

CALIFORNIA COASTAL COMMISSION

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

Filed: 7/2/01
49th Day: 9/13/01
180th Day: 1/22/02
Staff: AM-LB **AM**
Staff Report: 10/24/01
Hearing Date: 11/13/01
Commission Action:

**Tu 3a RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-01-245**APPLICANT:** Mary Ann Walker & Timothy Dupler**AGENT:** JSA Architecture**PROJECT LOCATION:** 2129 Paseo Del Mar, San Pedro, City and County of Los Angeles**PROJECT DESCRIPTION:** 1,518 square foot first and second story addition to an existing one-story, 4,087 square foot single family home, creating a two-story, 23'10", 5,605 square foot single family home located on a 12,674 square foot, bluff-top lot.

Lot Area	12,674 square feet
Building Coverage	4,087 square feet
Pavement Coverage	2,940 square feet
Landscape Coverage	5,549 square feet
Zoning	R1-1XL
Plan Designation	Low Density Residential
Max Ht.	23' 10" feet above frontage road
Parking Spaces	2

SUMMARY OF STAFF RECOMMENDATIONS

Staff is recommending approval with conditions to prepare and carry out drainage and erosion control plans and require an amendment to this Coastal Development Permit or a new Coastal Development Permit for future development on the site.

LOCAL APPROVALS RECEIVED:

- 1) City of Los Angeles Planning Department, Approval In Concept #2001-2642, May 29, 2001

SUBSTANTIVE FILE DOCUMENTS:

- 1) San Pedro certified Land Use Plan
- 2) Coastal Development Permit 5-99-281 (Mavar)
- 3) Update of Geotechnical Investigation, Dale Hinkle, P.E. Inc., October 5, 2000
- 4) Final Inspection Report, Dale Hinkle, P.E. Inc., August 18, 1993
- 5) Report of Geotechnical Investigation, Dale Hinkle, P.E. Inc., September 15, 1992

STAFF RECOMMENDATION OF APPROVAL:

MOTION:

I move that the Commission approve CDP #5-01-245 pursuant to the staff recommendation.

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.

I. RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

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

III. SPECIAL CONDITIONS

1. Erosion and Drainage Control

A) Prior to Issuance of the Coastal Development Permit, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and drainage control.

(a) The erosion and drainage control plan shall demonstrate that:

1) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets. 2) The following temporary erosion control measures shall be used during construction: temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. 3) Permanent erosion and drainage control measures shall be installed to ensure the stability of the site, adjacent properties, and public streets. 4) All drainage from the proposed addition shall be directed toward the street and away from the bluff edge into suitable collection and discharge facilities.

(b) The plan shall include, at a minimum, the following components:

1) A narrative report describing all temporary run-off and erosion control measures to be used during construction. 2) A site plan showing the location of all temporary erosion control measures. 3) A schedule for installation and removal of the temporary erosion control measures. 4) A written agreement indicating where all excavated material will be disposed and acknowledgement that any construction debris disposed within the coastal zone requires a separate coastal development permit.

(c) The drainage control plan shall demonstrate that:

Run-off from all roofs and paving associated with the proposed addition shall be collected and discharged away from the bluff edge to avoid ponding and/or erosion either on or off the site.

- (d) These erosion and drainage control measures shall be required on the project site prior to or concurrent with the initial construction operations and maintained throughout the development process to minimize erosion and sediment from the runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriately approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- (e) The plan shall also include temporary erosion control measures should construction or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles and/or mats, sand bag barriers, and/or silt fencing; and include temporary drains and swales and sediment basins. The plan shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

B) 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.

2. Future Improvements

This Coastal Development Permit (5-01-245) is only for the development located at 2129 Paseo Del Mar, San Pedro, City and County of Los Angeles as expressly described and conditioned herein. Any future improvements or development as defined in Section 30106 of the Coastal Act, including but not limited to, an increase in square footage, associated structures in the rear yard area, increases in height, or any other change in the intensity of use of the property, shall require an amendment to this permit or a new coastal development permit from the Coastal Commission or its successor agency.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Location

The proposed project is a 98 square foot first floor addition and the construction of a 1,420 square foot second story addition to an existing one-story, 4,087 square foot single family

home. The proposed addition will create a two-story, 23'10", 5,605 square foot single family home located on a 12,674 square foot, bluff-top lot (see Exhibits). The proposed addition is located at the northern portion of the existing home facing the fronting road, Paseo Del Mar (Exhibit #4). No development is proposed between the existing single family home and the bluff edge.

The project site is a 12,674 square foot rectangular shaped coastal bluff top parcel (Exhibit #4). The site is located off of Paseo Del Mar, between Graysby Avenue and Anchovy Avenue in the San Pedro area of the City of Los Angeles (see Exhibit #1). The parcel is approximately 180 feet deep and 70 feet wide. The proposed project is situated on a relatively flat coastal bluff top, approximately 125 feet above Royal Palm Beach and beach parking lot (Exhibit #3). The existing structure is currently set back 54 feet (at its closest point) away from the bluff edge. The addition would not create an extension toward the bluff edge. The proposed addition, which is located at the street facing side of the existing residence, is approximately 100 feet from the bluff edge at its closest point (Exhibit #4). The existing structure, as well as the proposed addition, is not visible from Royal Palms Beach or any existing lookout point.

The parcel is located within a developed residential neighborhood (Exhibit #1). Surrounding land uses include single family residential structures on either side and across from the subject property. Royal Palm Beach and a public beach parking lot are located at the foot of the bluff, directly below the property. This beach and beach parking lot are accessed by Royal Palm Drive, a vehicular ramp off of Paseo Del Mar, which is located approximately 800 meters southeast of the subject parcel. White Point Park is located approximately 400 meters southeast of the property and is bounded by Western Avenue, Paseo Del Mar, and Weymouth Avenue.

B. Hazards to Development

The proposed project is located in an area subject to natural hazards. The bluffs overlooking the San Pedro coastline have been susceptible to natural disasters, some of which have caused extensive damage. Hazards common to this area include landslides, erosion, and flooding. The subject property is located on a relatively flat parcel atop a coastal bluff, which slopes to near vertical (Exhibit #1 & #3). The lot extends approximately 180 feet from Paseo Del Mar seaward. 170 feet of the lot extends across the relatively flat portion of the lot to the bluff edge, with the remaining approximately 10 feet located on the bluff face. The proposed addition is located approximately 100 feet away from the bluff edge (at its closest point). No construction is proposed further seaward of the existing structure.

Section 30253 states in part:

New development shall:

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

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

The applicant submitted a geotechnical investigation by Dale Hinkle, P.E., Inc. for the proposed addition dated October 5, 2000 and a previous report for an addition in 1992 dated September 15, 1992. The reports state that four caissons drilled between 28 and 30 feet deep support the area under the proposed addition. The report continues by describing the subsurface soil conditions as consisting of four feet of silty clay fill underlain by natural silty clay to a depth of 14 feet, which is underlain by two feet of terrace deposits. Bedrock of the Altamira Shale Member of the Monterey formation is located below this material. The report concludes by stating, "there are no geologic structures which are likely to favor slope failure in the area extensive enough to endanger the site of proposed construction.... It is very unlikely that even a maximum credible earthquake on one of the known active faults of Southern California would cause failure of the sea cliff extensive enough to damage the proposed structure."

1. Erosion Control Measures

The geotechnical report indicates the site is geologically favorable for the proposed addition. However, there are factors that can lead to the increased threat of hazards occurring on the site due to improper drainage and erosion control. Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion via rain or wind could result in possible acceleration of slope erosion and landslide activity. Special Condition #1 requires the applicant to dispose of all demolition and construction debris at an appropriate location outside of the coastal zone and informs the applicant that use of a disposal site within the coastal zone will require an amendment or new coastal development permit. The applicant ensures the continued integrity of the bluff by disposing of this material away from areas that could induce further erosion.

Increased erosion from construction activity can also enhance the possibility of slope instability, which could require the construction of protective devices. Special Condition #1 requires the applicant to provide and follow a temporary erosion control plan for construction related Best Management Practices. The plan shall include a written report describing all temporary erosion control and run-off measures to be installed and a site plan and schedule showing the location and time of all temporary erosion control measures (more specifically defined in Special Condition #1).

The proposed project includes the addition of a second floor over the front portion of the home. No construction is proposed in the rear (bluff facing) yard. The existing rear yard contains a patio deck as well as a lawn area and other landscaping. No development is proposed in this area. To be found consistent with Section 30253 of the Coastal Act, projects must limit the risk from hazards and not contribute to erosion or instability that would require the construction of protective devices. To ensure project's consistency with Section 30253 of the Coastal Act the Commission has conditioned past bluff top projects

to incorporate drainage plans that demonstrate water runoff from the site is directed away from the bluff edge and to a street or storm drain system. This assures that the subsurface conditions do not become oversaturated. The infiltration of water runoff in the subsurface is generally a major contributor to slope instability and landslides. The applicant's geotechnical report did not address the issue of water runoff or saturation of the subsurface.

As mentioned, the proposed project is a second floor addition, located in the front of the existing home. The project does not increase the building footprint and does not develop any land in the rear (bluff facing) yard. Therefore Special Condition #1 requires the applicant to submit a drainage plan only for the proposed addition. The plan shall demonstrate that all roof drainage from the proposed addition is collected in gutters and directed to the street and away from the bluff edge.

2. Future Development

As discussed previously, the existing single family home is set back approximately 54 feet from the edge of the coastal bluff. The proposed addition is located 100 feet from the bluff edge at its closest point (Exhibit #4). While this allows for a substantial setback from the bluff edge there is always the inherent risk of geologic hazards if, at a later time, the applicant decides to expand the home toward the bluff edge or construct amenities in the rear yard.

Therefore, Special Condition #2 is required to allow the Commission to further review future improvements or developments on the subject property, which would ensure the projects consistency with Section 30253 of the Coastal Act. If the applicant decides to undertake further development on the subject property he/she is required to apply for an amendment to this Coastal Development Permit (5-01-245) or a new Coastal Development Permit.

Only as conditioned to submit and carry out temporary and permanent erosion control measures during and after construction and a plan is submitted that describes the location, type, and schedule of installation of such measures, and that the applicant is aware that future improvements on the subject property will require an amendment or new Coastal Development Permit can the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

D. Visual Impacts/Landform Alteration

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of the surrounding areas, and, where feasible, to restore and enhance the

visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The project is located atop a 125-foot high coastal bluff that rises above Royal Palms Beach and a public beach parking (Exhibit #1 & #3). The City of Los Angeles certified Land Use Plan for San Pedro has designated six scenic view sites in the San Pedro area (Exhibit #2). One of the scenic view sites is located in White Point Park on the seaward side of the intersection between Paseo Del Mar and Western Ave. Views up and down the coastline and bluffs of San Pedro, as well as public beaches and rocky coves are seen from this lookout point.

The existing single family home is set back 54 feet from the bluff edge and the proposed addition is located approximately 100 feet from the edge of the bluff at its nearest point. The project site is located in an established residential community and is bordered on either side by single family homes. Due to the steep topography of the coastal bluff, the existing home and the proposed addition will not be visible from Royal Palms Beach. The proposed development is also not visible from and would not impact the scenic view site (designated in the San Pedro Land Use Plan) located at the intersection of Western Ave. and Paseo Del Mar.

Therefore, the proposed project is found consistent with Section 30251 of the Coastal Act. The proposed project is also consistent and in scale with the surrounding neighborhood.

F. Local Coastal Program

Section 30604 (a) of the Coastal Act states:

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

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 geologic hazards 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).

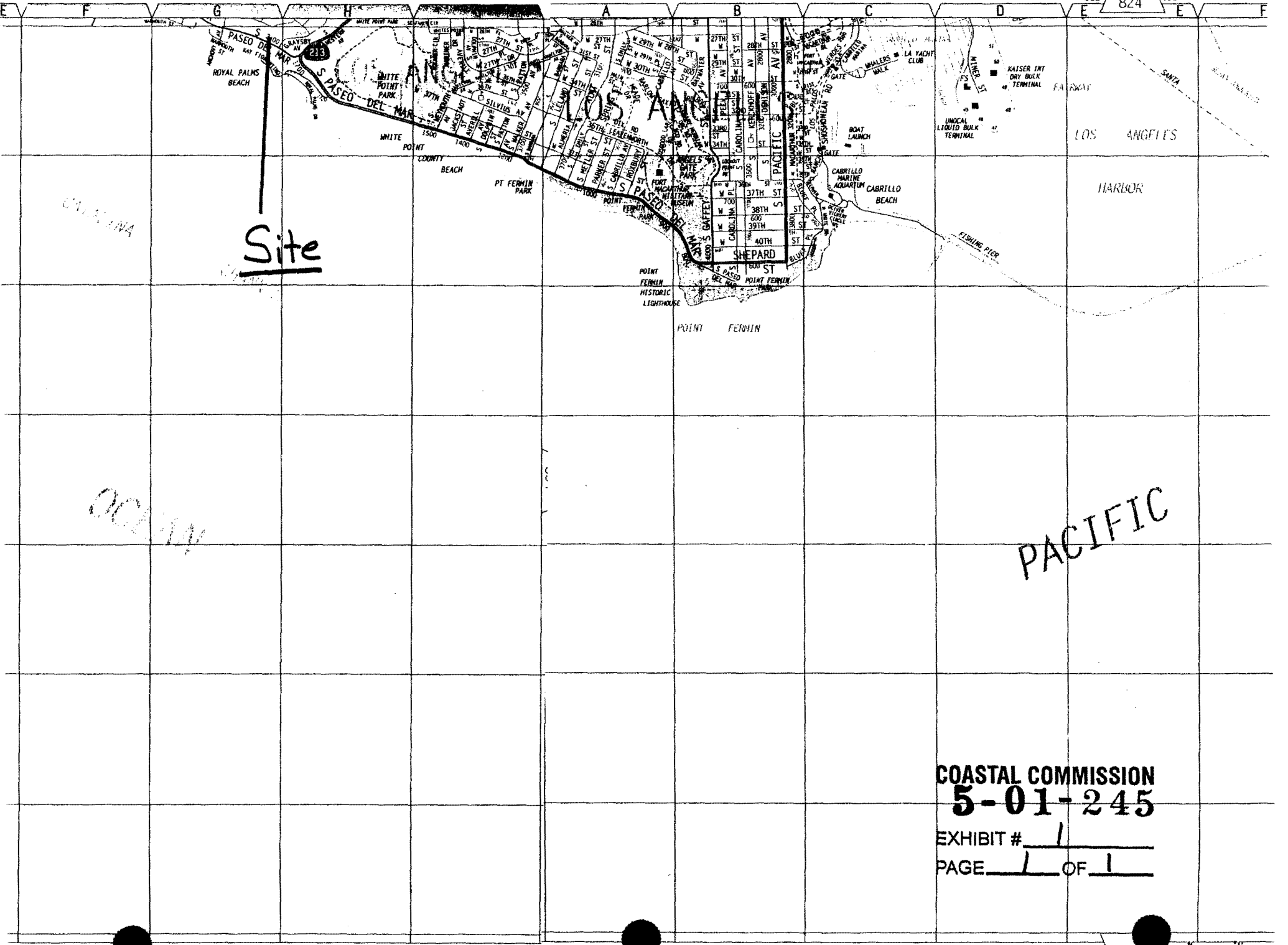
As conditioned, to address the geologic stability and visual resource issues related to the project, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, finds that the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

G. California Environmental Quality Act

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

The proposed project, as conditioned to supply and implement an erosion and drainage control plan, and require an amendment to this Coastal Development Permit or new Coastal Development Permit for future improvements or development, is found to be consistent with the Chapter 3 policies of the Coastal Act. As explained above and incorporated herein, all adverse impacts have been minimized and the project, as proposed, will avoid potentially significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project is consistent with the requirements of the Coastal Act and CEQA.

End/am



Site

OCEAN

OCEAN

PACIFIC

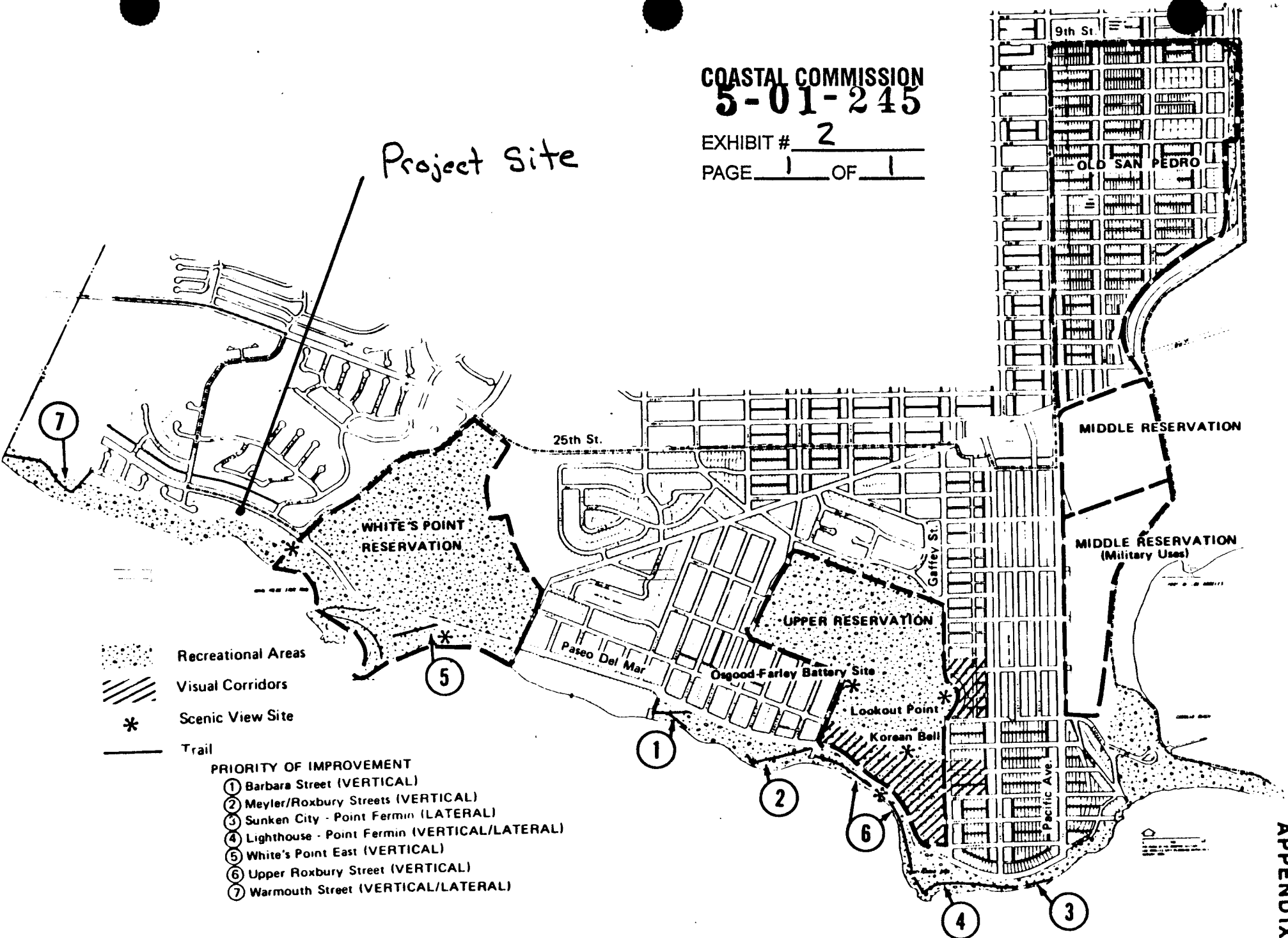
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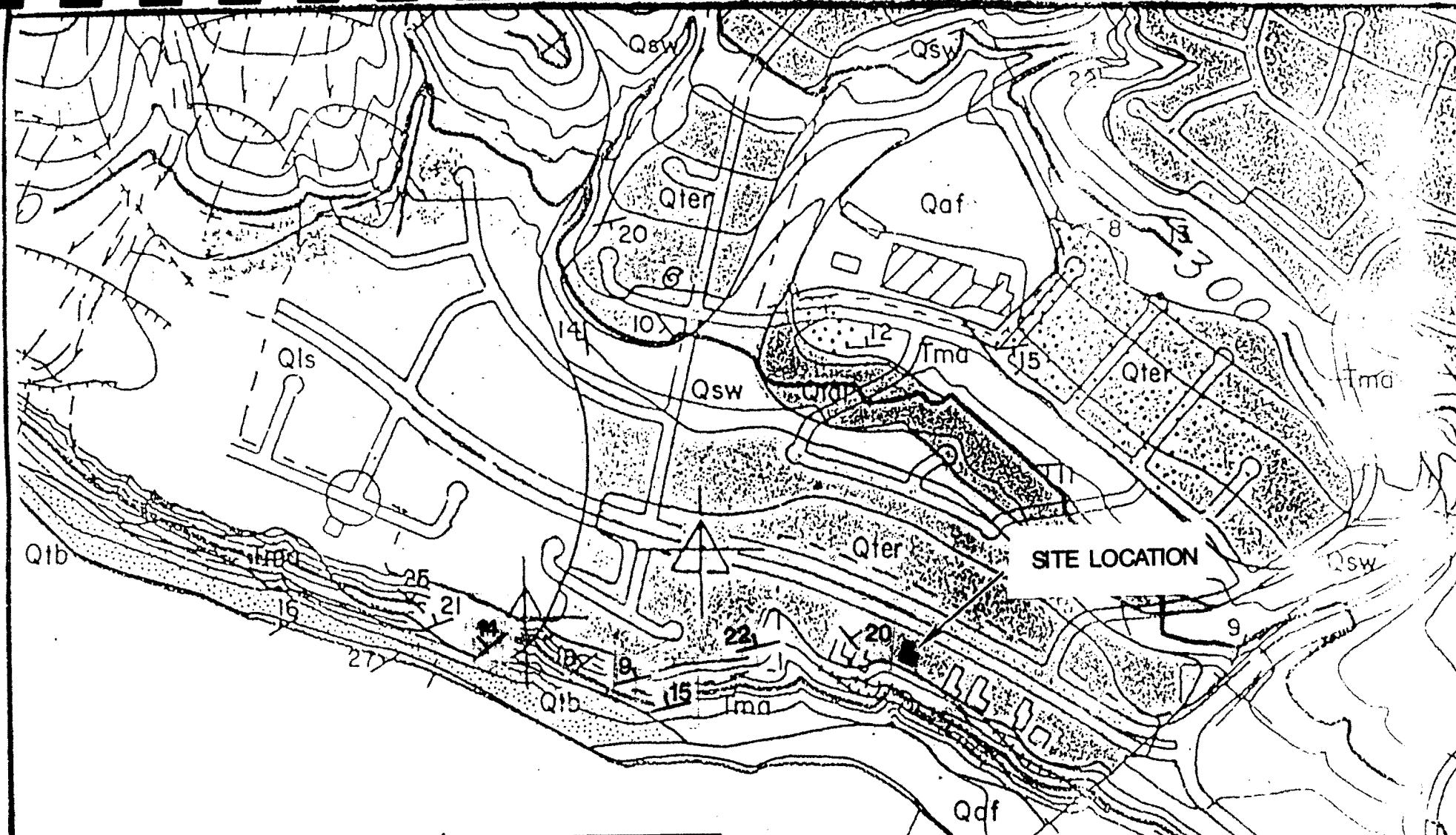
EXHIBIT # 1
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EXHIBIT # 2
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Project Site



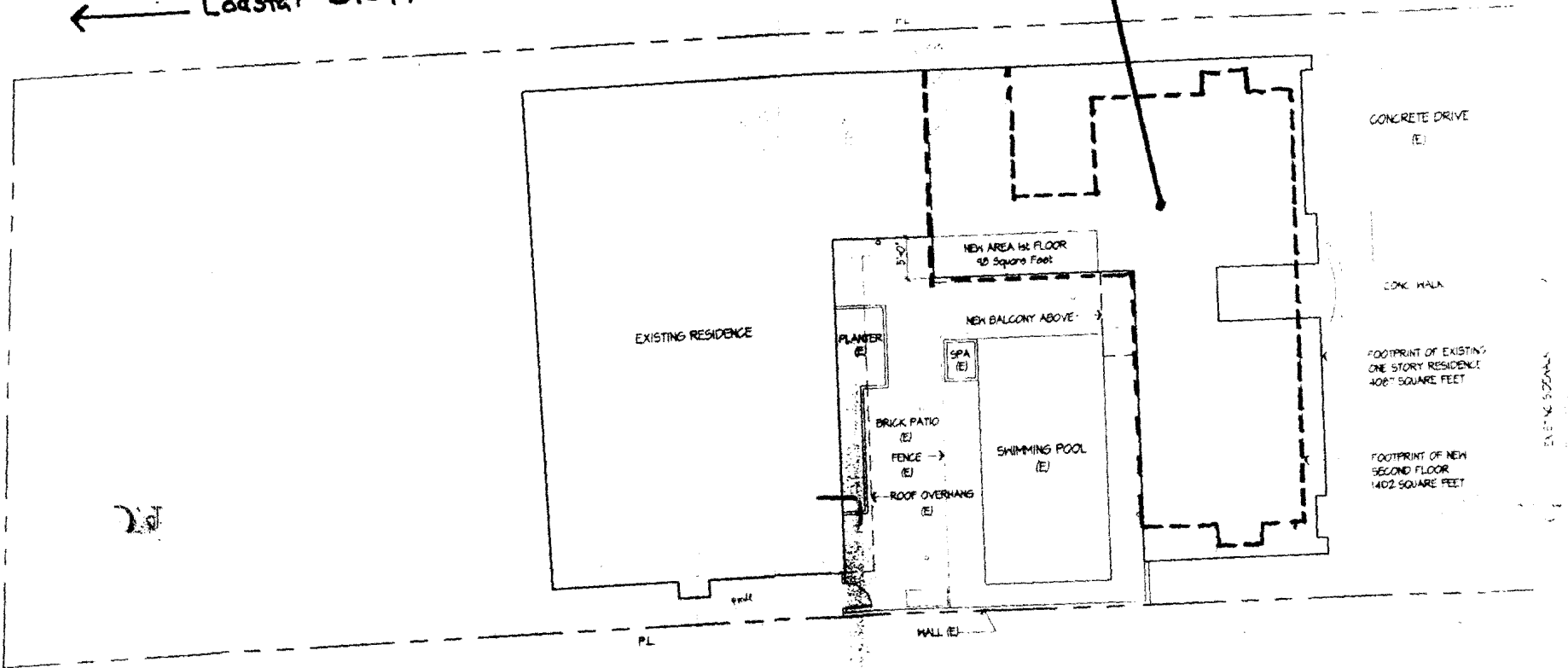


DUPLER	
2129 PASEO DEL MAR, SAN PEDRO	
GEOLOGIC MAP	
SCALE 1"=15'	CHECKED BY
DATE 9-16-92	DRAWN BY DLP
LE HINKLE P.E. INC.	
FIG. 4	

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 EXHIBIT # **3**
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← Coastal Bluff

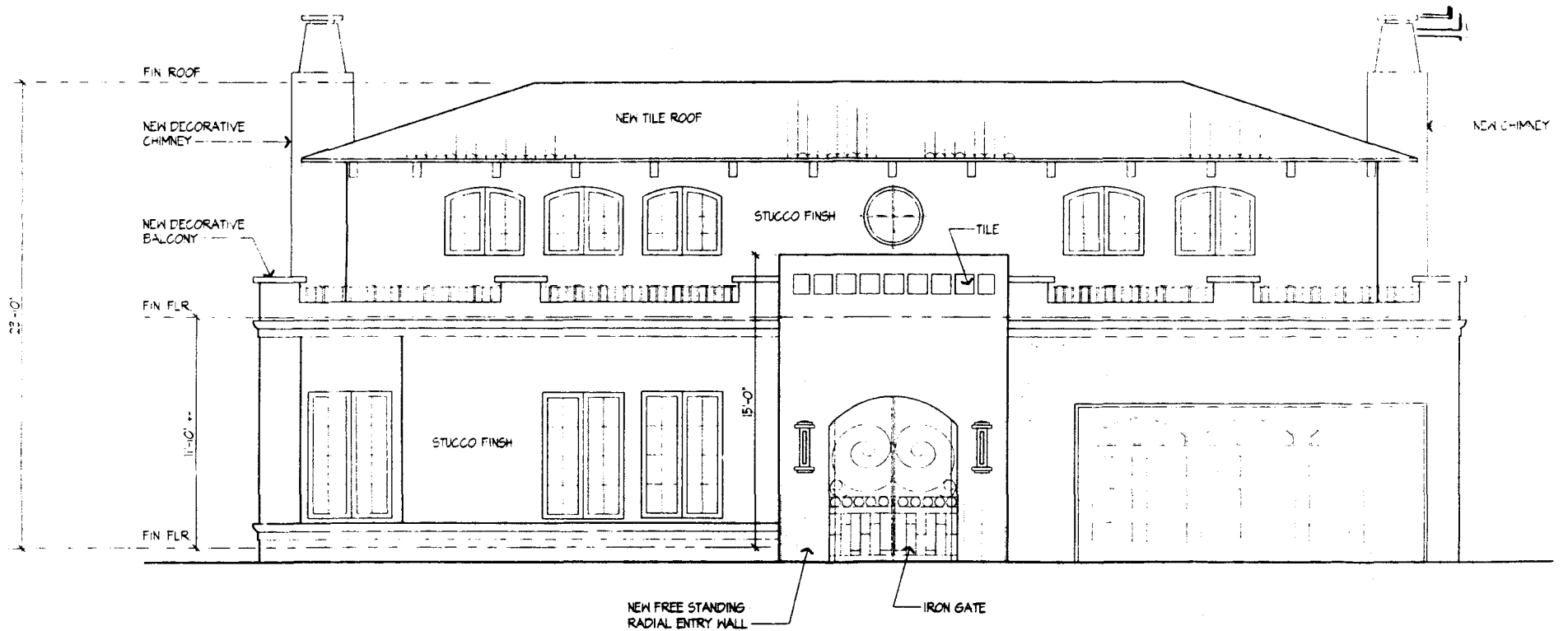
New 2nd Floor
1,402 #



← Paseo Del Mar →

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EXHIBIT # 4
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EXHIBIT # 5

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