

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Th17b

Appeal Filed: 6/24/2008
49th Day: 8/12/2008
180th Day: N/A
Staff: Charles Posner-LB
Staff Report: 7/17/2008
Hearing Date: August 7, 2008
Commission Action:

**STAFF REPORT: APPEAL - NO SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-PPL-08-178

APPLICANT: Joe Cirillo **AGENT:** Sharyl Beebe

APPELLANT: Stuart Sckoolnick

PROJECT LOCATION: 17719 W. Posetano Road, Pacific Palisades, City of Los Angeles.

PROJECT DESCRIPTION: Appeal of City of Los Angeles Local Coastal Development Permit No. ZA-2007-1040 approved for grading and the construction of a single-family residence on a vacant 3,888 square foot hillside lot.

Lot Area	3,888 square feet
Building Coverage	3,000 square feet (approx.)
Landscape Coverage	600 square feet (approx.)
Internal Floor Area	2,500 square feet (plus garage)
Parking Spaces	2 in garage
Zoning	R1-1
Plan Designation	Low Density Residential
Ht above Street	39 feet

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine the appeal raises **no substantial issue** with respect to the ground (geologic safety) on which the appeal has been filed. The City of Los Angeles Department of Building and Safety has reviewed the geology and soils reports for the project site and has determined that the proposed project, which will include the installation of soldier piles into the underlying bedrock, will have a Factor of Safety in excess of 1.5 if the recommendations of the reports are implemented. A Factor of Safety of 1.5 or greater is considered by the City (and the Commission) to be sufficiently safe for residential construction on hillsides in the Pacific Palisades. **The motion to carry out the staff recommendation is on Page Five.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles Local Coastal Development Permit No. ZA-2007-1040.
2. City of Los Angeles Local Coastal Development Permit No. ZA-2007-1037.
3. Coastal Commission Appeal No. A-5-PPL-08-177 (17713 W. Posetano Road).
4. Mitigated Negative Declaration No. ENV-2007-1038-MND.
5. Report of Update Engineering Geologic Study – Proposed Single-Family Residence and Associated Retaining Walls, 17719 Posetano Road, Pacific Palisades, By Mountain Geology, Inc., December 11, 2006.
6. City of Los Angeles Department of Building and Safety Geology and Soils Report Approval Letters dated June 8, 1999 and April 12, 2007.

I. APPELLANT'S CONTENTION

City of Los Angeles Local Coastal Development Permit No. ZA-2007-1040, approved by the City of Los Angeles for the construction of a single-family residence on a hillside lot in the Pacific Palisades area, has been appealed by Stuart Sckoolnick¹ (Exhibit #3). The ground for the appeal is that the grading associated with proposed project may adversely affect existing homes in the area because the slope is unstable and major slope failures have occurred nearby. The appeal asserts that the coastal development permit should be denied due to the lack of information provided. The appeal also asserts that the proposed project's floor area to lot area ratio (3,077/3,888) is "twice as large as comparable properties" but does not raise this issue in the context of any Coastal Act policy or any other building standard.

II. LOCAL GOVERNMENT ACTION

On August 23, 2007, the City of Los Angeles Zoning Administrator held a public hearing for the proposed development. Several persons spoke in opposition of the proposed project, citing known geologic problems in the area and the problems associated with developing small lots on very narrow hillside streets like Posetano Road.

In a written determination dated February 28, 2008, the City of Los Angeles Zoning Administrator approved City of Los Angeles Local Coastal Development Permit No. ZA-2007-1040 for the construction of a single-family residence, while denying the applicant's request for the following exceptions:

- A Zoning Administrator's Determination to permit a height of 39 feet within the twenty-foot front yard setback in lieu of the maximum height of 24 feet.
- A Zoning Administrator's Determination to permit two parking spaces in lieu of the three spaces required by Section 12.21-A, 17(h).

¹ Three other names were listed on the appeal form, but Stuart Sckoolnick is the only person whose signature appears on the appeal form.

- A Zoning Administrator's Determination to permit construction of a single-family residence on a Substandard Hillside Street improved to a width of less than twenty feet adjacent to the subject property.

In regards to the applicant's request to build the house on a Substandard Hillside Street that is less than twenty feet wide, the Zoning Administrator approved instead:

- A Zoning Administrator's Determination to permit construction of a single-family residence on a Substandard Hillside Street that does not have a vehicular access route from a street improved with a minimum twenty-foot wide continuous paved roadway width from the driveway apron that provides access to the main dwelling to the boundary of the Hillside Area.

In regards to the City's denial of the applicant's request to provide two on-site parking spaces instead of three, the applicant modified the proposed project (reduced the size) so it would fall below the City's threshold for requiring three parking spaces. The modified proposal provides two parking spaces (in the garage) consistent with the City's on-site parking requirement.

On March 14, 2008, the applicant appealed the Zoning Administrator's action to the City of Los Angeles West Los Angeles Area Planning Commission. On May 7, 2008, the applicant's appeal was heard by the City of Los Angeles West Los Angeles Area Planning Commission. The Planning Commission denied the applicant's appeal, sustained the Zoning Administrator's February 28, 2008 determination, and adopted Mitigated Negative Declaration No. ENV-2007-1038-MND for the project.

On June 12, 2008, the Commission's South Coast District office in Long Beach received the City's Notice of Final Local Action (dated June 11, 2008) for Local Coastal Development Permit No. ZA-2007-1040, and the Commission's required twenty working-day appeal period commenced. The appeal signed by Stuart Sckoolnick was received in the Commission's South Coast District office in Long Beach on June 24, 2008. The appeal period ended on July 11, 2008. No other appeals were received.

III. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits.

Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local coastal development permit application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.]

Any appeal of the local action is then analyzed to determine if a substantial issue exists as to the approved project's conformity with Chapter 3 of the Coastal Act (Sections 30200-30265.5). [Cal. Pub. Res. Code § 30625(b)(1).] Unless the Commission finds that the appeal raises no substantial issue, the Commission then holds a public hearing in which it reviews the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.]

At this point, the Commission may decide that the appellant's contentions raise no substantial issue as to conformity of the approved project with Chapter 3 of the Coastal Act, in which case the action of the local government stands. Or, the Commission may find that a substantial issue exists with respect to the conformity of the action of the local government with Chapter 3 of the Coastal Act if it finds that the appeal raises a significant question regarding consistency with the Chapter 3 policies of the Coastal Act. If the Commission finds that a substantial issue exists, then the hearing will be continued as a de novo permit request. Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission's regulations.

IV. DUAL PERMIT JURISDICTION

Section 30601 of the Coastal Act states:

Prior to certification of the Local Coastal Program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) or (d) of Section 30600, a coastal development permit shall be obtained from the Commission for any of the following:

- (1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
- (2) Development not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.
- (3) Any development which constitutes a major public works project or a major energy facility.

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that the development which receives a local coastal development permit also obtain a "dual" coastal development permit from the Coastal Commission. For projects located inland of the areas identified in

Section 30601 (*Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The Commission's standard of review for the proposed development in both the *Single Permit Jurisdiction* and the *Dual Permit Jurisdiction* areas is the Chapter 3 policies of the Coastal Act.

The project site is situated within the "*Dual Permit Jurisdiction*" area because of its location within three hundred feet of the top of the seaward face of a coastal bluff. Therefore, the applicant must obtain a "dual" coastal development permit for the development issued by the Commission. The applicant has not yet submitted the required "dual" Coastal Commission coastal development permit application for Commission action.

In regards to this appeal, if the Commission finds that a substantial issue exists in regards to the City's approval of the Local Coastal Development Permit No. ZA-2007-1040, the subsequent *de novo* action on the local coastal development permit will also be combined with the required "dual" Coastal Commission coastal development permit application. The matter will not be referred back to the local government.

On the other hand, if the Commission finds that no substantial issue exists in regards to the City's approval of the local coastal development permit, then the local coastal development permit approved by the City will be final, and the Commission will act on the required "dual" Coastal Commission coastal development permit as a separate agenda item at a future meeting.

V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **no substantial issue exists** with respect to whether the local government's approval of the project is consistent with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

Staff recommends a **YES** vote on the following motion:

MOTION: *"I move that the Commission determine that Appeal No. A-5-PPL-08-178 raises **no** substantial issue with respect to conformity of the local approval with the policies of Chapter 3 of the Coastal Act."*

Passage of the motion will result in the adoption of the following resolution and findings. A majority of the Commissioners present is required to pass the motion.

Resolution to Find No Substantial Issue for Appeal A-5-PPL-08-178

The Commission hereby finds that Appeal No. **A-5-PPL-08-178** presents no substantial issue with respect to conformity of the local government approval with the Chapter 3 policies of the Coastal Act.

VI. FINDINGS AND DECLARATIONS FOR SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. Project Description

City of Los Angeles Local Coastal Development Permit No. ZA-2007-1040 approves the construction of a three-level single-family residence with approximately 2,500 square feet of internal floor area, plus an attached two-car garage on the ground floor (Exhibit #4). Approximately one thousand cubic yards of material will be excavated in order to construct the foundation, which will include the installation of soldier piles into the underlying bedrock and the construction of retaining walls on the slope above the house.

The project site is a vacant 3,888 square foot hillside lot situated on the uphill side of Posetano Road in the Castellammare area of Pacific Palisades (Exhibit #2). The surrounding neighborhood is comprised of similar-sized multi-story single-family residences. The steep hillsides in the area are prone to mudslides and there is a mapped landslide on the slope immediately below the project site. The applicant is also seeking a permit to build a similar house on the abutting lot (See Coastal Commission Appeal No. A-5-PPL-08-177 - 17713 W. Posetano Road).

B. Substantial Issue Analysis

As stated in Section III of this report, the grounds for an appeal of a coastal development permit issued by the local government prior to certification of its Local Coastal Program (LCP) are the Chapter 3 policies of the Coastal Act. Any such local government coastal development permit may be appealed to the Commission. The Commission shall hear an appeal unless it determines that the local government action raises no substantial issue as to conformity with Chapter 3 policies of the Coastal Act. In this case, staff has recommended that the Commission find that no substantial issue exists with regard to the local government's approval of the project.

The ground for the appeal is that the grading associated with proposed project may adversely affect existing homes in the area because the slope is unstable and major slope failures have occurred nearby. The appeal asserts that the coastal development permit should be denied due to the lack of information provided.

Geologic hazards and the risks of development are addressed by Section 30253 of the Coastal Act. Section 30253 of the Coast Act requires that new development minimize risks in high geologic hazard areas like the Pacific Palisades.

Section 30253 states, in part:

New development shall:

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

The applicant states that the grading required for the proposed project consists of approximately one thousand cubic yards of material to be excavated from the ascending hillside. The construction of the foundation for the proposed single-family residence will include the installation of soldier piles into the underlying bedrock and the construction of retaining walls on the slope above the house.

The applicant has provided an updated Engineering Geologic Study for the proposed development (Report of Update Engineering Geologic Study – Proposed Single-Family Residence and Associated Retaining Walls, 17719 Posetano Road, Pacific Palisades, By Mountain Geology, Inc., December 11, 2006). The report states that bedrock exists about ten feet below the fill and colluvium on the surface of the site, and that the orientation of the sandstone bedrock is considered favorable with respect to the gross stability of the site as the bedding planes dip into the slope. The report also determined that landslide debris does not underlie the site, and it is free from any recent rain-related damage such as shallow slumps and mudflows. There is, however, a mapped landslide located immediately south and southwest of the site (downslope), and there have been shallow slumps and debris avalanches observed on the ascending slope located northeast of the site. In addition, the report states that the site is not within a California Earthquake Fault Zone and no known potentially active or active faults traverse the site.

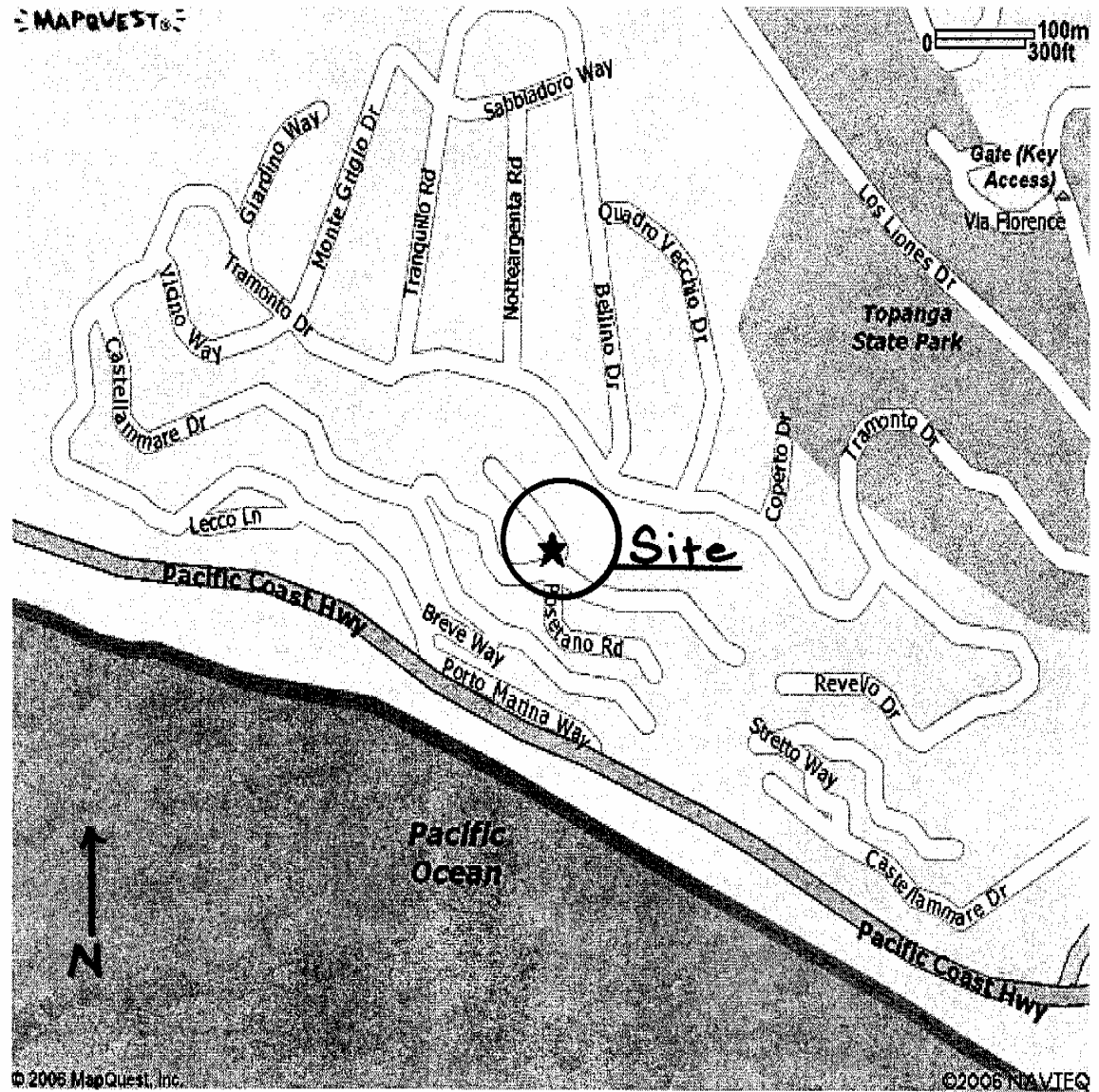
The updated Engineering Geologic Study concludes that the proposed project is considered feasible from an engineering geologic standpoint, provided that the recommendations in the report are incorporated into the plans and implemented during construction. The recommendations include the installation of soldier piles into the underlying bedrock in order to meet the minimum required 1.5 slope Factor of Safety, the use of moisture barriers in the foundation, and the installation of a proper drainage system that includes two hydraugers to remove excess groundwater.

The City of Los Angeles Department of Building and Safety has reviewed the updated Engineering Geologic Study by Mountain Geology, Inc. (December 11, 2006) and the prior geology and soils reports for the site, and has issued two Geology and Soils Report Approval Letters (dated April 12, 2007 and June 8, 1999) which state that the reports are acceptable provided that the development comply with all of the conditions listed in the City's letters. The applicant is required to submit verification that all recommendations in the updated Geology and Soils Report have been incorporated into the project's final plans.

The City of Los Angeles Planning Department took the geology and soils reports for the site, and the Department of Building and Safety's reviews of the reports, into account during its review of the local coastal development permit for the proposed project. The local coastal development permit for the proposed development includes special conditions that address the excavation and grading for the proposed project, including a specific condition that requires compliance with the mitigation measures set forth by the Department of Building and Safety in the Geology and Soils Report Approval Letters. Additionally, the local coastal development permit includes a set of conditions that address hauling, construction and site drainage in the Hillside Area, and a list of Best Management Practices (BMPs) to minimize adverse impacts to water quality in the watershed.

The Coastal Act recognizes that new development may involve some risk. Under Section 30253 of the Coastal Act, new development may occur in areas of high geologic hazard, like the Pacific Palisades, if the risks to life and property are minimized. When development is proposed in an area of high risk, the Commission considers the hazard associated with the proposed project and the potential cost to the public and surrounding area, as well as the individual's right to use the property. The local coastal development permit documents the information the City considered when it approved the local coastal development permit for the proposed project, and the City approval includes specific mitigation measures to minimize the risk to risks to life and property as required by Section 30253. The City's approval of the local coastal development permit includes adequate information and mitigation measures to address the risks of the development. Therefore, the appeal raises no substantial issue.

Vicinity Map



Address: 17713 W. Posetano Rd.

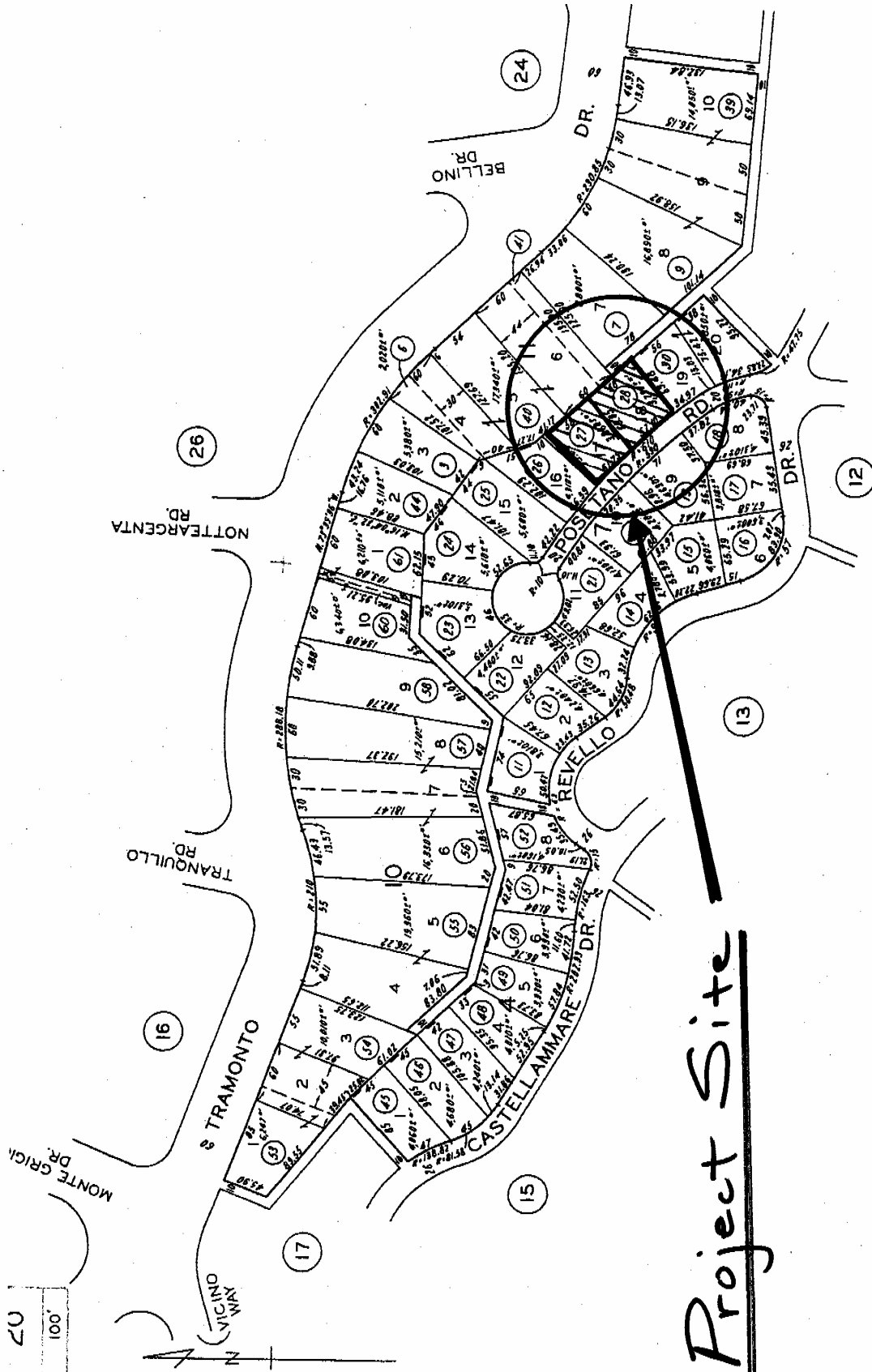
A5-PPL-08-177
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ZA 2007 1037 EXHIBIT # 1
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4416 20

SCALE 1 100'



Project Site

67

CASTELLAMMARE - M.B. 113 - 3 - 8
TRACT NO. 8923 M.B. 118 - 27 - 35

COASTAL COMMISSION
A-5-PPL-08-177
EXHIBIT # 2
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FOR PREP. ASSAULT SITE
4416 - 19 & 20

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 590-5084

JUN 24 2008

CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: STUART SKOOLNICK, MINDY PAYNE, MIKE & YVONNE REDMOND
Mailing Address: 17701 REVELLO DRIVE
City: Pacific Palisades Zip Code: 90272 Phone:

SECTION II. Decision Being Appealed

- Name of local/port government:
CITY OF LOS Angeles OFFICE OF ZONING ADMINISTRATION
- Brief description of development being appealed:
Coastal Development permit for both projects
- Development's location (street address, assessor's parcel no., cross street, etc.):
17713 & 17719 Positano Rd 4416020028
Pacific Palisades 4416020027
cross street Revello
- Description of decision being appealed (check one.):
☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-PPL-08-177+178
DATE FILED: 6/24/08
DISTRICT: South Coast/Long Beach

EXHIBIT # 3
PAGE 1 OF 3

COASTAL COMMISSION

The reason to appeal the City of Los Angeles Determination to issue a Project Permit for these sites is the geology of this area.

The proposed sites are small with a severe 1:1 slope. This area of Pacific Palisades is prone to slope failure and landslides. This is an extremely geologically sensitive area.

Within 300 feet of this site, a major slope failure occurred at 17801 Castellammare (aka 17774 Tratmonto). Twelve years ago during excavation, the contractor encountered a major slope failure. The owner and contractor have walked away from the project. The neighbors have been living with 14-foot high steel plates, used to stabilize the slope, across the street from their homes. That slide has severely impacted the neighborhood's well being and property values.

Per the Environmental Assessment, the proposed sites will excavate 5,000 cubic yards of dirt. The lot sizes are 3,681 and 3,882 square feet. With the miniscule size of the lots, this amount of dirt removal is enormous. As this area known as a landslide area and with an unstable slope, the neighbors fear that another slope failure will occur. There are several homes constructed at the top on the slope on Tratmonto. The neighbors fear a slope failure; and that those homes could be impacted and slide down the slope.

The application submitted by the applicant left the 'impact' section blank. I believe that the Coastal Development Permit should be denied due to the lack of information provided. With the enormous amount of excavation proposed on an unstable slope, there will be impacts. And the neighborhood is fearful of these possible impacts, and the damage that the neighborhood might incur. The design of the two homes does not acknowledge the severity of the slopes. The soil and geology report states that impact walls and a debris basin should be located on each lot. That is not on any plans.

If you compare the lot area to square footage of the dwellings of the proposed houses are twice as large as comparable properties. Please see attachment "A." The proposal of these homes only concern is to maximize square footage to maximize the profit for these homes.

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EXHIBIT # 3
PAGE 2 OF 3

Neighborhood Compatibility

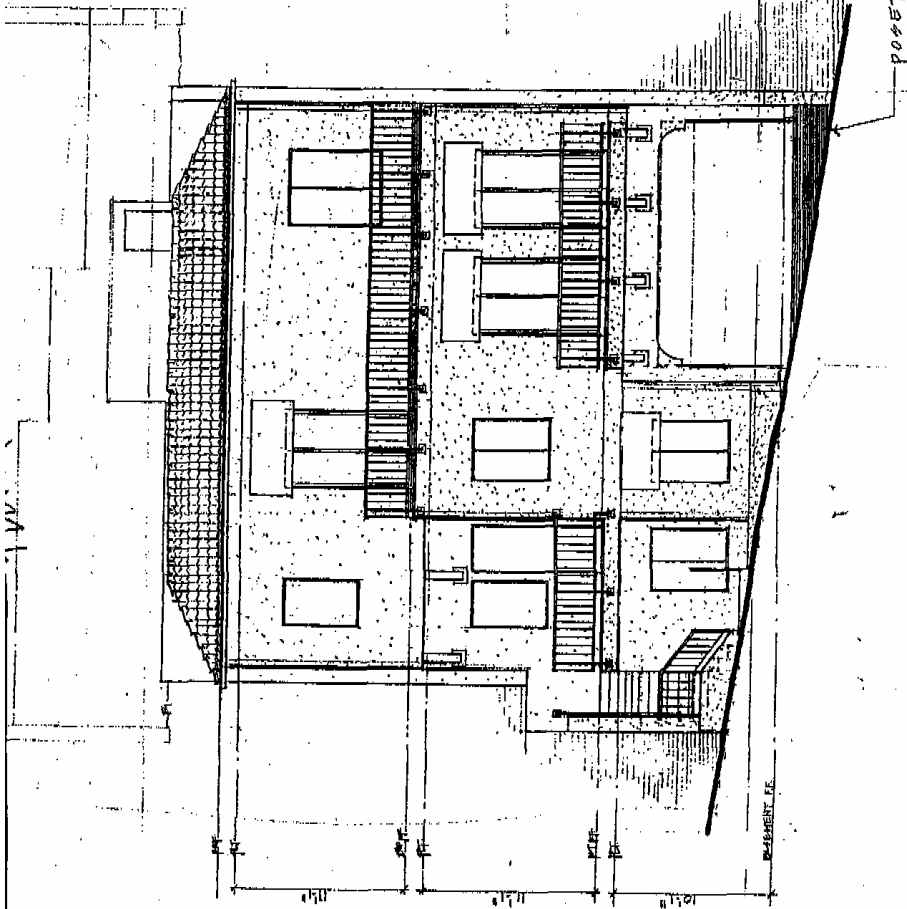
Address	lot area	dwell sq ft	lot size ratio*
1. 17709 Posetano	7773	1270	16
2. 17713 Posetano	3681	3077	84 subject
3. 17719 Posetano	3882	3077	79 subject
4. 17716 Posetano	4539	2250	49
5. 17724 Posetano	4163	2126	51
6. 17730 Posetano	4054	2222	54
7. 17743 Posetano	5446	1224	22
8. 17701 Revello	11,543	3910	34
9. 17700 Revello	7632	1994	26
10. 17638 Revello	7179	2658	37

The existing homes have an average ratio of 30%. The proposed dwellings have 79 & 84%

*building sq ft divided by lot size

COASTAL COMMISSION

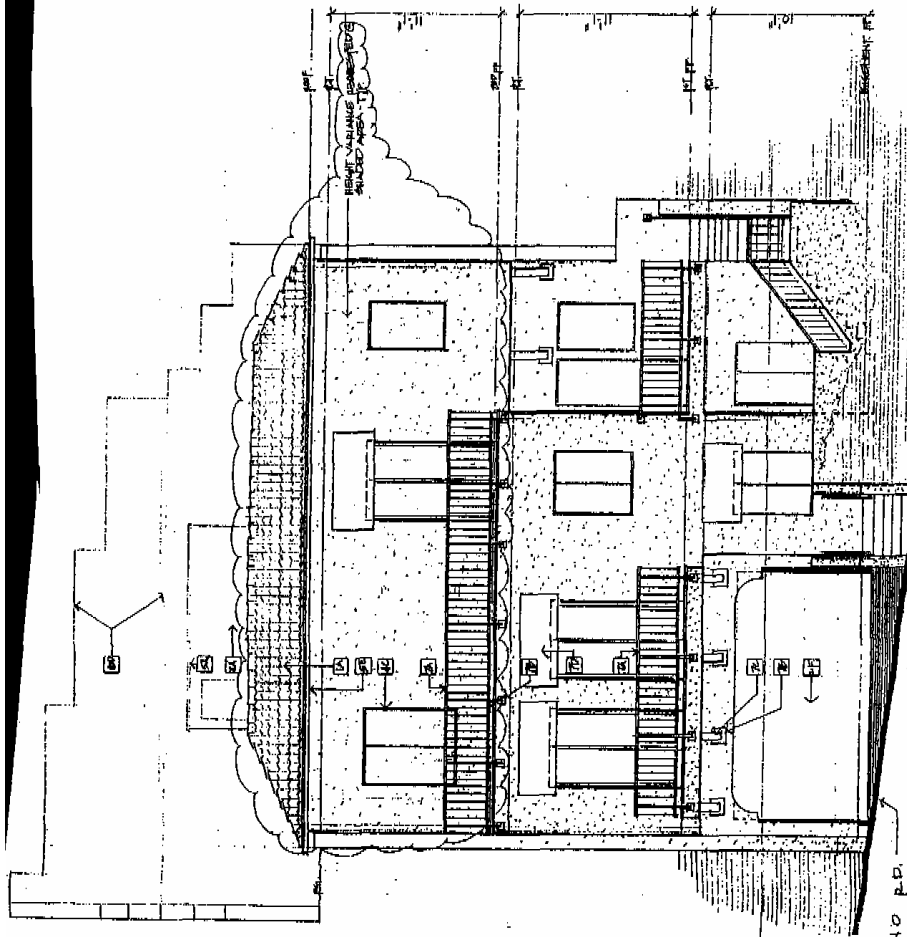
EXHIBIT # 3
PAGE 3 OF 3



SEE LOT 18 FRONT ELEVATION FOR THE NOTES

LOT 17 FRONT ELEVATION

ARCHITECTURAL FIRM, INC.

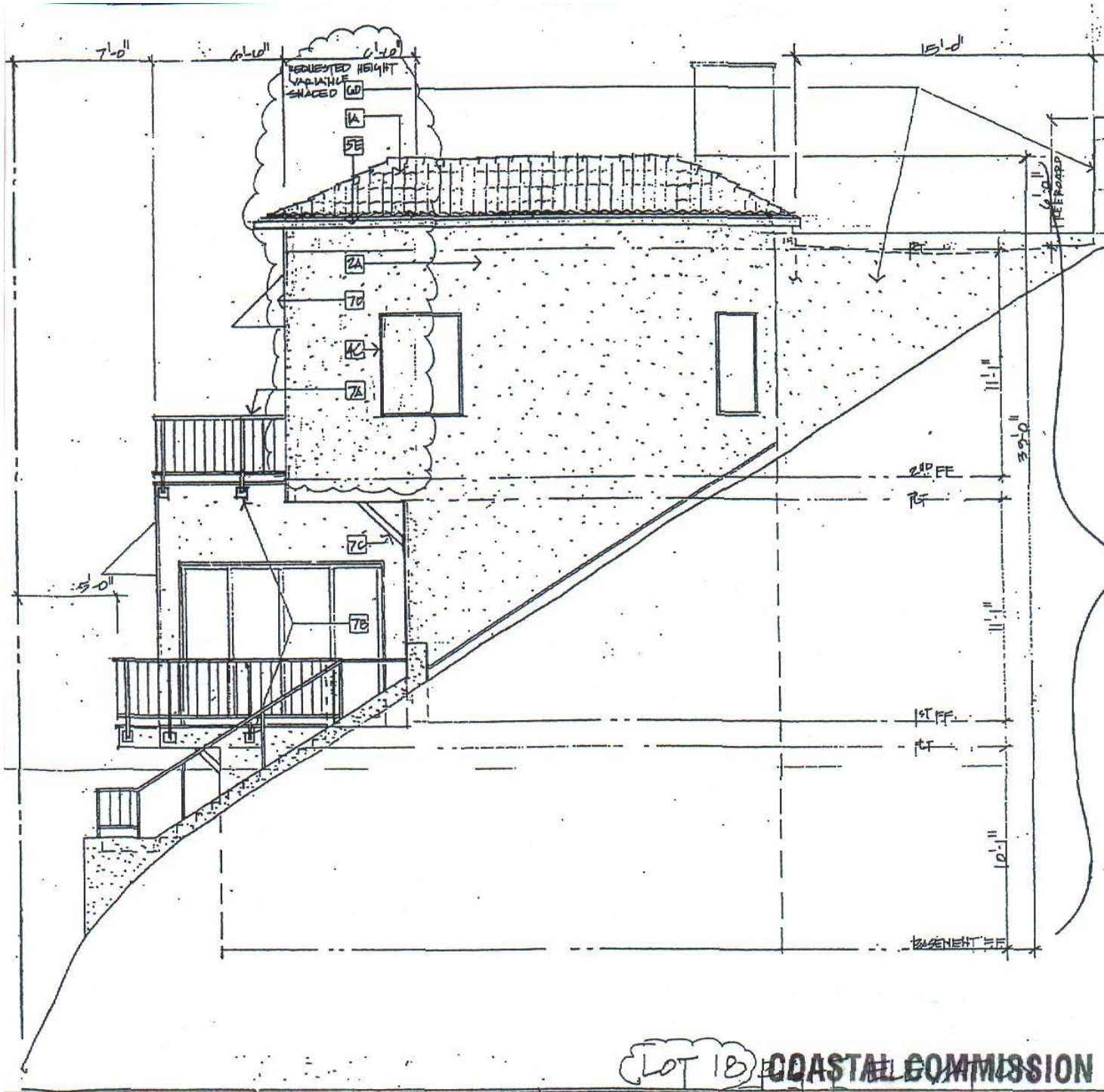


POSETANO P.D.

LOT 18 FRONT ELEVATION

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EXHIBIT # 4
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Elevation

EXHIBIT # 5
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EXHIBIT # 6
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EXHIBIT # 7
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