground irrigation systems, and interim stabilization of the site with jute matting or covering.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition No. 2** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

The Commission finds that the proposed project, as conditioned to incorporate and maintain an erosion, drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

## **E. LOCAL COASTAL PROGRAM (LCP)**

The Coastal Act required that the Commission consider the effect on a local coastal program when it approves a project. The Commission is prevented from approving projects that might prejudice the completion of 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 (commencing with Section 30200).*

In 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, and grading and geologic stability. Geologic stability was one of the primary issues because of the number of landslides that had occurred in the sixties and early seventies.

The City has submitted five Land Use Plans for Commission review and the Commission has certified three (Playa Vista, San Pedro, and Venice). However, the City has not prepared a Land Use Plan for Pacific Palisades. In the early nineteen seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process in 1978, with the exception of two tracts (a 1200-acre and 300-acre tract of land) that were then undergoing subdivision approval, all private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decisions remained in the Pacific Palisades. The tracts were approved on appeal by the Commission: A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

Because the Castellammare neighborhood is subdivided and developed, it is unlikely that any different land uses would be approved for the area. In the intervening years, the City has upgraded its standards for geologic review of parcels before approval, and has tightened restrictions on the construction on uncertified fill.

Although there have been landslides on properties since the late seventies, most of the recently approved structures have remained stable through the use of foundation systems that were not considered when the original subdivision was built out. It is likely that the Local Coastal Program for the area, once adopted, will not seek to deny development on unstable lots outright, but will instead require that the owners achieve a factor of safety of at least 1.5. The proposed development, after construction, will have a factor of safety of at least 1.5 if the applicant complies with the conditions imposed by the City and by the Commission. Such measures, according to City of Los Angeles officials, are likely to be adopted as the policies of the Pacific Palisades Local Coastal Program (LCP).

With the proposed conditions that address the geologic stability, landscaping, visual resources, and water quality related to the project and the general area, approval of the proposed development will not prejudice the City's ability to prepare a local coastal program in conformity with Chapter 3 of

the Coastal Act. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604(a) of the Coastal Act.

#### **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications 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 has imposed special conditions to protect the area from erosion and siltation during and after construction and to enhance the bluff face in Castellammare area. The applicant has provided evidence that any adverse impacts, including slope failure have been minimized. The City Department of Building and Safety's conditions of approval reduce the possibility of slope failure on this lot. As explained above and incorporated herein, all adverse impacts have been minimized and the project, as conditioned will avoid potentially significant adverse impacts on the environment. The Commission finds that the proposed project, as conditioned to assume the risk of the development, to supply and implement an erosion control plan, and to provide a landscaping plan with drought tolerant non-invasive plant species, and to minimize infiltration of water onto the site, is consistent with the requirements of the Coastal Act and CEQA.

As conditioned, the Commission finds that the proposed project has supplied and will implement the design plan, construction BMP plan, drainage plan, erosion and polluted runoff control plan, and landscaping plan to minimize impacts to the coastal zone. 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, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**APPENDICES - Substantive File Documents**

Appendix A – Coastal Development Permit No. 5-96-235 (Bednar)

Appendix B – City of Los Angeles permit no. DIR-2017-702-CDP

Appendix C – Geotechnical Engineering Report No. GH15165-G, Grover Hollingsworth and Associates, Inc., 8/19/2016

Appendix D – Pacific Palisades Area, Los Angeles County, California. *Report on Landslide Study*. 1976. US Army Corps of Engineers, US Department of the Interior.