

**CALIFORNIA COASTAL COMMISSION**

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



September 30, 2011

# W21b&c

## **ADDENDUM**

[Click here to go  
to the original staff report.](#)

**To:** Commissioners and Interested Parties

**From:** John Ainsworth, Deputy Director  
Gary Timm, Coastal Program Manager  
Charles Posner, Staff Analyst

**Re:** **Appeal No. A-5-PPL-11-028 and Coastal Development Permit Application 5-11-056 (Dolbinski & Chen), 370 Vance Street, Pacific Palisades, Los Angeles County.**

### **I. Supplemental Findings – Liquefaction Zone**

The following findings are added to Section B of the staff report, which begins on Page Thirteen:

The project site is mapped as being at the edge of a zone of potential liquefaction on the official state Seismic Hazard map. The project geologist asserts that this is most likely because of the small scale of the map and the steepness of the slope above the stream channel. As the key on the official state Seismic Hazard map indicates, the area identified as a liquefaction zone means only that the potential exists for liquefaction, and that a site-specific soils investigation is required. A site-specific investigation was done during the initial City review of the site, and the hazard was shown not to exist due to the dense nature of the materials and the unlikelihood that ground water could be found near the surface. [T.I.N. Engineering Company, 2005, "Addendum letter No. 1 - Response to City comments, dated March 30, 2005, for proposed new residential development at 375 East Rustic Road, Pacific Palisades, California", 3 p. response letter dated 8 July 2005 and signed by T.S.C. Lee (RCE 44045)]. The Commission staff geologist has reviewed the geology reports and agrees with the conclusion that a liquefaction hazard does not exist on the project site.

### **II. Special Conditions Four, Five and Six – Executive Director's Review of Plans**

Plans submitted to the Executive Director pursuant to Special Conditions Four (Interim Erosion Control and Construction Responsibilities), Five (Permanent Drainage and Run-off Control Plans), and Six (Landscaping and Fuel Modification Plans) are subject *to the review and approval* of the Executive Director. To make this clear, staff is recommending that the first paragraph of Special

Conditions Four, Five and Six be revised and clarified as follows (added text is identified by **underlined bold text**):

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, **for review and written approval of the Executive Director**, two copies of [Interim Erosion Control and Best management Practices plan, final Drainage and Runoff Control Plans, Landscaping and Fuel Modification plans].....

### **III. Special Condition Four - Interim Erosion Control and Construction Responsibilities**

Staff is recommending that Special Condition Four of the permit be revised and clarified as follows. New text in the revised condition below is identified by **underlined bold text** and text being deleted is crossed-out (~~deleted text~~).

#### 4. Interim Erosion Control and Construction Responsibilities

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit ~~to~~ **for review and written approval of** the Executive Director two copies of an Interim Erosion Control and Construction Best Management Practices plan, prepared by licensed civil engineer or qualified water quality professional. The consulting civil engineer/water quality professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan is in conformance with the following requirements:

##### A. Erosion Control Plan

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the plan and on-site with fencing or survey flags.
- 2) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
- 3) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
- 4) The plan shall specify that grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time **for the protection of life or property** ~~if the situation warrants such a limited extension~~, if approved by the Executive Director. The applicant shall install temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches and holes as soon as possible.
- 5) The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. ~~All sediment should be retained on-site,~~

~~unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.~~

- 6) **The plan shall include the installation of a temporary fence at the toe of the slope (next to the channel bank) to prevent debris from entering the stream bed. Any debris that falls from the project site into the channel shall be removed immediately. The stream bed shall be checked daily to ensure that it is kept clear of sediment and debris from the project site.**
- 7) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than thirty (30) days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

B. Construction Best Management Practices

- 1) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- 2) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- 3) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- 4) Demolition or construction debris **and sediment** shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of debris that may be discharged into coastal waters.
- 5) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- 6) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- 7) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

- 8) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- 9) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- 10) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- 11) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- 12) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- 13) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

**C. Construction Sequence Plan**

**The applicants shall undertake the approved development in accordance with the Construction Sequence Plan attached as Exhibit #10 to the staff report dated September 22, 2011. Any changes to the Construction Sequence Plan required by the City or County of Los Angeles shall be reported to the Executive Director. No changes to the Construction Sequence Plan shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.**

The final Interim Erosion Control and Construction Best Management Practices plan shall be in conformance with the plans approved by the Coastal Commission. The permittee shall undertake development in accordance with the approved final plans. Any changes to the Coastal Commission approved plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

#### **IV. Special Condition Seven - Indemnification**

Staff recommends the deletion of the second paragraph of Special Condition Seven:

7. Assumption of Risk, Waiver of Liability and Indemnity Agreement

By acceptance of this coastal development permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wildfire, landsliding, and erosion; (ii) to assume the risks to the applicant 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.

~~Liability for Costs and Attorneys Fees: By acceptance of this coastal development permit, the Applicant/Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.~~

#### **V. Correspondence**

The attached correspondence is added to the staff report as an exhibit.

September 20, 2010

RECEIVED  
South Coast Region

SEP 22 2011

California Coastal Commission  
c/o Charles Posner  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4416

CALIFORNIA  
COASTAL COMMISSION

Dear State Coastal Commission:

I am writing to urge your approval of the proposed single family residence at 370 N. Vance Street, Los Angeles, CA. This is a modest house (1,966 sf) with integrated sustainability features and is consistent with the development of the neighborhood.

The project was approved by the City of Los Angeles Planning Department during two separate hearings, based on the City's Mitigated Negative Declaration. The owners have presented the project to the local neighborhood association in order to fully explain the project and its benefits to the community, including stabilizing the hillside, improvements to Vance Street and enhanced fire protection. The project will be built by a very experienced contractor to further assure safety and minimize any disruptions during construction.

The soils report for the project has received approvals by the City of Los Angeles' Grading Division and the Bureau of Engineering and the County of Los Angeles Department of Public Works.

I encourage you to carefully consider the strength of the application along with its careful review and cast a vote in favor of the project.

Sincerely,

Name

Address

M. PROSS

905 SYCAMORE RD

Santa Monica CA 90402

September 20, 2010

California Coastal Commission  
c/o Charles Posner  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4416

RECEIVED  
South Coast Region  
SEP 22 2011  
CALIFORNIA  
COASTAL COMMISSION

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The soils report for the project has received approvals by the City of Los Angeles' Grading Division and the Bureau of Engineering and the County of Los Angeles Department of Public Works.

I strongly encourage you to cast a vote in favor of the project.

Sincerely,



Sarah Meeker Jensen  
333 Sycamore Road  
Santa Monica, CA 90402

**Chuck Posner**

---

**From:** David Tractenberg [david@tractionpr.net]  
**Sent:** Monday, September 26, 2011 9:57 AM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us; esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net; zimmerccc@gmail.com  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

To Whom it May Concern-

I fully support the building of the Jean Chen and Robert Dolbinski project in rustic Canyon. I believe it will raise property values, help the hillside by adding support and infuse new development into a stagnate community.

Thank you,  
David G. Tractenberg

David Tractenberg  
President  
Traction Public Relations

O: (310) 453-2050 x111  
C: (310) 600-0217  
[david@tractionpr.com](mailto:david@tractionpr.com)

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SEP 26 2011

CALIFORNIA  
COASTAL COMMISSION

CAUTION - CONFIDENTIAL

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**THIS ELECTRONIC MAIL TRANSMISSION IS INTENDED ONLY FOR THE ADDRESSEE SHOWN ABOVE. IT MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL OR OTHERWISE PROTECTED FROM DISCLOSURE. ANY REVIEW, DISSEMINATION OR USE OF THIS TRANSMISSION OR ITS CONTENTS BY PERSONS OTHER THAN THE ADDRESSEE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US BY ELECTRONIC MAIL REPLY IMMEDIATELY.**

9/26/2011

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**Chuck Posner**

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~~South Coast Region~~

**From:** Nicholas Korody [nikorody@vassar.edu]  
**Sent:** Saturday, September 24, 2011 2:59 AM  
**To:** Chuck Posner  
**Subject:** Development of the Santa Monica Canyon Hillside

SEP 26 2011

CALIFORNIA  
**COASTAL COMMISSION**

I am writing with outrage and fury over the recommendation of the Chen/Dolbinsky project.

If the Coastal Commission does not perform its JOB and veto this project, then it will have the possible blood of dozens on its hands. This site is very DANGEROUS, and could even be DEADLY if developed. It contains spores known to cause VALLEY FEVER, it is a LIQUIFICATION ZONE, an EARTHQUAKE ZONE, and has as recently as ten years ago been known to FLOOD, and have LANDSLIDES.

PLEASE TAKE THE TIME TO VISIT SAVETHECANYON.COM AND INFORM YOURSELF.

PLEASE DO YOUR JOB!

Quite sincerely,  
Nicholas Korody

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South Coast Region

**Chuck Posner**

SEP 26 2011

**From:** Erica Korody [ekorody@ca.rr.com]  
**Sent:** Friday, September 23, 2011 8:32 PM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us; esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net; zimmerccc@gmail.com  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

CALIFORNIA  
COASTAL COMMISSION

Dear Coastal Commissioners,

I am diametrically opposed to issuing a building permit for this lot, because it is not safe to build on it. The lot is on a liquification zone and thus is extremely dangerous in an earthquake.

Please do not approve a building permit. Thank you.

Erica Korody

=====  
Erica Korody  
310-474-0817  
[ekorody@ca.rr.com](mailto:ekorody@ca.rr.com)

**Chuck Posner**

**RECEIVED**  
South Coast Region

**From:** Erica Korody [ekorody@ca.rr.com]  
**Sent:** Friday, September 23, 2011 8:48 PM  
**To:** Chuck Posner  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

SEP 26 2011

CALIFORNIA  
COASTAL COMMISSION

Dear Mr. Posner,

I urge you not to issue a building permit for this lot. The lot is on a liquefaction zone and not only unsafe in case of an earthquake, but also should there be a fire. Furthermore the site has a history of slides. It would be irresponsible to issue a building permit.

Thank you for your consideration.

Erica Korody

=====  
Erica Korody  
310-474-0817  
[ekorody@ca.rr.com](mailto:ekorody@ca.rr.com)

**Chuck Posner**

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**From:** Melanie Galuten [melaniew@sprynet.com]  
**Sent:** Saturday, September 24, 2011 6:05 PM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us;  
esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net;  
zimmerccc@gmail.com  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

Hello - I am not one of those 'crazy' jump on the band wagon type of people. My husband and I have lived here since 1996 and our usual response to neighbors choices in terms of building, renovating, etc. has been one of live and let live. HOWEVER... this project is, as other residents have stated, is TRULY ludicrous. I actually thought the person was joking when they told me that there was a plan to build on this lot - if you can call it a lot. It is a vertical cliff. If I were a member of the committee I would certainly make sure that I came in person to SEE this piece of property before granting a building permit. Sincerely, Melanie Galuten

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COASTAL COMMISSION

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South Coast Region

**Chuck Posner**

~~SEP 26 2011~~

**From:** janna sheehan [jannasheehan@gmail.com]

**Sent:** Saturday, September 24, 2011 10:17 AM

**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us; esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net; zimmerccc@gmail.com

**Subject:** Case A-5-PPL-11-028

To whom it may concern,

As a former homeowner and resident of Santa Monica Canyon I passionately oppose the development of the Chen/Dolbinski site. The eminent danger the development of this project proposes to the residents in the area is potentially catastrophic. The would be health consequences and natural disaster catastrophes alone warrant this project a high risk clearly, not worth taking. The factual information provided by the residents of Rustic Canyon state these dangers and more, very clearly.

This is a doomed project. The city and costal commission should be ashamed for ever having led these people to believe they could render such a compromising blueprint for a *home*. Refund their money as an act of mercy and move on to something that has a benefit for all.

Truly,

---

Janna Sheehan  
PO Box 1536  
Ojai, California 93024

9/26/2011

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**Chuck Posner**

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**From:** David H. Steinberg [d.h.steinberg@verizon.net]  
**Sent:** Friday, September 23, 2011 7:31 PM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us;  
esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net;  
zimmerccc@gmail.com  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

We oppose this illegal and environmentally harmful development.

David and Keetgi Steinberg  
477 Hillside Lane

Sent from my TRS-80.

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CALIFORNIA  
COASTAL COMMISSION

**Chuck Posner**

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**From:** bindi airbrush [airbrush1212@aol.com]  
**Sent:** Friday, September 23, 2011 11:12 PM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us;  
esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net;  
zimmerccc@gmail.com  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

I absolutely OPPOSE the development of the Vance hillside. As a resident of the canyon for 17 years, I moved here for the nature. I speak for my other neighbors, some whom have lived here for 27+ years. DO NOT DEVELOP any more of the Canyon !!!!!

Thank You

Audrey Foster  
373 W Channel Rd  
Santa Monica, Ca 90402  
310. 780-3406

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South Coast Region

SEP 26 2011

CALIFORNIA  
COASTAL COMMISSION

**Chuck Posner**

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**From:** Paula Stoeke [paulasto@mac.com]  
**Sent:** Saturday, September 24, 2011 11:06 AM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us;  
esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net;  
zimmerccc@gmail.com  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

**Committee Members:**

As a long time resident of the Rustic Road community in Santa Monica (449 West Rustic Road) I own a home that was SEVERELY impaired in the last large earthquake incident. I am very close to the hillside cliff property that is being discussed for development and I can state - unequivocally - that the L.A. Building and Safety Parcel Profile report was correct in ruling this area "an earthquake-induced liquefaction zone." The address under application for building is Chen/Dolbinski at 370 N Vance Street. I strongly suggest limiting building on this property as it poses a danger to the neighborhood below it. The stability and structural integrity of this parcel of land is extremely fragile.

Please consider this an URGENT notification.

Sincerely,

Paula Stoeke  
Home Owner  
449 West Rustic Rd  
Santa Monica, CA 90402  
Paulasto@mac.com

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South Coast Region

SEP 26 2011

CALIFORNIA  
**COASTAL COMMISSION**

## Chuck Posner

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**From:** Richard Holland [rjhollandpd@me.com]  
**Sent:** Saturday, September 24, 2011 12:48 PM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us; esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net; zimmerccc@gmail.com  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

I totally appose this development at East Rustic Canyon. It has a clear history of structures collapsing and will bring havoc, noise and an unwanted structure to the area. I am a Designer who has been involved with construction for over thirty years. This is a mad attempt to put a building where a building should not be. Already we have seen the madness of the people who sanction building permits in this special area by allowing two huge buildings being built on land that looks so out of place and character in E & W Rustic. The time has come for all of us to say no. Enough is enough. This area will not be destroyed by government officials who have nothing to do with our living enviroment and do not live in our area. I would also like to know who is responsible for waving any rules controlling the area regarding Earthquake regulations. This will look very interesting in the media.

Richard Holland  
rjhollandpd@mac.com  
Production Designer

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South Coast Region

SEP 26 2011

CALIFORNIA  
COASTAL COMMISSION



**Chuck Posner**

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**From:** gail oneill [gon13@me.com]  
**Sent:** Monday, September 26, 2011 9:31 AM  
**To:** Chuck Posner  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

Please add our voices to the list of neighbors who are opposed to this project. It is shocking to any reasonable person that a permit would be issued for this precarious and almost nonexistent piece of property. Why would the city open itself to the liability involved? Is there nothing the city says "no" to?  
Gail and Brian O'Neill  
413 Sycamore Road.

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SEP 26 2011

CALIFORNIA  
COASTAL COMMISSION

**Chuck Posner**

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**From:** Chris Casady [ccasa@me.com]  
**Sent:** Friday, September 23, 2011 6:19 PM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us;  
esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net;  
zimmerccc@gmail.com  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

Don't approve this Vance/East Rustic development application of Jean  
Chen and Robert Dolbinski. It's a blight.

Don't waive the Industry Standard and LA Minimum Safety Factor.

It's against common sense.

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South Coast Region

SEP 26 2011

CALIFORNIA  
COASTAL COMMISSION

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South Coast Region

SEP 26 2011

**Chuck Posner****From:** Susan Cartsonis [susan@storefrontpics.com]**Sent:** Friday, September 23, 2011 8:40 PM**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us; esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net; zimmerccc@gmail.com**Subject:** Case A-5-PPL-11-028?CALIFORNIA  
COASTAL COMMISSION

To whom it may concern,

I have lived in lower Rustic Canyon since 1993. I have witnessed the deterioration of the hillsides above Rustic Creek, and the problems that torrential rains bring--particularly the danger of flooding. The notion that the proposed project on Vance street, directly above the channel could possibly be approved is opposed by almost the entire community for good reason. It is ludicrous. One only has to look at it to wonder why anyone would want to build there--there's no there there. Perhaps the house is being built on spec with no worries about who will live there? Certainly the builders don't care about the people below.

It is shocking that such a narrow strip of land and precarious intended site could be considered an appropriate or safe place to build--even in a non-earthquake zone. And we know very well what happened during the 1993 quake in our canyon. At my home there was major damage at the bottom of the canyon and we watched chunks of earth come down into the creek from the top of the canyon, leaving the narrow strip even narrower and large pieces of cement of what was once a foundation, falling or hanging over the side. The ground is soft and sandy--and so is the hillside.

Our hillsides in Rustic Canyon have a history of landslides causing significant damage to area property. My neighbor across the street has had to rebuild and reconstruct her house due to slide from the hill above.

As I mentioned, the site contains virtually no flat land--and every year during the rains the hillside where the proposed structure would be, crumbles more and more.

My neighbors and I have received no proof of how any construction can be done safely in such a precarious spot and we at the bottom of the canyon, live in danger of flooding in the event of a slide that fills the creek. I have consulted my father and shown him the site--he has been an architect for 50 years--and he has assured me that it is a highly dangerous to build on this site.

I believe that a rational human being or group of human beings would not approve building on this site after seeing it. I trust that everyone considering this request has ACTUALLY VISITED IT or will visit it before rendering any final decision. It's my belief that this proposed project endangers the residents of our canyon--and the people who eventually would live in the structure proposed to be built. I hope that you will come to Rustic Canyon to see the site for yourself before making any decisions.

You can be sure that we in the Canyon are watching this process closely. We love our homes and our historic canyon, and we love the creek below the "air rights" that have been sold and upon which the proposed structure would be built.

Please prevent a terrible mistake from being made and do not allow building on this insufficient and unstable remnant of land.

9/26/2011

**Chuck Posner**

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**From:** Elisabeth Korody [elisabeth.korody@gmail.com]  
**Sent:** Saturday, September 24, 2011 7:29 AM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us;  
esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net;  
zimmerccc@gmail.com  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

Hello,

Born and raised on east rustic road, the mere thought of the proposed destruction of our hillside brings not only anger but tears to my face. Please consider what is one of the last examples of what was pure California and stop these actions at hand. With that hillside gone, how will visitors and new generations get to know the history of southern California as well as nature at it's purest form?

Please take a second to consider the importance of nature and the fact that it so rarely gets favored these days over money and development.

Best  
Elisabeth Korody

Sent from my iPhone

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South Coast Region

SEP 26 2011

CALIFORNIA  
COASTAL COMMISSION

**Chuck Posner**

---

**From:** Helen Ryan [hdryan@verizon.net]  
**Sent:** Saturday, September 24, 2011 2:59 PM  
**To:** Chuck Posner  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

**RECEIVED**  
South Coast Region

SEP 26 2011

Stop the proposed madness on Vance St. H. Ryan

CALIFORNIA  
COASTAL COMMISSION

**Chuck Posner**

---

**From:** Jaimie Korody [jkorody@eclip.com]  
**Sent:** Saturday, September 24, 2011 3:29 PM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us;  
esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net;  
zimmerccc@gmail.com  
**Subject:** Case A-5-PPL-11-028

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South Coast Region

SEP 26 2011

CALIFORNIA  
COASTAL COMMISSION

----- Forwarded Message

From: Rainer Soehnlein <rainer@berlinerfilm.com>  
Date: Sat, 24 Sep 2011 08:00:09 +0200  
To: <jkorody@eclip.com>  
Conversation: Case A-5-PPL-11-028?bcc=jkorody@eclip.com  
Subject: Case A-5-PPL-11-028?bcc=jkorody@eclip.com

Dear Jamie,

Pl forward my email to the coastal commission - I could not get through from overseas

Thanks

Rainer

To Whom it may concern.

---

I strongly oppose the development of the Vance / East Rustic Hillside!  
We need to keep our canyon intact! Do not go forward with this!

Sincerely

Rainer Soehnlein

507 West Rustic Road

----- End of Forwarded Message

**Chuck Posner**

---

**From:** Jaimie Korody [jkorody@eclip.com]  
**Sent:** Saturday, September 24, 2011 4:54 PM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us; esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net; zimmerccc@gmail.com  
**Subject:** Case A-5-PPL-11-028

Dear Commissioners,

I am writing to ask you to visit <http://SavetheCanyon.com>, which contains news, historical photos, and residents' comments about Case A-5-PPL-11-028 on your October 5 meeting agenda.

Your staff recently recommended approval of this project, which over 100 Rustic Canyon residents passionately oppose due to well-documented safety and environmental concerns.

I urge you to visit our website to get deeper background than is contained in your staff report, and learn more about how Case A-5-PPL-11-028 is viewed by the majority of Rustic Canyon residents.

Sincerely,

Jaimie Korody  
350 East Rustic Road  
Santa Monica CA 90402  
(310) 459-7790  
Twitter: @rustic\_canyon

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South Coast Region

SEP 26 2011

CALIFORNIA  
COASTAL COMMISSION

**Chuck Posner**

---

**From:** Elaine Gordon [elainegordonphd@me.com]  
**Sent:** Saturday, September 24, 2011 8:38 PM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us;  
esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net;  
zimmerccc@gmail.com  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

We have been residents of santa monica canyon for many years. We have had major flooding and a devastating earthquake. Please check you facts, this is an earthquake liquified earth zone. Please do not allow this project to go through. The risk to the cliff is significant and the safety of those of us who live below is considerable.

Thank you,

sent from my iPad  
Elaine R. Gordon, Ph.D.  
Clinical Psychologist  
1245 Sixteenth Street, Suite 210  
Santa Monica, CA 90404  
310 454-0502 phone/fax  
elainegordon.com website/book order

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South Coast Region

SEP 26 2011

CALIFORNIA  
COASTAL COMMISSION



**Chuck Posner**

---

**From:** Cynthia Eddings [cynthiae@me.com]  
**Sent:** Sunday, September 25, 2011 7:55 PM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us;  
esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net;  
zimmerccc@gmail.com  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

Hello,

I live in Rustic Canyon near the site of this proposal to excavate the hillside for yet another building. I fear not only for the loss of the historic charm of this creek environment but also the safety of nearby homes. This hillside is precarious as it is now.

I plead with you, that you do not allow any further expansion and construction in this area that is already overly developed and rapidly becoming under appreciated.

Thank you,  
Cynthia Eddings and J. Vinokour  
374 Sycamore Road  
Santa Monica, CA 90402

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SEP 26 2011

CALIFORNIA  
COASTAL COMMISSION

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**Chuck Posner**

**From:** Andrea Herz Payne [alhp@mac.com]  
**Sent:** Sunday, September 25, 2011 10:42 AM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.vencity.org; esm@vencity.org; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net; zimmerccc@gmail.com  
**Subject:** Please listen to Our Community/ "NO" to Vance/East RusticCase A-5-PPL-11-028/ "YES" to the Community

SEP 26 2011

CALIFORNIA

COASTAL COMMISSION

Dear Mr. Posner and Coastal Commissioners-

I am a resident of the Santa Monica/Rustic Canyon, a relative newcomer as I "married into" the community 6 years ago.

I urge you and your fellow Coastal Commission members to listen to our community and to give our concerns the appropriate weight they deserve.

Many of the Canyon residents have lived here for decades. They have seen countless building projects, they have lived through fires, earthquakes, and mudslides. Our community lives with these results, both positive and negative, day in and day out.

Not only have I been moved by my neighbors' love of their community, their passion for its well-being, history, and beauty, I have been deeply impressed by their knowledge concerning the environment, particularly as how it is impacted by development/construction issues. Many have investigated these issues when building or renovating their own properties. As a community, we do not make accusations without thoughtful consideration and it is sobering that there seems to be unanimous opposition to the Chen/Dolbinksi proposal.

This is an informed and caring citizenry, with factual experience.

The health and safety of our residents, the health and safety of our environment, the subsequent economic and environmental impact-all of this rests on The Coastal Commission's decision October 5th.

Please say NO to Vance/East Rustic Chen/Dolbinski and YES to our community.

Sincerely,

Andrea Herz Payne

**Andrea Herz Payne**  
Chairman of the Board | Aid Still Required

9/26/2011

**Chuck Posner**

---

**From:** Jon Elliott [jonelliott@yahoo.com]  
**Sent:** Monday, September 26, 2011 12:24 PM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us; esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net; zimmerccc@gmail.com  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

Dear Coastal Commissioners,

We are truly SHOCKED that you are still moving to consider approval of the Vance/East Rustic development application of Jean Chen and Robert Dolbinski. Our home is located directly under this proposed development and if you have actually ever visited the site you would see how unconscionable it is to develop a cantilevered property on this earthquake-induced liquefaction zone. It truly frightens us to have our home directly under this proposed development on this liquefaction zone hillside.

We have seen firsthand from past flooding just how dangerous both rains & earthquakes can prove to both the hillside and the channel directly below....How can you possibly waive the Industry Standard and City of LA Minimum Safety Factor for the hillside, despite the area's history of landslide and flooding – Is it an economic decision? What is the value of the lives in the homes lying directly underneath this incredibly dangerous and ill-advised potential development.

We have watched this development continue to pass through governmental bodies receiving approvals over the past several years with increasing incredulity. It is truly unbelievable that any governmental body would ever actually approve this project to move forward. Please, do not endanger the citizens on Rustic Rd. for a project that has dangerous and potentially deadly implications.

---

I believe in an owner's right to construct whatever they wish on their properties – with one huge caveat – You can never put other people's lives in danger..... This is reckless and something you should never allow at your meeting next month in Huntington Beach. Also, I urge you to go please take a look at the hillside and the proposed development before your meeting to truly understand how dangerous and reckless approving this project would be. Once you look up at the deteriorating hillside from underneath & in front of my house at 368 E. Rustic Rd. you will also be as shocked as I am that this project is even in a position to be approved. You can see the devastation & hillside clean-up after the last earthquake in 1994 – Our house is to the right in the picture – Thank goodness that in addition to the mudslide a home didn't come down on top of us as well.....

View: (East) From Vance > East Rustic, post-earthquake, Jan, 1994



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SEP 26 2011

CALIFORNIA  
COASTAL COMMISSION

9/26/2011

Thank you so much for your consideration and I truly hope that common-sense prevails and other interests do not interfere with the safety of those families living below.....

Have a wonderful week and we look forward to seeing you at the meeting on October 5<sup>th</sup>.

Sincerely,  
Jon & Betsy Elliott  
368 E. Rustic Rd.

---

9/26/2011

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South Coast Region

**Chuck Posner**

SEP 26 2011

**From:** Barry Collen [blcollen@yahoo.com]

**Sent:** Monday, September 26, 2011 2:53 PM

**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us; esanchez@co.sanmon.com;  
mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net; zimmerccc@gmail.com

**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

Dear Commissioners,

I am a residential lot developer, having developed several hundred lots. While I believe that well conceived development serves our fundamental needs, THE CHEN-DOLBINSKI DEVELOPMENT AT 370 N. VANCE ST., SANTA MONICA IS NOT WELL CONCEIVED. I URGE YOU TO NOT APPROVE THAT PROJECT.

Thank you for your service to the community and your thoughtful attention to this matter.

Barry L. Collen

9/26/2011

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South Coast Region

**Chuck Posner**

---

SEP 27 2011

**From:** David Rosenstein [drosey36@gmail.com]  
**Sent:** Monday, September 26, 2011 6:14 PM  
**To:** Chuck Posner  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

CALIFORNIA  
COASTAL COMMISSION

I live on Amalfi Drive close to Rustic Canyon and oppose permitting of this project.

David Rosenstein  
302 Amalfi Drive  
Santa Monica, CA 90402

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South Coast Region

**Chuck Posner**

SEP 27 2011

**From:** L. Thurston [thurstondesign@gmail.com]

**Sent:** Monday, September 26, 2011 11:43 PM

**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us; esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net; zimmerccc@gmail.com; jkorody@eclip.com

**Subject:** Case A-5-PPL-11-028

I grew up in this Canyon and now I'm raising my son here. My son is a third generation Canyonite. I can't imagine having him grow up anywhere else. He has the amazing opportunity to be able to appreciate life for what life truly is. Like watching ducks and their duckings swimming in the creek below the proposed site. I doubt with heavy construction, noise and dust that the ducks will ever come back as they have year after year. This is just one of the many reasons the development should not be allowed.

Prior to the Northridge quake there were several storms over the years which caused landslides along the hillside. I remember as a child, walking around the canyon after one of these storms watching large chunks of concrete falling down the proposed hillside. It was the foundation of someone's home. The hillside was unstable then and is still unstable now. No one can promise stabilization. Just look that what happened to the house on top of PCH and Chautauqua. It slide down the the bluff and that was after they "stabilized" that hillside from a previous landslide.

Our canyon is one of Los Angeles's few hidden gems. People came here to get away from the concrete and materialistic jungle LA has become. But that has changed in recent years. There has been a lot of changes here which have effected the integrity, beauty and charm of this canyon.

---

The canyon can do without one more Harlequin themed house and it doesn't need yet another  
Hollywood monstrosity looming down on us. Hollywood Hills is a much better location for these types of developments.

Please leave the canyon in what is left of its beautiful, natural and humble state and let us continue to have our gem. Not only will this development not be esthetically pleasing but it will cause unnecessary and unwanted environmental issues. Allowing this development to go forward would truly be devastating.  
Lisa Thurston

9/27/2011

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SEP 27 2011

**Chuck Posner**

**From:** Newman, Paul [Paul.Newman@la.ddb.com]  
**Sent:** Tuesday, September 27, 2011 3:01 PM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us; esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net; zimmerccc@gmail.com; jkorody@eclip.com; steve.lopez@latimes.com  
**Subject:** Case A-5-PPL-11-028

Commissioners:

As a lover of the rustic quality of Santa Monica Canyon I abhor the prospect of the Chen/Doblinski proposed development.

From an aesthetic standpoint it could not be more of an eyesore, but more importantly the destabilization of the hillside by this totally out of character development is a man-made avoidable disaster. See City of Los Angeles Zoning report.

The factual inaccuracies in the Coastal Commission report give great pause and are reason enough to terminate this application, much less the risk and seismic implications that are detailed by the California Department of Transportation

Best Regards,

**Paul Newman**  
**Print Director**  
**DDB**

**10960 Wilshire Blvd. Suite 1600**  
**Los Angeles, CA 90024**

**tel: 310 907 1670**  
**mobile: 323 829 3334**  
**paul.newman@la.ddb.com**

9/27/2011



**Chuck Posner**

---

**From:** Jim Grant [twogrants@earthlink.net]  
**Sent:** Tuesday, September 27, 2011 6:09 PM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us;  
esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net;  
zimmerccc@gmail.com; jkorody@eclip.com  
**Subject:** Case A-5-PPL-11-028

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South Coast

RE: Case A-5 PPL-11-028

SEP 28 2011

Dear Commissioners,

CALIFORNIA  
COASTAL COMMISSION

One of the last virgin hillsides in a coastal Los Angeles community exists on East Rustic Road just below the proposed development on Vance Street. Hillside over-development has destroyed the character of many of our coastal and canyon communities through densification and the slow obliteration of the ridge lines and hillsides. This particular project will forever alter the ridge line, cover much of the virgin hillside and destroy the privacy of the homes directly below.

More important is the threatened impact to the physical structure of the nearly vertical hillside which is currently fragile and slowly eroding. The preliminary Coastal Commission report contains information that is in conflict with technical information as spelled out in previous City of Los Angeles Planning, Building and Safety and Transportation reports regarding the geological instability of the site. Equal and serious scrutiny should be given to the construction process and the impact of the construction on the unstable hill, flood channel, road and properties in the vicinity.

I urge you to carefully reconsider the preliminary approval of this unnecessary project that will alter (and threaten) forever a ridge line, canyon and community.

---

Thank you.

James Grant, A.I.A.  
310 477 1711

**Chuck Posner**

---

**From:** JUDI JENSEN [jjjinthesty@yahoo.com]  
**Sent:** Wednesday, September 28, 2011 11:47 AM  
**To:** Chuck Posner  
**Subject:** Fw: Case # A-5-PPL-11-028

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SEP 28 2011

----- Forwarded Message -----

**From:** JUDI JENSEN <jjjinthesty@yahoo.com>  
**To:** "cposner@coastal.ca.gove" <cposner@coastal.ca.gove>  
**Sent:** Tuesday, September 27, 2011 1:38 PM  
**Subject:** Case # A-5-PPL-11-028

CALIFORNIA  
COASTAL COMMISSION

Greetings,

I am a long time resident/property owner in Santa Monica Canyon and am extremely opposed to this project on Vance Street. Please do not approve this project, it is too dangerous for a home to be built on this itty bitty piece of land and very unfair to the surrounding properties to allow it to go forward. That hillside was not meant to hold a giant house, it will not support it. Please DO NOT approve.

Thank you,

Judi Jensen  
245 Mabery Road  
Santa Monica CA 90402  
310 367 9689

---

9/28/2011

**Chuck Posner**

---

**From:** Jaimie Korody [jkorody@eclip.com]  
**Sent:** Wednesday, September 28, 2011 12:13 PM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us;  
esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net;  
zimmerccc@gmail.com  
**Subject:** Re: Case A-5-PPL-11-028

Dear Coastal Commissioners,

I have lived at 350 E. Rustic Rd. (across from the Vance/E. Rustic hillside) for nearly 25 years. In that period of time, I have witnessed daily erosion of this hill simply from casual earth movement, birds, and rodents.

The steel frame of a long collapsed home hung precariously from the edge of the hill until county workers removed it a couple of years ago.

The morning of the 1994 Northridge earthquake, the Rustic Storm channel below the hill was filled to capacity. It took the county several days to remove the debris. A fissure ran the length of Vance Road, just a couple of feet from this proposed development.

I have witnessed the channel filled to near capacity with rain water, and on more than one occasion fallen trees blocking the water flow, resulting in overflow to the street. Once again, county workers worked through the night to remove the debris.

This hill hosts wildlife, and a wonderful diversity of canyon animals and birds, including red-tail hawks. In the spring, the channel below the hill is home to migrating ducks and their offspring.

---

The approval of this application will most certainly cause instability in both the Vance plateau and the entire hillside running along E. Rustic Rd. above the storm channel. This will forever alter the landform as a whole and the surrounding environment. Most importantly, it will cause grave risk to all of us who live in this part of Rustic Canyon.

Although the applicants state that the development will stabilize their lot, I beg you to understand the consequences to the surrounding geology and homes surrounding this site.

I trust that you will wisely vote to deny this application.

Sincerely,

Jaimie Korody  
(310) 459-7790

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South Coast Reg.

SEP 28 2011

CALIFORNIA  
COASTAL COMMISSION

**Chuck Posner**

---

**From:** Tony Korody [tony@fepinc.com]

**Sent:** Wednesday, September 28, 2011 12:25 PM

**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us; esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net; zimmerccc@gmail.com; jkorody@eclip.com

**Subject:** Case A-5-PPL-11-028

Dear Sirs

I am a 26 year resident of E Rustic Road three houses south of the proposed development on Vance Street 80 odd feet above us.

Following the Northridge Earthquake, whose epicenter was probably 30 miles away, I watched for three days as the County used what looked a lot like the CAT 315, a 38,000 pound machine the contractor has specified, work eight to ten hours a day filling dump trucks the the dirt that had cascaded down the hill. They County then pulled down an exposed I-Beam and concrete slabs from the home built on the exact same site that came down in the 1934 Long Beach Earthquake.

I am not a geologist and understand that you are having to evaluate two conflicting reports. What everyone, the City, the County, the USGA and the geologists agree on is that Vance Street is an Liquefaction Earthquake hillside and fire hazard zone. I also remember reading various Cal Tech interviews where their scientists said that the odds that the next big quake will happen on the Inglewood/Santa Monica fault, not the San Andreas or Whittier fault lines.

The Inglewood fault runs right under Vance Street.

---

Thank you for your time and consideration.

Tony Korody  
350 E Rustic Rd

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SEP 28 2011

CALIFORNIA  
COASTAL COMMISSION

9/28/2011

**Chuck Posner**

---

**From:** James Pagano [jvpmd@aol.com]  
**Sent:** Wednesday, September 28, 2011 12:46 PM  
**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us;  
esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net;  
zimmerccc@gmail.com  
**Cc:** Lani Pagano; George Wolfberg  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

The fact that building a home on this site might be technically feasible is no justification for actually doing so. The site is precarious with a well-documented history of failures and collapses. It would be irresponsible for the Commission to allow this project to go forward. In addition, a structure of the size planned for this site is disproportionate. The aesthetics of the canyon must be preserved. This goal cannot be achieved by bolting a three-story home to the side of a fragile hillside. I urge the commissioners to deny the permit for this project. There are numerous existing homes for sale in the area. I would encourage the owners to buy one of them and rebuild to their 'green' specifications.

- James Pagano

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South Coast Region

SEP 28 2011

CALIFORNIA  
COASTAL COMMISSION

**RECEIVED**  
South Coast Region

**Chuck Posner**

SEP 29 2011

**From:** Phyllis McGann [phyllismcgann@verizon.net]

**Sent:** Thursday, September 29, 2011 9:51 AM

**To:** Chuck Posner; wendy@katzmitchell.com; bbrennan@ci.ventura.ca.us; esanchezccc@aol.com; mark.stone@co.santa-cruz.ca.us; richard@bloomlaw.net; zimmerccc@gmail.com; jkorody@eclip.com; pauletteryan@aol.com

CALIFORNIA  
COASTAL COMMISSION

**Subject:** Case A-5-PPL-11-028 Chen/Dolbinski

Dear Commissioners,

As a person who was raised in Rustic Canyon and knows and appreciates the Canyon intimately, I am extremely concerned that the proposed Chen/Dolbinski development will ruin the aesthetic ruralness of this part of the Canyon. To have this structure placed on the pristine canyon cliff will forever change the character of the Canyon. I ask that the Commission gives thought to the realization that by allowing this project to proceed, it will be ruining the beauty of this natural Canyon wall for all persons who will see it for all time to come.

As a commercial developer, I am a strong believer in an individual's property rights; however this project goes beyond the right of a property owner's inherent right to build because it is located on a parcel of land which, by its very visibility, is an extremely unique property and should be considered so by the Commissioners.

Additionally, there are many other issues, such as the instability of the slope, which should stop approval on their own merits and have been well covered by others. I have concentrated solely on the irreplaceable impact to the look and feel of the Canyon wall in this short plea to you.

Thank you,

---

Thomas R. Ryan Jr.  
1035 Georgina Avenue  
Santa Monica, CA 90402  
sjcryan@aol.com

9/29/2011



**RECEIVED**  
South Coast Region

SEP 30 2011

CALIFORNIA  
COASTAL COMMISSION

September 20, 2010

California Coastal Commission  
c/o Charles Posner  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4416

Dear California Coastal Commission:

I am a resident of Lower Rustic Canyon, a short distance from the proposed single family residence at 370 N. Vance Street, Los Angeles, CA. I strongly urge you to approve this project.

This part of Pacific Palisades/Rustic Canyon has seen the development of the most important residential architecture of the mid-twentieth century – all of which dared to reinterpret the box we call 'home'. This proposal, too, should be praised for its daring design and sustainability. For these reasons it is certainly consistent with the design and development standards of the neighborhood.

The project was approved by the City of Los Angeles Planning Department during two separate hearings, based on the City's Mitigated Negative Declaration. The owners have presented the project to the local neighborhood association in order to fully explain the project and its benefits to the community, including stabilizing the hillside and Vance Street, improvements to Vance Street and enhanced fire protection.

The soils report for the project has received approvals by the City of Los Angeles' Grading Division and Bureau of Engineering as well as the County of Los Angeles Department of Public Works.

The project will be built by a very experienced contractor to further assure public safety and minimize disruptions during construction. Moreover, as a real estate broker I can state that, because its aesthetic component improves upon the neighborhood, the proposed home stands to improve upon the local real estate values in Lower Rustic Canyon. A definite plus in this economy.

Ladies & gentlemen of the Commission cast your vote in favor of the project.

Sincerely,

Michael P. Deasy  
475 Mesa Road  
Santa Monica, CA 90402  
Chairman and CEO  
Deasy Penner & Partners  
"Home as Art"

September 23, 2011

**RECEIVED**  
South Coast Region

SEP 30 2011

CALIFORNIA  
COASTAL COMMISSION

California Coastal Commission  
c/o Charles Posner  
200 OceanGate, 10th Floor  
Long Beach, CA 90802-4416

Re: A-4-PPL-11-028

Dear California Coastal Commission:

I am writing to urge your approval of the proposed single family residence at 370 N. Vance Street, Los Angeles, CA. This is a modest house (1,966 sf) with integrated sustainability features and is consistent with the development of the neighborhood.

The project was approved by the City of Los Angeles Planning Department during two separate hearings, based on the City's Mitigated Negative Declaration. The owners have presented the project to the local neighborhood association in order to fully explain the project and its benefits to the community, including stabilizing the hillside and Vance Street, improvements to Vance Street and enhanced fire protection.

---

The soils report for the project has received approvals by the City of Los Angeles' Grading Division and Bureau of Engineering as well as the County of Los Angeles Department of Public Works.

The project will be built by a very experienced contractor to further assure public safety and minimize disruptions during construction.

I strongly encourage you cast your vote in favor of the project.

Sincerely,

*Cynthia Winter*  
Cynthia Winter, Esq.  
343 E. Rustic Rd  
Santa Monica, CA 90402  
neighb door neighbor



architects & planners

moore ruble yudell

933 PICO BOULEVARD  
SANTA MONICA, CALIFORNIA  
90405  
TEL 310 450 1400  
FAX 310 450 1403  
www.moorerubleyudell.com

September 23, 2011

California Coastal Commission  
200 OceanGate, 10th Floor  
Long Beach, CA 90802-4416

Re: A-4-PPL-11-028

Dear California Coastal Commission:

**RECEIVED**  
South Coast Region

SEP 30 2011

CALIFORNIA  
COASTAL COMMISSION

This letter is written to encourage your support for a very thoughtful, sensitively designed and carefully scaled residence at 370 N. Vance Street in Los Angeles, CA.

The house was designed by Jeanne Chen, AIA and Robert Dolbinski, AIA, LEED. Jeanne and Bob are exceptional architects and are proposing a dwelling that is both modest and sensitive to its site and location. The house has been designed in accordance with a profound understanding of environmental principles. Its size is modest by contemporary standards and provides an inspiring contemporary example that stands in stark contrast to the trend towards maximizing mass and footprint. In that sense, it stands in the great tradition of the early case study houses of Southern California and represents exactly the kind of planning and architecture which we, as concerned residents should be supporting rather than thwarting.

The project was approved by the City of Los Angeles Planning Department based on the City's Mitigated Negative Declaration. The soils report for the project has received approvals by the City of Los Angeles' Grading Division and Bureau of Engineering as well as the County of Los Angeles Department of Public Works. The house will help to stabilize the hillside and Vance Street and enhance the fire and public safety of the neighborhood.

As much as I am in support of this project, I am equally surprised by the misleading negative information which was spread in the community. I believe the proponents of this opposition have seriously misrepresented the project in spirit, intent and fact. Jeanne and Bob are a very talented young couple who have designed an exemplary project. They would not only contribute an elegant and environmentally sensitive modest new house to the neighborhood but would be wonderful and civic minded members of the community.

I encourage you to review the staff report and the supporting information and to approve the project as designed.

Sincerely,



Buzz Yudell, FAIA

partners  
JOHN RUBLE, FAIA  
BUZZ YUDELL, FAIA

principals  
KRISTA BECKER, AIA  
JEANNE CHEN, AIA  
MICHAEL S. MARTIN, AIA  
NEAL MATSUNO, AIA  
JAMES MARY O'CONNOR, AIA  
MARIO VIOLICH, AIA, ASLA

interiors  
STANLEY ANDERSON, AIA, IIDA

color & landscape  
TINA BEEBE

September 23, 2011

California Coastal Commission  
c/o Charles Posner  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4416

Re: A-4-PPL-11-028

Dear California Coastal Commission:

I am writing to urge your approval of the proposed single family residence at 370 N. Vance Street, Los Angeles, CA. This is a modest house (1,966 sf) with integrated sustainability features and is consistent with the development of the neighborhood.

The project was approved by the City of Los Angeles Planning Department during two separate hearings, based on the City's Mitigated Negative Declaration. The owners have presented the project to the local neighborhood association in order to fully explain the project and its benefits to the community, including stabilizing the hillside and Vance Street, improvements to Vance Street and enhanced fire protection.

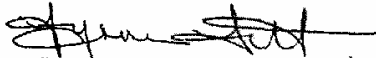
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The soils report for the project has received approvals by the City of Los Angeles Grading Division and Bureau of Engineering as well as the County of Los Angeles Department of Public Works.

The project will be built by a very experienced contractor to further assure public safety and minimize disruptions during construction.

I strongly encourage you cast your vote in favor of the project.

Sincerely,

  
633 Kingman Ave  
Santa Monica, CA  
90402

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**Jay Farbstein & Associates, Inc.**

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Needs Assessment Studies

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Facility Programming

---

Design Evaluation

---

September 20, 2011

California Coastal Commission  
c/o Charles Posner  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4416

**RECEIVED**  
South Coast Region

SEP 30 2011

CALIFORNIA  
COASTAL COMMISSION

Dear State Coastal Commission:

I am an area resident (and Fellow of the American Institute of Architects) writing to urge your approval of the proposed single family residence at 370 N. Vance Street, Los Angeles, CA. This is a modest house (1,966 square feet) with integrated sustainability features and is consistent with the development of the neighborhood.

The project was approved by the City of Los Angeles Planning Department during two separate hearings, based on the City's Mitigated Negative Declaration. The owners have presented the project to the local neighborhood association in order to fully explain the project and its benefits to the community, including stabilizing the hillside, improvements to Vance Street and enhanced fire protection. The project will be built by a very experienced contractor to further assure safety and minimize any disruptions during construction.

---

~~The soils report for the project has received approvals by the City of Los Angeles' Grading Division and the Bureau of Engineering and the County of Los Angeles Department of Public Works.~~

I encourage you to carefully consider the strength of the application along with its careful review and cast a vote in favor of the project.

Sincerely,

Sincerely,  
Jay Farbstein & Associates, Inc.

*Jay Farbstein*

Jay Farbstein, PhD, FAIA, President

September 23, 2010

City of Los Angeles  
Department of City Planning  
200 North Spring Street  
Los Angeles, CA 90012-4801

**RECEIVED**  
South Coast Region

SEP 30 2011

CALIFORNIA  
COASTAL COMMISSION

**Re: ZA 2007-5584-CDP-MEL – Coastal Development Permit**

Dear Zoning Administrator:

I am an area resident writing to support of the proposed single family residence at 370 N. Vance Street.

I am supporting the project because the residence is sensitively and sustainably designed, well suited to its hillside site, is consistent with applicable zoning regulations and will benefit public safety through street improvements and stabilization of the slope.

The project has received numerous approvals from the County of Los Angeles Department of Public Works, City of Los Angeles Grading Division, Department of Building and Safety and the Bureau of Engineering.

I urge your consideration of the application and swift approval of the project.

---

Sincerely,

  
John Burnham

Executive Vice President

10250 Constellation Blvd

LA, CA 90067

September 20, 2011

California Coastal Commission  
c/o Charles Posner  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4416

**RECEIVED**  
South Coast Region  
SEP 30 2011  
CALIFORNIA  
COASTAL COMMISSION

Dear State Coastal Commission:

I am writing to urge your approval of the proposed single family residence at 370 N. Vance Street, Los Angeles, CA. This is a modest house (1,966 sf) with integrated sustainability features and is consistent with the development of the neighborhood.

The project was approved by the City of Los Angeles Planning Department during two separate hearings, based on the City's Mitigated Negative Declaration. The owners have presented the project to the local neighborhood association in order to fully explain the project and its benefits to the community, including stabilizing the hillside, improvements to Vance Street and enhanced fire protection. The project will be built by a very experienced contractor to further assure safety and minimize any disruptions during construction.

---

The soils report for the project has received approvals by the City of Los Angeles' Grading Division and the Bureau of Engineering and the County of Los Angeles Department of Public Works.

I encourage you to carefully consider the strength of the application along with its careful review and cast a vote in favor of the project.

Sincerely,

*Brian Alfred Murphy*  
150 West Channel Road  
Santa Monica, Ca. 90402

**CALIFORNIA COASTAL COMMISSION**

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

Appeal Filed: 2/2/2011  
Applic. Filed: 4/1/2011  
180th Day: Waived  
270th Day: 12/27/11  
Staff: Charles Posner-LB  
Staff Report: 9/22/2011  
Hearing Date: October 5, 2011



# W21b&c

**STAFF REPORT: DE NOVO & REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-11-056      **APPEAL NUMBER:** A-5-PPL-11-028

**APPLICANTS:** Robert Dolbinski & Jeanne Chen  
**APPLICANTS' AGENT:** Sherman L. Stacey, Gaines & Stacey, LLP

**APPELLANT:** Gerald B. Kagan, Friends of Our Environment  
**APPELLANT'S AGENT:** Melvin L. Nutter, Attorney at Law

**PROJECT LOCATION:** 370 Vance Street, Pacific Palisades, City of Los Angeles, Los Angeles Co.

**PROJECT DESCRIPTION:** Construction of a three-story, 1,966 square foot single-family residence on a vacant 3,170 square foot lot.

Lot Area	3,170 square feet
Building Coverage	950 square feet (approx.)
On-site Parking	2-stall carport
Zoning	R1-1
Building Height	45 feet
Grading	660 cu. yards (approx.) export

**SUMMARY OF STAFF RECOMMENDATION**

On March 9, 2011, the Commission determined that a substantial issue exists with respect to the grounds on which the appeal was filed because the proposed development site is located within an area subject to geologic hazards, flooding, and fire danger. The appellant asserts that the proposed project is not safe and should be denied because the site is too steep and flooding of adjacent properties could occur in the event that construction causes debris to fall into the flood control channel (Rustic Creek) that runs below the project site. The primary Coastal Act issue is whether the proposed development minimizes risks to life and property and assures stability and structural integrity as required by Section 30253 of the Coastal Act.

The geotechnical analysis indicates that the proposed project will meet the minimum Factor of Safety of 1.5 for the developed part of the site, and also indicates that construction of the proposed pile-supported foundation will improve the stability of the upper slope and provide structural support for Vance Street. To address the risks of flooding, the applicants have submitted a construction sequencing plan which includes measures to minimize the amount of debris that falls into the flood control channel and methods for removing debris from the channel. Staff is recommending that the Commission **APPROVE** two coastal development permits – one on de novo review of an appeal (A-5-PPL-11-028) and one dual permit application (5-11-056) – for the proposed development with special conditions. The recommended special conditions begin on Page Five. As conditioned, the proposed project minimizes risks to life and property and assures stability and structural integrity as required by Section 30253 of the Coastal Act, and will not prejudice the City of Los Angeles' ability to prepare an LCP that is consistent with Chapter 3 of the Coastal Act. **See Page Four for the motions to carry out the staff recommendation.** The applicants agree with the recommendation.

**STAFF NOTE - DUAL PERMIT JURISDICTION:**

On January 5, 2011, the City of Los Angeles issued Local Coastal Development Permit No. ZA-2007-5584 for the proposed project with special conditions. On February 2, 2011, the appellant (Gerald B. Kagan) appealed the City-approved local coastal development permit to the Commission. On March 9, 2011, the Commission determined that a substantial issue exists with respect to the grounds on which the appeal was filed because the proposed development site is located within an area subject to geologic hazards, flooding, and fire danger.

Pursuant to Coastal Act Section 30600(b), any development which receives a local coastal development permit from the City must also obtain a second (or "dual") coastal development permit from the Coastal Commission if the development is within the areas specified in Section 30601 (e.g., within three hundred feet of the beach or sea, or within one hundred feet of a stream). The areas specified in Section 30601 are known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The local coastal development permits in both the single and dual jurisdiction areas are appealable to the Commission.

As a result of the project site being located within one hundred feet of a stream (Rustic Creek), the proposed development is located within the *Dual Permit Jurisdiction*. On March 3, 2011, the applicant submitted the required "dual" Coastal Commission coastal development permit application (Application No. 5-11-056) for Commission review and action. In order to minimize duplication, Commission staff has combined the de novo appeal permit (A-5-PPL-11-028) and the dual coastal development permit application (5-11-056) into one staff report. The public hearings for the "dual" application (5-11-056) and the de novo review of the appeal of the local coastal development permit (Appeal No. A-5-PPL-11-028) will also be combined.

Because there are two permits involved, the Commission's approval, modification or disapproval of the proposed project will require two separate Commission actions: one action for the de novo review of the appeal of the City's permit and one action for the dual coastal development permit application. Staff is recommending that the Commission approve both permits with the following identical special conditions and findings. The Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area of the City of Los Angeles is the Chapter 3 policies of the Coastal Act, because there is no certified Local Coastal Program.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles Local Coastal Development Permit No. ZA-2007-5584.
2. City of Los Angeles Mitigated Negative Declaration No. ENV-2007-5585-MND-REC1.
3. City of Los Angeles Street Services, Permit to Maintain Materials and Equipment in Street (ME2011002299), 370 N. Vance Street, March-April, 2012.
4. City of Los Angeles Department of Building and Safety Geology and Soils Report Approval Letters dated January 27, 2006 and November 12, 2009.
5. T.I.N. Engineering Company, 2004, "Soil engineering investigation and report for proposed new residential development at 375 East Rustic Road, Pacific Palisades, California", 14 p. geotechnical report dated 3 April 2004 and signed by T.S.C. Lee (RCE 44045).
6. T.I.N. Engineering Company, 2005, "Addendum letter No. 1 - Response to City comments, dated March 30, 2005, for proposed new residential development at 375 East Rustic Road, Pacific Palisades, California", 3 p. response letter dated 8 July 2005 and signed by T.S.C. Lee (RCE 44045).

7. Grover Hollingsworth and Associates, 2007, "Geologic and soils engineering exploration, Proposed three-story residence, Lot 24, Tract 1719, 375 N. East Rustic Road, Los Angeles, California", 37 p. geotechnical report dated 30 March 2007 and signed by S.M. Watry, D.J. Grover (CEG 1095), and R.A. Hollingsworth (GE 2022 CEG 1265).
8. Grover Hollingsworth and Associates, 2007, "Change of consultant letter and response to City correction letter, Proposed three-story residence, Lot 24, Tract 1719, 375 N. East Rustic Road, Los Angeles, California", 2 p. letter dated 14 May 2007 and signed by R.A. Hollingsworth (GE 2022 CEG 1265).
9. Grover Hollingsworth and Associates, 2007, "Response to City correction letter #2, Proposed three-story residence, Lot 24, Tract 1719, 375 N. East Rustic Road, Los Angeles, California", 2 p. letter dated 7 August 2007 and signed by R.A. Hollingsworth (GE 2022 CEG 1265).
10. Grover Hollingsworth and Associates, 2007, "Response to City correction letter #3, Proposed three-story residence, Lot 24, Tract 1719, 375 N. East Rustic Road, Los Angeles, California", 2 p. letter dated 25 October 2007 and signed by R.A. Hollingsworth (GE 2022 CEG 1265).
11. Slosson and Associates, 2008, "Engineering geology review of proposed development at 375 East Rustic Road", 10 p. review letter dated 10 October 2008 and signed by T.L. Slosson (CEG 1327).
12. Grover Hollingsworth and Associates, 2009, "Response to third-party engineering geologic review, Proposed three-story residence, Lot 24, Tract 1719, 375 N. East Rustic Road, Los Angeles, California", 4 p. response letter dated 13 January 2009 and signed by R.A. Hollingsworth (GE 2022 CEG 1265).
13. Grover Hollingsworth and Associates, 2009, "Comments regarding reported post-Northridge Earthquake ground crack on Vance Street, Proposed three-story residence, Lot 24, Tract 1719, 375 N. East Rustic Road, Los Angeles, California", 4 p. letter report dated 14 January 2009 and signed by R.A. Hollingsworth (GE 2022 CEG 1265).
14. Grover Hollingsworth and Associates, 2009, "Site visit and revised seismic design, Proposed three-story residence, Lot 24, Tract 1719, 375 N. East Rustic Road, Los Angeles, California", 3 p. letter report dated 15 January 2009 and signed by R.A. Hollingsworth (GE 2022 CEG 1265).
15. Praad Geotechnical Inc., 2009, "Geotechnical investigation of the proposed development at 375 East Rustic Road", 15 p. geotechnical report dated 22 April 2009 and signed by D. Pradel (GE 2242).
16. Grover Hollingsworth and Associates, 2009, "Response to fourth-party engineering geologic review, Proposed three-story residence, Lot 24, Tract 1719, 375 N. East Rustic Road, Los Angeles, California", 4 p. response letter dated 29 July 2009 and signed by R.A. Hollingsworth (GE 2022 CEG 1265).
17. Grover Hollingsworth and Associates, 2009, "Additional response to fourth-party engineering geologic review, Proposed three-story residence, Lot 24, Tract 1719, 375 N. East Rustic Road, Los Angeles, California", 4 p. response letter dated 15 September 2009 and signed by R.A. Hollingsworth (GE 2022 CEG 1265).
18. Praad Geotechnical Inc., 2010, 2 p. letter addressed to Jonathan Hershey dated 27 September 2010 and signed by D. Pradel (GE 2242).
19. Praad Geotechnical Inc., 2011, 15 p. letter report to Charles Posner dated 15 April 2011 and signed by D. Pradel (GE 2242).
20. Grover Hollingsworth and Associates, 2011, "Additional response #2 to fourth-party geotechnical review, Proposed three-story residence, Lot 24, Tract 1719, 375 N. East Rustic Road, Los Angeles, California", 2 p. response letter dated 19 September 2011 and signed by R.A. Hollingsworth (GE 2022 CEG 1265).



**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the coastal development permits with special conditions:

**MOTION I:** *"I move that the Commission approve with special conditions Coastal Development Permit Application No. A-5-PPL-11-028 per the staff recommendation."*

**MOTION II:** *"I move that the Commission approve with special conditions Coastal Development Permit Application No. 5-11-056 per the staff recommendation."*

The staff recommends two **YES** votes. Passage of the motions will result in **APPROVAL** of the de novo permit (A-5-PPL-11-028) and dual coastal development permit application (5-11-056) with identical special conditions, and adoption of the following resolutions and findings, as set forth in this staff report. Each motion passes only by an affirmative vote of a majority of Commissioners present.

**I. Resolution: Approval with Conditions of Permit A-5-PPL-11-028**

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 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. Resolution: Approval with Conditions of Permit 5-11-056**

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 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.

**III. Standard Conditions of Permits A-5-PPL-11-028 & 5-11-056**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**IV. Special Conditions of Permits A-5-PPL-11-028 & 5-11-056**

1. Approved Development - Permit Compliance

Coastal Development Permit 5-11-056/A-5-PPL-11-028 permits the construction of a single-family residence consistent with the following special conditions. All development must occur in strict compliance with the proposal as set forth in the application, subject to the special conditions. Any proposed change or deviation from the approved plans shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Local Government Approval

The proposed development is subject to the review and approval of the local government (City of Los Angeles). This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act, including the conditions of the City of Los Angeles Department of City Planning Case No. ZA-2007-5584. In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of Coastal Development Permit 5-11-056/A-5-PPL-11-028 shall prevail.

### 3. Plans Conforming to Geotechnical Engineer's Recommendations

By acceptance of this coastal development permit, the applicants agree to comply with the recommendations set forth in the geotechnical, engineering and soils reports prepared for the project by Grover Hollingsworth and Associates, Inc. (which are referenced in this report as Substantive File Documents). These recommendations, including recommendations concerning excavation, foundations and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultants (by Grover Hollingsworth and Associates, Inc.) prior to commencement of development. The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial change in the proposed development approved by the Commission that may be required by the consultants shall require an amendment to the permit or new coastal development permit.

### 4. Interim Erosion Control and Construction Responsibilities

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director two copies of an Interim Erosion Control and Construction Best Management Practices plan, prepared by licensed civil engineer or qualified water quality professional. The consulting civil engineer/water quality professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan is in conformance with the following requirements:

#### A. Erosion Control Plan

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the plan and on-site with fencing or survey flags.
- 2) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
- 3) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
- 4) The plan shall specify that grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. The applicant shall install temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches and holes as soon as possible.
- 5) The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.

- 6) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than thirty (30) days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

#### B. Construction Best Management Practices

- 1) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- 2) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- 3) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- 4) Demolition or construction debris shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of debris that may be discharged into coastal waters.
- 5) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- 6) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- 7) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- 8) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- 9) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- 10) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- 11) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The

area shall be located as far away from the receiving waters and storm drain inlets as possible.

- 12) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- 13) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

The final Interim Erosion Control and Construction Best Management Practices plan shall be in conformance with the plans approved by the Coastal Commission. The permittee shall undertake development in accordance with the approved final plans. Any changes to the Coastal Commission approved plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

5. Permanent Drainage and Run-off Control Plans

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director, two copies of a final Drainage and Runoff Control Plans for the post-construction project site, prepared by a licensed civil engineer or qualified licensed water quality professional. The plans shall include detailed drainage and runoff control plans with supporting descriptions and calculations. The plans shall incorporate Best Management Practices (BMPs) including site design, source control and treatment control measures designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather runoff leaving the developed site. The consulting licensed civil engineer or qualified licensed professional shall certify in writing that the final Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:

- A. The plan shall incorporate appropriate Best Management Practices (BMPs) into the development, designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner;
- B. Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized through the use of low-maintenance landscaping and efficient irrigation technology or systems;
- C. Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals;
- D. All slopes shall be stabilized in accordance with provisions contained in the Landscaping and/or Interim Erosion and Sediment Control Condition for this

coastal development permit. The final drainage plans shall be designed and installed in conformance with the recommendations of the project consulting geotechnical engineer; and,

- E. Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the permittee or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicants shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

The final Drainage and Runoff Control Plan shall be in conformance with the development plans approved by the Coastal Commission. The permittees shall undertake development in accordance with the approved final plans. Any changes to the Coastal Commission approved plans required by the consulting licensed civil engineer, or qualified licensed professional, or engineering geologist shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

6. Landscaping and Fuel Modification Plans

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit two sets of landscaping and fuel modification plans, prepared by a licensed landscape architect or a qualified resource specialist. The landscaping and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The consulting landscape architect or qualified landscape professional shall certify in writing that the final Landscape and Fuel Modification plans are in conformance with the following requirements:

A. Landscaping Plan

- 1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants, as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.

- 2) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 3) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

#### B. Fuel Modification Plans

Vegetation within a one hundred-foot radius of the structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur.

#### C. Conformance with Commission Approved Site/Development Plans

The Permittee shall undertake development in accordance with the final Landscape and Fuel Modification Plans. The final Landscape and Fuel Modification Plans shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

#### D. Monitoring

Three years from the date of the receipt of the Certificate of Occupancy for the house the applicants shall submit to the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the requirements specified in this condition, the applicants, or successors in interest, shall submit, within thirty (30) days of the date of the monitoring report, a revised or supplemental landscape plan, certified by a licensed Landscape Architect or a qualified Resource Specialist, that specifies additional or supplemental landscaping measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. This remedial landscaping plan shall be implemented within thirty (30) days of the date of the final supplemental landscaping plan and remedial measures shall be repeated as necessary to meet the requirements of this condition.

7. Assumption of Risk, Waiver of Liability and Indemnity Agreement

By acceptance of this coastal development permit, the applicants acknowledge and agrees (i) that the site may be subject to hazards from wildfire, landsliding, and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

Liability for Costs and Attorneys Fees: By acceptance of this coastal development permit, the Applicants/Permittees agree to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

8. Deed Restriction

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this coastal development permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.



## **V. Findings and Declarations**

The Commission hereby finds and declares:

### **A. Project Description**

The project site is a steeply sloped vacant lot in Santa Monica Canyon, about one-quarter mile inland of the beach (See Exhibits). The applicants propose to develop property with a three-story, 45-foot tall, 1,966 square foot single-family residence. The 3,170 square foot lot is situated between Vance Street and East Rustic Road. The upper part of the lot abuts Vance Street, which would provide vehicular access to a two-stall carport. The house would be terraced down the slope from Vance Street level. About fifty feet below the elevation of Vance Street, the lower portion of the site abuts the Los Angeles County Flood Control Channel (Rustic Creek) that runs between the site and East Rustic Road (Exhibit #3). Rustic Creek is a cement-lined (thirty feet wide and eight feet deep) stream that runs directly below the site and south to the ocean. The lower level of the proposed structure would be about thirty feet higher than the top of the channel walls. A friction-pile foundation system is proposed that would be embedded below the ground surface approximately 35-to-40 feet. The property is zoned R1-1 (single-family residential). The surrounding properties are vacant or developed with single-family residences.

On October 16, 2008, the City of Los Angeles Office of Zoning Administration held a public hearing during which several local residents spoke in opposition to the proposed project. As a result of the issues brought up at the hearing (geologic safety and impacts to the adjoining flood control channel), the Zoning Administrator on October 31, 2008 remanded the case to the Advisory Agency (the Environmental Review Section of the City Planning Department) for further review and consideration.

On January 7, 2009, the County of Los Angeles Department of Public Works issued a letter stating that there would be no negative impact to the Rustic Canyon Channel if the development proceeds in compliance with the City's review and approval process, site drainage is handled properly, and if appropriate measures are taken to ensure that construction debris does not enter the channel.

On November 12, 2009, the City of Los Angeles Department of Building and Safety issued a Geology and Soils Report Approval Letter imposing 45 conditions of approval, superseding a prior approval letter dated January 27, 2006.

On August 30, 2010, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV-2007-5585-MND-REC1 (the reconsideration of the Mitigated Negative Declaration previously-issued on September 29, 2008). The City determined that the proposed project's impacts could be reduced to a level of insignificance by imposing specific conditions.

On September 30, 2010, the City of Los Angeles Office of Zoning Administration held another public hearing during which several residents again raised concerns about the geologic safety of the proposed project and its potential impacts to the adjoining flood control channel. On November 19, 2010, the City of Los Angeles Office of Zoning Administration approved Local Coastal Development Permit No. ZA-2007-5584 with special conditions.

On December 6, 2010, Gerald B. Kagan appealed the City Zoning Administrator's approval of the local coastal development permit to the City of Los Angeles West Los Angeles Area Planning Commission. On January 5, 2011, after a public hearing, the West Los Angeles Area Planning Commission denied the appeal and upheld the City Zoning Administrator's approval of the local coastal development permit.

The City's Notice of Final Local Action for the Planning Commission's approval of the local coastal development permit was received in the Commission's South Coast District Office on January 12, 2011, and the Commission's required twenty working-day appeal period commenced. On February 2, 2011, the appeal by Gerald B. Kagan was filed in the South Coast District Office. The grounds for the appeal relate primarily to the geologic safety of the proposed project and landform alteration (See Exhibit #7). The appeal also contends that the proposed development violates Section 30251 of the Coastal Act because it is not visually compatible with the character of the surrounding area, and that the proposed development would prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program in conformity with Chapter 3 of the Coastal Act [Section 30604(a) of the Coastal Act]. On March 9, 2011, the Commission determined that a substantial issue exists with respect to the grounds on which the appeal was filed.

## **B. Hazards**

The primary Coastal Act issue is whether the proposed development minimizes risks to life and property and assures stability and structural integrity as required by Section 30253 of the Coastal Act. Section 30253 of the Coastal Act states that new development must minimize risks to life and property and not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

Section 30253 of the Coastal Act states, in part:

New development shall:

- 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.

The appellant contends that the proposed development does not minimize risks to life and property or assure stability and structural integrity as required by Section 30253(a) of the Coastal Act (Exhibit #7). The appeal states that the nearly vertical slope on which the project is proposed has a history of landslides, including a failure in 1994; and that the Mitigated Negative Declaration for the project states that the site is located within a "Very High Fire Hazard Severity Zone," a "Liquefaction Zone," and a "Fault Zone." These factors are particularly significant, the appeal asserts, because the lower portion of this very steep slope is bordered by Rustic Creek, a flood control channel that overflowed its banks when the 1994 landslide filled it with debris. The appeal also implies that the proposed project is inconsistent

with Section 30253(b) of the Coastal Act because it involves substantial alteration of the “bluff face” (i.e., cuts and terracing, and construction of retaining walls).

There are remnants of a concrete structure or sidewalk on the top portion of the site (Vance Street level), the flat part of which is only about two-to-five feet in width. The slope descends down fifty feet from Vance Street elevation to Rustic Creek, the Los Angeles County Flood Control Channel (Exhibit #3). The site is steep (fifty-to-sixty degrees) and does not currently have a Factor of Safety (FOS) of 1.5. The site is not part of a landslide, although some surficial erosion is evident. No known earthquake fault traverses the site. The City record states that the site and surrounding area is not within a designated geologically hazardous area such as a landslide or liquefaction zone.<sup>1</sup>

The applicants' consultants (Grover Hollingsworth and Associates, Inc.) have completed geology and soils studies for the project site, and have completed a detailed geotechnical analysis for the proposed project (See Substantive File Documents, Page 2). The studies have been subjected to intensive third party review and have been approved by the City of Los Angeles Department of Building and Safety (Exhibit #15). The consultants and the City concur that the proposed project, with a friction-pile foundation system, would stabilize the upper portion of the site where the house is proposed and would meet a Factor of Safety (FOS) of 1.5. The fifteen proposed friction piles would be embedded below the ground surface approximately 35-to-40 feet. The proposed foundation would improve the stability of the upper slope and provide structural support for Vance Street.

The appellant objects to the fact that the proposed project will not bring the lower part of the slope up to a 1.5 FOS. The Commission requires the new development to meet a FOS of 1.5, but it does not require applicants to install additional piles or construct protective devices in order to bring an entire property up to a FOS of 1.5. No part of the proposed development is expected to reduce the stability of the lower part of the slope.

Section 30253 of the Coastal Act requires that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard, and assure stability and structural integrity. The proposed development includes the construction of a specific foundation design recommended by a state-registered geotechnical engineer (Grover Hollingsworth and Associates, Inc.). The appropriate City and County departments have thoroughly reviewed the consultant's geotechnical reports and have approved the proposed project. With the implementation of the proposed recommendations for the foundation design, the geotechnical engineer asserts that the slope on which the house will be constructed will be stabilized and strengthened to a FOS of 1.5. The Commission staff geologist has reviewed the geology reports and the proposed project plans and agrees that the proposed foundation design is adequate to provide the requisite geologic FOS.

The Commission disagrees with appellant's position that the proposed project will substantially alter natural landforms along bluffs and cliffs. The appellant apparently is alleging that the project would be inconsistent with Section 30253(b). That subsection provides that “[n]ew development shall do all of the following:...(b) [a]ssure stability and structural integrity, and neither create nor contribute significantly to erosion...or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.”

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<sup>1</sup> City of Los Angeles Letter of Determination for Coastal Development Permit Case No. ZA-2007-5584 (p.22), Department of City Planning, November 19, 2010.

Thus, to establish that new development would be inconsistent with this section by virtue of its effects on natural landforms along bluffs and cliffs, it is necessary first to establish that the new development would require the construction of a protective device (before one can even assess whether any such required device would substantially alter natural landforms along bluffs and cliffs). The subject site is sloped in a manner that requires the applicants to build a residential structure into the slope. There is no allegation of a protective device, so this is inapplicable. The applicant does not propose building any protective device outside of the residential structure's footprint to control erosion or otherwise assure stability and structural integrity. Therefore, based on these grounds, the Commission further finds that the project as conditioned is consistent with Section 30253.

In regards to fire danger, the construction of the proposed project is an infill project within a densely populated residential area. The project site is in a lushly landscaped canyon that is a fire hazard zone. The proposed project will not increase or contribute to the risk of fires.

### **Construction Methods**

The appellant also asserts that the proposed project should be denied because flooding of adjacent properties could occur in the event that construction causes debris to fall into the flood control channel (Rustic Creek) that runs below the project site. The appellant also questions where the project staging will be located and how the foundation will be constructed on such a steep building site (Exhibit #8). The appellant is seeking a level of detail concerning construction methodology which goes beyond that normally within the scope of Coastal Commission review and more appropriately in the scope of local government review which has the staff, expertise, permitting and inspection requirements and personnel, and in general the ability to deal with the issues which are raised.

However, the applicants have submitted a construction sequencing plan to explain how the project will be constructed (Exhibit #10). The applicants have obtained a permit from the City to use a portion of the Vance Street right-of-way for project staging and equipment storage. The construction sequencing plan includes the use of a series of debris fences to minimize the amount of debris that falls into the flood control channel, and includes a plan for the removal of debris from the channel should any fall in. The plan describes the sequencing for the construction of the proposed foundation, including the excavation, drilling and pouring of concrete necessary for the piles.

In regards to the flooding concern, the applicants will use a crane, based at the top of the site, to clear any debris that falls into the Flood control Channel (Exhibit #10, p.25). To address the risks of flooding, the County of Los Angeles Department of Public Works issued a letter dated January 7, 2009 stating that, "*Based on our review of the reports, plans and a field review, we conclude that if the project is constructed per the plans in compliance with the City's review and approval process, if appropriate measures are taken during construction to ensure that construction debris does not enter the channel, and if site drainage is handled properly, there will be no negative impact to the Rustic Canyon Channel.*" Finally, the local government (e.g., City Department of Building and Safety) will monitor and inspect the construction project to ensure that the work, including grading, excavation and construction of foundations, is done in a safe and legal manner.

## **Conclusion**

Section 30253 of the Coastal Act requires that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard, and assure stability and structural integrity. The Coastal Commission imposes special conditions on the permit in order to ensure that the development minimizes risks to life and property. Special Condition Three requires the applicants to comply with the recommendations contained in the consultants' geotechnical, engineering and soils reports. These recommendations, including recommendations concerning excavation, foundations and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultants prior to commencement of development. The Commission finds that, as conditioned, the proposed project will not 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.

Special Condition Four requires the applicants to implement construction best management practices to control erosion during construction, and Special Condition Five requires permanent drainage control and run-off plans. Special Condition Six requires that a landscaping plan shall be submitted so that the site is landscaped with low-water native plants. The use of low water plants on the slope is necessary to eliminate the need for irrigation so that overwatering will not result in bluff failure due to the infiltration of irrigation water into the bluff.

As designed and conditioned herein, the proposed project will minimize risks to life and property and will not significantly contribute to erosion or destruction of the area. However, no development on the site can be guaranteed to be safe from hazard. All development located at the foot of geologically active hillsides has the potential for damage caused by landslides, floods, seismic events, storms and erosion. The project area is susceptible to natural hazards. Special Condition Seven requires that the permittee assume the risks of the potential hazards associated with development, and indemnifies the Commission against liability with respect to the approval of the proposed project.

Additionally, the Commission requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property, and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property. This deed restriction is required by Special Condition Eight. The Commission finds that, as conditioned, the project is consistent with Section 30253 of the Coastal Act.

**C. Visual Resources**

The appeal also contends that the proposed development violates Section 30251 of the Coastal Act because it is not visually compatible with the character of the surrounding area,

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...

Although the project site and the adjacent lots are vacant, nearly all of the properties in Santa Monica Canyon are developed with one and two-story single-family residences. The proposed 1,966 square foot house is relatively small compared to the other homes in the area. Because the proposed project is on the slope above the street, it will be visible from East Rustic Road like the other homes on the street. In order to minimize the alteration of the landform and reduce the visibility of the structure, the proposed house will be notched into the descending slope. The proposed design will lower the profile of the residence as opposed to a raised foundation with a large under floor area or an above grade pile/pier supported design that would appear much larger than the proposed design. The proposed project will not be visible from any public park lands, trails or major scenic roads, and it will not obstruct any public views of the ocean. The proposed project will be visually compatible with the surrounding residential development. The alteration of natural landforms has been minimized. Therefore, as conditioned, the proposed project consistent with Section 30251 of the Coastal Act.

**D. Marine Resources – Water Quality**

The proposed project involves hillside grading and foundation work. The grading and construction have the potential to pollute the waters of Rustic Creek and the Pacific Ocean. Rustic Creek, a cement-lined stream, runs directly below the slope that the site is on, and the ocean is located about one-half mile hundred feet south of the project site (Exhibit #1). Coastal Act Sections 30230 and 32031 require that the proposed development be carried out in a manner that protects water quality, biological productivity and marine resources.

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.

Specific mitigation measures must be implemented in order to ensure that water quality, biological productivity and marine resources are protected as required by the above-stated Coastal Act policies. Erosion control measures must be implemented during the construction of the project, and landscaping must be installed to reduce erosion once the grading is complete. Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column.

In order to avoid adverse construction-related impacts upon marine resources, the Commission imposes three Special Conditions upon the applicant for approval of the project. Special Condition Four requires the applicant to submit an erosion control plan and implement construction Best Management Practices (BMPs) in order to protect water quality and biological productivity. In order to minimize erosion, grading shall take place only during the dry season (April 1 – October 31). Special Condition Six requires the applicant to prepare a landscape plan to vegetate the disturbed areas with plants that are appropriate for the area (Santa Monica Mountains). The use of any vegetation that is considered to be invasive and which could supplant native vegetation is prohibited.

Most of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from land-based development. Reductions in the amount of pollutants in the existing runoff would be one step to begin to reduce cumulative adverse impacts to coastal water quality. Therefore, appropriate measures must be taken to assure that adverse affects on water quality are minimized. In order to deal with these post construction water quality impacts, the Commission imposes Special Condition Five which requires the submittal of final drainage and run-off control plans and the implementation of ongoing Best Management Practices (BMPs) to minimize the amount of pollutants that leave the site and adversely affect water quality and biological productivity. The post-construction BMPs include the minimization of irrigation and the use of fertilizers and other landscaping chemicals through the use of low-maintenance landscaping and efficient irrigation technology or systems, and that trash, recycling and other waste containers shall be provided on site.

Therefore, the Commission finds that the proposed development, as conditioned, conforms to 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.

**E. Recreation and Public Access**

The proposed project must conform with the following Coastal Act policies which protect public access and encourage recreational use of coastal areas.

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 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act states:

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

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development



with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The project site is located one-half mile inland of Pacific Coast Highway and will not interfere with the public's ability to access the sea. Vance Street, a portion of which will be used temporarily as a project staging area, does not provide public access to the shoreline or any public recreation area. In regards to off-street parking, the proposed project meets the City's and Commission parking standards for a single-family residence by providing two parking stalls within a carport. The carport will be accessed from Vance Street. Therefore, the proposed project will provide adequate parking facilities.

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

#### **F. Local Coastal Program**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act:

- (a) 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). 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 the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified LCP for the project area. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of this project will not prejudice the City of Los Angeles' ability to prepare an LCP that is consistent with Chapter 3 of the Coastal Act.

**G. Deed Restriction**

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this coastal development permit, the Commission imposes one additional condition which requires the property owner to record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

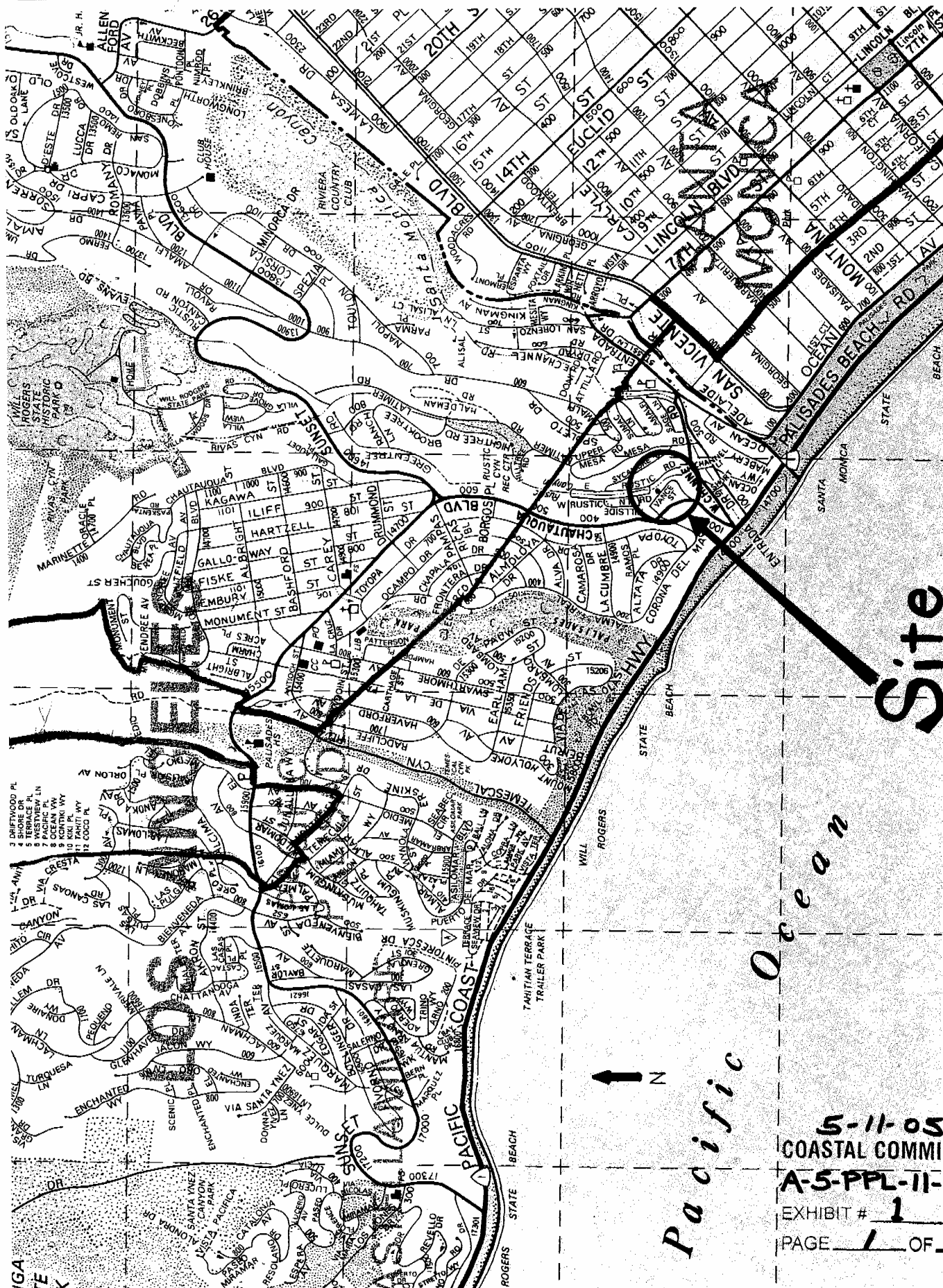
**H. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application 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.

In this case, the City of Los Angeles is the lead agency and the Commission is the responsible agency for the purposes of CEQA. On August 30, 2010, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV-2007-5585-MND-REC1 (the reconsideration of the Mitigated Negative Declaration previously-issued on September 29, 2008). The City determined that the proposed project's impacts could be reduced to a level of insignificance by imposing specific conditions.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, in the form of special conditions, require that the slope stabilization plans shall conform with the recommendations of the consulting geotechnical engineer, and the implementation of construction and post-construction best management practices to protect water quality and marine resources.

As conditioned by this permit, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



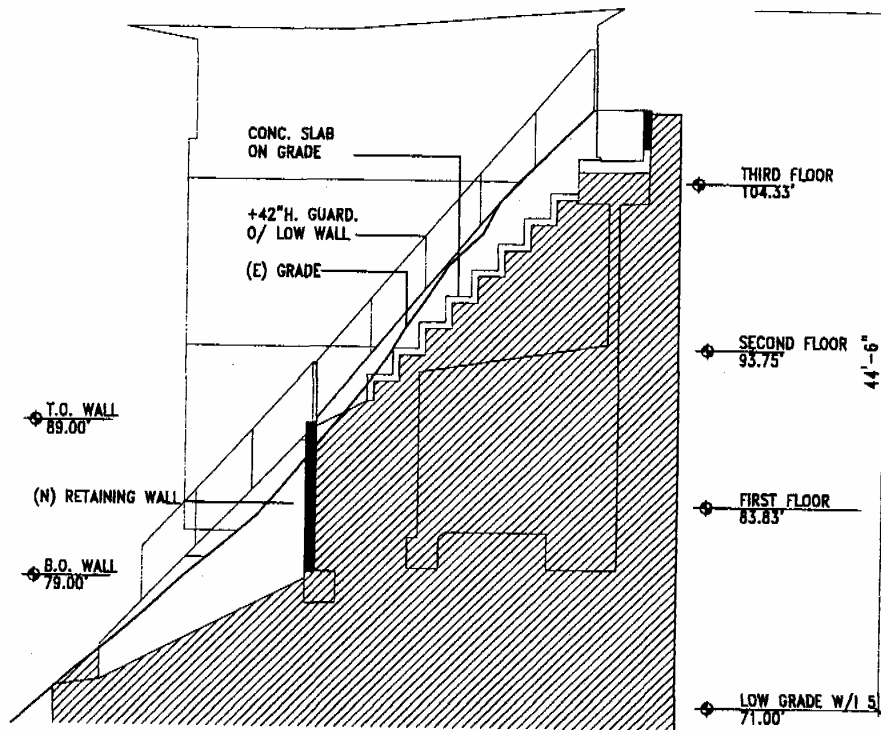
Site

Pacific Ocean

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 COASTAL COMMISSION  
 A-5-PPL-11-028  
 EXHIBIT # 1  
 PAGE 1 OF 1



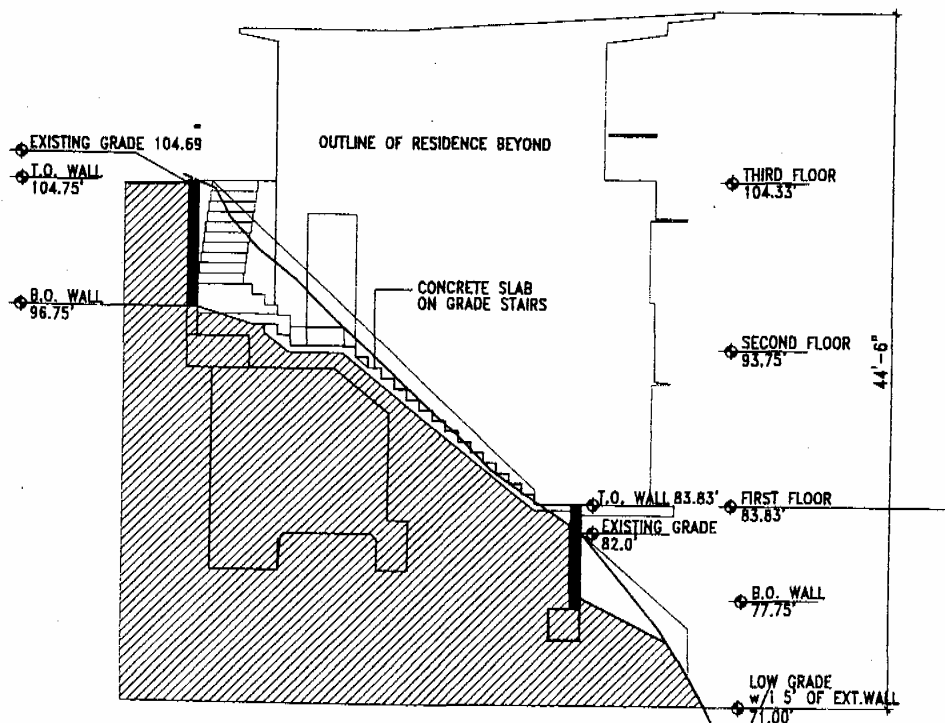




## RETAINING WALL HEIGHTS / NORTH

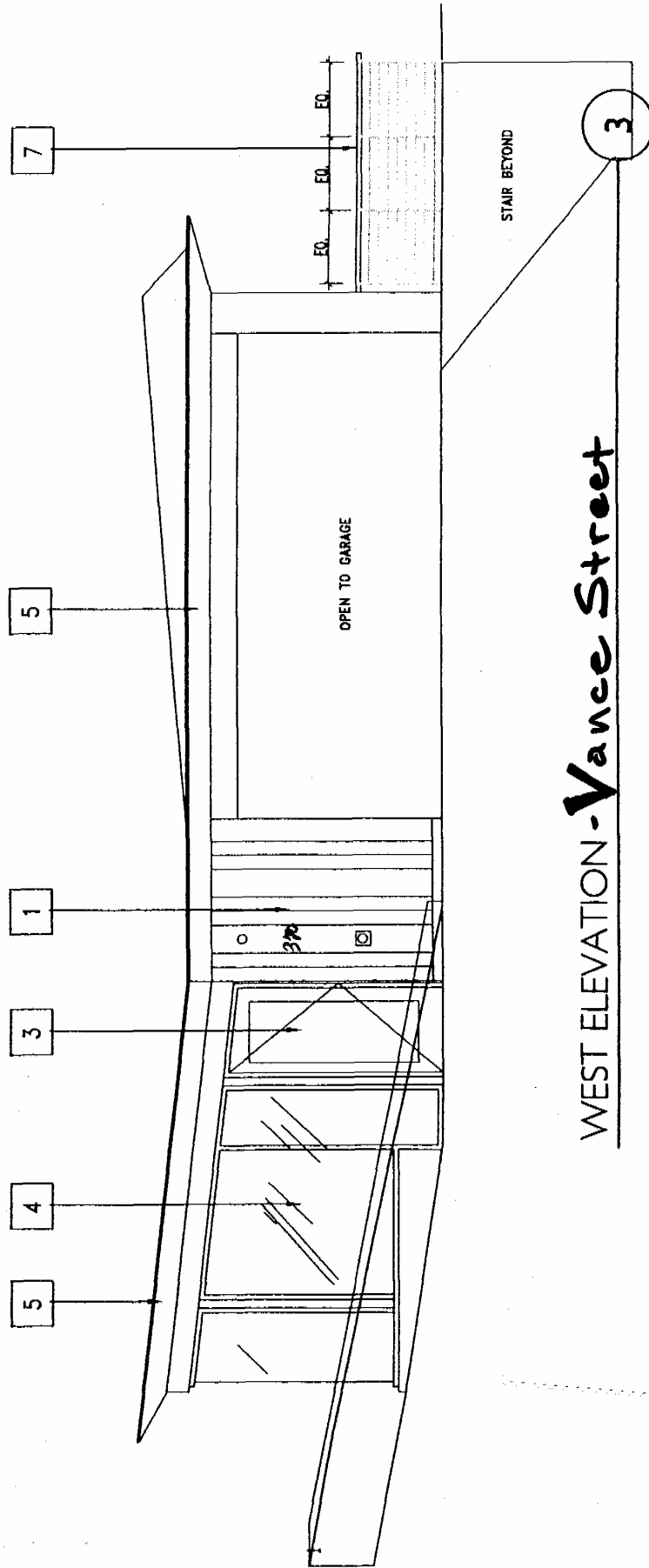
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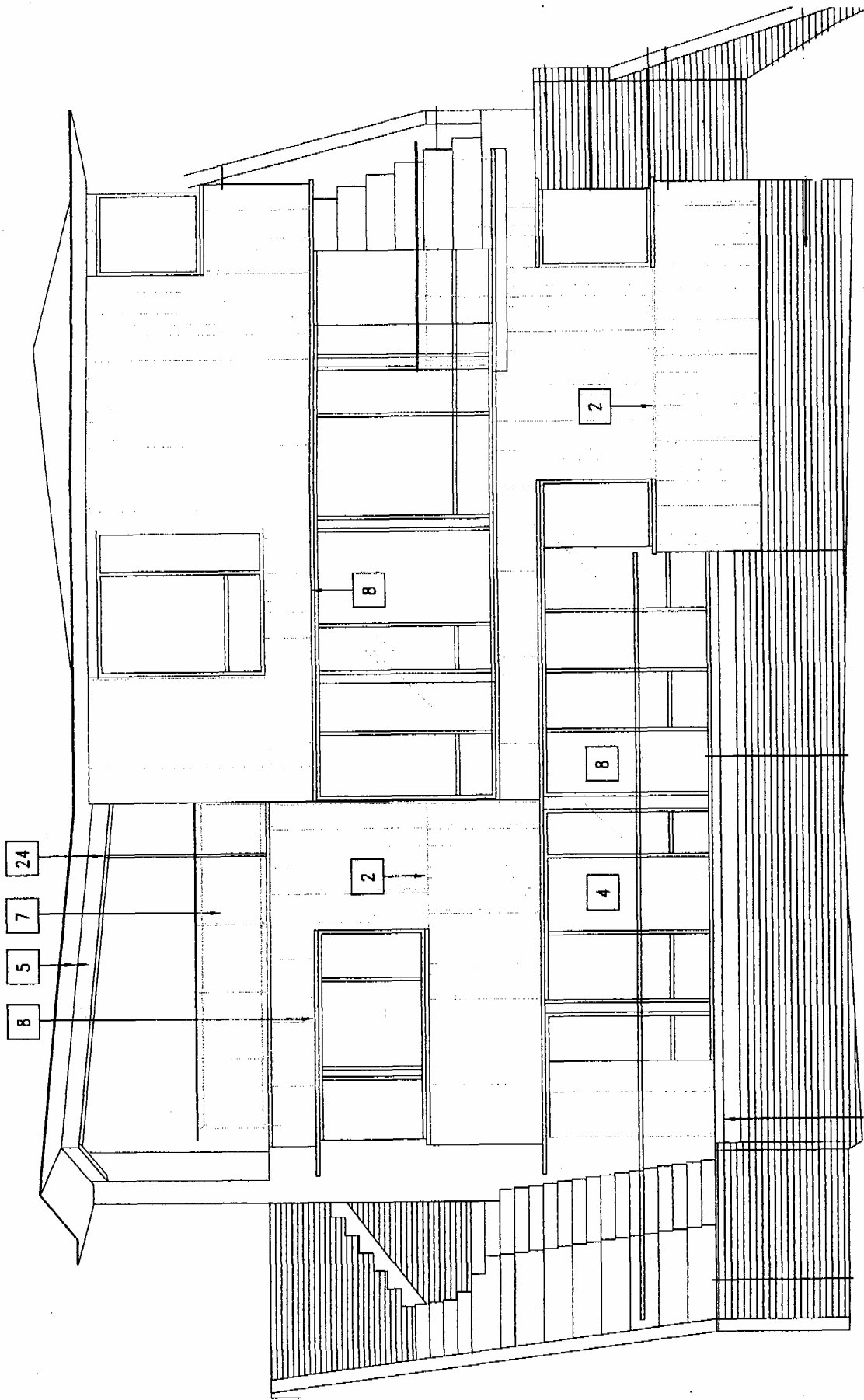
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PAGE 1 OF 1



WEST ELEVATION - **Vance Street**

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COASTAL COMMISSION  
A.S. PPL-11-028

EXHIBIT # 5  
PAGE 1 OF 1



SEE UNFOLDED ELEVATIONS FOR GUARDRAIL ELEVATIONS

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COASTAL COMMISSION  
A.S.P.P.L.-11-028

EXHIBIT # 6  
PAGE 1 OF 1

EAST ELEVATION - *East Rustic Road*

2



## CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE

200 OCEANGATE, 10<sup>TH</sup> FLOOR

LONG BEACH, CA 90802-4416

VOICE (562) 590-5071 FAX (562) 590-5084

FEB - 2 2011

CALIFORNIA  
COASTAL COMMISSION

5-11-028

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: GERALD B. KAGAN, FRIENDS OF OUR ENVIRONMENT

Mailing Address: 380 EAST RUSTIC ROAD

City: SANTA MONICA, CA

Zip Code: 90402

Phone: (310) 230-8333

SECTION II. Decision Being Appealed

1. Name of local/port government:

CITY OF LOS ANGELES

2. Brief description of development being appealed:

CONSTRUCTION OF A 1966 SQUARE-FOOT THREE STORY SINGLE-FAMILY DWELLING BUILT INTO A NEAR-VERTICAL HILLSIDE ON A 3,170 SQUARE-FOOT LOT.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

375 NORTH EAST RUSTIC ROAD and 370 NORTH VANCE STREET, PACIFIC PALISADES,, CA 90402

4. 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-11-028

DATE FILED:

2/2/11

DISTRICT:

Long Beach / South Coast

EXHIBIT #

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### STATEMENT OF REASONS FOR SUPPORTING THIS APPEAL

The City of Los Angeles does not have a certified Local Coastal Program. Therefore, before the proposed development can be approved, it must be found to be in conformity with the policies set forth in Chapter 3 of the Coastal Act. The W.L.A. Area Planning Commission, (on a split vote), denied an appeal of the L.A. City Zoning Administrator's (the "ZA") approval of the project. As approved, the project does not conform to the policy requirements of the Coastal Act. A copy of the decision being appealed (the "Decision") is attached.

#### **THE PROPOSED DEVELOPMENT WILL INCREASE, NOT MINIMIZE, RISKS TO LIFE AND PROPERTY IN AN AREA OF HIGH GEOLOGIC, FLOOD, AND FIRE HAZARDS AND WILL NOT ASSURE STABILITY OR STRUCTURAL INTEGRITY TO THE SURROUNDING AREA, AS REQUIRED BY PUB. RES. CODE, § 30253.**

The Decision acknowledges that the nearly vertical slope on which the Site is situated failed in 1994 but does not mention the history of landslides affecting the Site and the four adjoining vacant lots (which also failed in 1994). In addition, the Decision fails to note that the L.A.-adopted Mitigated Negative Declaration states that the Site is located within a "Very High Fire Hazard Severity Zone," a "Liquefaction zone," and a "Fault Zone." Further, the Site has almost no flat land and no portion of it has a safety factor of 1.5 for stability. The Decision ignores the applicable 2008 ZA Investigative Staff Report (the "2008 Report"), that found the CDP application to be "inadequate" for numerous reasons related to steepness/stability and the "applicant's failure to include any aspect of hillside developments." Nothing has changed since the 2008 Report, yet neither the Decision nor the 2010 staff report addresses the issues in the highly critical 2008 Report.

These factors are particularly significant because the lower portion of this very steep slope is bordered by a watercourse known as Rustic Creek. The creek, which functions as a flood control channel, was filled with debris during the 1994 landslide. Earlier, it overflowed its banks causing severe flood damage to homes on East Rustic Road.

Pub. Res. Code § 30253(b) prohibits the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The proposed project contemplates substantial cuts and terracing of the bluff face, construction of retaining walls to allow the development to cascade down the near-vertical slope to within 30 feet of the flood control channel, and building the structure into, not atop, the bluff.

Attached is a copy of the text from a comprehensive 4/22/09 report of Daniel Pradel, PE, GE, of Praad Geotechnical, Inc. ("Praad"), highlighting evidence of serious prior landslides on the Site (i.e., "clearly visible erosion scars and surficial failures"), and other geological hazards, and raising geotechnical questions (page 5) regarding the stability of the Site and the vacant adjoining lots. Praad stresses the absence of any specific construction methodology as to how the Site can be safely developed without threat of harm to neighboring persons and properties, and states that "...it is difficult to envision how the contractor will be able to build on it [the

Site]." Also attached is a copy of Praad's follow-up letter to the Planning Department (9/27/10) again raising its concerns and again asserting that its safety questions remain unanswered.

**THE PROPOSED DEVELOPMENT IS NOT VISUALLY COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING COASTAL AREA, AS REQUIRED BY PUB. RES. CODE § 30251.**

The site of the proposed development, on a nearly vertical bluff slope, is readily visible from East Rustic and other area roadways. It is currently vacant, as are the equally vertical four adjacent vacant hillside lots that cascade down from North Vance Street. The 2008 Report states that the proposed project is based on the assumption that there are "prevailing developments of eight surrounding properties" and that "the design ...will ensure compatibility with developments... in the neighborhood," as misrepresented by the applicant in its CDP application, in which there is no response to the question regarding "visual{ly} compatibil[ity] with the character of the surrounding area".... In fact, there are **NO** properties in the area compatible with, or similar to the proposed project. See the attached aerial photograph. The development would create a substantial visual intrusion on the coastal bluff as it rises above Rustic Creek and East Rustic Road, incompatible with the structures in the nearby surrounding area.

**THE PROPOSED DEVELOPMENT WOULD PREJUDICE THE ABILITY OF LOS ANGELES TO PREPARE A LOCAL COASTAL PROGRAM IN CONFORMITY WITH CHAPTER 3 OF THE COASTAL Act, (PUB. RES. CODE § 30604), AND THEREFORE SHOULD NOT BE APPROVED.**

The W.L.A. Area Planning Commission has noted many times that there are numerous steeply sloping lots in the City's Coastal Zone (including Pacific Palisades) such as the four vacant lots adjacent to the Site. The Decision acknowledges that the four vacant lots adjacent to the site, and Vance Street and East Rustic Road, are all substandard. The Planning Commission noted that approval of the proposed project could set a precedent for the approval of other projects (i.e., on the adjacent lots) that implicitly might be inconsistent with the requirements of the Coastal Act. In any event, the City should be encouraged to incorporate appropriate policies into a certifiable Local Coastal Program.

Attached is a December 6, 2010 letter from the appellants to the West L.A. Planning Commission setting forth in further detail the reasons justifying this appeal.

**COASTAL COMMISSION**  
**A.S.PPL-11-028**

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FRIENDS OF OUR ENVIRONMENT  
380 East Rustic Road  
Santa Monica, CA 9040

**RECEIVED**  
South Coast Region

AUG 8 2011

August 5, 2011

CALIFORNIA  
COASTAL COMMISSION

Charles Posner, Staff Analyst  
California Coastal Commission  
South Coast Regional Office  
200 Oceangate Suite 1000  
Long Beach CA 90802

Re: CDP Application No. 5-11-056 (the "CDP")  
Appeal No. A-5-PPL-11-028 (the "Appeal")

Dear Mr. Posner,

The undersigned urges the California Coastal Commission ("CC") to deny the above referenced CDP because the Project violates the Coastal Act. In March 2011, The CC determined that our Appeal of the City's approval of a CDP raised a "Substantial Issue."

The proposed development (the "Project") (1) does not minimize risks to life and property in an area of high geologic, flood, and fire hazard and will not assure stability or structural integrity to the surrounding area (Pub. Res. Code sec. 30253); (2) is not visually compatible with the character of the surrounding area (Pub. Res. Code sec. 30251), and (3) would prejudice the ability of the City of Los Angeles ("the City") to prepare a local coastal program (Pub. Res. Code sec. 30604).

The Reports of Praad Geotechnical, Inc. (collectively, "*Praad*" or "*Praad Report*"), listed on Exhibit 4, repeatedly stress the severe instability of the slope on which the Site is located, describing it as "precarious and prone to failures," and a potential source of danger to area persons and properties. *Praad* questions how "the contractor will be able to build on the [Site]," finds applicant's submissions "insufficient to assess the Project safety," and emphasizes that no minimum FOS will be met on the most problematic portion of the Site, even after this high-risk project is completed. The City Zoning Department expressed even greater concerns in 2008 (never answered). Exhibit 1(b).

This Project's safety (during and after construction), has been questioned for many years, and, despite promises, applicant has never filed written reports (i.e., staging, earth disposal, erosion, FOS compliance) showing how such safety issues will be ameliorated.

Description of Project, Site and Surrounding Area

(a) The Project involves a 22' excavation cut, and drilling for multiple pilings, to support a 3-story new residence in the Pacific Palisades, built almost entirely *into* and terraced

Attached is a list of referenced exhibits. All but exhibit 1(a), also attached, are in the CC files. Unless otherwise attributed, quoted material is from City documents identified on Exhibit 1(a). Other emphasis is mine. *Praad* has merged into and is now known as Group Delta Consultants.

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Charles Posner, Staff Analyst  
August 5, 2011

down the face of landslide-prone “steep hillside with a **near vertical slope**” that is **undeveloped**, “**substandard**” and **unstable**, lying just above Rustic Creek (the “Site”). The lot size is 3,127 square feet with virtually no flat land. Exhibits 1(a) & 3.

(b) The Site is within a “**Very High Fire Hazard Severity Zone**,” a “**Liquefaction zone**” and a “**Fault Zone**.” The upper end of the Site from which the construction will be conducted (Vance Street) has **flat land** that *Praad* states is “**at most ...only a couple of feet wide.**” Vance is largely unpaved and substandard; yet there is no plan on file as to how this project can be safely staged. *Praad* notes that the Project does not meet the generally accepted minimum value required to ensure slope stability (1.5 Factor of Safety) on the entire Site either before or after development (not even on the most problematic lower portion that continues to erode). Exhibit 1(a), 2 (b) & 4. None of the 5 adjoining vacant hillside lots differ in any of these respects.

The Site is on the only significant bluff slope in the area. The vacant, near-vertical lots on the slope closely face homes on East Rustic Road, immediately across from Rustic Creek, a flood drainage channel. One nearby hillside residence, north of the Site at 390 Vance, but not adjacent to the Site, is built *atop* a lesser slope. Exhibit 3.

(c) The developer continuously represents that the **Surrounding Area** contains *multiple* (at least 8) properties similar to the Project (“surrounding” or “within 100 feet” of the Site), and that the Project’s “architecture and engineering will be compatible” with them. Exhibit 1. Aerial photographs clearly show that there are **no such similar developments**, compatible or not. Exhibit 3. Most area homes are built on flat lots. All construction activities would have to be conducted from atop the Site where there is little flat land, staged from the extremely narrow, substandard, Vance Street right of way (which would be improved only immediately in front of the proposed residence). Exhibit 3(a) & 4.

Prior attempts to develop the Site, previously considered unbuildable, have been unsuccessful. A portion of the foundation of a home apparently built on one of the slope’s lots adjacent to the Site, lies just above Rustic Creek, having slid down the slope. Exhibit 6. This latest attempt to develop the Site started in 2006.

#### Section 30253 of the Coastal Act

Section 30253 of the Coastal Act requires that new development in the coastal zone minimize risks to life and property in high hazard areas, and assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. Much of the Pacific Palisades area in the Coastal Zone is in a high hazard area and has a long history of damaging natural disasters from landslides, flooding and wildfires. Here:

**COASTAL COMMISSION**

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1. The history of landslides on the near-vertical steep slope where the Project is proposed, and the Site's location in a very high severity fire zone, a liquefaction zone and a fault zone, certainly qualifies it as being in a "high hazard area." *Praad* notes the evidence of landslide activity (i.e., surficial failures, erosion scars), the instability of the slope and the fact that the entire slope is comprised of soils with no evident bedrock. *Praad* further states that "geotechnical investigations of the [S]ite and its vicinity have raised serious doubts about the stability of the slope during and after construction." A recent photograph (Exhibit 2 (b)) shows the continued erosion on the lower third of the Site which *Praad* describes as "particularly steep" with "weaker materials" and where "neither retaining walls nor caissons have been proposed...." Exhibit 4.

The most notable landslides at the Site occurred (a) in 1994 when the entire slope failed and completely blocked Rustic Creek just below the toe of the Project and a mere 40 feet from the East Rustic Road properties. Exhibit 2 (a). Fortunately, 1993/1994 was a dry winter, and there was not a high level of water in the Creek when the failure occurred, unlike when (b) earlier, a slide caused the Creek to overflow its banks, damaging neighborhood residences. Exhibit 5 (video available at the Staff's request). *Praad* notes that "a failure of the slope would reduce the capacity of the flood control channel, rendering the residences east of the channel below vulnerable to flood..." with "potential damage to persons and property along East Rustic Road." Exhibits 4 & 5. Such failure could occur during or after construction because, among other things, the lower portion of the Site and none of the adjoining vacant lots, are or will be stabilized.

In the 1994 failure, the improved property at 390 Vance, and the vacant lot (lot 205) that lies between it and the Site, suffered significant damage, requiring City ordered geology reports that stated, among other things, that the major failure had occurred on lots 205 and those south of it (including the Site). And, as previously noted, a home previously built on another Vance slope lot slid, with a portion of the foundation lying just above Rustic Creek (Exhibit 6). Erosion continues, evidencing the slope's fragility and the damage that could result from the occurrence of natural events, let alone from stress caused by the harsh requirements of construction with deep piles and massive cuts.

2. As noted above, The *Praad Report* specifies (1) the evidence of past failures (i.e., surficial failure, erosion scars); (2) the lack of the industry and building code standard 1.5 FOS on the entire Site both before and after construction; (3) the dangers associated with construction on a site with virtually no flat land to support construction and other equipment and storage of spoils (and on a substandard street), and (4) the dangers of construction on such a fragile, steep slope, on which all of the lots are near-vertical and vacant with regularly eroding soils and slides. Exhibits 2(a) & (b) and 4.

*Praad's* concerns about whether the Project can be safely built (it says, "it is difficult to envision how the contractor will be able to build on it"), remain unresolved because *Praad's* questions as to safety and staging are always deflected, rather than adequately

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answered by the developer. Exhibit 7. *Praad* emphasizes that such failure to respond "makes a comprehensive safety analysis [of the Project] impossible." *Praad* notes the developer's concurrence with its concerns ("We agree that the construction will be difficult and the contractor will need to exercise care to collect debris before it reaches the channel."). Letter dated 9/29/10 from Grover Hollingsworth.

All of the developer's geology reports are similar, and according to *Praad*, **do not support a waiver of the minimum FOS required for slope stability**. *Praad* disputes the developer's claims that it will be able to remove debris from the Creek resulting from raveling during construction, particularly during heavy rains. *Praad* **emphasizes the significance of the lack of a planned minimum FOS on the lower third of the Site (that *Praad* calls "precarious") after construction** and that the developer has never responded to the safety questions repeatedly raised. Exhibits 4 & 7.

The developer argues, without support of filed written plans, that the Project will somehow stabilize the entire Site, the adjacent vacant lots and the neighborhood. Its geology engineer attempts to justify the lack of a minimum FOS by stating that "...the planned development [after completion] clearly increases the stability of the site and reduces ... the risks..." a statement that *Praad* disputes.

There is nothing here to suggest that a seismic or other destabilizing event (including the construction itself) during or after construction, would not cause a landslide fracturing the entire hillside as in the past, and damage area property. Even if the Project is completed without such a slope failure, only the residence area on the Site would be stabilized. Nothing is proposed that indicates stabilizing the near-vertical adjacent lots, or, as noted above and most importantly, the bottom third of the Site, leaving it vulnerable to events that could injure people and damage property on East Rustic Road. Specific engineering recommendations describing how the potential impacts of construction would be mitigated and proof of FOS compliance on the entire Site should be required, at a minimum, *before* a CDP is considered. Anything less simply defies logic. The potential for damage to the slope, nearby homes and their residents, and even the Site, is too great.

*If there is another location, or manner, to complete and maintain the Project safely, to provide a FOS that meets minimum standards on the entire Site, and to minimize the risks to the remaining hillside and area properties, it has not yet been set forth.*

3. Two identical City MNDs (2008 & 2010), related to the project state that the Site is in a "Very High Severity Zone," a "Liquefaction zone" and a "Fault Zone." See Exhibits 1(a) & 1(b).

4. The 10/15/08 City ZA Staff Investigative Report (Exhibit 1(b), concluded that the CDP application to the City was "**inadequate**," because, among things, the applicant (i) indicated that the Project was based on and would be designated and built compatible to

COASTAL COMMISSION

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Charles Posner, Staff Analyst  
August 5, 2011

similar properties in the area of the Site (none of which exist—Exhibits 1(a) & 3); and (ii) failed to include any of the determinants of hillside developments. This highly critical report has never been responded or even referred to in later documents, and the “inadequate” CDP application to the City was never amended. Exhibit 1(b).

No plans have been filed dealing with such things as (i) staging of the Project (including avoiding blockage of Vance Street); (ii) erosion and drainage control; (iii) disposal of exported soil; (iv) hillside stabilization during construction; (v) foundation piling to bedrock as claimed (no bedrock is noted at the Site); (vi) satisfaction of minimum industry standard and code-required FOS on the *entire* hillside even after construction (vital here because of the near vertical slope); or (vii) Site landscaping.

Instead, for several years, developer’s agents have stated *orally* that the Project can be completed safely, and that plans proving so “will be filed soon.” For example, applicant’s foundation engineer, Robert Holcomb (Holcomb Engineering Contractors) has often testified that he has completed many challenging projects throughout the State to the satisfaction of multiple agencies. Yet he has never provided any plan to show how he would complete *this* Project safely. Further, the CC cited Mr. Holcomb and his company (Cease & Desist Order CCC-08-CD-06) for hauling and dumping debris and dirt in a blue line stream and environmentally-sensitive riparian and coastal sage scrub habitat, and consequent destruction and removal of major vegetation, on multiple occasions.

We have searched for like projects in the Pacific Palisades where the Staff recommended approval of a CDP, but have not found one. The closest (in substance, and location to the Site), was an application for a 3,497 square foot residence at 17632 Castellamarre Drive, Pacific Palisades (application 5-10-008 filed 1/14/10), where the Staff recommended approval with special conditions. However, such project was proposed (1) *on a relatively flat pad*, (2) *on a far lesser slope with no noted landslide history* that had (3) *undergone extensive development*. Piles were to be lowered (4) *to bedrock* to satisfy (5) *the minimum FOS of 1.5 on the entire site*. Here, none of such ameliorating factors are present

#### Section 30251 of the Coastal Act

Section 30251 requires new development to be visually compatible with the character of the surrounding area. The Project is proposed to be built on the only bluff face in the area, prominent with respect to its steepness (nearly vertical) and, literally, approximately than 40 feet from homes on East Rustic Road. The project would be “in the face” of residents unlike any other developments in the area. The City Report referred to above finding the CDP application “inadequate,” (Exhibit 1(b), notes applicant’s assertion that the project is based on the assumption that there are “prevailing developments of eight surrounding properties,” and that “the design will ensure compatibility with developments...in the neighborhood....” Neither is true. Exhibit 3.

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Charles Posner, Staff Analyst  
August 5, 2011

The development would create a substantial visual intrusion on the bluff face as it rises above Rustic Creek (it is proposed for the face, not the top of the slope). Certainly, it is incompatible with residences in the nearby surrounding area.

Section 30604 of the Coastal Act

Section 30604 requires that new development not prejudice the ability of a locality to prepare a Local Coastal Program in conformity with Chapter 3 of the Coastal Act. The City Planning Commission has often noted the numerous steeply sloping lots in the City's Coastal Zone (including Pacific Palisades) such as the substandard, landslide-prone vacant lots on the subject slope. In this case, the dangerous precedent that could be set by the Project was discussed at the Planning Commission meeting on January 5, 2011.

The City has not adopted a Local Coastal Program. The Pacific Palisades is not included in programs for the preparation of local development programs in district segments of the City primarily due to issues of geologic stability. Given that a stated purpose of the Coastal Act is to *encourage* adoption of Local Coastal Programs, not yet adopted by the City, it seems inappropriate for the CC to consider CDPs for projects, such as the subject one, that do not provide such "encouragement."

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The Project is not a "run-of-the-mill" development and is opposed by most area residents. It neither complies with the intent of the Coastal Act, (particularly because of the slope's landslide, and other hazard, proclivity), nor the City's Building Code, the purpose of which is to "safeguard life, limb, health, property and public welfare by regulating...the design, construction...[of]... buildings... erected in the City...." Section 101.2.

This Project is simply an attempt to build on an unstable, substandard, slope site with harsh topography and a history of hazard damage. It has been branded "high risk" by the City Planner and "precarious" by *Praad*, and as proposed it does not and will not meet the required minimum FOS on the entire Site. This is not a site on which to conduct a construction "experiment." Under the circumstances, a CDP should be denied for the project the applicant proposes to build.

Sincerely,

*Gerald B. Kagan*

Gerald B. Kagan  
Individually and on behalf of *Friends of Our Environment*

Encls: List of Exhibits; Attachment--Exhibit 1(a).  
cc: Melvin N. Nutter, Esq.; Dr. Daniel Pradel.

**COASTAL COMMISSION**

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AUGUST 5, 2011 LETTER TO CHARLES POSNER, STAFF ANALYST  
CALIFORNIA COASTAL COMMISSION \*

OPPOSITION TO CDP APPLICATION 5-11-056  
APPEAL A-5-PPL-11-028

EXHIBIT 1 (a)

CITY OF LOS ANGELES DOCUMENTS FROM WHICH QUOTATIONS TAKEN

<u>Document</u>	<u>Statement</u>
11/19/10 City ZA Approval of Project, p. 15	"a steep hillside with a near vertical slope" "substandard"
8/30/10 City Mitigated Negative Declaration (same as 2008 MND), Page 9.	"the property is within ... a Very High Hazard Severity Zone, a Liquefaction zone, and a Fault Zone"
CDP Application dated 11/30/07 & Env. Assessment Form dated 11/30/07, pages 1 & 4.	"8 similar properties" "surrounding" "within 100 feet" "architecture and engineering will be compatible"
City Planning Department Staff Investigator Report dated October 10, 2008, Page 2.	"CDP application "inadequate;" "... applicant indicated that his proposal is based on the prevailing developments of 8 surrounding properties and reiterated that the proposed building will be very similar to developments in the area." It is indicated that the engineer- ing and architectural design of the building ensured compatibility with developments of other properties in the neighborhood."

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LIST OF EXHIBITS TO AUGUST 5, 2011 LETTER TO CHARLES  
POSNER, STAFF ANALYST CALIFORNIA COASTAL COMMISSION \*

OPPOSITION TO CDP APPLICATION 5-11-056  
APPEAL A-5-PPL-11-028

- 1(a). REFERENCE LIST OF CITY DOCUMENTS AND STATEMENTS THERFROM.
- 1(b) CITY PLANNING DEPARTMENT STAFF INVESTIGATOR REPORT 10/10/08.
2. PHOTOGRAPHS OF (a) 1994 SLOPE FAILURE and (b) RECENT EROSION.
3. AERIAL PHOTOGRAPHS OF AREA OF PROPOSED PROJECT.
- 3(a) PHOTOGRAPHS OF VANCE STREET (IN PRAAD REPORT).
4. REPORTS OF PRAAD GEOTECHNICAL, INC. (INITIAL REPORT 4/22/09;  
UPDATES 3/15/11, 7/11/11, and 9/29/09).
5. PHOTOGRAPHS OF OVERFLOWING RUSTIC CREEK.
6. PHOTOGRAPH OF HOUSE FOUNDATION.
7. QUESTIONS IN PRAAD GEOTECHNICAL, INC. REPORT REGARDING SAFETY  
OF PROJECT AND RELATED MATTERS.
8. CEASE & DESSIT ORDER.

\* All Exhibits (other than exhibits 1(a) and 2(b) that are attached) are in the Coastal Commission Staff File  
and incorporated herein by reference

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July 11, 2011

Mr. Gerald B. Kagan  
380 East Rustic Road  
Santa Monica CA 90402

GDC Project No.: L-967

SUBJECT: 375 NE Rustic Road//370 N. Vance St.  
Pacific Palisades, CA (the "Site")

Mr. Kagan,

I enjoyed seeing you again when we met informally at the Site on 6/14/11, in the company of the Coastal Commission Staff and various representatives including you and the applicant. I have already sent to the Coastal Commission Staff an update (4/15/11) to my original geotechnical report (dated 4/14/09) regarding the project, but I want to emphasize herein a few points related to the safety, risks and practicality of the proposed project.

As we have previously discussed, the stability of slopes is generally described using Factors of Safety (FOS). A minimum FOS of 1.5 is required by the Los Angeles Building Code for new construction and a FOS of 1.0 means failure. The owner's engineer calculated a dry FOS of 1.276 and lower values will be expected during rainstorms. Hence, it is undisputed that even after construction is completed the minimum FOS will not exist on the most problematic lower third of the site. Please note that the closer the FOS is to 1.0 the higher the risk of slope failure. In my opinion, it is essential that a minimum (FOS) of 1.5 be required here on the entire Site. This is not only a Building Code requirement, but the standard of practice in my profession.

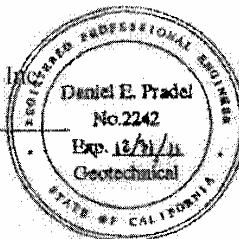
The FOS is particularly crucial for this project due to the presence of the Rustic Creek drainage channel below the Site and the high potential for resulting damage to neighboring persons and property. In my opinion, this project demands a minimum FOS of 1.5 for the entire site.

Additionally, we have often discussed the lack of any flat land on the Site, the extreme steepness of the soil slope and the substandard nature of Vance Street from where the construction will be conducted. In the absence of a detailed staging plan, the safety questions in my prior reports remain unanswered.

Thank you for this opportunity to be of professional service to you in this matter. If you have any questions, please do not hesitate to call me.

Sincerely,  
Group Delta Consultants, Inc.

Dr. Daniel Pradel, P.E.  
Principal Engineer



370 Avenida Avenue, Suite 212 • Torrance, California 90501 • (310) 320-5100 voice • (310) 320-2116 fax  
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South Coast Region

FEB 18 2011

CALIFORNIA  
COASTAL COMMISSION

CITY OF LOS ANGELES  
DEPARTMENT OF CITY PLANNING  
OFFICE OF ZONING ADMINISTRATION

**STAFF INVESTIGATOR REPORT**

October 10, 2008

Robert Dolbinstri (A)(O)  
1122 Idaho Avenue  
Santa Monica, CA 90403

CASE NO. ZA 2007-5584(CDP)(MEL)  
COASTAL DEVELOPMENT PERMIT  
375 North East Rustic Road  
Brentwood-Pacific Palisades  
Planning Area  
Zone : R1-1  
D. M. : 123B129  
C. D. : 11  
CEQA : ENV 2007-5584-MND  
Legal Description : Lot 204, Tract 1719

**Request**

A Coastal Development Permit, pursuant to the provisions of Sections 12.20.2 of the Los Angeles Municipal Code, to allow the construction, use and maintenance of a 1,966 square-foot, three level, single-family dwelling with two parking spaces located within the dual jurisdiction of the California Coastal Zone. Mello Act compliance determination is also requested.

**Property Description**

The subject property is vacant irregular-shaped, interior, upslope hillside lot that is located along a Hillside Limited Street. It is measured at 71 feet in the front, 51 feet at the rear, 63 feet northerly and 44 feet southerly sides for a total gross floor area of 3,176 square feet. Presently, like the abutting properties, the subject property is vacant and has overgrown shrubs.

The property is in the dual jurisdiction of the Coastal Zone.

**The Project**

This is a coastal development permit application for the construction, use and maintenance of a three-story, 1,966 square-foot single-family building on a lot that is located both along a Substandard Hillside Street and in the dual jurisdiction of the coastal zone within the Brentwood-Pacific Palisades Community Plan Area. It should be pointed out that this application does not address development of properties on a designated Hillside Limited Street.

It should be noted that the primary purpose for this request is to ensure that the proposed development is in conformity with Chapter 3 of the California Coastal Act of 1976. As

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such, prior to the approval of this request, the applicant must take into account the rigorous checklist from the California Coastal Act that was meant to ensure compliance of the detailed and stringent requirements of developments within the dual coastal zone. By so doing, it would satisfy the safety and environmental concerns accordingly. Thus, in the absence of a Specific Plan for this portion of the Coastal Zone the, general intent, layout and configuration of the proposed project falls within the dictates of the zoning code.

The applicant indicated that his proposal is based on the prevailing developments of eight surrounding properties and reiterated that the proposed building will be very similar to developments in the area. Details of the development include a 21-foot cut into the hill that would amount to 692 cubic yards, the construction of a three-story building (45-foot high building when measured 5 feet away from the lowest point) with an attached two-car garage with a total lot coverage of 28 percent. It is indicated that the engineering and architectural design of the building ensures compatibility with developments of other properties in the neighborhood. According to him, like the surrounding properties, the envelope of the proposed building will be strengthened by a series of concrete pilasters that will be erected with deep foundation footings in the ground. Also, the proposed retaining walls will by combination serve as protective barriers that would prevent unforeseeable calamities that might emanate from mudslides in case of a heavy down pour of rain or earthquakes. However, the tendered elevation plans lack any site developments that would show the areas of the lot that would be excavated, the number and height of the retaining walls and depth of the five concrete pilasters for the foundation.

This property is situated on a hillside grading area and along a designated Limited Hillside Street. In that vein, it should be noted that development standards of hillside properties arose because of the peculiar nature of such properties. Thus, it will be almost impossible and cost prohibitive to subject the applicant to meet all the established requirements as stipulated in the hillside ordinance. Therefore, the applicant's failure to include any aspect of the determinants of hillside developments renders this application to be inadequate. During site inspection, it was discovered that like the adjoining properties on the same side of the street, the topography of the subject lot is very steep with a slope of about 66 percent. The steepness of the lots make it almost impossible to build without resorting to excavations and erection of retaining walls that would hold the soil intact. However, such developments must be within the stipulated requirements of the hillside ordinance.

#### **Surrounding Land Uses**

Adjoining properties to the north across Rustic Road and to the south across Vance Street are in the R1-1 Zone and developed with large two-story single-family dwellings.

Adjoining properties to the east and west of the subject property along the same side of the street are in the R1-1 Zone and are vacant

#### **Previous Cases, Affidavits, Permits, and Orders On the Applicant's Property**

There are no similar or relevant ZA or CPC cases.

#### **Previous Cases, Affidavits, Permits, and Orders On Surrounding Properties**

No similar or relevant cases were found.

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**General Plan, Specific Plans and Interim Control Ordinances****Community Plan:**

The Brentwood-Pacific Palisades Community Plan Map designates the property for Low Residential land uses with corresponding zones of RE, RS, RU, and RW1, and Height District No. 1.

**Specific Plans and Interim Control Ordinances:**

The property is not currently within the area of any specific plans or interim control ordinances.

**Streets**

East Rustic Road, adjoining the property, to the north is a Hillside Limited Street with a paved road width of less than 20 feet and improved with asphalt with no curb or sidewalk.

**Flood Hazard Evaluation**

The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that the property is located in Zone C, areas of minimal flooding.

**Environmental Clearance**

On September 29, 2008, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV 2007-5585-MND (Article V – City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance.

**Comments from Other Departments or the General Public**

At the time of report preparation, no public agency had submitted any written comments but a letter from the Law Firm of Chatten-Brown and Carstens was received in which it was indicated that the application had several shortcomings and therefore suggested a deferment of the hearing to another date. The letter is attached to the file



ANDREW BANGALI-PESSIMA.  
Zoning Investigator

ABP:rg

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CITY OF LOS ANGELES  
DEPARTMENT OF CITY PLANNING  
OFFICE OF ZONING ADMINISTRATION

**STAFF INVESTIGATOR REPORT**

September 28, 2010

Robert Dolbinski (A)(O)(R)  
1122 Idaho Avenue  
Santa Monica, CA 90403

CASE NO. ZA 2007-5584(CDP)(MEL)  
COASTAL DEVELOPMENT PERMIT  
375 North East Rustic Road  
and 370 North Vance Street  
Brentwood-Pacific Palisades Planning Area  
Zone : R1-1  
D. M. : 123B129  
C. D. : 11  
CEQA : ENV 2007-5585-MND  
Legal Description: Lot 204, Tract 1719

**Request**

A coastal development permit, pursuant to the provisions of Sections 12.20.2 of the Los Angeles Municipal Code, to allow the construction, use and maintenance of a 1,966 square-foot three level single-family dwelling with two parking spaces located within the dual jurisdiction of the California Coastal Zone. Mello Act compliance determination is also requested.

**Property Description**

The property is an irregular-shaped, upward-sloping interior lot consisting of approximately 3,170 square feet. The property has a frontage of approximately 72 feet along the west side of Rustic Road and a frontage of 55 feet along the east side of Vance Street. The northerly and southerly property lines are approximately 63 feet and 45 feet, respectively. The property is currently vacant and contains vegetation and shrub. The property is located within the Brentwood-Pacific Palisades Planning Area and is within the dual jurisdiction of the Coastal Zone

**The Project**

The applicant is seeking authorization for the construction, use and maintenance of a new 1,966 square-foot, three-story, 45-foot high single-family dwelling, with a total of five parking spaces including three enclosed parking spaces and two uncovered parking spaces. In conjunction with the construction of the home, the applicant requires the granting of a Coastal Development Permit. Additionally, the applicant is seeking review of compliance with the Mello Act.

This case had a hearing on October 16, 2008 in which the same subject matter/requests were discussed. At the time of the hearing many groups and residents came to speak in opposition. As a result of the many environmental issues brought up during testimony, the Zoning

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Administrator issued a Remand of Environmental Clearance to the Advisory Agency (the Environmental Review Section of the City Planning Department) on October 31, 2008. The Zoning Administrator stated the following:

*"By this letter I am remanding the subject file, and more particularly the Environmental Clearance action taken under Case No. ENV 2007-5585-MND to you for your further review and consideration, and most particularly to consider the numerous issues raised by Chaten-Brown & Carstens in their letter of October 15, 2008 and its extensive number of attachments and photos of the subject site. Further, I also ask that you review the County of Los Angeles, Department of Public Works letter of October 15, 2008 in which they have asked for additional time (30 days) in order to evaluate the project and any potential impacts it may have on the nearby flood control channel. Input from that agency should be received and considered prior to re-issuance of any future environmental clearance action by your office..."*

*...Prior to opening the hearing to public input on the merits of the project, I became aware of the substantial challenge being made to the Environmental Clearance for the subject project. I reviewed the materials from both Chaten-Brown & Carstens and the County of Los Angeles, and determined that they were of sufficient breadth, scope and complexity that they went beyond my ability to respond to them at that time."*

The Zoning Administrator believed that it would be the public's best interest for all the material submitted to be carefully reviewed and responded to by the City Planning Department's Environmental Unit. According to the Zoning Administrator, both the applicant and those opposed to the project were in support of returning the file to the Environmental Unit for another review.

In regards to the coastal development permit, it appears that the proposed new single-family dwelling will have no impacts in regards to the California Coastal Act and that no access to the coast will be hindered nor will there be any increase in traffic in the area, specifically to the coast.

The Mello Act is a statewide law that requires local governments to comply with certain provisions designed to preserve and increase the supply of affordable housing in California's Coastal Zone. The Mello Act applies to any proposal to convert or demolish existing housing, or to develop new housing in the Coastal Zone. Planning counter staff reviewed the case and found that the applicant's request is subject to a Mello Act compliance review because the project will result in the construction of one or more "whole" residential units through new construction.

At the time of the Zoning Investigator's site visit on September 28, 2010, an official Notice of Public Hearing was posted on the property, in accordance with the code requirement to post the ZA notice at least ten days prior to the scheduled hearing date. The Office of Zoning Administration also receiving received confirmation from BTC that the applicant and all parties required by the Municipal Code were mailed a notice of hearing regarding the subject property on August 30, 2010. Additionally, the Office of Zoning Administration received a Certificate of Posting dated September 20, 2010 for the Public Hearing notice with photographic evidence.

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**Surrounding Land Uses**

Surrounding properties are within the R1-1 Zone and are developed with moderate to large one-, two- and three-story single-family dwellings with several vacant properties.

**Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property**

There are no similar or relevant Office of Zoning Administration, Area Planning Commission, or City Planning Commission cases on the applicant's property.

**Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties**

Case No. ZA 2008-1554(CDP) – On February 12, 2009, the Zoning Administrator denied a coastal development permit authorizing two carports and bridges, portions of which were to be located over the Los Angeles County Flood Control Channel in the R1-1 Zone within the dual permit jurisdiction of the California Coastal Zone; denied a variance authorizing the construction, use and maintenance of two carports and bridges for off-site parking on the Los Angeles County Flood Control Channel without an associated main use on the same lot; denied an adjustment authorizing a 0-foot side yard setback in lieu of the required 6 feet for the carports and bridges; and denied an adjustment authorizing said carports and bridges to be located within the required front and side yards in lieu of the rear one-half of the lot. (309 North East Rustic Road)

Case No. ZA 2001-5296(CDP) – On July 31, 2002, the Zoning Administrator approved a coastal development permit authorizing the construction of a single-family dwelling located within the single jurisdiction of the California Coastal Zone. (338 Chautauqua Boulevard)

**General Plan, Specific Plans and Interim Control Ordinances****Community Plan:**

The Brentwood-Pacific Palisades Community Plan Map designates the property a R1-1 for Low Residential land uses with corresponding zones of RE9, RS, R1, RU, RD6 and RD5 and height limited to District No. 1.

**Specific Plans and Interim Control Ordinances:**

The property is not currently within the area of any specific plans or interim control ordinances.

**Streets**

Rustic Road, adjoining the property to the northeast, is a Hillside Local Street with a width of 40 feet and is improved with asphalt roadway.

Vance Street, adjoining the property to the southwest is a Hillside Local Street with a width of 60 feet and is improved with asphalt roadway.

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**Flood Hazard Evaluation**

The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081 have been reviewed and it has been determined that the property is located in Zone C, areas of minimal flooding.

**Environmental Clearance**

On August 30, 2010, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued a Reconsideration of previously issued Mitigated Negative Declaration – No. ENV 2007-5585-MND-REC1 (Article V – City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance.

**Comments from Other Departments or the General Public**

At the time of report preparation, no public agency had submitted any written comments and no correspondence from the general public had been received. It should be noted, while no correspondence from the general public was received during the preparation of the most current staff report, correspondence from several groups and residents in opposition to the project were received previously at the time leading up to and possibly after the previously scheduled hearing. Previous correspondence is located in the case file.

DANIEL E. GORNITSKY  
Zoning Investigator

DEG:aln

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**Jeanne Chen - Robert Dolbinski**  
1122 Idaho Avenue  
Santa Monica, CA 90403

September 6, 2011

Chuck Posner  
California Coastal Commission  
200 OceanGate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

**RECEIVED**  
South Coast Region  
SEP 6 2011  
CALIFORNIA  
COASTAL COMMISSION

Re: Site Grading and Concrete Pile Construction Sequence Plan  
Application No. 5-11-056 / Appeal A5-PPL-11-028

Chuck,

Per your request, we have developed a sequence of construction and erosion control for the single family residence at 370 N. Vance Street, as well as a contingency plan for removal of debris from the Los Angeles County flood control channel adjacent to the site.

We have consulted with a concrete contractor, Robert Holcomb, of Holcomb Engineering, who has extensive experience with hillside grading and construction on similar sites in the neighborhood and across Southern California, to develop the construction and erosion control description.

A series of plan and section diagrams accompany the description to illustrate the proposed construction process. There are a variety of construction methods available to construct the foundation system. The attached description is our best estimate of how the project will proceed in order to safely and efficiently construct the project. The specified equipment models may be revised as construction progresses, but we anticipate that the proposed process and measures will remain the same.

Please review and let us know if you have any questions or comments.

Regards,

Robert Dolbinski  
Jeanne Chen  
Architects / Owners  
310-450-1400 ext. 246  
310-383-2171 cell

Cc: Sherman Stacey  
Encl.: Construction Sequence Narrative and Diagrams

**A-5-PPL-11-028**  
**COASTAL COMMISSION**  
**5-11-056**

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**ROBERT G. HOLCOMB II**  
**"A GENERAL ENGINEERING CONTRACTOR"**

Ca, license # 491269

**6206 HETTY STREET     FONTANA, CALIFORNIA 92336**

**Phone 909 463-0498 \* cell 626 487-5233 \* fax 909 463-1043**

\*\*\*\*\*

California Coastal Commission

RE: ZA-2007-5584-CDP-MEL

Single Family Residence

370 North Vance Street

**Site Grading and Concrete Pile Construction Sequence**

**Site Preparation:** *(refer to Drawings 1A and 1B attached)*

1. DWP to remove the existing diagonal bracing cable and replace with vertical support. This work has been reviewed with the DWP. Temporarily relocate cable TV and phone line.
2. Construct upper debris fence below top of slope. The intent of the fence is to catch spoils that aren't immediately collected from the drill.
3. Debris fence to consist of 2 inch steel pipe embedded 3 feet into competent soil or concrete, spaced at 8 ft on center across entire width of work area and at the perimeter of the site.
4. Install chain link fence 5 ft tall between posts. Install plywood on uphill face of the chain link, with continuous line of sandbags placed at base of the uphill side of the fence.
5. Place secondary debris fence at middle of slope above the flood control channel, and at side property lines, using the same fence design per no. 3 above.

**Top Bench Excavation:** *(refer to Drawings 2A and 2B attached)*

1. Excavate top bench with *Caterpillar 320* excavator, from top of slope.
2. Start with a 5' cut along the top slope to form a bench approximately 6' in width, along the length of Vance Street.
3. Excavated spoils will be brought up to the top of the site and placed in the steel roll off bins.

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4. The bench will allow the piles to be drilled and to allow for any spoils that drop off the drill to be retained, prevent spoils movement down the hillside.
5. The debris fence will be located close to the edge of the bench on the downhill side to collect any spoils that move beyond the bench.
6. Load spoils into an eight cubic yard steel roll off bin.
7. Two bins may be located at the top of the slope – one for pick up and one for progress filling with spoils.
8. The bins will be removed as they are filled and sent to an approved landfill.
9. Trucks hauling the roll off bins will be scheduled to limit waiting in the immediate neighborhood.
10. Remove soil that reaches the debris fencing at the end of each construction day. The soil will be removed by hand – hauled from the fence to the top of the slope in the bucket of the excavator.

**Formwork:**

1. Some of the piles may project out of the top of bench or slope and may require circular formwork. The formwork will consist of a product manufactured by *Sonatube* or equal, and will be installed after the piles are drilled.

**Drill Upper Piles:** (refer to Drawings 2A and 2B attached)

1. Set drilling rig on the top portion of the site.
2. Proposed drilling rig: *Caterpillar 315 Lodrill*, or equivalent.
2. Spoils from piles will be dropped off for pick up, by maneuvering the drill over the top of the site. The spoils will be moved into the roll off bin either by hand, or with a small skid steer loader as they are dropped off.
3. Any spoils that don't land on the top of the site, will land on the top bench, and will be collected and moved to the top of the site.
4. When the pile excavation is complete, the LADBS and soils engineer will inspect for conformance with the drawings and approved soils report.
5. Piles will be drilled, reinforced and filled with concrete on an alternate spacing in order to maximize the volume of soil between piles during excavation.

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6. Remove soil that reaches the debris fencing on a weekly basis per City of LA requirements.

**Placement of Pile Reinforcement:** *(refer to Drawings 3A and 3B attached)*

1. Upon acceptance by LADBS and the soils engineer, the steel reinforcement will be placed within the drilled pile holes.
2. The steel reinforcement may be fabricated either on or off site.
3. If fabricated off site, the steel reinforcement will be delivered using a flat bed truck and lifted into the excavation by a crane.

Proposed crane: Grove RT-40 or equal.

**Pour Concrete Piles:** *(refer to Drawings 3A and 3B attached)*

1. When the steel reinforcement cage is placed into the excavation, the LADBS and geologist and structural engineer will review the installation.
2. When the installation is approved, the concrete can be poured.
3. A deputy inspector will be required for inspection of the placement of the high strength concrete.
4. The concrete will be pumped from a concrete truck parked on Vance Street, approximately 25' from the top edge of the slope.
5. The intent is to pour each pile within 24 hours of its excavation and inspection, in order to optimize the structural strength of the foundation and expedite the stability of the slope.

Estimated duration to completion / pouring of top row of piles: 3- 4 weeks, depending on availability of inspections.

**Excavate Lower Bench at Lower Row of piles:** *(refer to Drawings 4A and 4B attached)*

1. Excavate lower bench, approximately 10' wide, parallel to the lower row of concrete piles.
2. The lower bench will be excavated either manually, or with a mini excavator. The mini excavator will either be lifted down to the level of the lower bench, which would be manually prepared, or be driven down diagonally on the site to the lower level.

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3. The bench will allow the piles to be drilled and to allow for the spoils dropping off the drill to be retained, preventing their movement down the hillside. The lower debris fence will be located adjacent to the lower bench to prevent spoils that land beyond the bench from moving down the hillside.
4. Spoils from the bench excavation will be lifted up to the top of the slope via crane using a 1.5 yard bucket.
5. When the bench is completed, a mini drill will be placed with a crane or driven down the slope for the purpose of drilling the lower row of piles.
5. Drill pile holes using the mini drill.
6. Spoils to be removed via bucket on a crane to the top of the site, and placed in the steel roll off bins.

**Placement of Lower Pile Reinforcement:** *(refer to Drawings 5A and 5B attached)*

1. Install steel reinforcement cages by lifting them via crane into the excavated hole.
2. LADBS, structural and soils engineer inspect the installation.
3. When approved, pour high strength concrete into the piles.
4. Concrete will be pumped from a truck located on Vance Street, at the top of the slope.
5. Remove soil that reaches the debris fencing on a weekly basis per City of LA requirements.

Estimated duration to completion / pouring of bottom row of piles: 4- 5 weeks, depending on availability of inspections.

**Drill and Pour the North and South Row of Piles** *(refer to Drawings 6A and 6B attached)*

**Complete the Lower Bench Excavation and Infill Walls between Piles**

1. Infill walls between the piles at the back and side walls are poured as the remaining soil on the lower bench is excavated.
2. Spoils to be removed via bucket on a crane to the top of the site, for placement in the steel roll off bins.

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**Excavate grade beams**

1. Excavate grade beams between upper and lower row of piles, using hand labor.
2. Place steel reinforcement in grade beams.
3. LADBS, structural and soils engineer inspect reinforcement, excavation and installation.
4. When approved by LADBS and engineers, pour concrete.

**Above Grade House Construction** *(refer to Drawings 7A and 7B attached)*

1. When below grade foundations, grade beams, slab and below grade drainage / utilities are completed, the construction of the wood frame residence will begin on top of the concrete foundation system.
2. Storm water drain connection made to the flood channel.
3. Remove upper debris fence once backfill above the lower bench is completed and finish grading and planting commences.
4. Planting on slopes will commence as soon as practical to limit erosion on the slope.

**Contingency Plan for removal of debris from the flood channel:**  
*(refer to Drawings 8A and 8B attached)*

1. The grading and concrete foundation work is intended to be completed during the dry months of the calendar year. The installation of the two layers of debris fencing will limit the possibility that debris will fall into the channel.
2. The procedure to remove debris includes two options, depending on the amount of debris that passes through two debris fences and enters the flood channel.
3. In the event that debris less than 6 cubic yards enters the channel, the debris can be extracted from the bottom of the channel using manual labor. Workers will enter the flood channel and place the debris into the bucket, so that no equipment will need to enter the flood channel. The debris would be lifted to the side of Rustic Canyon Road (at the low part of the site), and transferred to a truck parked alongside the channel.

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4. In the event that debris greater than 6 cubic yards enters the channel, a 1.5 yard flat bucket will be lowered into the channel by crane. The crane, located at the top of the site, will have sufficient reach to reach the channel below. The debris will be shoveled into the bucket and lifted up to the top of the site, and placed in the steel roll off bins.

The crane could also be used in the event that smaller debris passes through two debris fences and enters the channel.

5. Note that the storm water connection permit to be issued by LA County Department of Public Works will allow for access by the contractor into the flood channel.

**Inspections:**

The approved soils report requires a minimum of 16 separate inspections. Grading and foundations will also be reviewed by the soils engineer, structural engineer, the LADBS Grading Inspector, City Building Inspector, the architect and the civil engineer, in addition to the Contractor's staff.

**Noise:**

The Mitigated Negative Declaration requires non-moving trucks to be turned off to limit idling, with limits on the number of hauling trucks.

Piles will be drilled, not pounded.

The average distance to adjacent houses is on average over 100 feet, which will help limit increases in the ambient noise level during construction.

**Structural Support of Vance Street:**

The structural system of vertical concrete piles combined with lateral grade beams is designed to be completely below grade. The site's stability will immediately improve as each individual concrete pile is drilled, reinforced and poured with high strength concrete.

All piles will be tied together with a series of concrete grade beams.

The project is designed to the 2010 California Building Code and is designed to resist the forces resulting from earthquakes.

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*The City and County have reviewed the Civil Engineering drawings. Both the County and the City have requirements for Stormwater Pollution Measures, which are summarized below and will be included in the permit set of drawings for the project:*

**Stormwater Pollution Measures Required by City of Los Angeles:**

Equipment and workers for emergency work shall be available at all times during the rainy season ( Nov. 1 to April 15) Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of emergency devices when rain is imminent.

Erosion control devices shall not be moved or modified without the approval of the Building Official.

Stockpiled materials shall be placed to be accessible by vehicle during periods of precipitation and protected from precipitation and runoff at the end of each working day.

All removable erosion protective devices shall be in place at the end of each working day. After a rainstorm, all silt and debris shall be removed from streets, check berms and basins.

Graded areas on the permitted area perimeter must drain away from the face of slopes at the conclusion of each working day. Drainage to be directed toward desilting facilities. The permitted and contractor shall be responsible and shall take necessary precautions to prevent public trespass onto areas where impounded water creates a hazardous condition.

Issuance of a grading permit does not eliminate the need for permits from other agencies with regulatory responsibilities for construction activities associated with the work authorized on this plan.

Erosion control measure and planting shall be installed and maintained as soon as practical, in areas not subject to frequent traffic.

All erosion control, desilting basin, silt fences and other storm water and/or erosion control features shall be inspected by the responsible party, on a weekly basis, cleaned, and maintained to ensure these features function as designed.

Civil Engineer shall inspect the erosion control work and ensure that the work is in accordance with the approved plans.

Eroded sediments and other pollutants must be retained on site and may not be transported from the site via sheet flow, swales, area drains, natural drainage courses, or wind.

Stockpile of earth and other construction related materials must be protected from being transported from the site by the forces of wind or water.

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Fuels, oils, solvents and other toxic materials must be stored in accordance with their listing and are not to contaminate the soil and surface waters. All approved storage containers are to be protected from the weather. Spills must be cleaned up immediately and disposed of in a proper manner. Spills may not be washed into the drainage system.

Excess or water concrete may not be washed into the public way or any other drainage system. Provisions shall be made to retain concrete wastes on site until they can be disposed of as solid waste.

Trash and construction related solid wastes must be deposited into a covered receptacle to prevent contamination of rainwater and dispersal by wind.

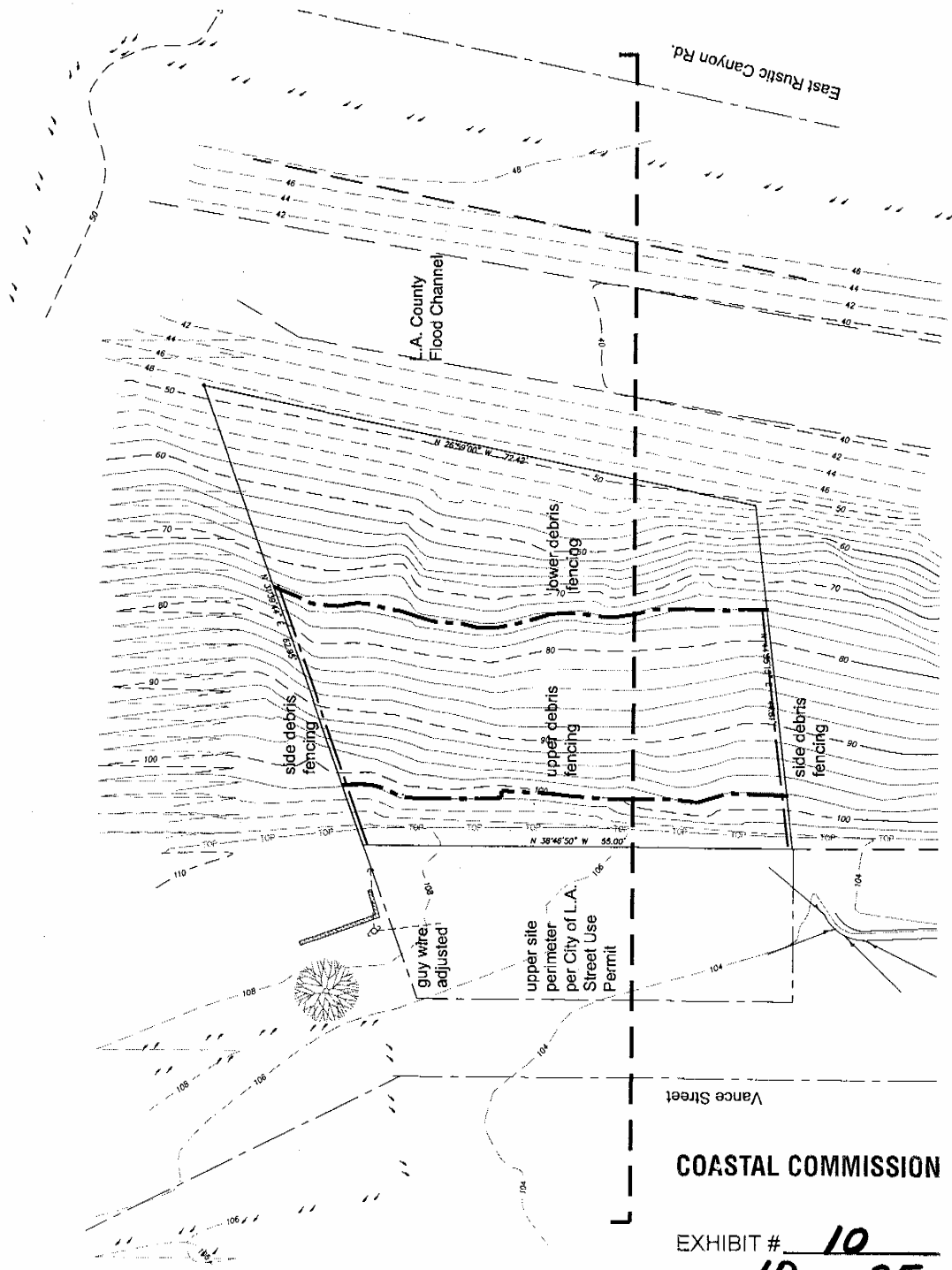
Sediments and other materials may not be tracked from the site by vehicle traffic. The construction entrance roadways must be stabilized so as to inhibit sediments from being deposited into the public way. Accidental depositions must be swept up immediately and may not be washed down by rain or other means.

Any slopes with disturbed soils or denuded of vegetation must be stabilized so as to inhibit erosion by wind and water.

BMPs as outlined in, but not limited to, the CA Stormwater Best Management Practices Handbook, January 2003, or latest edition, may apply during the construction of this project (additional measures may be required if deemed appropriate by the Project Engineer or the Building Official).

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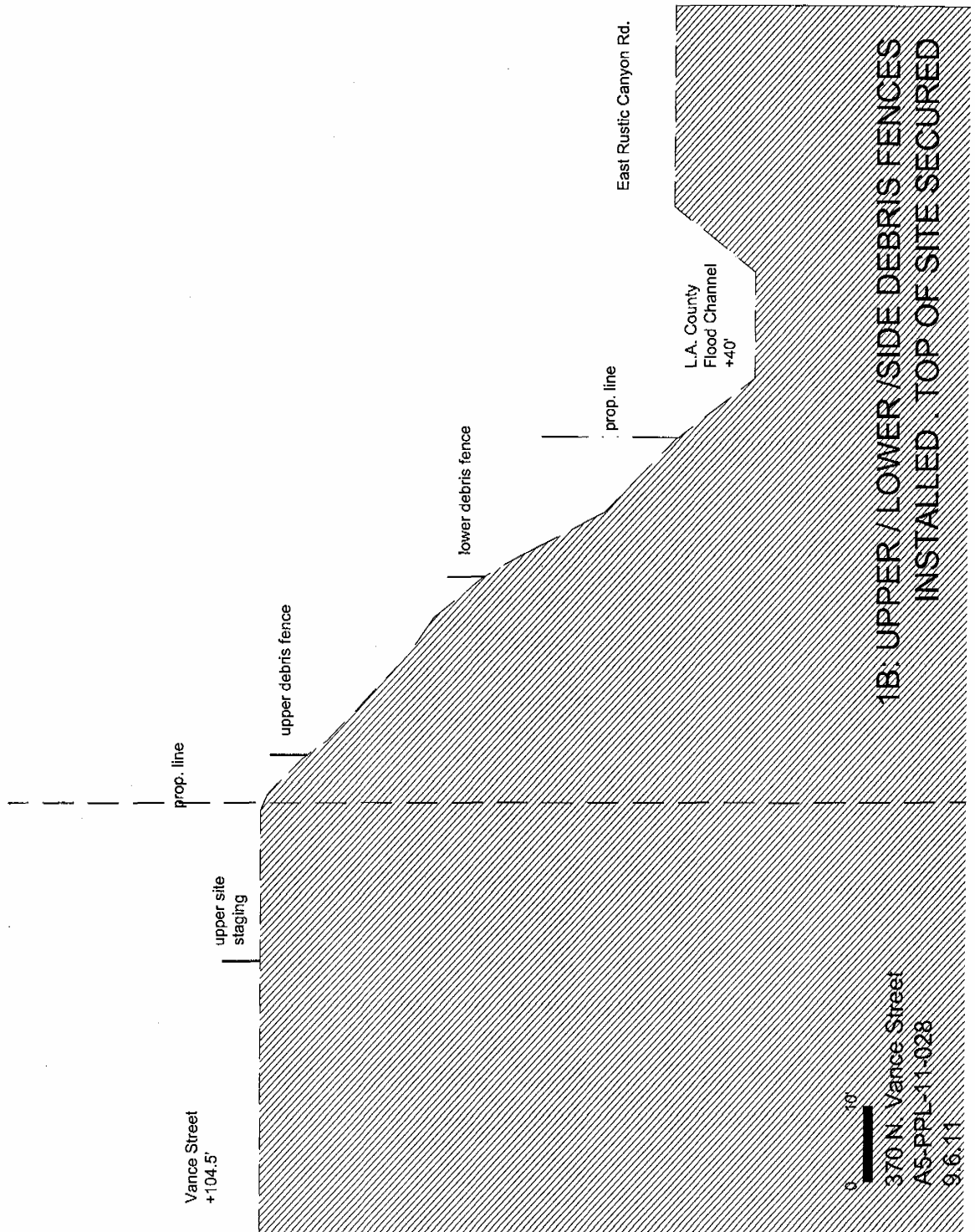


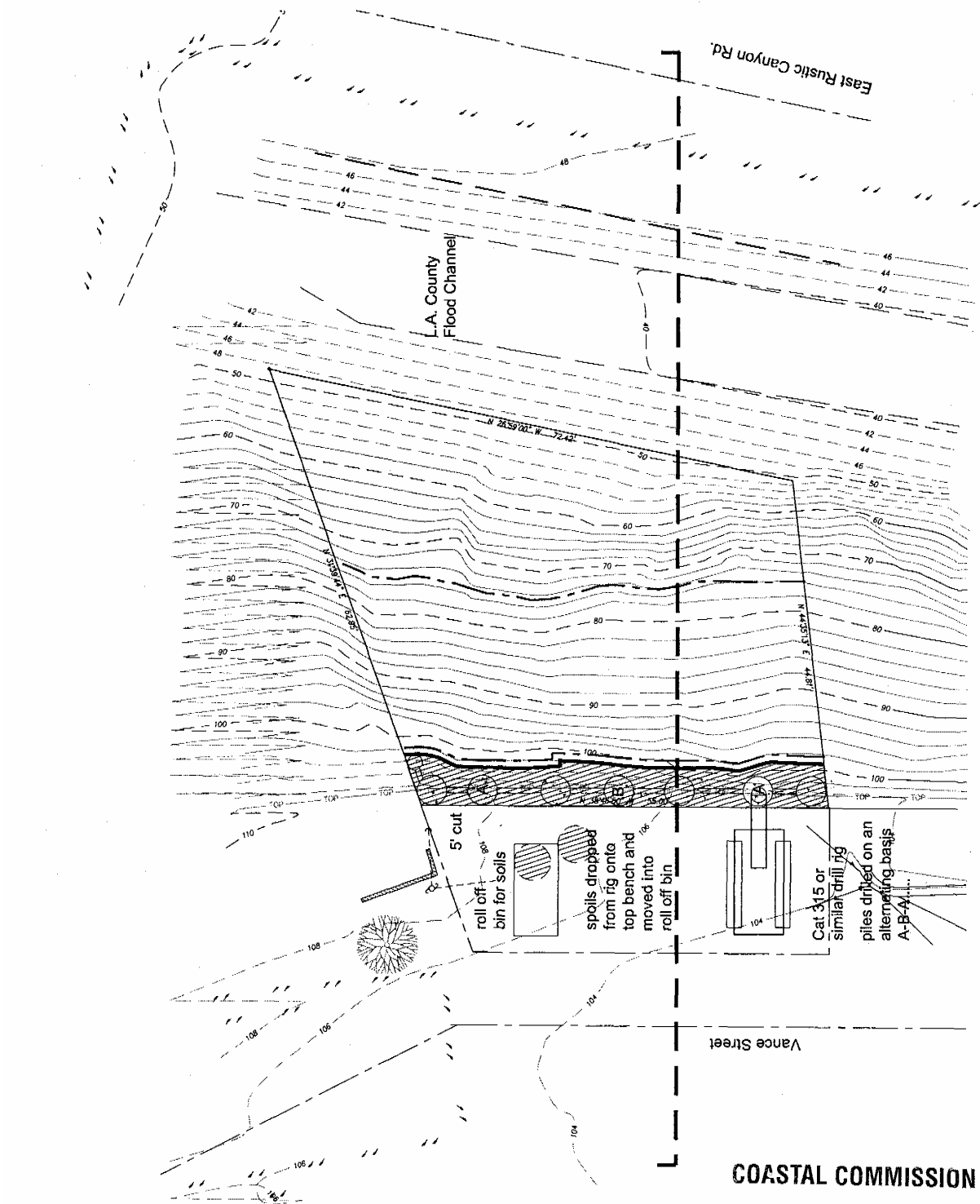
1A: UPPER / LOWER /SIDE DEBRIS FENCES  
INSTALLED . TOP OF SITE SECURED

0 10'  
370 N. Vance Street  
A5-PPL-11-028  
9.6.11

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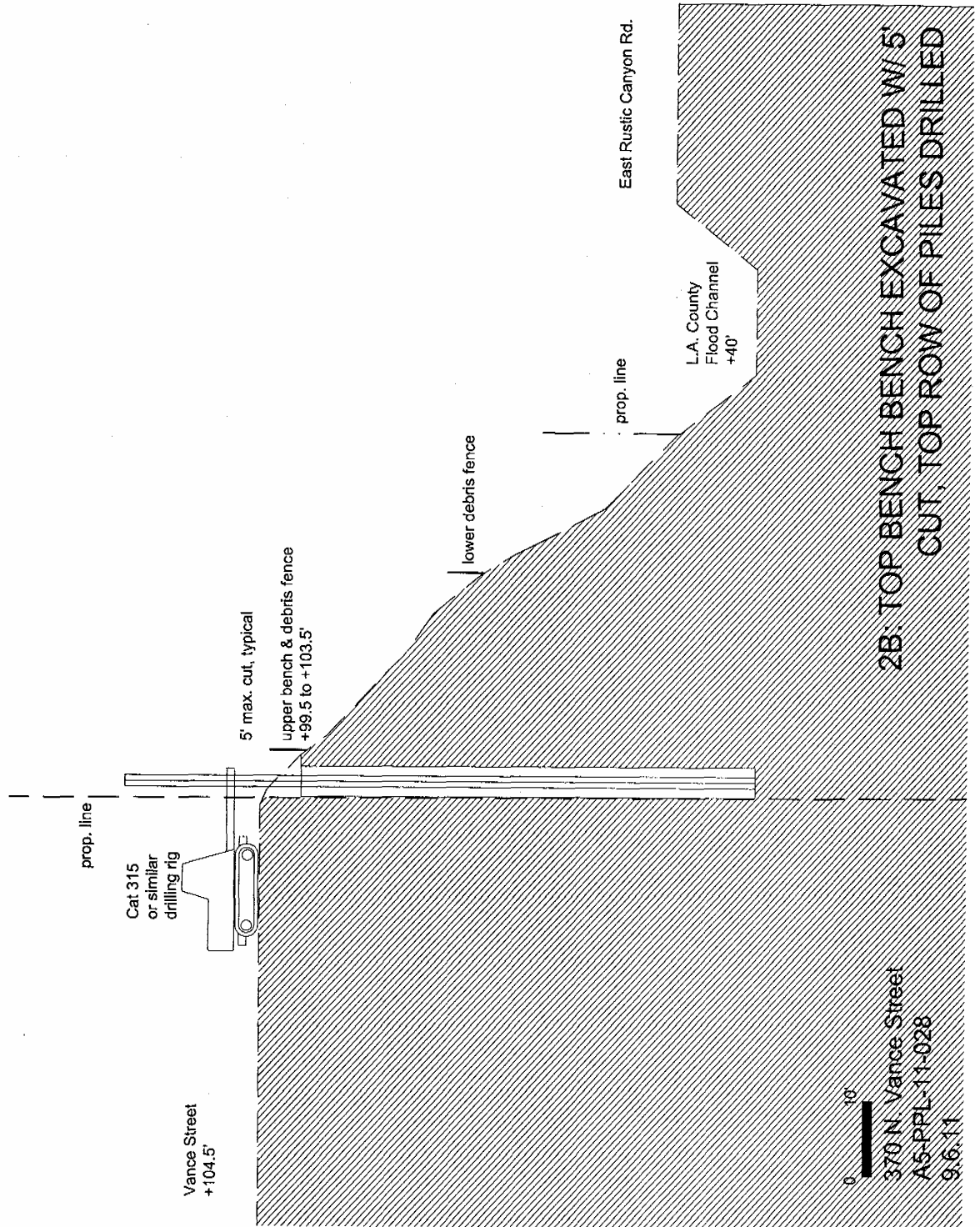
2A: TOP BENCH EXCAVATED W/ 5' CUT, TOP ROW OF PILES DRILLED

0 10'

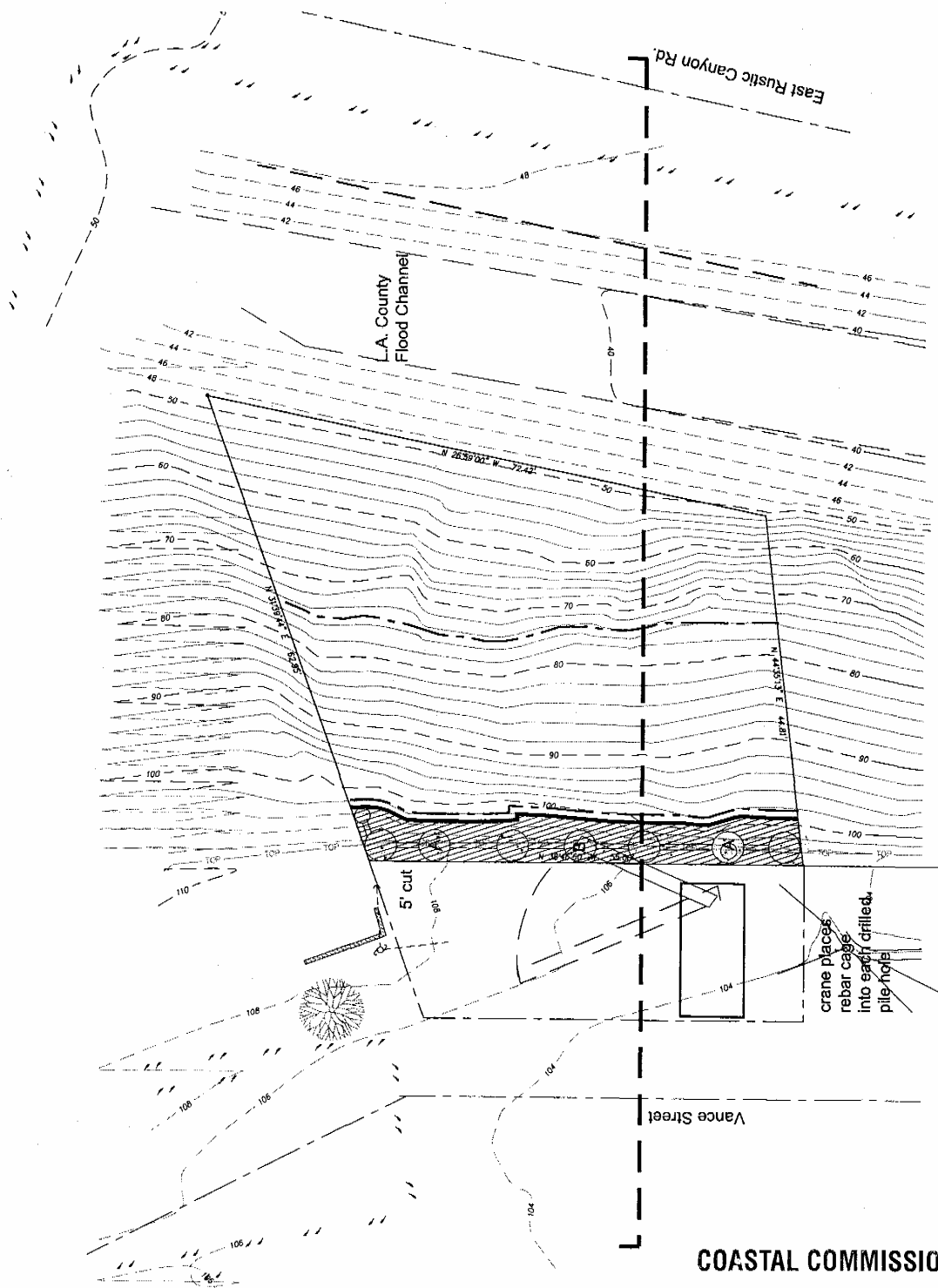
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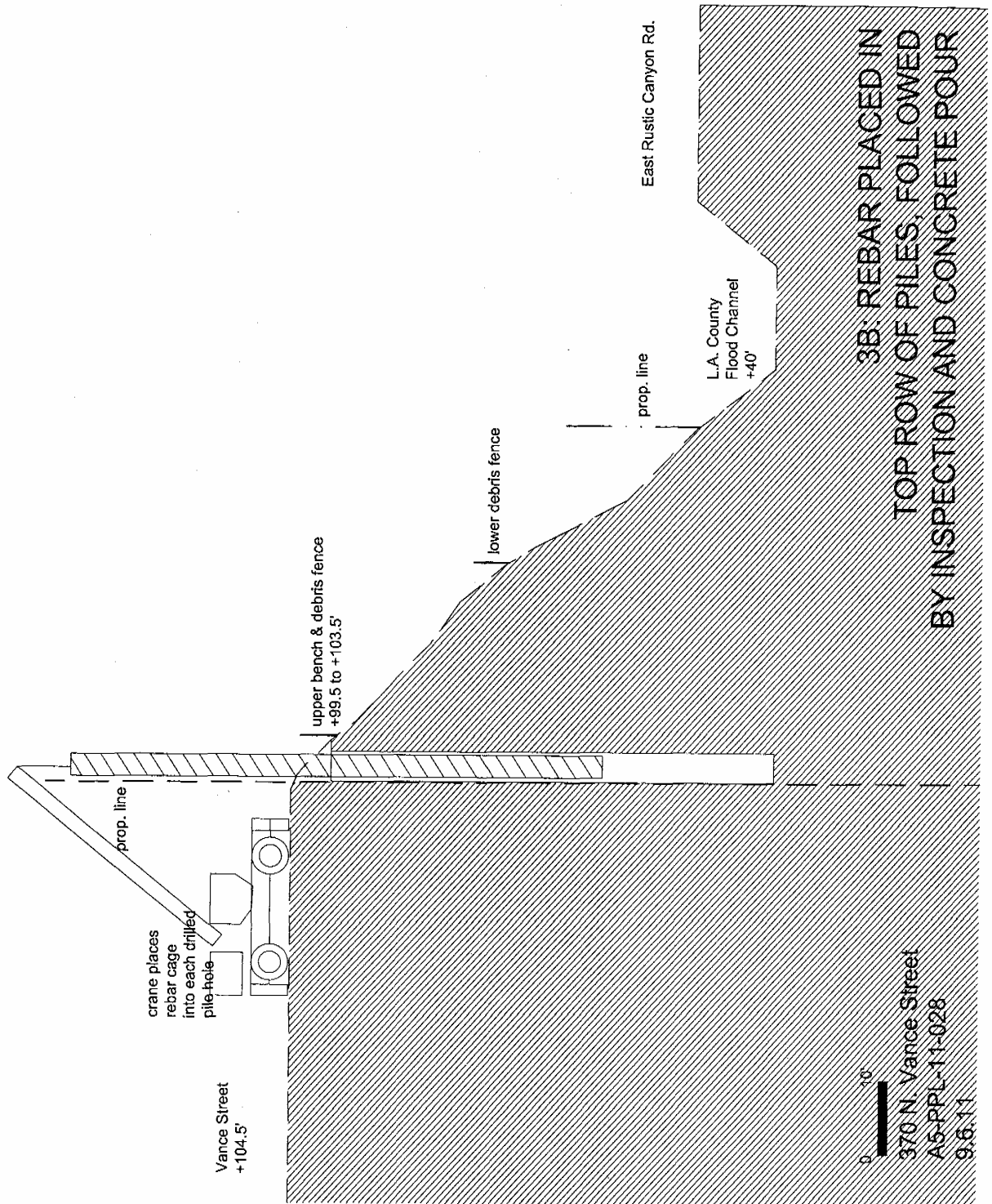


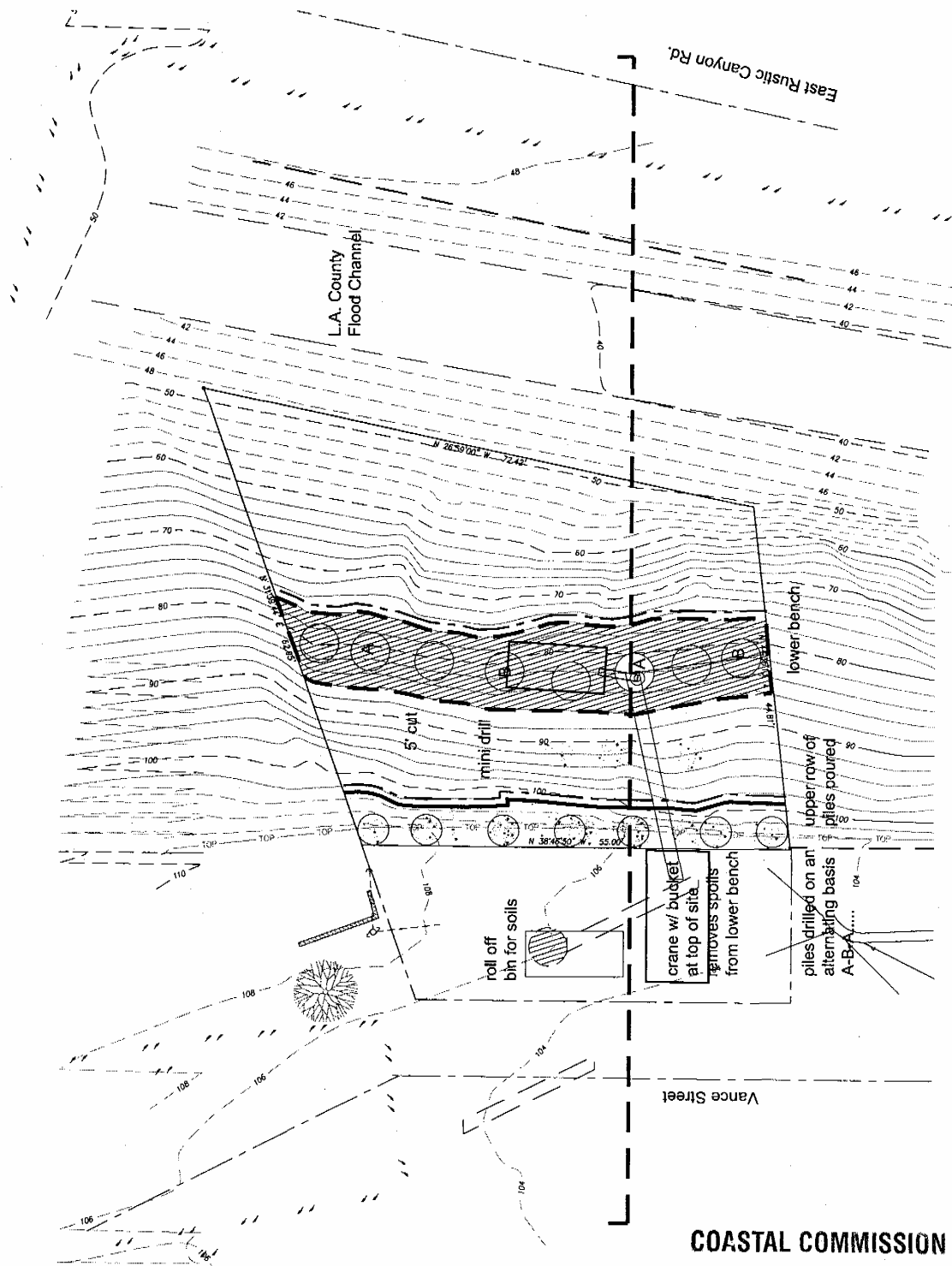


3A: REBAR PLACED IN  
TOP ROW OF PILES, FOLLOWED  
BY INSPECTION AND CONCRETE POUR

370 N. Vance Street  
A5-PPL-11-028  
Q & 11

EXHIBIT # 10  
PAGE 14 OF 25



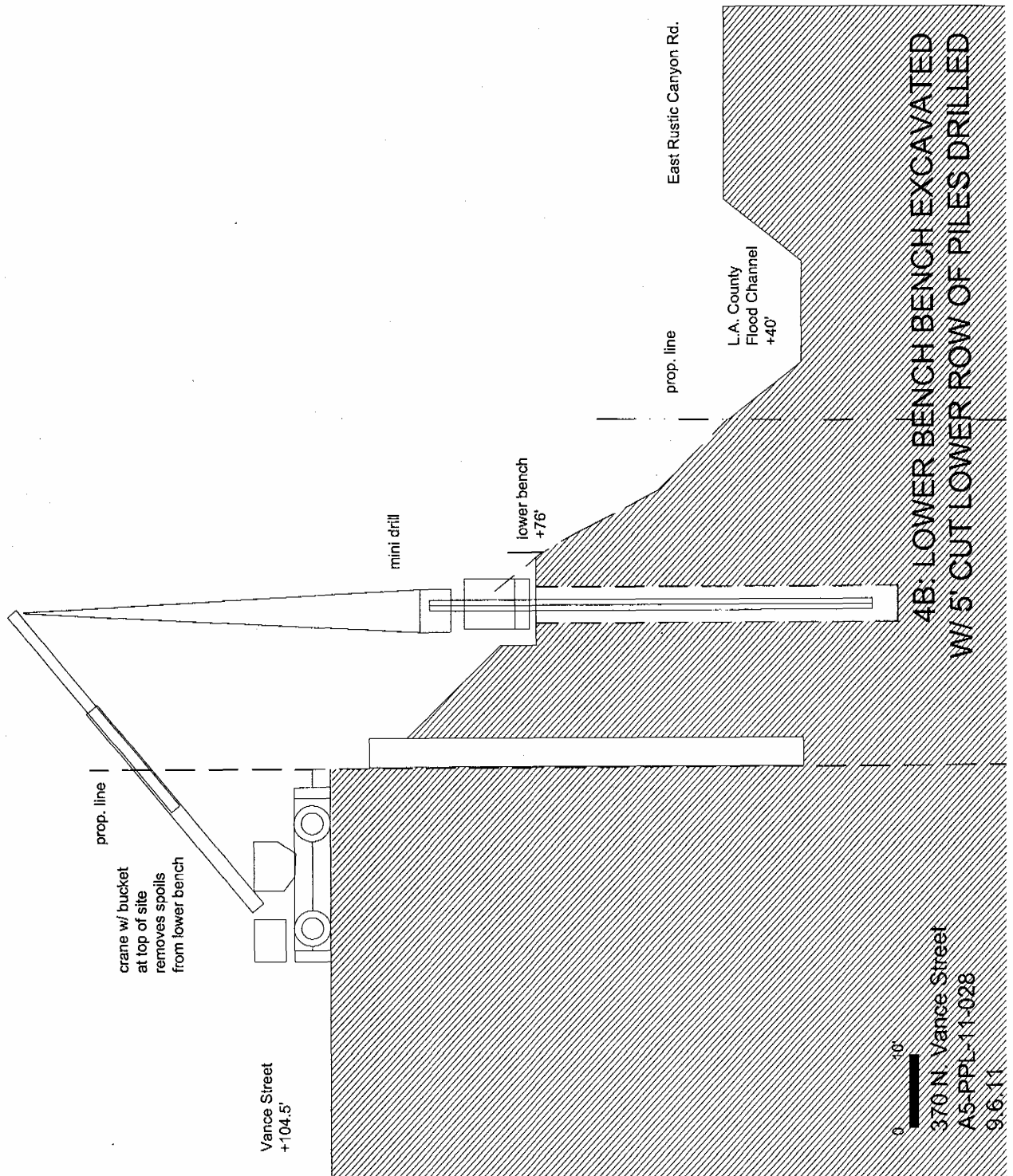


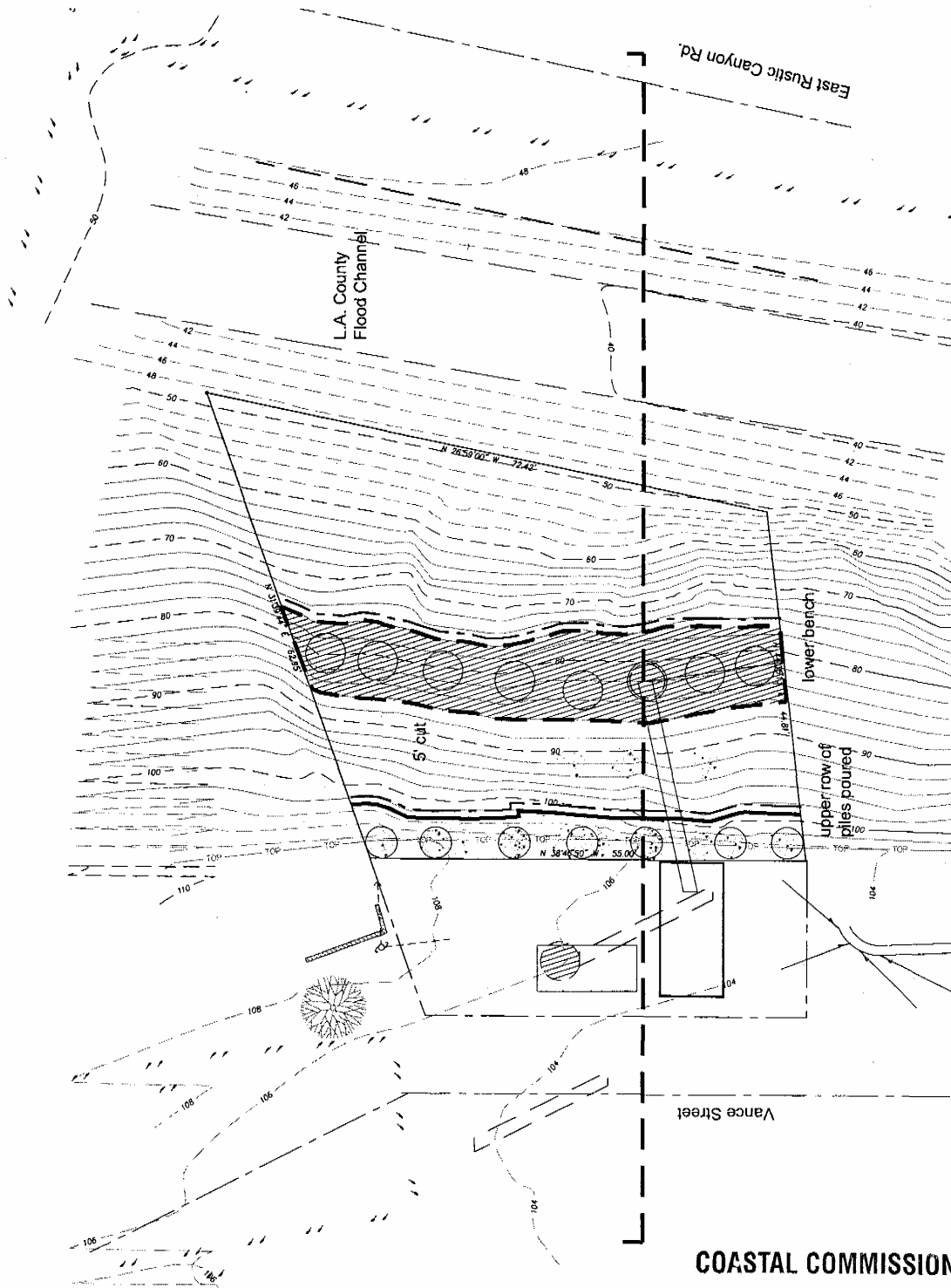
**4A: LOWER BENCH EXCAVATED  
W/ 5' CUT LOWER ROW OF PILES DRILLED**

**COASTAL COMMISSION**

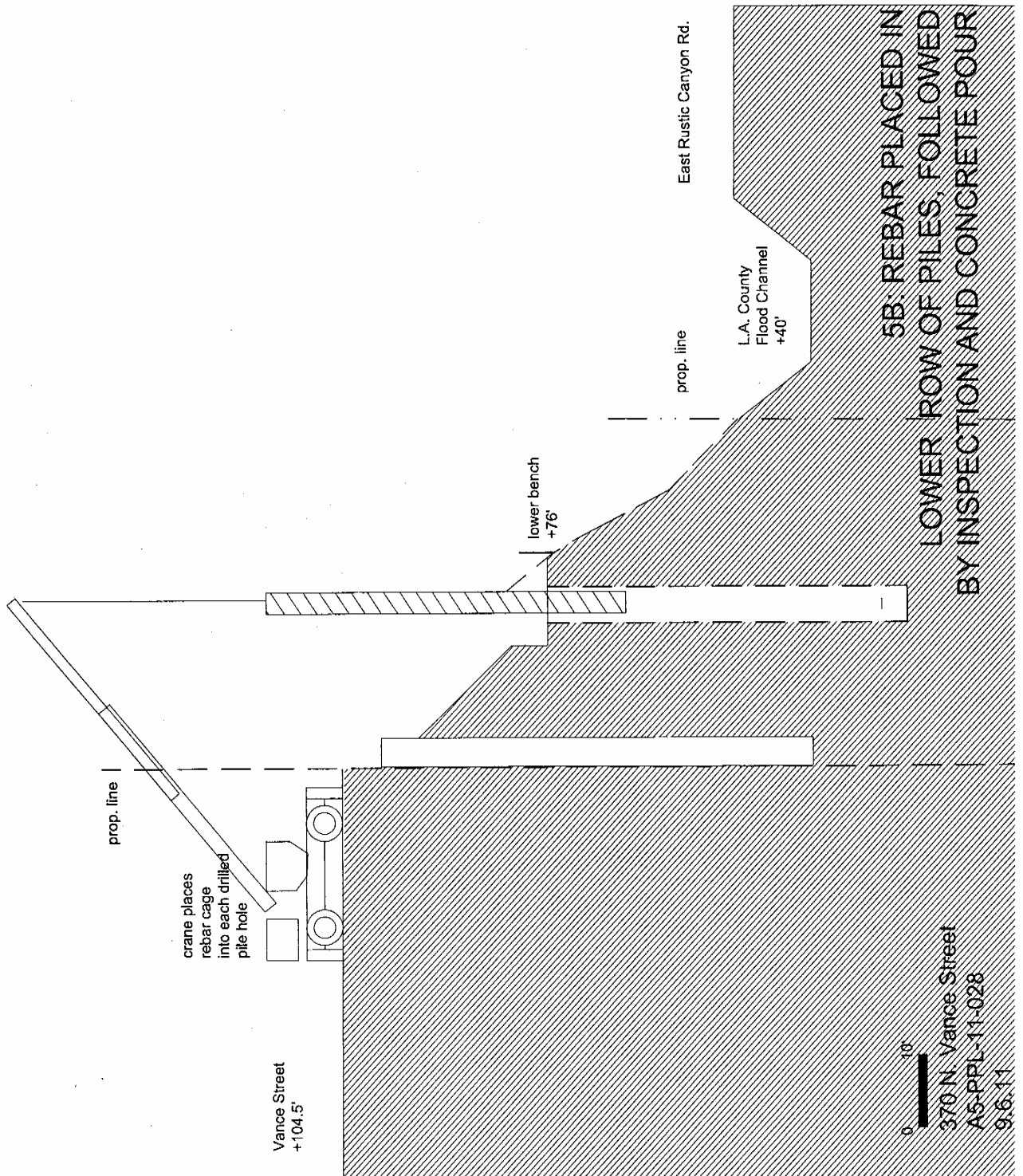
EXHIBIT # 10  
PAGE 16 OF 25

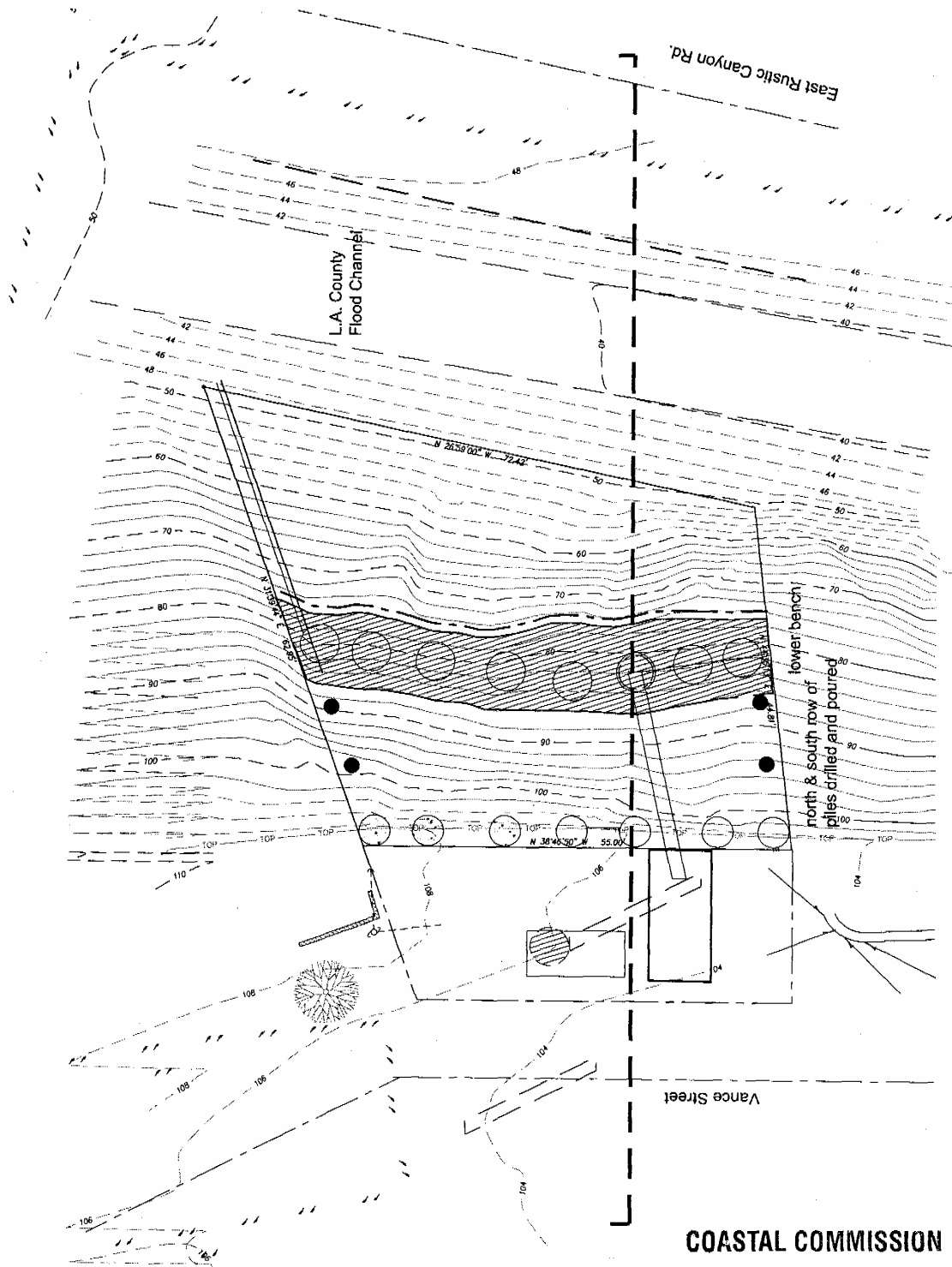
370 N. Vance Street  
A5-PPL-11-028  
Q 6 11





5A: REBAR PLACED IN  
LOWER ROW OF PILES, FOLLOWED  
BY INSPECTION AND CONCRETE POUR



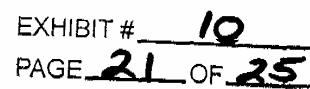


**6A: DRILL AND POUR NORTH & SOUTH ROW OF PILES**

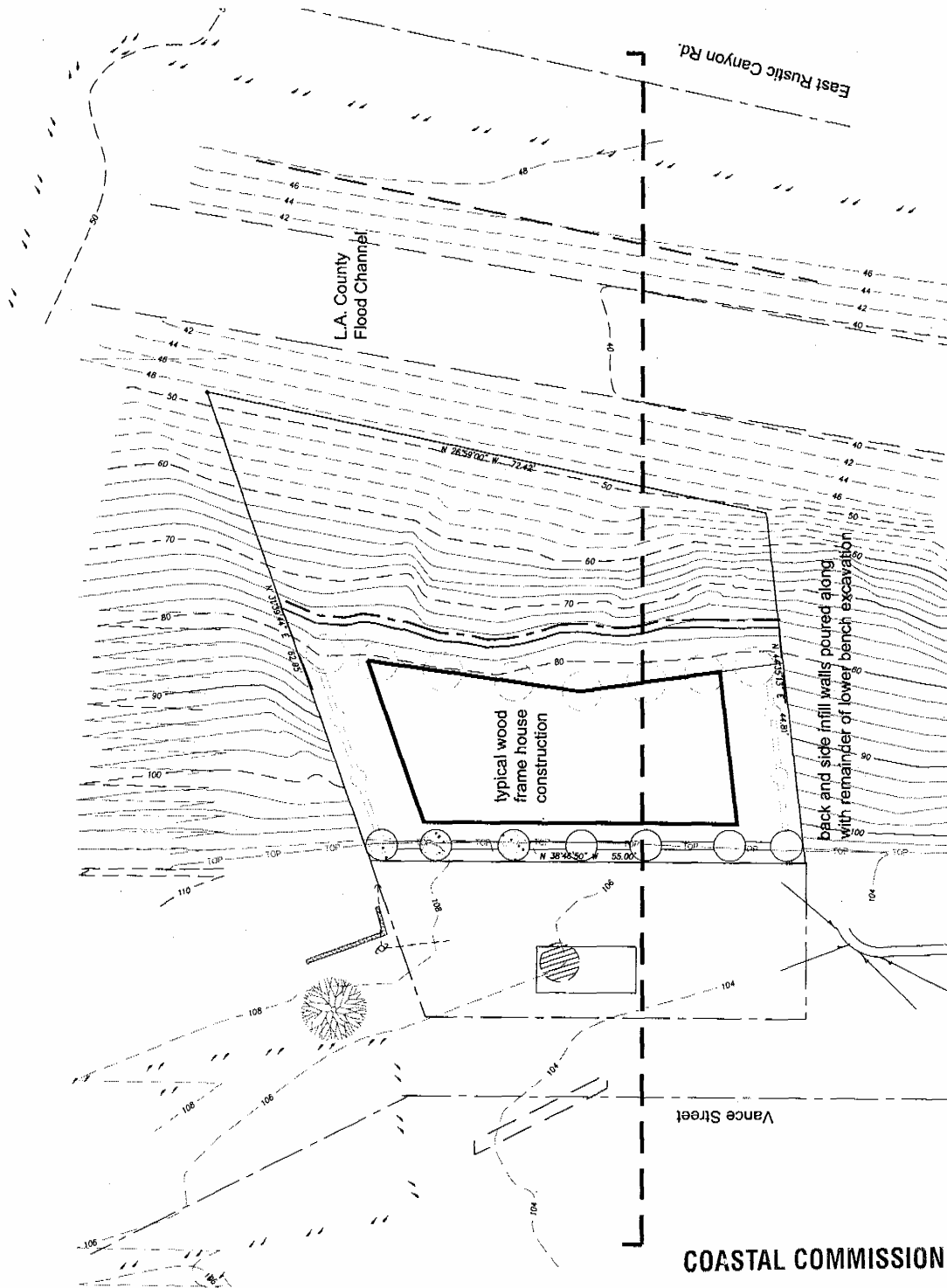
0 10'  
 370 N. Vance Street  
 A5-PPPL-11-028  
 Q 6 11

**COASTAL COMMISSION**

EXHIBIT # 10  
 PAGE 20 OF 25



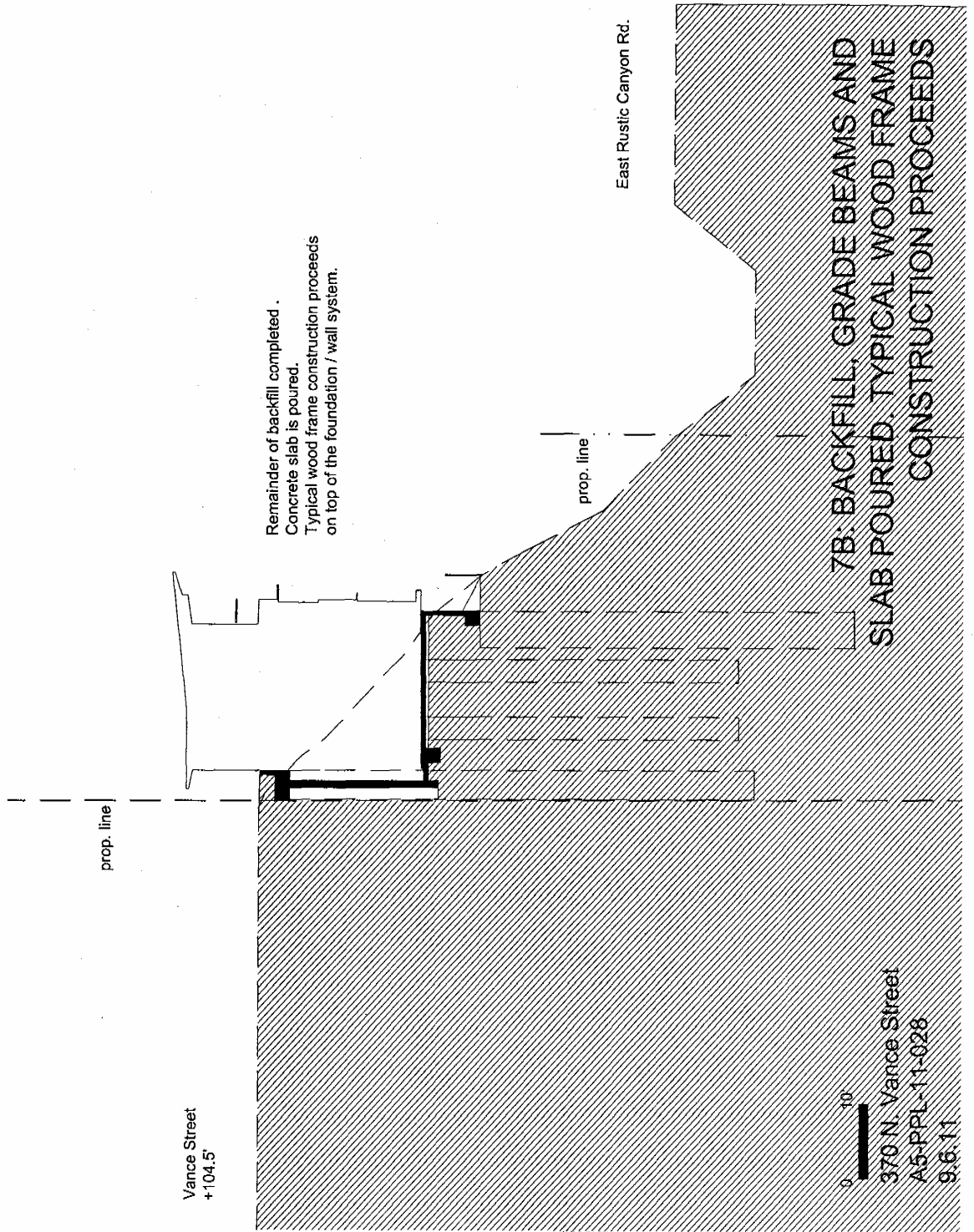


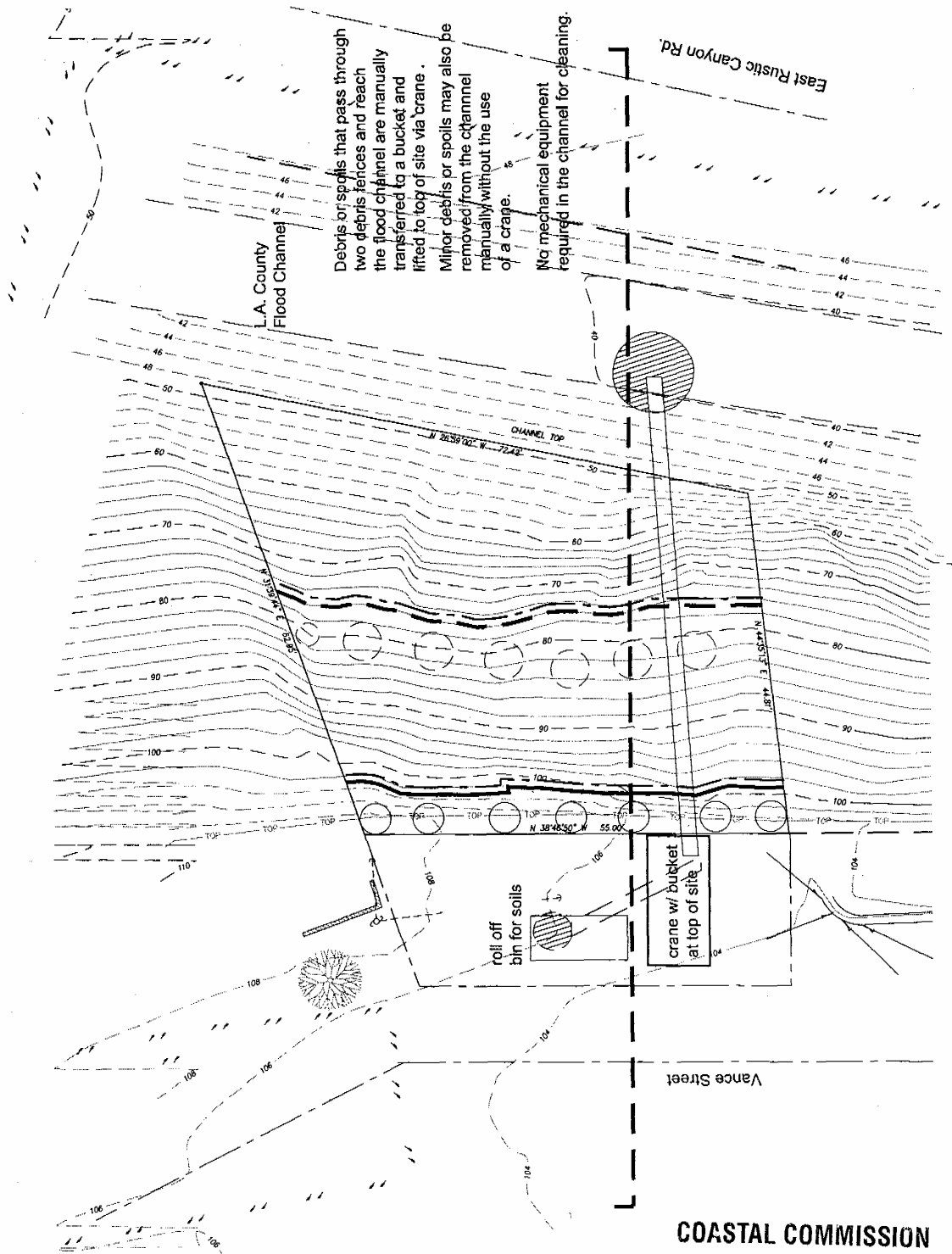


7A: BACKFILL, GRADE BEAMS AND  
SLAB POURED. TYPICAL WOOD FRAME  
CONSTRUCTION PROCEEDS

0 10'

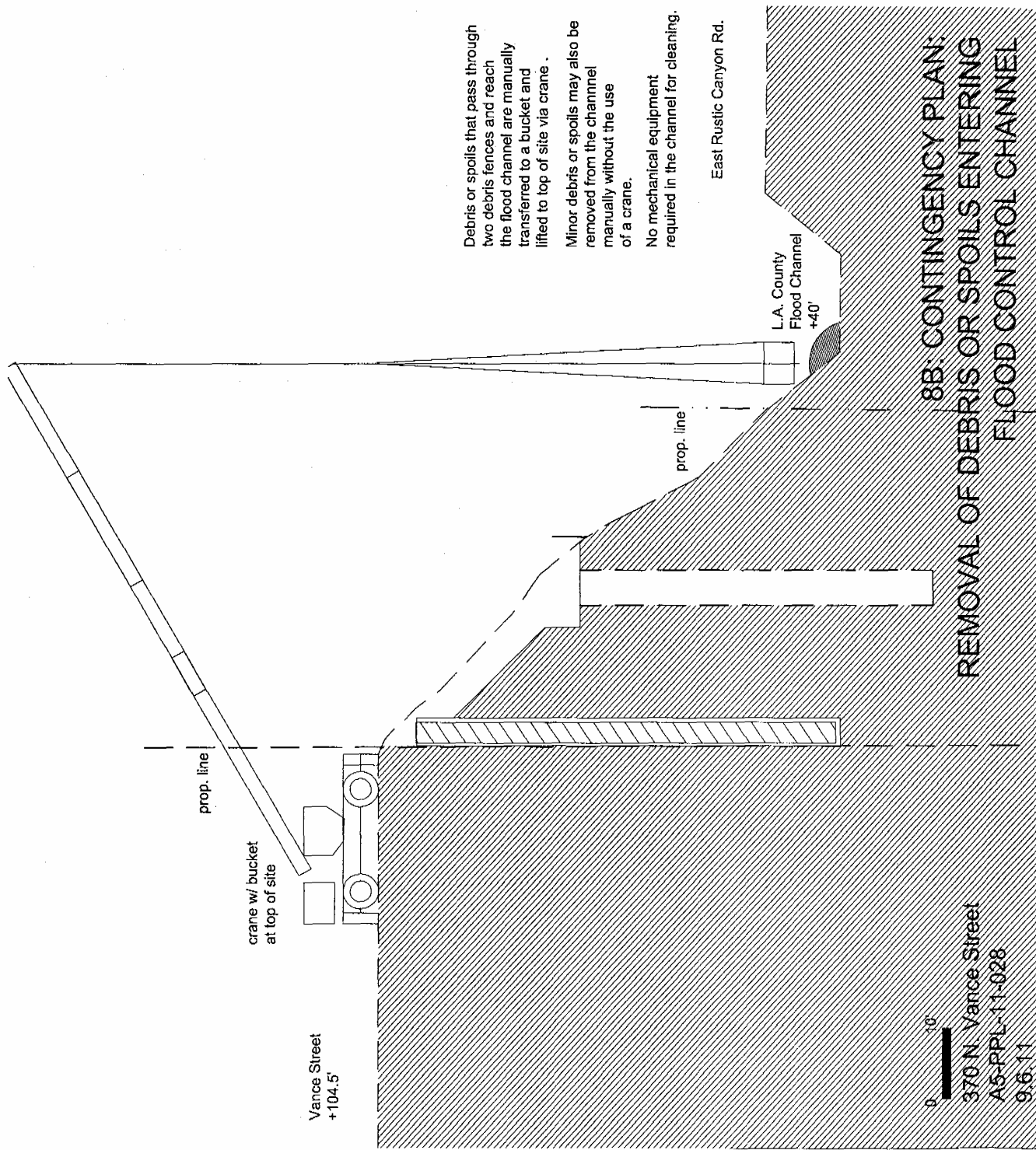
370 N. Vance Street  
A5-PPL-11-028  
0614





# 8A: CONTINGENCY PLAN: REMOVAL OF DEBRIS OR SPOILS ENTERING FLOOD CONTROL CHANNEL

370 N. Vance Street  
A5-PPL-11-028



Debris or spoils that pass through two debris fences and reach the flood channel are manually transferred to a bucket and lifted to top of site via crane .

Minor debris or spoils may also be removed from the channel manually without the use of a crane.

No mechanical equipment required in the channel for cleaning.

East Rustic Canyon Rd.

**8B: CONTINGENCY PLAN:  
REMOVAL OF DEBRIS OR SPOILS ENTERING  
FLOOD CONTROL CHANNEL**

0 10'  
370 N. Vance Street  
A5-PPL-11-028  
9.6.11



*Geotechnical  
Engineering*

*Geology*

*HydroGeology*

*Earthquake  
Engineering*

*Materials Testing  
& Inspection*

*Forensic Services*

September 9, 2011

Mr. Gerald B. Kagan  
380 East Rustic Road  
Santa Monica CA 90402

SUBJECT: 375 NE Rustic Road//370 N. Vance St.  
Pacific Palisades, CA (the "Site").

Dear Mr. Kagan,

On September 8<sup>th</sup>, 2011, I reviewed a contractor's report entitled "Site Grading and Concrete Pile Sequence" by Robert G Holcomb II which was sent to the California Coastal Commission on September 6, 2011. You will recall that we have repeatedly an engineering report for some time to determine whether the proposed project could be safely constructed. Below are my review and comments of the contractor's report, which, in my opinion does not meet our previous requests nor accomplish the desired result.

**Debris fences**

Page 1 of the contractor's report describes the proposed placement of two 5-feet high debris fences supported by posts. The posts consist of 2-inch steel pipes, spaced at 8-feet on center and embedded 3-feet. Issues with the submittal:

- It is unclear if the Holcomb report has been reviewed and approved by the owner's engineer, since the report and figures lack the customary signature and stamp by a registered engineer. Normally the construction sequence is part of the recommendations prepared by a licensed engineer.
- No engineering calculations have been produced to support the fence design. Generally, engineer's calculations include:
  - Velocity estimates (see example in Fig.1 below)
  - Foundation capacity analyses, e.g., to ensure that the posts are not unearthed
  - Storage volume estimates, etc.
- Fig.1 below shows that debris velocities above 10 feet per second are likely in the vicinity of the proposed mid-slope debris fence. With such velocities, and large post spacing on a steep slope, in my opinion, it is unlikely that the proposed mid-slope fence is capable of resisting and storing even a small slope failure during construction. The proposed fence does not appear to be substantial nature and without engineering calculations, its effectiveness cannot be assessed.
- The foundation recommendations in item 3 of "Site Preparation" (page 1) indicate that the pipes should be embedded "3 feet into competent soil or concrete". These recommendations are unclear and confusing! On this steep slope, at what depth do the competent soils start? Where are the calculations showing that the post will not overturned or become unearthed?

GDC Project No.: L-967

**RECEIVED**  
South Coast Region

SEP 12 2011

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A-5-PPL-11-028

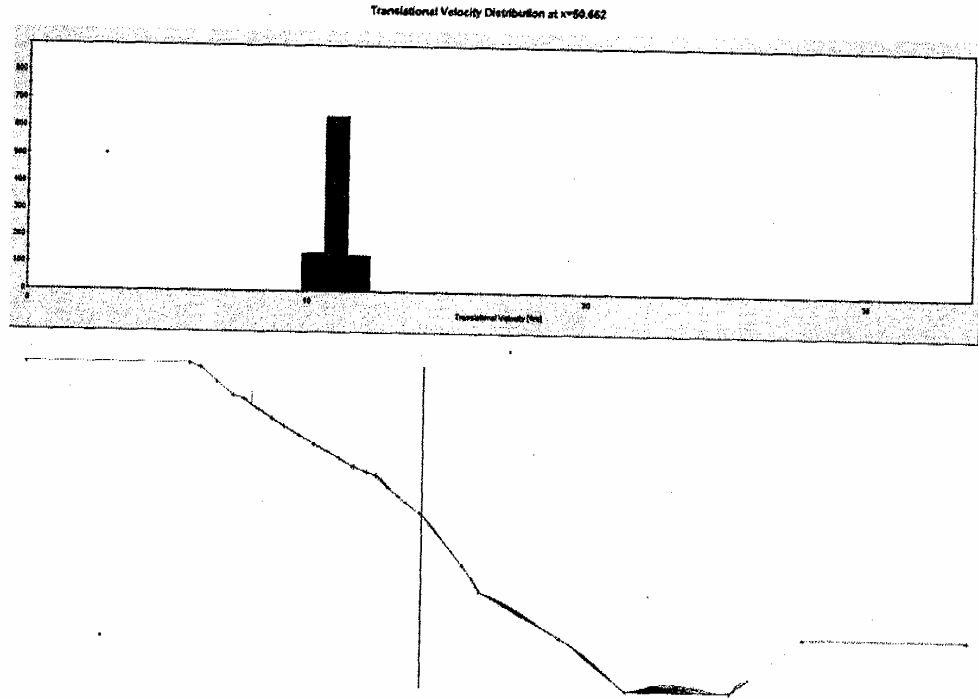
5-11-056

EXHIBIT #

11

PAGE 1 OF 3

- No fence is located at the toe of slope leaving the flood control channel vulnerable, especially, from debris originating below the proposed mid-slope fence, the steepest and most vulnerable portion of the slope.



**Figure 1**

#### **Pile Reinforcement**

Figures 3A and 3B describe the placement of steel reinforcement for the upper caissons from a flat area that is approximately 20-feet by 55-feet. The report also indicates that the steel reinforcement may be fabricated on site or off site. Issues with the submittal:

- If the reinforcement is fabricated on-site: From the information provided, it does not seem possible, for a contractor to fabricate 60-feet+ cages and place them using a crane (Fig.3B) from the limited area that remains in Fig.3A (please note the space occupied by the crane).
- If the reinforcement is fabricated off-site: In my experience it is extremely difficult to transport through residential streets beams or reinforcement cages greater than about 50-feet in length. Hence, I would expect that, at a minimum, the reinforcement cages would need to be brought in sections and spliced on site before they can be lowered as is shown in Fig.3B. How this

would be done is not explained. At a minimum more details are needed to understand how the procedure can be performed from limited space left in Fig.3A (again, please note the space occupied by the crane).

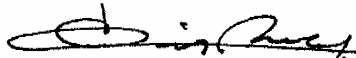
**Excavation of Lower Bench**

Figures 4A and 4B show the bench already excavated. The text of the contractors report does not explain how this excavation will be done. Issues with the submittal:

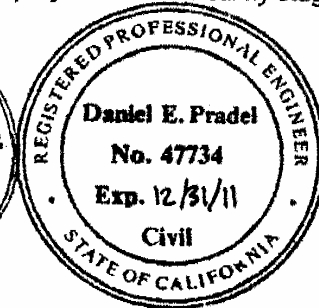
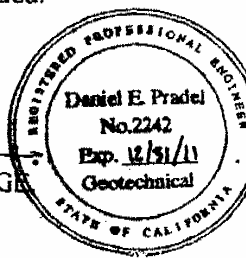
- One possibility presented is to drive down diagonally a mini excavator. It is highly unlikely that this can be done safely on such a steep slope.
- Another possibility presented is to excavate the bench manually. This process will be very time consuming and will have to comply with Cal-OSHA requirements. Again, how this will be accomplished is not explained. At a minimum more details are needed to understand how the excavation will be safely performed.

An adequate engineering report to describe how this project could be safely staged at the site has still not been provided.

Sincerely,  
Group Delta Consultants, Inc.



Dr. Daniel Pradel, P.E. G.E. D.G.E.  
Principal Engineer



COASTAL COMMISSION

EXHIBIT # 11  
PAGE 3 OF 3

**From:** GBKagan@aol.com  
**Sent:** Friday, September 16, 2011 9:57 AM  
**To:** Chuck Posner  
**Subject:** Re:Appeal No. A-5-PPL-11-28; Application No. 5-11-56--370 Vance 375 E. Rustic

Good morning,

I understand that the above matters are on the agenda for the October 5, 2011 meeting of the Commission and that the Staff Report will be issued sometime next week.

As you know, the proposed project is highly controversial (and opposed by almost the entire community) due to the lack of applicant proof that the project can be constructed safely on the very precarious intended site. In preparing the Staff Report, I trust, and expect, that you will consider the following FACTS.

1. The site, in a high severity fire, fault and liquefaction zone, is on a very steep slope (60-78 degrees) on which there are 5 vacant lots, none of which are in proximity to existing, comparable development (in fact, a piece of the foundation of an earlier constructed building can be seen at the toe of the hillside).
2. The hillside has a history of landslides/flood causing significant damage to area property.
3. The site contains virtually no flat land and is bordered at the top by narrow, substandard Vance Street (incapable of staging the construction, storing equipment and spoils, and assuring through traffic), and at the bottom by the Creek abutting East Rustic Road. It remains unclear how anticipated massive hillside cuts and drilling of multiple caissons can be safely engineered.
4. Geotechnical Engineer Dr. Daniel Pradel, has issued numerous reports (including 4/22/09, 9/29/10, 4/25/11, 9/9/11), emphasizing the lack of applicant information addressing the construction hazards of the project and how it can be safely staged. Such information has never been provided (there certainly has been much information "circling such issues," but none that adequately addresses them).
5. The Staff requested that the applicant file a standard construction sequence report, and a contractor (not an engineering) report was filed by the applicant with your office, about which Dr. Pradel provided the details of such report's inadequacies and deficiencies in his 9/9/11 letter to you. He directly stated that "an adequate engineering report to describe how the excavation will be safely performed has still not been provided." The (almost humorous) inadequacies of the applicant's 9/6/11 report provide little comfort that this project would not result in a major construction accident.
6. The most problematic, and steepest, bottom third of the site does not and is not intended by the applicant (even after completion of the project), to meet the minimum industry (engineering) and City of L.A. minimum standard of a factor of safety. Any project on such a steep slope must be required to meet such standard.
7. Although a CDP was approved by the City's acting chief zoning administrator and upheld by a 3-1 vote of the westside planning commission, (with respect to which the Staff found a Substantial Issue), the City has never commented on the points made in its own Staff Investigator Report dated 10/1/08 in which Mr. Andrew Bangali-Pessima, Zoning Investigator, stated "...the applicant's failure to include any aspect of the determinants of hillside development renders this application [for a CDP] inadequate." Such report also noted (1) the applications failure to address "development of properties on a designated Hillside Limited Street," (2) that the applicant based its proposal "on the prevailing developments of eight surrounding properties and reiterated that the proposed building will be very similar to developments in the area," of which there are none; (3) that "it is indicated that the engineering and architectural design of the building structure ensures compatibility with developments of other properties in the neighborhood," of which there are none that are so compatible. Such points have never been addressed by the applicant or the City and are ignored in a 2010 report of the then zoning staff investigator.
8. As pointed out repeatedly by Dr. Pradel, there is no adequate plan available to this day to show how this project can be constructed safely. This "trust me" attitude of the applicant cannot be allowed to replace the need for responsible scientific grounds to show how such safe construction can be accomplished.

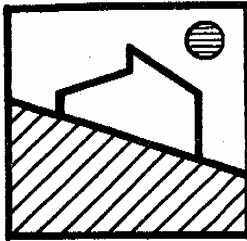
Please be sure that the Staff deals with each of these and the many other safety and environmental issues raised over the 4 year period in which the applicant has attempted to gain approval for this project with use of the same facts, restated in different ways, but never responding to the key issues. The character and safety of a unique area is at stake and it behooves everyone to consider the ramifications of this project.

Thank you.

Gerald B. Kagan

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PAGE 1 OF 1





# Grover Hollingsworth and Associates, Inc.

September 19, 2011  
GH13327-G

Robert Dolbinski  
1122 Idaho Avenue  
Santa Monica, California 90403

**Subject:** Additional Response #2 to Fourth-Party Geotechnical Review, Proposed Three-Story Residence, Lot 204, Tract 1719, 375 N. East Rustic Road, Los Angeles, California.

**Reference:** Reports by Grover-Hollingsworth and Associates, Inc.: Geologic and Soils Engineering Exploration, Proposed Three-Story Residence, dated March 30, 2007; Change of Consultant Letter and Response to City Correction Letter, dated May 14, 2007; Response to City Correction Letter #2, dated August 7, 2007; Response to City Correction Letter #3, dated October 25, 2007; Response to Fourth-Party Engineering Geologic Review, Proposed Three-Story Residence, dated January 13, 2009; Reported Post-Northridge Earthquake Ground Crack on Vance Street, dated January 14, 2009; Site Visit and Revised Seismic Design, dated January 15, 2009; Response to Fourth-Party Engineering Geologic Review, dated July 29, 2009; and Additional Response to Fourth-Party Geotechnical Review, Proposed Three-Story Residence, dated September 15, 2009.

City of Los Angeles Correction Letters, dated May 1, 2007, May 14, 2007, June 26, 2007, and September 13, 2007; and Approval Letter, dated December 19, 2007.

County of Los Angeles, Department of Public Works, Mitigated Negative Declaration Letter, dated January 7, 2009.

Dear Mr. Dolbinski:

As requested, we are providing the following comments after review of the latest letter from Dr. Daniel Pradel, now with Group Delta Consultants. It is becoming increasingly clear with each successive letter that Dr. Pradel has been searching for any item that might provide another obstruction to the project on behalf of the property owners below, who have attempted to block the project by any means. The subject project has received

**Engineering Geology**

31129 Via Colinas, Suite 707, Westlake Village, California 91362 • (818) 889-0844 • (FAX) 889-4170

**Geotechnical Engineering**

A-5-PPL-11-028  
COASTAL COMMISSION

EXHIBIT # 13

PAGE 1 OF 2

greater scrutiny than any other single-family project I have been involved with in my 30 years of practice. Both the City and County of Los Angeles, Building and Public Works Departments have reviewed the project. Two independent geologists and engineers have also provided critical comments and review, at least some of which have been reasonable and appropriate (latest Group Delta letter excepted). The reasonable comments by the independent reviewers have been answered and our answers approved by the City and County.

The recent Group Delta Consultant's letter dated September 9, 2011, essentially addresses constructability issues. These issues are normally not addressed by geotechnical consultants. Dr. Pradel focuses on the adequacy of the debris fences, but appears to miss the intent of the fences and their importance in protecting offsite properties. The debris fence will be located a short distance downslope from the drilling area and are intended to capture any nuisance dirt and cobbles that might fall from the auger during drilling. The fences are not intended to contain a "slope failure," as such a failure is not anticipated.

The existing channel provides a secondary line of defense for any material that might breach either fence. The channel is more than adequate to protect offsite properties from any debris that might fall from the site during construction. Since the owners have agreed not to install the foundation system during the winter months, there is no hazard posed to offsite owners from minor debris that might temporarily reside in the channel until it is removed.

Should you have any further questions, please feel free to call.

Respectfully submitted,

  
ROBERT A. HOLLINGSWORTH  
E.G. 1265/G.E. 2022



RAH:dl

xc: (4) Robert Dolbinski  
(1) Robert Dolbinski, via email

COASTAL COMMISSION

EXHIBIT # 13  
PAGE 2 OF 2

**ROBERT G. HOLCOMB II**  
**"A GENERAL ENGINEERING CONTRACTOR"**

**Ca, license # 491269**

**6206 HETTY STREET     FONTANA, CALIFORNIA 92336**

**Phone 909 463-0498 \* cell 626 487-5233 \* fax 909 463-1043**

\*\*\*\*\*

September 16, 2011

**Responses to the report by Daniel Pradel of the Delta Group.**

The purpose of a debris fence is to catch incidental items which might escape the drill or be inadvertently pushed towards the edge of the excavation. The fencing is not for the purpose of storing spoils or materials. The purpose of locating the fencing close to the bench, in lieu of bottom of the slope, is to catch items before they gain momentum and force.

If debris makes it way past the two debris fences, we have outlined a contingency plan for the collection of the debris from the channel below, without impacting any neighbors.

**Delivery and Installation of Rebar:** Please see the attached diagrams.

The report from Mr. Pradel indicates a difficulty transporting greater than 50 feet in length. I have recently delivered rebar in 72 foot lengths to a project at 3321 Beverly Ranch Road. This was brought up Benedict Canyon to Mulholland to our site. Projects on hillsides are currently under construction on neighboring Amalfi Drive, which carries a much higher traffic volume and consists of two, narrow traffic lanes. Almost anything can be done if you have the experience. The rebar, which will vary in length, can be easily delivered and assembled on site for this project.

The City of Los Angeles has issued a permit for use of the public right of way, subject to the condition that the temporary fencing surrounding the permit area allows for the passage of one lane of travel; sufficient room exists for two cars to pass the proposed fencing.

There may be times during construction when one lane of Vance will be required to offload the rebar from a delivery truck and raise it into staging area. Offloading of the rebar may take 30 to 45 minutes. During these periods, a lane of Vance Street will still be open to allow vehicles to go either north or south of the site along Vance Street to reach Chautauqua Boulevard. Note that Vance Street is a loop road with exceptionally light traffic, as it serves primarily local residents. One resident at a public hearing described the length of Vance Street along the project site as "The Alley". Holcomb Engineering builds its own cages on site. We form the steel as we need it. The cages will be tied, inspected and then lowered into the excavations as they are drilled.

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COASTAL COMMISSION  
A-5-PPL-11-020

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PAGE 1 OF 4

**Excavation of the Lower Bench:**

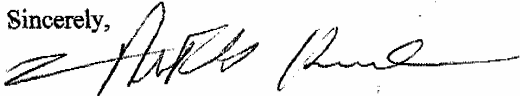
If we choose to excavate the lower bench using manual labor, it would be accomplished by my crew in 4 days and in compliance with applicable safety standards. The spoils from the lower bench would be placed in a flat bucket and brought up to Vance Street with a crane, and then placed into a roll off bin. Alternatively, if feasible after the upper piles are completed, the option exists to create an earthen ramp from the top bench down the lower bench with a combination of manual labor and / or an excavator; this is a procedure we do all of the time on similarly sloped sites.

Holcomb Engineering Contractors Inc. has about 50 employees. Some have been with us for 30+ years. While our type of work has risk, our safety record matches the best of any contractor in Southern California. If you want references for our ability to do this project, ask any LADBS grading inspector or contact:

SEC Civil Engineering  
Parker Resnick Engineering  
Sam Samara Engineering  
Gordon Polon Engineering  
Grover Hollingsworth  
The Byer Group (formerly Kovack Byer)  
Ralph Stone and Associates  
Jon Irvine Geotechnical

We have done projects like this for nearly every major engineering company in Southern California. We invite you to come watch us do this one.

Sincerely,

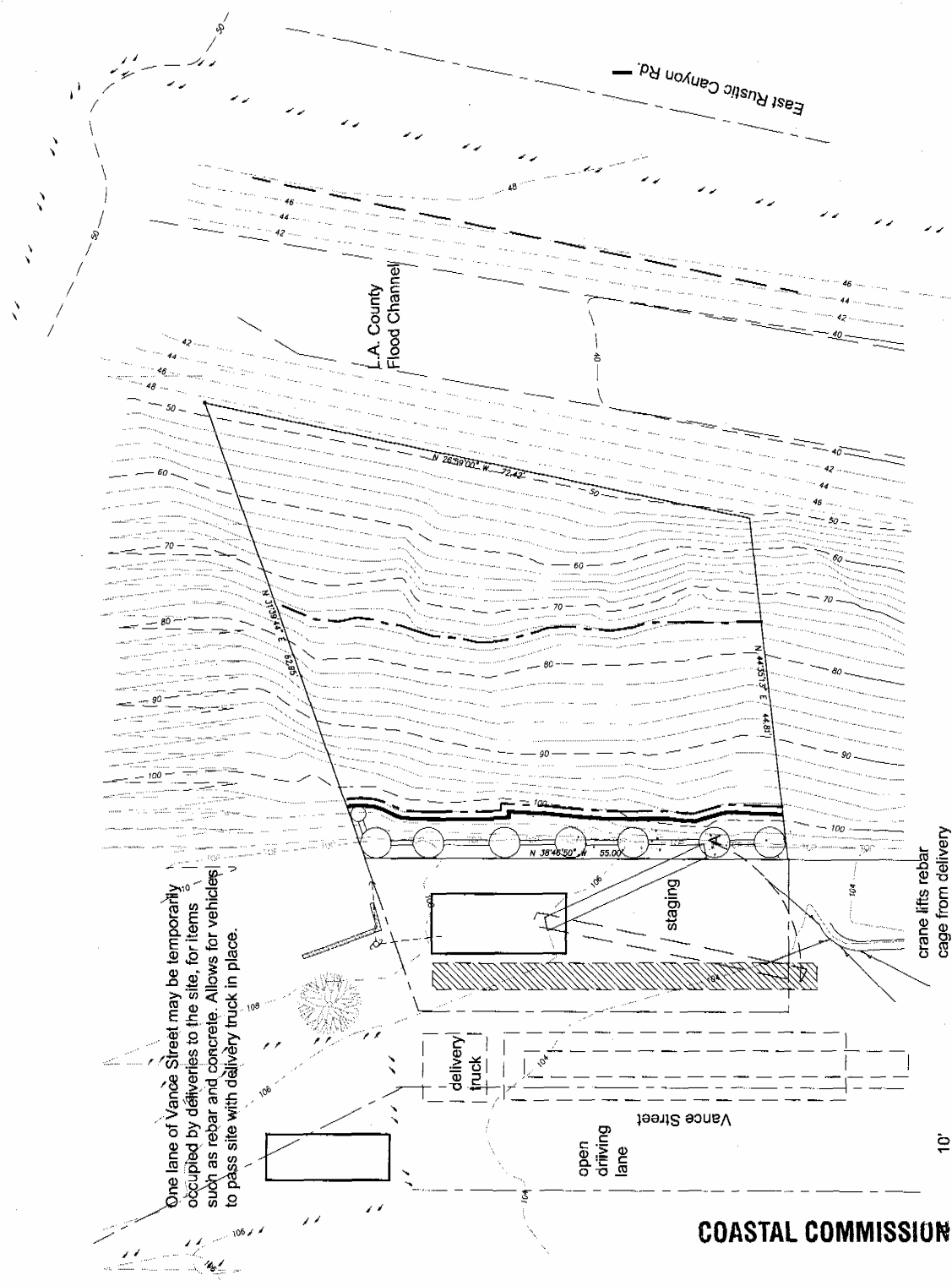


Robert Holcomb

**COASTAL COMMISSION**

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PAGE 2 OF 4





One lane of Vance Street may be temporarily occupied by deliveries to the site, for items such as rebar and concrete. Allows for vehicles to pass site with delivery truck in place.

crane lifts rebar cage from delivery truck, for placement in staging area.  
Rebar assembled / lifted from staging to the excavated hole.

# REBAR DELIVERY / ASSEMBLY

370 N. Vance Street  
A5-PPL-11-028  
9.18.11

COASTAL COMMISSION

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201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.  
INTERIM GENERAL MANAGER

**GEOLOGY AND SOILS REPORT APPROVAL LETTER**

November 12, 2009

LOG # 66421  
SOILS/GEOLOGY - 2

Robert Dolbinski  
1122 Idaho Ave  
Santa Monica, CA 90403

TRACT: 1719  
LOT(S): 204  
LOCATION: 375 N. East Rustic Road

<u>CURRENT REFERENCE REPORT/LETTER(S)</u>	<u>REPORT NO.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Geology/Soils Report	GH 13327-G	09/15/2009	Grover Hollingsworth
Oversized Doc(s)	"	"	"
Geology/Soils Report	"	07/29/2009	"
Oversized Doc(s)	"	"	"
Geology/Soils Report	"	01/15/2009	"
"	"	01/14/2009	"
"	"	01/13/2009	"
Oversized Doc(s)	"	"	"
Soils Report	09-011-L	04/22/2009	Praad Geotechnical, Inc.
Geology Report	S&A #081004	10/10/2008	Slosson & Associates

<u>PREVIOUS REFERENCE REPORT/LETTER(S)</u>	<u>REPORT NO.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Dept. Approval Letter	58134-03	12/19/2007	LADBS - Grading
Soil Report	GH 13327-G	10/25/2007	Grover Hollingsworth
Dept. Correction Letter	58134-02	09/13/2007	LADBS - Grading
Soil Report	GH 13327-G	08/07/2007	Grover Hollingsworth
Dept. Correction Letter	58134-01	06/26/2007	LADBS - Grading
Soil Report	GH 13327-G	05/14/2007	Grover Hollingsworth
Dept. Correction Letter	58134	05/01/2007	LADBS - Grading
Soil Report	GH 13327-G	03/30/2007	Grover Hollingsworth
Dept. Approval Letter	47244-02	01/27/2006	LADBS - Grading
Modification Request	13299	01/24/2006	"

COASTAL COMMISSION  
5-11-056

The current referenced reports dated 01/13/2009, 01/14/2009, 01/15/2009, 07/29/2009 and

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PAGE 1 OF 3

09/15/2009 have been reviewed by the Grading Division of the Department of Building and Safety. The January 13, 2009 referenced report is in response to a third party engineering geologic review (Slosson and Associates, 10/10/2008) of the prior referenced Grover Hollingsworth reports. The January 14, 2009 referenced report addresses a reported post-Northridge earthquake ground crack on Vance Street. The January 15, 2009, referenced report addresses a site visit for update purposes and revised seismic design for the proposed three-story residence at the subject address. The July 29, 2009 and September 15, 2009 reports are in response to a fourth party geotechnical engineering review (Praad Geotechnical, Inc., 04/22/2009) of the prior referenced Grover Hollingsworth reports, and also provide a response to additional information requested by the Department.

The Department previously conditionally approved construction of a three story structure on January 27, 2006, Log #47244-02, and again with revised construction recommendations on December 19, 2007, Log # 58134-03.

As of January 1, 2008 the City of Los Angeles was required to adopt the new 2007 California Building Code. The new code contains several new provisions including basement walls and other walls in which horizontal movement is restricted at the top to be designed for at-rest lateral earth pressure. These requirements apply to all projects where the permit application submittal date is after January 1, 2008.

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

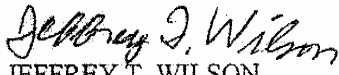
(Note: Numbers in parenthesis ( ) refer to applicable sections of the 2008 City of LA Building Code. P/BC numbers refer the applicable Information Bulletin. Information Bulletins can be accessed on the internet at LADBS.ORG.)

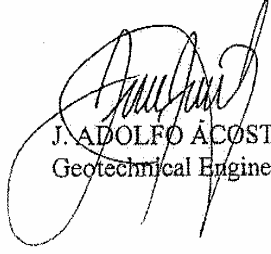
1. All conditions of the LADBS Approval letter dated 12/19/2007, Log #58134-03 shall apply, except where superseded herein.
2. All recommendations of the current reports which are in addition to or more restrictive than the conditions contained herein shall be incorporated into the plans.
3. Permanent shoring walls shall be utilized to support the excavation for the building pad, as recommended. Lateral pressures recommended for permanent structures shall be utilized in the shoring design.
4. The two rows of piles shall be designed to resist a total minimum lateral load of 36,827 pounds per lineal foot width (plfw). The downslope (lower) pile row shall support a minimum lateral load of 16,619 plfw and the upslope (upper) pile row shall support the remainder of the load, as recommended on pages 3 and 4 of the 07/29/2009 report. The lateral loads on the piles shall be applied from the ground surface to the upper 1.5 safety factor surface (approximately 31 feet for the downslope pile row and 40 feet for the upslope pile row, see cross section B-B', included in the 07/29/2009 report).
5. Basement walls and other walls in which horizontal movement is restricted at the top shall be designed for the at-rest pressure specified on page 2 of the 09/15/2009 report (1610.1).



All surcharge loads shall be included into the design.

6. The seismic design shall be based on a Site Class D, as recommended. All other seismic design parameters shall be reviewed by LADBS building plan check.
7. Grading shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Grading Division of the Department and the Department of Public Works, Bureau of Engineering, B-Permit Section, for any grading work in excess of 200 cu yd. (7007.1)  
1828 Sawtelle Blvd., 3<sup>rd</sup> Floor, West LA (310) 575-8388
8. All concentrated drainage shall be conducted in an approved device and disposed of in a manner approved by the LADBS. (7013.10)

  
JEFFREY T. WILSON  
Engineering Geologist I

  
J. ADOLFO ACOSTA  
Geotechnical Engineer

JTW/JAA:jtw/jaa  
Log No. 66421  
213-482-0480

cc. Grover Hollingsworth and Associates, Inc., Project Consultant and Applicant  
WL District

5-11-056  
COASTAL COMMISSION  
A-5-PPL-11-028

EXHIBIT # 15  
PAGE 3 OF 3

**Chuck Posner**

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**From:** Donalpoppe@aol.com  
**Sent:** Thursday, September 15, 2011 2:37 PM  
**To:** Chuck Posner  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

Dear Mr. Posner:

I support the application to GRANT a CDP for this site. I have read the numerous soil and geology reports filed and APPROVED with the City of Los Angeles grading department.

One fact that is not noted is the construction of the proposed dwelling with stabilize the slope. I was present at several of hearings with the Zoning Administrator and the contractor for the foundation presented a time frame to drill and place the caissons to support the hillside that would be accomplished in a timely manner.

This slope will continue to deteriorate unless something is constructed to stabilize the slope. This modest house and it's foundation will serve that purpose.

Best Regards,  
**Donnal Poppe**

**COASTAL COMMISSION**

EXHIBIT # 16  
PAGE 1 OF 1

9/15/2011

**Chuck Posner**

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**From:** David Jackson [getjackson@msn.com]  
**Sent:** Tuesday, September 13, 2011 2:45 PM  
**To:** Chuck Posner  
**Cc:** Jamie Korody; Katie Sparks; Diane Duarte; Sonoma VanBrunt; Bill Rosendahl  
**Subject:** construction proposal on 375 E Rustic Road, Santa Monica

Dear Mr. Posner,

As a resident of Rustic Canyon, in the Santa Monica/Palisades area of Los Angeles, I am writing you concerning a pending proposal to build a house at 375 East Rustic Road, Santa Monica. It is on lot 204, tract 1719; the permits are filed under Dolbiski/Chen. I live about six houses downstream from the proposed construction, and up to this point, I have tried to remain neutral as to the wisdom of building a home on such a precarious site.

After reviewing the report of engineer Daniel Pradec, Ph.D, concerning this project, I believe there has been a grievous mistake by the City of Los Angeles in issuing any building permit for this site. It is on razor-thin parcel of flat land at the top (on Vance Street), and the remainder of the property is a very steep and unstable slope that terminates in the concrete flood channel directly below. There is simply no stable land to build a home, and if one is attempted, it will certainly cause significant erosion on the sandy hillside into the flood channel. In 1994, during the Northridge earthquake, a section of that same steep hillside collapsed into the creek, blocking it and sending a tremendous cloud of dust into the neighborhood. Many residents became ill from the resulting release of spores. The flood channel remained blocked until the city dredged it out two days later. If there had been rain, the entire neighborhood would have flooded.

If anyone from the Coastal Commission visits the proposed site, they would quickly see that there is simply no land to build a home. It is air, a sandy unstable extreme slope and less than five feet of land atop. Construction within this zone will be impossible. Certainly debris will fall into the creek, which flows year round directly into Santa Monica Bay, not 1/4 mile downstream.

Please deny the proposed construction. It is folly and deception by the applicants as to its viability.

Thank you for considering my comments.

Sincerely,  
David Jackson  
344 East Rustic Road  
Santa Monica, CA 90402  
310.702.4258

**COASTAL COMMISSION**

EXHIBIT # 17  
PAGE 1 OF 1

9/14/2011

**Chuck Posner**

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**From:** WBFILMS@aol.com  
**Sent:** Tuesday, September 13, 2011 6:06 PM  
**To:** Chuck Posner  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

PLEASE do not allow this project to happen.

My home sits on the Channel across West Channel Road on Channel Lane.

My home was damaged in the 1994 earthquake due to the collapse of the hillside on Rustic Road. My house was flooded because the creek water had no where to go. If this project is allowed to proceed I expect there will be horrific damage to those of us that are "downstream".

This project is simply ridiculous. There is no way this project can be stable OR safe.

There are plenty of homes to purchase in the Canyon. They should just buy one.

Thanking you in advance for your careful consideration to stop this project,

Cynthia Wright Banks  
14822 Channel Lane  
Santa Monica Cyn, CA 90402

**COASTAL COMMISSION**

EXHIBIT # 18  
PAGE 1 OF 1

9/14/2011

**Chuck Posner**

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**From:** Leon/Adrienne Carrere [carrere@cox.net]

**Sent:** Wednesday, September 14, 2011 10:13 AM

**To:** Chuck Posner

**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

You have got to be kidding . Stop this insanity , leave the Canyon alone . Adrienne Carrere

**COASTAL COMMISSION**

EXHIBIT # 19  
PAGE 1 OF 1

9/14/2011

**Chuck Posner**

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**From:** Cynthia Kagan [cynthia@cynthiakagan.com]  
**Sent:** Thursday, September 15, 2011 9:28 AM  
**To:** Chuck Posner  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

**Dear Mr. Posner,**

**This is a hillside that begs to be left alone. Its steep vertical slope (upwards of 78 degrees), its unstable geological make-up, its slide history, its location in a severe fire hazard and fault zone as well as liquefaction zone, its designation by the City of Los Angeles in the early 1900's as a "hazardous hillside" for its inherent dangers, and its skeletons, i.e. the remains of a one-time home's concrete foundation, all of which is well documented, are reasons enough to delay commencement of any development on this hillside.**

**The City of Los Angeles ignored its very own minimum factor of safety (and the geology industry standard) in order to approve this project. This, despite a Zoning Administrator's Investigative Report recommending that a Coastal Development Permit NOT be granted, as well as a highly critical Report of expert geologist and UCLA professor, Dr. Daniel Pradel. And the developers have not shown, to this day, that this project can be built and maintained safely.**

**The developers proselytize they are green. There is nothing green about carving out nearly 25 feet of hillside. There is nothing green about creating enough air, noise and dirt pollution, over a long span of construction, to affect EVERY resident of this Canyon. Nor is there anything green about excavating a flora-filled hillside to replace it with steel and cement. And there is certainly nothing green about building a 3-story house requiring the support of at least 16 concrete caissons, each several feet in circumference that must be drilled and poured deep into this steep slope.**

**With all this documented and substantial, scientific evidence, and the pleas of its more than 100 Canyon residents (also documented), the Coastal Commission should not pick and choose when it plays toothless. It should not approve this development!**

**Is every verdant and serene pocket of land target zero for developers?  
Irrevocable damage and immeasurable eyesores have been created in the quest to place one's stamp of existence (and ego) on this earth.**

**Cynthia Kagan**

**Cynthia Kagan  
[www.cynthiakagan.com](http://www.cynthiakagan.com)  
studio: 310.573.1113**

**COASTAL COMMISSION**

**EXHIBIT # 20  
PAGE 1 OF 1**

9/15/2011

**Chuck Posner**

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**From:** Mayorbehr@aol.com  
**Sent:** Wednesday, September 14, 2011 5:49 PM  
**To:** Chuck Posner  
**Cc:** jkorody@eclip.com  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

Mr. Posner

It is clear to me as a Santa Monica Canyon resident that the project should NOT be allowed. My son is a fourth generation Santa Monica Canyon resident. Our home has been in our family for over 100 years. Since then we have seen many catastrophes - namely the floods in the early 70's, the Northridge earthquake, which destroyed many houses on the prevailing ridge line above Vance Street which ultimately resulted in those houses sliding down onto PCH, and the Topanga /Palisades fires in the 80's. This project could be a cause in itself of one of those.

Why, I wonder would anyone allow someone to build a home on such a precarious hillside with no thought to the possible impact of unforeseen dangers that might lurk beneath the soil. I am highly aware of that since my family has been in the building business for over 60 years. Our specialty is hillside homes.

For these reason and to this end, I would like to see the project denied.

Yours truly

Patti Behr  
218 Mabery Rd  
SM, 90402

**COASTAL COMMISSION**

EXHIBIT # 21  
PAGE 1 OF 1

9/15/2011

**Chuck Posner**

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**From:** Dizer Duarte [dduarte1111@gmail.com]

**Sent:** Thursday, September 15, 2011 1:31 PM

**To:** Chuck Posner

**Subject:** Re: 375 East Rustic Road, Santa Monica. lot 204 Tract 1719. Permit name: Dolbinski/Chen

Dear Mr. Posner,

I urge you to come to the proposed site and try to justify the city of LA's decision to grant this absurd permit. One look and common logic will prompt you to, at minimum, question why, how and what the city could possibly be thinking.

The "barely there" parcel of land is unstable and dangerous to all of us who live within the community. The erosion of said property is constant and fills the flood channel below with debris, plants and cement from an old house that was on the site years ago that succumbed to the obviously disintegrating parcel. The city does its best to keep the channel cleaned out but, in truth, can't keep up with gravity. This hillside is slowly coming down. The thought of any kind of structure, let alone an entire house, is frankly insane.

Development of the Dolbinski/Chen parcel will threaten the stability of the entire hillside running along E. Rustic Rd.

We rely on you and the Coastal Commission, Mr. Posner, to protect us.  
Please do.

**COASTAL COMMISSION**

EXHIBIT # 22  
PAGE 1 OF 1

9/15/2011



**Chuck Posner**

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**From:** Nicholas Korody [nikorody@vassar.edu]  
**Sent:** Thursday, September 15, 2011 3:10 PM  
**To:** Chuck Posner  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

Dear Mr. Posner,

The proposed plan for a new house on Vance Street represent a grave threat to the lives of Santa Monica Canyon residents and the sanctity of the natural environment of the canyon watersheds of Santa Monica. I beg you to demand more time and consideration for the plan. It is simply a greedy and negligent bid for an unnecessary development! Defy the norms of politicians and listen to the people whom you represent! Stop this destruction of one of our last natural areas!

Sincerely,  
Nicholas Korody

**COASTAL COMMISSION**

EXHIBIT # 23  
PAGE 1 OF 1

**Chuck Posner**

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**From:** margaret lederer [margarleder@verizon.net]  
**Sent:** Friday, September 16, 2011 8:36 AM  
**To:** Chuck Posner  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

As an immediate neighbor of the proposed development location, I have deep concerns with the effects of such construction upon the environment and safety of our neighborhood and community. Additional water on an already fragile, steep bluff could cause irreparable and costly damage. Even a slight rainfall sends soil down into the creek. Even with more stable soil (see soil maps), our empty lot 205 has diminished considerably. Our Coastal Commission permit was only granted with severe conditions requiring non-water requiring plants. The development proposes using drip lines for regular watering of plants on the hillside. Wet soil in this location would be disastrous

Granting your approval of this permit would set an extremely dangerous precedent with possible liability to the state. I plead with you to reject the application.

Margaret Lederer      390 Vance Street      Pacific Palisades

**COASTAL COMMISSION**

**Chuck Posner**

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**From:** HBdratch@aol.com  
**Sent:** Friday, September 16, 2011 8:11 AM  
**To:** Chuck Posner  
**Subject:** Case A-5-PPL-11-028?bcc=jkorody@eclip.com

Dear Mr. Posner,

I am against the dangerous development on the cliffside property presently being contemplated. (Case A-5-ppl-11-028bcc). I live nearby and am concerned that adequate safeguards have not been incorporated into this structure, and that it will be a blight on the neighborhood if it goes forward. I urge you to take measures to block such an unfortunate and harmful proposal. Thank you.

Sincerely,

Howard Dratch  
329 Sycamore Road  
(in the same neighborhood)

310 459 9540

**COASTAL COMMISSION**

EXHIBIT # 25  
PAGE 1 OF 1

9/16/2011

Sept. 29, 2010

City of Los Angeles  
Dept. of City Planning  
200 North Spring Street  
Los Angeles, CA. 90012-4801

Re: ZA 2007-5584-CDP-MEL-Coastal Development Permit

Dear Zoning Administrator:

I have been a Canyon resident since 1975. With regard to their project at 370 N. Vance St., Ms. Chen and Mr. Dolbinski have proceeded properly through the design and permit process. They have complied with any and all building codes, rules, restrictions, allowances, etc., and have received approvals from all of the departments mentioned in the attached letter. I see no reason why their project should be denied or delayed, at great expense to them, by a few neighbors who would willingly deprive them of their lawful property rights, simply because they are opposed to new building in our Canyon. The requirement of an E.I.R on a single family dwelling would be both unnecessary and punitive.

Thank you.

Sincerely,



Judith A. McRae  
322 E. rustic Rd.  
Santa Monica, CA. 90402

**COASTAL COMMISSION**

EXHIBIT # 26  
PAGE 1 OF 1

September 22, 2010

City of Los Angeles  
Office of Zoning Administration  
200 N. Spring Street  
7<sup>th</sup> Floor  
Los Angeles, CA 90012

Case No.: ZA-2007-5584-CDP-MEL


Dear Zoning Administrator:

I am an area resident writing to support of the proposed single family residence at 370 N. Vance Street. I am in favor of the project because the residence is sensitively and sustainably designed, well suited to its hillside site, is consistent with applicable zoning and will benefit public safety.

The project has received numerous approvals and reviews from the County of Los Angeles Department of Public Works, City of L.A. Grading Division, L.A. Bureau of Engineering, L.A. Department of Building and Safety, L.A. Fire Department and the State of California.

I urge your careful consideration of the application and swift approval of the project.

Sincerely,

  
Name BRIAN MURPHY  
Title ARCHITECT  
Address 150 W. CHAMBERLAIN  
S.M., CA  
90402

**COASTAL COMMISSION**

EXHIBIT # 27  
PAGE 1 OF 1

From: flangen1@vzw.blackberry.net  
Subject: **Vance Hearing**  
Date: September 30, 2010 8:42:40 PM PDT  
To: "Bob Dolbinski & Jeanne Chen" <bdolbinski@verizon.net>  
Reply-To: flangen1@vzw.blackberry.net

Dear Bob & Jeanne,  
I'm so sorry I didn't make it today. It was really on the top of my list of things to do and then a family emergency took precedence. I can tell you that I did receive a couple of calls from individuals who were wanting clarification and I managed to enlighten them into our camp. Please let me know if there will be another meeting that needs supportive attendance. I hope it went well for you both.  
Sincerely,  
Frank Langen  
Sent from my Verizon Wireless BlackBerry

**COASTAL COMMISSION**

EXHIBIT # 28  
PAGE 1 OF 1

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**Jay Farbstein & Associates, Inc.**

Needs Assessment Studies

Facility Programming

Design Evaluation

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September 24, 2010

City of Los Angeles  
Department of City Planning  
200 North Spring Street  
Los Angeles, CA 90012-4801

Re: **ZA 2007-5584-CDP-MEL – Coastal Development Permit**

Dear Zoning Administrator:

I am an area resident (and Fellow of the American Institute of Architects) writing to support the proposed single family residence at 370 N. Vance Street.

I support the project because the residence is sensitively and sustainably designed, well suited to its hillside site, consistent with applicable zoning regulations, and will benefit public safety through street improvements and stabilization of the slope. Every aspect of the project demonstrates excellence in planning, land use and design – as would be expected from the extraordinarily talented architects who are the designers – and will be the owner/occupants of this dwelling – as can be seen from the rendering showing what the house will look like from the street.

The project has received numerous approvals from the County of Los Angeles Department of Public Works, City of Los Angeles Grading Division, Department of Building and Safety and the Bureau of Engineering. I urge your consideration of the application and swift approval of the project.

Sincerely,

Jay Farbstein & Associates, Inc.

*Jay Farbstein*

Jay Farbstein, PhD, FAIA, President

**COASTAL COMMISSION**

1500 Rustic Lane • Pacific Palisades, CA 90272 • Phone: 310 454-6700 • Fax: 310 388-1330

EXHIBIT # 29

PAGE 1 OF 1

September 23, 2010

City of Los Angeles  
Department of City Planning  
200 North Spring Street  
Los Angeles, CA 90012-4801

**Re: ZA 2007-5584-CDP-MEL – Coastal Development Permit**

Dear Zoning Administrator:

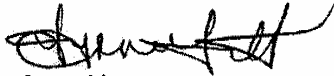
I am an area resident writing to support of the proposed single family residence at 370 N. Vance Street.

I am supporting the project because the residence is sensitively and sustainably designed, well suited to its hillside site, is consistent with applicable zoning regulations and will benefit public safety through street improvements and stabilization of the slope.

The project has received numerous approvals from the County of Los Angeles Department of Public Works, City of Los Angeles Grading Division, Department of Building and Safety and the Bureau of Engineering.

I urge your consideration of the application and swift approval of the project.

Sincerely,



Lynne Litt

Owner

633 Kingman Avenue

**COASTAL COMMISSION**

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PAGE 1 OF 1



September 27, 2010

City of Los Angeles  
Department of City Planning  
200 North Spring Street  
Los Angeles, CA 90012-4801

empowering project owners

950 So. Grand Avenue  
4th Floor  
Los Angeles, CA 90015  
213.748.3431 tel  
213.748.3491 fax

Sarah Meeker Jensen, AIA  
President  
sjensen@jensenpartners.com

**Re: ZA 2007-5584-CDP-MEL – Coastal Development Permit**

Dear Zoning Administrator:

I am an area resident writing to support of the proposed single family residence at 370 N. Vance Street.

I am supporting the project because the residence is sensitively and sustainably designed, well suited to its hillside site, is consistent with applicable zoning regulations and will benefit public safety through street improvements and stabilization of the slope.

The project has received numerous approvals from the County of Los Angeles Department of Public Works, City of Los Angeles Grading Division, Department of Building and Safety and the Bureau of Engineering.

I urge your consideration of the application and swift approval of the project.

Sincerely,



Sarah Meeker Jensen

333 Sycamore Road, Santa Monica 90402

(310) 454-9300

**COASTAL COMMISSION**

EXHIBIT # 31

PAGE 1 OF 1

**Chen, Jeanne**

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**From:** Mike Deasy [mdeasy@deasypenner.com]  
**Sent:** Saturday, November 15, 2008 12:35 PM  
**To:** Chen, Jeanne  
**Subject:** RE: Potential single family residence on Vance Street

Hello Jeanne:

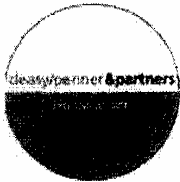
The opposing neighbors, I believe, misrepresented your project. Unfortunately I didn't make the meeting of the SMCCA where it was presented. I'd be glad to support it with assurances that the retaining walls won't be too high and landscaped.

Call or email anytime. I'm sure there are others in the neighborhood who would support you.

Mike



**Mike Deasy**  
310.275.1000 Main  
310.275.8880 Mobile  
310.861.5554 Fax  
[mdeasy@deasypenner.com](mailto:mdeasy@deasypenner.com)



[www.deasypenner.com](http://www.deasypenner.com)

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**From:** Chen, Jeanne [mailto:jchen@mryarchitects.com]  
**Sent:** Saturday, November 15, 2008 12:16 PM  
**To:** Mike Deasy  
**Subject:** FW: Potential single family residence on Vance Street

Hi Mike,  
Buzz forwarded your email to us and we wondered whether you would consider supporting our proposed house on Vance Street (375 Rustic Canyon)?

Since your named appeared on the petition in opposition, we would be very happy to answer any questions and specific concerns you may have. We could meet with you or schedule a call at your convenience.

With great appreciation,

Jeanne and Bob

Jeanne Chen, AIA  
Principal

9/29/2010

**COASTAL COMMISSION**

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PAGE 1 OF 1

Reply Reply to all Forward Close Help

Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

From: Doug Suisman [suisman@suisman.com] Sent: Sat 11/15/2008 8:53 PM  
To: Maya Forbes; saltzo@aol.com; efjt@hotmail.com; Melanie Galuten; Albhy Galuten; viscardi@mac.com; Mira Velimirovic; Mary Sanders Korsan; Meryl Holland; daniellehill13@hotmail.com; jijinthesky@yahoo.com; jcbaldauf@earthlink.net; frank@inthecanyon.com; Leslie Hope; Caren Ginsberg; getjackson@msn.com; fashiontherapist@msn.com; mdeasy@deasypenner.com; Dolbinski, Bob  
Cc:  
Subject: Proposed House on East Rustic  
Attachments: [Ltr to Neighbors from the Dolbinskis.pdf\(17KB\)](#) [View from Rustic Road.jpg\(196KB\)](#) [View from Vance Street.jpg\(319KB\)](#) [375 Rustic Site Plan .pdf\(227KB\)](#)

[View As Web Page](#)

Dear Canyon friends,

I'm writing to you about two issues I think we all care about: 1. preserving the special qualities of Santa Monica Canyon, and 2. fairness.

I've come to know almost all of you because of my good luck in stumbling across the canyon in 1993, and buying a house here that year. Some of you I know from my five years as president of BOCA Neighborhood Association, at the mouth of the canyon; others simply because we're neighbors; still others as parents at Canyon School. Everyone on this "to" list I consider a personal friend, and I feel so fortunate to be part of this community. Many of us have fought good fights together here over the last 15 years: bringing traffic calming to the canyon, landscaping our medians, painting and keeping the tunnel clean, and watching out for overscaled or inappropriate development. I hope my *bona fides* are solid as someone concerned about preserving the special qualities of this place.

I realize that sometimes those concerns place the community at odds with individuals, especially when new construction is involved. When I was BOCA president, my position was this: if someone buys property and wants to build a house according to the existing rules (i.e. without asking for variances to exceed things like height and lot coverage limits), then I felt that BOCA as an organization should remain neutral. That doesn't mean that individuals shouldn't express their views in the appropriate forum, but that organizations representing all residents should not take a position on individual projects which are built "as of right".

Two weeks ago I was approached at a social gathering by Bob and Jeanne (Chen) Dolbinski, who are acquaintances and fellow architects. They described to me the

<https://mail.mryarchitects.com/exchange/bob/>

**COASTAL COMMISSION**

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EXHIBIT # 33  
PAGE 1 OF 5

organized opposition to their dream of building a small house in the Canyon, at 375 East Rustic, and felt that their project was being misrepresented. I told them I knew quite a few of their prospective neighbors, and that I would be very happy to take a look at their plans and share them with my friends in the community.

The more I have learned, the more I have become disturbed about what has been happening. I will vigorously defend anyone's right to raise objections to a proposed project, but I also believe that, as individuals and as a community, we have to act fairly. That means giving a fair hearing to both sides before drawing conclusions. It means acting like a concerned, informed community - not a band of naysayers armed with lawyers. It means welcoming people who want to live here. And it means that even if we feel compelled to raise concerns about the impact of new construction, we're willing to listen to the owners' side of the story.

I think Bob and Jeanne have a compelling story to tell. Unfortunately, it's my understanding that none of the project's leading opponents has tried to reach out to the Dolbinskis at the telephone number posted at the property. From what I have gathered in the last few days, and read in various e-mails, a lot of false information has been circulating. I'd like to believe this has been inadvertent. Here are some of the misperceptions which I have recently heard with my own ears, or read with my own eyes:

- ***the owner is a "well-heeled" developer*** – False. Bob and Jeanne are young, full-time architects earning a modest living at their work (believe me, I know what architects earn)
- ***the house is a spec house*** - False. Bob and Jeanne are building this house for themselves, and intend to live in it for a good long time (I just hope they still want to live in the Canyon after the initial reception they've received).
- ***the house is a huge macmansion*** – False. The drawings (attached) show an elegant and modest 1,850 s.f. house (I bet most of yours are larger! Mine certainly is). This is actually *smaller* than allowed by code.

- ***the house is inappropriate for the canyon*** – False...in my opinion at least. The attached rendering suggests a beautiful, sensitively designed and environmentally responsible residence that respects the canyon's history, landscape, and architectural heritage. See what you think.
  
- ***there will be "massive 40' x 60' retaining wall"*** – False. There will be two retaining walls in the side yards, approximately 6'x8' each, and another wall below Vance, about 8' high.
  
- ***there will be a new driveway across the creek*** – False. The driveway and garage are up on Vance Street.
  
- ***the "developers" must have bribed the city's planning department*** – False. And scurrilous.
  
- ***the project is somehow being inappropriately "fast-tracked"*** - False. Jeanne and Bob have been working on the project with the building department for more than two years, and the process is conforming to all normal reviews.
  
- ***the project will endanger the structural integrity of the hillside*** – False. O.K., this does get pretty technical, and you should certainly ask lots of questions here. But the reality is: the project will actually stabilize this crumbling segment of the hill with appropriate piles, soil retention, planting and drainage. The geological studies and structural design have been conducted for two years by highly respected firms. And it is obviously in Bob and Jeanne's interest to create a stable foundation for their own home!
  
- ***the project will destroy the natural beauty of the canyon*** – Well, I love our cliffs and hillsides too, and there are houses on the hill across the street from me that I'd just as soon weren't there. But the fact is that this is a piece of private property and the owners are entitled to have a house on it, just as all of

COASTAL COMMISSION

us are lucky enough to do. Anyone passionately determined to preserve this private lot as natural open space should probably have purchased it for that purpose.

So you see, there really is another side to the story. I don't know about you, but after the exhausting political season we've just come through, I'm really tired of any attempt – well meaning or otherwise - to obscure the truth. I urge you to get the whole story.

So **tomorrow, Sunday the 15th**, I'm going to walk around East Rustic and Sycamore with Bob and Jeanne from 11-1, and introduce them to my friends and neighbors. I hope you'll welcome them, and feel free to ask any questions of them. They have encouraged me to circulate their letter and drawings (attached), and I encourage you in turn to circulate my own letter and their materials as you see fit.

And on **Tuesday the 17th**, the house will be discussed at the Santa Monica Canyon Civic Association meeting at 7:00, at Rustic Canyon Recreation Center. I encourage you to attend. Bob and Jeanne will be there to present their house project and to answer questions. I hope they will be treated cordially and fairly by the community.

Thanks for taking the time to read this – I really appreciate it. I have no personal interest in this, other than wanting to see our community do the right thing.

Doug

November 13, 2008

To: Residents of Santa Monica and Rustic Canyon Neighborhoods

Re: Potential single family residence on Vance Street

This letter is written to encourage your consideration and support for a very thoughtful, sensitively designed and carefully scaled residence to be located on Vance Street, currently addressed as 375 Rustic Road.

This house of only 1855 s.f. was designed by Jeanne Chen, AIA and Robert Dolbinski, AIA, LEED. Jeanne and Bob are exceptional architects and have designed this house to be both modest and extremely sensitive to its site and location. The house has been designed in accordance with a profound understanding of environmental principles. Its size is extremely modest by contemporary standards and provides an inspiring contemporary example that stands in stark contrast to the more prevalent trend towards maximizing mass and footprint to "optimize" property values. In stark contrast to that trend Jeanne and Bob have designed an elegant, contemporary house which sits in harmony with its landscape and climate. In that sense, it stands in the great tradition of the early case study houses of Southern California. As such, it represents exactly the kind of planning and architecture which we, as concerned residents should be supporting rather than thwarting.

As much as I am in support of this project, I am equally surprised and disappointed by the extremely misleading negative information which is being spread in the community. If you have already signed the petition in opposition of this project I would encourage you to take a very careful second look. I believe the proponents of this opposition have seriously misrepresented the project in spirit, intent and fact. I would encourage all of you to review the information and sketches provided by Jeanne and Bob, and to seriously consider supporting their project by signing their statement of support.

Jeanne and Bob are not only a very talented young couple who have designed an exemplary project but they are individuals of tremendous integrity and generosity. They would not only contribute an elegant and environmentally sensitive modest new house to the neighborhood but would be wonderful and civic minded members of your community.

Thank you for your thoughtful consideration.

Sincerely,



Buzz Yudell, FAIA

**COASTAL COMMISSION**

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PLANS APPROVED  
as required by

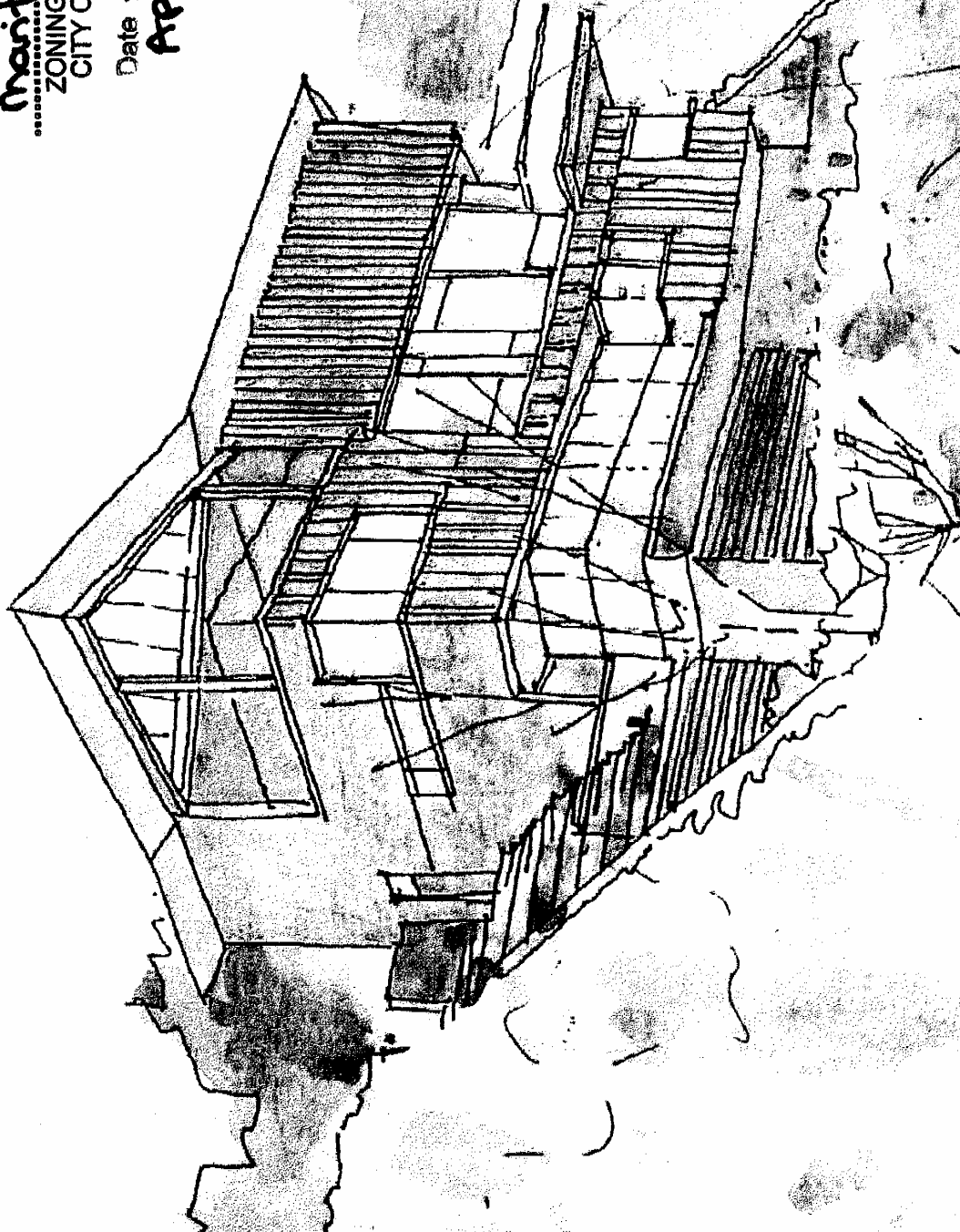
Case No. 2A-2007-5584

Maritza Arellano

ZONING ADMINISTRATOR  
CITY OF LOS ANGELES

Date 3-2-2011

Approved in concept



A-5-PPL-11-028  
COASTAL COMMISSION  
5-11-056

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