

**CALIFORNIA COASTAL COMMISSION**

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# W15b

Filed: 9/18/2022  
180<sup>th</sup> Day: 3/17/2023  
Staff: S. Amitay – LB  
Staff Report: 1/20/2023  
Hearing Date: 2/8/2023

## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 5-21-0906

**Applicant:** City of Los Angeles

**Agent:** Eileen Schoetzow, City of Los Angeles

**Project Location:** Asilomar Boulevard between Almar Avenue and Wynola Street, Pacific Palisades, City of Los Angeles, Los Angeles County.

**Project Description:** Installation of 346 4.5-ft.-diameter, 90-ft.-deep columns and associated grading (22,000 cu. yds. of cut and 1,000 cu. yds. of fill) within 7,881 sq. ft. section of City's right-of-way using Cement Deep Soil Mixing (CDSM) technique to stabilize Asilomar Blvd and coastal bluff.

**Staff Recommendation:** Approval with conditions

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## SUMMARY OF STAFF RECOMMENDATION

The City of Los Angeles Bureau of Engineering is proposing to install 346 4.5-ft.-diameter, 90-ft.-deep columns and grade soils (22,000 cu. yds. of cut and 1,000 cu. yds. of fill) within a 7,881 sq. ft. section of the City's right-of-way using the Cement Deep Soil Mixing (CDSM) technique to stabilize Asilomar Boulevard and the coastal bluff between Almar Avenue and Wynola Street ([Exhibit 2](#)). The Asilomar Boulevard Landslide is an active landslide located on the south-facing slope below the subject site. The applicant has established that the bluff site, and the road, park, and residences that it supports, are in danger of serious damage or destruction due to increasing landslide movement, bluff erosion, and flooding. The applicant reiterates that without adequate protection of the site, the bluff will be susceptible to slope damage and destabilization, which could

be further exacerbated by heavy rainfall (e.g., 2004-05 and 2016-17) and severe El Niño storms, thus posing a risk to the infrastructure and residential uses at the site.

The applicant has provided evidence that the CDSM technique is the least environmentally damaging bluff stabilization alternative. This technique involves drilling columns into the earth by mixing the soil with a cement slurry in-place. It is an alternative to the use of soil nail walls, soldier pile and tieback systems, or other deep pilings for geologic stabilization that, in this case, avoids direct modifications to the bluff slope, reduces soil import and export volumes as compared to the other alternatives, and does not impact visual resources. All of the proposed development is within the public right-of-way of Asilomar Boulevard in the dual permit jurisdiction area of the City of Los Angeles.

The project site is located on top of a coastal bluff landward of Pacific Coast Highway and approximately ¼-mile from Will Rogers State Beach ([Exhibit 1](#)). The north side of Asilomar Boulevard is developed with a low-density residential neighborhood and the south side of the street (seaward side) fronts Asilomar View Park, which includes open space and habitat area, with public benches oriented toward the expansive coastal view. This plateau overlooking the ocean is an important tribal cultural landscape as described by representatives of the Gabrieleno Band of Mission Indians-Kizh Nation. Seaward of the proposed development (on the bluff slope) there is a dirt access road through the open space, currently inaccessible due to landslide movement in 2005, and a mobile home park that extends to Pacific Coast Highway.

The proposed construction impacts are mostly temporary (i.e., the closure of the street to the public, use of a crane, cement silos, dump trucks, an excavator, and pickup trucks, and construction-related noise); the more permanent development is the installation of the mixed soil and cement columns, which would be below grade. There would be no work in the habitat area on the face of the bluff. However, sensitive native plant species, including coastal sage scrub and lemonade berry scrub, exist within close proximity to the project site, and may support nesting birds.

In order to preserve the integrity of the slope, natural habitat and biological productivity, as well as tribal cultural and archaeological resources, Commission staff recommends nine (9) special conditions: **1) Permit Compliance, 2) Local Government Approval, 3) Final Revised Plans, 4) Conformance with Geotechnical Recommendations, 5) Assumption of Risk, Waiver of Liability, and Indemnity, 6) Cement Column Exposure Plan, 7) Tribal Cultural Resource Treatment and Mitigation Plan, 8) Construction Responsibilities and Best Management Practices (BMPs), and 9) Biological Monitoring and Protection During Construction Activities.** There is no certified LCP for the City of Los Angeles, and the standard of review for this project is Chapter 3 policies of the Coastal Act. Staff recommends the Commission find that the project, as proposed by the applicant and further conditioned by the Commission, minimizes impacts to coastal resources and is consistent with the Chapter 3 policies of the Coastal Act. Thus, Commission staff recommends that the Commission **APPROVE** coastal development permit application 5-21-0906 with nine special conditions. The motion to carry out the staff recommendation is on page 4.

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### EXHIBITS

- [Exhibit 1](#) – Project Site and Vicinity Map
- [Exhibit 2](#) – Project Plans and Description
- [Exhibit 3](#) – Project Alternatives
- [Exhibit 4](#) – Key Observation Points (KOPs)
- [Exhibit 5](#) – Vegetation Survey

## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission **approve** Coastal Development Permit No. 5-21-0906 pursuant to the staff recommendation.

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

### Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project 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. 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

**1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

**2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

**3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

**4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

### III. SPECIAL CONDITIONS

1. **Permit Compliance.** All development must occur in strict compliance with the proposal as set forth in the permit application, subject to the standard and special conditions contained herein, and the Final Revised Plans. Any deviation from the approved Final Revised Plans, including, but not limited to, changes to the number or size of CDSM columns or depth or pre-mixing excavation volumes, shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director provides a written determination that no amendment is legally required.
2. **Local Government Approval.** The proposed development is subject to the review and approval of the City of Los Angeles (City). This action has no effect on conditions imposed by the City pursuant to an authority other than the Coastal Act. In the event of conflict between the terms and conditions imposed by the City and those of this coastal development permit, the terms and conditions of Coastal Development Permit 5-21-0906 shall prevail.
3. **Final Revised Plans.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two full size sets of final plans, as required below:
  - A. The site plans shall be revised to reflect the project description received by the Commission on September 18, 2022 and the requirements set forth in the special conditions contained herein. The number and size of piles shall be the minimum necessary to assure stability of the slope.
  - B. Final Project Staging Plan. The applicant shall submit final plans that include, at a minimum, the project perimeter and area (boring sites and vehicle/personnel access routes), boring equipment, final project BMPs, and hazardous waste disposal procedures (including removal of soils from site). The temporary fence located on the south (seaward) side of the project site shall be outfitted with a silt screen to minimize intrusion of construction materials, including sediment and dust, into the adjacent park and habitat area. Staging areas shall avoid the public park, to the greatest extent feasible, and sensitive habitat areas.
  - C. Mechanized equipment should be limited to existing roads onsite and shall be restricted from bluff and sensitive habitat areas to the greatest extent feasible. Final plans shall indicate that no development is allowed seaward of the road right-of-way, and the proposed drilling locations shall not encroach onto the park, habitat areas, and bluff face.

D. Final Pre-Drilling Plans. The applicant shall submit final plans for the excavation of the upper 20 feet, or alternative depth determined in consultation with affected Native American Tribes, of each CDSM column in a manner that minimizes the loosening or mixing of the soil to the maximum extent feasible. Shaft excavation, coring, or an alternative method that maintains, to the maximum extent feasible, the integrity of the soil column shall be implemented to minimize impacts to archaeological, paleontological, and tribal cultural resources.

E. Final Post-Drilling Clean-Up. The applicant shall submit additional information or plans for the backfilling, sealing, and plugging of each borehole, and the methods proposed for the maintenance of nearby park and habitat areas free from debris.

The permittee shall undertake development in conformance 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.

#### **4. Conformance with Geotechnical Recommendations.**

A. All final design and construction plans, including grading and drainage plans, and as modified and approved under Coastal Development Permit No. 5-21-0906, shall be consistent with all recommendations contained in the geotechnical reports by Ninyo & Moore (dated August 5, 2008 and updated on October 25, 2013 and June 15, 2015) and Fugro (dated July 13, 2017 and dated December 23, 2021), as well as all requirements imposed by the City of Los Angeles pursuant to [CDP 21-02](#).

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

#### **5. Assumption of Risk, Waiver of Liability, and Indemnity Agreement.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittee acknowledges and agrees to all of the following: (i) that the site may be subject to hazards, including but not limited to storms, flooding, landslide, erosion, and earth movement, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee 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.

**6. Cement Column Exposure Plan.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit a plan for the review and written approval of the Executive Director to address the potential visual impacts of the CDSM columns in the event that the cement columns are exposed and visible from public viewpoints, including Pacific Coast Highway or the adjacent public beach, as a result of earth movement or other circumstances. The applicant shall agree in writing to carry out the approved plan, which shall include:

- A. Submit photographs to the Executive Director within 30 days of exposure identifying the extent of the exposure.
- B. Within 30 days of submitting photographs identifying the extent of the exposure of the cement columns, the applicant shall submit a visual impact analysis and a plan to remove the exposed portion(s) of the cement columns if feasible, for which implementation may require an amendment to this permit or a new coastal development permit. If it is not feasible to remove the exposed portion(s) of the cement columns due to geologic hazards, the cement columns shall be colored in such a way that the result would be a natural, mottled appearance, if appropriate.

**7. Tribal Cultural Resource Treatment and Mitigation Plan.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval by the Executive Director, a Tribal Cultural Resource Treatment and Mitigation Plan developed in consultation with the appropriate Native American tribal governments that includes and ensures the following is implemented during the course of construction:

- A. Incorporation of the following aspects of archaeological monitoring:
  - (1) Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, and a minimum of one Native American monitor from each tribal entity with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall be invited to monitor all project grading, excavation work, site preparation or landscaping activities associated with the approved development. All tribal entities that accept the invitation shall be allowed to monitor project activities. Prior to the commencement and/or re-commencement of any monitoring, the

permittee shall notify each archaeological and Native American monitor of the requirements and procedures, and shall provide a copy of this Special Condition, any archaeological monitoring or research plans, past archaeological reports, and any other plans required pursuant to this condition, and which have been approved by the Executive Director, to each monitor;

(2) The permittee shall retain archaeological and Native American monitors to assure that all project grading and any other subsurface activity that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times. There shall be at least one pre-grading conference with the project manager and grading contractor at the project site to discuss the potential for the discovery of archaeological/cultural or paleontological resources. Prior to grading operations, a copy of all archaeological documents and reports shall be provided to the Native American monitors;

(3) For each CDSM column, the upper 20 feet of soils (or if more protective, a depth sufficient to identify any potential cultural deposits including but not limited to skeletal remains and grave-related artifacts, traditional/tribal cultural sites, religious or spiritual sites, or other archaeological artifacts) shall be carefully removed and monitored. The appropriate depth should be determined in consultation with the affected Native American Tribes.

(4) The permittee shall allow Native American monitors to spot check drilled soils in the field and monitor sifted soils in the field and in the laboratory, when feasible. Laboratory results of sifted soils shall be shared with all affected Native American Tribes.

B. If any archaeological or paleontological, or cultural deposits, are discovered, including but not limited to skeletal remains and grave-related artifacts, artifacts of traditional cultural, religious or spiritual sites, or any other artifacts relating to the use or habitation sites, all drilling and subsurface construction activities that have the potential to uncover or otherwise disturb tribal cultural deposits in the area of the discovery shall cease within at least 50 feet of the deposit immediately, with the final avoidance buffer distance determined in consultation with the affected Native American Tribe(s). Treatment of the discovery shall be determined by the appropriate monitor(s) or the MLD. Significance testing and data recovery may be carried out only if acceptable to the affected Native American Tribe(s), in accordance with the attached "Cultural Resources Significance Testing Plan Procedures" ([Appendix B](#)). The permittee shall report all discovered resources as soon as possible, by phone and/or by email to the Executive Director. The permittee shall provide the



significance testing and data recovery results and analysis to the Executive Director, if applicable.

C. If the Executive Director determines that the discovery is significant or that the treatment method preferred by the affected Native American Tribe(s) is in conflict with the approved development plan, the permittee shall seek an amendment from the Commission to determine how to respond to the discovery and to protect both those and any further cultural deposits that are encountered. Development within at least 50 feet of the discovery shall not recommence until an amendment is approved, and then only in compliance with the provisions of such amendment.

**8. Construction Responsibilities and Best Management Practices (BMPs).** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittee agrees to the following:

A. Minimize Erosion and Sediment Discharge. During construction, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:

(1) Land disturbance during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, and grading activities shall be phased, to avoid increased erosion and sedimentation;

(2) Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters;

(3) Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers, or straw bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters;

(4) Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to prevent tracking sediment off-site by vehicles leaving the construction area; and

(5) Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) that will be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff.

B. Minimize Discharge of Construction Pollutants. The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into runoff or coastal waters shall be minimized through the use of appropriate BMPs, including:

- (1) Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers;
- (2) Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site;
- (3) Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather;
- (4) Prompt removal of all construction debris from Asilomar View Park; and
- (5) Detaining, infiltrating, or treating runoff, if needed, prior to conveyance off-site during construction.

C. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall not take place in the park, and shall take place at a designated area located at least 50 feet from environmentally sensitive habitat area, drainage courses, and storm drain inlets, if feasible (unless those inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

D. Minimize Other Impacts of Construction Activities. Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:

- (1) Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil; and
- (2) The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic

fibers) shall be avoided, to minimize wildlife entanglement and plastic debris pollution.

**9. Biological Monitoring and Protection During Construction Activities.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a Biological Monitoring Plan prepared by a qualified biologist approved by the Executive Director in consultation with other appropriate resource agencies with demonstrated success restoring and monitoring native southern California coastal habitats. The Biological Monitoring Plan shall ensure the following:

A. Pre-construction surveys conducted within (7) days before the start of work to determine the presence of any sensitive wildlife species with the potential to occur near the project site.

B. At minimum, monitoring shall occur once a week during any week in which the project occurs. Daily monitoring shall occur during development which could significantly impact biological resources such as excavation, grading, or other ground disturbing activity with the potential to perturb any sensitive species identified. Based on field observations, the biologist shall advise the permittee regarding methods to minimize or avoid significant impacts that could occur upon nearby sensitive species or habitat areas.

C. No borings are permitted that would result in damage or degradation of environmentally sensitive habitat area (ESHA) in nearby Asilomar View Park or similarly sensitive habitat areas. Under no circumstances are the bore sites or other ground disturbance permitted on the bluff face.

D. If drilling and/or construction-related activities are to occur between January 1 and September 30, a preliminary nesting bird survey shall be conducted to determine the presence of active nests within 500 feet of the drilling and/or construction-related activities. The nesting bird surveys shall be completed no more than 72 hours prior to any drilling and/or construction-related activities. All ground disturbance activities within 500 feet of raptor nests or 300 feet of other active bird nests or as otherwise specified shall be halted until the nesting effort is complete.

E. Appropriate noise-abatement measures (e.g., sound walls) shall be implemented to ensure that noise levels are less than 60 A-weighted decibels (dBA) at the active nest of a listed species, as determined by the biological monitor. This shall be verified by weekly noise monitoring at an equivalent location conducted by a qualified Acoustical Engineer during the breeding season (January 1 to September 30) or as otherwise determined by a qualified biological monitor based on nesting activity. If sound mitigation measures do not reduce noise levels to 60 dB at the nest

site(s), construction shall cease and shall not recommence until new sound mitigation can be employed.

The biological monitor shall review and verify compliance with these nesting boundaries and shall verify when the nests have been naturally vacated for the season, with no human interference. Work may resume when no other active nests are found.

## **IV. DUAL PERMIT JURISDICTION AREA**

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

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

The proposed development is located inland of Pacific Coast Highway, within 300 feet of the top of the seaward face of a coastal bluff. The project site is located within the "Dual Permit Jurisdiction" area pursuant to Section 13307 of Title 14 of the California Code of Regulations and Section 30601 of the Coastal Act. The applicant received a local CDP ([CDP 21-02](#)) from the City of Los Angeles on November 8, 2021. The permit was not appealed to the Commission and is, therefore, a final action by the City. The subject application is for the Commission's dual permit.

## **V. FINDINGS AND DECLARATIONS**

### **A. Project Location and Description**

#### **Project Location**

The project site is located on top of a coastal bluff landward of Pacific Coast Highway and approximately ¼-mile from Will Rogers State Beach ([Exhibit 1](#)). The north side of Asilomar Boulevard is developed with a low-density residential neighborhood and the south side of the street (seaward side) fronts Asilomar View Park, which includes open space and habitat area, with public benches oriented toward the expansive coastal view. This plateau overlooking the ocean is an important cultural landscape as

described by the Gabrieleno Band of Mission Indians-Kizh Nation, as later discussed in this report. Below and seaward of the proposed development there is a dirt access road through the open space (on the bluff slope), currently inaccessible due to landslide movement in 2005, and a mobile home park that extends to Pacific Coast Highway.

The project would take place along an approximately 600-ft.-long segment of the Asilomar Boulevard right-of-way between Almar Avenue and Wynola Street that is being affected by the active Asilomar Boulevard Landslide (“Landslide”). In the project area, Asilomar Boulevard is a 35-ft.-wide paved asphaltic concrete residential street with concrete curbs and gutters. The northern side of the roadway provides pedestrian access along a sidewalk, as well as vehicular access to six (6) residential properties. Asilomar Boulevard is designated a “Local Roadway” in the City of Los Angeles uncertified General Plan and is not considered a Caltrans facility.<sup>1</sup>

### **Project History and Need**

The Asilomar Boulevard Landslide is an active landslide located on the south-facing slope below the subject site. The Landslide extends from approximately the middle of the Asilomar Boulevard right-of-way down the slope approximately 600 ft. to the Palisades Bowl Mobile Home Park. Movement associated with the Landslide have been documented back to the 1950s and are currently characterized by settlement and cracking within the southern portion of the Asilomar Boulevard right-of-way. In 2005, an access road south of the project site was damaged by landslide movement. With the Landslide remaining active, the southwestern portion of Asilomar Boulevard has recently dropped downward approximately three feet and shifted laterally. While more severe cracks have been periodically filled in with sand-cement slurry and/or asphaltic concrete, several surface cracks remain and run subparallel to the slope along the southern portion of the roadway. As a result, the southwestern portion of the roadway is currently blocked off from vehicular traffic due to safety concerns.

In addition, subsurface utilities within the Asilomar Boulevard right-of-way include gas and electric utility lines, as well as a sewer line with surface manholes near the northern side of the roadway. A subsurface water line at approximately 8 ft. below ground surface was previously abandoned due to the potential for damage from the active Landslide and was rerouted to an aboveground steel pipe along the northern gutter on the northern edge of Asilomar Boulevard.

In an effort to partially stabilize the Landslide, in accordance with geotechnical recommendations prepared by Ninyo & Moore (dated August 5, 2008 and updated on October 25, 2013 and June 15, 2015), the City of Los Angeles Bureau of Engineering undertook dewatering of the slope in 2016. Under CDP No. 5-16-0112-W, the Commission approved the installation of three dewatering wells (reaching a depth of approximately 140 ft. below ground surface), a 3-in.-diameter well discharge waterline (at a depth of approximately three feet below ground surface), an electrical panel for the

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<sup>1</sup> City of Los Angeles Department of City Planning, *Brentwood-Pacific Palisades Community Plan, Circulation Map*, February 2017.

in-line submersible pumps, and associated components to augment two existing dewatering wells, five monitoring wells, and an inclinometer, which were installed for exploratory activity. The well discharge line collects water and transports it to an existing sewer line that ends at the Hyperion Treatment Plant for processing.

In 2018, City of Los Angeles Bureau of Engineering requested approval for an approximately eight-week pilot test of a novel soil stabilization technique, "Cement Deep Soil Mixing (CDSM)," immediately adjacent to the current project site. Pursuant to [CDP No. 5-18-0844](#), the City installed seven (7) approximately 90-ft.-deep columns (five (5) 4-ft.-diameter and two (2) six-ft.-diameter) within three (3) 160-sq.-ft. test pit areas along the Asilomar Boulevard right-of-way between Wynola Street and Abramam Avenue. The pilot project was used to determine the feasibility of the CDSM technique in future projects, including at the subject project site. Additional details of the CDSM technique are further discussed in the subsection below.

The applicant has established that: 1) the bluff site, and the road and residences that it supports, are in danger of serious damage or destruction due to increasing landslide movement, bluff erosion, and flooding; and, 2) in this case, the CDSM technique is the least environmentally damaging bluff stabilization alternative. The applicant reiterates that without adequate protection of the site, the bluff will be susceptible to slope damage and destabilization, which could be further exacerbated by heavy rainfall (e.g., 2004-05 and 2016-17) and severe El Niño storms, thus posing a risk to the infrastructure and residential uses at the site.

### **Project Description**

The City of Los Angeles Bureau of Engineering is proposing the installation of 346 4.5-foot-diameter, 90-foot-deep columns within a 7,881 square foot section of the City's right-of-way using the Cement Deep Soil Mixing (CDSM) technique to stabilize Asilomar Boulevard and the coastal bluff along the road right-of-way between Almar Avenue and Wynola Street ([Exhibit 2](#)). The CDSM technique is an alternative to the use of soil nail walls, soldier pile and tieback systems, or other deep pilings for geologic stabilization that, in this case, does not directly modify the bluff slope, reduces soil import and export volumes as compared to the alternative methods, and does not impact visual resources. This technique involves drilling columns into the earth by mixing the soil with a cement slurry in-place.

First, the site would be prepared by removing approximately 30,000 sq. ft. of the existing asphaltic concrete pavement and temporarily relocating any subsurface and aboveground utilities within the roadway, as feasible. Next, using means other than drilling, the upper one to two feet of native soils would be excavated. Upon penetration, native soils would be broken up, and the upper twenty feet of materials (considered inferior for mixing) would be removed via shaft excavation. Finally, the augers with blades or paddles measuring approximately 4.5 ft. in diameter would be attached to a crane and predrill the borings to full depth without casing or slurry.

After the predrilling phase of construction, the CDSM columns would be installed, where cuttings of the remaining soil column would be loosely bailed back into the hole followed by advancement of the mixing tool. Upon entry into the earth, the native soils would be mixed, and upon extraction of the auger, the mechanical equipment would release cement slurry and combine with the soil, which would solidify over a 30-day cure period.

Up to 22,000 cubic yards of spoils may be excavated and exported to an appropriate landfill outside the coastal zone, and approximately 1,000 cubic yards of roadway base material would be imported to the site. After subsurface utilities are reinstalled, the road surface would be repaved with asphalt, and the site would be cleaned of all debris. Roadway elements such as new signage and striping are also proposed. **Special Condition 1** requires all work to be conducted consistent with the City's proposal subject to additional requirements of the other special conditions including the Final Revised Plans pursuant to **Special Condition 3**.

The proposed construction impacts are mostly temporary (i.e., the closure of the street to the public, use of a crane, cement silos, dump trucks, an excavator, and pickup trucks, and construction-related noise and visual impacts), incurred over a period of approximately twelve months in a staggered manner. The more permanent development is the installation of the mixed soil and cement columns, which are below grade. There would be no work in the habitat area on the face of the bluff. There is no certified LCP for the City of Los Angeles, and the standard of review for this project are the Chapter 3 policies of the Coastal Act.

## **B. Geologic Hazards/Blufftop Development**

Section 30235 of the Coastal Act states, in relevant part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply [...]

Section 30253 of the Coastal Act 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. [...]
- (d) Minimize energy consumption and vehicle miles traveled.

Section 30253 of the Coastal Act mandates that new development minimize risks to life and property in areas of high geologic and flood hazard and that new development assure stability and structural integrity and not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Section 30235 specifies the forms of shoreline protection and development that are limited solely to serve to protect existing structures from erosion. Together, these policies ensure that natural landform alteration is limited to the minimum amount necessary in order to protect life, property, and public safety.

The applicant is proposing CDSM columns to stabilize the bluff underlying the Asilomar Boulevard right-of-way, which would act as bluff protective devices altering the natural landform. While the repairs constitute natural landform alteration, the project will not impact natural shoreline processes due to the inland location of subject site and, thus, will not implicate Section 30235. In addition, given that the existing development located seaward of the project site prevents substantial amounts of naturally eroded sediment from reaching and depositing on the beach, the proposed construction methods, and the exceedingly low probability that the bluff would be subjected to wave attack, even under various (more conservative) sea level rise projections, the proposed project is not anticipated to have a significant adverse impact on shoreline sand supply, either locally or regionally.

The applicant conducted an analysis of project alternatives, discussed below. The applicant has asserted that a 'no project' alternative would increase the potential for erosion of the bluff or an incipient landslide, which would jeopardize the stability of the bluff and the infrastructure and residential uses that sit atop it. There would also be potential threats to existing development below the slope at the toe of the bluff, including Palisades Bowl and Tahitian Terrace Mobile Home Parks, as well as Pacific Coast Highway. While the City of Los Angeles could continue to periodically repair and maintain the road by filling in particularly severe cracks along the southern portion of the roadway with sealers and/or asphaltic concrete, large precipitation or seismic events are likely to cause slumping, increased soil instability, and additional landslides. Thus, the City asserts that project alternatives involving the use of bluff protective devices or armoring are necessary to prevent catastrophic slope failure.

### **Sea Level and Groundwater Rise**

As described in the applicant's submitted Draft Environmental Impact Report issued in May 2018 (prepared by AECOM), the project site is located at an elevation of 260 to 285 ft. above mean sea level (with the CDSM columns proposed to go 90 ft. below ground surface). The toe of the bluff is estimated to be at approximately 60 ft. elevation above mean sea level, and thus the applicant determines that the toe of the bluff is unlikely to be affected by increased wave action exacerbated by sea level rise.

Using the sea level rise estimates listed above, Commission staff used the USGS Coastal Storm Modeling System ("CoSMoS") to analyze the project site's vulnerability to sea level rise impacts. Staff ran the CoSMoS model using a 6.6-ft. sea level rise scenario (the closest available option that was within the determined sea level range)



and a 100-year storm scenario to represent the worst-case scenario. Under an estimated 6.6-ft. sea level rise and 100-year storm scenario, the project site is not anticipated to be subject to coastal flooding and wave uprush, neither at the road surface nor at the toe of the bluff. Thus, the Commission concurs with the applicant's assessment.

However, groundwater levels in coastal bluffs are also important in understanding bluff stability. Whereas sea level rise can erode the toe of coastal bluffs from the outside in, increased groundwater elevation can destabilize a coastal bluff from within.<sup>2</sup> Water often reduces the friction between soil particles; therefore, as groundwater elevation rises, seepage at the junction between two soil layers can cause a large rotational failure that could damage the integrity of the coastal bluff slope. The infiltration of stormwater during large precipitation events can vastly increase the amount of water in the soil column and lead to soil saturation, which can pose a greater potential for slumping, liquefaction, and mudflows. During particularly extreme rainfall events, natural drainage systems can be overwhelmed and lead to uncontrolled surficial erosion and destabilization of the bluff material.

Moreover, with global warming, the frequency of large precipitation events with extreme rainfall rates will increase.<sup>3</sup> Despite only modest expected changes in rainy season mean precipitation in Southern California during the twenty-first century, Swain et al. (2018) predict approximately 150% increase in extremely wet seasons, greater than 500% increase in extreme sub-seasonal precipitation events, and an approximate 75% increase in year-to-year "whiplash" between wet and dry years. Due to an overall increase in water vapor under a warming climate, the typical North Pacific Low bringing precipitation to the California coast during the rainy season is expected to deepen and be reinforced in wet years, thus increasing extreme wet-event frequency. Additional research by Dettinger (2011), Cai et al. (2014), and Allen & Luptowitz (2017) attributes exacerbation of the general dynamic forcing effect to tropical and Arctic teleconnections (e.g., El Niño-Southern Oscillation, etc.) and regional-scale influences (e.g., atmospheric rivers and orographic precipitation). Therefore, it is anticipated that increasing rainfall rates during extreme precipitation events would create additional surficial erosion of the upper bluff and increase the risk of incipient erosional "hotspots" or landsliding.<sup>4</sup> Combined with the physical increase in groundwater table elevations at

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<sup>2</sup> Krueger, R., Zoet, L. K., & Rawling, J. E. III. *Coastal bluff evolution in response to a rapid rise in surface water level*. J. Geophys. Res.: Earth Surface. 125 (2020).

<sup>3</sup> Swain, D.L., Langenbrunner, B., Neelin, J.D. et al. *Increasing precipitation volatility in twenty-first-century California*. Nat. Clim. Chang. 8, 427–433 (2018); Cai W, Borlace S, Lengaigne M, van Rensch P, Collins M, Vecchi G, et al. *Increasing frequency of extreme El Niño events due to greenhouse warming*. Nat. Clim. Chang. 4, 111–116 (2014); Allen, R. J. & Luptowitz, R. *El Niño-like teleconnection increases California precipitation in response to warming*. Nat. Commun. 8, 16055 (2017); Dettinger, M. *Climate change, atmospheric rivers, and floods in California—a multimodel analysis of storm frequency and magnitude changes*. J. Am. Water Resour. Assoc. 47, 514–523 (2011).

<sup>4</sup> Young, A.P., Guza, R.T., Matsumoto, H., Merrifield, M.A., O'Reilly, W.C., Swirad, Z.M. *Three years of weekly observations of coastal cliff erosion by waves and rainfall*. Geomorph. 375, 107545 (2021);

lower depths of the bluff slope, the applicant supposes that the subject site will become increasingly prone to soil saturation and liquefaction, and be subjected to increased geologic hazards in the future. Therefore, while sea level rise is not anticipated to affect the stability of the site during the expected design life, the site is currently subject to hazards that would be exacerbated by climate change if measures to increase stability are not implemented.

### **Geologic Site History**

The project site is located within the northwestern end of the central block of the Los Angeles Basin, which is filled with marine and non-marine sedimentary deposits (i.e., Modelo Formation). Per site borings and exploration in 2016 (Fugro), an artificial fill layer was encountered from the surface to a depth of about 10 to 22 feet below ground surface. In general, the artificial fill consists of firm clayey sandy silt and dense silty sand and poorly-graded sand with gravel. The fill materials were apparently placed (at an unspecified date and of unknown source) within a north-southern oriented drainage swale that historically traversed the slope in the vicinity of Wynola Street. Terrace deposits were also encountered from the surface to a depth of about 32 feet below ground surface. In general, the terrace deposits are made of similar material as the artificial fill, except that the terrace deposits are layered in flat-lying to gently south-dipping sheets with abrupt contact with the underlying Model Formation bedrock below.

Recent geologic analyses by Ninyo & Moore (2008) and Fugro (2017, 2021) have documented contemporary and ancient landslide movements that have displaced the Modelo Formation rocks. The Modelo Formation materials generally consist of siltstone, sandstone, and claystone, which are susceptible to downslope movement and deformation.

Well-documented slope movements have been reported in the area since at least the late 1950s. Several slope inclinometers were installed at the site in the 2000s and indicated that the upper surface is most active and has undergone most of the displacement in the past decade, but most of them are no longer operational due to excessive ground deformation. At lower depths, downslope movements have been also recorded between 40 and 65 feet below ground surface, as well as at a depth of approximately 87 feet below ground surface. These correspond to two landslide complexes, a recent landslide to depths up to approximately 60 feet and a deeper landslide complex extending to depths approximately 85 feet or more below the ground surface from the top of the slope. The deeper landslide complex extends under the mobile home parks and likely extends out to the Pacific Ocean along a weak bedding plane. The downslope movements along the landslide planes are episodic, typically occurring during periods of higher rainfall (e.g., 2004-05 when part of the access road located on the bluff below the site was severely damaged), and slow or stop during drier periods.

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Swirad, Z. M., & Young, A. P. *Spatial and temporal trends in California coastal cliff retreat*. *Geomorph.* 412, 108318 (2022).

In 2008 and 2015, the Commission approved improvements to the toe of the slope for the protection of nearby Palisades Bowl Mobile Home Park, which included grading, construction of a retaining wall with footings, and dewatering wells. Even with the improvements, more recently, a portion of Asilomar Boulevard has sagged up to approximately three feet and moved laterally near the property at 15975 Asilomar Boulevard. Several surface cracks subparallel to the slope are evident along the roadway, with more severe cracks along the southern side of the road, which have been periodically filled in with sealers and/or asphaltic concrete. Currently, that area is blocked off from vehicular and pedestrian traffic due to safety concerns. A subsurface water line at approximately 8 feet below ground surface was previously abandoned due to the potential for damage from the active Landslide. Moreover, during the most recent field exploration study (Fugro, 2016), groundwater was encountered seeping from fractures and shear zones at varying depths, which influences the stability of the earth material above.

In an effort to partially stabilize the Landslide, the City undertook additional dewatering of the slope in 2016. Under CDP No. 5-16-0112-W, the Commission approved the installation of three dewatering wells (reaching a depth of approximately 140 feet below ground surface), a 3-inch-diameter well discharge waterline (at a depth of approximately three feet below ground surface), an electrical panel for the in-line submersible pumps, and associated components to augment two existing dewatering wells, five monitoring wells, and an inclinometer, which were installed for exploratory activity.

The geotechnical consultants calculated factors of safety (FOS) along various cross-sectional measurements as part of the slope stability analysis. They found that the FOS, prior to the City's efforts to dewater the slope, was an average of approximately  $FOS \approx 1.0$  (static) across the site, which is considered highly unstable (i.e., landsliding is imminent). After the City began dewatering, the FOS was estimated to have increased to approximately 1.09 (static), which is slightly more stable. However, the proposed project involving the installation of CDSM columns would much improve the slope stability to  $FOS \approx 1.5$  (static) In past actions, the Commission has frequently considered an  $FOS > 1.5$  (static) or  $FOS > 1.1$ , (pseudostatic/seismic) to be geologically stable.

### **Bluff Protection**

Coastal Act Sections 30235 and 30253 acknowledge that bluff retention walls and other forms of bluff protective devices, cliff retaining walls, and other such structural or "hard" methods designed to forestall erosion also alter natural landforms and natural coastal bluff processes. The Coastal Act provides the limitations on bluff protective structures because they typically have a variety of negative impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall bluff/beach dynamics on- and off-site, ultimately resulting in the loss of public beaches that are priceless and irreplaceable public resources. Here, the proposed project is intended to stabilize the slope of an inland bluff, and there are no anticipated adverse impacts on sand supply, public access, coastal views or bluff/beach dynamics.

The approximately 426-foot-long array of CDSM columns is proposed to be located seaward of six blufftop single-family homes: 15957, 15963, 15969, 15975, and 15981 Asilomar Boulevard, and 401 Wynola Street ([Exhibit 1](#)). The applicant asserts that the proposed bluff armoring is necessary to prevent a landslide which also would affect additional residences located below the bluff at Palisades Bowl Mobile Home Park (170 units) and Tahitian Terrace Mobile Home Park (156 units), as well as a public roadway. Five of the six bluff-fronting residences were constructed prior to enactment of the Coastal Act and, based on Commission staff's assessment, have not been significantly altered since. The Asilomar Boulevard right-of-way was also constructed prior to 1926, at least fifty years before the enactment of the Coastal Act and is the only access road for four of the six blufftop residences.

### Site Instability

As discussed previously in this report, the applicant has established that the aforementioned public infrastructure and residential uses atop the bluff are in danger of serious damage or destruction due to the relatively active landslide complex underlying the project site. This hazard has been previously acknowledged by the Commission in its review of Coastal Development Permit Nos. G-5-05-401 (2005), 5-08-245 (2008), 5-08-245-A1 (2015), 5-16-0112-W (2016), and 5-18-0844 (2019). Furthermore, the measures undertaken in the past to stabilize the landslide at the subject site have not succeeded in providing sufficient stability for the area. Without adequate protection of the site, the bluff will be susceptible to slope damage and destabilization, which could be further exacerbated by heavy rainfall events and severe El Niño storms, which are predicted to become increasingly common with climate change, thus posing a risk to the infrastructure and residential uses at the site.

The Commission's staff geologist and engineer evaluated the vulnerabilities of the project site and the existing Asilomar Boulevard Landslide complex, the degree of danger to principal structures from erosion and geologic instability, and whether the proposed CDSM columns are the preferred and least damaging, feasible alternative. The Commission geologist and engineer concur with the applicant's analysis that existing structures within the identified Landslide limit are in imminent danger from erosion, landslides, and liquefaction, and that additional armoring of the unprotected bluff is necessary to protect those structures, including the Asilomar Boulevard roadway and residences above and below the bluff.

### Project Alternatives

Several project alternatives were analyzed in order to assess whether the proposed development is the least environmentally damaging alternative to provide stability in the project area. The alternatives analyzed are as follows:

**No Project Alternative.** Under the 'no project' alternative, aside from periodic filling of severe cracks with sealers and/or asphaltic concrete on the southern side of Asilomar Boulevard, there would be no ground disturbance and existing conditions would remain. The 'no project' alternative would eliminate the short-term direct impacts associated with

construction of the proposed project, since no construction activities would occur. However, considering the local geology and susceptibility of the project area to landslides, erosion of the bluff face has a significant potential to cause weakening of the slope. If no permanent solution for stabilizing and restoring this section of Asilomar Boulevard is implemented, the potential for an incipient landslide to jeopardize the stability of the project area would be much higher. Naturally occurring erosion and landslide activity would continue to occur at this location and would potentially result in visual and physical changes to the landscape over time, including degradation of public access along the roadway. Under the 'no project' alternative, the slope could be susceptible to mudflows with the occurrence of a large precipitation event. If a large precipitation event were to occur, it is possible that residences atop the bluff, and occupants of the Tahitian Terrace Mobile Home Park below the bluff, could be at risk of road washouts, soil instability, and potential slumping. Therefore, the 'no project' alternative would result in potentially significant unavoidable impacts.

**Alternative 1: Soldier Pile Wall with Tieback Anchors.** Alternative 1 would include earthwork and grading on the slope south of Asilomar Boulevard, as well as improvements to the damaged fire access road ([Exhibit 3, Page 1](#)). Alternative 1 would include soldier pile and lagging systems installed along the slope with tiebacks to create and support a retaining wall. A permanent 65-foot wall facing of cast-in-place concrete or shotcrete would be installed on the front of the retaining wall, which could include aesthetic architectural features, and the access road would be rebuilt to an elevation of approximately 35 feet such that 30 feet of the wall face would be exposed. The applicant contends that this alternative would result in greater impacts to the geology and soils of the site.

First, grading under this alternative would involve nearly quadruple the amount of landform alteration with excavation of approximately 82,000 cubic yards. Additionally, the fire access road seaward of the bluff edge would be compacted using 58,000 cubic yards of backfill and roadway base material, resulting in further ground-disturbing activity. While the applicant would undertake mitigation measures to ensure that construction activities would not significantly increase the slope's instability, the proposed long tiebacks may be susceptible to creep, which may result in excessive deformation of the proposed wall and settlement of the adjacent ground surface. Additionally, placement of the lagging systems may be difficult where the soil is soft or perched groundwater is encountered; more generally, ground displacements adjacent to the soldier pile wall would heavily depend on the stiffness of the system and the site conditions and, thus, potentially require additional slope alteration or remediation beyond what is anticipated. Finally, if the compacted or modified surfaces are not precisely controlled, this alternative runs the risk of increasing potential for surface runoff, erosion, and sediment deposition on and below the slope. Alternative 1 would likely require consistent maintenance, monitoring, and implementation of erosion controls in order to ensure that operational landslide impacts would be less than significant.

The Commission's geologist and engineer concur with the applicant that Alternative 1 would not be the least environmentally damaging alternative when compared to the

proposed project. In addition to the concerns raised by the applicant, the Commission's geologist and engineer note that surface regrading under this alternative would change the drainage pattern of the Asilomar Boulevard Landslide area, potentially interfere with perched groundwater at lower depths of the bluff slope, and result in increased erosion and/or siltation (including contaminated surface runoff of loose soils), especially during construction and earthmoving activities. Since the fire access road would be reestablished, the excavation, refill, and compaction of soils would also not be the minimum necessary landform alteration as required under Coastal Action Sections 30251 and 30253. Finally, as further discussed in the Visual Resources section of this report, this alternative would have significant adverse impacts to the bluff's natural appearance as viewed from Pacific Coast Highway and the beach.

**Alternative 2: Soil Nail Wall.** Similar to Alternative 1, Alternative 2 would include earthwork and grading on the slope south of Asilomar Boulevard, as well as improvements to the damaged access road ([Exhibit 3, Page 2](#)). Alternative 2 would involve the installation of reinforcing steel bars, which would be grouted in place sub-horizontally in a grid pattern along the slope south of Asilomar Boulevard. Following installation of the soil nails, a shotcrete facing that would extend vertically approximately 65 feet below Asilomar Boulevard and may include architectural features would be applied to the face of the slope connecting to the soil nails. Then, the access road would be rebuilt to an elevation of approximately 35 feet such that only approximately 30 feet of the wall face would be exposed.

The applicant contends that this alternative would result in greater impacts to the geology and soils of the site. Much like Alternative 1, grading under this alternative would involve nearly quadruple the amount of native soil materials excavated at approximately 77,000 cubic yards. Additionally, the fire access road seaward of the bluff edge would be compacted using 56,000 cubic yards of backfill and roadway base material, resulting in further landform alteration.

While the soil nail wall would require maintenance, monitoring, and implementation of erosion controls in order to ensure that operational landslide impacts would be less than significant, the majority of ground deformation would occur during construction, and the structure could be more easily repaired, should future deformations occur. However, this alternative assumes that the soil atop the slope face could remain unsupported for at least one or two days, even while exposed during construction activities, which could pose a potential issue during particularly high rainfall events lasting longer than that. This alternative would also utilize more than four times the shotcrete facing material than Alternative 1 and more drastically modify the bluff face. Finally, if the compacted or modified surfaces are not precisely controlled, this alternative runs the risk of increasing potential for surface runoff, erosion, and sediment deposition on and below the slope. The applicant indicates that, under this alternative, there would be additional logistical concerns for placing the drainage membrane beneath the soil nail wall façade due to the more staggered nature of excavation.

The Commission's geologist and engineer concur with the applicant that Alternative 2 would not be the least environmentally damaging alternative when compared to the

proposed project. The Commission's geologist and engineer raise similar concerns for this alternative as under Alternative 1, with additional emphasis on the potential for increased erosion.

**Alternative 3: Cast-In-Drilled Holes (CIDH) Piles.** Alternative 3 would utilize large 10-foot-diameter, 130-foot-long drilled shafts (or piles), which are usually constructed with truck-mounted drilling equipment fitted with augers. A smooth steel or corrugated metal casing would be used to support the upper sides of the drilled shaft excavation, and drilling slurry would be used below the casing to reduce the potential for caving and collapse of the sides of the hole. Once the target depth is achieved, steel reinforcement would be lowered in the hole, and the piles sealed with concrete and grout. Soil and bedrock cuttings removed from the drilled shaft excavations would require hauling and additional vehicle miles traveled.

The benefits of this alternative include a reduced construction zone on Asilomar Boulevard, avoidance of excavation and slope grading work, no required tiebacks or soil nails, accommodation of groundwater drainage, improved stability, and reduced construction traffic compared to the other considered alternatives. However, it was determined that this alternative would potentially create construction challenges due to the large diameter of the drilled piles, would require a heavy reinforcement cage and large equipment, and would likely change the natural look of the slope as the piles could be visible. As such, the applicant eliminated this alternative from further consideration, and the Commission's geologist and engineer concur with the applicant that this alternative would likely lead to a very large amount of landform alteration with marginal benefits in comparison to the proposed CDSM columns.

**Proposed Alternative.** The applicant submitted a geotechnical report prepared by Fugro (dated December 23, 2021), which evaluates the final design alternatives for the CDSM project, using information and insights obtained during the pilot project ([CDP No. 5-18-0844](#)). The report differentiates among six different CDSM column design alternatives, as follows:

| Scenario #                 | Approximate Width of CDSM-Improved Zone (ft) | Location within ROW | CDSM Column Diameter (ft) | Replacement Ratio | Overlap (ft) |
|----------------------------|--|---------------------|---------------------------|-------------------|--------------|
| 1<br>(Low GW) <sup>5</sup> | 20   | South of Sewer Line | 4.5                       | 0.3               | 1            |
| 2                          | 20   | South of Sewer Line | 4.5                       | 0.5               | 1            |
| 3                          | 20   | South of Sewer Line | 6                         | 0.3               | 1.5          |

<sup>5</sup> GW = Groundwater. Low GW refers to the dewatered state of the bluff, which the City implemented in 2016 and actively maintains. High GW refers to the pre-dewatered, baseline state of the bluff, prior to the City's efforts.

|                |    |                     |     |     |     |
|----------------|----|---------------------|-----|-----|-----|
| 4              | 20 | South of Sewer Line | 6   | 0.5 | 1.5 |
| 5              | 40 | Full Street Width   | 4.5 | 0.3 | 1   |
| 6<br>(High GW) | 20 | South of Sewer Line | 4.5 | 0.3 | 1   |

The report's conclusion is that all of the options would adequately stabilize the road; nonetheless, Fugro recommends Scenario 1 (4.5-foot-diameter columns, one-foot overlap, 0.3 replacement ratio, 13.5-foot spacing of north-south rows of columns, south side of road only) as the least environmentally damaging, feasible alternative.

The Commission's geologist and engineer reviewed the geotechnical consultants' analysis and concur that the chosen scenario is the minimum necessary to carry out the project objectives and stabilize the bluff. Scenario 1 would clearly minimize landform alterations and ground disturbance relative to the full-road option (Scenario 5). As compared to other alternatives south of the sewer line, Scenarios 2 and 3 would have closer spacing of the N-S rows and, thus, more columns and larger column footprints. Scenario 4 would minimize the number of columns (~224 vs. 346), but Scenario 1 minimizes the total column footprint by approximately 1,000 square feet. As discussed in the Archaeological, Paleontological, and Tribal Cultural Resources section of this report, overall minimization of the column footprint would better protect tribal cultural resources, and thus Scenario 1 is the most preferable project alternative.

Because the proposed project is the alternative most protective of coastal resources, the Commission imposes **Special Condition 4**, which requires the applicant to comply with the recommendations contained in the geotechnical reports prepared by Ninyo & Moore (dated August 5, 2008 and updated on October 25, 2013 and June 15, 2015) and Fugro (dated July 13, 2017 and dated December 23, 2021), as well as all geologic requirements imposed by the City of Los Angeles pursuant to [CDP 21-02](#). Part A of **Special Condition 3** requires the applicant to submit Final Revised Plans that reflect the Scenario 1 design described in the Fugro report and in the written project description submitted to the Commission on August 18, 2022. Part E of **Special Condition 3** requires the applicant to submit a Final Post-Drilling Clean-Up Plan that details the methods and materials for backfilling, sealing, and plugging of each borehole, to ensure that the upper levels of the soil column will be appropriately compacted and sufficiently strong without aggravating the bluff's existing instability. No changes to the approved plans shall occur without a Commission-approved permit amendment unless the Executive Director determines that no permit amendment is required.

#### Long-Term Stability and Maintenance

Finally, Coastal Act Section 30253 requires the project assure long-term stability and structural integrity, minimize future risk, and avoid additional, more substantial protective measures in the future. Long-term stability is particularly critical here given the dynamic coastal bluff environment in which the project is located. Critical to the task



of ensuring long-term stability, as required by Section 30253, is assurance that the project would be maintained in its approved state, in order to prevent the degradation of public access along the blufftop under a future scenario where the bluff is eroded or damaged. Thus, **Special Condition 1** requires all work to be conducted consistent with the applicant's proposal subject to the other special conditions and the Final Revised Plans pursuant to **Special Condition 3**. Additionally, **Special Condition 2** requires the applicant to comply with local government requirements and clarifies that in the event of conflict between the terms and conditions imposed by the City and those of this coastal development permit, the terms and conditions of this permit (CDP No. 5-21-0906) shall prevail.

Despite the applicant's concerted efforts to minimize the inherent risk of development in a geologically hazardous areas, dynamic and unpredictable hazards exist that could adversely impact the site, and thus **Special Condition 5** requires the applicant to assume the risks of the development, and waive liability and indemnify the Commission against damages that might result from the proposed installation of the bluff protective device. The risks of the proposed development include that the proposed project scope will not protect against damage to existing structures in the site's vicinity from bluff collapse and erosion. In addition, the bluff stabilization system itself may eventually cause damage to neighboring structures and properties by temporarily increasing the potential for erosion of the bluffs during and after construction activities. In particular, damage may directly result from the pre-drilling site preparation, drilling of the boreholes, or installation of the CDSM columns (where, for instance, expansion of the cement slurry during the curing period might cause creep along existing fractures). Although, as conditioned, the project minimizes these risks, risk cannot be eliminated entirely. Given that the applicant has chosen to undertake the proposed project despite the risks, the applicant must assume the risk of development.

## **Conclusion**

CDSM is a soil stabilization technique that is an alternative to soil nail walls, soldier pile and tieback systems, retaining walls, and other large piles. At this site, CDSM is proposed to be used by the City to stabilize the movement of the Asilomar Boulevard Landslide mass without permanently impacting habitat areas and visual resources on the bluff face seaward of Asilomar Boulevard. As proposed and conditioned, the use of the CDSM technique would minimize risks to life and property in an area of high geologic hazards, assure stability, and minimize landform alteration. Therefore, as conditioned, the proposed development is consistent with Section 30253 of the Coastal Act.

## **C. Archaeological, Paleontological, and Tribal Cultural Resources**

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The Commission recognizes that the entirety of the State's Coastal Zone was originally indigenous territory that likely has cultural significance at some level or another. Long before the coastal areas were colonized by white settlers, each coastal area had significance to the local indigenous communities. This significance is part of the State's history, which is full of centuries of land theft, suppression, and aggression, pushing indigenous people from coastal (and other) regions early in the colonization and settlement of the State. For decades, even after native people were already excluded from coastal areas by settlers and state and federal officials, expressions of indigenous culture, religion and values led to aggression and persecution, including periods of genocide. Tribes were forced to abandon many coastal areas.

Once genocidal policies were finally tempered, California Native American Tribes (Tribes) were still not safe to use traditional areas along the coast. Tribal communities had to endure Tribal children being taken from families and forced to attend boarding schools. These are some factors that have led to over a century of suppression of knowledge about Tribal cultural areas.

The Commission acknowledges Tribal sovereignty and understands that California's Tribes and their members have long served as stewards of the State's important coastal resources, and possess unique and valuable knowledge and practices for conserving and managing these resources in a sustainable manner, and in a manner consistent with the spirit and intent of the Coastal Act.

The Commission's Tribal Consultation Policy (adopted on August 8, 2018)<sup>6</sup> recognizes the importance of State efforts to protect Tribal Cultural Resources and improve communication and coordination with Tribes, and it sets out a tribal consultation process that is fully consistent with, and complementary to the nature of, the Commission's goals, policies (including Section 30244), and mission statement. Tribal Cultural Resources can be sites, features, cultural landscapes, sacred places, and objects with cultural value and can also qualify as archaeological, paleontological, visual, biological, or other resources that the Commission is tasked with protecting pursuant to the Coastal Act.

### **Resources in the Project Area**

According to the Phase I Archaeological Assessment prepared by AECOM in November 2017 and submitted by the applicant, the subject area has been subject to past archaeological investigation. In July 2017, an archaeological field survey was conducted, in addition to an archival records search of twelve previous cultural resource investigations conducted within a half-mile buffer radius of the project area. No archaeological, tribal cultural, or historical resources were observed or recorded. However, the project site is located within the Native American settlement of Kuruvanga, which is considered sacred to numerous Tribes with territorial, ancestral, and/or cultural ties to the area, and is still used for ceremonial and cultural activities to

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<sup>6</sup> <https://documents.coastal.ca.gov/assets/env-justice/tribal-consultation/Adopted-Tribal-Consultation-Policy.pdf>

this day. Thus, the project area is a tribal cultural resource and additionally has the potential to contain other tribal cultural resources subsurface. Regarding paleontological resources, a Paleontological Technical Study prepared by Paleo Solutions, Inc. in October 2017, identified that subterranean development in this area has the potential for adverse impacts to scientifically significant paleontological resources.

### **Tribal Consultation**

Before applying for a coastal development permit, the applicant coordinated with culturally affiliated and/or affected Native American Tribes to fulfill AB 52 and CEQA tribal consultation requirements. The City requested a Native American Heritage Commission (NAHC) Sacred Lands File check in July 2017 and reached out to the Tribal representatives listed on the NAHC contact list by letter and/or phone for consultation. Both the NAHC and consulting Tribal representatives indicated that the project area is sensitive for potential tribal cultural resources. City staff reached out once more on August 11, 2022 for additional feedback regarding detailed cultural resource treatment and mitigation procedures. The City received a request from Sum Dunlap, Cultural Resources Director of the Gabrielino Tongva Nation, for information in connection with the permit application and project.

In accordance with the Commission's Tribal Consultation procedures, Commission staff contacted the NAHC on December 20, 2018, in connection with the previous pilot project ([CDP No. 5-18-0844](#)), to request a search of the NAHC Sacred Lands Files. The results of this search were positive, and the NAHC provided Commission staff with a list of potential affected Tribes in the area for consultation on January 2, 2019. Commission staff subsequently produced a formal notification of the development and request for consultation. The Commission received one response from Chairman Andrew Salas of the Gabrieleno Band of Mission Indians-Kizh Nation. Commission staff consulted with Tribal representatives on April 7, 2019 and were made aware of the significance of the project landscape.

When the subject application (CDP No. 5-21-0906) was filed with the South Coast District Office, Commission staff notified all known tribal representatives with ancestral and/or cultural ties to the area via email on August 5, 2022, and enclosed a copy of the proposed plans, narrative description of the proposed project, and maps depicting the described site. After following up on October 7, 2022, staff received consultation requests and written comments from the Gabrielino Tongva Indians of California Tribal Council, Gabrieleno Tongva San Gabriel Band of Mission Indians, and Gabrieleno Band of Mission Indians - Kizh Nation.

Consultations with representatives of the aforementioned Tribes occurred on October 11, 2022, November 2, 2022, and November 8, 2022, respectively. For each consultation, the tribal representative described the sensitivity of the site and discussed the project scope and potential avoidance or mitigation measures with Commission staff. The concerns raised during these calls are summarized in the following subsection. On November 28, 2022, staff followed up in writing with the Gabrieleno

Band of Mission Indians - Kizh Nation to garner additional input and comment on the proposed Special Conditions and staff recommendation.

### **Tribal Concerns**

The concerns described during the first series of consultations in 2019 were, generally, that this site is Sacred Land with high potential for tribal cultural resources, and that any development here should be avoided or, at a minimum, reviewed, considered, and monitored very carefully. The tribal representatives provided Commission staff with suggestions on how to minimize impacts to tribal cultural resources, including by avoiding boreholes in sensitive areas and having Native American monitors spot-check the soil samples during the excavation process. In response, Special Condition 5 of [CDP No. 5-18-0844](#) required that the applicant develop, submit, and implement a CDSM Pilot Project Monitoring Program that required test pit areas to be excavated to a depth appropriate to minimize impacts to tribal cultural deposits and other archaeological artifacts, Native American and archaeological monitors to be present during all appropriate project meetings and activities, and construction to cease and monitors to be consulted if archaeological or cultural resources are discovered. This Special Condition also required that the applicant submit a plan that included the retention of a qualified specialist to use ground penetrating radar (GPR) to identify potential significant paleontological resources prior to construction of the cement columns, potentially relocate the proposed test column sites, and monitor relevant project activities. No sensitive resources were found within the pilot project area.

In the second series of consultations in 2022, tribal representatives again described the sensitivity of the site and knowledge about the current unstable conditions of the bluff. They also stated that any tribal cultural deposits would likely be found within the upper 10 to 20 feet of soil but could exist much deeper. Chairman Salas and Matthew Teutimez, of the Gabrieleno Band of Mission Indians - Kizh Nation, expressed concern that the project applicant is not proposing sufficient treatment and mitigation measures to minimize ground disturbance to the site from the drilling and excavation phases of the project, and that the project could have severe impacts on tribal cultural resources, the natural landform, and nearby biological resources. In particular, Chairman Salas and Matthew Teutimez contend that the subject site is documented to have been part of a village settlement where people lived, as well as ceremonial grounds. The site was also described as having an important “visualscape,” in that its high elevation has provided the Tribe with culturally significant vistas of Pimu’na (Santa Catalina Island) and the celestial skies to the south and west.

From a geologic perspective, Matthew Teutimez is concerned that the two landsliding planes at approximately 60 feet and 85 feet below the bluff surface may be comprised of previous surface material that has sloughed down the slope and to the ocean, and that these ancient surface soils may contain tribal cultural resources from upland activities that would have occurred over thousands of years of human habitation at the site. The Commission’s geologist reviewed the site’s geologic history, as documented in the City’s submitted materials, for additional insights into the intricate interplay between site geology and the potential for encountering tribal cultural resources and concurs that

the older, deeper landslide (the date of which is unknown) does appear to have caused significant downslope movement towards Palisades Bowl at the toe of the bluff. Thus, there are likely former surface materials, which could contain tribal cultural resources, among the landslide deposits at the bottom of the slope and outside of the project site. The staff geologist further clarifies that the pre-existing stratigraphy would be mostly intact at the upper levels of the soil column; embedded tribal cultural resources, if present on the project site, are most likely relatively undisturbed by prior landsliding and are unlikely to be buried much deeper beneath the artificial fill layer (e.g., beyond 20 to 30 feet below ground surface).

The consulted Tribes have also expressed interest in continuing discussions and involvement during the preparation and construction stages of development.

### **Tribal Cultural Resource Treatment and Mitigation**

The potential impacts of the project not only include incidental discovery of tribal resources, but disturbance of a sacred area. Preserving the tribal cultural resources and maintaining the site as close to its natural condition as possible protects the Sacred Lands to the maximum extent feasible. While the applicant's proposal does involve ground-disturbing activities, these activities are necessary for the City to move forward with plans to stabilize the bluff slope using the least invasive and environmentally-damaging methods available. In addition, the applicant asserts that the Landslide stabilization project would, overall, help conserve the landscape; without armoring of the bluff, an incipient landslide could jeopardize the integrity of the slope and cause unavoidable impacts to tribal cultural resources which may potentially occur at the project location. The project will also protect visual and biological resources found at the site, which are also aspects of tribal concern, to the maximum extent feasible.

The applicant is proposing to remove the upper twenty feet of unsuitable fill material (of inferior quality for the purposes of deep soil mixing). The applicant has stated that shaft excavation methods would be employed as a method to excavate the first twenty feet of the soil columns, which would loosen the soils and could break them up before bringing them to the surface. However, even this technique has the potential to impact coastal resources by disturbing potential deposits prior to their sifting and monitoring. It is also possible that in some areas of the site, the resources could be located at a lower depth given the geology of the site. Therefore, the applicant proposes to provide for archaeological and Native American monitoring and appropriately document and treat all known and found tribal cultural resources onsite with the goal of avoiding or minimizing the potential for impacting these resources.

Further, the Commission imposes **Special Condition 1** requiring all work to be conducted consistent with the City's proposal subject to additional requirements of the other special conditions including the Final Revised Plans pursuant to **Special Condition 3**. Part D of **Special Condition 3** requires the applicant to submit final plans for the removal of the upper twenty feet (or other depth most protective of archaeological and tribal cultural resources) of the soil column of each CDSM pile using shaft excavation. The applicant shall minimize the loosening or mixing of the soil to the

maximum extent feasible and use methods that maintain the integrity of the soil column and minimize impacts to archaeological, paleontological, and tribal cultural resources. The final plans shall be consistent with the requirements in **Special Condition 7** to carefully remove, sift, and monitor the upper portion of the soil column (or another depth most protective of archaeological and tribal cultural resources).

Pursuant to **Special Condition 7**, the applicant will also be required to submit, for review and approval by the Executive Director, a Tribal Cultural Resource Treatment and Mitigation Plan developed in consultation with the appropriate Native American tribal governments that includes and ensures that the proposed project remains sensitive to the concerns of the affected Native American groups and requires that at least one Native American monitor from each affected or interested tribal group be invited to be present at the site during all excavation activities to monitor the work. **Special Condition 1** requires the development be implemented consistent with the final approved plans, including this Plan. The provided guidelines in the Tribal Cultural Resource Treatment and Mitigation Plan must be followed if tribal cultural resources are discovered during the course of the project and/or investigation, and the City is required to apply for an amendment if archaeological deposits are found that the Native American tribal representatives determine must be avoided. Significance testing and data recovery are only permitted if done in consultation with the affected Native American Tribes, and they should be done in accordance with the “Cultural Resources Significance Testing Plan Procedures” ([Appendix B](#)).

The Commission understands the potential impacts of disturbance of the site to archaeological, paleontological, and tribal cultural resources. However, the Commission also understands the need for the currently proposed project to stabilize the Asilomar Boulevard Landslide. The proposed project is designed to be the least environmentally damaging alternative to carry out the bluff’s stabilization without further undermining or destroying the existing landforms. As conditioned, the proposed project is consistent with Coastal Act Section 30244, as reasonable mitigation measures are included to ensure that the development will not result in significant adverse impacts to potential archaeological and tribal cultural resources at the site, which constitutes Sacred Land. The Commission acknowledges that substantial tribal concerns remain with respect to this project, and tribal concerns go beyond archaeological resources, and include visual, biological, and other resources that the Commission is tasked with protecting pursuant to the Coastal Act. Findings related to the proposed project’s potential impacts on such resources are included below.

## **D. Visual Resources**

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 surrounding areas, and, where feasible, to restore and enhance visual

quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed project is located above a south facing slope that is visible along PCH and the adjacent beach. Section 30251 requires the scenic and visual qualities of this coastal area to be considered along with whether the development has been sited and designed to protect views, minimize the alteration of natural landforms, and be visually compatible with the character of surrounding areas. In this case, the visual resources are the public views from Asilomar Boulevard (and other blufftop public streets and vista points) to the Pacific Ocean, the coastline, and Santa Catalina Island, and from PCH and Will Rogers State Beach to the Santa Monica Mountains. While the Palisades Bowl and Tahitian Terrace Mobile Home Parks obscure some of the potential views from the beach and along PCH, especially at the base of the slope, the upper portion of the bluff where development is proposed to occur is clearly visible from those locations.

The applicant submitted a Visual Impact Study prepared by Terry A. Hayes Associates, Inc. dated November 3, 2017, which simulates the visual impacts incurred by each contemplated project alternative from a variety of "key observation points" (KOPs), as shown in [Exhibit 4](#). The study concluded that Alternatives 1 (soldier pile wall with tiebacks) and 2 (soil nail wall) would have greater visual impacts as compared to the proposed project. While the applicant would attenuate the appearance of the stabilization systems under all considered alternatives, a soldier pile (or soil nail) wall would still stand in strong contrast to the natural landform and vegetation and would result in significant unavoidable long-term impacts related to scenic vistas and visual character ([Exhibit 3](#)). Thus, the applicant contends that the proposed project, consisting of CDSM columns that would be buried beneath the surface and would not affect the appearance of the bluff face, is the most protective alternative in terms of visual resources and minimizes landform alteration, as required by Section 30251 of the Coastal Act.

It is possible that the proposed CDSM columns could become exposed during construction or at some time in the future (e.g., due to erosion of the bluff). If the columns become exposed, **Special Condition 6** requires the applicant to contact the Executive Director in order to determine appropriate mitigation for the impacts to visual resources resulting from the exposed portions of the blufftop columns. Such mitigation measures would be determined at the time the columns are exposed, but could include the removal of the exposed portions of the columns or alterations to the appearance of the columns. If in the future the applicant wishes to alter the appearance or structure of the columns approved under this permit, the applicant shall contact the Executive Director to determine if an amendment would be required. **Special Condition 1** only allows development to occur in strict compliance with the proposal as set forth in the permit application, subject to the standard and special conditions contained herein, including the Final Revised Plans pursuant to **Special Condition 3**.

In the short-term, the visual resources at the project site would be temporarily impacted for up to approximately twelve months, especially due to the use of large equipment to carry out extensive soil excavation, but the site would be returned to its previous state upon completion of the project construction. Due to the proposed phased nature of construction, portions of Asilomar View Park may be intermittently fenced off and closed for periods of time, which may also impact the public coastal views that could be enjoyed in the short-term. However, the southwestern area of the Park is already cordoned off due to safety concerns, and as mentioned, the impacts to visual resources will not be permanent.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the visual resource protection policies of the Coastal Act.

## **E. Public Access and Recreation**

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212 of the Coastal Act states, in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30213 of the Coastal Act states, in relevant part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30214 of the Coastal Act states, in relevant part:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.



- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

### **Temporary Access Impacts**

The proposed development would temporarily impact public access to Asilomar View Park and coastal views from the park by closing the subject block of Asilomar Boulevard to the public, fencing off the construction area where excavation activities would occur, and using large equipment during construction. However, the project site does not extend into the park area, and the public will be able to access Asilomar View Park from Arbramar Avenue and El Medio Avenue and will not be restricted from accessing the full length of the park except for portions of the park that are already closed and others that may close due to safety concerns during excavation and repaving activities. The applicant proposes to reopen closed-off portions of the park after construction of the stabilization system and the improvement of site conditions. **Special Condition 3** requires that construction staging areas avoid the public park and sensitive habitat areas. During construction, mechanized equipment should be limited to existing roads onsite and shall also be restricted from the bluff to the greatest extent feasible without impacting sensitive habitat areas. Final Revised Plans shall thus indicate that no development is allowed seaward of the road right-of-way, and the proposed drilling locations shall not encroach onto the park, habitat areas, or the bluff face.

### **Permanent Access Impacts**

The installation of the cement columns would not contribute to geologic instability or impact public access or visual resources over the long-term. As proposed and conditioned, the proposed CDSM column stabilization system minimizes risks to life and property in geologically hazardous areas, assures stability, minimizes landform

alteration, and improves public access and maintains existing recreational value as much as possible. Therefore, as conditioned, the proposed development conforms with the public access and recreation policies of the Coastal Act.

## F. Biological Resources

Section 30107.5 of the Coastal Act defines environmentally sensitive habitat area (ESHA) as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

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

The bluff face adjacent to the project site is a habitat area consisting of disturbed coastal sage scrub habitat, lemonade berry stands, and a majority of non-native and ornamental plant species. All construction activities would occur on the blufftop, not on the bluff face. During wildlife surveys conducted by AECOM on June 5, 2017, no special-status wildlife species were observed in the open space area ([Exhibit 5](#)) on the bluff face. In addition, in a Biological Resources Technical Report produced by AECOM in November 2017, this habitat area was determined not to provide resources that support an urban wildlife movement corridor. The applicant has not conducted a more recent vegetation survey or biological study of the project site or surrounding habitat area.

The proposed project site would not extend into the habitat area; however, lemonade berry scrub, a coastal plant alliance native to Southern California found within approximately twenty feet of the project site, has conservation status ranking and, according to the Commission's Senior Ecologist Dr. Engel, should be protected consistent with Section 30240 of the Coastal Act. Section 30240 requires development adjacent to environmentally sensitive habitat areas (ESHA) be sited and designed to prevent degradation of the sensitive areas. Therefore, **Special Condition 3** is imposed, which requires revised plans that include silt fencing along the south (seaward) side of the project site to minimize deposition of sediment, dust, or other construction-related materials into the adjacent park and habitat area. **Special Condition 8** requires the applicant to follow best management practices including fueling and maintaining

mechanical equipment offsite, covering of construction stockpiles, and prompt removal of construction debris.

In addition, coastal sage scrub habitat has the potential to support special-status plants and bird species, including the California gnatcatcher, which construction-related noise may impact if found to be nesting in the area. Therefore, **Special Condition 9** requires nesting bird surveys be conducted within 500 feet of the proposed project site and noise mitigation measures be implemented if nesting birds are observed.

The proposed development, as conditioned, will not significantly degrade ESHA adjacent to the proposed development and is compatible with the continued existence of the habitat adjacent to the project site; therefore, the project conforms with Section 30240 of the Coastal Act regarding the protection of environmentally sensitive habitat areas and the species of special biological significance that use those areas.

## **G. Marine Resources and Water Quality**

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of the subject bluff. The Commission recognizes that new development in this area has the potential to adversely impact coastal water quality through the increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, fertilizers, and other pollutant sources.

To address these concerns, the proposed development, as conditioned in **Special Condition 8**, will incorporate design features that minimize the infiltration of water and

the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. This special condition will ensure that 1) sediment is kept onsite during construction; 2) runoff is controlled after construction, so that stormwater and irrigation water from nearby uses does not erode or percolate into nearby land (increasing the likelihood of slope failure); and 3) drainage features that maintain the quality of runoff are incorporated so that runoff does not transport pollutants into the ocean. Parts B and C of **Special Condition 3** require the applicant to submit a Final Project Staging Plan that includes, at a minimum, the project perimeter and area (boring sites and vehicle/personnel access routes), boring equipment, final project BMPs, and hazardous waste disposal procedures (including removal of soils from the site). In addition, **Special Condition 3** requires the temporary fence installed on the south (seaward) side of the project site be outfitted with a silt screen to minimize intrusion of construction materials, including sediment and dust, into the adjacent park and habitat area, which will also minimize such intrusions from entering coastal waters.

Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

## H. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a Local Coastal Program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Pacific Palisades area of the City of Los Angeles has neither a certified LCP nor a certified Land Use Plan. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

## I. California Environmental Quality Act

The applicant, the City of Los Angeles, is the lead agency, and the Commission is a responsible agency for the purposes of the California Environmental Quality Act ("CEQA"). The City of Los Angeles Bureau of Engineering issued a Draft Environmental Impact Report (DEIR) for the Asilomar Boulevard Stabilization Project (SCH No. 2017091076) in May 2018.

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit (CDP) applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with

any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment. The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA (14 CCR § 15251(c)).

The preceding coastal development permit findings in this staff report have discussed the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate mitigations to avoid and/or lessen any potential for adverse impacts to said resources. The Commission incorporates these findings as if set forth here in full. As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact, individual or cumulative, which the proposed project would have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

- Coastal Development Permit Application No. 5-18-0844 and associated file documents.
- Coastal Development Permit Application No. 5-21-0906 and associated file documents.

## **APPENDIX B – CULTURAL RESOURCES SIGNIFICANCE TESTING PLAN PROCEDURES**

- A. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved, and implementation may proceed.
1. If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures are de minimis in nature and scope, the significance testing may commence after the Executive Director informs the permittee of that determination.
  2. If the Executive Director approves the Significance Testing Plan but determines that the changes therein are not de minimis, significance testing may not recommence until after an amendment to this permit is approved by the Commission.
  3. Once the measures identified in the Significance Testing Plan are undertaken, the permittee shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archeologist's recommendation as to whether the findings are significant. The project archeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. The Executive Director shall make the determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the permittee shall prepare and submit to the Executive Director a supplementary Archaeological Plan in accordance with subsection B of this Appendix and all other relevant subsections. If the deposits are found to be not significant, then the permittee may recommence grading in accordance with any measures outlined in the significance testing program.
- B. An applicant seeking to recommence construction following a determination by the Executive Director that the cultural deposits discovered are significant shall submit a supplementary Archaeological Plan for the review and approval of the Executive Director. The supplementary Archaeological Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well as others identified in the special condition. The supplementary Archaeological Plan shall identify proposed investigation and mitigation

measures. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the Supplementary Archaeological Plan.

1. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director informs the permittee of that determination.
  2. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.
- C. Prior to submittal to the Executive Director, all plans required to be submitted pursuant to this special condition, except the Significance Testing Plan, shall have received review and written comment by a peer review committee convened in accordance with current professional practice that shall include qualified archeologists and representatives of Native American groups with documented ancestral ties to the area. Names and qualifications of selected peer reviewers shall be submitted for review and approval by the Executive Director. The plans submitted to the Executive Director shall incorporate the recommendations of the peer review committee. Furthermore, upon completion of the peer review process, all plans shall be submitted to the California Office of Historic Preservation (OHP) and the NAHC for their review and an opportunity to comment. The plans submitted to the Executive Director shall incorporate the recommendations of the OHP and NAHC. If the OHP and/or NAHC do not respond within 30 days of their receipt of the plan, the requirement under this permit for that entities' review and comment shall expire, unless the Executive Director extends said deadline for good cause. All plans shall be submitted for the review and approval of the Executive Director.