

**CALIFORNIA COASTAL COMMISSION**

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

**W4a**

Filed: 12/18/08  
 49th Day: 2/5/09  
 180th Day: 6/16/09  
 Staff: Al Padilla-LB  
 Staff Report: 2/9/09  
 Hearing Date: 3/11-13/09  
 Commission Action:

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-07-344**APPLICANT:** Donald Bell**PROJECT LOCATION:** 1211 Paseo Del Mar, San Pedro

**PROJECT DESCRIPTION:** Construction of a new 2,400 square foot, two-story single-family residence with 630 square foot attached garage, foundation and soldier piles, on a bluff top lot. Grading consists of 510 cubic yards (50 cubic yards of cut and 460 cubic yards of fill).

Lot Area:	19,688 sq. ft.
Building Coverage:	1,075 sq.ft.
Pavement Coverage:	1,650 sq. ft.
Landscape Coverage:	3,125 sq. ft.
Parking Spaces:	3
Zoning:	R1-1XL—Single-Family Residential
Ht above final grade:	26 feet (avg natural grade)

**LOCAL APPROVALS RECEIVED:** City of Los Angeles Approval in Concept**SUBSTANTIVE FILE DOCUMENTS:** San Pedro certified LUP, with suggested modifications.**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of the proposed development with five special conditions including: 1) future development restriction; 2) conformance of design and construction plans to geotechnical report; 3) Landscaping and irrigation; 4) erosion and runoff control plans; 5) no future bluff or shoreline protective device; 6) assumption of risk; and 7) recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report.



**STAFF RECOMMENDATION:****I. STAFF RECOMMENDATION:**

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

**MOTION:** *I move that the Commission approve coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

**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. 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. Future Development Restriction

This permit is only for the development described in coastal development permit No. **5-07-344**. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by coastal development permit No. **5-07-344**. Accordingly, any future improvements to the single family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. **5-07-344** from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

#### 2. Conformance of Design and Construction Plans to Geotechnical Report

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in the Geologic Investigation report prepared by Coastline Geotechnical Consultants, Inc., dated October 31, 1988 and subsequent update dated August 15, 2007. These recommendations, including recommendations concerning foundations, grading, and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

#### 3. Landscape Plan

**A.** All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. The landscaping plan shall conform with the following requirements: (a) all

plants shall be low water use plants as defined by the University of California Cooperative Extension and the California Department of Water Resources in their joint publication: "*Guide to estimating irrigation water needs of landscape plantings in California*". (b) The applicant shall not employ invasive, non-indigenous plant species, which tend to supplant native species as identified on the California Native Plant Society publication "California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled *Recommended List of Native Plants for Landscaping in the Santa Monica Mountains*, February 5, 1996 " and/or by the California Invasive Plant Council. (c) No permanent irrigation system shall be allowed within the property. Temporary, above ground irrigation to allow the establishment of the plantings is allowed. (d) Use of California native plants indigenous to the San Pedro/Palos Verdes area is encouraged. (e) All required plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.

**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.

#### **4. Erosion and Runoff Control Plans**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT 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.

**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.

#### **5. No Future Bluff or Shoreline Protective Device**

- A. By acceptance of this Permit, the applicant agrees, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. **5-07-344** including, but not limited to, single-family residence, with attached three-car garage, decks, foundation, and solidier piles, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- B. By acceptance of this permit, the applicant/landowner further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this permit including, but not limited to, single-family residence, with attached three-car garage, decks, foundation, and solidier piles and decks, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

## **6. Assumption of Risk, Waiver of Liability and Indemnity**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslide, bluff retreat, erosion, and 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.

## **7. Deed Restriction**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

## **IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

### **A. Project Description and Location**

The applicant proposes the construction of a two-story, 26-foot high, as measured from average natural grade, 2,400 square foot bluff top single-family residence, with a 630 square foot attached three-car garage. Construction will include six 36" in diameter soldier piles immediately in front of the proposed residence and setback a minimum of 40 feet from the bluff edge. The piles will be approximately 70 feet in length and extend into bedrock to provide the building area a factor-of-safety of 1.5 as required by the City. Grading consists of 510 cubic yards (50 cubic yards of cut and 460 cubic yards of fill).

The project site is a 19,688 square foot vacant coastal bluff top lot, located on Paseo Del Mar in the San Pedro area of the City of Los Angeles (see Exhibit 1). The upper portion of the lot is relatively flat, extending from the street approximately 145 feet to the bluff edge. The remaining portion of the lot extends approximately 250 feet down an approximately 118 foot high bluff. At the base of the bluff is a narrow rocky beach. The slope has remnants (concrete slab and walls) of a small older residential structure and dirt and concrete step pathway leading from the top of the slope to the concrete slab. The proposed residence will be setback over 40 feet from the bluff edge as well as approximately 30 to 40 feet behind a structural string line as drawn from the nearest corners of the adjacent residential structures. No work is proposed on the slope.

There is a mapped landslide on the sloped portion of the property. The property is the western edge of the mapped slide which extends along the slope on the adjacent properties to the east (downcoast). The geotechnical reports indicate the property is not being affected by active landsliding and no landslide movement has been evident since a 1988 site investigation. The reports indicate that the initial landsliding was due to the City's inadequate street drainage that caused street runoff to overflow onto the properties along Paseo Del Mar. After the initial landslide the City installed a stormdrain along Paseo del Mar and eliminated street runoff onto the bluff top properties. The applicant has submitted soils engineering reports by Coastline Geotechnical Consultants, Inc., dated from 1988 to the current update dated August 15, 2007, and a Engineering geology report prepared by George DeVries, dated August 8, 2007, with subsequent updates. The reports indicate that development is feasible from an engineering geology standpoint and will be safe and will not be affected by the landslide. The reports were reviewed by the City of Los Angeles' Grading Department with final approval issued on August 19, 2008.

The proposed project will be consistent with the 26 foot height limit as established in the certified LUP and all site drainage within the proposed development area will be directed to the street as required by the City.

## **B. Geology**

Development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, or shoreline protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, visual resources, and shoreline processes. To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs, hillsides, and shoreline processes the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, an appropriate set-back from the edge of a bluff or hillside, to prohibit the construction of protective devices (such as a retaining wall or shoreline protective device) in the future, for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, landscaping with low water use non-invasive plant species, and to require that the landowner or any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.



**C. Future Improvements**

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition must be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

**D. Access**

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**E. Local Coastal Program**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for San Pedro was effectively certified on September 12, 1990. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

**F. California Environmental Quality Act**

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

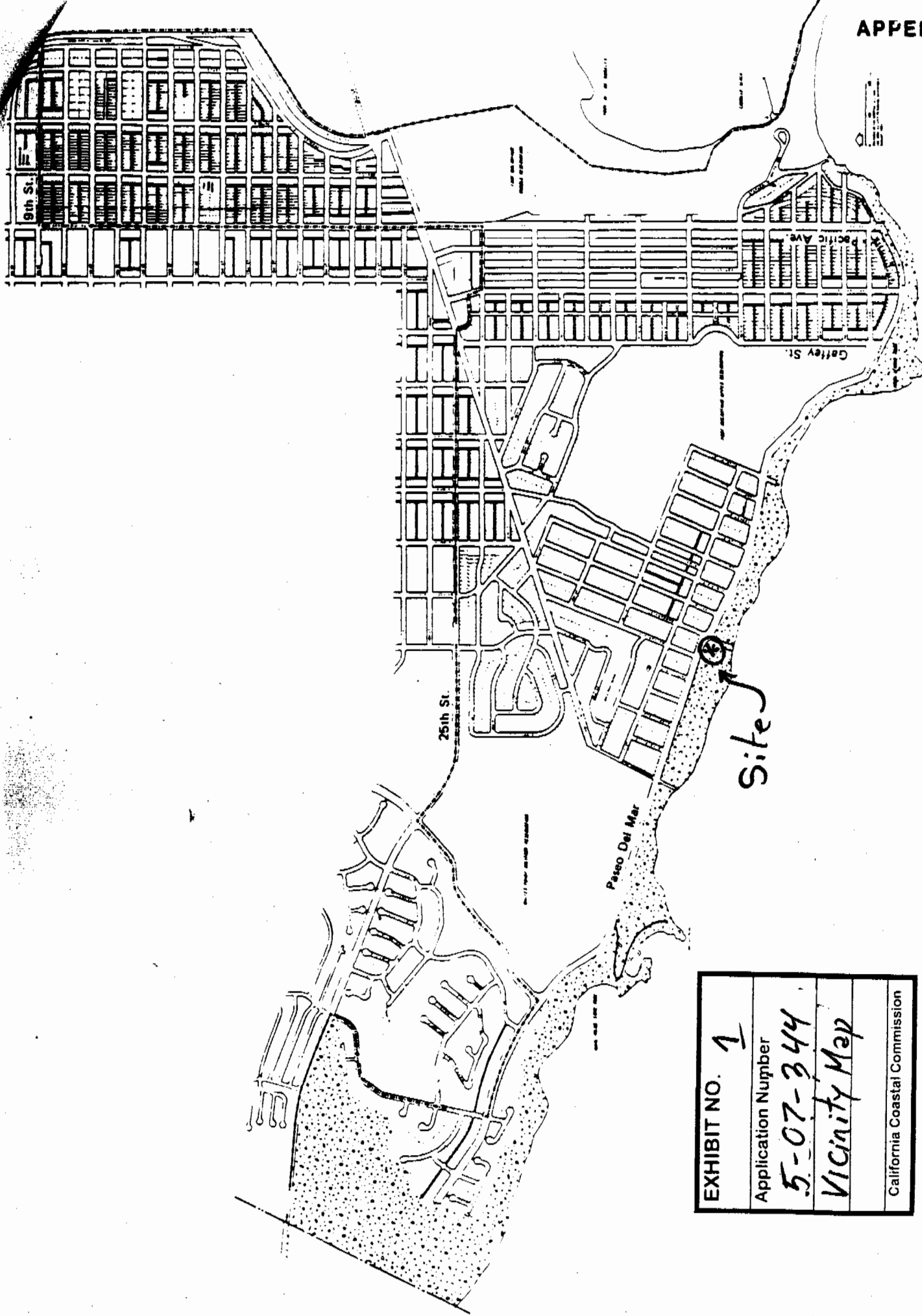
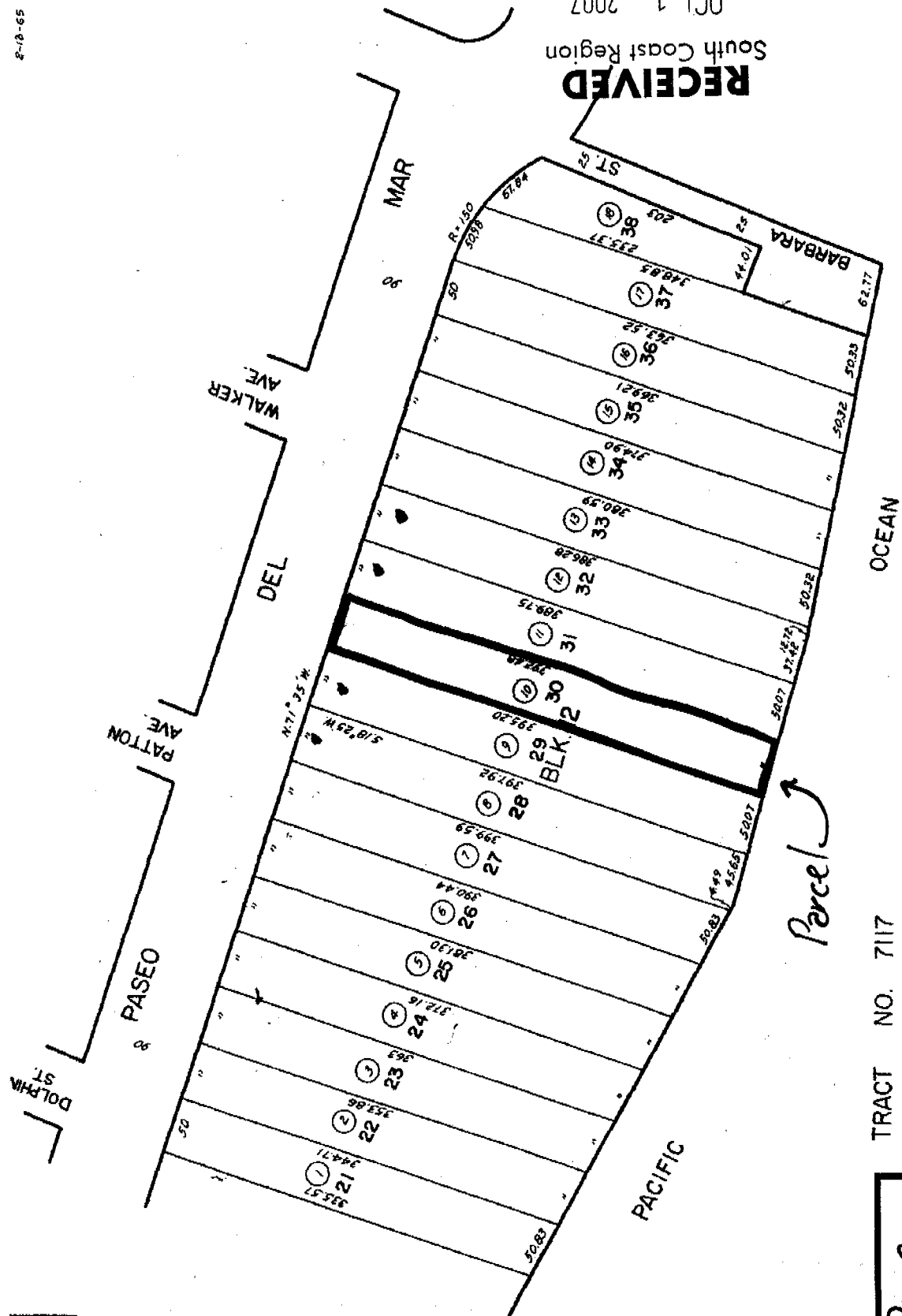


EXHIBIT NO.	1
Application Number	5-07-344
	Vicinity Map
	California Coastal Commission

7470 31  
SCALE 1" = 80'

REVISED 8-18-65



*Parcel* ↗

TRACT NO. 7117  
M.B. 78-98

EXHIBIT NO.	2
Application Number	5-07-344
	Parcel Map
	California Coastal Commission

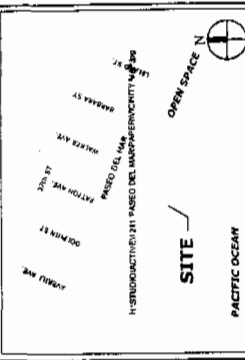
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South Coast Region  
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CALIFORNIA  
COASTAL COMMISSION

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.

**PERMIT SET**  
(COASTAL DEVELOPMENT PERMIT, LOCAL PLANNING/ZONING REVIEW)

**NEW SINGLE FAMILY RESIDENCE**  
1211 PASEO DEL MAR  
SAN PEDRO, CA. 90731



**OWNER:**  
DON & MARY ELLEN BELL  
256 W. OCEAN BLVD. # 1810  
LONG BEACH, CA 90802  
TEL: 562.593.2222  
CELL: 562.593.2222

**ARCHITECT:**  
383 STUDIO ARCHITECTURE  
383 W. 7TH ST.  
CONVENT ST. # 201  
SAN PEDRO, CA 90731  
TEL: 310.571.0013

**ENGINEER (SITE/BROODING/DRAINAGE):**  
BOXTON ENGINEERING CORP.  
787 SILVER SPUR RD. STE. 201  
ROLLING HILLS ESTATES  
131051.0013  
TOMARKEY  
CA 90724

**LEGAL DESCRIPTION:**  
LOT 18, BLOCK 12, TRACT 7117  
LOS ANGELES  
APN: 7280 027 006

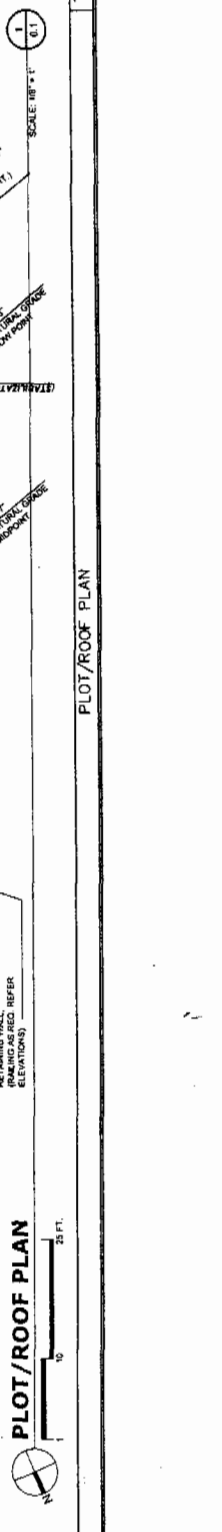
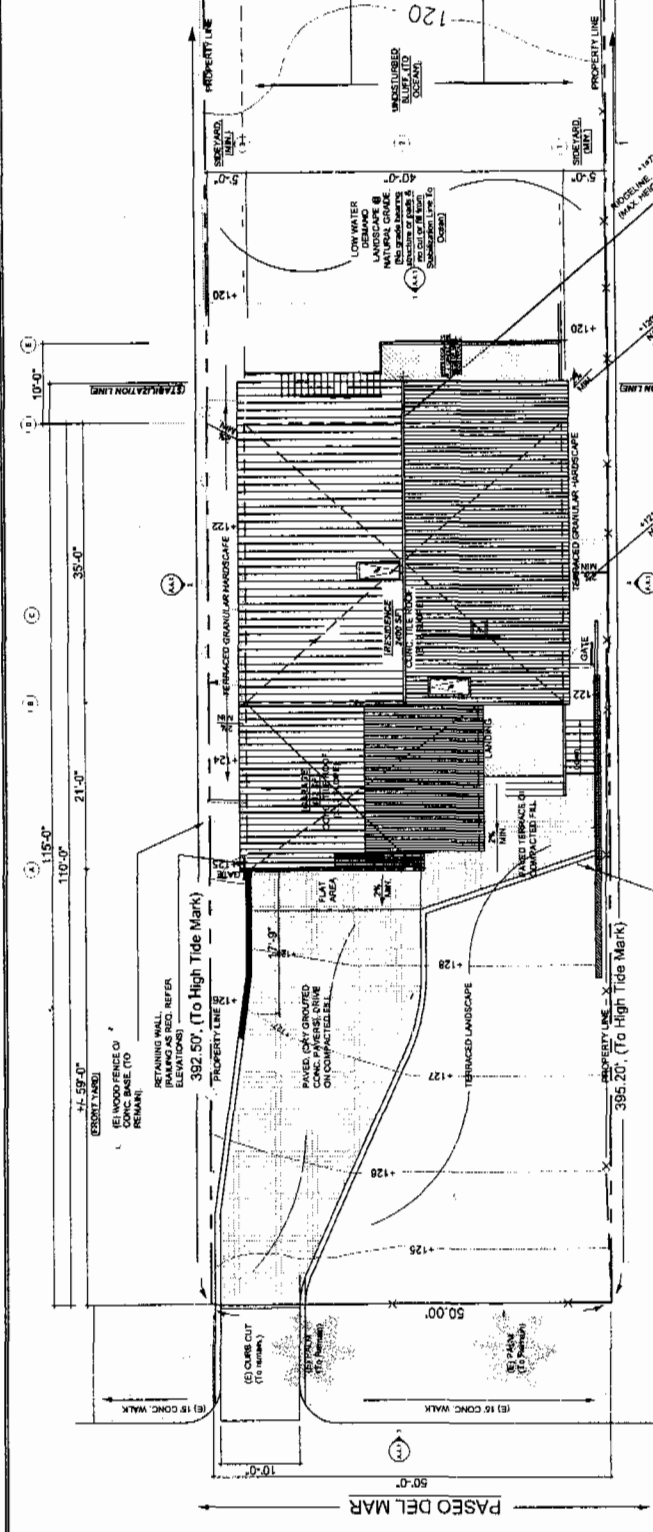
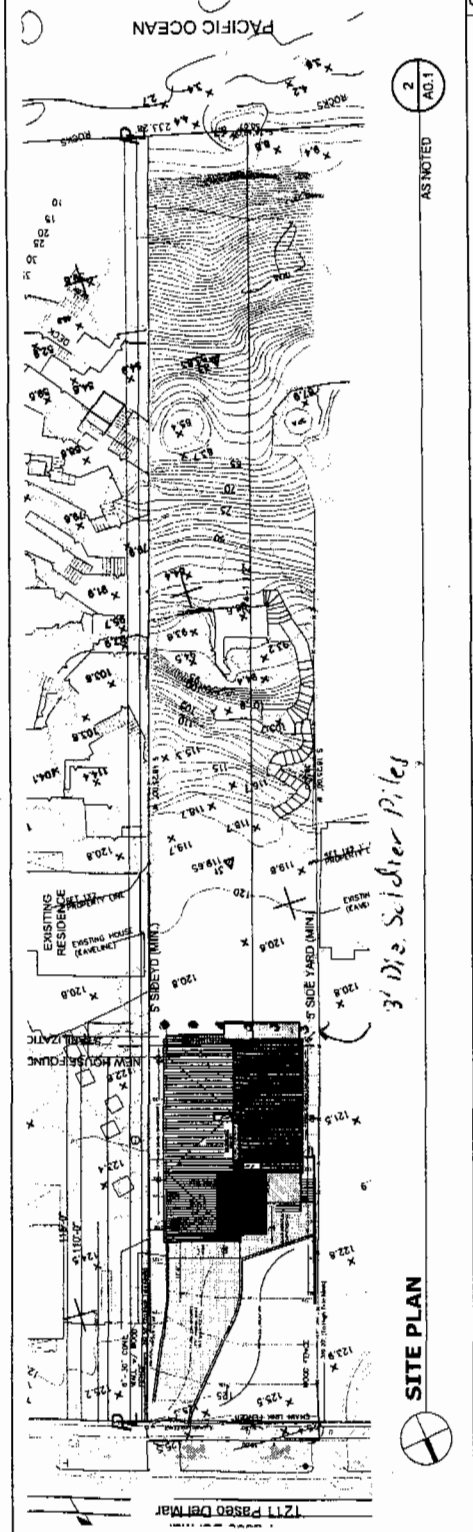
**ENGINEER (GEOLOGIST):**  
BOXTON CONSULTANTS  
1438 W. 17th St.  
GARDENA, CA  
CONTACT: RICH MARTIN  
1.310.271.1581

**ZONING:**  
• R-1 (HILLSIDE ORDINANCE)  
• PROPOSED USE: SINGLE FAMILY RESIDENCE  
• LOT AREA: 19,886.5 SF  
• PROPOSED GROSS AREA: RESIDENCE: 2,400 SF GARAGE: 682 SF  
• PROPOSED HEIGHT: (Per San Pedro Specific Plan, Section 5-81), 26'-0" (ABV. NATURAL GRADE MIDPOINT 121'-7", REFER. H&S.1)  
• NEIGHBORHOOD CHARACTERISTICS PER ATTACHED TOPOGRAPHIC SURVEY.

**DESCRIPTION OF WORK:**  
• NEW 2 STORY, WOOD & STUCCO, SINGLE FAMILY RESIDENCE (P&S) WITH ATTACHED GARAGE (682 SF), ON CONCRETE PIER FOUNDATION.  
• CONSTRUCTION TYPE: H&S.1

**PROJECT DATA:**  
0.1 TITLE, PROJECT DATA: 1211 PASEO DEL MAR PLAN  
VICINITY MAP  
2.1 UPPER LE  
2.2 LOWER LE  
3.1 EXTERIOR  
3.2 EAST ELEV  
5.1 INTERIOR

**EXHIBIT NO. 3**  
Application Number  
**5-07-344**  
**Site Plan**



25 FT.

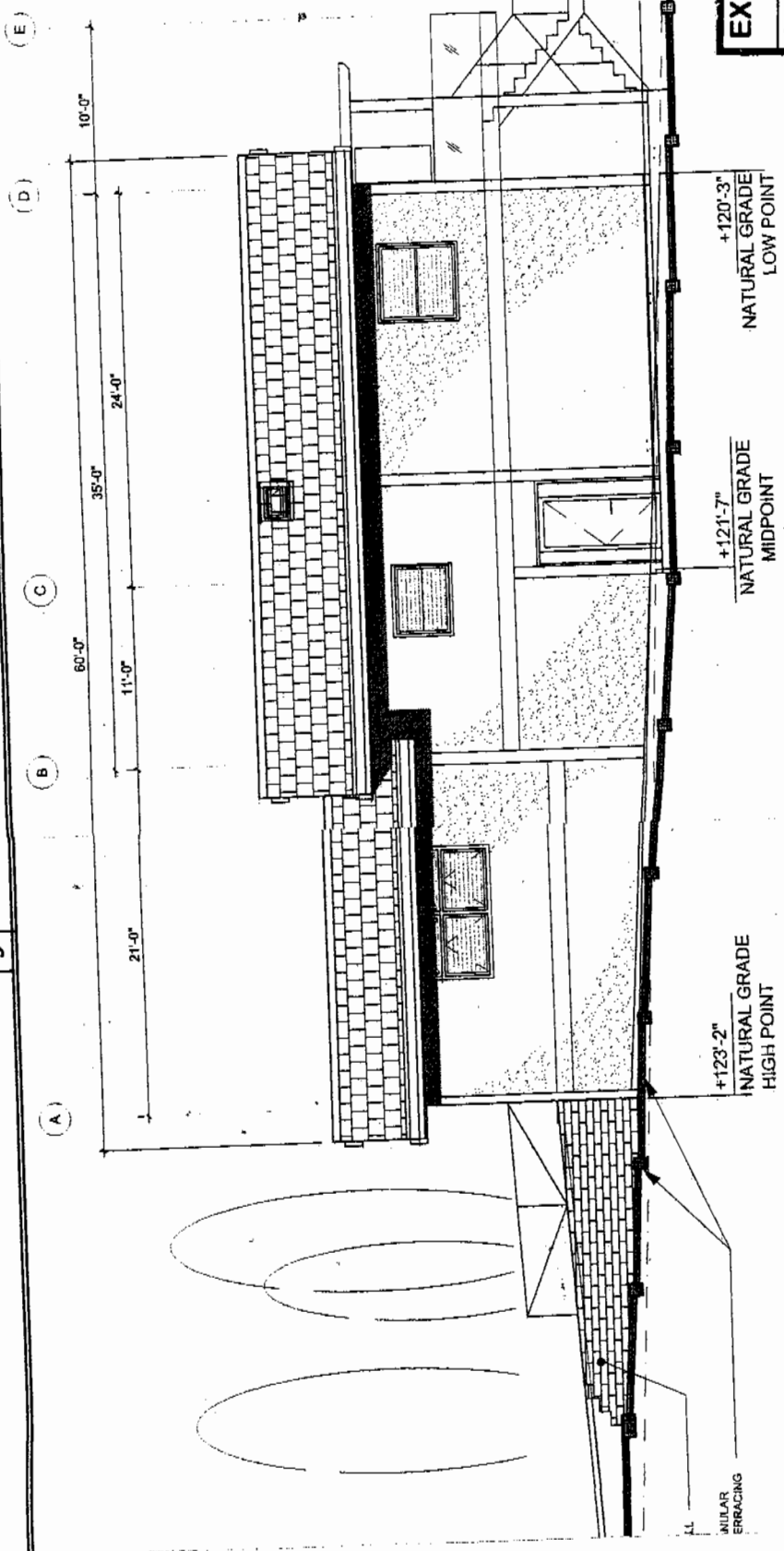
10

1

3

SCALE: 3/16" = 1'

SCHEMATICS



<b>EXHIBIT NO. 4</b>
Application Number <b>5-07-344</b>
<i>Elevation</i>
California Coastal Commission

SCALE

SCHEMATICS