

CALIFORNIA COASTAL COMMISSION

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Filed: 11/24/98
 49th Day: 1/12/99
 180th Day: 5/23/99
 Staff: AJP-LB *GP*
 Staff Report: 1/8/99
 Hearing Date: 2/3-6/99
 Commission Action:

RECORD PACKET COPY**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-98-474
 APPLICANT: John & Julia Nicosia
 AGENT: Pete Land
 PROJECT LOCATION: 4020 Bluff Place, San Pedro

PROJECT DESCRIPTION: Addition of 1,839 square feet to the first and second floor of an existing 1,112 square foot single-family residence; construct foundation piles; retaining walls and stairs on upper slope between residence and existing concrete patio; remove wood deck; and add 48 inch high chain link fence at edge of patio.

Lot Area	10,368 sq. ft.
Building Coverage	1,450 sq. ft.
Landscape Coverage	1,855 sq. ft.
Parking Spaces	2 existing spaces
Zoning	R1- Single-family residential
Ht above final grade	22 feet

LOCAL APPROVALS RECEIVED: Approval In Concept

SUBSTANTIVE FILE DOCUMENTS: San Pedro Certified Land Use Plan

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions regarding the recordation of an assumption of risk deed restriction and conformance with geologic and soil recommendations.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

III. SPECIAL CONDITIONS

1. Assumption of Risk

Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from landslides and soil erosion, and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents, and employees relative to the Commission's approval of the project for any damage due to natural hazards. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the enforceability of the restriction.

2. Plans Conforming to Geologic Recommendation

All recommendations contained in the Geologic Report prepared by Keith W. Ehlert (12/19/95) and Soils Engineering reports prepared by SWN Soiltech Consultants, Inc. (12/30/95) and subsequent addenda (7/8/98 and 9/10/98) regarding the proposed development shall be incorporated into all final design and construction including foundation and drainage. All plans must be reviewed and approved by the consultants. Prior to authorization to commence work the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

IV. Findings and Declarations:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to add 1,839 square feet to the first and second floor of an existing 1,112 square foot single-family residence and construct foundation piles for

structural support; retaining walls and stairs on upper slope between residence and existing concrete patio; install chain link fence at edge of patio; and remove deteriorating wooden bluff top deck.

The proposed project is located on an approximately 10,000 square foot lot located on a coastal bluff. The lot measures approximately 45 feet wide by 220 feet long and consists of two level pad areas atop the bluff, and a 155-foot high slope that descends at 55 degrees down to the rocky beach. The upper pad extends approximately 80 feet from Bluff Place to the top edge of an approximately 11 foot retained landscaped slope. The upper pad is developed with the single-family residence and a cement patio. The lower pad extends approximately 24 feet from the toe of the retained slope to the edge of the bluff. The lower pad is developed with a cement slab that extends to the bluff edge with a deteriorating wooden deck overhanging the bluff edge. The bluff descends to the rocky beach.

The proposed project site is located in an established residential neighborhood in the San Pedro area of the City of Los Angeles.

B. Geology

Section 30253 of the Coastal Act states in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

In addition, the certified LUP states in part that:

New development, including additions to and remodels of existing structures, along coastal bluffs shall not be approved unless it minimizes risk to life and property, assures structural stability and integrity for the economic lifetime of the development...

The geologic report prepared by Keith W. Ehlert (12/19/95) and the soil engineering report, prepared by SWN Soiltech Consultants, Inc. (12/30/95) and subsequent addenda (7/8/98 and 9/10/98) to the reports state that the proposed development is considered feasible from an engineering geologic and soils standpoint.

The reports state that the site is underlain by bedrock of the Miocene Monterey Formation and locally mantled by natural soil. Bedding within the bedrock underlying the site area is somewhat variable but generally dips easterly. The sea cliff that descends easterly from the pad appears to have a daylighted bedding condition. The report further states that the bedding within the bedrock underlying the site is locally folded and would indicate that any slope failure involving bedrock would have to "break across bedding" to some extent.

The geologic report states that the factor of safety for the existing slope on the subject property exhibits factors-of-safety in excess of 1.5 against gross failure and that the potential for gross failure is considered to be low if the subject site is improved in accordance with the geologic recommendations. The report further states that sea cliffs are subject to normal cliff retreat (topple) and that topple events generally occur during rainstorms or due to major pipe leaks and during each topple process, it is not unusual for several feet of cliff to fail. Any improvements should be set back an appropriate distance from the slope to reduce the risk of topple impacting the improvements. As proposed the structural additions will be setback approximately 58 feet from the edge of the bluff and will not encroach beyond the geologic setback line as required by the geologic engineer.

The City of Los Angeles Department of Building and Safety has issued a geotechnical engineering review letter that indicates that the City has reviewed and approved the project's geologic and soils reports and design. The City's report states that the existing geology is:

...generally considered a potentially unstable condition; however, the slope stability analyses included as a part of the report demonstrate a factor of safety in excess of the minimum 1.5 require by the Los Angeles City Building Code.

The City's building code requires that any alteration or repair in excess of 50 percent of a structures replacement value, the entire site shall be brought up to the current Code. In this particular case the City requires underpinning of the existing dwelling and that all new construction be supported by piles that extend a minimum of 10 feet below the lowest unsupported bedding plane. The proposed addition to the existing single-family residence will utilize approximately 17 2-foot in diameter piles (soldier beams) for structural support as required by the City of Los Angeles.

The soil engineer for the project recommends that all pad and roof drainage be collected and transferred to the street and that water should not be allowed to pond on the pad, flow towards any foundation or wall, or sheet-flow over any descending slope.

The geologic and soils reports conclude that the proposed development is considered feasible from an engineering geologic and soil standpoint and will be safe from landslide, settlement or slippage, provided the recommendations with respect to foundations, drainage and sewage disposal are incorporated into the plans and implemented. Therefore, to ensure that the recommendations made by the consultants are implemented the applicant shall submit evidence indicated that the consultants have reviewed the plans and all recommendations have been incorporated into the design.

Furthermore, in previous actions on hillside development in geologically hazardous areas the Commission has found that there are certain risks that can never be entirely eliminated. In addition, the Commission notes that the applicant has no control over off-site or on-site conditions that may change and adversely affect the coastal slope on the property. Therefore, based on the information in the applicant's geologic reports and the City's review, the Commission finds that the proposed project is subject to risk from erosion and/or slope failure (topple) and that the applicant should assume the liability of such risk. The assumption of risk, when recorded against the property as a deed restriction, will show that the applicant is aware of and appreciates the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development. The Commission, therefore, finds that only as conditioned will the proposed development be consistent with Section 30253 of the Coastal Act.

C. Visual Resources

Section 30251 of the Coastal Act states:

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

In addition, the certified LUP states in part that:

No building or structure shall be erected or enlarged within that portion of the Coastal Zone designated for residential use which exceeds two stories or a height of 26 feet as measured from the average existing natural grade to the highest point of the roof or parapet wall of the building, whichever is higher...

The subject property and surrounding area is designated residential. The surrounding area consists of single-family and multiple-family residences. The height of existing development along the bluff varies from approximately 15 to 25 feet. The proposed site is currently developed with a two story, 19-foot high, single-family residence. The proposed addition will increase the height of the structures to approximately 22 feet in height. The proposed first floor and second floor addition will encroach approximately 20 feet seaward with a six-foot balcony extension. The addition will be setback approximately 58 feet from the edge of the coastal bluff and will vary from 34 to 46 feet behind the structural stringline drawn between the two adjoining residential structures.

The existing wooden deck has deteriorated to a point where it is unsightly and a safety hazard to the property owner and to the public that use the beach below. The wooden deck will be removed by hand and discarded off-site. A 48-inch high chain link fence will be installed at the edge of the cement patio for safety purposes. Fence posts will be placed within the existing cement slab.

The proposed project is not located within any of the visual corridors or scenic view sites designated in the certified LUP and will not significantly adversely impact any views to or along the ocean and views of the bluff will be enhanced with the removal of the deteriorating deck. Furthermore, the proposed addition is consistent with the character and scale of the surrounding development. The Commission finds, therefore, that the proposed development, as conditioned, is compatible with the surrounding development and is consistent with Section 30251 of the coastal Act and the applicable policies of the LUP.

D. Local Coastal Program

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

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with 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).

On September 12, 1990, the Commission certified, with suggested modifications, the land use plan portion of the San Pedro segment of the City of Los Angeles' Local Coastal Program. The certified LUP contains policies to guide the types, locations and intensity of future development in the San Pedro coastal zone. Among these policies are those specified in the preceding section regarding geology and visual resources. As conditioned the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the project, as conditioned, will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent

with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

As proposed, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

VICINITY MAP

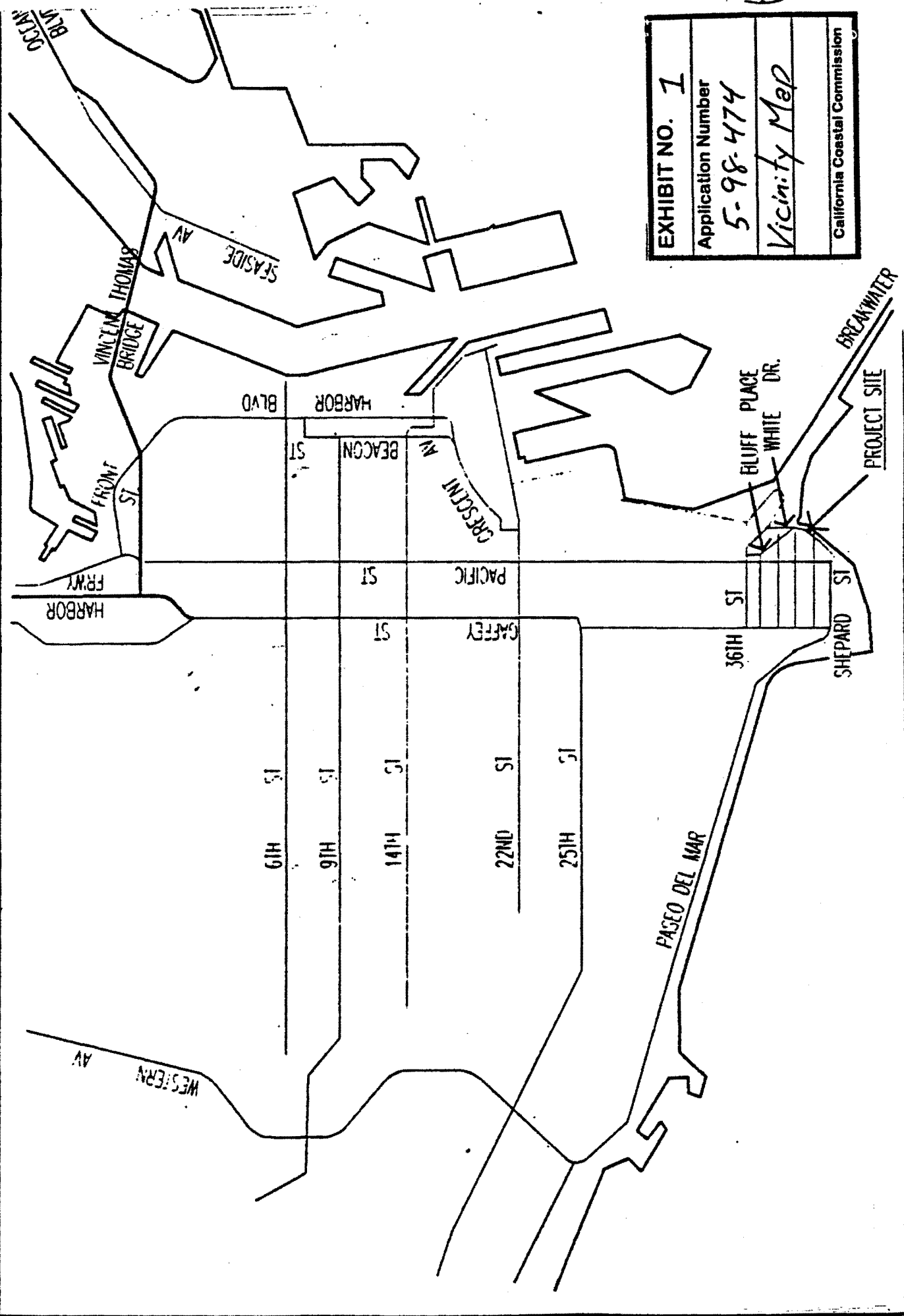
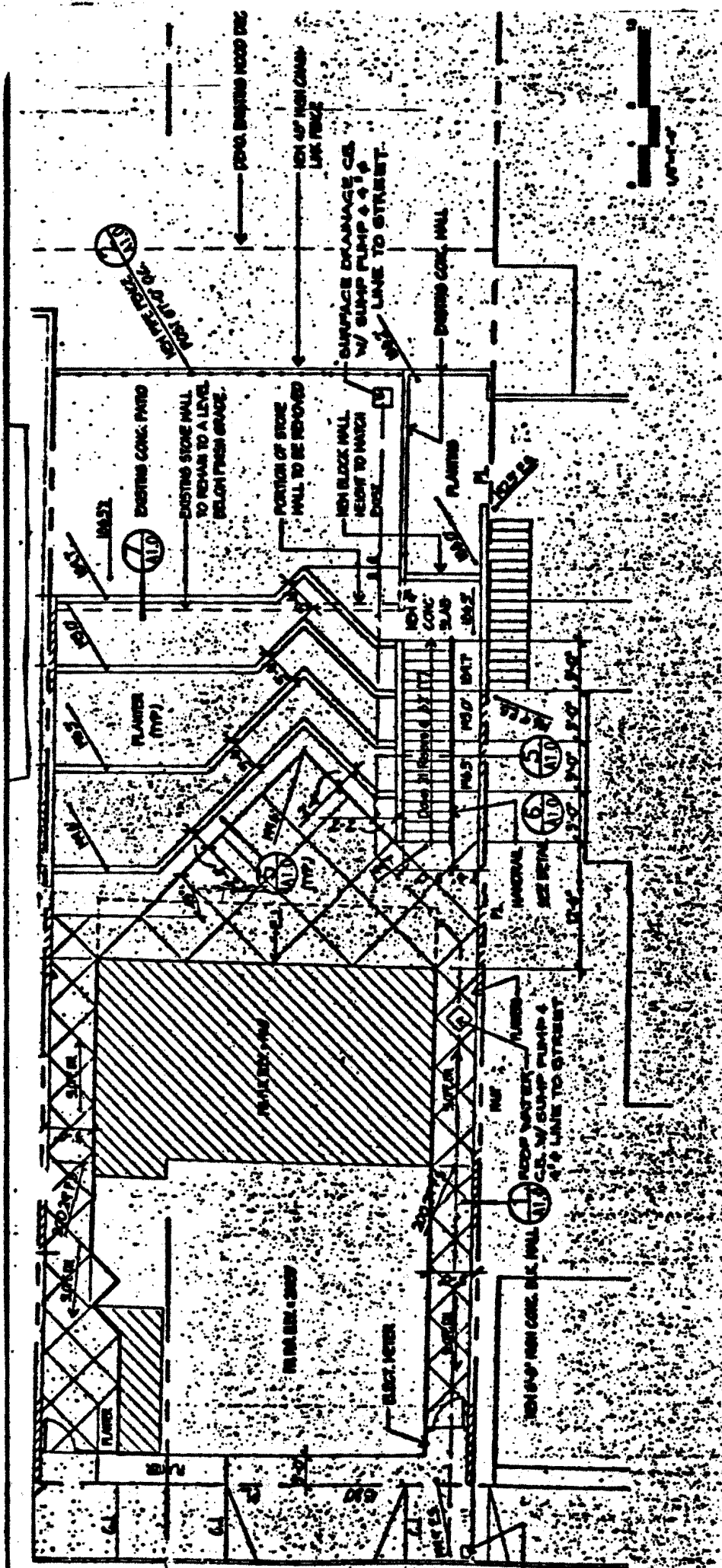
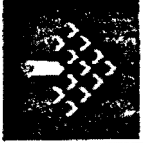


EXHIBIT NO. 1
Application Number 5-98-474
Vicinity Map
California Coastal Commission



Ⓐ SITE PLAN

EXHIBIT NO. 2
Application Number 5-98-474
Site Plan
California Coastal Commission

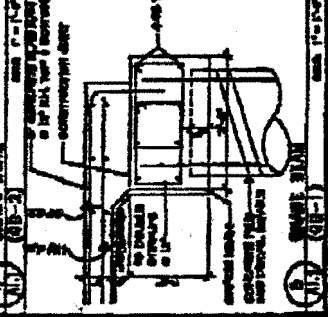
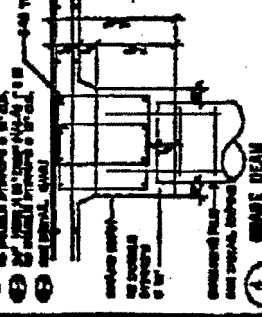
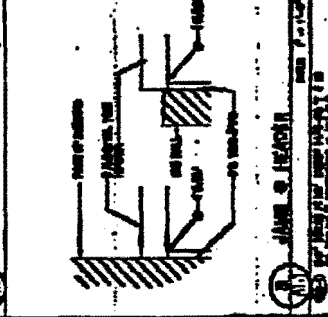
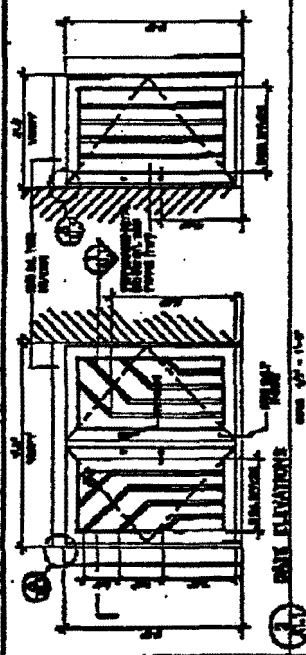
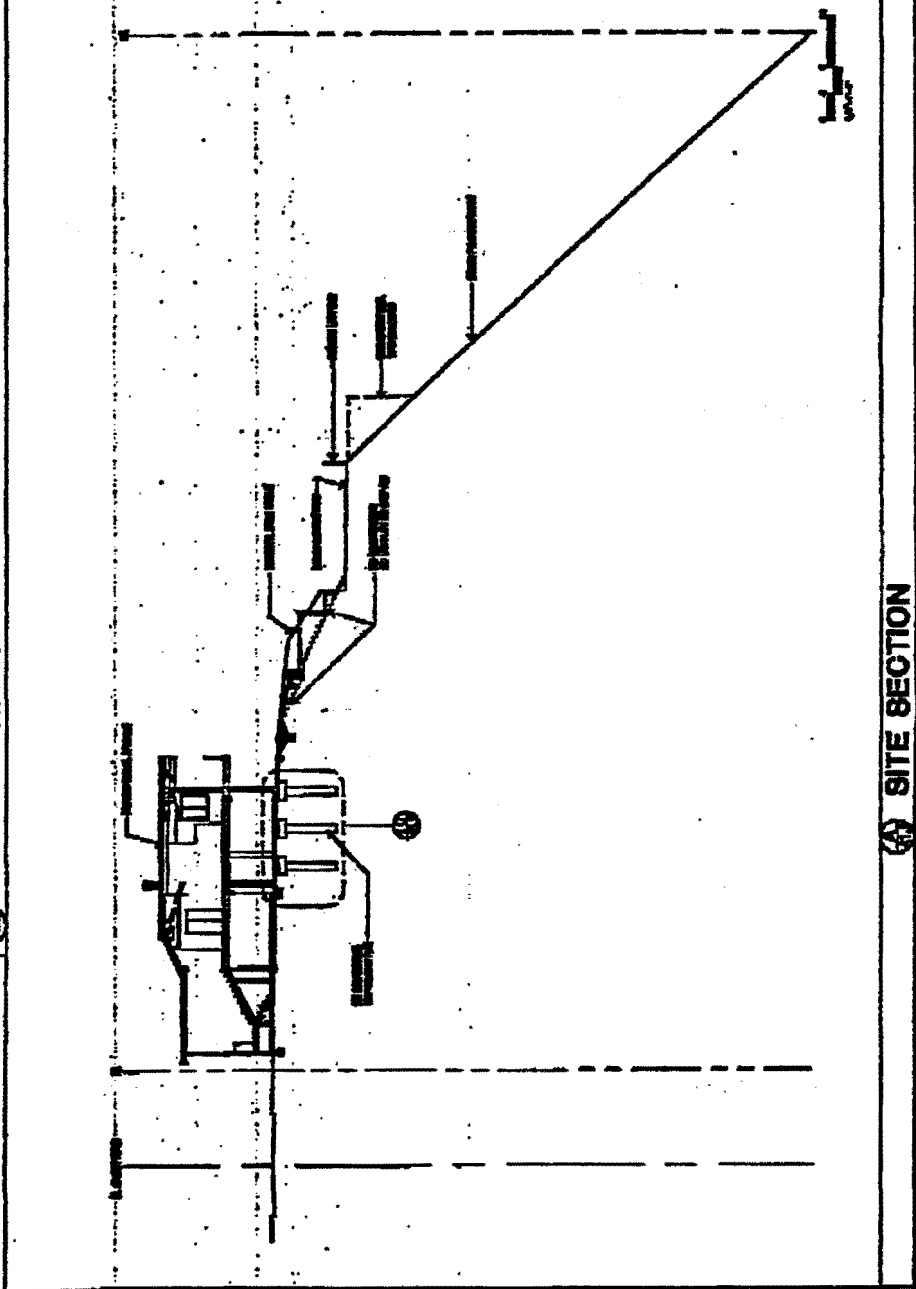
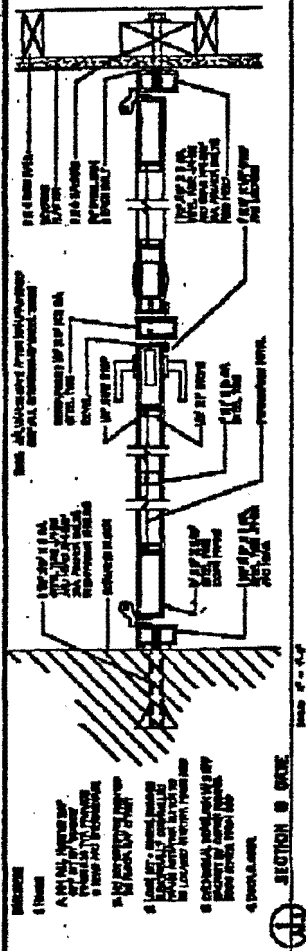


GENERAL NOTES / NOTES
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE ORDINANCES AND REGULATIONS.
 2. ALL MATERIALS SHALL BE APPROVED BY THE LOCAL BUILDING DEPARTMENT.
 3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ELECTRICAL CODE AND ALL APPLICABLE ORDINANCES AND REGULATIONS.

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PROJECT NO. 15-0000
 SHEET NO. 15-0000-01
 DATE: 08/15/2015

EXHIBIT NO. 3
 Application Number
 5-98-474
 Site Section
 California Coastal Commission



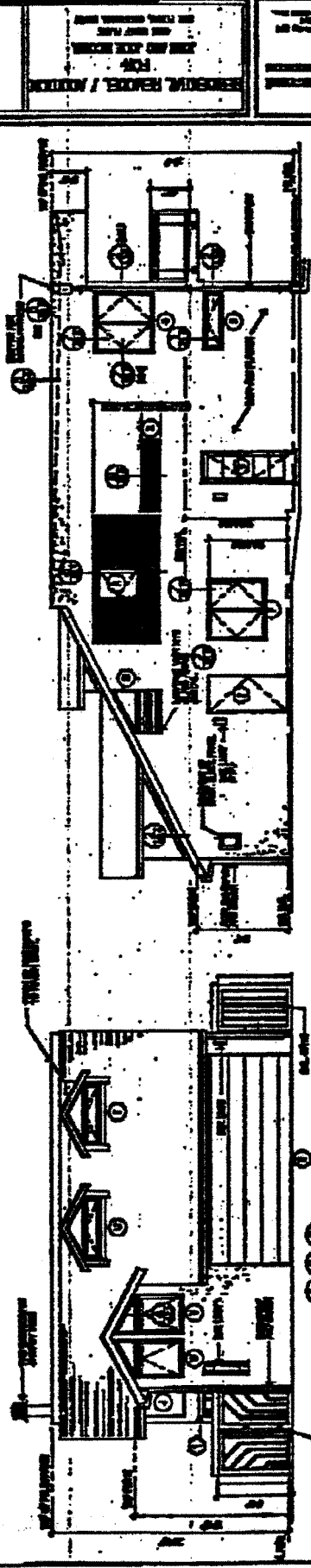
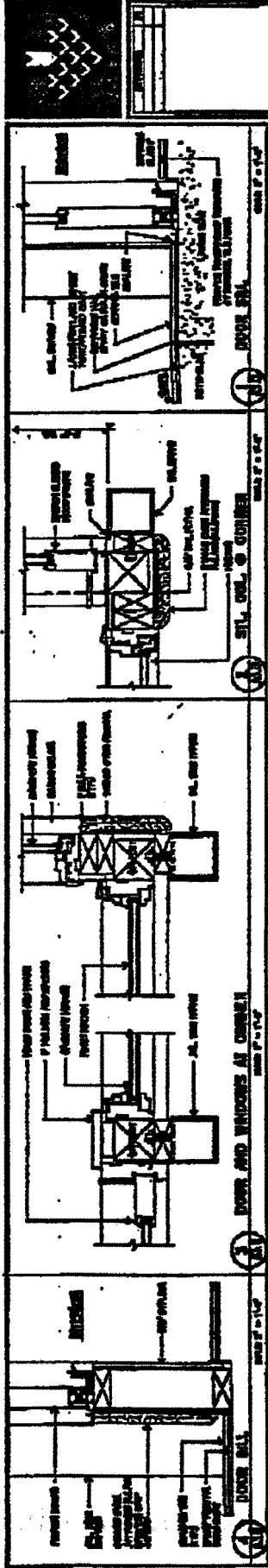
SECTION 8 - CRANE

RANK ELEVATIONS

JAMB & HEADER

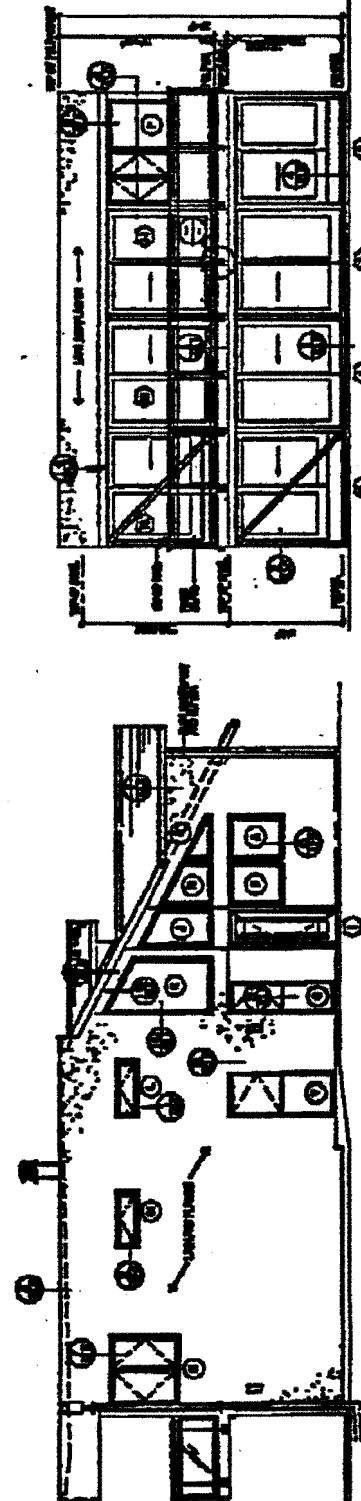
GRADE DEAN

GRADE BEAM



WEST ELEVATION

SOUTH ELEVATION



NORTH ELEVATION

EAST ELEVATION



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EXHIBIT NO. 4
 Application Number
 5-98-474
 Elevations
 California Coastal Commission