

CALIFORNIA COASTAL COMMISSION

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W13h

Appeal Filed: 05/24/2017
49th Day: 08/03/2017
Staff: A. Dobson-LB
Staff Report: 06/22/2017
Hearing Date: 07/12/2017

STAFF REPORT: APPEAL --NO SUBSTANTIAL ISSUE

Appeal Number: A-5- PPL-17-0030

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Applicant: Mary Chan

Appellant: Jordan and Willemina Yospe

Agent: Gaines & Stacey, LLP (ATTN: Fred Gaines)

Project Location: 970 Chattanooga Ave., Pacific Palisades, City of Los Angeles, Los Angeles County

Project Description: Appeal by Jordan and Willemina Yospe of the City of Los Angeles Local Coastal Development Permit No. DIR-2016-2028-CDP for the major remodel and addition to an existing 2,853 sq ft, 1-story single family residence. Construction of a 572 sq ft first floor addition, an 835 sq ft attic, an attached 2 car garage and covered porches, resulting in a 22 ft 7 in high, 4,720 sq ft single family residence. Backfill the existing pool, construction of new decks and retaining walls, and grade approximately 60 cubic yards.

Staff Recommendation: No Substantial Issue

Important Hearing Procedure Note: This is a substantial issue only hearing. Testimony will be taken only on the question of whether or the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit

comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

The Commission's role at the "substantial issue" phase of an appeal is to decide whether the appeal of the local government action raises a substantial issue as to conformity with the Chapter 3 policies of the Coastal Act. Here, the staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed.

The appellants contend that: 1) the city erroneously described the project as a "remodel," when in fact the project exceeded the scope of a remodel due to significant demolition of the existing structure; 2) as constructed, the project is larger than what was approved by the City of Los Angeles; and 3) the City incorrectly found that the project was consistent with Section 30253 of the Coastal Act based on outdated and inaccurate geologic information. None of these claims raise a substantial issue.

In 2015, the City initially issued an exemption for a remodel, and construction of the additions began. However, upon closer inspection during construction, the City found that the project exceeded the scope of the remodel approved by the exemption. For example, several footings of the foundation needed to be replaced and demolition exceeded 50% of the existing structure. The city then rescinded the exemption and issued a CDP, which is the subject of this appeal. City exemptions can be appealed when the development exceeds the scope of the exemption. At this point, however, appealing the CDP because the project exceeds the scope of the exemption for a remodel is no longer a valid reason for the appeal since the exemption was rescinded and the applicant applied for a CDP for the project.

The City also described the project as a "remodel" in the CDP project description, rather than as new development; however, the amount of demolition exceeded 50% of the structure and included improvements to the existing foundation. Thus, the project should have been described as new development. Regardless of this fact, the City properly found that the new development is consistent with Coastal Act Section 30253's mandate that new development be safe from geologic hazards. Describing the project as a remodel instead of a new development made no difference in the resulting project or its consistency with respect to the Coastal Act and therefore does not raise a substantial issue.

Regarding the appellants' second claim, that the project is larger than what was approved by the City, it is not clear as to what the appellant is referring. The project could now be considered "larger" than what the city approved by the exemption; however, the as-built plans in the City's record are consistent with the project approved by the CDP.

Finally, there is no substantial issue regarding the project's geologic safety or consistency with Section 30253 of the Coastal Act. The City Planning Director, as well as the West Los Angeles Area Planning Commission (WLAAPC), relied on several geotechnical reports, foundation plans, and a slope stability analysis to conclude that the development would be consistent with 30253 of the Coastal Act. Conditions of approval included requirements by the Department of Building and Safety that project

elements (additions, decks, pools and retaining walls) be supported on foundations that extend into bedrock, that the pool be backfilled under the supervision and approval of the geologist and soil engineer, and that site drainage avoid the slope. The findings are based on current geotechnical information and properly concluded that compliance with the conditions will minimize risk to life and property and will ensure that the project will not create nor contribute significantly to erosion, geologic instability, or destruction of the site, as required by Section 30253 of the Coastal Act. Therefore, approval of the CDP does not raise a substantial issue.

The motion to carry out the staff recommendation is on Page Five.

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EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – Appeal](#)

[Exhibit 4 – City Coastal Development Permits](#)————

I. MOTION AND RESOLUTION – NO SUBSTANTIAL ISSUE

Motion: *I move that the Commission determine that Appeal No. A-5-PPL-17-0030 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.*

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Resolution:

*The Commission hereby finds that Appeal No. A-5-PPL-17-0030 presents **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.*

II. APPELLANT’S CONTENTIONS

The appellants have appealed the City of Los Angeles’ approval of Local Coastal Development Permit No. DIR-2016-2028-CDP for the proposed remodel and addition to an existing 2,853 sq ft, 1-story single family residence and construction of a 572 sq ft first floor addition, an 835 sq ft attic, and an attached 2 car garage and covered porches, resulting in a 22 ft -7 in high, 4,720 sq ft single family residence.

The appellants request that the Commission overturn the City’s approval of the local CDP because: the project exceeds the scope of a remodel due to significant demolition of the existing structure; as constructed, the project is larger than what was approved by the City; and the City incorrectly found that the project was consistent with Section 30253 of the Coastal Act based on outdated and inaccurate geologic information ([Exhibit 3](#)). The appellants also stated that the City seems to have an unwritten agreement with the developer regarding approval of the project, which is neither substantiated nor relevant to Coastal Act policies.

III. LOCAL GOVERNMENT ACTION

On March 5, 2015 the City of Los Angeles granted Coastal Exemption No. ZA-2015-0906-CEX for the remodel and addition to an existing single family residence in the single permit jurisdiction of the Coastal zone. Subsequently, during construction the Department of Building and Safety determined that more than 50% of the exterior walls were demolished, and that the project had exceed the scope of what qualifies as exempt. The applicant halted construction and applied for a Coastal Development Permit as requested by the City.

On March 16, 2017 the City Planning Director approved Local Coastal Development Permit No. DIR-2016-2028-CDP for the proposed project. The decision was appealed to the WLAAPC and on April 19, 2017 the WLAAPC denied the appeal and sustained the decision and findings of the Planning

Director. The decision was not appealed any further locally, and the decision was effective on April 26, 2017. The appeal procedure was not exhausted at the local level.

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit.

Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows any action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local coastal development permit application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicants, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] As provided under section 13318 of Title 14 of the California Code of Regulations, the appellant must conform to the procedures for filing an appeal as required under section 13111 of Title 14 of the California Code of Regulations, including stating the specific grounds for appeal and providing a summary of the significant question raised by the appeal.

The action currently before the Commission is to find whether there is a “substantial issue” or “no substantial issue” raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

Commission staff recommends a finding of no substantial issue. If the Commission decides that the appellant’s contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the City’s action with the Chapter 3 policies of the Coastal Act, the local coastal development permit action is voided and the Commission would typically continue the public hearing to a later date in order to review the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission’s regulations.

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue and the Commission will schedule the de novo phase of the public hearing on the merits of the application at a subsequent Commission hearing. A de novo public hearing on the merits of the application applies the Chapter 3 policies of the Coastal Act. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

Those who are qualified to testify at the substantial issue hearing, as provided by Section 13117 of Title 14 of the California Code of Regulations, will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

Should the Commission determine that a substantial issue exists, it would consider the coastal development permit application de novo. The applicable test for the Commission to consider in a de novo review of the project is whether the proposed development is in conformity with the Chapter 3 policies of the Coastal Act and, if the development is between the sea and the first public road paralleling the sea, the public access and recreation policies of the Coastal Act. If a de novo hearing is held, testimony may be taken from all interested persons.

V. SINGLE PERMIT JURISDICTION

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 the development which receives a local coastal development permit also obtain a “dual” coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (Single Permit Jurisdiction), the City of Los Angeles local coastal development permit is the only coastal development permit required, with the exception of major public works projects or major energy facilities. Based on the maps in the South Coast District office, the proposed development is located within the *Single Permit Jurisdiction*.

VI. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The existing house is a single story 2,853 sq. ft. house with attached 2 car garage and a pool. The City’s CDP approved the demolition of portions of the structure and the construction of a 572 sq. ft. first floor addition, an 835 sq. ft. attic, an attached 2 car garage and covered porches, resulting in a 22 ft.-7 in. high, 4,720 sq. ft. single family residence, with new decks and retaining walls, and 60 cubic yards of grading to backfill the existing pool ([Exhibit 2](#)).

The project site is in the single permit jurisdiction, approximately 1 mile from the beach. It is located on an inland slope, on a 13,280 sq. ft. lot. The property is zoned R1-1 (low density residential) and the development is consistent with the zoning ([Exhibit 1](#)).

The City issued a Coastal Exemption for the remodel of the existing structure. Subsequently, the Department of Building and Safety determined that more than 50% of the exterior walls were demolished, and that the project had exceeded the scope of what qualifies as exempt. The applicant halted construction and applied for a Coastal Development Permit (CDP). The development is approximately 75% complete.

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission’s regulations simply indicates that the Commission will hear an appeal unless it “finds that the appeal raises no significant question.” In previous decisions on appeals, the Commission has been guided by the following factors.

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

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

Staff is recommending that the Commission find that no substantial issue exists with respect to whether the local government action conforms with the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. SUBSTANTIAL ISSUE ANALYSIS

As stated in Section IV of this report, the grounds for an appeal of a CDP issued by a local government prior to certification of its LCP are the project’s conformity with Chapter 3 policies of the Coastal Act. Any local government CDP issued or denied prior to certification of its LCP may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies. The Commission’s decision will be guided by the factors listed in the previous section of this report (B. Factors to be Considered in Substantial Issue Analysis).

The appellants request that the Commission overturn the City’s approval of the local CDP because the project exceeded the scope of a remodel with significant demolition of the existing structure; as constructed the project is larger than what was approved by the City; and that the City incorrectly made findings that the project was consistent with Section 30253 of the Coastal Act. Section 30253 of the Coastal Act states, in part:

New development shall do all of the following:

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

(b) 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.

As explained earlier, the project did exceed the scope of a remodel and did exceed what was originally approved by the exemption, because upon closer inspection, several footings of the foundation needed to be replaced and demolition exceeded 50% of the existing structure. The exemption was rescinded by the City and the applicant subsequently applied for a CDP from the City, which is the subject of this appeal. City exemptions can be appealed when the development exceeds the scope of the exemption. However, appealing the CDP because the project exceeded the scope of the exemption, at this point, is no longer a valid reason for the appeal. Since the City rescinded the exemption and required a CDP for the proposed development, the CDP corrected the situation where the development exceeded the scope of the exemption, and therefore, this does not raise a substantial issue.

Regarding the appellants' second contention that the project is larger than what was approved by the City, it is unclear as to what the appellants is referring. The appellants did not state that the project was out of character for the area. The project could now be considered "larger" than approved by the exemption; however, the as-built plans in the City's record are consistent with the project approved by the CDP. There is no difference in square footage or height between the as-built project and the City-approved project, and therefore, this does not raise a substantial issue. The appellants have also argued that the home will have a new second story. The applicants have characterized the space as an 835 sq. ft. finished attic. The CDP conditioned the project so that "no portion of the attic shall be used as habitable space" (condition #8) ([Exhibit 4](#)). Were the space actually proposed as a second story, a second story is not inconsistent with the homes in the area as there are at least fifteen 2+ story structures within the area. Further, the home is proposed to be 22 ft- 7 in. high, which is well below the area's height limit of 33 feet. The City's CDP states that the square footage of the home as proposed will be 4,720 sq. ft., which is less than the maximum allowed under local zoning. Although it is slightly larger than the homes in the area, which range from approximately 1,500 - 4,000 sq. ft., the as-built development is not larger than the City-approved project.

Neither an attic, a second story, nor the proposed square footage are inconsistent with the area's character. The appellants also did not state in the appeal that they believe the proposed attic space is inconsistent with the character of the area. For all of these reasons, the City's approval of an attic space and a home of this size raise no substantial issue.

The City described the project as a remodel in the CDP project description, rather than as new development; however, the amount of demolition exceeded 50% of the structure and included improvements to the existing foundation, so that the project should have been described as new development. Regardless of how the project was described, the City properly found that the new development is consistent with the Coastal Act. Describing the project as a remodel instead of a new development made no difference in the resulting project or its consistency with respect to the Coastal Act, and therefore does not raise a substantial issue.

The appellants contend that the City approved the project without adequate and accurate geotechnical information and that the project is not consistent with Section 30253 of the Coastal Act. In response to the applicant's 2013 geotechnical report, the appellants provided a response to the City entitled *Preliminary Geotechnical Analysis, May 2017*, stating that the applicant's geotechnical report has several shortcomings including: inadequate maps and cross sections, inadequate test pits, a

questionable slope stability analysis, and that the project represents “mansionization” of the existing home without proper geotechnical investigations and information. The report states, for example, that test pits were not dug to a sufficient depth. This report was composed after the approval of the local CDP, and after the WLAAPC made the determination to sustain the decision to approve the CDP.

The appellants were under the impression that the only geotechnical report available to the City was the *Preliminary Geologic and Soils Engineering Investigation, December 2013*, provided by the applicant when the City made the determination to approve the CDP. Since 2013, the applicant has provided to the City several additional, more current geotechnical reports and responses that address the updated project and the appellants’ geotechnical concerns, including an *Updated Geologic and Soils Engineering Report, July 2014*, a *Compaction Report, July 2015*, as well as several addenda letters regarding current site conditions and a summary of the friction piles. A direct response to the appellants’ report was prepared in June 2017.

The appellants’ geotechnical report states that test pits were 6.5 feet deep, but the applicant’s response states that pits were dug up to 10.5 feet deep. As conditioned, and as partially constructed, 11 piles into bedrock were constructed to support the additions to the home and the patio, and the rear yard slope was stabilized with a series of caissons/ soldier piles that were dug to 30 feet deep. These caissons stabilized the slope and continue to protect the development on the site. The pool is proposed to be filled with soil and compacted per City engineering standards, which is the only grading occurring on the site. The additions to the front of the property will be constructed upon caissons and will not affect the slope stability in the rear yard, and the addition of a deck in the rear yard upon piles pursuant to the City’s special condition will not contribute to any slope instability. The City’s review of the geotechnical information submitted by the applicant and the City’s approval of the project with conditions addressed any possible shortcomings of the reports by requiring the appropriate foundational elements.

In past actions, the Commission has considered the construction of caissons as protective devices adjacent to coastal bluffs and canyons. Accessory structures such as decks and pools are not ordinarily permitted to be constructed if they require such protective devices when adjacent to bluffs or canyons. However, because the project is not located on or near a coastal bluff or a canyon, the construction of protective devices is not inconsistent with section 30253(b) and therefore does not raise a substantial issue.

Historically, there may have been some erosion of the hillside. In 2014, the City approved “trim grading of the existing fill on the slope” and “removal of debris accumulated along the lower property boundary from the surficial failure” and recommended a remedial repair of the surficial failure because “the fill, soil and weathered bedrock were not suitable to support foundations and solid bedrock is the recommended bearing material.” The appellants contend that two “rock slides” occurred as recently as February, 2017 during construction and that the development was contributing to the instability of the hillside. The applicant’s geotechnical reports concluded that the areas of exposed bedrock do not contain any weakness that would create a landslide, as the appellants claim, and that the factor of safety was appropriately determined. The report also concluded there was no recent evidence of slides in the area due to construction, even after the significant amount of rainfall. The Commission’s staff engineer reviewed these reports and concurs with the City’s findings.

The City’s *Geology and Soils Report Approval* approved the construction of the additions and new deck, new retaining walls, and backfill of the pool with conditions for: foundational elements, the

remedial repair, drainage, and a condition that if the “principal structure is altered in excess of 50% of its replacement value, the entire site shall be brought up to current code standards.”

In regards to “mansionization,” the City has a Baseline Hillside Ordinance (BHO) that imposes development standards upon residential development located along hillsides. The BHO contains required standards regarding setbacks, height limits, lot coverage, grading, etc. which is applicable to this site. The City’s Baseline Mansionization Ordinance (BMO) established development standards for residential development not located along hillsides or in the Coastal Zone and focuses on size and height limitations. The Baseline Mansionization Ordinance does not apply to this site.

Effective March 17, 2017, both the BHO and BMO standards were modified to establish new regulations regarding the size and bulk of new and enlarged homes in order to limit out-of-scale development in single family neighborhoods, and to further regulate grading and earth import/export in designated Hillside Areas, which would apply to this site. Because the CDP for this project was approved by the City before the establishment of the modified BHO regulation, that regulation did not apply to this project.

The appellants’ geologist asserts that the City is allowing the development to maintain non-conforming elements that affect the safety of the property which contribute to the “Mansionization.” It is not clear what non-conforming elements specifically are present in the development, as neither the appellants nor their geologist explained any existing non-conformities. As stated above, according to the City’s *Geology and Soils Report Approval*, if the principal structure is altered in excess of 50% of its replacement value than the entire site shall be brought up to current code standards, as conditioned by the local CDP (condition #7) ([Exhibit 4](#)). Therefore, if the building department further discovers that the development exceeds the scope of the approvals, the applicant will be required to correct all non-conforming elements.

Regardless of the conditions on the CDP, both ordinances are local ordinances only and because the City of Los Angeles does not have a certified LCP, these ordinances are not part of the standard of review for CDPs. The standard of review for the local CDP is the Coastal Act. The City appropriately did not make any findings regarding either ordinance in the CDP, and therefore this does not raise a substantial issue.

In conclusion, the conditioned foundational elements will minimize risk to life and property and will assure stability and structural integrity. The project is not located on a coastal bluff, and the geotechnical reports indicate that the development will have a minimum 1.5 factor of safety and will not create nor contribute significantly to erosion, geologic instability or destruction of the site. The project is consistent with Section 30253 of the Coastal Act, and therefore, there is no substantial issue.

Applying the five factors listed in the prior section clarifies that the appeal raises no “substantial” issue with respect to Chapter 3 of the Coastal Act, and therefore, does not meet the substantiality standard of Section 30625(b)(1).

The first factor in determining whether the appeal raises a substantial issue is the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the Coastal Act. As indicated above, WLAACP’s conclusion was supported by substantial

evidence. The Determination Report issued by the WLAAPC shows that the Planning Director properly applied the policies of Chapter 3 and used up-to-date geologic evidence to find the project will minimize risk to life and property in geologic hazard areas. Accordingly, the WLAAPC correctly concluded that the development, as proposed and conditioned, would be consistent with 30253 of the Coastal Act. The degree of factual support for the decision was sufficient for the City's determination that the project is consistent with the Coastal Act. Therefore, approval of the project does not raise a substantial issue.

The second factor is the scope of the development as approved or denied by the local government. Here, the proposed development approved by the local government is a single family residence on an inland slope in the single permit jurisdiction area— not a type of development that is prioritized by the policies of Chapter 3. The scope of the as-built development is also consistent with what the City approved.

The third factor is the significance of the coastal resources affected by the decision. This single family residence is located on an inland slope in the single permit jurisdiction area and is not located on a coastal bluff or a canyon edge. This hillside is not a sensitive coastal resource, there is no effect on public scenic views, there is no inconsistency with community character, and there is no impact on public access. The approval of the development does not affect any coastal resources.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. Although the City has no certified LCP, City approvals can sometimes have a precedential impact on future decisions under this governing standard. Here, however, the City's approval of the proposed project is consistent with several other permit decisions in the area. Approval of the proposed project will not set a precedent that would prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the Coastal Act.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. Although proper siting of new development and minimizing geologic risk are important statewide issues, the appeal of the City's determination does not raise any issues of regional or statewide significance because the City's approval of the project is consistent with Commission precedents.

In conclusion, the Commission finds that the City used proper discretion in approving the local coastal development permit and finding that the proposed development complies with Chapter 3 of the Coastal Act. The Commission finds that no substantial issues exist with respect to the grounds on which the appeal was filed and with respect to the local government action. Therefore, no substantial issue exists with respect to the Chapter 3 policies of the Coastal Act.