

CALIFORNIA COASTAL COMMISSION

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W17c

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-18-0885

Applicants: Dilawar & Rana Mani

Agent: Fred Gaines

Location: 230 Arno Way, Pacific Palisades, Los Angeles
County (APN 4415-029-002)

Project Description: Demolition of a one-story, 1,585 sq. ft. single-family residence and construction of a 28-ft. high, two-story, 10,114 sq. ft., single-family home with a basement, attached garage, retaining walls, and swimming pool on a caisson grade beam foundation, on an 11,897 sq. ft. lot, including approximately 3,000 cu. yds. of grading.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant proposes to demolish an existing single-family home and to construct a new single-family home in the Pacific Palisades area of the City of Los Angeles. The development, which is proposed to be supported by a caisson and grade beam foundation, will result in a 10,114 sq. ft. single-family home with a swimming pool.

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The main issues affecting the subject site include geologic stability, landform alteration and visual impacts. According to the applicants' geotechnical report, the site is underlain by landslide debris from "prehistoric failure of the slope" and "younger landslide debris," which is also present on the bluff seaward of the site. If a large landslide were to occur in the area in the future, the proposed caisson grade beam foundation system could become exposed and be visible from public viewpoints. The site is unique from other bluff properties because two roads are located between the site and the beach. Arno Way is constructed on the bluff face immediately seaward of the site and Pacific Coast Highway (PCH) is located at the base of the bluff. Furthermore, the Bel Air Bay Club, a large private club, is located on the bluff face and adjacent to the beach seaward of the subject site. The site is bordered to the south, east, and north by a densely developed residential development, consisting primarily of other single family homes.

In order to minimize impacts to coastal resources, staff recommends **approval** of the proposed development with eight special conditions. Special Condition 1 requires conformance with geotechnical recommendations. In order to minimize and prevent further landform alteration along the subject coastal bluff, Special Condition 2 prohibits the future use of bluff protective devices at the subject site. In the event that erosion occurs and exposes any of the features of the proposed foundation, Special Condition 3 requires the applicant to color or cover any exposed features of the proposed foundation, in order to minimize impacts to public views to and along the coast in this area. In order to minimize water quality impacts, Special Condition 4 requires a final erosion, drainage and polluted runoff control plan including construction best management practices, Special Condition 5 requires the swimming pool to include a leak detection system and Special Condition 6 requires the applicants to undertake development consistent with the approved final landscaping plan. Special Condition 7 requires the applicants assume all risks of development and waive all claims of damage or liability against the Commission. Special Condition 8 requires the applicants to record a deed restriction in order to make any future owners of the site aware of the restrictions associated with development on the site.

As conditioned, the Commission finds that the proposed project is consistent with the Chapter 3 policies of the Coastal Act. The motion to approve staff recommendation is on Page 4 of this staff report.

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EXHIBITS

[Exhibit 1 – Vicinity map](#)

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I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-18-0885 subject to the conditions set forth in the staff recommendations.*

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** Coastal Development Permit No. 5-18-0885 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 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 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 Approved Final Plans and Geotechnical Recommendations.** All final design and construction plans, including grading and drainage plans, shall be consistent with all recommendations contained in the Update to Geotechnical Engineering and Engineering Geology Reports by Sasson Geosciences, Inc., as well as all requirements of the City of Los Angeles Department of Building and Safety, Soils/Geologic approval letter Log # 87439, dated March 23, 2015, signed by Jeffrey 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 permittees 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 legally required for any proposed minor deviations.

2. **No Future Bluff Protective Device(s) to Protect the Proposed Development.**

- A. By acceptance of this permit, the applicants agree, on behalf of themselves and all other successors and assigns, that routine repair and maintenance of the proposed caissons and grade beams on the subject site shall be allowed; however, they shall not be enhanced/augmented or reconstructed for purposes of protecting the development approved by this coastal development permit (CDP No. 5-18-0885) and no new bluff protective device(s) shall be constructed to protect the development approved pursuant to CDP No. 5-18-0885 including, but not limited to, the residence, 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 hazards in the future. By acceptance of this permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to enhance, augment, and/or reconstruct such devices that may exist under applicable law.
- B. By acceptance of this permit, the applicants further agree, on behalf of themselves and all successors and assigns, that the landowner is required to remove the development authorized by the permit if the City or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to coastal hazards and that there are no measures that could make the structures suitable for habitation or use without the use of protective devices. The permittee shall obtain a coastal development permit for removal of approved development unless the Executive Director provides a written determination that no coastal development permit is legally required. This permit does not authorize encroachment onto public trust lands and any future encroachment onto public trust lands must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain, and any future

encroachment would also be subject to the State Lands Commission's (or other trustee agency's) leasing approval.

- C. If any portions of the existing caissons and/or grade beams are removed, the applicants/landowners shall have a geotechnical investigation prepared by a licensed coastal engineer and geologist, retained by the permittees, which addresses whether any portions of the development approved per CDP No. 5-18-0885 are threatened by coastal hazards. The report shall identify all those immediate or potential future measures that could stabilize the development without bluff 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 permittees shall, within 90 days of submitting the investigation, apply for a coastal development permit amendment to remedy the hazard.
- D. Prior to removal/relocation, the permittees 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 landowners 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.

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

- A. Coloring the exposed concrete caissons so that they will match the surrounding soils. The caissons and retaining walls should be colored in such a way that the result would be a natural, mottled appearance. If any caissons are exposed, the applicants shall immediately dye or conceal such foundations.
- B. Installation of a low "breakaway" skirt wall to cover exposed earth and/or pilings.

The permittees 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 legally required for any proposed minor deviations.

4. **Erosion, Drainage and Polluted Runoff Control.** PRIOR TO ISSUANCE OF THIS PERMIT, the applicants shall submit, for review and approval by the Executive Director, two (2) full size sets of final erosion, drainage and runoff control plan, including supporting calculations, prepared by a licensed civil engineer. The final plans shall incorporate 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:

A. 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.
- 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:
 1. shall install filters on the dewatering system,
 2. shall prevent discharge of water pumped from the site onto nearby property, and
 3. shall direct all discharges into paved City street and storm drains.

B. 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. Particularly, roof gutters shall drain to

planters located within the retaining wall backfill, and to pipes that drain to a street sewer 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:
 1. 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.
 2. 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.
 3. A schedule for installation and removal of the temporary erosion control measures.
 4. A site plan showing the location of all permanent erosion and drainage control measures.
 5. A schedule for installation and maintenance of the permanent erosion and drainage control measures.
 6. A written review and approval of all erosion and drainage control measures by the applicant's engineer and/or geologist.
 7. 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 permittees 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 legally required for any proposed minor deviations.

5. **Swimming Pool Leak Detection.** PRIOR TO ISSUANCE OF THIS PERMIT, the applicants 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.

6. Water Quality, Drainage and Landscaping Plans.

- A. The applicant shall conform to the drainage and run-off control plan dated August 2018, showing that roof and surface runoff will be captured with area drains and an on-site drainage

system that ultimately directs to an existing storm drain main along Arno Way. Vegetated landscaped areas shall only consist 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, the California Exotic Pest Plant Council, 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. The applicant shall incorporate Best Management Practices (BMPs) into the construction and post-construction phases of the subject development. The applicant shall also comply with the applicable water efficiency and conservation measures of the City's adopted CALGreen standards concerning irrigation systems, and efficient fixtures and appliances.

- B. The permittee shall undertake development in accordance with the approved final landscaping and drainage plans. 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 legally required.
7. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from landslide activity, erosion and/or earth movement (ii) to assume the risks to the applicants 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 applicants 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 applicants propose to demolish a one-story, 1,585 sq. ft. single-family residence and to construct a 10,114 sq. ft., 28-ft. high, two-story over basement single-family home with an attached two-car garage, and a swimming pool. The applicants propose to construct an interconnected network of fifty eight (58) 30-42-in. diameter caissons to ensure stability, which will be connected by horizontal grade beams ([Exhibit 2](#)). The site is unique from other bluff properties because two roads are located between the site and the beach. Arno Way is constructed on the bluff face immediately seaward of the site and Pacific Coast Highway (PCH) is located at the base of the bluff. Furthermore, the Bel Air Bay Club, a large private club is located on the bluff face and adjacent to the beach seaward of the subject site. The site is bordered to the south, east, and north by a densely developed residential development, consisting primarily of other single family homes.

The project proposal includes approximately 3,200 cu. yds. of grading, which will be used for onsite fill or exported outside of the coastal zone.

The property is located adjacent to the inland side of Arno Way. The Bel Air Bay Club entry driveway and parking area is located on the bluff seaward of the site. The site is not currently subject to marine erosion as PCH is located between the sea and the toe of the bluff. Seaward of PCH is a public walkway/bike path and the beach ([Exhibit 1](#)). The coastal bluff property overlooks and is visible from the beach. The 11,897 sq. ft. lot is zoned R1-1 (Residential) by the City of Los Angeles Zoning Code and is subject to the Baseline Hillside Ordinance for hillside development in the City of Los Angeles. The neighborhood is characterized by a mix of one and two-story single-family homes.

B. OTHER AGENCY APPROVALS

The project is located in the Dual Permit Jurisdiction Area. On March 29, 2018, the City of Los Angeles Associate Zoning Administrator issued a determination approving Local CDP No. ZA-2014-2466-CDP-MEL for the “demolition of an existing single-family dwelling with an attached garage and construction of a new single-family dwelling with a basement, attached two-car garage, covered patio, swimming pool and spa, and two retaining walls.” The local approval was subsequently appealed to the West Los Angeles Area Planning Commission. On June 20, 2018, the West Los Angeles Area Planning Commission denied the appeal and sustained the Zoning Administrator’s determination to approve the CDP.

On March 23, 2015, the City’s Department of Building and Safety issued a geology and soils report approval letter with conditions to minimize construction impacts to water quality, infiltration of water into the slope, and foundation installation ([Exhibit 3](#)).

C. HAZARDS

Coastal Act Section 30253 Minimization of adverse impacts states, in relevant part:

New development shall do all of the following:

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

In order to assure consistency with this policy, the Commission has commonly required that new development be designed in a manner that assures the stability of the proposed development itself and not significantly affect geologic hazards, such as landslides or erosion, of the site or surrounding area, while also avoiding the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. For residential development, the project life is typically assumed to be 75 years. According to the applicants' geotechnical report, the site is underlain by landslide debris from "prehistoric failure of the slope" and "younger landslide debris," which is also present on the bluff seaward of the site. Due to the existence of PCH and Arno Way, no marine bluff erosion currently occurs at the subject site or is expected to occur in the foreseeable future.

The geologic reports provided by the applicant included quantitative slope stability analyses evaluating the bluff at the project site under both static conditions and assuming a level of ground-shaking that could occur during a large, local earthquake event. Slope stability analyses typically calculate a "factor of safety" as an indicator of stability. In theory, slope failure is imminent when the factor of safety drops below 1.0, while values above 1.0 indicate increasing confidence in the stability of a slope. The industry wide standard for assuring stability, which the Commission has consistently applied for many years in evaluating bluff development, is a factor of safety of 1.5 or greater for static conditions, and a factor of safety of 1.1 or greater under seismic conditions (the City of Los Angeles uses a slightly lower 1.0 factor of safety to evaluate stability under seismic conditions). The subject property does not currently possess the minimum slope stability factor of safety to meet the 1.5 (static)/1.0 (seismic) requirement. The applicant determined that the current factor of safety for the project site is 1.29 (static)/0.67(seismic). In order to meet the required factor of safety, the applicant proposes to construct a caisson grade beam foundation system. The applicant's geologic reports find that the proposed caisson grade beam foundation will provide an adequate factor of safety to meet the minimum stability requirements. The Los Angeles Departments of Building and Safety (LADBS) has reviewed the proposed project and issued an approval letter stating that the proposed foundation system is sufficient to meet the minimum factor of safety, as described above ([Exhibit 3](#)).

Although the proposed residence and pool have been designed 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 not will change and that the residence and pool could be subject to geologic instability in the future. Accordingly, the applicants have proposed water quality and drainage improvements to help minimize the amount of runoff that flows over the bluff face, which will mitigate some of the possible landslide activity due to heavy rains and irrigation.

Based on the geotechnical findings and City approval, the proposed project will be safe and will not cause the subject site and surrounding area to become unsafe from geologic instability. The proposed development is considered feasible from a geotechnical engineering standpoint, provided the applicants follow the recommendations of the geotechnical report and the conditions of LADBS. Special Condition 1 requires conformance with the approved final plans and with geotechnical recommendations established by the applicants' geotechnical engineer and conditions required by LADBS approval letter.

Section 30253 requires that new development may not "in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." As stated above, the subject area has experienced both historic and more recent landslides, which has resulted in a substantial amount of landform alteration already, much of which occurred prior to adoption of the Coastal Act. All of the caissons are proposed to be below grade and, once installed, will not be visible from public viewpoints and are not expected to become visible over the life of the proposed development. The site is unique from other bluff properties because two roads are located between the site and the beach. Arno Way is constructed on the bluff face immediately seaward of the site and Pacific Coast Highway (PCH) is located at the base of the bluff. Furthermore, the Bel Air Bay Club, a large private club is located on the bluff face and adjacent to the beach seaward of the subject site. The site is bordered to the south, east, and north by a densely developed residential development, consisting primarily of other single family homes. The proposed development will be located entirely on the face of the coastal bluff¹. Thus, in consideration of the substantial landform alteration that has occurred in this area, the significant development seaward of the caissons, and the fact the caissons are proposed to be located entirely below grade and are unlikely to become exposed, the caissons are not a substantial alteration of a natural landform. Nevertheless, in order to further minimize landform alteration at the site, Special Condition 2 prohibits installation of additional bluff protective device(s) in the future, and requires the applicants to remove any structures that have been determined, by a final order, to be permanently unsafe for occupancy or use due to coastal hazards and that there are no measures that could make the structures suitable for habitation or use without the use of protective devices. Removal of the structures should be accompanied with a geotechnical investigation and Removal/Relocation Plan.

Development on coastal bluffs is inherently hazardous, and such development may be subject to erosion, landslides, and other hazards despite implementation of protective measures. To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes Special Condition 7 requiring the applicants to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the applicants' decision to develop the site as proposed. Special Condition 8 requires 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 notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized

¹ In this location, the bluff edge was estimated to be located upslope of the subject property by staff geologist, Dr. Joseph Street based on a 2018 USGS topographic map (Topanga Quadrangle) and on topographic information contained in the several geotechnical reports evaluating the site, in particular Landphases, Inc., *Report of Update Engineering Geologic Study*, February 2, 2015

development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability. Based on the conclusions of the applicants' geologist that the proposed development is safe from such hazards, the Commission can approve the project as conditioned consistent with the Coastal Act.

Development adjacent to the ocean and on the face of coastal bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, or shoreline protective device in the future may not be allowed due to the adverse impacts such devices have upon public access, natural landforms, visual resources, and shoreline processes. To minimize risks to life and property and to minimize the adverse effects of development on natural landforms, coastal bluffs, hillsides, and shoreline processes, the development has been conditioned to require the following: adherence to the geotechnical recommendations, a prohibition on the construction of additional protective devices (such as a retaining wall or shoreline protective device) in the future, a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, and that the landowner or any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in hazardous locations.

D. VISUAL RESOURCES

Coastal Act Section 30250 Location; existing developed area states, in relevant part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Coastal Act Section 30251 Scenic and visual qualities 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 surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The project site is located on the face of a coastal bluff landward of PCH and Arno Way. Because the site is situated on a steep bluff overlooking the beach, development on the bluff face will be visible from the public beach. Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be protected and development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, and minimize alteration of natural landforms. Due to the existence of the roads and existing private development seaward of the site, exposure of the proposed caissons is unlikely over the 75-year life of the project. However, in the event that portions of the development, including the caisson grade beam foundation, are exposed in the

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future, Special Condition 3 requires the applicants to color, screen or cover the exposed caissons and any other exposed foundation features to match the surrounding soils for a natural mottled appearance in order to minimize impacts to public views.

The development is located within an existing developed area. The home, as proposed, is roughly the same size as the adjacent home to the south which is located at 224 Arno Way, and is 9,009 sq. ft. The proposed home is significantly larger than the majority of the residential structures in the immediate vicinity. The five other closest homes to the subject site are described as follows: 200 Arno Way, located two properties to the south is 4,664 sq. ft.; 282 Trino, located two properties to the southeast is 6,877 sq. ft.; 280 Trino, located adjacent to the east is 2,583 sq. ft.; 276 Trino, also located adjacent to the east is 1,837 sq. ft.; and 250 Trino, located adjacent to the north is 3,085 sq. ft.² However, while not directly adjacent to the subject site, the Commission has approved various other large homes in the Pacific Palisades area in the past few years: 6,236 sq. ft. home approximately 0.8 miles from the subject site at 15425 Via de Las Olas (Ref: CDP 5-16-1095); 7,115 sq. ft. home approximately 1.5 miles from the subject site at 14948 Corona del Mar (Ref: 5-18-0255); 8,823 sq. ft. home approximately 0.9 mile from the subject site at 17642 Tramonto Drive (Ref: 5-18-0393). In recognition of the comparably-sized home immediately adjacent to the subject site at 224 Arno Way and the other large homes recently approved in the Pacific Palisades community, the Commission finds that, as conditioned, the proposed home will be compatible with the character and scale of the surrounding area. In addition, the home has been designed to assure structural integrity, will neither create nor contribute significantly to erosion or geologic instability and will minimize natural land form alterations. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250 and 30251 of the Coastal Act.

E. WATER QUALITY

Coastal Act Section 30230 Marine resources; maintenance states:

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

Coastal Act Section 30231 Biological productivity; water quality 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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

² www.zillow.com accessed on October 30, 2019

As proposed, roof and surface runoff will be captured with area drains and an on-site drainage system that ultimately directs to an existing storm drain main along Arno Way. 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. In order to reduce the potential for construction and post-construction related impacts on water quality, Special Condition 4 requires the appropriate storage and handling of construction equipment, materials and debris to minimize the potential for pollutants to enter coastal waters and for the use of on-going best management practices following construction. The condition also requires the applicant to submit an Erosion and Polluted Runoff Control Plan which identifies best management practices, including all onsite drainage to be conveyed to the City's storm drain system on the street. Furthermore, the proposed swimming pool and increase in impervious surface due to the construction of the single-family home may lead to soil infiltration and groundwater recharge that may exacerbate the instability of the slope. In order to minimize the amount of water infiltration to the soil from the increase in impervious surfaces, Special Condition 5 requires the applicant to submit a swimming pool leak detection plan to prevent infiltration of water into the soil.

The proposed work will occur in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters could adversely impact the marine environment. To reduce the potential for construction and post-construction impacts to water quality and the marine environment the Commission imposes Special Condition 3 requiring measures for handling and storage of construction equipment, materials and debris, waste disposal, and the continued use and maintenance of post-construction BMPs. As conditioned, the Commission finds that the proposed development conforms with Sections 30230 and 32031 of the Coastal Act.

F. LOCAL COASTAL PROGRAM (LCP)

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.

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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.

Although there have been landslides on properties in the Pacific Palisades area 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 for a primary residence. 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.

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 is consistent with past Commission actions and 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.

G. 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 City of Los Angeles is the lead agency for CEQA compliance and approved a Mitigated Negative Declaration for the proposed project on March 29, 2018 (Ref: ENV-2015-3019-MND and ENV-2015-3019-MND-REC1).

In addition, the Commission has imposed special conditions to protect visual resources, water quality, and geologic stability of the proposed development. The applicant has provided evidence that any adverse impacts, including site instability and foundation exposure have been minimized. The City's Department of Building and Safety conditions of approval improve the residential stability. 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, 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.

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Substantive File Documents

- Update to Geotechnical Engineering and Engineering Geology Reports by Sasson Geosciences, Inc. dated 2/20/2019 and referenced prior geotechnical documents for the project site
- City of Los Angeles Local Coastal Development Permit No. ZA-2014-2466-CDP-MEL, 3/29/18