

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 2-23-99
49th Day: 4-13-99
180th Day: 8-22-99
Staff: JLR-LB
Staff Report: 3-10-99
Hearing Date: April 13-16, 1999
Commission Action:

RECORD PACKET COPY**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER: 5-98-478****APPLICANT: Richard Rosenblatt****PROJECT LOCATION: 15957 Asilomar Blvd., Pacific Palisades****PROJECT DESCRIPTION: Construct a 5,395 sq. ft. single-family residence, 3-story, 28' high with two parking spaces on a 10,464 sq. ft. lot.**

Lot Area	10,464 sq. ft.
Building Coverage	5,395 sq. ft.
Pavement Coverage	2,230 sq. ft.
Landscape Coverage	2,839 sq. ft.
Parking Spaces	Two
Zoning	R-1
Planning Designation	Low Density Residential
Ht above final grade	28'

LOCAL APPROVALS RECEIVED: Approval in Concept - City of Los Angeles**SUBSTANTIVE FILE DOCUMENTS: City adopted Brentwood-Pacific Palisades Community Plan****SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending approval with special conditions addressing natural hazards in order to be consistent with Section 30253 of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

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 permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.

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

III. **SPECIAL CONDITIONS**

1. Conformance with Geotechnical Recommendations

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit grading and foundation plans for the review and approval of the Executive Director. The approved foundation plans shall include plans for the retaining walls, subdrains and footings. These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations contained a Geologic and Soils Engineering Investigation Report dated November 4, 1998, prepared by Keith W. Ehlert and SWN Soiltech Consultants. The approved development shall be constructed in accordance with the plans approved by the Executive Director. Any deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

2. Assumption of Risk/Indemnification

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazards from landslides, erosion, slope failure, mudslides and slumping and the applicant assumes full liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents, and employees relative to the Commission's approval of the project for any damage due to natural hazards. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to construct a 5,395 sq. ft. single-family residence, 3-story, 28' high with two parking spaces on a vacant 10,464 sq. ft. lot. The proposed project is located within an established single-family residential neighborhood in Pacific Palisades, a planning subarea of the City of Los Angeles. The subject lot ascends above the street, Asilomar Blvd., with an overall topographic relief of approximately five feet.

B. Geologic Hazards to Development

Section 30253 of the Coastal Act provides in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, food, 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 proposed residence is located on a hillside mesa in a geographic area where steep slopes are subject to natural hazards. Natural hazards common to this area include landslides, erosion, flooding and slumping. There is a landslide mapped southerly of the site. The applicant has submitted a Geologic and Soils Engineering Investigation Report dated November 4, 1998, prepared by Keith W. Ehlert and SWN Soiltech Consultants.

The geology/soils report notes that "a landslide exists below the site and below Asilomar Blvd. in general." The geologic structure consists of an east-west anticline; the south limb forms the descending slope below Asilomar Blvd. The consultant's stability analysis of the descending slope indicates a factor of safety in excess of the City's minimum requirements.

The applicant's geotechnical report further concludes that development on the site, as proposed, is feasible from a geologic engineering standpoint, provided that the applicant incorporates the recommendations referred to in the soils/geology report. That report has specific, detailed recommendations regarding expansive soils, drainage, foundation plans, slope stability and slough protection.

The applicant's conditional geology approval from the City of Los Angeles Grading Division of the Department of Building and Safety also includes specific soils/geology

conditions addressing design and construction methods. Following are some of the City's geotechnical conditions:

1. All footings shall be founded in terrace deposits, as recommended.
5. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill.
7. The geologist and soils engineer shall review and approve the detailed plans prior to issuance of any permits. This approval shall be by signature on the plans which clearly indicates that the geologist and soils engineer have reviewed the plans prepared by the design engineer and that the plans include the recommendations contained in their reports.
9. The geologist shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading or foundation excavations.

The Commission finds that the house can be approved consistent with Section 30253 of the Coastal Act, as long as the applicant conforms to the recommendations contained in the aforementioned soils and geology report. The Commission further finds that the proposed residence, as conditioned to conform to the consultant's geology and soils recommendations, will minimize risks of developing in this area that may occur of natural causes.

The Commission, in previous permit actions on development in this area has found that there are certain risks associated with hillside development that can never be entirely eliminated. In addition to the general risks associated with hillside development in geologically hazardous areas, the Commission notes that its approval is based on professional reports and professional engineering solutions that are the responsibility of the applicants to implement.

Based on the site specific soil/geologic constraints addressed in the applicant's geology report, the applicant shall, as a condition of approval, assume the risks inherent in potential slope failure from landslides and erosion. Therefore, the Commission further finds that in order to be consistent with Section 30253 of the Coastal Act, the applicant must record a deed restriction assuming the risk of developing in this hazardous area, and waiving the Commission's liability for damage that may occur as a result of such natural hazards.

C. Visual Quality

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 of its setting.

Section 30251 of the Coastal Act requires that scenic and visual resources of Coastal areas be protected and enhanced. It also states that permitted development shall be sited and designed to minimize the alteration of natural landforms and protect the scenic and visual quality of coastal areas. The Pacific Palisades area is a scenic coastal area. However, the bluffs and surrounding area are highly developed with existing single family residences.

On August 5, 1992, the City of Los Angeles adopted a Hillside Ordinance which may be incorporated into the City's future Local Coastal Program. That ordinance states that "on any lot where the slope of the lot measured from the lowest point of elevation of the lot to the highest point is 66 percent or less, no building or structure shall exceed 36 feet in height as measured from grade". The proposed residence is 28' above grade and the lot has a slope of approximately 3 percent. Therefore, the proposed development is consistent with the provisions of the City's Hillside Ordinance.

The site is located approximately a half mile inland of Pacific Coast Highway. The proposed residence will not block any public views and will not be highly visible from Pacific Coast Highway. The proposed 2-story residence is consistent with numerous past permit decisions that the Commission has approved in Pacific Palisades. Therefore, the Commission finds that the proposed development, as designed, is compatible with the surrounding pattern of development, consistent with the provisions of Section 30251 of the Coastal Act.

D. Local Coastal Programs

Section 30604(a) of the Coastal Act states that:

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with

Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200).

In 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, grading and geologic stability. The continued use of Temescal Canyon as a recreation area was also an issue, because at that time the Canyon was in private hands.

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

Approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604(a) of the Coastal Act.

E. Consistency with the California Environmental Quality Act (CEQA)

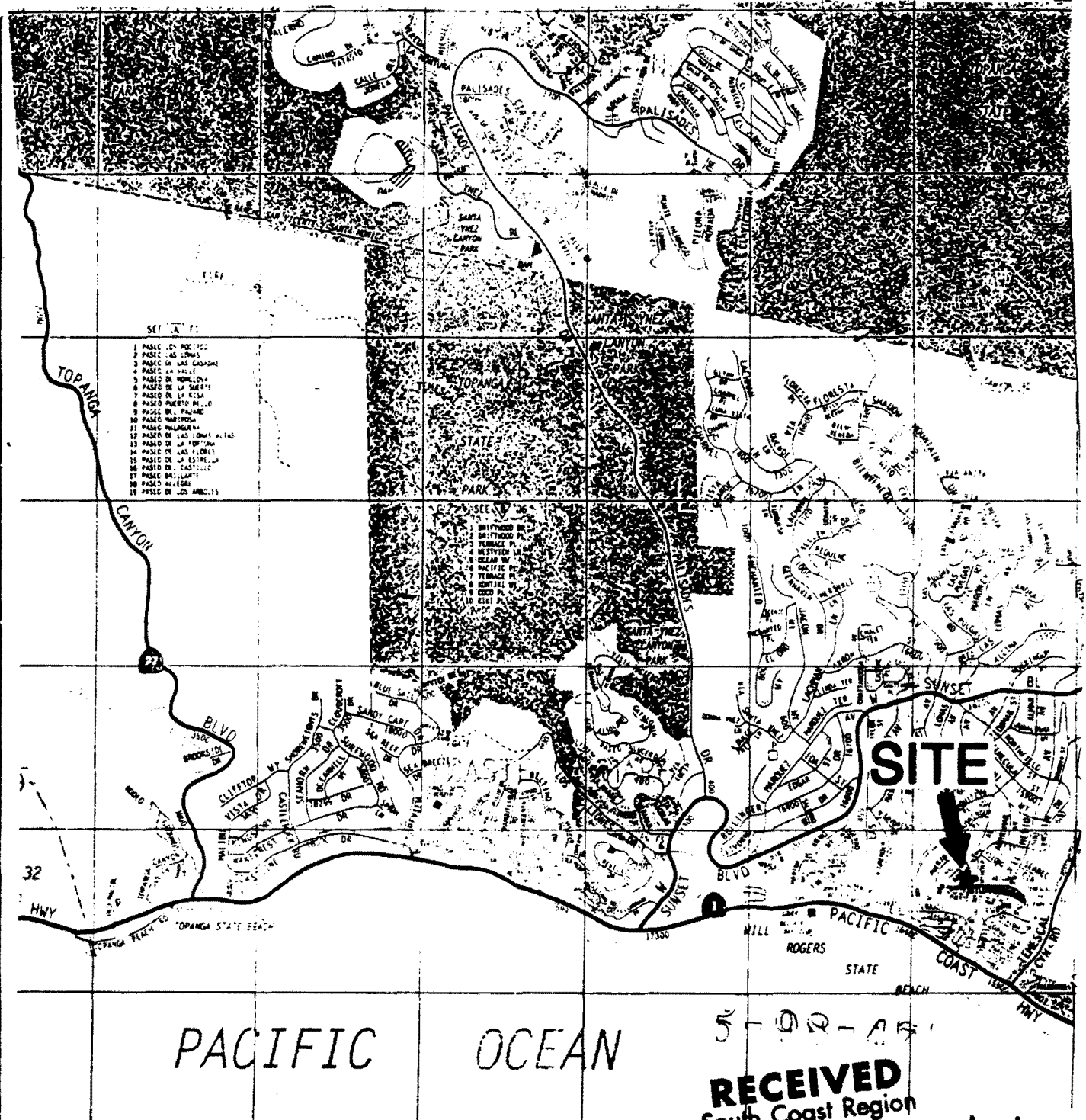
Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the natural hazards policies of the Coastal Act. Mitigation measures to conform to the consultant's geology/soils recommendations and to record a deed restriction assuming

the risk of developing in this hazardous area, will minimize all adverse impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may 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.

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Exhibit A
5-98-478

LOCATION MAP

Figure 1

P.N. 4323-98

11

WYNOLA

6

BLVD.

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Exhibit B

5-98-478

**PUERTO
DEL MAR**

ALMAR

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ASILOMAR

BLK. ③
117 3

TRACT NO. 9300
M.B. 125-55-78

CODE
87

FOR MILV. ASSEMBLY, JULY 1990 - 7

Subject
Lot

BOARD OF
BUILDING AND SAFETY
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GENERAL MANAGER

RICHARD E. HOLGUIN
EXECUTIVE CHIEF

February 1, 1999

Log # 26302-02

C.D. -

SOILS/GEOLOGY FILE - 2

Mr. Richard Rosenblatt
549 El Medio Ave
Pacific Palisades, CA 90272-4223

TRACT: 9300
LOT: 2. BLOCK 117
LOCATION: 15957 Asilomar Bl

CURRENT REFERENCE REPORT/LETTER(S)	REPORT NO.	DATE(S) OF DOCUMENT	PREPARED BY
Soil Report	4323-98R1	01-27-99	Keith W. Ehlert
PREVIOUS REFERENCE REPORT/LETTER(S)	REPORT NO.	DATE(S) OF DOCUMENT	PREPARED BY
Geology Report	4323-98R1	12-28-98	Keith W. Ehlert
Soil Report	4333-98	11-04-98	SWN Soiltch
Geology/Soils Report	4323-98	11-04-98	Keith W. Ehlert
Department Letter	26302	12-01-98	Bldg&Safety
" "	26302-01	01-15-99	" "

The report has been reviewed by the Grading Section of the Department of Building and Safety. According to the report, it is planned to construct a new residence on the existing vacant lot. The lot was formerly developed with a single-family residence, which has been removed from the site. Mr. Ehlert and SWN Soiltch are the project geotechnical consultants.

The report notes that a landslide exists below the site and below Asilomar Street in general. The site is underlain by terrace deposits and Morrel formation bedrock. The geologic structure consists of an east-west-trending anticline, the south limb of which forms the descending slope below Asilomar. Slope stability analyses of the descending slope indicate a factor of safety in excess of the minimum code requirements.

It is recommended that the new residence be supported by a foundation embedded in terrace

88888 (Rev. 4/88)

AN EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION STATEMENT

88888 (Rev. 4/88)

Exhibit C
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Page 2
1957 Asilomar Street

deposits. All foundations are to be continuous or tied with grade beams.

The report is acceptable, provided the following conditions are complied with during site development:

1. All footings shall be founded in terrace deposits, as recommended.
2. Footings supported on approved compacted fill or expansive soil shall be reinforced with a minimum of four (4) 1/4-inch diameter (#4) deformed reinforcing bars. Two (2) bars shall be placed near the bottom and two (2) bars placed near the top.
3. Slabs placed on approved compacted fill shall be at least 5 inches thick and shall be reinforced with 3/8-inch diameter (#3) reinforcing bars spaced maximum of 18 inches on center each way.
4. Concrete floor slabs placed on expansive soil shall be placed on a 4-inch fill of coarse aggregate or on a modulus barrier membrane.
5. Existing unclassified fill shall not be used for support of footings, concrete slabs or new fill.
6. All recommendations of the reports which are in addition to or more restrictive than the conditions contained herein shall be incorporated into the plans.
7. The geologist and soils engineer shall review and approve the detailed plans prior to issuance of any permits. This approval shall be by signature on the plans which clearly indicates that the geologist and soils engineer have reviewed the plans prepared by the design engineer and that the plans include the recommendations contained in their reports.
8. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit.
9. The geologist shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading or foundation excavations.
10. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557. Where objection-less soil having less than 15 percent of finer than 0.005 millimeters is used for fill, it shall be compacted to a minimum of 95 percent of the maximum dry density.
11. All roof and pad drainage shall be conducted to the street in an acceptable manner.
12. The geologist and soils engineer shall inspect the excavations for the footings to determine that they are founded in the recommended strata before calling the Department for footing

Exh. b, i, c

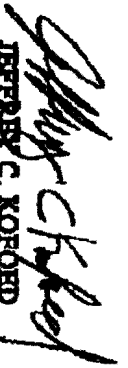
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Inspection.

13. All friction pile or caisson drilling and installation shall be performed under the periodic inspection and approval of the geologist and soils engineer.
14. Pile caisson and/or isolated foundation ties are required by Code Section 91.1807.2. Exceptions and modification to this requirement are provided in Rule of General Application 662.
15. Prior to the placing of compacted fill, a representative of the consulting Soils Engineer shall inspect and approve the bottom excavations. He shall post a notice on the job site for the City Grading Inspector and the Contractor stating that the soil inspected meets the conditions of the report, but that no fill shall be placed until the City Grading Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be filed with the Department upon completion of the work. The fill shall be placed under the inspection and approval of the Soils Engineer. A compaction report shall be submitted to the Department upon completion of the compaction.
16. Prior to the pouring of concrete, a representative of the consulting Geologist and Soil Engineer shall inspect and approve the footing excavations. He shall post a notice on the job site for the City Building Inspector and the Contractor stating that the work so inspected meets the conditions of the report, but that no concrete shall be poured until the City Building Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Department upon completion of the work.

DAVID HSU
Chief of Grading Section


JEFFREY C. KOFORD
Engineering Geologist II


THABO SIBIYA
Geotechnical Engineer I

JR/TRS:jk/trs
26302-02
(213) 977-6329

cc: Keith Eubank
SWN Sotilech
Clark Remington
WILA District Office

Exh. b, c
3 of 3

5-98-478

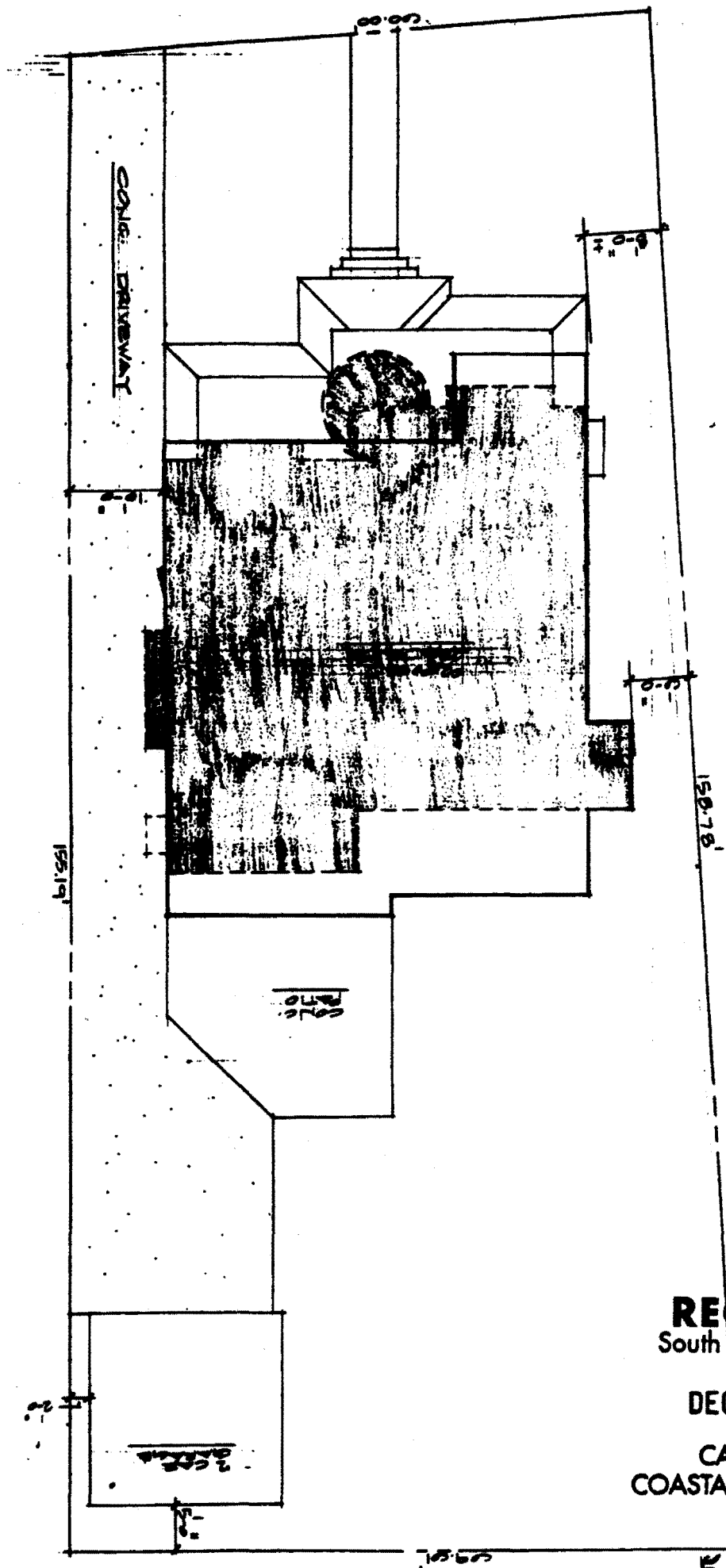


Exhibit D
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LOWER FLOOR PLAN

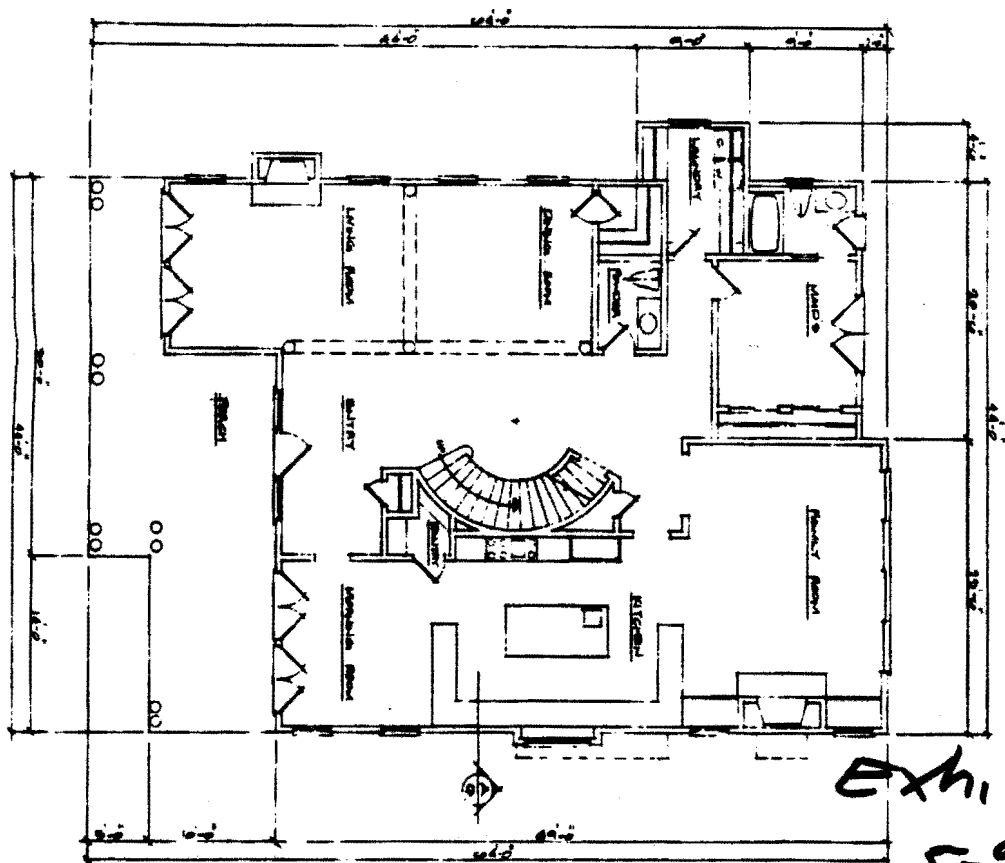
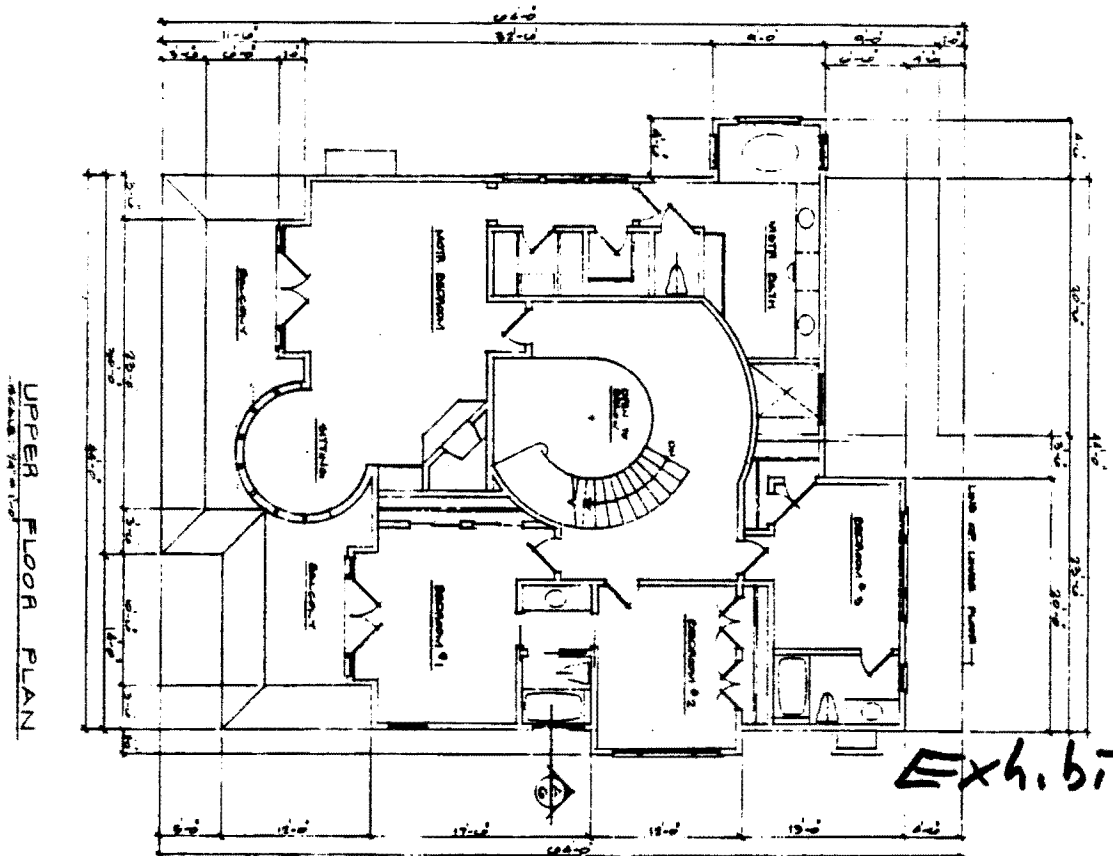


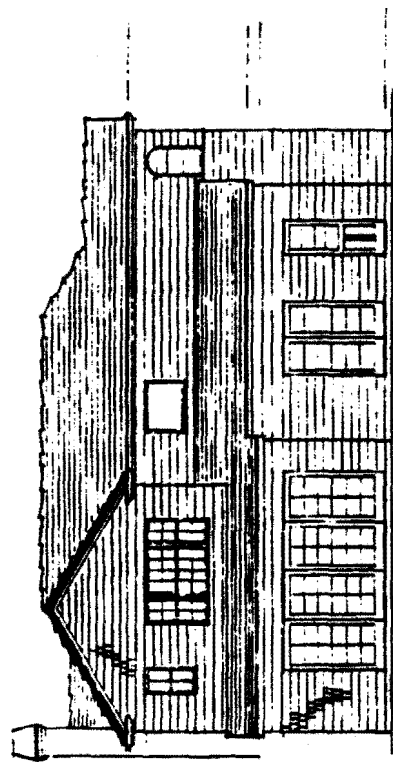
Exhibit F

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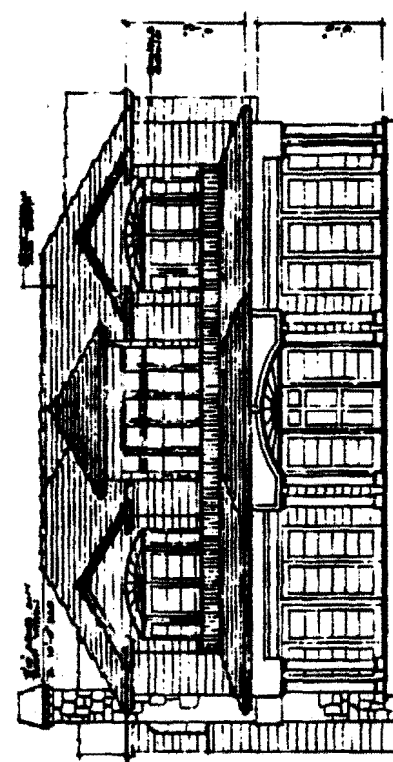


UPPER FLOOR PLAN
SCALE: 1/4" = 1'-0"

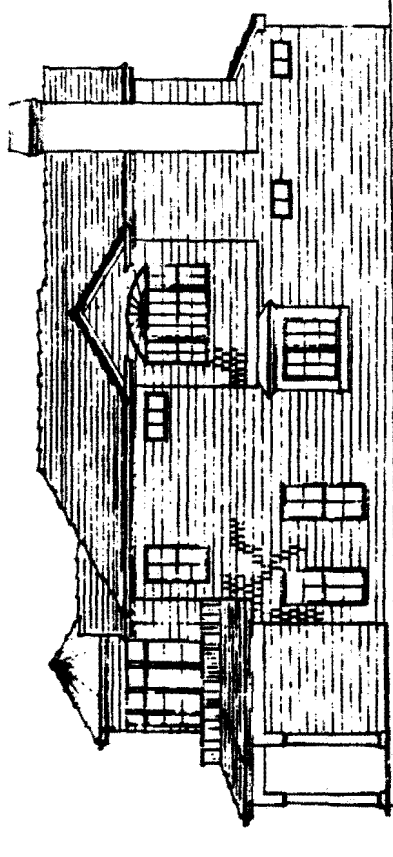
Exhibit G
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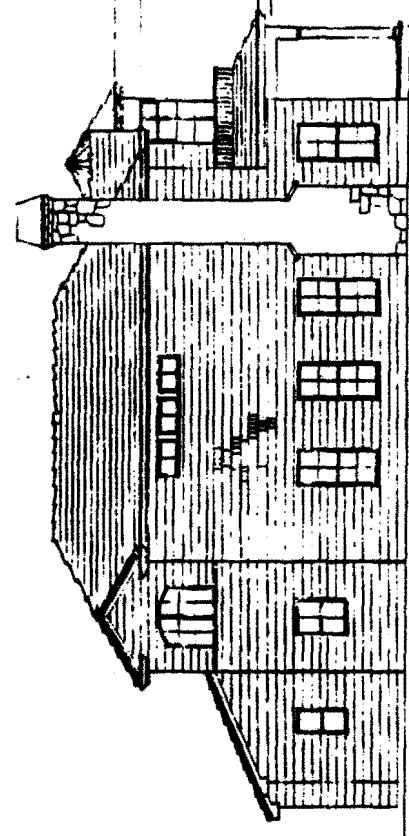
REAR ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

Exhibit H
5-98-478