

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 200 Oceangate, Suite 1000
 Long Beach, CA 90802-4302
 (562) 590-5071

Filed: 9/7/00
 49th Day: 10/26/00
 180th Day: 3/6/01
 Staff: AM-LB *AM*
 Staff Report: 9/15/00
 Hearing Date: October 10-13, 2000
 Commission Action:

**RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-00-338**APPLICANT:** Jeff Ayeroff and Marty Longbine**AGENT:** Monica Witt – Jeffer, Mangels, Butler, and Marmaro LLP**PROJECT LOCATION:** 315 Via De La Paz, Pacific Palisades, City and County of Los Angeles

PROJECT DESCRIPTION: 823 square foot addition to an existing 3,057 square foot, one-story single family home with pool and decking that includes a 740 square foot second floor, a 67 square foot bathroom on the first floor, and a 16 square foot widening of an existing first floor hallway. The proposed addition will create a two-story, 3,955 square foot, 21' 2" above the finished grade, single family home. Also proposed is the construction of a new walkway, trellis, and a jacuzzi with a flow control device, alarm system, and french drain to detect, monitor, and warn of water leakage

SUMMARY OF STAFF RECOMMENDATIONS

Staff is recommending approval with a condition that requires the applicant to undertake development in conformance with recommendations detailed within letters by Mark V. Tsukamoto, P.E., CIPE, 8/31/00 and Jim Milligan of Nespa Enterprises, Inc., 9/5/00, which provide measures to minimize leaks from the proposed jacuzzi. The applicants agree with this recommended condition.

SITE DETAILS:	Lot Area	15,320 square feet
	Building Coverage	3,955 square feet
	Pavement Coverage	2,279 square feet
	Landscape Coverage	9,086 square feet
	Parking Spaces	4
	Zoning	R1-1
	Plan Designation	Low Density Residential
	Ht above final grade	21' 2''

LOCAL APPROVALS RECEIVED: Approval in Concept #2000-2127
Department of Building and Safety, Grading
Division approval #31403

SUBSTANTIVE FILE DOCUMENTS: Architectural letter by Mark V. Tsukamoto, P.E.,
CIPE, 8/31/00.
Spa manufacturing letter by Jim Milligan of Nespa
Enterprises, Inc., 9/5/00.
Geologic and Soils Engineering Exploration, by
Grover, Hollingsworth, and Associates, 7/3/00.

STAFF RECOMMENDATION:

Staff recommends that the Commission APPROVE the permit application with special conditions.

MOTION

I move that the Commission approve CDP #5-00-338 pursuant to the staff recommendation.

Staff recommends a YES vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. CONFORMANCE OF DESIGN AND CONSTRUCTION PLANS TO MINIMIZE JACUZZI IMPACTS

A. The construction and use of the proposed jacuzzi shall be consistent with all recommendations contained in letters by Mark V. Tsukamoto, P.E., CIPE, 8/31/00 and Jim Milligan of Nespa Enterprises, Inc., 9/5/00.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur

without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to construct an 823 square foot to an existing 3,057 square foot single family home, with an existing pool and decking. The proposed addition will include a new 740 square foot second floor, a 67 square foot bathroom on the first floor, and a 16 square foot widening of an existing first floor hallway. The proposed addition will create a two-story, 3,955 square foot, 21' 2" above the finished grade, single family home. Also proposed is the construction of a new walkway, trellis, and a jacuzzi with a flow control device, alarm system, and french drain to detect, monitor, and warn of water leakage (See Exhibits).

The subject property is located in an established single family residential neighborhood in Pacific Palisades, a planning subarea of the city of Los Angeles (Exhibit #1). On October 17, 1979, Categorical Exclusion E-79-8 was adopted. It excluded certain developments within specified geographic areas from the coastal permit process. The project site is within this categorical exclusion area (Exhibit #2). However, the categorical exclusion states, "Identified sensitive areas are not part of this exclusion, (e.g. the first row of bluff and canyon lots), since there is no mechanism within the exclusion to minimize alterations to natural landforms such as utilization of setbacks and special grading requirements, nor to ensure protection of riparian areas." The site is the first row of homes on an identified coastal bluff and is therefore not included in the categorical exclusion.

B. Hazards to Development

The proposed project is located in an area subject to natural hazards. Natural hazards common to this area include landslides, erosion, flooding, and wildfires.

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.

As demonstrated in a Report On Landslide Study-Pacific Palisades Area, September 1976, by the U.S Army Corps of Engineers and the U.S. Geological Survey, a large landslide occurred approximately 200 feet south of the existing home. The "Report" includes the following description of the slide shown on Exhibit #4. This description is a summary of that report.

The slide was the biggest historical landslide in the Pacific Palisades area. It occurred on March 31, 1958. The total slide was approximately 780,000 cubic yards, with a thickness of approximately 120 feet. The landslide moved 200 feet south, buried Pacific Coast Highway, and reached the surf line. The landslide debris was left as a buttress and PCH was rerouted around the toe of the slide.

The proposed project is an addition to an existing single family home. Currently, there is a one-story, 3,446 square foot home with a pool and pool decking. The existing pool is located on the northwest side of the property. The applicant has proposed to install a jacuzzi to the south site of the property (Exhibit #3). This area has a level to gently sloping gradient. Ground water from leakage of the proposed jacuzzi can contribute to an acceleration of bluff erosion and possible landslide/sloughing activity. The proposed jacuzzi is situated approximately 100 feet away from the edge of the coastal bluff. Possible impacts from the jacuzzi structure are leakage into the subsurface, spillage, and maintenance activities that could create instability within the bluff. It is for this reason that the Commission imposes Special Condition #1 that requires the applicants to adhere to the recommendations contained in letters by Mark V. Tsukamoto, P.E., CIPE, 8/31/00 and Jim Milligan of Nespa Enterprises, Inc., 9/5/00, which provide measures to minimize leaks from the proposed jacuzzi (Exhibit #5). The letter by Mark Tsukamoto states that the proposed jacuzzi will have a tight fitting cover to reduce spillage and evaporation. A flow control device to detect leakage will be installed and will be interlocked with either an audible or visual alarm at the residence. The letter written by Jim Milligan, President of Nespa Enterprises, Inc., the manufacturer of the proposed jacuzzi, states that all tiled spas are pressure tested and static tested before shipping and are then retested once the equipment is installed. A french drain will be installed around the jacuzzi that empties into a drainpipe that can be monitored for leakage.

Adherence to the submitted letters are necessary to ensure that the proposed jacuzzi neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way requires the construction of

protective devices that would substantially alter natural landforms along coastal bluffs.

Therefore, only as conditioned, to ensure that adequate prevention and monitoring of the possible leakage of the jacuzzi is accounted for, can the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

C. Community Character

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of the surrounding areas, and, where feasible, to restore and enhance the visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Coastal Act protects public views. In this case the public views are the views from Pacific Coast highway to the coastal bluff hillsides of Pacific Palisades and from the surrounding neighborhood to the ocean.

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. This ordinance states, "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 height of the proposed project is 22 feet, 2 inches above grade and the slope runs from an elevation of 261 feet at the lowest point to an elevation of 272 feet at the highest (Exhibit #3). Therefore, the proposed project is consistent with the provisions of the City's Hillside Ordinance.

The project is located approximately 2000 feet inland of Pacific Coast Highway (Exhibit #1). The proposed project does not impact coastal views to or from the ocean and Pacific Coast Highway. The proposed project is consistent with the surrounding neighborhood and with several permit decisions that the Commission has approved in the past. As proposed, the project is consistent with section 30251 of the Coastal Act and is in scale with the surrounding neighborhood.

D. LOCAL COASTAL PROGRAM

Section 30604 (a) of the Coastal Act states:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

In 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, and grading and geologic stability.

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 been 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.

As conditioned, to address the geologic stability and visual quality of the project site, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

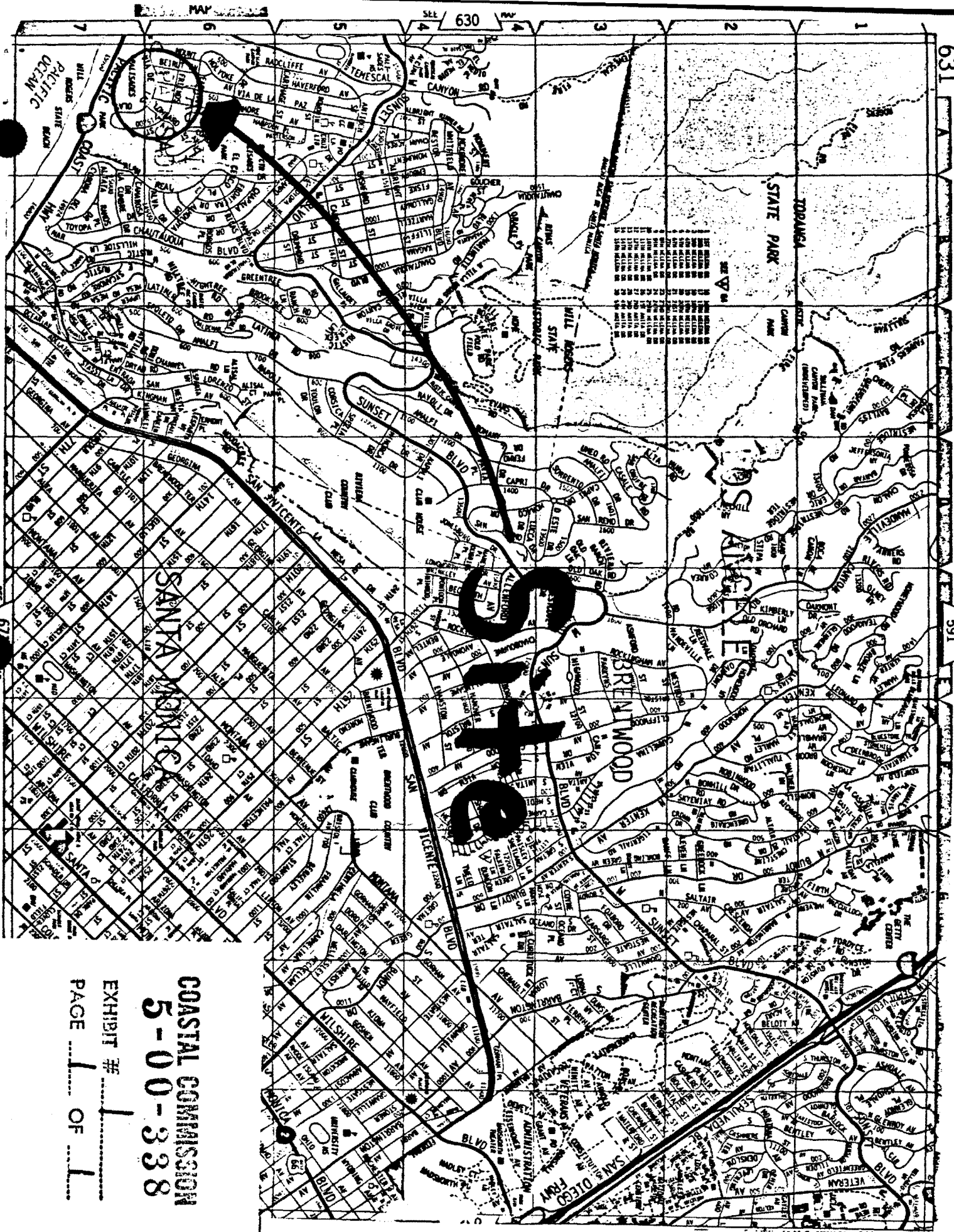
E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would

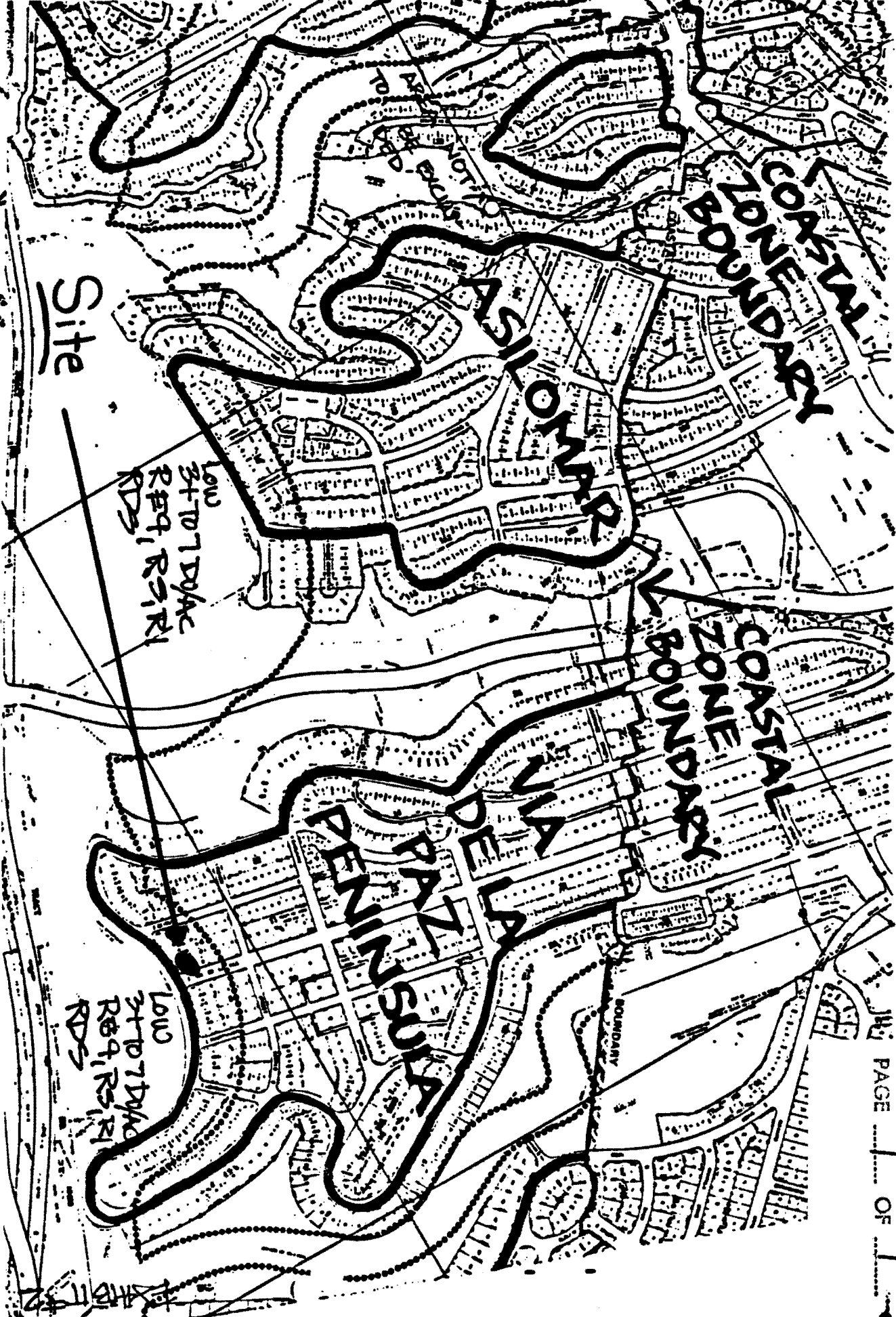
substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that 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.

End/am



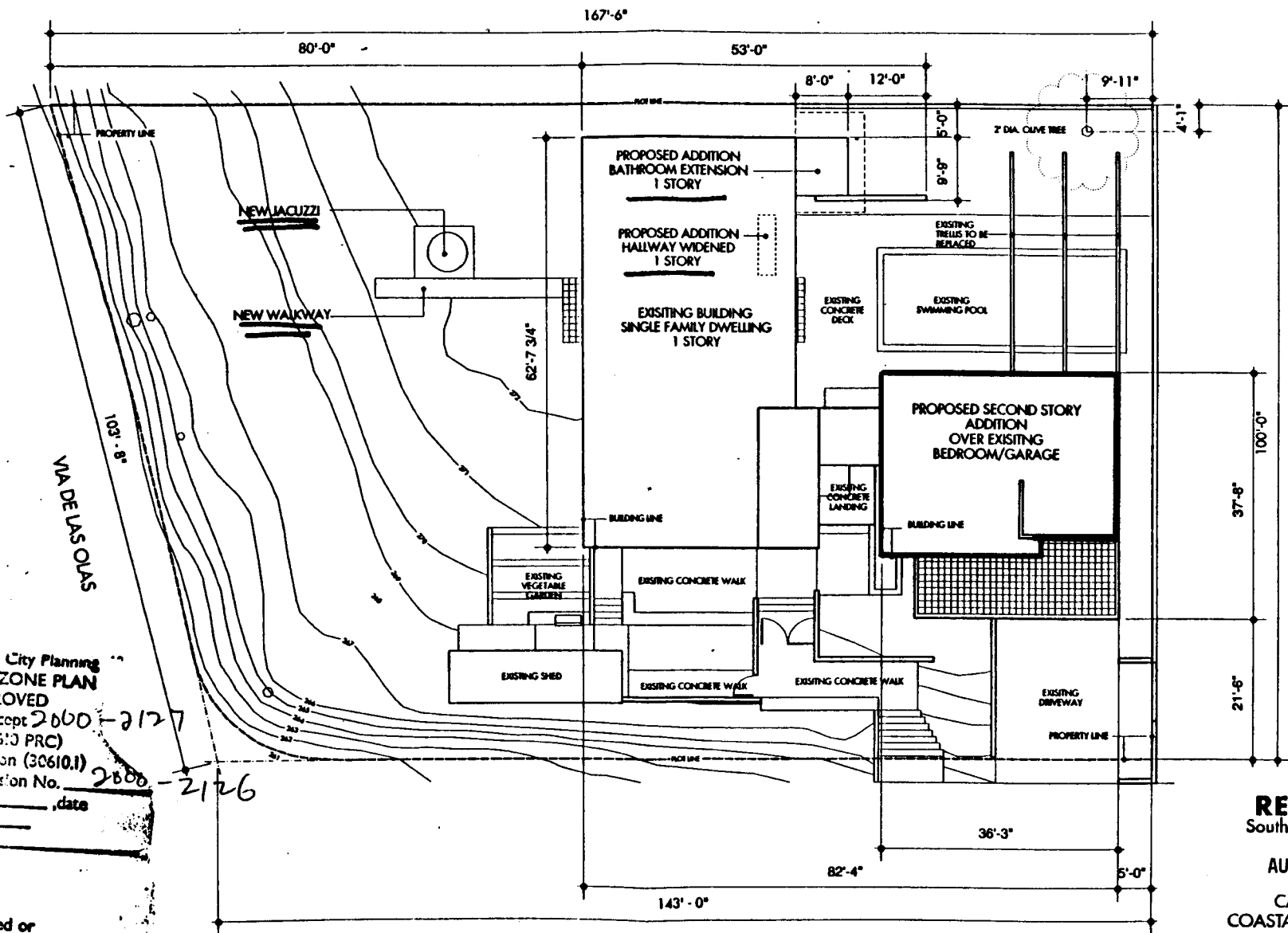
COASTAL COMMISSION
 5-00-338
 EXHIBIT # 1
 PAGE 1 OF 1



COASTAL COMMISSION
 5-00-338

EXHIBIT # 2

PAGE 1 OF 1



Los Angeles City Planning
 - - - ASTAL ZONE PLAN
 APPROVED

- Approval in Concept 2000-2127
- Exempt (Sec. 50310 PRC)
- CALVD Exemption (30610.1)
- Categorical Exclusion No. 2000-2126
- C.D.P. No. _____, date _____
- Issued _____
- Related Case(s) _____
- Single Jurisdiction
- Dual Jurisdiction

C.D.P. not appealed or
 Appeal process completed
 Date: 5/17/00

LEGAL DESCRIPTION:

LOT: 10 & 11
 BLOCK: 4
 TRACT: 9300

VIA DE LA PAZ
COASTAL COMMISSION
5-00-338

EXHIBIT # 3
 PAGE OF 3

PROJECT ADDRESS:
 315 Via De La Paz
 Los Angeles, California 90272

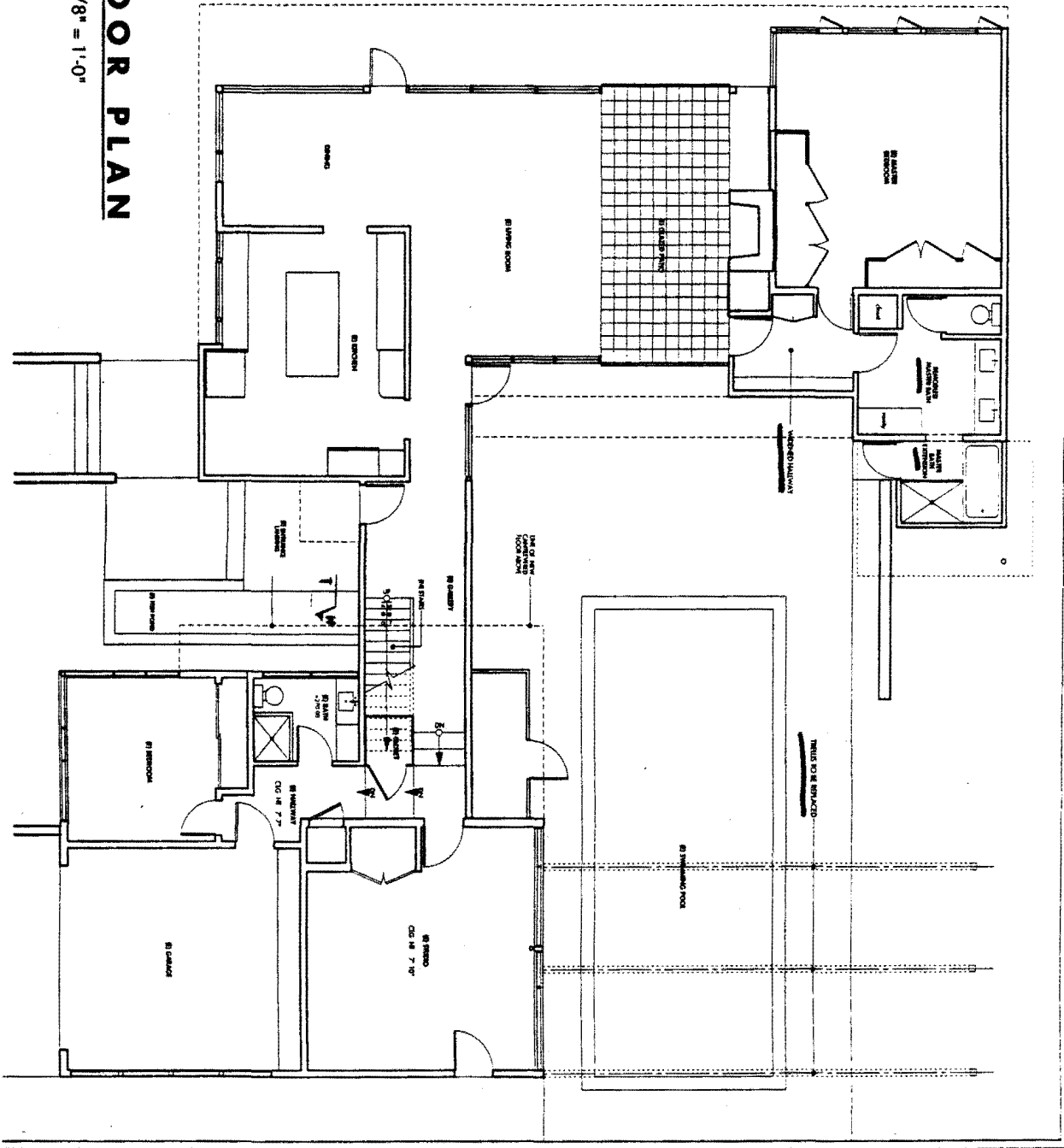
South Coast District Office
 APPROVED 5-00-338
 Permit No. _____
 By: _____

EFFECTIVE Date: _____

RECEIVED
 South Coast Region
 AUG 22 2000
 CALIFORNIA
 COASTAL COMMISSION

FIRST FLOOR PLAN

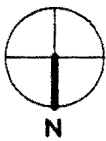
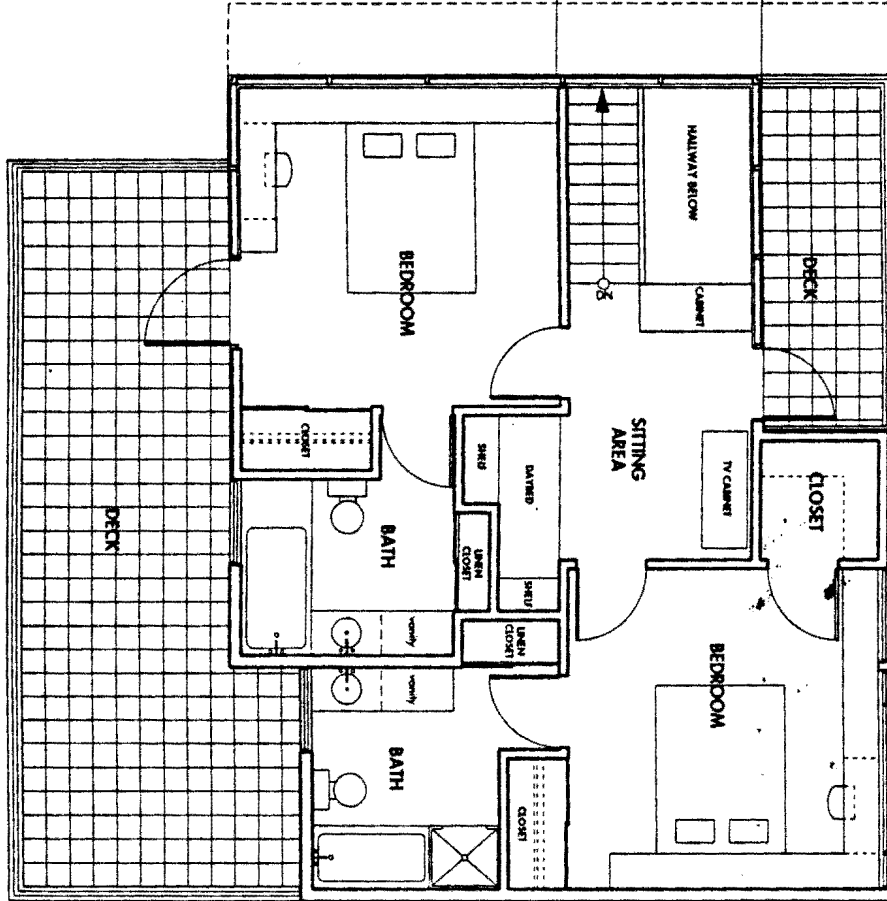
SCALE: 1/8" = 1'-0"



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5-00-338

EXHIBIT # 3

PAGE 3 OF 3

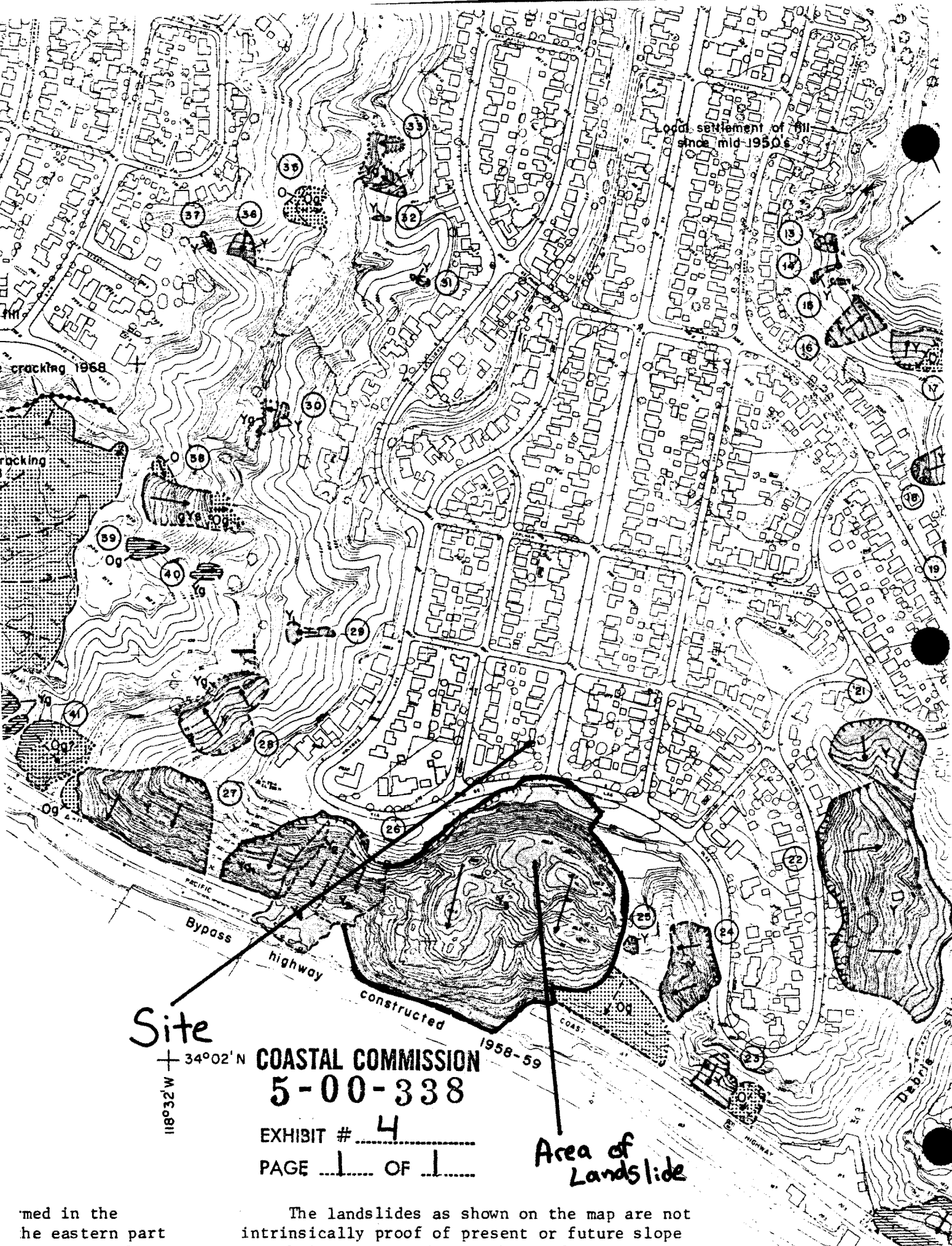


VIA DE LA PAZ

315 Via De La Paz, Pacific Palisades, California 90272

studio bau:ton, llc
1780 wilshire boulevard suite 202
los angeles, california 90010

SECOND FLC
SCALE: 1/8"



local settlement of fill since mid-1950s

cracking 1968

cracking

Site

34°02'N
118°32'W

COASTAL COMMISSION

5-00-338

EXHIBIT # 4

PAGE 1 OF 1

Area of Landslide

med in the
he eastern part
ely along the

The landslides as shown on the map are not
intrinsically proof of present or future slope
instability or an adequate basis for evaluating

JEFFER, MANGELS, BUTLER & MARMARO LLP

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

TENTH FLOOR

2121 AVENUE OF THE STARS

LOS ANGELES, CALIFORNIA 90067-5010

TELEPHONE: (310) 203-8080

FACSIMILE: (310) 203-0567

INTERNET:
MDW@JMBM.COM

MONICA D. WITT

DIRECT DIAL: (310) 785-5329

DIRECT FAX: (310) 712-3329

SAN FRANCISCO OFFICE
TWELFTH FLOOR
ONE SANSOME STREET
SAN FRANCISCO, CALIFORNIA 94104-4405
TELEPHONE: (415) 398-8080
FACSIMILE: (415) 398-5584

REF./FILE NO.

September 6, 2000

57455-0002

Via Facsimile and U.S. Mail

Aaron McLendon

Coastal Program Analyst

State of California, California Coastal Commission

South Coast Area Office

200 Oceangate, Suite 1000

Long Beach, California 90802

RECEIVED
SEP 13 2000
CALIFORNIA
COASTAL COMMISSION

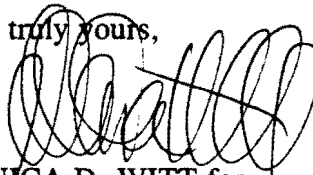
Re: 315 Via de la Paz

Dear Mr. McLendon:

As part of their proposal regarding the project at 315 Via de la Paz, applicants Jeff Ayeroff and Marty Longbine propose to include in connection with the outdoor jacuzzi the leak detection and prevention systems detailed in the August 31, 2000 letter of Mark V. Tsukamoto, P.E., CIPE and the September 5, 2000 letter of Jim Milligan of Nespa Enterprises, Inc. Copies of these letters are attached hereto. Please let me know immediately if you require any additional information or have any additional questions.

Thank you for your assistance.

Very truly yours,



MONICA D. WITT for
Jeffer, Mangels, Butler & Marmaro LLP

MDW:ps
Enclosures

COASTAL COMMISSION
5-00-338

EXHIBIT # 5
PAGE 1 OF 3



RECEIVED
SEP 13 2000

CALIFORNIA
COASTAL COMMISSION

August 31, 2000

Peter Gruenaisen
Studio bau:ton
3757 Wilshire Boulevard, Suite 202
Los Angeles, California 90010

Re: Ayeroff/Longbine Residence
315 Via de La Paz
Pacific Palisades, California 90272

Dear Peter,

Since you are specifying the proposed outdoor jacuzzi with a tight fitting cover, it will alleviate the vast majority of water evaporation from the surface.

We will specify a flow control device on the make-up water to detect excessive makeup water due to a slim chance of any leakage. This will be interlocked either to an audible or visual alarm at the residence.

Sincerely,

Mark V. Tsukamoto, P.E., CIPE
Associate
M B & A

COASTAL COMMISSION
5-00-338

EXHIBIT # 5
PAGE 2 OF 3

M.B.&A.
115 SO. LAMER ST.
BURBANK, CA 91506
818 845-6433
818 845-1585
MBA115@aol.com

Nespa Enterprises, Inc.
2800 Richter Avenue, Suite C
Oroville, CA 95966
(530) 534-9910 (530) 534-9915 fax

Coastal Commission

September 5, 2000

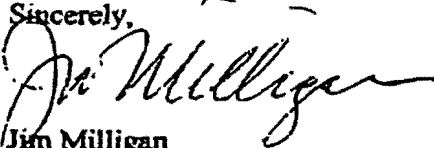
RE: Spa addition to 315 Via De La Paz residence in Pacific Palisades, CA 90272

Topic: Spa Leak Detection & Preventive Devices

Nespa has been manufacturing prefabricated all tiled spas for 20 years. All spas are built to a very strict standard and comply with guidelines mandated for our spas by IAMPO (International Association of Mechanical Plumbing Officials- IAMPO registration Number SP1138). Nespa is approved by Los Angeles County Health Department and is registered with the FDA.

Nespa pressure tests and static tests all spa products prior to shipment. Once on site spas are re-tested as well as all additional plumbing runs to the equipment. This on site work is inspected by the local building department before construction can continue. As far as monitoring potential water leakage, Nespa spas water level is controlled by an manual On/Off water inlet. The spa's average daily water loss should be 1/4 inch or less per day. In addition, a French drain system is installed around the perimeter of the spa. This French drain system empties into a drain pipe that can be monitored for water leakage.

If you have any questions regarding the functionality or operation of our product, please don't hesitate to contact us.

Sincerely,

Jim Milligan
President

CC: Studio Bauton

COASTAL COMMISSION
5-00-338

EXHIBIT # 5

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