

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY**Tu 11e**

Filed: 10/17/00
49th Day: 12/5/00
Staff: KT/LB **KAT**
Staff Report: 10/31/00
Hearing Date: November 13-17
Commission Action:

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE HEARING

LOCAL GOVERNMENT: City of Rancho Palos Verdes

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-RPV-00-421

APPLICANTS: Mr. and Mrs. Richard Carl

PROJECT LOCATION: 42 Seacove Drive, City of Rancho Palos Verdes,
Los Angeles County

PROJECT DESCRIPTION: Appeal Ms. Meri A. Swafford from the City of Rancho Palos Verdes approval of a coastal development permit allowing Mr. and Mrs. Richard Carl to demolish a 5,283 square foot single family residence and construct a 9,244 square foot two-story single family residence, new pool and spa with an adjustment of the Coastal Setback Line seaward to the top of the bluff and a height variation permit. The project includes 250 cubic yards of associated grading and a minor exception to construct a six-foot high fence at 42 Seacove Drive.

APPELLANT: Meri A. Swafford

SUBSTANTIVE FILE DOCUMENTS:

1. City of Rancho Palos Verdes Local Coastal Development Permit No. 164
2. City of Rancho Palos Verdes Administrative Record for Coastal Development Permit No. 164
3. City of Rancho Palos Verdes Total Local Coastal Program Revised Findings on Resubmittal (May 4, 1983)
4. City of Rancho Palos Verdes Coastal Specific Plan (1978)
5. City of Rancho Palos Verdes Development Code (1982)

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that a substantial issue exists with respect to the contentions for which the appeal has been filed. The staff recommends that the locally approved project raises issues of consistency with the City of Rancho Palos Verdes certified Total Local Coastal Program (LCP) policies addressing geologic stability. The project approved by the City involves changes in the Coastal Setback Line (See Exhibit 1) and Coastal Structure Setback Line, which were adopted as part of the LCP. If the project's approval required an amendment to an LCP implementation ordinance, the project is not consistent with the LCP. (The City approved change in the Coastal Setback Line requires an ordinance to change the zoning and amend the City Zoning Map.)

The motion to carry out the staff recommendation is on page 6.

I. APPELLANT'S CONTENTIONS

Local Coastal Development Permit No. 164, approved by the City Council of the City of Rancho Palos Verdes on October 3, 2000, has been appealed by Meri A. Swafford because the proposed project raises issues with regards to (1) geologic stability and (2) adjustment of the Coastal Setback Line. The appellant explains that the subject property is located adjacent to the cliffs in the area between Abalone Cove and Marineland, an area that, according to previous geologic studies, has marginal stability and development should be restricted. The appellant requests denial of a seaward adjustment to the Coastal Setback Line, which would allow development into an area that has been described in the certified LCP as having marginal geologic stability.

Please note: Robert G. Lusian appealed Local Coastal Development Permit No. 164 to the Commission on October 17, 2000, but withdrew his appeal prior to the hearing.

II. LOCAL GOVERNMENT ACTION

On October 3, 2000, after public hearing, the City Council of the City of Rancho Palos Verdes approved Local Coastal Development Permit No. 164 with conditions. The local coastal development permit was approved, with conditions, as part of Resolution No. 2000-63.

Resolution No. 2000-63 is the resolution of the City Council approving, with conditions, Height Variation No. 905, Grading Permit No. 2195, Minor Exception Permit No. 567, Site Plan Review No. 8839 and Coastal Permit No. 164. On October 3, 2000, after public hearing, the City Council of the City of Rancho Palos Verdes also

approved Ordinance No. 360, amending the City's Zoning Map by a seaward adjustment of the Coastal Setback Line from its current location to the top of the bluff on property located at 42 Seacove Drive (See Exhibits 2 and 3).

The City Planning Commission's public hearing on the matter was held on August 8, 2000. The City Council's first public hearing on the matter was held on September 19, 2000. The City Council's second public hearing on the matter was held on October 3, 2000. Resolution No. 2000-63 and Ordinance No. 360 jointly allowed the demolition of a 5,283 square foot single family residence and construction of a two-story, 9,244 square foot single family residence, new pool and spa, and 250 cubic yards of associated grading at 42 Seacove Drive in Rancho Palos.

The City's conditions of approval of the local coastal development permit include the following requirements and restrictions:

- No structural improvements shall be permitted within the area between the adjusted Coastal Structure Setback Line and the building footprint approved herein. Furthermore, as such, the landowner shall execute and record a covenant on the subject property restricting future development within this area. Such covenant shall be in a form acceptable to the City Attorney and shall be recorded prior to the Certificate of Occupancy by Building and Safety (Condition 31).
- Except as provided herein, no new structures shall be permitted in the Coastal Structure Setback Zone (the area 25' landward of the Coastal Setback Line). Prohibited structures include, but are not limited to, pools, spas, vertical support members and chimneys. However, minor structures and equipment, as stated in Section 17.72.040.B of the Rancho Palos Verdes Development Code may be permitted, provided that the appropriate approvals are obtained from the Planning Department (Condition 32).
- Pursuant to Section 17.72.040.C of the Rancho Palos Verdes Development Code, no new uses or structural improvements shall be allowed in the area seaward of the Coastal Setback Line including, but not limited to, slabs, walkways, decks 6" or more in height, walls or structures over 42" in height, fountains, irrigation systems, pools, spa, architectural features, such as cornices, eaves, belt courses, vertical supports or members, chimneys, and grading involving more than 20 cubic yards of earth movement, or more than three feet of cut or fill (Condition 33).

In granting Local Coastal Permit No. 164 and the related development applications, the City made the following findings:

1. That the proposed development is in conformance with the Coastal Specific Plan;
2. That the proposed development, when located between the sea and the first public road, is in conformance with applicable public access and recreational policies of the Coastal Act.

In addition, it is stated in the City staff report that, "...the Coastal Setback Zone was established in 1978, as part of the Coastal Specific Plan...This zone is delineated by the location of the Coastal Setback Line on the City's Zoning Map." It is further stated in the City staff report that, "...any proposed development within the Coastal Zone requires a Coastal Permit that determines conformity with the City's Coastal Specific Plan and the requirements of the California Coastal Commission."

The City Planning Commission reviewed the project, but only the City Council could act on it because it needed a zone change. The City did not have an internal appeal period because all determinations made by the City Council are final. The City did, however, send out public notices on June 27, 2000 for the Planning Commission meeting held on August 8, 2000. The City mailed out 170 notices to property owners and homeowners associations within 500 feet of the subject property informing them of the proposed project. During the public notice period, the City Planning Department received eleven letters expressing concern with the development of the subject lot and the proposed residence. According to the City staff report, dated August 8, 2000, "the concerns identified in the letters pertained to view impacts, neighborhood compatibility, privacy, property values and the project site's geologic stability."

On October 4, 2000, the City Council issued the Notice of Final Decision for Local Coastal Development Permit No. 164. The City's Notice of Final Decision was received in the South Coast District Office in Long Beach on October 6, 2000.

Having received a complete record on October 12, 2000, the Commission required ten working day appeal period commenced on October 13, 2000. Meri A. Swafford filed an appeal with the Commission on October 25, 2000. The Commission's ten working-day appeal period ended on October 26, 2000.

The public hearing and actions for the de novo portion of this appeal will be scheduled for action at a future Commission meeting.

III. APPEAL PROCEDURES

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county [Coastal Act Section 30603(a)].

Section 30603(a)(1) of the Coastal Act states:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:
 - (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greatest distance.

The proposed project site is located between the sea and the first public road, and within three hundred feet of the inland extent of the beach. A project on this site is appealable.

The grounds for appeal of an approved local coastal development permit in the appealable area are stated in Section 30603(b)(1), which states:

- (b)(1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

The Commission must determine whether there is a "substantial issue" raised by the appeal of the local approval of the proposed project. Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

If Commission staff recommends a finding of substantial issue, unless three or more Commissioners wish to hear arguments regarding the question of substantial issue, then substantial issue is deemed found and the Commission will proceed to the de novo public hearing on the merits of the project.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project. If the Commission finds that a substantial issue exists, the matter will be scheduled for a subsequent hearing. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

MOTION: *I move that the Commission determine that Appeal No. A-5-RPV-00-421 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. **A-5-RPV-00-421** presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

The applicants propose to demolish a 5,283 square foot single family residence, swimming pool and spa at 42 Seacove Drive in order to construct a new 9,244 square foot (four car garage included), 2-story single family residence and new reconfigured swimming pool and spa. The project will require the seaward adjustment of the Coastal Setback Line to the top of the bluff and 250 cubic yards of associated grading. The Coastal Setback Line is a development limit line established as part of the City's certified LCP. The project includes construction of a 12' high patio trellis and new 6' combination fence/wall along the front property line. The subject property is located in Subregion 4 (See Exhibit 4), as defined in the certified LCP, and is within the appealable area of the City's designated coastal zone.

Quoting the City staff report:

The subject lot is located in the southwest region of the City and is on property located at 42 Seacove Drive, which is in an area designated by the City's Zoning Map as a RS-2 (single-family residential) zoning district. The subject property is located on the seaward side of Palos Verdes Drive South and is accessed off Barkentine Road, which terminates at the intersection of Seacove Drive. The subject lot was created prior to the City's incorporation in 1955 under (Los Angeles County) Tract No. 14649. The subject lot is located on the seaward side of Seacove Drive and is considered a 'bluff top' lot, in that it is bound between the mean high tide line and the first public road.

B. Factors to be Considered in Substantial Issue Analysis

Section 30625 of the Coastal Act states that the Commission shall hear an appeal of a local government action unless it finds that no substantial issue exists with respect to the grounds on which the appeal has been filed. The term "*substantial issue*" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it "finds that the appellant raises no significant questions". In previous decisions on appeals, the Commission has been guided by the following factors.

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that a substantial issue does exist with the appellant's contentions for the reasons set forth below.

C. Substantial Issue Analysis

As stated in Section III of this report, the standard of review of a coastal development permit issued by the local government after certification of its Local Coastal Program are the standards set forth in the certified LCP or the public access policies of the Coastal Act. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with the certified LCP or public access policies of the Coastal Act. In this case, staff has recommended that a substantial issue does exist with the appellant's contentions.

1) Geologic Stability

Meri A. Swafford's appeal contends that the proposed project and the local coastal development permit raise significant issues with regards to potential increased geologic instability.

a) Section 30253 of the Coastal Act states:

New development shall:

Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

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.

- b) To carry out § 30253, the City adopted the following policy pertaining to geologic stability in its certified LUP chapter entitled Natural Environment Element:

Allow non-residential structures not requiring significant excavation or grading (i.e., recreational facilities) within Coastal Resource Management (CRM) Districts of marginal stable areas (CRM 4) and insufficient information areas (CRM 5).

The subject property is located in CRM 4, a marginally stable area (See Exhibits 5 and 6). The structure is a residential structure that requires significant grading (250 cubic yards) within CRM 4.

The Coastal Setback Line separates non-developable areas (i.e. CRM 4) from potentially developable areas (i.e. CRM 5). The City analyzed the project as if the Coastal Setback Line had already been moved seaward. In moving the Coastal Setback Line seaward, the CRM 4 also moved seaward to the limit of the new setback. The City, therefore, identified the subject property as located in CRM 5. The policy related to CRM 5 is to:

Require any development within the Coastal Resource Management Districts of high slopes (CRM 2) and insufficient information area (CRM 5) to perform at least one, and preferably two, independent engineering studies (performed by a licensed engineer) concerning the geotechnical, soils, and other stability factors (including seismic considerations) affecting the site.

The applicants had geology and geotechnical engineering studies done (See Appendix for summaries), which included investigations of soils and seismic considerations, because the City identified the property as in CRM 5.

In regards to the appellant's contention that the proposed development may increase geologic instability at the property located at 42 Seacove Drive, the staff recommends the Commission find that substantial issue exists.

Specifically, a substantial issue exists with respect to the proposed project's conformance with the Natural Environment Element of the certified LCP because:

As per the Coastal Specific Plan, the subject property is located in Coastal Resource Management District 4 (CRM 4), areas of marginal geologic stability. According to the policy of the Coastal Specific Plan, only non-residential structures not requiring significant excavation or grading are allowed in CRM 4. The project includes construction of a residential structure with significant grading.

The City incorrectly identified the property location as CRM 5, areas of insufficient information, where development depends upon the results of geological and geotechnical engineering surveys. The applicant, thus, had geological and geotechnical engineering surveys done, which included investigations of soils and seismic considerations at the subject property.

Areas assigned to CRM 5 require "additional detailed geologic studies to determine their suitability" in regards to development. It is stated in the Coastal Specific Plan that: "a detailed geologic study of the area in question is necessary, and based upon review of the findings of this study, a decision can be made as to whether the area should revert to an alternative land use or warrant a different set of restrictions to be applied to the subject land area."

As per the Coastal Specific Plan and as documented in the City's staff reports, the subject property is located in Subregion 4, also known as Abalone Cove. According to a geologic report done in for the City in 1976 by Earth Science Associates, entitled "Geologic Factors Related to a Coastal Set-back Zone for the City of Rancho Palos Verdes, California," areas bordering the sea cliff running westward from Abalone Cove to the cove west of Marineland are classed as Category 2 (See Exhibit 7). Category 2 includes "areas suitable for light, non-residential structures not requiring significant excavation or grading."

The classification system is based on analysis of geologic data available at the time of writing the Coastal Specific Plan in 1978 and included both published and unpublished data. According to the Plan, at the time of writing, significant gaps existed "in the amount of detailed geologic information available on Rancho Palos Verdes to necessitate the inclusion of a 'gray zone' (Category 3) between areas that are known to be free of geologic problems and those known to be restricted by geologic

conditions." The Plan further indicates that lands in Category 3 are in "areas in which existing geologic information (as of 1978) is not sufficiently detailed to establish suitability for construction purposes." Category 4 is the area that was known to be free of geologic problems and Categories 1A, 1B and 2 are the areas that were known to be restricted by geologic conditions. In the Coastal Specific Plan, it is stated that "a realistic coastal setback zone would include all lands in Categories 1A, 1B, 2, and 3." The Coastal Specific Plan gives no indication that lands in Categories 1A, 1B or 2 could be withdrawn from the coastal setback zone.

2) Coastal Setback Line

Merj A. Swafford's appeal contends that the proposed project and the local coastal development permit raise significant issues with regards to an adjustment of the Coastal Setback Line seaward to the top of the bluff at 42 Seacove Drive.

a) Section 30514 of the Coastal Act states:

A certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the commission.

b) Section 30253 of the Coastal Act states:

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.

c) The Coastal Setback Line was adopted by the City as part of the certified LCP to carry out the policies of § 30253 and to separate non-developable areas from developable and potentially developable areas. The Coastal Setback Zone encompasses non-developable areas of the Coastal Zone. CRM 4 and Category 2 areas are non-developable areas identified in the Coastal Setback Zone. The Coastal Setback Line delineates the separation between non-developable areas and developable or potentially developable areas. CRM 5 and Category 3 areas are potentially developable areas located landward of the Coastal Setback Line.

In regards to the appellant's contention that the proposed development allowed an adjustment of the Coastal Setback Line to the top of the bluff at the property located

at 42 Seacove Drive, the staff recommends the Commission find that substantial issue exists.

Specifically, a substantial issue exists with respect to the proposed project's conformance with the land use maps, policies and ordinances of the certified LCP because:

The City approval does not conform to the procedures set in § 30514 of the Coastal Act.

A change in designation of the Coastal Setback Line requires an amendment to the City Zoning Map. An amendment to the City Zoning Map, which is certified as part of the LCP, requires an amendment to the certified LCP. The City's permit does not identify the requirement of the City to apply for an amendment to the City Zoning Map, nor to the certified LCP. In its approval of the zone change, the City failed to use the presently certified LCP as its standard of review. The project, therefore, does not conform to the certified LCP.

Ordinance No. 360 is an ordinance of the City of Rancho Palos Verdes amending the City's Zoning Map by an adjustment of the Coastal Setback Line seaward from its current location to the top of the bluff on property located at 42 Seacove Drive. According to the City's Zoning Map, the existing residence is partially located (approximately 9 feet) within the designated Coastal Structure Setback Zone, the area including all land 25 feet landward of the Coastal Setback Line (See Exhibits 2 and 3). The entire swimming pool and spa are located within the Coastal Setback Zone, the area including all land seaward of the Coastal Setback Line. Pursuant to 17.34.060, Coastal Specific Plan district, of the City Development Code, the proposed new single family residence would have to be constructed outside the Coastal Structure Setback Zone. Subsection B of 17.34.060 reads:

Coastal Setback Zone. The coastal setback zone comprises an area in which new development is prohibited. Residential density credit will be granted only for areas proven to the city's satisfaction to be stable. No new permanent structures shall be allowed closer than twenty-five feet to the coastal setback zone.

Although the existing residence is within the Coastal Structure Setback Zone, it is considered legal non-conforming because it was built prior to designation of the Coastal Setback Zone. Ordinance No. 360, by adjusting the Coastal Setback Line seaward, would provide for construction of the new residence outside the adjusted Coastal Structure Setback Zone and result in a new legal conforming structure.

The Total Local Coastal Program of the City of Rancho Palos Verdes, certified on May 4, 1983, consists of the Land Use Plan (LUP), entitled the Coastal Specific Plan, and the Implementation Plan. An Implementation Plan includes zoning ordinances, zoning district maps and other implementation actions. These items are found or referred to in the City Development Code of 1982. The City Development Code of 1982, which includes the zoning ordinances, other implementation actions and references to zoning district maps is, therefore, certified as part of the LCP. Thus, the City Zoning Map also is certified as part of the LCP.

Section II, D of the May 4, 1983 "Resolution and Revised Findings to Certify the Implementation Plan" states:

Any change to the list of allowable uses in a particular zone or of the zoning of a particular coastal property would affect the Implementation Plan's conformity with and ability to carry out Land Use Plan policies. Likewise, a change in the land use designations could result in such a change in use that the Land Use Plan no longer conforms with the policies of the Coastal Act.

Because the City approved Ordinance No. 360 to change the zoning of the coastal property at 42 Seacove Drive, the project affected the Implementation Plan's conformity with and ability to carry out Land Use Plan policies. The Land Use Plan policy that is affected is:

Allow non-residential structures not requiring significant excavation or grading (i.e., recreational facilities) within Coastal Resource Management Districts of marginal stable areas (CRM 4)...

Likewise, the change in the land use designation resulted in such a change in use that the Land Use Plan no longer conforms with a policy of the Coastal Act. That policy, found in § 30253 of the Coastal Act, reads:

Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed project does not conform to the City policies adopted to carry out § 30253 of the Coastal Act.

According to the geological report that was prepared in 1978 for the Coastal Specific Plan, "Coastal erosion and landsliding are inter-related, and they clearly are major threats, both areally and economically." As described earlier, geologic constraints in the coastal zone were assessed by a classification system based on the suitability of land uses. The project is located in Category 2, which includes "areas suitable only for light, non-residential structures not requiring significant grading." More specifically, as stated in the geological report of 1978, the project is located in "marginally stable areas adjacent to the crest of the seacliff" at Abalone Cove. The author designated all lands in Categories 1A, 1B and 2 as part of the coastal setback zone, while designating lands in Category 3 as potentially developable lands. The City's staff reports indicate a perception that the subject property is located in Category 3. The symbols for categories 2 and 3 on the geology map (See Exhibit 7) are very similar and difficult to differentiate. The category distribution description in the geological report of 1978, however, clearly identifies that the subject property is located in Category 2.

A seaward adjustment of the Coastal Setback Line that would allow construction of a portion of a single family residence in an area of marginal geologic stability does not conform to the standards set forth in the certified LCP.

Appendix

The City represented in staff reports that the subject property is located in CRM 5, rather than CRM 4. As required for properties located in CRM 5, the applicants had geology and geotechnical engineering studies done, which included investigations of soils and seismic considerations. George DeVries, Certified Engineering Geologist, conducted a preliminary engineering geology investigation at the subject property. Coastline Geotechnical Consultants, Inc., Consulting Geotechnical Engineers, conducted a geotechnical engineering investigation at the subject property. The geology investigation was done in conjunction with the geotechnical engineering investigation. The City of Rancho Palos Verdes geological consultant, James M. Lancaster, Jr. of Zeiser Kling Consultants, Inc., reviewed and responded to the geology and geotechnical engineering reports.

Geology

The geology report prepared by George DeVries, dated October 15, 1999, presented the results of the engineering geology investigation performed at the subject site. The purpose of the investigation was to evaluate the existing geological conditions as they would apply to the contemplated development and to offer suggestions and recommendations for mitigating potential hazards if found to be present. In addition, conclusions concerning the feasibility of the proposed development from the geological standpoint were formulated.

The study identified one foot of fill and soil to a depth of five to seven feet below the ground surface. Below the soil was Quaternary Terrace Deposit, then Basaltic volcanic bedrock and Monterey Formation bedrock.

Regarding slope stability, George DeVries stated in the geological report, "No sign of deep seated instability was observed at the site, nor was any surficial instability within the pad area. Evidence of surficial instability, predominantly in the form of rock-fall and localized soil slumping, was observed on the slope above the ocean and below the pad. Creep, which is the nearly imperceptible movement of surficial soils down-slope due to the force of gravity, was observed on the slope above the ocean and is believed to extend to the depth of any soil and/or weathered bedrock."

Regarding seismic considerations, George DeVries reported that the slope face below the pad is within a zone requiring evaluation of earthquake-induced landslide potential, but the pad area is not within this zone. He reported further that, "Appropriate setback from the slope face will be determined by the soils engineering reflecting a minimum factor-of-safety (F.S. > 1.5). Localized soil slumping and rock-fall can be expected to

continue on the slope face. Seismic ground shaking can be expected to increase the amount and frequency of soil and rock movement on the slope face. The proposed development is not expected to contribute to; nor be effected by, any localized instability of the slope face."

In the Conclusions and Recommendations of the report, George DeVries stated, "In the opinion of the undersigned the proposed development, as contemplated, is feasible from the engineering geology standpoint, provided adherence is given to the recommendations of this and other related reports. Additionally, no adverse effects from geologic hazards of landslide settlement or slippage are anticipated for the site or adjacent properties given the same adherence to the stated recommendations."

Geotechnical Engineering

The geotechnical engineering report prepared by Coastline Geotechnical Consultants, Inc., dated October 18, 1999, presented the results of the geotechnical engineering investigation performed at the subject site. The purpose of the investigation was to obtain information on suitable subsurface soils on which to base recommendations for a suitable foundation design for the proposed new residence.

The report describes the subsurface as minor amounts of fill underlain by clay and terrace deposit. "At depths of 22 to 25 feet, volcanic bedrock, consisting of basalt, was encountered in the test borings. No signs of surficial or deep-seated instability were evidenced on the site, or upon immediately adjacent properties. Creep, which is nearly imperceptible movement of surficial soils downslope caused by the forces of gravity, was not observed on the property."

In the slope stability analysis, the factors of safety against instability of a slope were calculated. The report indicated that the pad area has the lowest factor of safety, which is necessary for a building permit.

Coastline Geotechnical Consultants, Inc. reports, "it is our opinion that construction within the building site, including grading, will not be subject to geotechnical hazards from landslides, slippage, or excessive settlement. Further, it is our opinion that the proposed building and anticipated site grading will not adversely effect the stability of the site, or adjacent properties..."

Response to Geology and Geotechnical Engineering Reports

Regarding geologic stability, Zeiser Kling reported in a letter dated September 12, 2000, "No construction and/or equipment should be allowed seaward of

the Coastal Structural Setback line. In addition, all construction within the restricted use area must adhere to the consultant's recommendations regarding the restricted use area in that all foundations must be founded below the 1.5 factor of safety plane."

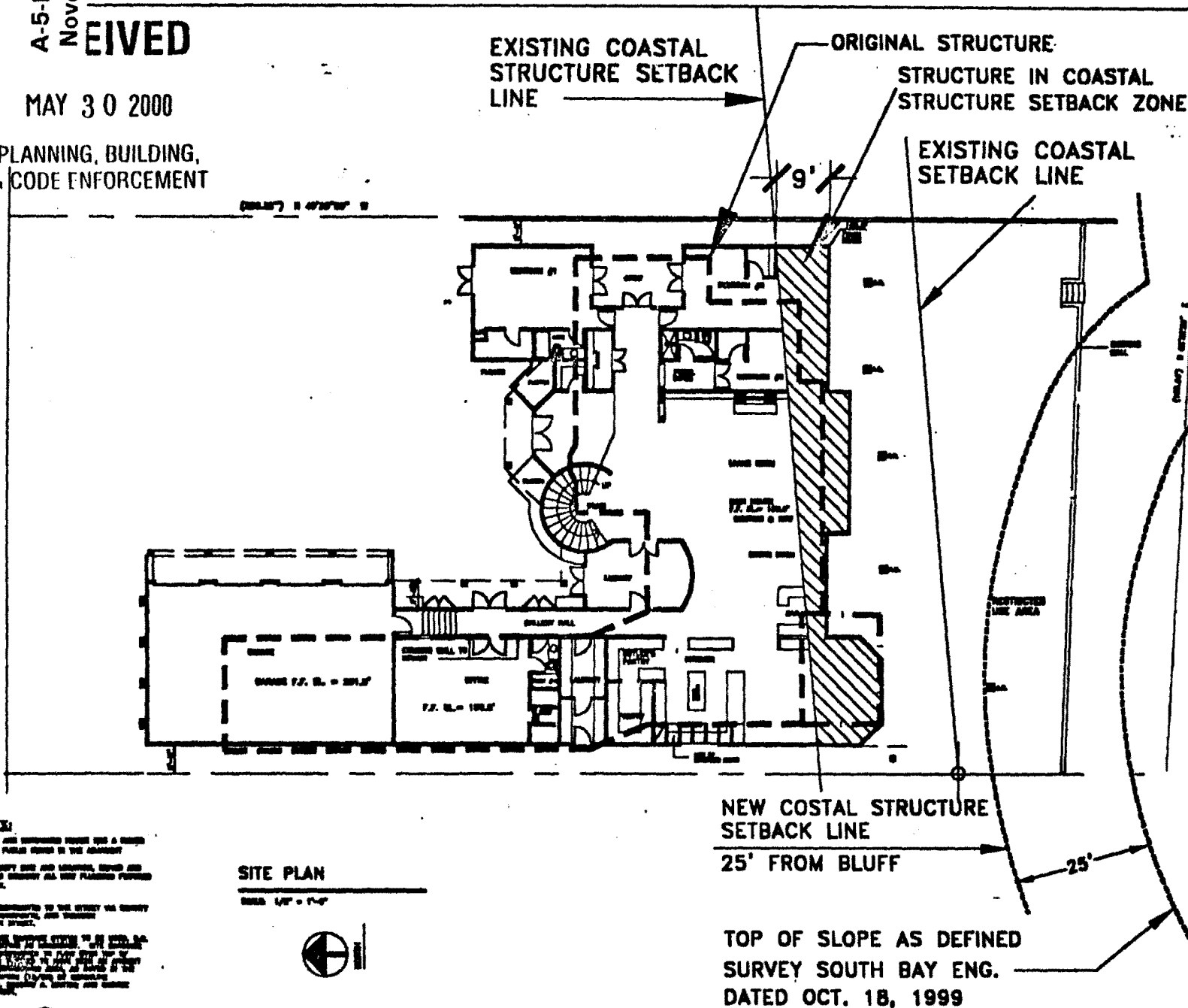
A-5-RPV-000021
November 2000

RECEIVED

MAY 30 2000

PLANNING, BUILDING,
& CODE ENFORCEMENT

42 SEA COVE



SITE PLAN NOTES:

1. EXISTING BUILDING AND STRUCTURE SHALL BE A MAJOR STRUCTURE AS DEFINED IN THE PLANNING CODE IN THE DISTRICT.
2. EXISTING BUILDING SHALL BE MAINTAINED AND REPAIRS SHALL BE MAINTAINED TO MAINTAIN THE BUILDING IN GOOD CONDITION AND TO MAINTAIN THE BUILDING IN GOOD CONDITION.
3. EXISTING BUILDING SHALL BE MAINTAINED TO THE EXTENT OF THE BUILDING IN GOOD CONDITION AND TO MAINTAIN THE BUILDING IN GOOD CONDITION.
4. EXISTING BUILDING SHALL BE MAINTAINED TO THE EXTENT OF THE BUILDING IN GOOD CONDITION AND TO MAINTAIN THE BUILDING IN GOOD CONDITION.
5. EXISTING BUILDING SHALL BE MAINTAINED TO THE EXTENT OF THE BUILDING IN GOOD CONDITION AND TO MAINTAIN THE BUILDING IN GOOD CONDITION.
6. EXISTING BUILDING SHALL BE MAINTAINED TO THE EXTENT OF THE BUILDING IN GOOD CONDITION AND TO MAINTAIN THE BUILDING IN GOOD CONDITION.
7. EXISTING BUILDING SHALL BE MAINTAINED TO THE EXTENT OF THE BUILDING IN GOOD CONDITION AND TO MAINTAIN THE BUILDING IN GOOD CONDITION.
8. EXISTING BUILDING SHALL BE MAINTAINED TO THE EXTENT OF THE BUILDING IN GOOD CONDITION AND TO MAINTAIN THE BUILDING IN GOOD CONDITION.
9. EXISTING BUILDING SHALL BE MAINTAINED TO THE EXTENT OF THE BUILDING IN GOOD CONDITION AND TO MAINTAIN THE BUILDING IN GOOD CONDITION.
10. EXISTING BUILDING SHALL BE MAINTAINED TO THE EXTENT OF THE BUILDING IN GOOD CONDITION AND TO MAINTAIN THE BUILDING IN GOOD CONDITION.

SITE PLAN

SCALE 1/4" = 1'-0"



MICHAEL A. KEMP, AIA
ARCHITECTS & ASSOCIATES
2001 SOUTH BAY BLVD.
SUITE 200
CITY OF SOUTH BAY, FL 33156
(305) 350-0000 FAX
(305) 350-0000 FAX

NO.	DATE	REVISION
1	10/18/99	ISSUED FOR PERMIT
2	11/1/00	REVISED PER PLANNING DEPT. COMMENTS
3	11/1/00	REVISED PER PLANNING DEPT. COMMENTS
4	11/1/00	REVISED PER PLANNING DEPT. COMMENTS
5	11/1/00	REVISED PER PLANNING DEPT. COMMENTS
6	11/1/00	REVISED PER PLANNING DEPT. COMMENTS
7	11/1/00	REVISED PER PLANNING DEPT. COMMENTS
8	11/1/00	REVISED PER PLANNING DEPT. COMMENTS
9	11/1/00	REVISED PER PLANNING DEPT. COMMENTS
10	11/1/00	REVISED PER PLANNING DEPT. COMMENTS

PROJECT	THE CARL RESIDENCE
OWNER	MR. CARL KEMP
DESIGNED BY	MICHAEL A. KEMP, AIA
DRAWN BY	MICHAEL A. KEMP, AIA

DATE	10/18/99
SCALE	1/4" = 1'-0"



PROJECT:
THE CARL RESIDENCE
42 SEA COVE
SOUTH BAY, FL 33156

DATE: 10/18/99

SITE PLAN

SCALE: 1/4" = 1'-0"

DATE: 10/18/99

A 2.0

Exhibit 3

Adjacent Home Site Plan

A-5-RPV-00-021
November 2000

EIVED

30 2000

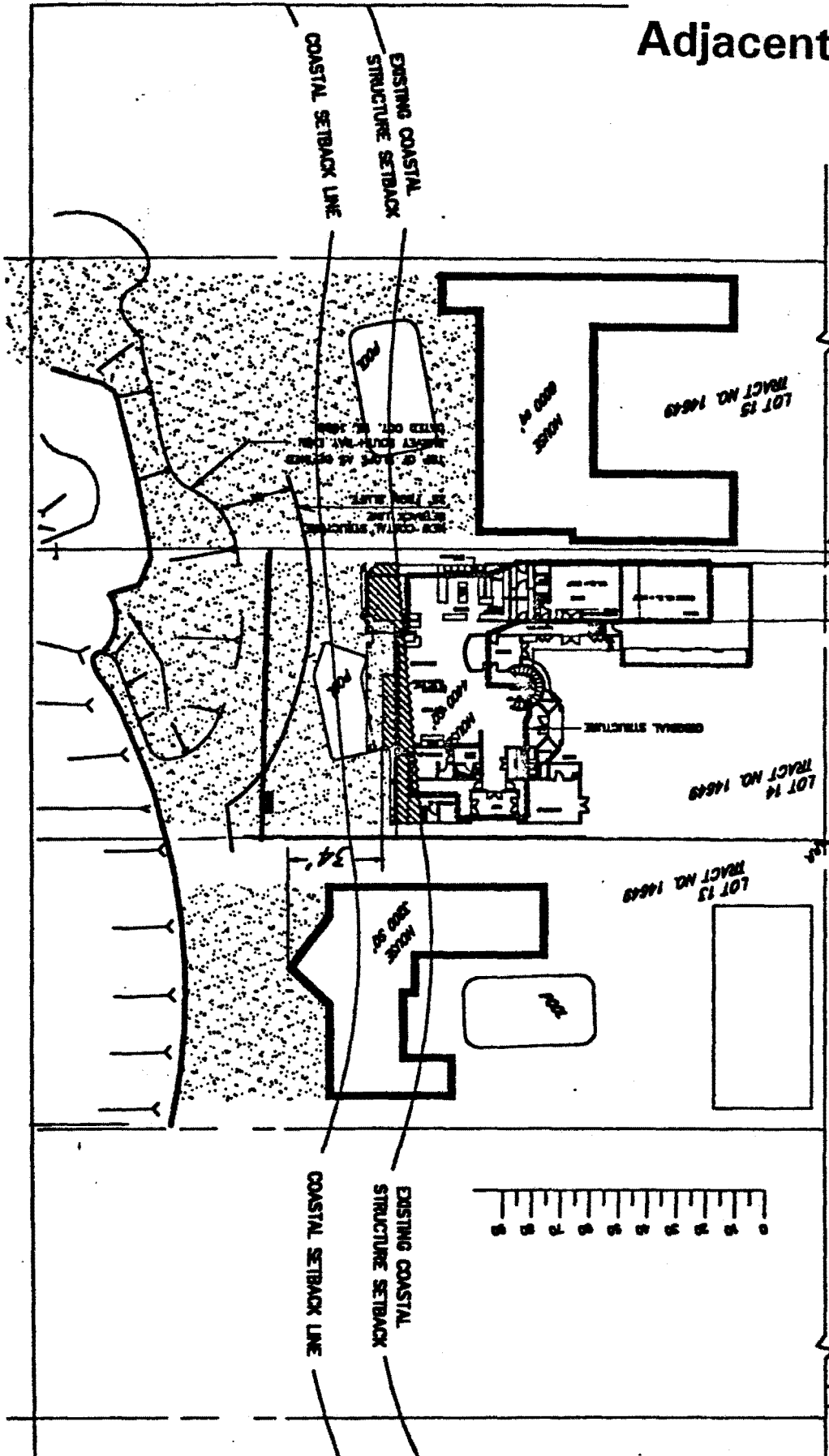
SEA

COVE

DRIVE

IG. BUILDING,
ENFORCEMENT

42 SEA COVE



**ADJACENT HOME
SITE PLAN**

**THE
CARL
RESIDENCE**

PROJECT

DATE

BY

FOR

REVISIONS

NOTES

APPROVED

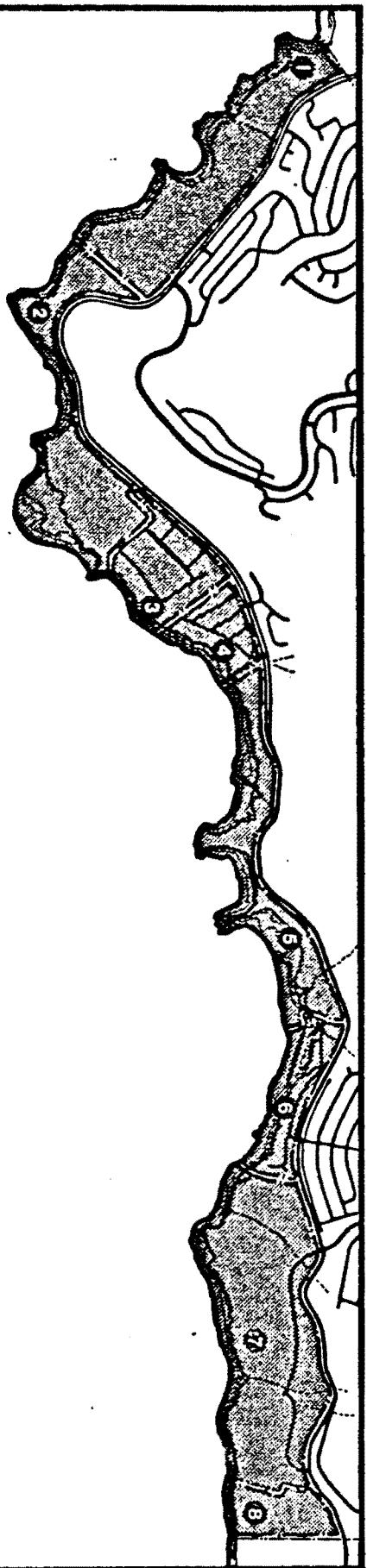
DATE

Exhibit 4

Subregions

A-5-RPV-00-421
November 2000

subregions



THE CITY OF RANCHO PALOS VERDES

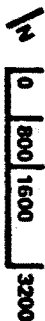


Exhibit 5

Areas for Consideration of Public Health and Safety

A-5-RPV-00-421
November 2000

figure 11 areas for consideration of public health and safety

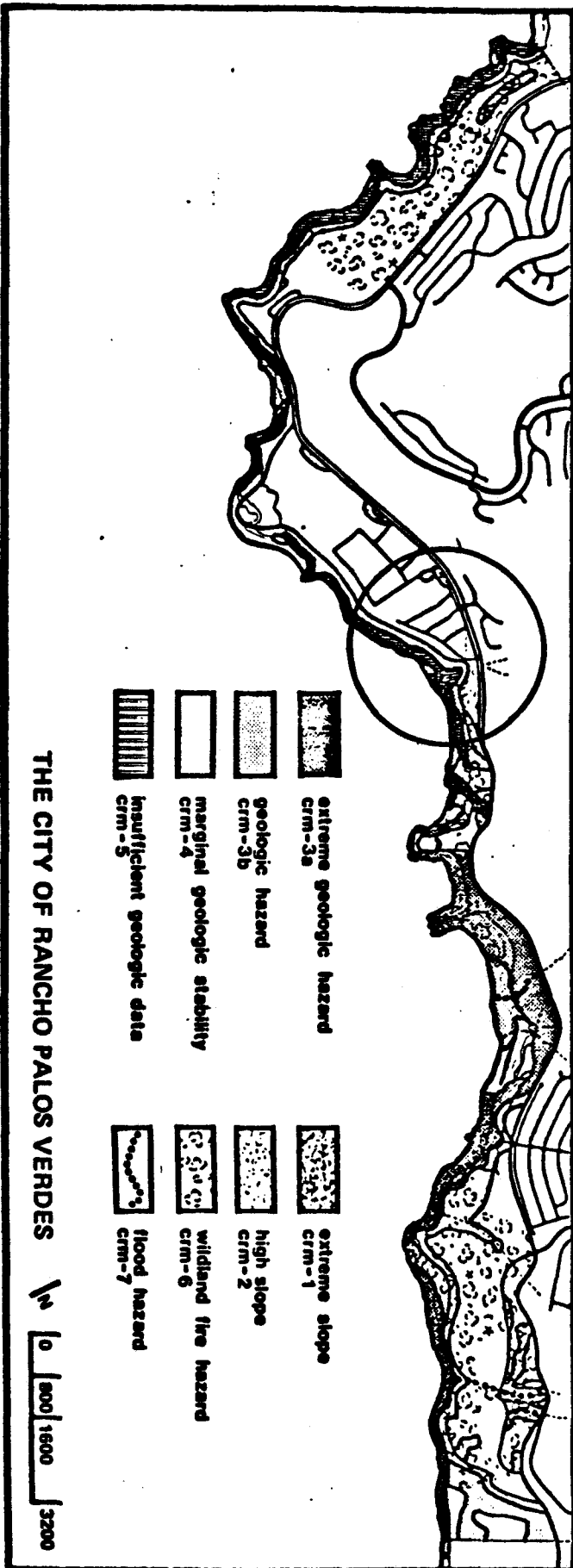


Exhibit 6

Natural Environment Element

A-5-RPV-00-421
November 2000

figure 13 natural environment element

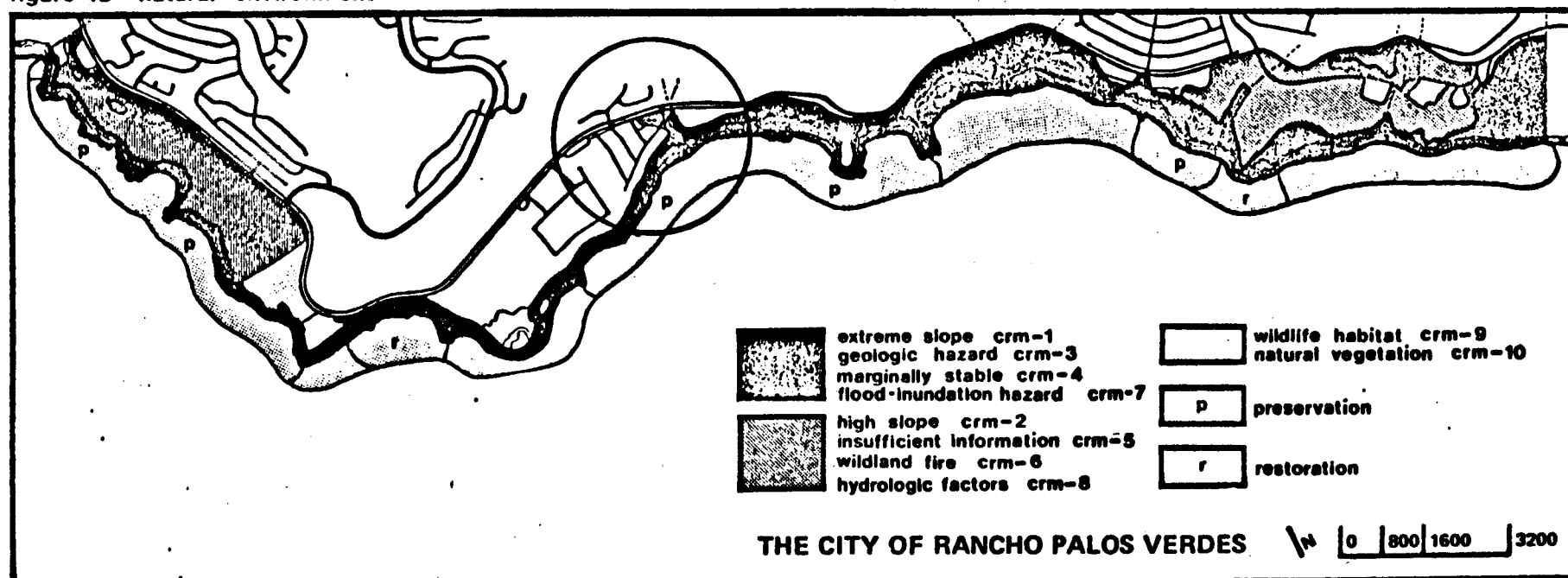
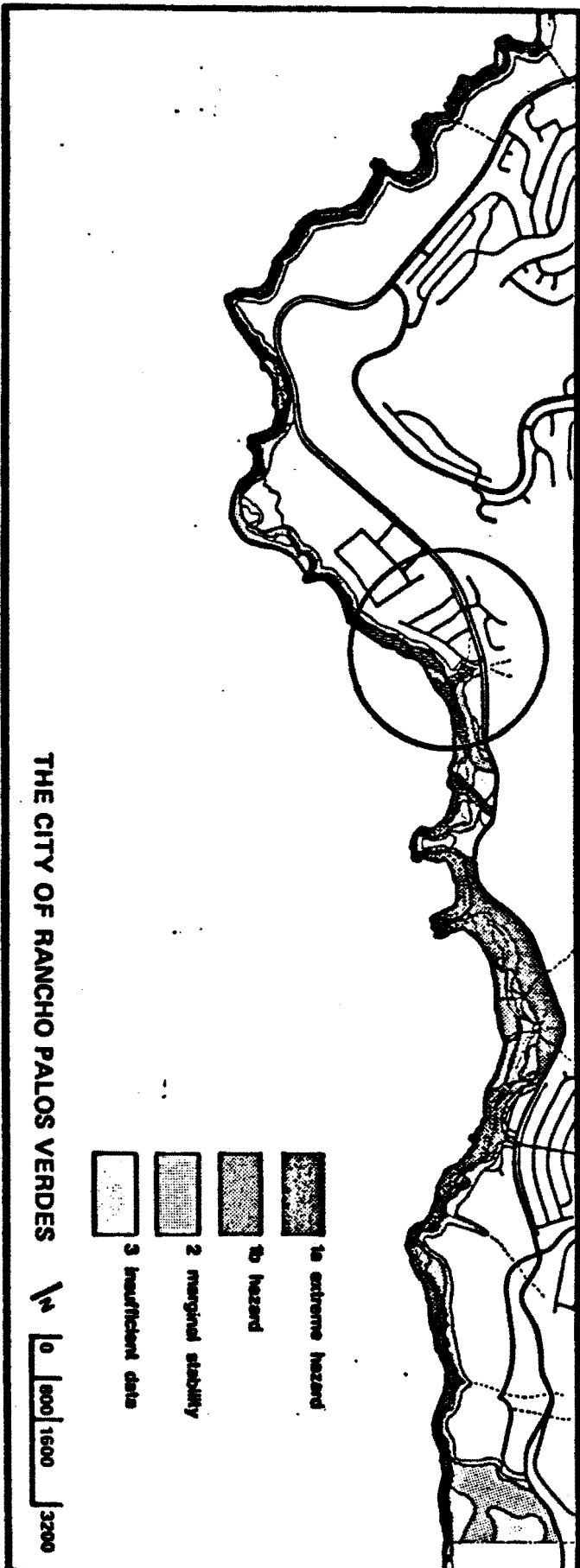


Exhibit 7

Geology

A-5-RPV-00-21
November 2000

Figure 5 geology



Richard A. Carl

30833 Rue Valois, Rancho Palos Verdes, CA 90275 (310) 541-2162

October 29, 2000

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, Ca. 90802-4302

Attn: Karen Terry, Coastal Staff

**RE: REQUEST THE COMMISSION FIND NO SUBSTANTIAL ISSUE IN THE APPEAL
A-5-RPV-00-421 (42 SEACOVE DR.) AND LET STAND THE APPROVAL BY
RANCHO PALOS VERDES CITY COUNCIL TO ALLOW FOR OUR EXISTING
FAMILY RESIDENCE TO BE REMODELED.**

Please accept this letter as part of the official hearing record, according to the rules of the Coastal Commission.

Dear Commissioners and Staff,

We are the applicants of a Coastal Development Permit to remodel our existing family home at 42 Sea Cove, Rancho Palos Verdes, which has been appealed to you by Mr. Lusian. Contrary to his claim, the City of Rancho Palos Verdes found that the project as proposed, was in compliance with the Coastal Act and substantially conforms to the Local Coastal Plan.

The Coastal Permit application is a remodel of an existing 5,400sq.ft. house and pool built in the early 1950's. The remodel includes increasing the square footage yet staying within the existing footprint of the earlier home. The proposal also reduces the size of the existing swimming pool.

The City Staff and Council of Rancho Palos Verdes have been very thorough and fastidious in their evaluation of this project. The concerns raised in the appeal ignore the City's intense scrutiny of those issues which were already raised throughout the planning process and rigorously addressed and received a 4-0 approval by the Council.

ISSUE #1 - HEIGHT HAS NO VISUAL IMPACT FROM A PUBLIC ROADWAY.

The City Staff reviewed, addressed and approved the proposed 4'9" west side height of our second story bedroom after staff required us to flag the second story bedroom area by-rite 20' (4'9" were flagged). The city then interviewed each concerned residence and documented the interview with photographs, concluding there is minimal view impact of the concerned residence(s). With the majority of the neighboring residences having minimal or no impact (the average view impairment of 1.5% of ocean or cove view), the city staff report (page 25) clearly supports this minor 4'9" bedroom height increase:

1a) Based on the above discussions regarding nine (9) findings for Height Variation application, Staff believes that the findings for the proposed project can be made and is thus recommending approval of the Height Variation No. 905.

1b) The local roads do not have ocean views therefore, this project does not interfere with views from local roads.

The City's planning review process included public hearings and additional staff recommendations which we agreed to perform. The City Staff and Council found the remodeled height and visual issues of the appellant insignificant. The City recognized in their approval of a small portion of the second story bedroom of 4'9" holds the overall average height of the entire residence after the remodel is only 17 feet which is within the height restriction limits of the existing coastal plan.

ISSUE #2 - Minor (9 Ft.) Setback zone change is geologically stable

Contrary to Appellant's claim, the geological area has been reviewed by several geologists, both private and public.

The City concluded after a great deal of documentation was requested and which proved the geology of the site as stable.

Several test holes were dug and the results showed that "volcanic bedrock" was a few feet below the surface proving that the underlying geology was very stable. Additionally, the Geotechnical Engineering consultant determined that the project had a safety factor of 1.5 or greater.

The city requires that if more than 50% of the structure is going to be remodeled the project must be brought to conformance with all city codes, however minor. In this case, the placement of the existing residence, with of a minor setback variance, the city would bringer the property into greater conformity, less coastal view impact reduced structural mass inside the nine feet than what currently exists, and require less grading.

It was determined that by requesting the minor 9 ft. setback zone change that the proposed residence does not increase density on the lot and bringing it into greater conformity than the legally non-conforming residence already existing on the lot since the mid-fifties.

The city of RPV has passed other minor zoning adjustments to the setback limits in the same area on other projects.

One such project was granted minor Zone Change at 16 Sea Cove only a few homes away which is presently under construction. We applied following the same procedures as was historically granted, and received the approval for this minor setback adjustment through a zone change procedure.

We appeared before the City Council on June 6, 2000 and they granted tentative zone change approval directing Staff to complete their project review.

Staff completed their planning review and recommended approval to the Planning Commission on August 8, 2000. The Planning Commission granted approval and forwarded to the City Council.

The Staff recommends a connection between the Coastal Plan and the Zoning Map. The City's needs to make minor changes, on a case by case basis, to balance Coastal goals with conflicting protective procedures. The City may need to file an amendment to the Coastal Commission to amend their Coastal Plan allowing for minor Zone modifications. However, our development permit is still found to meet the Coastal Act goals to a greater extent, with the existing placement of the dwelling.

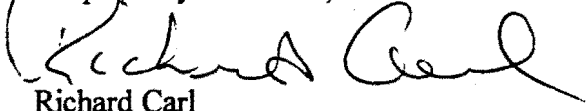
The Coastal Commission Staff has determined that there is only a relatively minor misunderstanding with the city of RPV and the Coastal Commission with their implementation of their LCP.

It is also our understanding that Coastal staff upon preliminary review of the appeal, that there is adequate data to support stable geology and coastal views. The Coastal Staff and the City Planning Staff are working to make minor changes to their local coastal plan to allow for minor modifications, such as ours, as other city's have in their plans.

Please do not delay approval of our project until that lengthy process is complete.

Please find for no substantial issue as to this development permit, as it is still consistent with the Coastal Act and in substantial conformity to the local coastal plans even with the minor zone 9ft-setback modification.

Respectfully submitted,



Richard Carl

Attach relevant pages of City Staff report (pages 36-44).

Previously submitted to staff and available for review:

RPV Staff Report (August 8, 2000)

Geologist Report (George DeVries Oct. 15, 1999)

Geotechnical Engineering Report (Coastline Geotechnical Consultants, Inc. (Oct. 18, 1999)

All Correspondance between RPV Staff, Zeiser Kling Consultants, Coastline Geotechnical Consultants, Inc. George DeVries.

or large scale agricultural uses. As a result of the Plan's recommendations, this area is designated by the City's Land Use Policy Map as a residential land use and is predominantly developed with single-family residences.

The proposed project consists of a 9,244 square foot single-family residence that is consistent with the Coastal Specific Plan land use designation of residential. Of the square footage proposed, 7,893 square feet will consist of habitable area and 1,351 square feet will consist of non-habitable area in the form of a four (4) car attached garage. The proposed construction will replace an existing residence on the subject property and will not result in an increase to the density of the area. Therefore, Staff believes that this finding can be made.

2. **The proposed development, when located between the sea and first public road, is consistent with applicable public access and recreation policies of the Coastal Act.**

The subject property is an "bluff top" lot located on the seaward side of Seacove Drive. Although the subject property is located between the sea and the first public road, the site does not provide public access to the shoreline or to recreational areas because of the extreme slope that exists between the top and toe of the bluff. Therefore, Staff believes that this finding can be made since the subject property does not currently provide, nor will ever provide, public access to the sea and it conforms to the policies of the Coastal Act.

F. ZONE CHANGE

According to the City's Zoning Map, the existing residence is partially located (approximately 9') within the City's designated Coastal Structure Setback Zone. According to the Development Code, the new residence would have to be constructed outside the Coastal Structure Setback Zone. Since the applicants would like to reconstruct the majority of the new residence within the same footprint of the existing residence, the applicants request a Zone Change to amend the City's Zoning Map by moving the location of the Coastal Setback Line closer to the bluff. By adjusting the location of the Coastal Setback Line, the Coastal Structure Setback Line would be adjusted as well, since the Structure Setback Line is located twenty-five (25) feet landward of the Coastal Setback Line. Pursuant to Section 17.88.010.D of the

Development Code, an amendment to the City's Official Zoning Map shall be determined by the City Council, and if adopted, the zoning map shall be amended in accordance with the adopted ordinance. Therefore, the Planning Commission is required to review the applicants' proposal and forward a recommendation to the City Council. The following analysis includes a discussion on the background of the establishment of the Coastal Structure Setback Line, its intent, and its impacts to the subject site and surrounding properties in regards to safety from bluff erosion, visual impacts, aesthetics and environmental concerns.

As previously indicated, the subject site is considered a "bluff top" lot, bound between the mean high tide line and the first public road. From the bluff of the subject property, the slope begins to increase severely as it descend to the ocean. Since recorded lots, including the subject site, are located within the severe slope area, development becomes a concern. The bluff area of these properties is considered geologically sensitive and the proprietors of property seaward of Seacove Drive should be cognizant of this condition.

In order to understand the potential geologic conditions of "bluff top" properties, the City's Coastal Specific Plan identifies three significant geologic hazards within the City's Coastal Zone; 1) Coastal Erosion, 2) Landslides, and 3) Erosion along intermittent stream channels. Coastal erosion and landslides are interrelated and are clearly a major concern with development. Coastal erosion is a continual process in which waves undercut and erode geologic materials exposed along the shoreline. As this process continues, the shoreline retreats, the vertical interval exposed to the sea increases and a sea cliff forms. The numerous promontories and coves along the shorelines of the Palos Verdes Peninsula have resulted from differing rates of erosion. The removal of support by wave erosion has been and will continue to be a major cause of coastal landslides. Landslides can also result from geotechnically unsound construction practices in and around the coastal regions.

The combination of the aforementioned geologic factors imposes significant restrictions on land-use patterns within the City's Coastal District. Although the geologic constraints are variable, some regions of the Coastal Zone are virtually free of geologic problems, while other areas are considered unsafe for practically any human activity. However, it would be safe to say that the severity of geologic restrictions generally decrease as the distance from the bluff top increases. As a means of assessing the geologic constraints

within the Coastal District for development purposes, a classification system was established based on the suitability for existing and anticipated land uses. The category system, as described in the City's Coastal Specific Plan, is used to determine land uses based on criteria that defines the types of structures compatible with the terrain, limits on excavation and grading, and ease and safety of access.

The five categories are briefly described as follows:

Category 1a – Areas unsuited for any permanent structure and potentially hazardous for human passage.

Category 1b – Areas unsuited for any permanent structure, but is generally safe for human passage.

Category 2 – Areas suitable for light, non-residential structures not requiring significant excavation or grading.

Category 3 – Areas in which geologic information is not sufficiently detailed to establish suitability for construction purposes.

Category 4 – Areas that appear to be suitable for permanent tract-type residential structures and supporting facilities in light of existing geologic information.

The above classification system was based on the analysis of existing geologic data, both published and unpublished, for the City's Coastal Specific Plan. However, some information was limited or non existent, which is why Category 3 is considered a "gray zone."

On the basis of the available geologic information, the Coastal Setback Zone was established in 1978, as part of the Coastal Specific Plan, that included all land within Category 1a, Category 1b, Category 2 and Category 3. This zone is delineated by the location of the Coastal Setback Line on the City's Zoning Map. Land within Category 4 is sufficiently free of geologic constraints and is located outside the Coastal Setback Zone. This area may be developed based on the City's criteria and current geologic information. Although Category 3 is located within the Coastal Setback Zone, the

PLANNING COMMISSION STAFF REPORT
HEIGHT VARIATION NO. 905
GRADING PERMIT NO. 2195
MINOR EXCEPTION PERMIT NO. 567
SITE PLAN REVIEW NO. 8839
COASTAL CHANGE NO. 164
ZONE CHANGE NO. 29
42 SEACOVE DRIVE
AUGUST 8, 2000
PAGE 39

Coastal Specific Plan indicates that this area should not be excluded from possible development, provided that further geologic investigations demonstrate that development is suitable.

Additionally, according to the Natural Environment Element of the City's General Plan, a Sea Cliff Hazard Zone was identified as the area from the base of the ocean side cliff, extending inland to a point where a line formed by a 20-degree angle from the horizontal plane at the base of a cliff or bluff would extend out to the surface (see attachment). This zone has been identified in this manner due to the fact that a soil mass, according to its composition, stabilizes at various angles of repose. Some structurally stable soils may have relative steep angles of repose, whereas other more unstable soils have very low angles of repose. In order to ensure that all varying conditions of sea cliff erosion are addressed, the Sea Cliff Hazard Zone was created using the lowest angle of repose. Within this hazard zone, the General Plan states that detailed engineering/geologic studies must be required with any proposed development to demonstrate the site's stability and suitability for development. The General Plan also states that the development setback dimension from the sea cliff edge or bluff top in any given area of the Coastal District should take into account the local geologic conditions and should be judged on an individual basis.

Based on the above discussion, Staff believes that the Coastal Setback Line was created by a comprehensive geologic study of the City's coastal region. In order to create an additional buffer to address possible slope erosion and other geologic concerns, such as the Factor of Safety, a Coastal Structure Setback Zone was established twenty-five (25) landward of the Coastal Setback Line. The Coastal Structure Setback Zone is an area that limits development to minor structures such as, trash enclosures, storage sheds (less than 120 square feet), dog houses, enclosed water heaters, barbecues, garden walls, air conditioners, pool filters, vents and decking or ground covering less than six (6) inches in height. Any new permanent structures in this zone are prohibited including, but not limited to pools, spas, vertical support members and chimneys. However, pursuant to Section 17.72.040.C of the Development Code, within the Coastal Setback Zone, one (1) minor addition may be allowed to each residence that is partially or totally within this zone and was existing as of December 26, 1975, provided that:

1. The addition is less than two hundred fifty (250) square feet;

2. There is no reasonable, alternative location outside the coastal setback zone for the addition;
3. Grading involving more than twenty (20) cubic yards or more than three (3) feet of cut or fill is not required;
4. No plumbing is involved, unless a sewer system connection is available or a holding tank is constructed to meet the capacity requirements determined by the City's Building Official;
5. A geology report is submitted by the applicants with the Coastal Permit application and is approved by the City's Geologist.

Since a portion of the existing residence is located within the Coastal Structure Setback Zone and the entire swimming pool and spa are located within the Coastal Setback Zone, the applicants request to adjust the Coastal Setback Line closer to the bluff, to correct the non-conformity of the lot.

Pursuant to the above criteria for development within the Coastal District, since the existing residence was constructed in 1955 and the proposed project involves the construction of a new residence with a reconfigured pool and spa, the applicants would not be permitted to construct the proposed residence within the existing building footprint, but would rather have to relocate the residence closer to the street. However, since the setback lines indicated in the above paragraphs are based on geologic studies that were used to demonstrate the geologic conditions for development and human activity, the applicants seek to adjust the location of the Coastal Setback Line on the subject property to reflect more current and site specific geology findings.

Furthermore, Section 17.72.040.C of the Development Code, as previously stated, requires an applicant of a Coastal Permit to submit a current geology report that supports a proposal to propose additions within the Coastal Setback Zone. According to the applicant's geology reports, which have been reviewed and approved by the City's Geotechnical Consultant, development seaward of the Coastal Setback Line is geologically suitable, provided that an appropriate foundation system is constructed. Notwithstanding, aside from the recommendations of the geology reports, the applicants' proposal is not permitted "by right" because the new residence must be located outside of the setback zones. In addition, the setback zone also takes into account the geological stability for human activity, such as the rear yard.

since most of the existing structures already encroach into this area. Furthermore, an assessment of the aerial photo maps on file with the City indicate that many of the existing structures on the seaward side of Seacove Drive were seemingly constructed along a "string line." Depending on the depth of the lot, the "string line" appears to follow a basic outline of the bluff, maintaining a cohesive alignment of the structures without impeding on view corridors. Additionally, many of the existing homes are significantly setback from the top of the bluff, thus preventing any potential impacts to the extreme slopes and related native vegetation.

In regards to the potential impact that an adjustment of the Coastal Setback Line may have on views from the Palos Verdes Bay Club, Staff determined that the seaward adjustment of the Coastal Setback line may result in future development that may significantly impair a view from the condominiums, that would not be impacted by the proposed project. The applicants have indicated that they have no future plans to develop in the rear yard area and that the zone change request was merely intended to bring a non-conforming structure into conformity. Staff believes that an adjustment of the Coastal Setback Line is warranted for that reason, but in order to prevent any future building encroachment towards the bluffs, Staff proposes to add a condition that prohibits any further expansion of the structure closer to the bluff.

As such, Staff recommends that the Planning Commission establish an appropriate designation for the Coastal Setback Line as it relates to the bluff and the proposed project, and forward their zone change recommendation to the City Council, along with the related development applications for final review.

ADDITIONAL INFORMATION

The City mailed out 170 notices to property owners and homeowners associations within 500' feet of the subject property informing them of the proposed project. During the noticing period, the Planning Department received eleven (11) letters expressing concern with the development of the subject lot and the proposed residence (see attachment). The concerns identified in the letters pertained to view impacts, neighborhood compatibility, privacy, property values and the project site's geologic stability. Staff has addresses all the concerns throughout this report and believes that if the appropriate conditions are imposed, many of the identified concerns will be mitigated.

In regards to a foliage analysis, the subject property contains mature vegetation along the front portion of the lot, which has the potential to impair views from surrounding properties, especially the properties to the north. As discussed in the report, Staff recommends that a condition be imposed on the project that will require all the foliage within the front yard to be removed. Furthermore, according to the applicants, a written agreement has been obtained from the neighbor at 40 Seacove Drive, who has agreed to the removal of foliage along the shared property line. However, in order to assure that future landscaping will not cause such an impairment of views, Staff recommends that a condition be imposed on the proposed project that will require existing and future vegetation to be maintained at a height no higher than the roof ridge line.

Routinely, the subject applications for the proposed development would be reviewed by the Planning Commission and forwarded to the City Council only on appeal. However, since a component of the project involves an amendment to the City's Zoning Map, which requires review and approval by the City Council, the entire application package will be reviewed and decided by the City Council. No resolution is attached for the Commission's adoption, since the decision on this application will be made by the City Council. However, Staff will distribute a set of Draft Conditions of Approval for the Commission's review at the meeting.

The proposed zone change request is similar to one approved by the City Council in 1994, where the property owner at 16 Seacove Drive provided the City Council with Geology reports that substantiated the seaward adjustment of the Coastal Setback Line. As opposed to a zone change, since the Coastal Setback Line is a setback requirement, the applicants may have applied for a Variance to allow an encroachment into the setback area, similar to 38 Seacove Drive. However, because this project includes the construction of a new single-family residence, rather than bring the new structure into conformity with the current development criteria, as required by the Development Code, the property owners opted for the zone change. As part of the zone change request, the Planning Commission is required to review the proposal and forward a recommendation to the City Council, and in this case, the recommendation will include the zone change as well as the development applications. If the City Council opts to deny the applicants request to amend the Coastal Setback Line on the City's Zoning Map, the applicant will be required to revise the plans to conform with the current setbacks, which will be brought back to the Commission. However, if the City Council approves the zone change and the development applications, a condition will be

PLANNING COMMISSION STAFF REPORT
HEIGHT VARIATION NO. 905
GRADING PERMIT NO. 2195
MINOR EXCEPTION PERMIT NO. 567
SITE PLAN REVIEW NO. 8839
COASTAL CHANGE NO. 164
ZONE CHANGE NO. 29
42 SEACOVE DRIVE
AUGUST 8, 2000
PAGE 44

imposed on the project that will require all modification be reviewed and decided by the Planning Commission, unless directly related to the zone change request. Additionally, since the subject property is located within the City's designated Coastal District, the City Council's decision may be appealed to the California Coastal Commission.

In regards to the Permit Streamlining Act, since the proposed application was deemed complete on June 26, 2000, a decision must be rendered within sixty (60) days, which is August 25, 2000. However, since the City Council will be reviewing the Planning Commission's recommendation after the August 8th meeting, the applicants will most likely be required to apply for a one time, ninety day, extension. This will allow Staff to forward the Commission's recommendation to the City Council in a timely manner.

Since the applicants do not reside at the subject property, it is recommended that if a site visit is deemed necessary, that you contact the owners at the number listed on the cover page. However, it should be noted that the subject property is not fenced and the rear yard is accessible via a gate (unlocked) along the eastern side property line.

CONCLUSION

Based on the above discussion and analysis of this report, Staff recommends that the Planning Commission review the subject applications, Height Variation No. 905, Grading Permit No. 2195, Minor Exception Permit No. 567, Site Plan Review No. 8839, Coastal Permit No. 164 and Zone Change No. 29 for the construction of a new 9,244 square foot single-family residence and forward a recommendation to the City Council, who will consider the Zone Change request along with the entire proposed development as one project.

ALTERNATIVES

The following alternatives are available for the Planning Commission's consideration in addition to Staff's recommendation (see page 1):

1. Identify any issues of concern with the proposed project, and provide the applicant with direction in modifying the project, and continue the public hearing to a date certain; or,

