

CALIFORNIA COASTAL COMMISSION

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Commission Action:



Th 10g

STAFF REPORT: DeNovo and Regular Calendar

APPLICATION NUMBER: A-5-SNP-05-081 and 5-05-211

APPLICANT: John Mavar

RECORD PACKET COPY

PROJECT LOCATION: 2021 Paseo Del Mar, San Pedro

PROJECT DESCRIPTION: Lot line adjustment and construction of an 11 foot high (above finished grade), 2,340 square foot single-family residence with a detached two-car garage.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission **deny** the project because it is inconsistent with Sections 30240(b) and 30251 of the Coastal Act. **(The motions are on page 3 of this report.)** Section 30240(b) and 30251 protect the scenic and visual and recreational qualities of coastal areas. As proposed, the project will readjust lot lines to create a new buildable lot at the eastern end of a row of bluff top houses. Presently the east end of Lot 190 (the lot in question) is a vacant portion of a single-family lot that affords views of the coast and ocean from Paseo del Mar. Although the applicant has agreed to limit the height of the proposed structure in order to protect private views, as proposed, the project will block existing views of the ocean from the first public road parallel to the shoreline, Paseo del Mar, and will have adverse impacts on the scenic and visual qualities of the coast. 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. This is partially an after-the-act coastal development permit because the city of Los Angeles allowed the lot line adjustment to be recorded without first requiring a coastal development permit. However, the proposed house has not been constructed, pending resolution of this matter.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permits: 5-99-281(Mavar)
2. San Pedro certified LUP, 1990.

Staff Note:

The proposed development is within the coastal zone of the City of Los Angeles. Section 30600(b) of the Coastal Act allows a local government to assume permit authority prior to certification of a local coastal program. Under that section, the local government must agree to issue all permits within its jurisdiction. In 1978, the City of Los Angeles chose to issue its own coastal development permits (CDPs) pursuant to this provision.

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Coastal Act requires that any development that receives a local CDP also obtain a permit from the Coastal Commission. Section 30601 requires a second coastal development permit from the Commission on all lands located (1) between the sea and the first public road, (2) within 300 feet of the inland extent of a beach, or the sea where there is no beach, (3) on tidelands or submerged lands, (4) on lands located within 100 feet of a wetland or stream, or (5) on lands located within 300 feet of the top of the seaward face of a coastal bluff. Outside that area, which is known as the Dual Permit Jurisdiction area, the local agency's (City of Los Angeles) coastal development permit is the only coastal development permit required. Thus, it is known as the *Single Permit Jurisdiction* area. In both the Single and the Dual Permit Jurisdiction areas, the local CDP can be appealed to the Commission. In the Dual Permit Jurisdiction area, this can result in two separate coastal development permits being issued by the Commission for the same development.

The proposed development is located seaward of Paseo del Mar (the first public road inland of the beach). This is within the coastal zone area of the City of Los Angeles that has been designated in the City's permit program as the "*Dual Permit Jurisdiction*" area pursuant to Section 13307 of Title 14 of the California Code of Regulations. The local CDP was appealed to the Commission at the beginning of March.

The Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area of Los Angeles is the Chapter 3 policies of the Coastal Act. The City of Los Angeles does not have a certified Local Coastal Plan for the San Pedro area. The de novo hearing and hearing on the Commission's Coastal Development Permit have been combined as one item in this report, but the Commission must take two separate actions, one for the denovo portion and one for the dual permit.

The proposed project was scheduled for the July 2005 Commission hearing. The applicant requested a postponement to consider possible alternative designs to the project to address Staff's concerns. The proposed project has been redesigned by the applicant. The revised plan is discussed below.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR COASTAL DEVELOPMENT PERMIT NO. A-5-SNP-05-081:

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

MOTION: *I move that the Commission approve Coastal Development Permit Amendment No. A-5-SNP-05-081 for the development as proposed by the applicant.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby **denies** a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will 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 would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR COASTAL DEVELOPMENT PERMIT NO. 5-05-211:

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

MOTION: *I move that the Commission approve Coastal Development Permit Amendment No. 5-05-211 for the development as proposed by the applicant.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby **denies** a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will 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 would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

III. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Area History

The original project proposed by the applicant included the following:

Lot Line Adjustment and construction of a 13 foot high (as measured from average natural grade), 2,340 square foot single-family dwelling with detached two-car garage on a 9,766 square foot parcel of land located within the dual permit area of the California Coastal Zone within the City of Los Angeles.

After reviewing the staff report, the applicant redesigned the project by creating a below grade garage underneath the proposed 2,340 square foot single family residence and lowering the proposed single-family residence one additional foot, from 13 feet to 12 feet (as measured from average natural grade).

The project site involves two lots: Lot 190, currently consisting of approximately 42,055 square feet; and Lot 191, northwest of Lot 190, currently consisting of approximately 5,060 square feet (see Exhibit No. 3). The line between the two lots is being moved south-eastward, expanding Lot 191 into Lot 190, creating a larger parcel (which would be renamed Parcel A) to the northwest and a 9,706 square foot lot in the eastern portion of the present Lot 190, which would be renamed Parcel B (See Exhibit No. 4). There will be no net change in the number of lots. In addition to the Lot Line Adjustment, a new 2,340 square foot single-family residence is being proposed on the newly created 9,706 square foot parcel (Parcel B).

The site is located adjacent to and south (seaward) 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 No. 1 and 2.) The Lot Line Adjustment will create a 9,706 square foot lot (Parcel B) with approximately 107 feet of frontage along Paseo del Mar,

with an average depth of approximately 96 feet, descending approximately 18 feet from the street to the southern property line. Approximately 20 feet beyond the southern property line, the terrain sharply drops down a 120-foot bluff to Royal Palms Beach parking lot.

Paseo del Mar is a major collector street directly inland of and parallel to the coastal bluff. There is a row of single family houses along portions of the seaward side of Paseo del Mar, along with parks, park entrances, trails, and public view areas. There is currently a view of the ocean from Paseo del Mar over the eastern portion of Lot 190, but no view over Lot 191, due to existing development located on abutting lots to the south (seaward) and to the west (upcoast).

Lot 190 has been improved with a 5,147 square foot single-family residence and 18 buried soldier piles, extending 30-60 feet into the bluff top (CDP No. 5-99-281) and a six-foot high chainlink fence along the northern and eastern property lines. The soldier piles extend from the western edge to the eastern edge of Lot 190 and are located approximately 16 to 30 feet from the bluff edge. The new proposed Lot (Parcel B) will contain 7 of the existing 18 soldier piles. The proposed residential dwelling will be set back 10 feet on center from the piles, with overhanging decks extending to within 5 feet from the piles. The applicant's geologist, A.G. Keene, and the City of Los Angeles, have reviewed the proposed plans and indicate that the site is buildable.

Lots 190 and 191 are located adjacent to and at the very eastern end of a developed residential neighborhood. Lot 190 is the eastern most privately owned bluff top lot within this residential neighborhood. Lot 191 is located directly west of Lot 190, between Lot 190 and the next adjacent single family lot, and inland of a bluff top lot developed with a small single-family residence. Surrounding land uses include multi-family residential structures directly north of the project site and across Paseo del Mar, a landscaped City of Los Angeles owned property immediately to the east, Royal Palm Beach County Park and parking lot located south at the base of the bluff, and a single family residence to the west (see Exhibit No. 5).

The proposed project received a number of letters in support of the project including letters from City of Los Angeles Councilwoman Janice Hahn, South Shores Homeowners' Association, San Pedro Bay Historical Society and residences from the surrounding area (see Exhibit No. 11 -14).

B. 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.

and Section 30240 (b), in part states:

(b) Development in areas adjacent to ... parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those ... recreation areas.

The proposed Lot Line Adjustment allows the applicant to create a separate developable lot on the eastern end of a row of single-family residential lots that are built-out (except for Lot 191 which is vacant and subject to this Lot Line Adjustment), by essentially replacing an existing Lot (Lot 191) that abuts the western side of an existing Lot (Lot 190) that is developed with a single-family residence with a vacant lot on the eastern side of the single-family developed lot (Lot 190). Lots 190 and 191 will be combined as Parcel A and the new lot will become Parcel B (see Exhibit No. 4).

The proposed Lot Line Adjustment will create a new buildable lot and extend the line of development east, into an area that previously afforded views of the ocean. 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 coastal bluffs. Along this two-mile stretch, the certified Land Use Plan designates three areas as Scenic View Sites. 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 identified scenic view sites in the LUP is located on the City owned landscaped 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. Coastal views are also offered along Western Avenue, which runs east to west and terminates at the intersection with Paseo del Mar, and from Royal Palms Beach Park, located below the project site at the base of the coastal bluffs.

The certified LUP limits heights of structures to 26 feet, as measured from average natural grade. The applicant is proposing to lower the existing grade from 158 to 155 feet and construct a one story single-family residence. According to the originally submitted plans, the residential structure would have a height of approximately 13 feet above average natural grade and 12-15 feet above finished grade and would extend for a length of approximately 64 feet along the frontage road. A proposed detached two-car garage to the west of the proposed residence would be similar in height with 20 feet of frontage along Paseo del Mar. The submitted revised plans would lower the residential structure to 12 feet above average natural grade and 11-14 feet above finished grade. As measured

from the existing frontage road, the proposed residence, as revised, will extend approximately 9 feet above the adjacent frontage road (Paseo del Mar). Furthermore, the 20 foot by 20 foot wide, two-car garage, which was originally proposed as a separate structure located to the west (upcoast) of the proposed single-family residence, will be constructed as a subterranean garage underneath the proposed residence (see Exhibit No. 8). By resiting the garage, the applicant creates a 34-foot wide open area along Paseo del Mar in the western portion of the site, between the proposed single-family residence and the western property line.

Views from the adjacent City owned landscaped bluff top park, which is located to the southeast of the project site, will not be significantly impacted by development due to the location of the proposed development and existing development located further to the west, which encroaches further seaward than the proposed Lot (Parcel B) and blocks any possible upcoast coastal bluff and ocean views from the landscaped bluff top park. However, public views from the north and northeast from the adjacent streets, Paseo del Mar and Western Avenue, including from the beach park, Royal Palms Beach Park, which is located to the south and southeast at the base of the coastal bluff, will be impacted by development on this portion of the bluff.

Although the applicant has proposed to lower the proposed structure's height by a foot to 12 above average natural grade and 9 feet above the center line of the frontage road, and resite the garage and to create a 34 foot wide view corridor between the proposed residential structure and western property line, the proposed project will still have a significant impact on coastal views from portions of Paseo del Mar and Western Avenue.

From Paseo del Mar the visual impact will be limited to directly in front of the proposed residence from the public sidewalk and street. Currently, the eastern portion of Lot 190 (proposed Parcel B) is undeveloped, except for a six foot high chain link fence (CDP No. 5-96-191), and provides over 120 feet of unobstructed views above and through the fence along the frontage road (Paseo del Mar) from the adjacent single-family residence to the west, located on Lot 190 (proposed Parcel A) to the eastern property line. These views continue to the south along the bluffs forming a contiguous uninterrupted panoramic view of the ocean and Catalina Island. These views are available to motorists and pedestrians along Paseo del Mar. Any development in this area, because there is only 3-6 foot elevation change between the frontage road (elevation 158 feet) and the proposed building site (elevation 155 to 152 feet), development will extend into the line of sight and obstruct public coastal views from and along Paseo del Mar.

From Western Avenue the visual impact will be limited to an approximately 300-foot section of Western Avenue as it descends toward its intersection with Paseo del Mar. From this portion of Western Avenue and Paseo del Mar, panoramic views of the ocean and Catalina Island are also available to motorists and pedestrians. Views from Western Avenue are more significant than views from Paseo del Mar because Western Avenue rises to the north providing greater panoramic views of the ocean and coastline. The proposed structure will block portions of the coastal views of the ocean and horizon

offered along Western Avenue and break up the contiguous uninterrupted panoramic views that are currently offered from this area. Although the structure will be limited to a height of 9 feet above the centerline of the frontage road, the proposed building area is currently vacant and any development in this eastern portion of Lot 190 (proposed Parcel B) will encroach into the line of sight and will have an adverse impact on public coastal views from Western Avenue.

Furthermore, in addition to adverse coastal view impacts from atop the bluffs, coastal views from below from the adjacent beach park, Royal Palms Beach Park, will also be impacted by development on top of the bluff. From the beach park at the base of the bluff, due to the narrow depth of the bluff top and the limited area for larger setbacks from the bluff edge, a new residential structure will be visible and have a significant public visual impact on the bluffs from the beach park. Although the proposed residence will be in a bluff area that is highly built out (with adjoining residences built at the bluff's edge to the west of the project site and visible from the beach park) the Lot Line Adjustment would allow development to encroach further to the east along the eastern edge of an undeveloped portion of a lot, and at the eastern end of a developed residential neighborhood, pushing development further to the east along the bluff in an area that is not developed and is absent of any visible residential structures from below, whereby increasing the cumulative visual impact along the bluff from the beach park. Development along this portion of the coastal bluff will reduce the views of undeveloped coastal bluffs recreational visitors currently have from the park and diminish the recreational experience. Therefore, development on the bluff in the proposed location, adjacent to a public recreation area, is not sited and designed to prevent visual impacts from the public recreation area and will significantly degrade the area.

The creation of a developable lot in the eastern portion of Lot 190 does not minimize the visual impact of the development from the surrounding public area, protect scenic and visual qualities of coastal areas, or protect views to the ocean and scenic coastal areas, as required by Section 30251. Nor is this lot line adjustment necessary in order to ensure that the applicant has use of his property. The existing lot configuration provides the applicant two legal developable lots, Lots 190 and 191. Lot 190 has been developed by the applicant with a 5,147 square foot single-family residence under CDP No. 5-99-281 (see Exhibit No. 9). The applicant has achieved an economic and beneficial, or productive use, of Lot 190 with the development of the single-family residence.

Lot 191 is currently a vacant 5,060 square foot lot and zoned for single-family development. The average lot size for lots along the bluff measure approximately 13,600 square feet which is much larger than Lot 191; however, the buildable area of these lots is considerably less due to the lots extending down the steep bluff which is undevelopable. Although Lot 191 is smaller than the average lots along the bluff, the entire 5,060 square foot lot is located atop the bluff and provides a flat buildable area. As currently located and as a legal lot, the applicant has the option to develop the lot and achieve an economically beneficial or productive use of the property by developing a single-family residence, consistent with the City's residential zoning (R1-XL1) and Coastal Act.

Furthermore, the Lot Line Adjustment currently before the Commission occurred in 1996 without the benefit of a Coastal Development Permit. If the applicant applied for a Coastal Development Permit for the Lot Line Adjustment prior to, or concurrently with the proposed development approved on Lot 190 (1999), Commission staff could have worked with the applicant to develop a Lot Line Adjustment that would provide the applicant adequate building area for the two lots and minimize the potential visual impact within the view corridor from Paseo del Mar and Western Avenue, and from the beach park below the bluffs.

The purpose of the lot line adjustment appears to be for the creation of a view lot (Parcel B), with unobstructed views of the ocean. Lot 191 is surrounded by residential development on three sides (west, east and south), which eliminates any coastal views from this lot. The new proposed lot (Parcel B) will have existing development only to the west (up coast) with a City owned landscaped parcel to the east. The proposed lot will provide unobstructed coastal views to the south and east, with limited views to the west, due to existing development located further to the west.

With regards to the view impacts that will be created by new development in the eastern portion of Lot 190 (proposed Parcel B), the applicant argues that the existing vegetation along the perimeter of the property (Lot 190) limits the amount of structure that can be seen from the surrounding public area. As shown in the applicant's photographs with story poles set at the proposed height of the structure, the existing bushes, which are approximate 6 to 9 feet in height, will block a significant portion of the structure. However, this vegetation appears to be in violation of the Coastal Act, and it cannot, therefore, be considered. Generally, under the Coastal Act, such landscaping would be exempt from the coastal permit process pursuant to Section 30610(a) (regarding improvements to existing single-family residences). However, that section requires the Commission to specify, by regulation types of improvements that will require a permit. Consistent with that mandate, the Commission promulgated section 13250 of Title 14 of the California Code of Regulations ("14 CCR"), which states that "the following classes of development require a coastal development permit . . . (1) Improvements to a single-family structure if the structure or improvement is located . . . within 50 feet of the edge of a coastal bluff." 14 CCR § 13250(b)(1). Here, the single-family structure is located within 50 feet of the edge of the coastal bluff. Thus, improvements require a CDP. This regulatory provision was adopted specifically for cases such as this, where development that would normally be exempt is to be undertaken on a lot near a coastal bluff edge and could therefore have impacts that it would not otherwise have. The Commission has no record of a CDP for this development. As a result, this development appears to be a violation of the Coastal Act, and as such, cannot be considered in assessing the consistency of the currently proposed development with the Chapter 3 policies of the Coastal Act.

In addition, the existing bushes were planted by the applicant in association with the development of Lot 190, which was approved by the Commission subject to conditions (CDP No. 5-99-281). One of those conditions required a landscaping plan to be approved by the Executive Director, pursuant to standards set forth in the permit. The landscaping

on which the applicant now attempts to rely was not part of the landscape plan that was required by the Commission as a special condition of approval for CDP No. 5-99-281. Any modification to the landscaping plan would require an amendment to the issued permit. Staff reviewed the landscape plan, and the plan shows no landscaping along the eastern portion of the site (proposed Parcel B), except along the bluff edge for erosion control, and includes a notation made by the landscape consultant stating no further development in the eastern portion of the lot (Parcel B). Based on the approved landscaping plan, it is evident that landscaping along the fencing in the eastern portion of the lot was not allowed under CDP No. 5-99-281.

Since the existing landscaping along this portion of the lot is inconsistent with the landscaping conditions of CDP No. 5-99-281, the landscaping has not been authorized by the Commission and is a violation of the permit, which will be investigated by Enforcement Staff. However, for purposes of analyzing this proposed development, all landscaping that was not approved under CDP No. 5-99-281 must be treated as if it did not exist and the potential screening of the development that existing landscaping may have should not be considered in analyzing the potential view impacts of the proposed development. Furthermore, although landscaping may block views of the structure, any development on the bluff, including landscaping, will block public coastal views that are afforded along Western Avenue and Paseo del Mar. Landscaping in and of itself creates additional visual impacts since these bluffs are not naturally vegetated with large trees or bushes and any additional landscaping can create an unnatural appearance and reduce the scenic views in the area.

The applicant also argues that by relocating the developable area from Lot 191 to the eastern portion of Lot 190, as proposed, Lot 191 will be preserved as open space (applicant is willing to restrict the area as open space) which will preserve the visual character of the adjacent structure, the "Gate House" and stone arch gate, located to the south of Lot 191. According to the San Pedro Bay Historical Society, the "Gate House", which is located on a separate parcel and is not owned by the applicant, or part of this application, was historically the entrance to the 166-acre ocean view San Pedro Golf and County Club in the 1920's and early 1930's. The area was subsequently subdivided and residentially developed. The "Gate House" and arch gate are the only remaining vestige of the former golf and county club. The San Pedro Bay Historical Society has submitted a letter in support of the project and the preservation of Lot 191 as open space (see Exhibit No. 13).

Although the house may be of architectural interest, it is neither a City nor State designated historical structure and there is no evidence that the structure is being considered as such. Furthermore, views of the "Gate House" from the public street are limited and although development on Lot 191 may block those views from the public street and sidewalk, development on the lot in front of the "Gate House" will not have any adverse impact on any potential architectural significance of the structure.

The Lot Line Adjustment and construction of the proposed single-family residence will obstruct public coastal views from Paseo del Mar, Western Avenue, and will have a visual impact from the public beach below the bluffs. The visual impacts can be significantly minimized by constructing the single-family residence on the existing single-family lot (Lot 191) and leaving Lot 190 as a single parcel. The Commission, therefore, finds that the project will not be consistent with the view protection policies of the Coastal Act and the certified LUP, will adversely impact the visual resources of the surrounding area, and therefore, is not consistent with Section 30240(b) and 30251 of the Coastal Act.

C. 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) that were prepared for the single-family residence on Lot 190 and the review of the grading plan by Nor Cal Engineering (11/1/04) for this proposed project, state that development of the site 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 geologic report prepared for the existing residence, the site would not normally need deep soldier piles to prevent bluff failure because of the favorable bedrock formation. 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 required bluff stabilization measures. The City of Los Angeles Building Department adopted a policy that requires that 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 was to either grade the bluff slope to 2:1, or install soldier piles. Because grading the entire bluff was not feasible due to adverse impacts, soldier piles were considered the best alternative in this particular situation and were constructed across Lot 190 as part of the development of the residential structure (CDP No. 5-99-281).

The soldier piles roughly parallel the bluff's upper edge, varying from 16 to 30 feet inland from the edge, as approved by the Commission. The proposed residential development on the proposed Parcel B will be located approximately 10 feet from the soldier piles. The reports prepared by NorCal Engineering (11/01/04) and geologic report prepared by A.G. Keene (12/01/04), indicate that the site is considered feasible to develop from an engineering and geologic and soils 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. Furthermore, the consulting engineering geologist inspected the site on December 1, 2004, and indicates that virtually no change regarding the bedrock has occurred since the first investigation in 1999 and that there has been no appreciative weathering of the slope. The City has reviewed and approved the soils and geologic reports for the proposed development. As proposed, the construction of a single-family residence on the project site will be consistent with Section 30253 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 policies to guide the types, locations and intensity of future development in the San Pedro coastal zone. Among these policies are those specified in the preceding section regarding visual resources and geology. As proposed the project will adversely impact public coastal views. The Commission, therefore, finds that the project is not consistent with the Chapter 3 policies of the Coastal Act with regards to the protection of public coastal views, and will 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.

The proposed project will have an adverse impact on the environment by impacting public views to and along the coast. There is a feasible alternative, or mitigation measures, available that would substantially lessen any significant adverse impact which the activity will have on the environment. As discussed above, the applicant has a legal vacant developable lot (Lot 191) without the proposed Lot Line Adjustment. The development of the existing lot would be in-fill development, surrounded on three sides by existing development and would not have any significant adverse coastal view impacts due to surrounding existing development. The lot in its existing location would allow the applicant to construct a single-family residence without extending development to the east along the bluff top where there is no development, and preserve existing views across the property from nearby public areas.

Denial of the proposed project will not prohibit the applicant from achieving an economic and beneficial use of the property. As stated above, the applicant has achieved an economic and beneficial, or productive use of Lot 190 with the development of the existing single-family residence. With regards to 191, as currently located and as a legal lot, the applicant has the option to develop the lot and achieve an economically beneficial or productive use of the property by developing a single-family residence, consistent with the City's residential zoning (R1-XL1) and Coastal Act. Therefore, the proposed Lot Line Adjustment and construction of a single-family residence is found not consistent with CEQA and the policies of the Coastal Act. Therefore, the proposed project is denied.

F. Unpermitted Development

Development has occurred on site without benefit of the required coastal development permit including recordation of the Lot Line Adjustment (Parcel map Exemption No. 96-059) and, as discussed above in Section B, placement of vegetation inconsistent with a previously approved coastal development permit (5-99-281). Although unpermitted development has taken place prior to submission of this permit application, consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.



LOS ANGELES AREA

SCALE
0 1 2 3 4 5 6 7 8 9
MILES

Location
RECEIVED
South Coast Region
CALIFORNIA
COASTAL COMMISSION

HUNTINGTON BI

EXHIBIT NO. 1

APPLICATION NO.
175-SN1206-0811

5-05-211
Regional/Map

California Coastal Commission

LOS ANGELES CO.

SEE MAP 77

DETAIL

EXHIBIT NO.

2

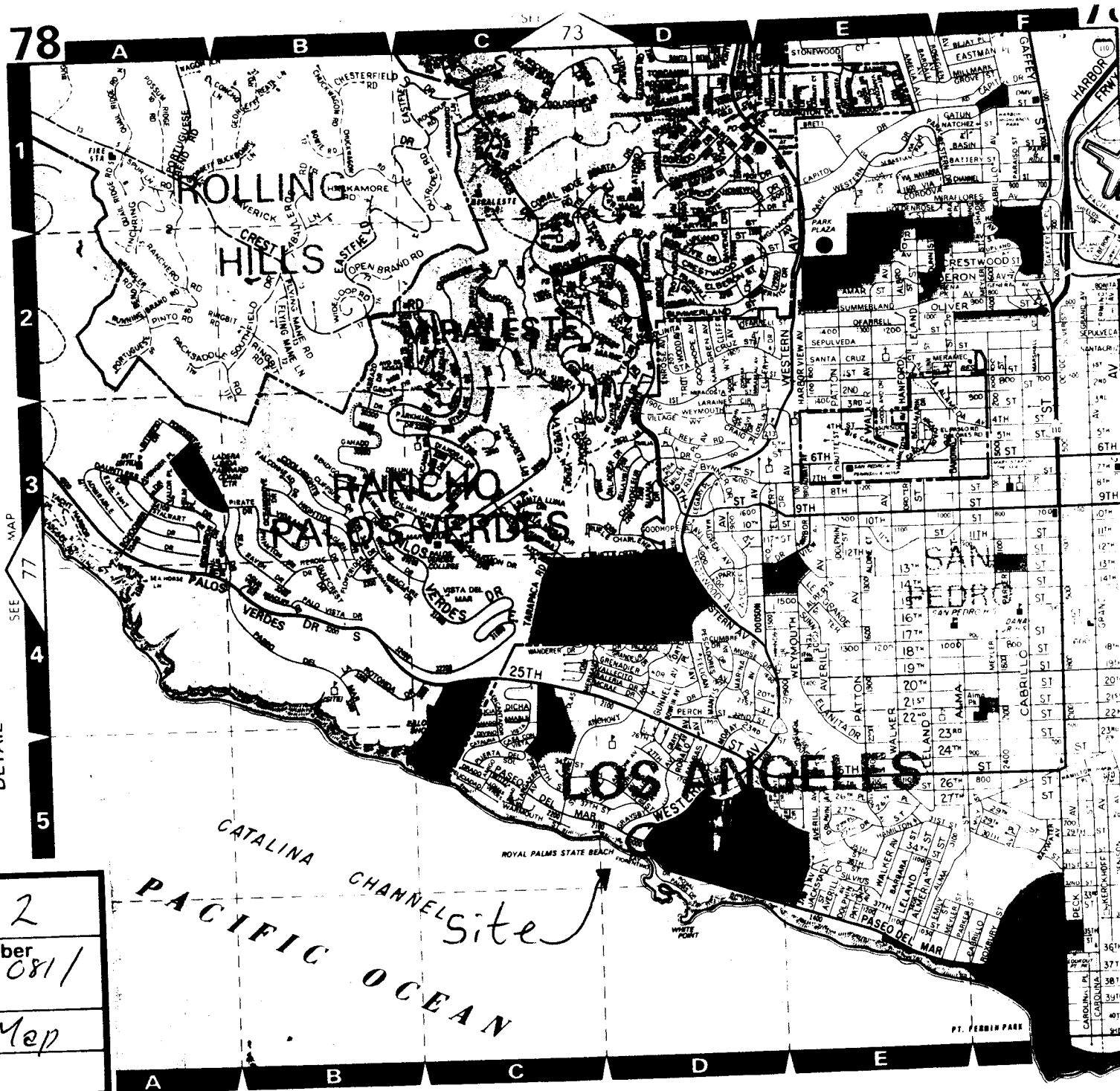
Application Number

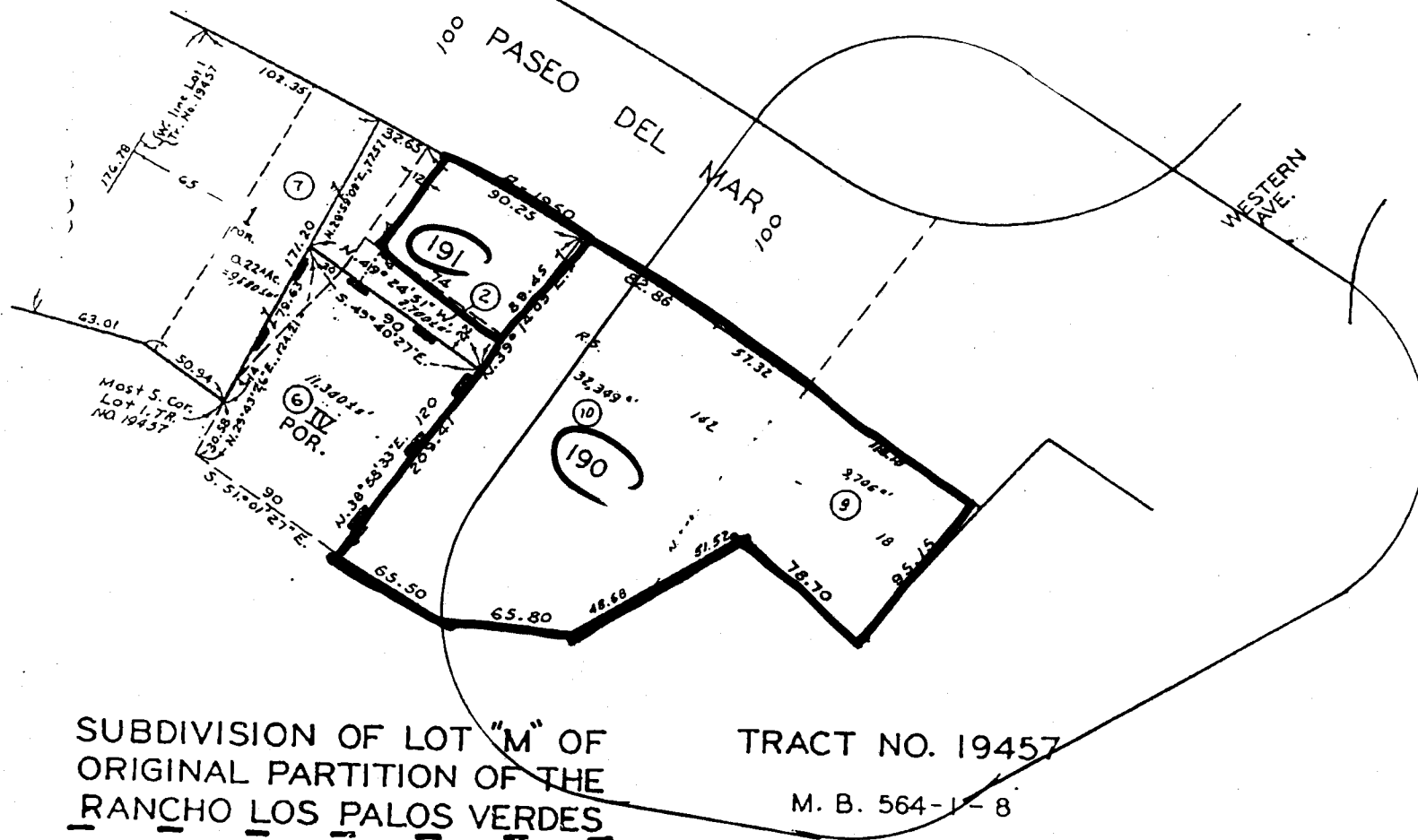
175-SNIP-05-0811

5-05-211

Vicinity Map

California Coastal Commission





CODE
470

FOR PREV. ASSMT. SEE: 7563 - 3

FEB 05 1964

EXHIBIT NO. 3

Application Number
A-5-SW12-C5-081 /
5-05-211
Perce / Map

California Coastal Commission



1213100
ROBERT H. SUTTON
DIRECTOR

F. US

EXHIBIT A

LOT LINE ADJUSTMENT PMEX 96-059

DENN ENGINEERS

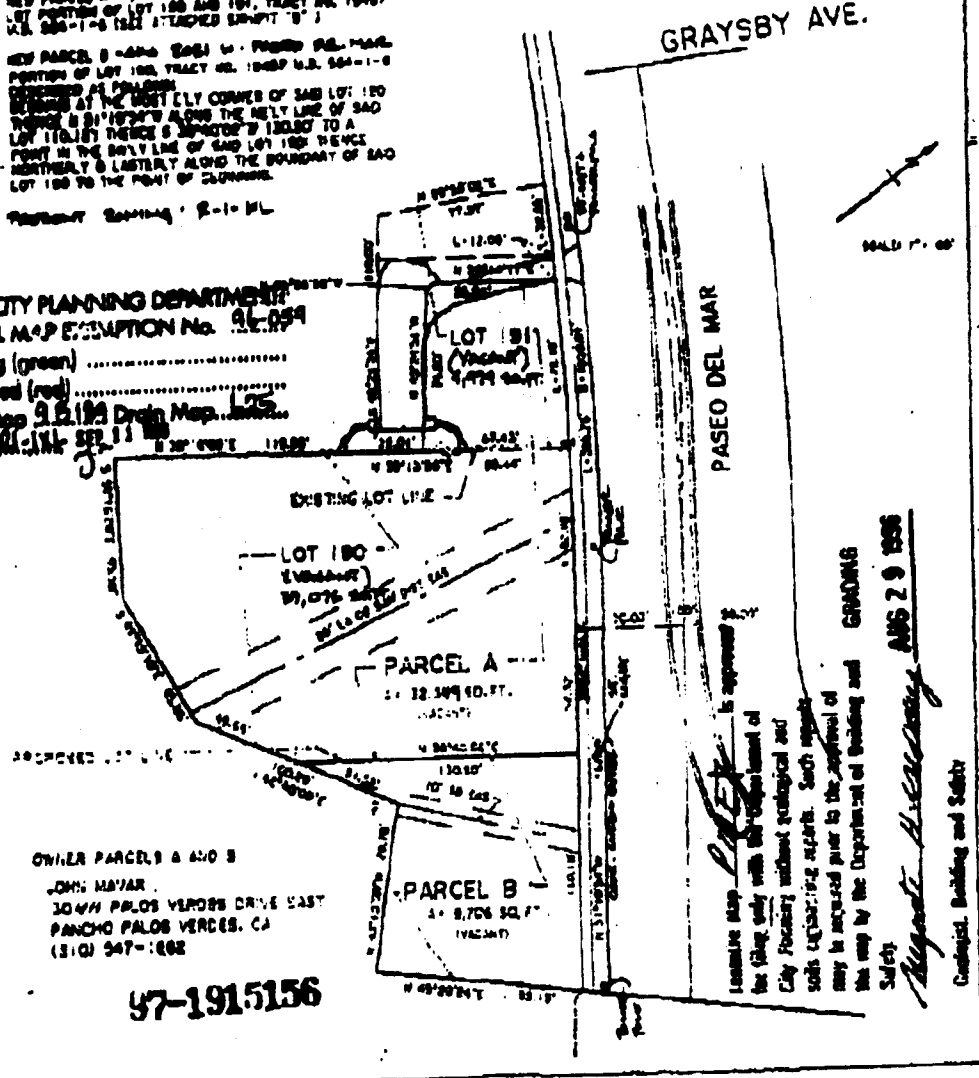
19 A DEL. AVE. DEL. ST. 92
LOS ANGELES, CA 90063

[Signature]
CARLOS G. DENN
DATE 8-27-96
S.C.E. 11284



DESCRIPTION
ORIGINAL PARCEL
PORTION OF LOT 91, TRACT NO. 10457 U.S. 244-1-2
FREE ATTACHED CORNER "A"
ORIGINAL PARCEL B
LOT 100 TRACT NO. 10457 U.S. 244-1-2
NEW PARCEL A - AND SAGE W. FRONT DEL. MAR.
LOT PORTION OF LOT 100 AND 101, TRACT NO. 10457
U.S. 244-1-2 1921 ATTACHED CORNER "B"
NEW PARCEL B - AND SAGE W. FRONT DEL. MAR.
PORTION OF LOT 100, TRACT NO. 10457 U.S. 244-1-2
CORNER AT THE CORNER
BEARING S 81° 10' 00" E ALONG THE N.E. LINE OF SAG
LOT 101 181.87 FEET TO THE N.E. CORNER OF A
PORT IN THE S.W. LINE OF SAG LOT 100 BEING
NORTHEASTLY & EASTLY ALONG THE BOUNDARY OF SAG
LOT 100 TO THE POINT OF BEGINNING.
PRESENT ZONING: R-1-1 ML

CITY PLANNING DEPARTMENT
MAP EXEMPTION No. 96-059
B (green)
red (red)
top 9.5.199 Drain Map 125
M-111-221-11



OWNER PARCELS A AND B
JOHN MAYAR
30444 PALOS VERDES DRIVE EAST
PANCHO PALOS VERDES, CA
(310) 947-1882

87-1915156

Is approved by
for filing only with the Department of
City Planning without geological and
soils engineering reports. Such reports
may be required prior to the approval of
this map by the Department of Building and
Safety.
[Signature]
ANG 2 9 1996
Geological, Building and Safety

EXHIBIT NO. 2
APPLICATION NO.
175-SMP-05-081/
5-05-211
Lot Line Adjustme

Residential

Western Ave.

Whites Point
Military Property

Lot 191 SFR Project Site

City property

Pasco del Mar

Entrance to
Royal Palms Beach

Royal Palms
Parking Lot
Beach Park

County Bluff
Top Park

EXHIBIT NO.	3
Application Number	175-SNIP-05-0811
	5-05-211
Surrounding Land Uses	

FROM : RONALD HALE civil engineer

PHONE NO. : 310 833 2129

Jun. 23 2005 03:16PM P5

[illegible]

PROPOSED SINGLE FAMILY RESIDENCE AND GARAGE
7101 935-2389
FOUNDED DATE

[illegible]

Locob.	Popul. 10	Pres.
Lot		
Chick		
Track		
High		

1] TWO ADDRESSES:
1091 FIRST PASEO DEL MAR.
TOWN OF SAN PEDRO.
COUNTY OF LOS ANGELES.
STATE OF CALIFORNIA.
90702

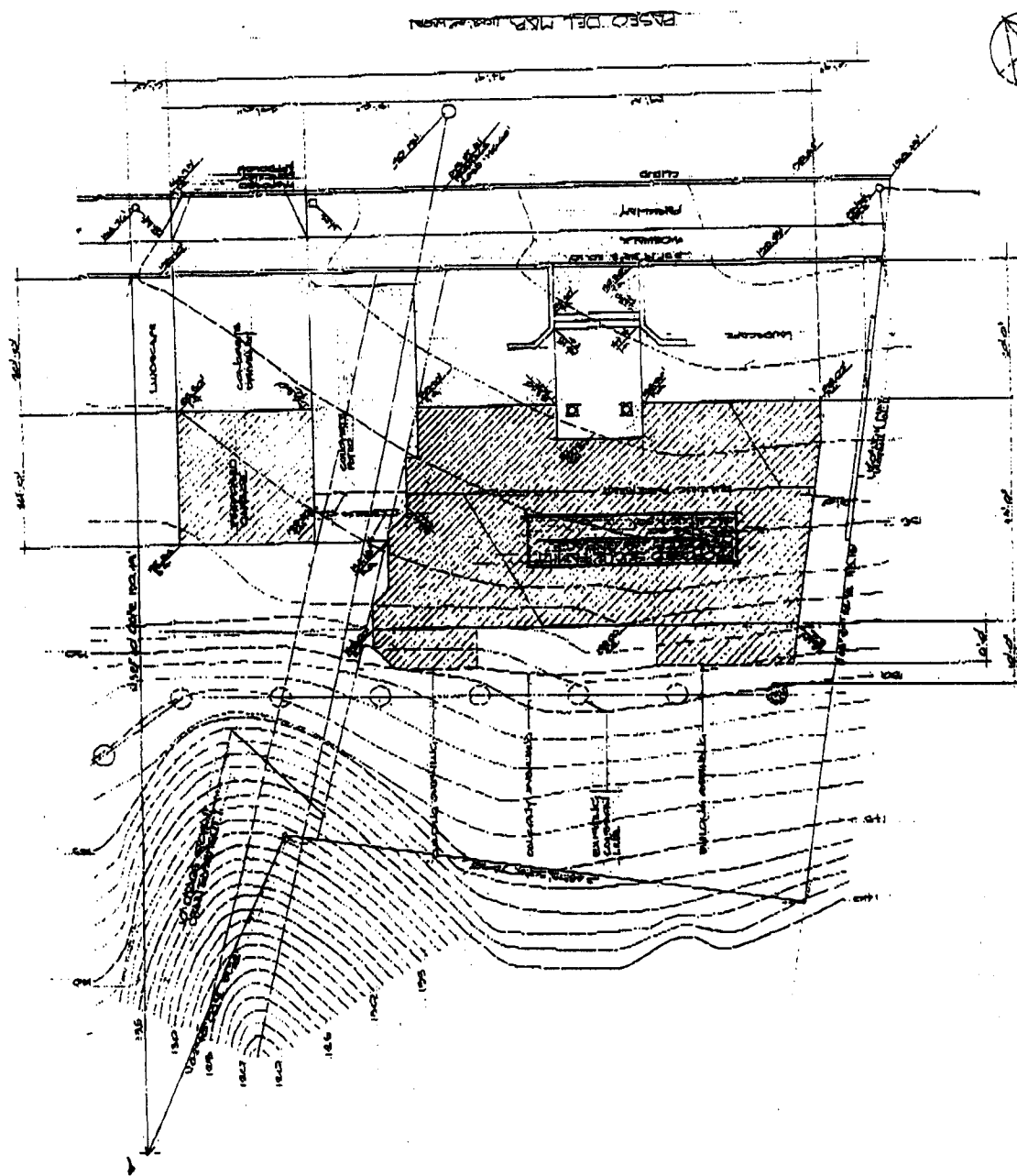
EXHIBIT NO.

Application Number:

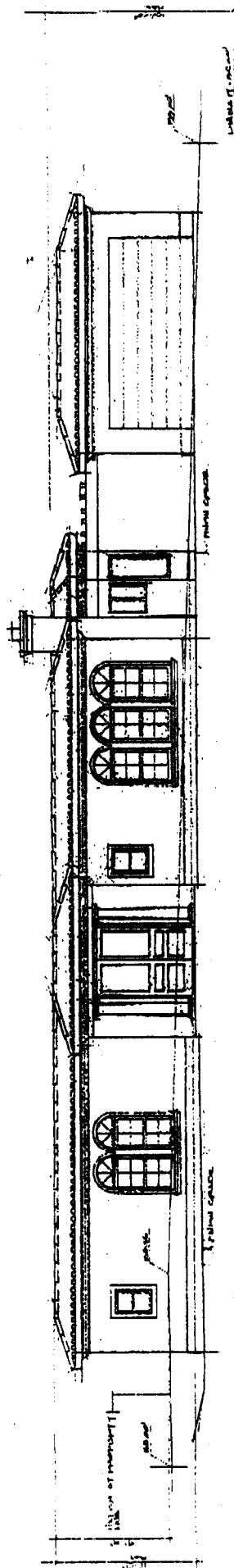
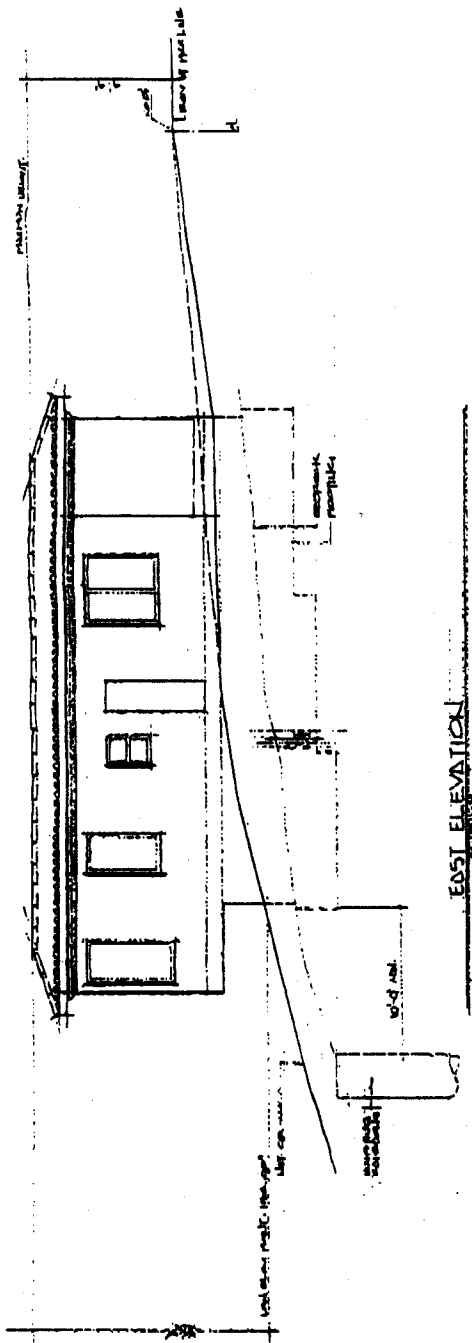
185-SUP-05-081

Site Plan for

5/12



SITE PLAN



NORTH ELEVATION

EXHIBIT NO. 7

Application Number

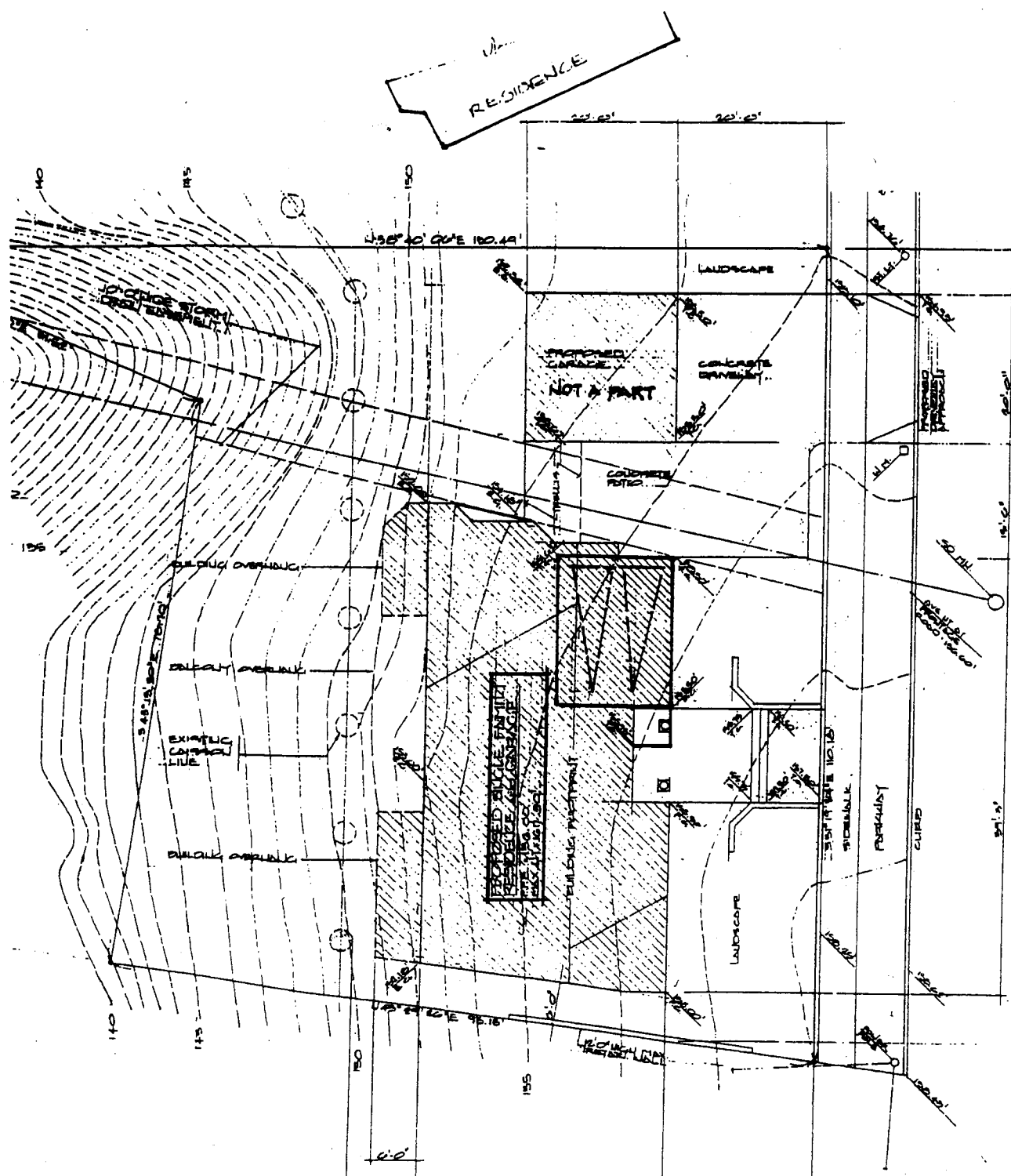
115-SN D-05-0611

5-05-211

Elevation

California Coastal Commission

EXHIBIT NO.	82
Application Number	45-SN12-05-081A
	5-05-211
Revised	Gerege
Location	



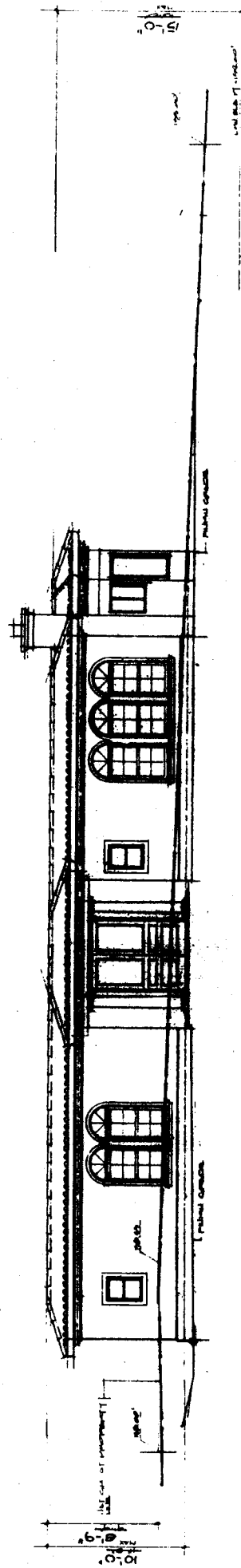
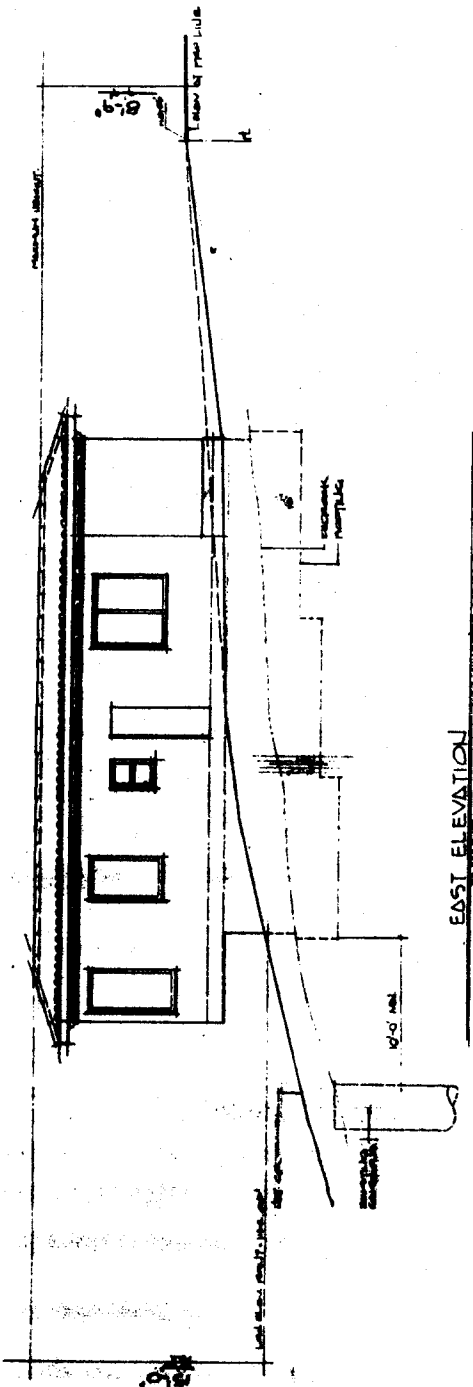


EXHIBIT NO. 86
Application Number MS-SMP-05-0810
5-05-211
Revised Electric
California Coastal Commission

NORTH ELEVATION

CA NEW PROPOSAL WITHOUT GARAGE

PASEO DEL MAR

PROPOSED SINGLE-FAMILY RESIDENCE

DRIVEWAY

EXIST. ASPHALT PAVING

EXISTING STONE PILLARS AND WALL

EXISTING STONE PILLARS AND WALL

canyon line determined by soil engineer

5-05-211

5-05-211

EXHIBIT NO. 9

Application Number 175 SN/05-0811

5-05-211

Site Plan of SFR on lot 190

1	ST	PLC
2	NO	
3	SO	

ST		EXHIBIT NO.	9
PLC		Application Number 175 SNIP05-C811	
1		5-05-211	
2	NOI	Site Plan of SFR	
3	SOI	on lot 190	
		California Coastal Commission	

UNITY MAP

5-05-211

ZA

2004 3078 NavigateLA

Parcel Legal Text

Abc

Annotation (Lot Numbers)

House Numbers Text

Abc

Parcels (House Numbers)

Freeways and Streets

—

Freeways

—

City Streets (by Type)

— Major

— Secondary

— Collector

— Local

— Private

— Undedicated/Proposed

— Unknown/Closed

— All Others

Streets (Alleys)

BOE Map Notes

Point Incidents

— Closed

— Open

— Not Assigned

Polyline Incidents

— Closed

— Open

— Not Assigned

Polygon Incidents

— Closed

— Open

— Not Assigned

Landbase

Landbase Lines / Parcel Outline

City Boundary

SCALE 1 : 1,480

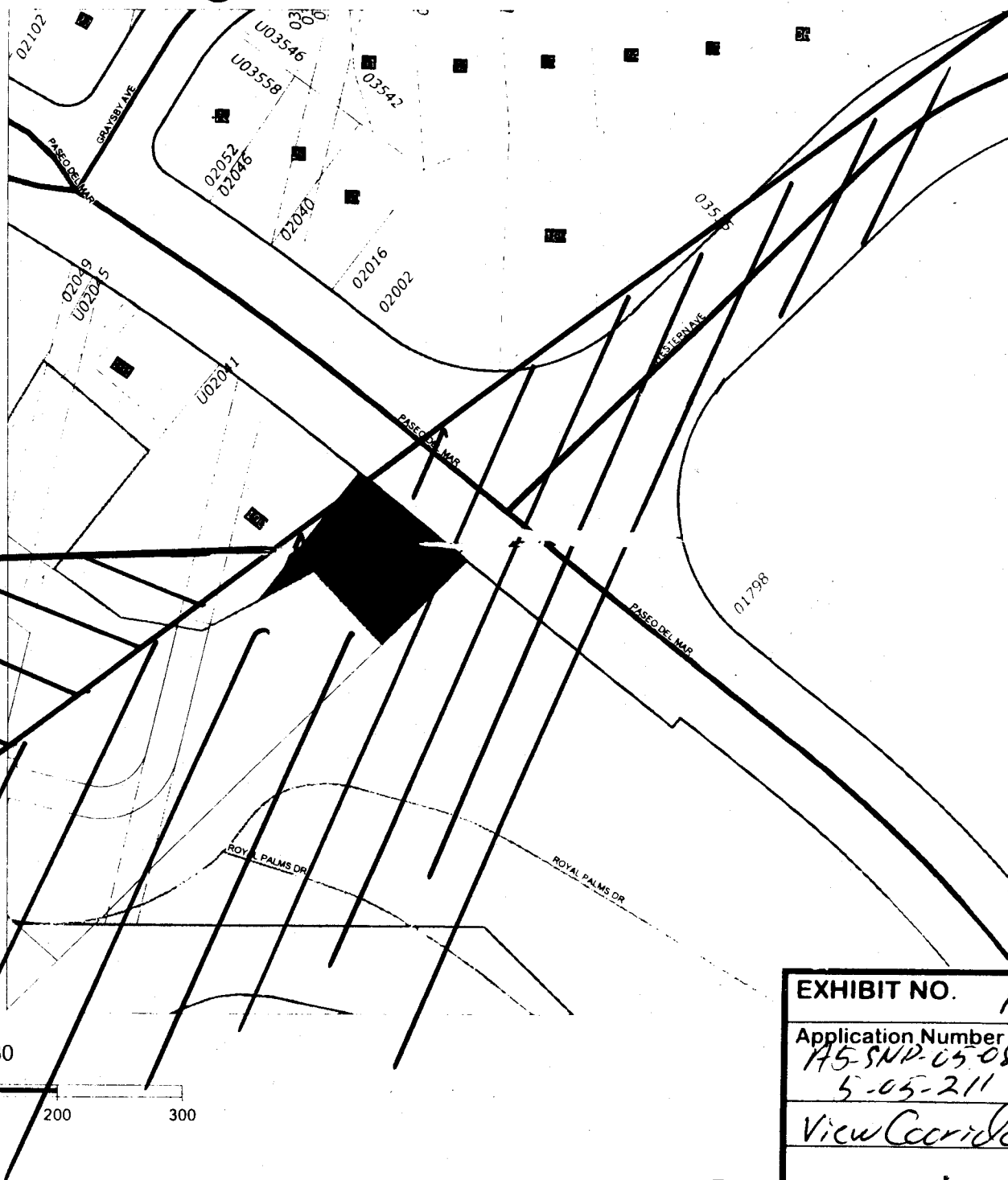


EXHIBIT NO.

10

Application Number

145-SNP-05-081/
5-05-211

View Corridor

Thurs

California Coastal Commission

CITY HALL
200 N. Spring Street
Room 435
Los Angeles, CA 90012
(213) 473-7015
Fax (213) 628-5431



JANICE HAHN
Councilwoman
Fifteenth District

DISTRICT OFFICES
HARBOR CITY/HARBOR GATEWAY
19401 S. Vermont Ave.
Suite #G104
Torrance, CA 90502
310-327-4482
Fax 310-327-6219

SAN PEDRO OFFICE
538 S. Beezor Street
Suite 552
San Pedro, CA 90731
310-732-4515
Fax 310-732-4500

WATTS OFFICE
10221 Compton Ave.
Suite 200
Los Angeles, CA 90002
213-473-5128
Fax 213-473-5132

WILMINGTON OFFICE
544 N. Avalon Blvd., Suite 102
Wilmington, CA 90744
310-233-7201

June 2, 2005

Deborah Lee, Sr. Deputy Director
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RE: APPLICATION # 5-05-033
2021 PASEO DEL MAR

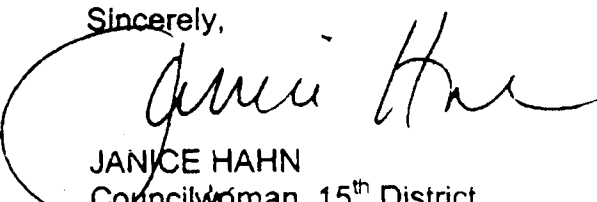
Dear Ms. Lee:

As a member of the City Council and as a neighbor, I write to express my support for the issuance of a permit by the California Coastal Commission for the construction of a 2,340 square-foot single-family dwelling on an existing 9,766 square-foot parcel of land located within the dual permit area of the California Coastal Zone.

On January 12, 2005, and again on March 29, 2005, the City of Los Angeles issued an approval for a coastal development permit for the aforementioned project.


If I could be of any further assistance to you on this matter, please contact my Planning Deputy, Sergio Carrillo, at (310) 795-2132 or via email at scarrill@council.lacity.org.

Sincerely,


JANICE HAHN
Councilwoman, 15th District
City of Los Angeles

JH:sc

Cc: John and Nancy Mavar

EXHIBIT NO. 11
APPLICATION NO. 15-SN 12-05-0811 5-05-211
Letter from Councilwoman Hahn
 California Coastal Commission



SOUTH SHORES HOMEOWNERS' ASSOCIATION

P.O. Box 922, San Pedro, CA 90733

February 27, 2005

Mr. and Mrs. John Mavar
2045 West Paseo del Mar
San Pedro, CA 90732

RECEIVED
South Coast Region

MAR 1 - 2005

CALIFORNIA
COASTAL COMMISSION

Dear Mr. and Mrs. Mavar:

**SUBJECT: APPLICATION FOR REVIEW OF 2021 WEST PASEO DEL MAR
RESIDENTIAL BUILDING PROJECT**

This is to inform you that the South Shores Homeowners Association Architectural Committee met today to review your proposed residential building project for 2021 West Paseo del Mar Avenue, San Pedro, California.

The committee made the following findings:

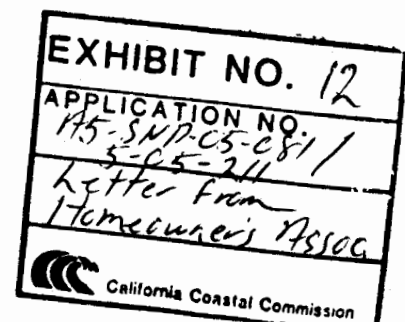
- (1) The architectural style is to compliment your existing home west of the property.
- (2) The roof ridgeline elevation will extend to 11 feet above the base property line (well within the one-story height guidelines of 16 feet in elevation).
- (3) The property setbacks allow for sufficient open space area around the new building structure.

After making a site visit and reviewing the findings noted above, the Architectural Committee voted to approve your plans as presented. The committee commends your efforts to develop a new residence within keeping of the quality of residential development in South Shores. Best wishes on your new residential project.

Sincerely,

Jerry Gaines, Chairman - Architectural Committee

C: California Coastal Commission



San Pedro Bay Historical Society



P.O. BOX 1568, SAN PEDRO, CALIFORNIA 90733

California Coastal Commission
South Coast District
P. O. Box 1450
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

June 13, 2005

Reference: Application # A-5-SNP-05-081

Coastal Commission:

The San Pedro Bay Historical Society urgently requests that the lot immediately west of, and contiguous with the lot of the John Mavars' current residence be saved as open space. That lot fronts on Paseo del Mar and graciously serves as the front yard of San Pedro's historic "Gate House" at 2049 Paseo del Mar. To build a structure on a site that would hide the view of the Gate House from the street would, we believe, be regarded as a shame by the community.

The Gate House, with its attractive architecture and interesting history, was the entrance to the 166 acre ocean view San Pedro Golf and Country Club of the late 1920s and early 1930s. It is the only remaining vestige of that enterprise. The acreage is now occupied by the South Shores residential area of San Pedro.

Mr. John Mavar has shown a keen sensitivity to the cultural heritage of the community during his years of development activity in San Pedro. Not the least of these has been his architectural treatment of the interface between his current home and the historic stone country club entrance-gateway that stands between his home and his Gate House neighbors.

Your consideration of this request is greatly appreciated. For further discussions please call the undersigned at 310-547-1378, or Mr. Milton Heyne at 310-547-0120.

Sincerely,

SAN PEDRO BAY HISTORICAL SOCIETY

Mitchell C. Mardesich
Mitchell C. Mardesich, President

EXHIBIT NO.

13

Application Number

A5-SNP05-081/

5-05-211

Letter from

Historical Society

California Coastal Commission

California Coastal Commission
Re: Application # 5-05-033 John Mavar
2021 Paseo Del Mar San Pedro

Date 2-24-05

RECEIVED
South Coast Region

FEB 28 2005

CALIFORNIA
COASTAL COMMISSION

To Whom It May Concern,

I am writing this letter with the hope that it will assist my neighbor, John Mavar, in the above referenced project.


I have been a resident of the "South Shores" area of San Pedro for many years and I have full confidence in Mr. Mavar's discretion to further enhance and beautify our neighborhood as he has done in the past. I am certain that this proposed project will be compatible with his current dwelling and the surrounding area.

Thank you for any courtesy and help that you may extend to him, (and therefore the South Shores community), in this matter.

Sincerely yours, *David Beech*
Nancy E. Beech

2198 Paseo del Mar
San Pedro, CA 90732

310-831-4334

EXHIBIT NO. 14
APPLICATION NO. 45-SNP-05-081 end
5-05-211 Letters from Public
 California Coastal Commission

March 4, 2005

California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4305

RECEIVED
South Coast Region

MAR 7 2005

CALIFORNIA
COASTAL COMMISSION

To Whom It May Concern:

My husband and I have lived in the South Shores area of San Pedro since 1980. We have loved living here and take pride in our neighborhood.

We are writing in support of Mr. John Mavar with reference to his desire to build a single family dwelling on his already existing elegant homesite. Application #5-05-033 at 2021 Paseo del Mar in San Pedro.

Mr. Mavar has a wonderful reputation for building quality structures and feel sure any endeavor of his would only improve the area.

We are aware of the proposed project which is currently flagged and give it our complete support.

Thank you in advance for your attention in this matter.

Sincerely,


Jerry V. and Barbara Masten

RECEIVED
South Coast Region

MAR 7 2005

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
RE: Application # 5-05-033 John Mavar
2021 Paseo Del Mar
San Pedro, CA 90732

February 28, 2005

To Whom It May Concern:


This letter is being written in support of John Mavar's request regarding application # 5-05-033.

I applaud Mr Mavar for the beautiful addition of his home to our San Pedro South Shores Community. In his request to the Coastal Commission regarding the proposed addition to the property, it is evident that Mr Mavar's project would be completed within the bounds of good taste, and with regard for his neighbors.

As a 32 year resident of South Shores, I am familiar with Mr Mavar's outstanding reputation and with his integrity. Please consider honoring his request for approval of application #5-05-033.

Thank you for your time and consideration in this matter.

Sincerely,



Doreen Pesusich
1621 W. 27th St.
San Pedro, Ca 90732

California Coastal Commission
Re: Application # 5-05-033 John Mavar
2021 Paseo Del Mar San Pedro

Date

2-16-05

RECEIVED
South Coast Region

FEB 17 2005

CALIFORNIA
COASTAL COMMISSION

To Whom It May Concern,

I am writing this letter with the hope that it will assist my neighbor, John Mavar, in the above referenced project.

I have been a resident of the "South Shores" area of San Pedro for many years and I have full confidence in Mr. Mavar's discretion to further enhance and beautify our neighborhood as he has done in the past. I am certain that this proposed project will be compatible with his current dwelling and the surrounding area.

Thank you for any courtesy and help that you may extend to him, (and therefore the South Shores community), in this matter.

Sincerely yours,

Frank Vucso
1771 W 22 St
S P 90732

Frank Vucso

DATE : MARCH 2, 2005

CALIFORNIA COASTAL COMMISSION

RE: APPLICATION # 5-05-033 JOHN MAYAR

2021 PASEO DEL MAR SAN PEDRO

RECEIVED
South Coast Region

MAR 3 2005

CALIFORNIA
COASTAL COMMISSION

I AM WRITING THIS LETTER AS A RESIDENT OF SAN PEDRO
FOR 67 YEARS, THE LAST FIVE YEARS IN SOUTH SHORES.
THE ABOVE DESCRIBED PROJECT PROPOSED BY MR. MAYAR
HAS MY FULL SUPPORT. I HAVE FULL CONFIDENCE IN
HIS GOOD JUDGEMENT AND INTEGRITY TO HELP BEAUTIFY
THE "SOUTH SHORES" AREA.

I AM CERTAIN THE PROJECT WILL BE IN COMPLETE
HARMONY WITH THE CURRENT DWELLING AND SURROUNDING
NEIGHBORHOOD.

THANK YOU FOR YOUR COURTESY AND COOPERATION THE
COASTAL COMMISSION MAY EXTEND TO MR. MAYAR

SINCERELY


ANDREW REX HEMNES

RECEIVED
South Coast Region

FEB 24 2005

CALIFORNIA
COASTAL COMMISSION

RECEIVED
South Coast Region

FEB 25 2005

CALIFORNIA
COASTAL COMMISSION

Feb. 23, 2005

California Coastal Commission
South Coast Area Office
200 Oceangate, 10th. Floor
Long Beach, Ca. 90802-4305

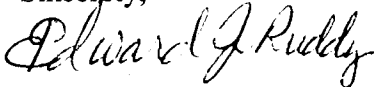
Dear Sirs,

Our names are Edward and Melinda Ruddy. We live at 1421 Paseo Del Mar San Pedro, Ca. 90731. We have lived on the bluff side of Paseo Del Mar since 1975. We strongly support and urge you to approve John Mavar's building project located at 2021 Paseo Del Mar. Mr. Mavar has done an outstanding job of improving this area. He wants to build another single family home that will further enhance the beauty of this area.

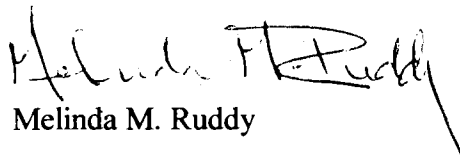
Prior to Mr. Mavar building his existing home at 2045 Paseo Del Mar this area was a popular hangout for young thugs who used drugs. The police were delighted that Mr. Mavar selected these lots to build single family residences. He really cleaned up this spot.

Mr. Mavar's application # is 5-05-033. Please help Mr. Mavar with this building project. All of us who live on the bluff will benefit from another beautiful quality home being built by a well-qualified contractor.

Sincerely,



Edward J. Ruddy
Retired, LAPD
1421 Paseo Del Mar
San Pedro
Ca. 90731
310 547-2858



Melinda M. Ruddy

