

**CALIFORNIA COASTAL COMMISSION**

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

**RECORD PACKET COPY**

Filed: 1/19/00  
49th Day: 3/08/00  
180th Day: 7/17/00  
Staff: AJP-LB  
Staff Report: 1/26/00  
Hearing Date: 2/15-18/00  
Commission Action:

*TU Ma*

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-99-281  
**APPLICANT:** John Mavar  
**AGENT:** Raymond Medak  
**PROJECT LOCATION:** 2045 W. Paseo del Mar, San Pedro

**PROJECT DESCRIPTION:** Construction of a two-story, 26-foot high as measured from average natural grade, 5,147 square foot bluff top single-family residence, with swimming pool, soldier piles, and approximately 1,050 cubic yards of grading including bluff top remedial grading.

Lot Area:	42,055 square feet
Building Coverage:	2,833 square feet
Pavement Coverage:	4,850 square feet
Landscape Coverage:	32,349 square feet
Parking Spaces:	6
Zoning:	R1-1XL
Ht above final grade:	26 feet (ANG)

**LOCAL APPROVALS RECEIVED:** Approval in Concept

**SUBSTANTIVE FILE DOCUMENTS:** San Pedro certified Land Use Plan; Coastal Development Permit No. P-9-18-74-3811; Appeal No. 179-76; 5-99-281(Mavar).

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission approve the proposed project with special conditions requiring: 1) the submittal of revised plans indicating that the proposed residence and soldier piles are setback from the bluff edge a minimum of 6 feet; 2) submittal of landscaping plans; 3) submittal of erosion and runoff control plans; 4) recordation of an assumption of risk deed restriction; 5) conformance with geologic and soil recommendations; and; 6) notice to the applicant that public rights may exist on the property.

**I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:**

Staff recommends that the Commission make the following motion and adopt the following resolution:

**MOTION:** *I move that the Commission approve Coastal Development Permit #5-99-281 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California 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. 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 alternative that would substantially lessen any significant adverse impacts of the development on the environment.

**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. Revised Plans

A. Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, revised plans indicating that the proposed residential structure is sited a minimum 6 feet further landward so that the southeast corner of the residence is setback a maximum of 20 feet from the front property line. In addition, the soldier piles shall be moved further landward relative to the relocation of the proposed residence.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Landscape Plan

A. Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, a landscaping plan. The plan shall be prepared by a licensed landscape architect.

I. The plan shall demonstrate that:

- (a) All cut and fill slopes shall be stabilized with planting at the completion of grading. Planting on the bluff where grading has been permitted should be of drought tolerant non-invasive species. Native plant species indigenous to the San Pedro/Palisades Bluff area is encouraged. Ornamental planting with non-indigenous and non-invasive plant species is permitted atop the bluff.
- (b) No permanent irrigation system shall be allowed on the bluff face. Temporary above ground irrigation to allow the establishment of the plantings is allowed.
- (c) All required plantings will be maintained in good growing conditions through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan, and

II. The plan shall include, at a minimum, the following components:

- (a) a map showing the type, size, and location of all plant materials that will be on the developed site, topography of the developed site, and all other landscape features, and;
- (b) a schedule for installation of plants.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Erosion and Runoff Control Plans

A. Prior to issuance of the permit, the applicant shall submit, for review and approval of the Executive Director, erosion and runoff control plans. The plans shall include:

Erosion Control Plan

- I. The erosion control plan shall demonstrate that:
  - (a) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties.
  - (b) The following temporary erosion control measures shall be used during construction: sand bags, a desilting basin and silt fences.
  - (c) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.
  - (d) The following permanent erosion control measures shall be installed: a drain to direct roof and front yard runoff to the street; no drainage shall be directed to rear yard slope; no drainage shall be retained in front yard.
  
- II. The plan shall include, at a minimum, the following components:
  - (a) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
  - (b) A site plan showing the location of all temporary erosion control measures.
  - (c) A schedule for installation and removal of the temporary erosion control measures.
  - (d) A site plan showing the location of all permanent erosion control measures.
  - (e) A schedule for installation and maintenance of the permanent erosion control measures.

#### Run-off Control Plan

- I. The run-off control plan shall demonstrate that:
  - (a) Run-off from the project shall not increase the sediment or pollutant load in the storm drain system.
  - (b) Run-off from all roofs, patios, driveways and other impervious surfaces on the site shall be collected, filtered and discharged to avoid ponding or erosion either on or off the site.

(c) Run-off from roofs, and driveways shall be directed through filters designed to remove chemicals and particulates, at least for low flow conditions, (as defined as a one-year storm or as defined by the Regional Water Quality Control Board)

II. The plan shall include, at a minimum, the following components:

(a) The location, types and capacity of pipes drains and/or filters proposed.

(b) A schedule for installation and maintenance of the devices.

(c) A site plan showing finished grades at two foot contour intervals) and drainage improvements.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion, landslide, or earth movement; (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.

B. Prior to issuance of the permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

5. Conformance of Design and Construction Plans to Geotechnical Report

A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Soils Report prepared by NorCal Engineering, dated June 1, 1999 and the Geology Report prepared by A.G. Keene, dated 4/14/99. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Public Rights

By acceptance of this permit, the applicant acknowledges, on behalf of him/herself and his/her successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property.

**IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to construct a two-story, 26-foot high, as measured from average natural grade, 5,147 square foot bluff top single-family residence, with swimming pool, soldier piles, and approximately 1,050 cubic yards of grading including bluff remedial grading.

Approximately 18 soldier piles will be drilled atop the bluff between the proposed residence and the bluff edge. According to the applicant the soldier piles are required by the City to meet the City's slope stability safety factor of 1.5. In addition, the applicant proposes to cut back a small scarp located near the lower bluff edge in the northwestern portion of the site.

The project site is a 32,349 square foot irregular shaped coastal bluff top parcel. The site is located off of Paseo del Mar, adjacent to the intersection of Western Avenue and Paseo del Mar in the San Pedro area of the City of Los Angeles (see Exhibit 1). The parcel has approximately 245 feet of frontage on Paseo del Mar and varies from 85 feet to 205 feet deep. The project site consists of two terrace levels with low gentle slopes separating the levels. The terrace area extends from Paseo del Mar to approximately 90 to 120 feet seaward to the bluff top edge. The property extends down the 120-foot bluff face to approximately the toe of the bluff.

There is an incised stream drainage ravine located in the eastern portion of the site. Buried under the ravine is a Los Angeles County Sanitation District 56" Corrugated Metal Pipe (CMP) that terminates just beyond the bluff, at an elevation of approximately 120 feet. The cliff face from the CMP down to the base of the cliff is vertical.

The County Sanitation Districts of Los Angeles County has reviewed the proposed plan and has approved the proposed construction.

The parcel is located adjacent to a developed residential neighborhood. The subject site is the eastern most privately owned bluff top parcel within this residential neighborhood. Surrounding land uses include multi-family residential structures directly north of the project site across Paseo del Mar, a vacant City of Los Angeles owned property immediately to the east, Royal Palm Beach County Park and parking lot is located south at the foot of the bluff, and a single family residence to the west (see Exhibit 3). An approximately 9,900 vacant lot abuts the property in the northern portion of the site along Paseo del Mar.



B. Public Access

All projects requiring a Coastal Development Permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. The major access issue in this permit is whether the development of a vacant oceanfront lot so that it cannot be used by the public for access to the ocean or for oceanfront recreation is consistent with the Coastal Act. Section 30210 states that maximum access and recreational opportunities shall be provided to protect public rights:

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 requires that development shall not interfere with the public's right of access:

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.

As mentioned, the proposed development consists of the construction of a single-family residence on a currently vacant bluff top property. In 1997, the Commission approved the construction of a chain-link fence along the perimeter of the property [#5-96-191(Mavar)]. One of the issues addressed by the Commission under that permit was the potential for prescriptive rights on the property. The Commission approved the proposed project finding that construction of the fence would not interfere with beach access nor significantly diminish coastal recreational opportunities in the area.

The property is located adjacent to and south of Paseo del Mar and overlooks a south facing beach (Royal Palms County Beach). The parcel is the eastern most parcel within the residential tract and one of the last undeveloped parcels in the neighborhood. The parcel offers unobstructed views to and along the ocean. The parcel is used to some extent by the residents in the area as a pedestrian shortcut, as evidenced by the worn paths and observations by staff during site visits in the area. Residents from the residential neighborhood located to the west of the property pass through the property as a small shortcut along Paseo del Mar because the improved portion of the roadway veers inland away from the bluff in the vicinity of the property creating a slightly longer route if one was to follow the improved roadway (see Exhibit 5).

The project raises issue with Section 30210 and 30211 of the Coastal Act because there is some evidence that over the years the property has been used by the public and therefore the potential for implied dedication exists over the property.

If the Commission finds that the public has acquired a right of access to the sea across the property and development will interfere with that access, the proposed project would be inconsistent with Section 30210 and 30211 of the Coastal Act. Development inconsistent with Section 30210 and 30211 can not be permitted.

In 1974, a previous property owner submitted an application for the construction of a restaurant and associated parking on this lot (P-9-18-74-3811 and Appeal No. 179-76). At that time the lot was zoned for commercial use and the proposed use was consistent with the zoning. The project was denied by the Regional Commission and a subsequent appeal was found to raise no substantial issue by the State Commission (Appeal No. 285-74). Subsequent to this action the applicant sought judicial review of the Regional Commission's action. A peremptory writ of mandamus was entered against the Regional Commission and the Regional Commission was ordered "... (2) to consider said decision in light of the written, documentary and oral evidence properly before you as of the termination of the November 18, 1974 hearing and in light of any additional evidence you may properly receive at or in such further proceedings as you may in your discretion hold in order to comply with this writ, (3) to make written findings of fact in support of the determination you shall make upon such reconsideration..." The Regional Commission subsequently adopted the denial findings in the original staff report.

The staff report stated that the project site was:

currently utilized by the general public for numerous recreational activities, including whale-watching, kite flying and more passive pursuits as the site provides a fine vista of the coastline and surf below.

Furthermore, during the Regional Commission's public hearing a number of residents from the area testified that the vacant lot was heavily used by the public. Such uses included, strolling, sightseeing, kite flying, picnicking, etc.

Aerial photographs located in the South Coast District office taken in 1978, 1986 and 1993 show worn footpaths crisscrossing the property indicating public use. Such uses as testified in 1974 before the Regional Commission continue to occur today, a period of over 20 years. Staff has also frequented the site over the last nine years and has observed three to eight foot wide footpaths crisscrossing the property. One of the footpaths extends from the City owned property located adjacent to and east of the property extending across the property to the northwest corner of the lot where the existing public sidewalk fronts the property. Other paths lead from the sidewalk to the bluff edge. Staff has also observed people walking along these paths and seeing people sitting along the bluffs edge enjoying the ocean views.

As shown above, through staff site visits and public testimony before the Commission in 1974, for a period extending over 20 years, information has been compiled indicating that the subject property may have been used by the public. Therefore, the potential for implied dedication exists.

Even though the potential for implied dedication may exist on the property there has not been a demonstration that such use amounts to a prescriptive right of access. Further, in order to deny or significantly modify development the Commission must find that development of the parcel would interfere with beach access and coastal recreation and would be inconsistent with the Chapter 3 policies of the Coastal Act.

As stated the property is a bluff top lot and, prior to the construction of the fence in 1997, provided bluff top access for viewing and other passive activities. However, the worn footpaths and staff investigation indicates that public use of the property is primarily for a shortcut to the street, and not for coastal recreation. Further, the property, because of the steepness of the bluff, does not provide access down to the beach.

Public beach access is available approximately 1,050 feet to the east at the Royal Palms Beach park entrance. This entrance leads to the County's public parking lot and park which are located at the foot of the bluffs. Development of this site with a single-family structure will not prevent the public walking from the residential neighborhood to the west (up coast) from accessing the public beach or adjacent City owned vacant bluff top lot located to the east (down coast).

The City owned vacant parcel to the east of the project site provides the same passive recreational opportunities as the proposed site and is designated in the Land Use Plan as a Scenic View Site. In addition, just east of the Royal Palms Beach park entrance, the County of Los Angeles has recently constructed a bluff top park [#5-96-008 (County of Los Angeles)]. The park area was previously fenced and the public was prohibited from the area. This park provides the public an additional area for passive recreational and viewing opportunities. Further south along the bluff is a City owned and operated baseball field and south of this playing field is approximately 1,500 linear feet of City owned open bluff top providing off-street parking and coastal viewing area.

Because, (1) a public bluff top lot providing bluff viewing and recreational area is located immediately to the east of the property and beach access is within close proximity to the proposed site, (2) a right of access by implied dedication has not been demonstrated by substantial evidence, (3) and the lot does not provide access directly to the beach, permitting the proposed single-family residence that would preclude bluff top access along the property will not significantly interfere with the public's ability to access the beach nor significantly diminish coastal recreational opportunities in the area. However, the Commission finds that the potential for prescriptive rights over the property or portions of the property may exist and the applicant should be placed on notice that such rights may exist and that granting of this permit does not constitute a waiver of any public rights which may exist on the property. Therefore, the Commission finds that only as conditioned will the proposed project be consistent with Sections 30210 and 30211 of the Coastal Act.

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 soil report reports prepared by NorCal Engineering (6/01/99) and geologic report prepared by A.G. Keene (6/22/98 and 4/14/99) 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 Altamira Shale member of the Monterey Formation. These sediments consist of interbedded phosphoric silty sand shales, cherty shales and dolomites and diatomaceous siltstone. The underlain bedrock forms an overturned or convoluted anticlinorium.

According to the geologist because of the bedrock formation the site would not normally need deep soldier piles to prevent bluff failure. The geologic structure under the site would remain stable because major daylighted planer beds are not present. However, the City considers that any rock bluff steeper than 1:1 will fail and requires bluff stabilization measures. In this particular case the City requires soldier piles.

The City of Los Angeles Building Code requires sites located on steep bluff top lots demonstrate that the entire site be stabilized with a minimum factor of safety of 1.5. The only methods available to obtain the City's safety factor of 1.5 is either to grade the bluff slope to 2:1 or install soldier piles. Because grading the entire bluff is not feasible, soldier piles are required by the City.

As stated the project will include approximately 18 soldier piles. The soldier piles roughly parallel the bluff's upper edge, varying from 10 to 20 feet from the edge. The piles will be drilled into the bluff top and extend 30 to 60 feet below grade. No portion of the piles will be visible. The proposed residence will be set back from the piles 14 to 30 feet.

Over time, due to weathering and erosional processes, the piles may become exposed, especially the piles that are set closest to the bluff edge (southern corner of the proposed residence). The applicant's geologist and soil engineer have stated that the amount of weathering or spalling is minimal along this bluff and the possibility of any of the piles being exposed is remote. The applicant's geologist estimates that the rate of retreat for this property is less than one-half of one foot over a hundred year period. Therefore, it would take over 2,800 years for the bluff to retreat to a point where the soldier piles would be exposed.

The Commission, however, requires that development be set back as far as is feasible from the bluff edge to minimize any potential erosion risk or geologic hazard. The proposed development can be sited further from the bluff edge without significantly redesigning the development. As proposed, the residence is set back from the front property line 26 to 58 feet. The City's minimum front yard setback is 20 feet. Furthermore, the City's Building Department requires that the soldier piles are set back a minimum of 10 feet from the residential structure. The proposed residence can be pushed back to the minimum 20 foot front yard setback which would allow the soldier piles to be pushed back an additional 6 to 10. This additional 6 to 10-feet will provide a wider buffer between the development and the bluff edge.

The reports indicated that a small landslide exists in the western portion of the lot. The head of the scarp is well exposed on a south dipping block plane. Erosion within the separation gap between the scarp and the head of the slide block has produced a fan deposit on the slope below. Contributing to the erosion of this area is an old road cut along this area. Because of the cut slope and compacted soil, runoff is collected and accelerated through this area causing further erosion. The geologic report states that this minor slide failure does not affect the over-all gross stability of the lot. As required by the City the applicant is proposing to stabilize the landslide and decrease further erosion by trimming the scarp to a gradient no steeper than 2:1 and by establishing drainage control.

Furthermore, the proposal includes the construction of a 20 foot long and 5 foot high retaining wall along the upper portion of the ravine above the CMP. According to the applicant's geologist the CMP was placed on firm shale bedrock when the City/County installed the CMP 30 to 40 years ago. The terrace deposits overlying the bedrock were excavated and then used as backfill over the CMP. In the City's Building Department approval the City requires that the slopes above the existing storm drain be trimmed to no steeper than 2:1. The proposed short wall located at the head of the erosional ravine will minimize any localized erosion.

To minimize erosion of the graded slope the applicant shall landscape the graded areas with drought tolerant non-invasive plant species and irrigation prohibited on the graded bluff and slope areas, except to establish new plantings. The planting of drought tolerant plant species will minimize water use on the bluff face and slopes.

Generally, on natural bluff areas, the Commission has required that landscaping be done with native species; however, in this area the bluffs are built out and the established plants are mainly non-native and ornamental plant species. There are very few native plants remaining on the bluffs and the native planting in this area would quickly be taken-over by non-natives. Therefore, the use of non-native, drought tolerant species, is appropriate in this case. The applicant shall also include and incorporate an erosion and runoff off control plan to minimize runoff and silting.

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 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 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 notice to all future owners of the site of 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 and the certified LUP.

### C. Visual Resources

Section 30251 of the Coastal Act states in part that:

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 landforms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The certified LUP limits heights of structures to 26 feet, as measured from average natural grade. The residence will be 26 feet high, as measured from average natural grade. The height of the structure from the street side will be approximately 19 feet and on the seaward side 27 feet. The applicant is proposing to excavate approximately 11 feet below existing grade to set the finished floor of the residence lower which will minimize the visual impact of the structure.

The proposed project is located south of Paseo del Mar and west of Western Avenue in the San Pedro area of the City of Los Angeles. Paseo del Mar offers turn-out and view site areas between Point Fermin Park and Western Avenue. These areas offer panoramic views of the ocean, Catalina Island, and the San Pedro bluffs. Along this 2 mile stretch the certified Land Use Plan designates three areas as Scenic View Sites (see Exhibit 4). The certified LUP states that:

Turn-out and view site areas from Paseo del Mar, as shown on the Special Features Map (Appendix C), shall provide unobstructed views of the ocean.

One of the Scenic View Sites is located on the City owned vacant parcel adjacent to and east (down coast) of the proposed site. From this view site the ocean, Catalina Island and the bluffs to the west and east are visible.

The proposed site is located west (up coast) of the designated Scenic View Site. The residence will be setback 30 to 60 feet from the bluff's edge. The building site is also set back further than the adjacent existing residence due to the bluff alignment. Furthermore, the adjacent residential structure, as with other residential development up coast along the bluff, are constructed with very little bluff setback or at the edge of the bluff. As located, the proposed development of the site will not adversely impact views to the ocean from the adjacent view site since the property is outside of the view site's visual corridor.

Views from portions of Paseo del Mar and Western Avenue will be nominally impacted. From Paseo del Mar the impact will be limited to directly in front of the proposed residence. From Western Avenue the impact will be limited to an approximately 200-foot section of Western Avenue as it curves and intersects with Paseo del Mar. The proposed residence is located in the northern portion of the site, leaving the southeastern portion open. The proposed siting minimizes the visual impact of the development from the surrounding area.

From the beach park at the base of the bluff the residence will not have a significant impact. Due to the steepness of the bluff and the setback from the bluff, views of the residence from down below will be limited. The only portion that will be visible from certain

areas of the beach park is the southern corner of the residence. Furthermore, the proposed residence will be in a bluff area that is highly built out with adjoining residences built at the bluff's edge and visible from the beach park. Therefore, because the visibility of the residence is limited and the bluff top is developed with residential structures, the proposed project will not significantly detract from the visual quality of the area.

The Commission, therefore, finds that the project as conditioned will be consistent with the view protection policies of the Coastal Act and the certified LUP, will not adversely impact the visual resources of the surrounding area, and therefore, is consistent with Sections and 30251 of the Coastal Act.

#### D. Local Coastal Program

(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.

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 polices to guide the types, locations and intensity of future development in the San Pedro coastal zone. among these polices are those specified in the preceding section regarding public access and visual resources. The proposed development is consistent with the policies of the certified LUP. As proposed 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. CEQA

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 impact which the activity may have on the environment.

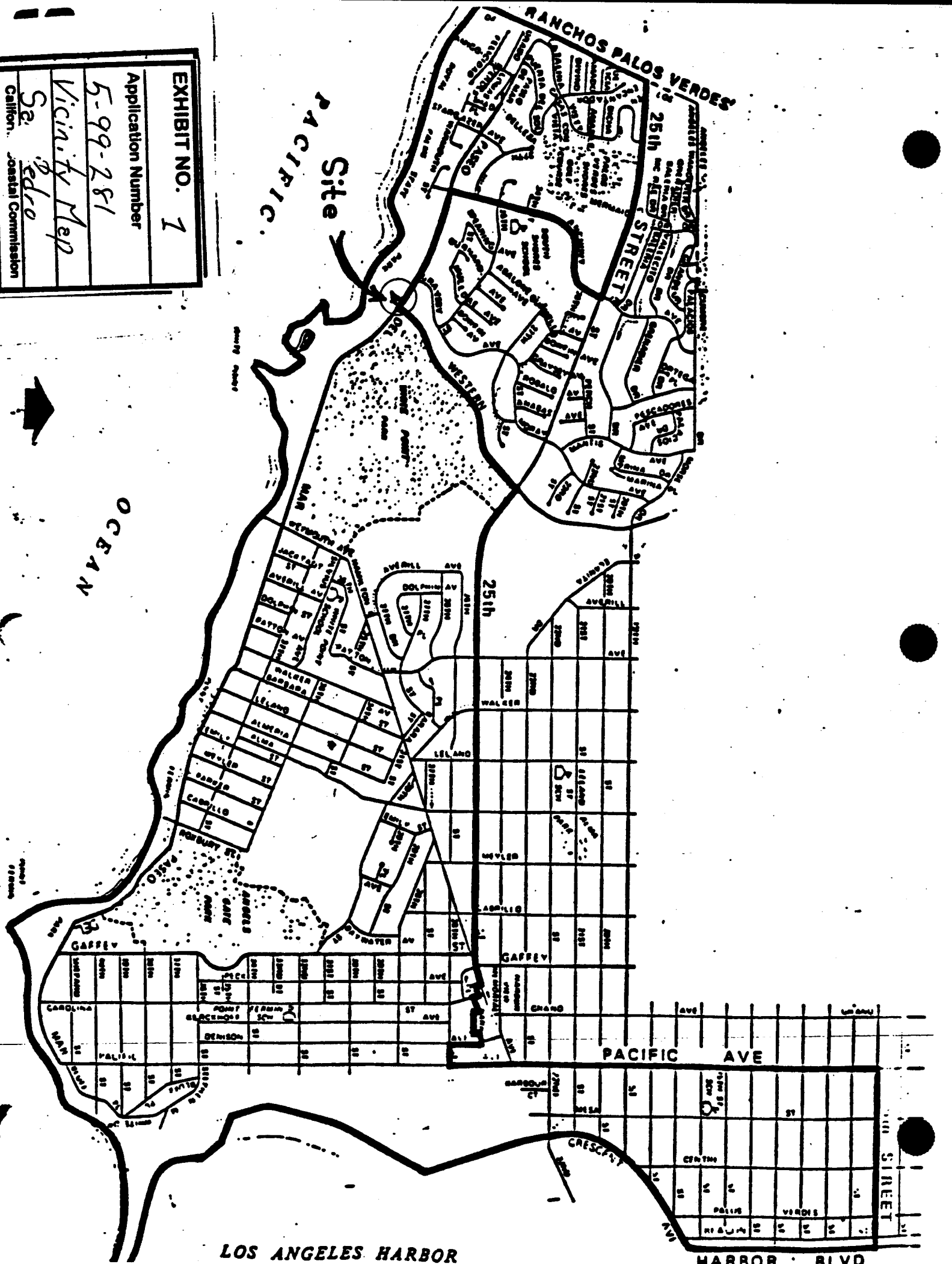


There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

<b>EXHIBIT NO.</b>	7
<b>Application Number</b>	5-99-281
<b>Vicinity Map</b>	See <i>edre</i>
<b>California Coastal Commission</b>	

**Site**  
**PACIFIC**

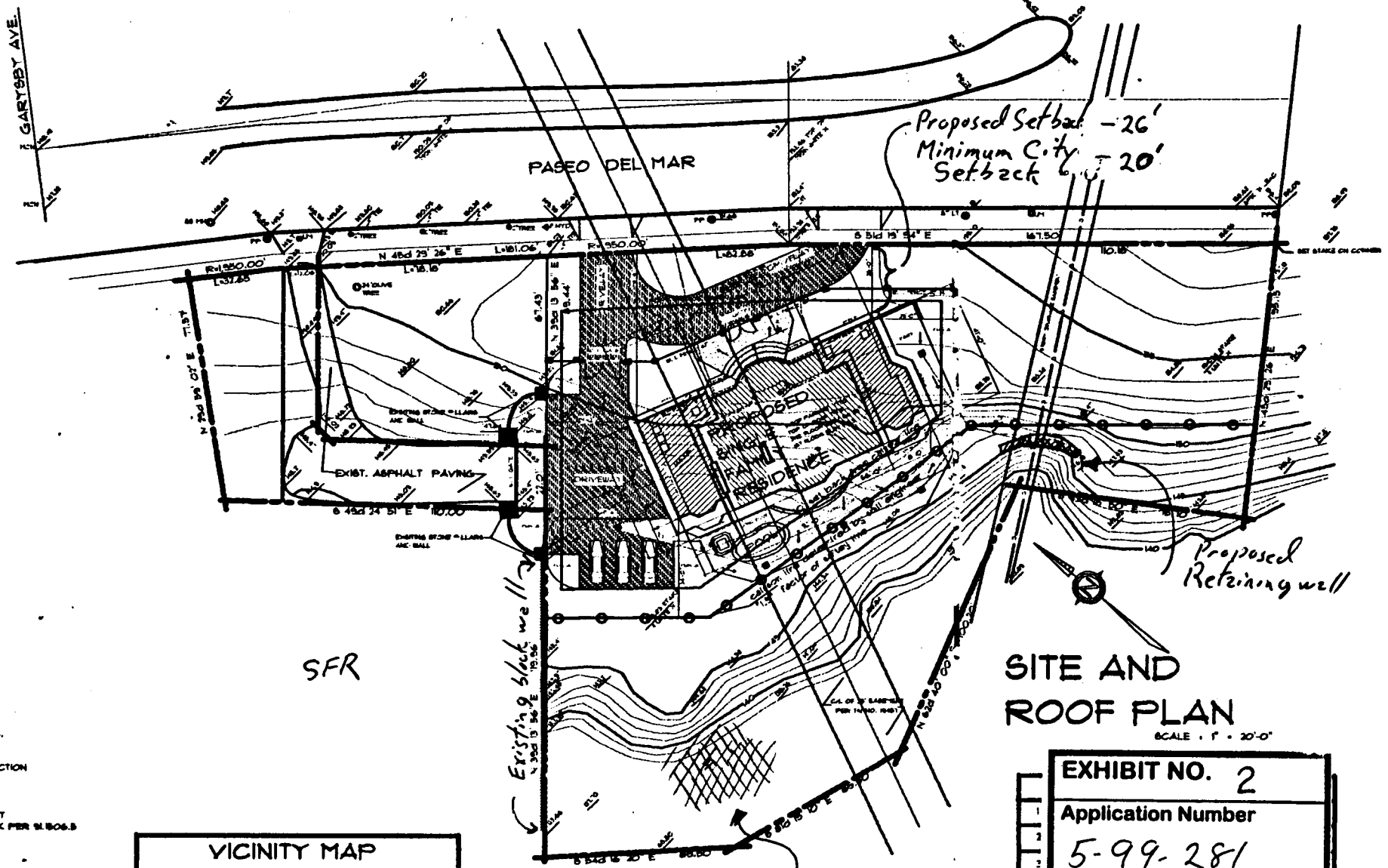
**RANCHOS PALOS VERDES**



**LOS ANGELES HARBOR**

**HARBOR BLVD**

**11th STREET**



Proposed Setback - 26'  
Minimum City Setback 20'

Proposed Retaining wall

Existing black well

Approximate Area of Scarp to be graded

SFR

SITE AND ROOF PLAN

SCALE: 1" = 20'-0"

EXHIBIT NO. 2	
Application Number	
5-99-281	
Site Plan	
California Coastal Commission	



OF THE U.S.C.,  
U.P.C.  
FOR AN INSPECTION  
AND,  
NEED TO STREET  
ORDER SIDEWALK PER M. 806.5  
ID AT EXIST.  
VISION  
RS, ARCHITECTS  
THE CITY

PROJECT ENGINEERS - ARCHITECT

PROJECT OWNER

ADDRESS

7563 | 3  
SCALE - 80'

EXHIBIT NO.	3
Application Number	5-99-281
Surrounding	
Local Uses	
California Coastal Commission	

CODE 470

L.S. 1-47

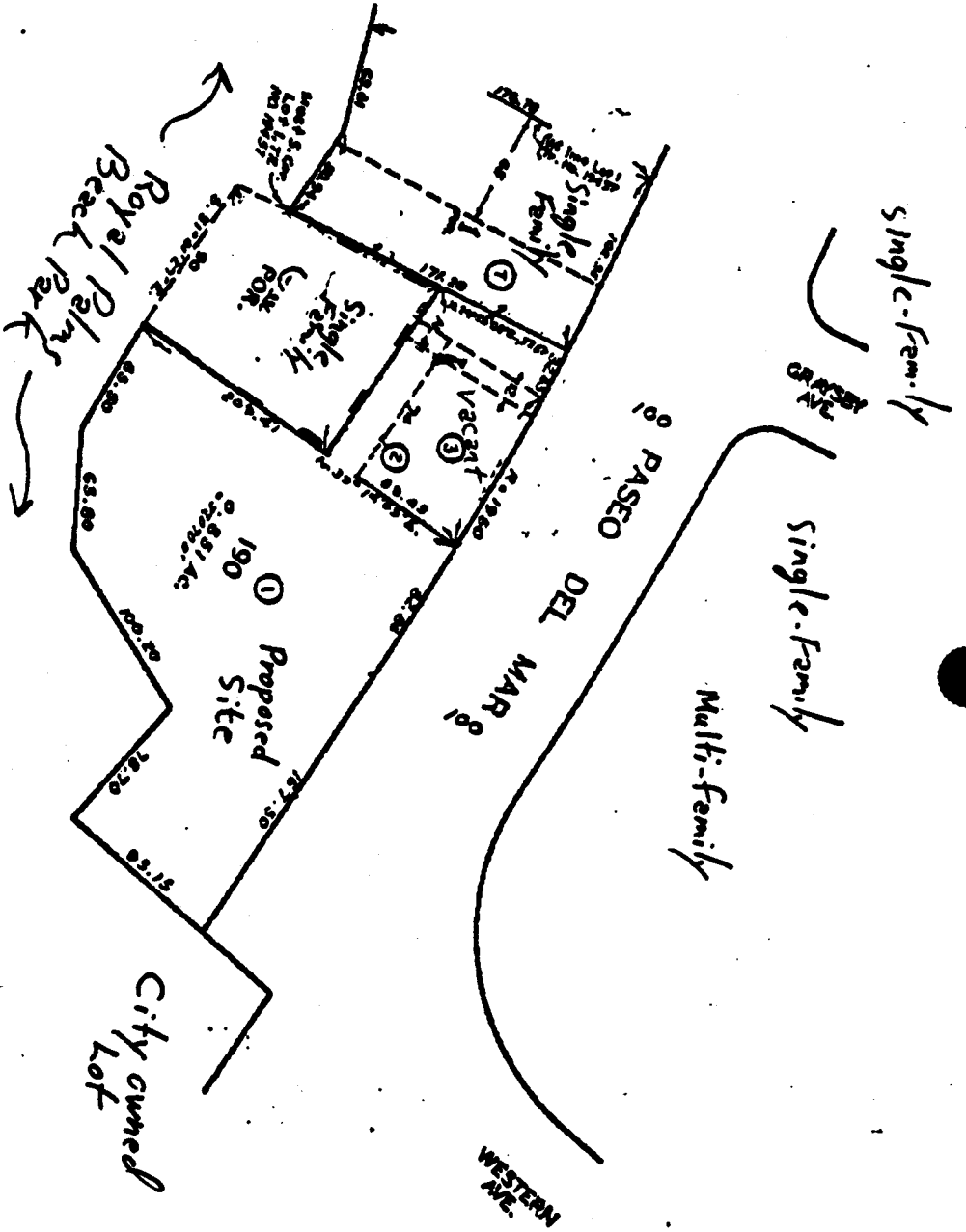
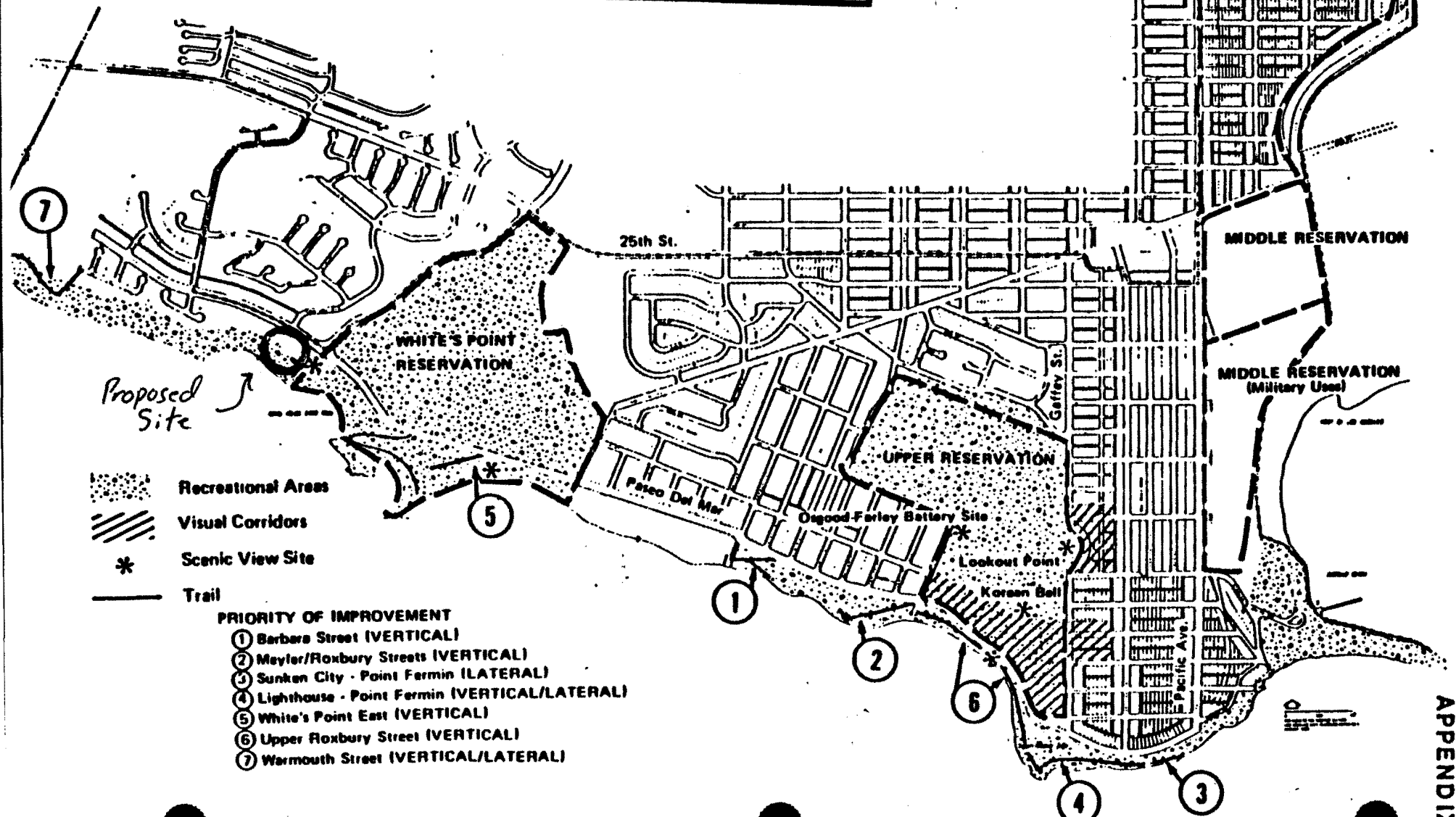


EXHIBIT NO. 4

Application Number  
5-99-281

San Pedro LUP

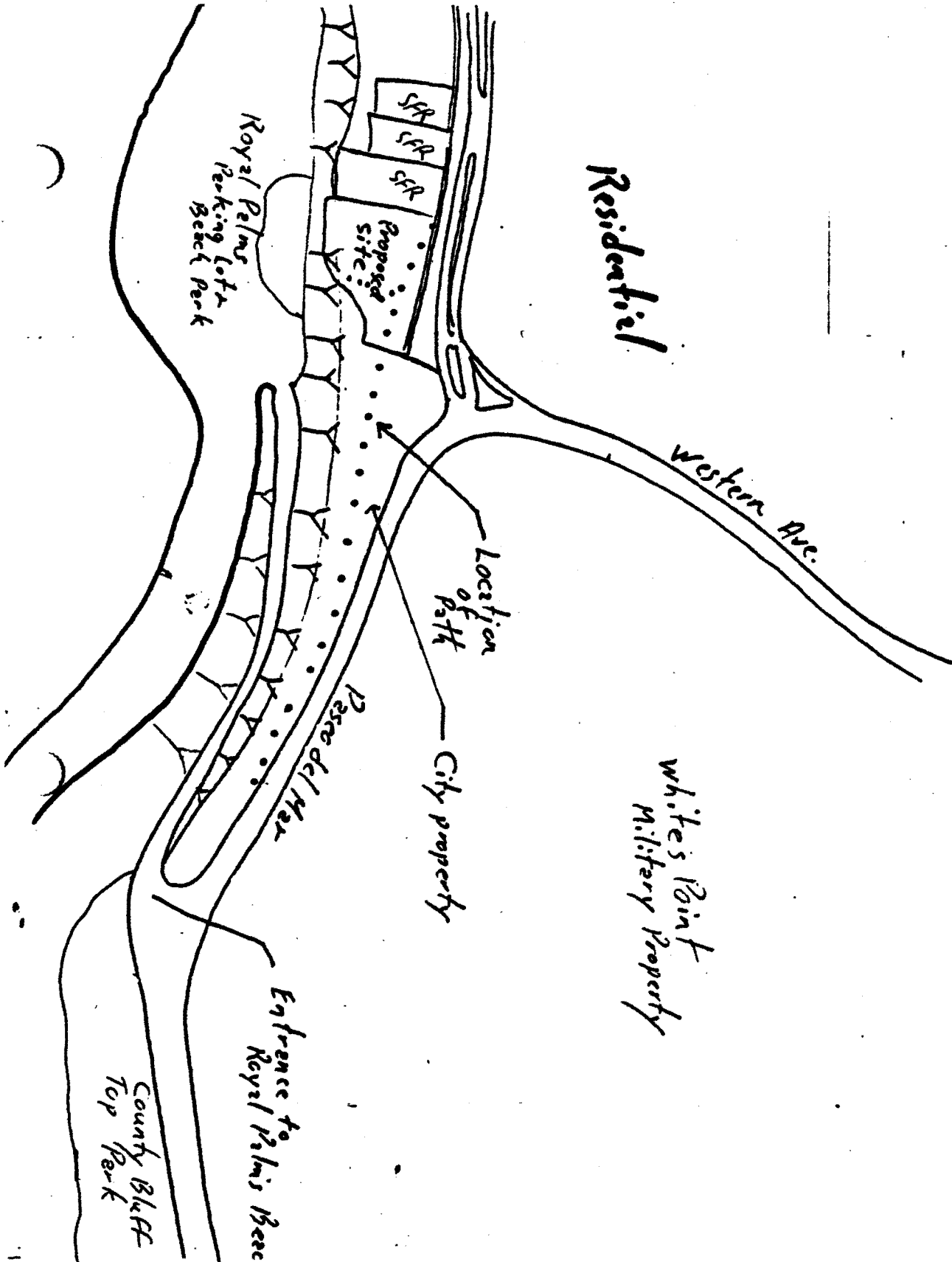
Scenic Resources Map  
California Coastal Commission



- Recreational Areas
- Visual Corridors
- Scenic View Site
- Trail

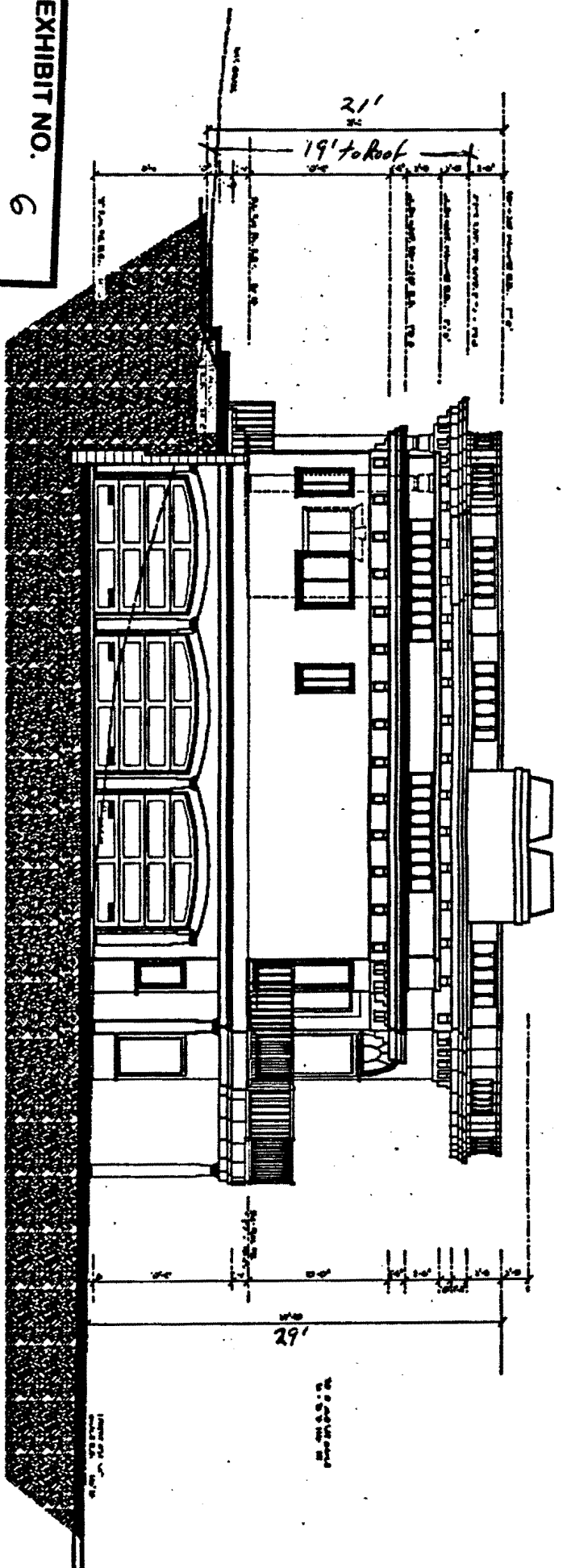
- PRIORITY OF IMPROVEMENT**
- ① Barbara Street (VERTICAL)
  - ② Meyler/Roxbury Streets (VERTICAL)
  - ③ Sunken City - Point Fermin (LATERAL)
  - ④ Lighthouse - Point Fermin (VERTICAL/LATERAL)
  - ⑤ White's Point East (VERTICAL)
  - ⑥ Upper Roxbury Street (VERTICAL)
  - ⑦ Warmouth Street (VERTICAL/LATERAL)

APPENDIX C



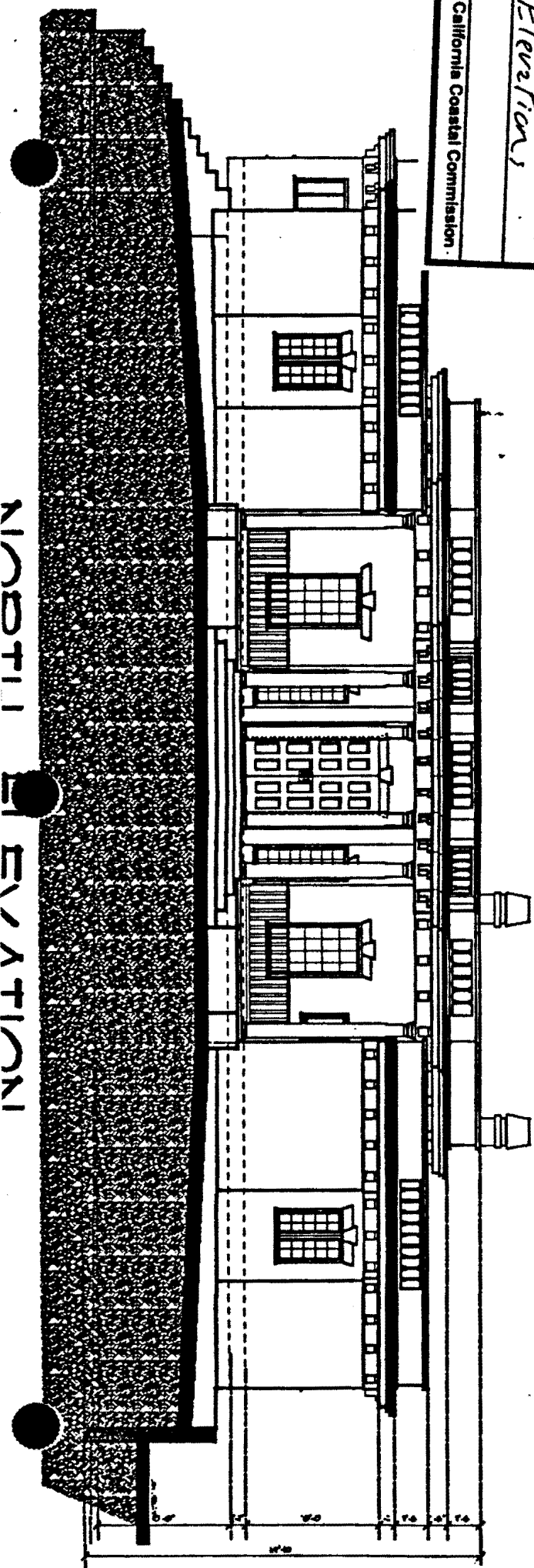
<b>EXHIBIT NO. 5</b>
APPLICATION NO. 5-99-281
Dirt Path location prior to erection of F e

**EXHIBIT NO.** 6  
**Application Number** 5-99-281  
*Elevations*  
 California Coastal Commission



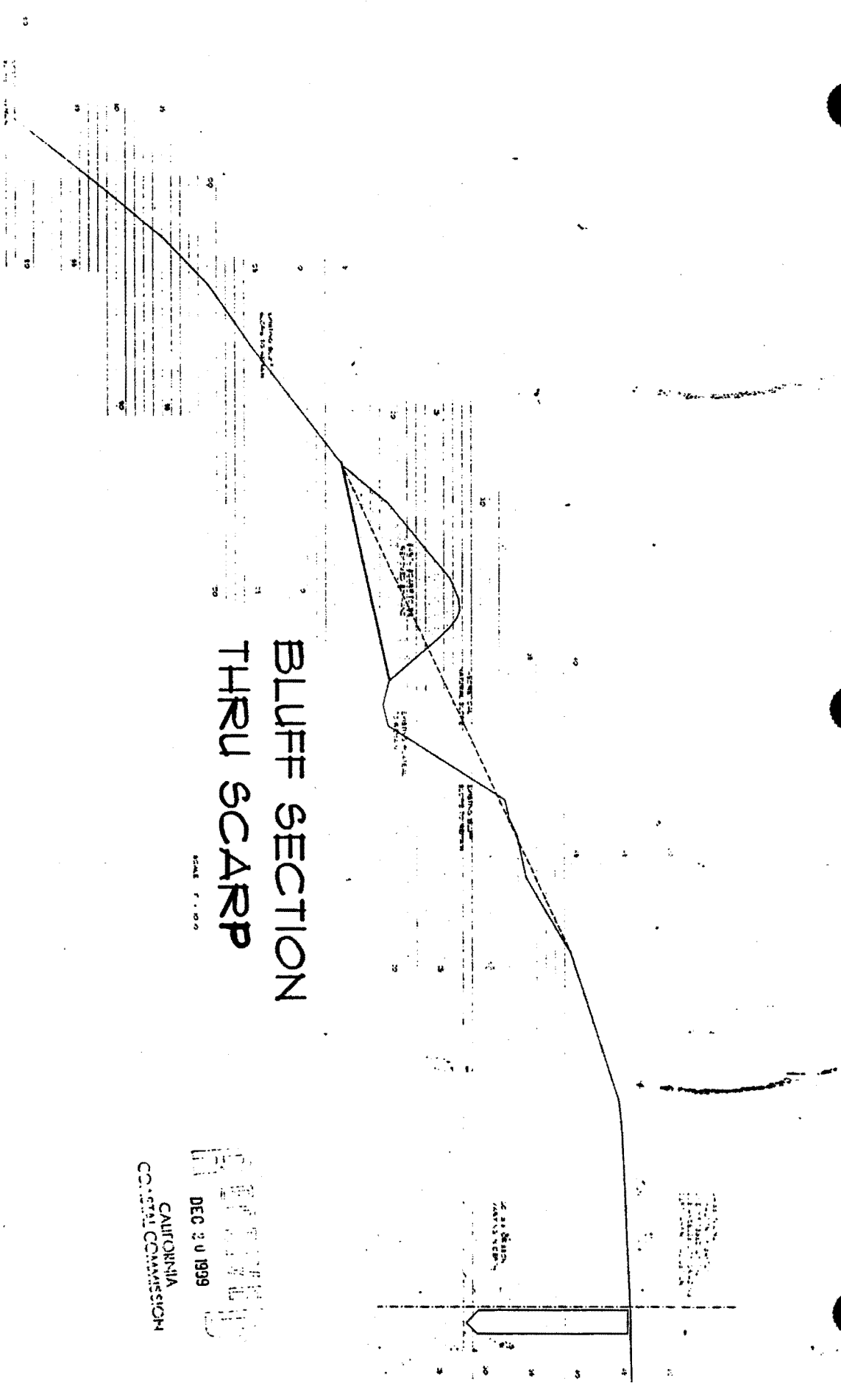
**WEST ELEVATION**

DATE: 12-11-8



**NORTH ELEVATION**

<b>EXHIBIT NO.</b>	<b>7</b>
<b>Application Number</b>	<b>5-99-281</b>
<b>Scarp cross section</b>	
<b>California Coastal Commission</b>	



**BLUFF SECTION  
THRU SCARP**

SCALE 1:100

RECEIVED  
DEC 20 1999  
CALIFORNIA  
COASTAL COMMISSION