

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE

Appeal Number: A-5-SNP-18-0031

Applicant: Andrea Wakita

Local Government: City of Los Angeles

Local Decision: Approval with Special Conditions

Appellant: Coastal Commission Executive Director

Project Location: 1207 West Paseo del Mar, San Pedro, City of Los Angeles, Los Angeles County

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit No. DIR-2017-3804 approved with conditions for the demolition of an approximately 1,319 sf. single family residence and detached 801 sf. guest house and garage and construction of a 1-story, 17-ft. high, 1,590 sf. single family residence on a bluff top lot.

Staff Recommendation: Substantial Issue

IMPORTANT HEARING PROCEDURE NOTE

The Commission will not take testimony in the “substantial issue” phase of the appeal hearing unless at least three commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the executive director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally and at the discretion of the Chair limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which the Commission will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission determine that a **substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reasons: the project, as approved by the City of Los Angeles, raises substantial Coastal Act issues related to safety of development in a hazardous location and protection of natural landforms and public views. The applicant proposes to build a new single-family residence on a bluff top lot currently developed with a single family residence and a detached garage and guest house. In order for a coastal development permit to be granted, the development must be in conformity with Chapter 3 of the Coastal Act. In its analysis, the City failed to find that the structure is adequately set back from the bluff edge because issues such as the erosion rate and impacts to the geologic conditions on site due to the substantial amount of unpermitted development on the bluff slope were not addressed. In addition, no findings were made relating to the type of foundations proposed for the structure (including the use of caissons), the drainage on site, or erosion control measures during and after construction. The City also did not address view impacts of the proposed project from the public beach below, including views of structures potentially exposed due to erosion. Thus, the City failed to demonstrate that the proposed development would assure stability, not contribute to geologic instability to the site or surrounding area, minimize alteration of natural landforms and risks to life and property, and protect public views from the public beach below in conformance with Sections 30240(b), 30251, and 30253 of the Coastal Act. As approved by the City, this project raises substantial Coastal Act issues related to safety of development in a hazardous location and protection of natural landforms and public views.

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EXHIBITS

Exhibit 1 – Project Location

Exhibit 2 – Local CDP DIR-2017-3804

Exhibit 3 – Appeal

I. MOTION AND RESOLUTION – SUBSTANTIAL ISSUE

Motion: *I move that the Commission determine that Appeal No. A-5-SNP-18-0031 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 **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution:

*The Commission hereby finds that Appeal No. **A-5-SNP-18-0031** presents a **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 City-approved local CDP authorizes the demolition of an approximately 1,319 sf. single family residence and detached 324 sf. guest house and 477 sf. garage and construction of a 1-story, 17-ft. high, 1,590 sf. single family residence with attached 2-car garage on a bluff top lot in the community of San Pedro.

The appeal was filed by the Executive Director of the Coastal Commission ([Exhibit 3](#)). The appellant contends the following:

The City of Los Angeles describes the subject lot as being relatively flat for 130 feet from the property line adjacent to Paseo del Mar in to the predicted [estimated] bluff edge where the lot continues to extend 260 feet down an approximately 110-foot high bluff to a narrow rocky beach below. Although the City found that State and local building codes would minimize structural and seismic impacts, the City failed to make adequate findings to confirm that the project is consistent with Sections 30251 and 30253 of the Coastal Act.

Due to the proposed project’s location on a coastal bluff in a geologically hazardous area, as designated in the certified Land Use Plan for the San Pedro community, it has the potential to be impacted by a variety of coastal hazards, including erosion, and to have a visual impact from the public rocky beach below. In its staff report dated February 13, 2018, the City states that the development is set back 30 feet from the bluff edge and that a slope analysis was required; however, issues such as the erosion rate were not addressed in the City’s report. The anticipated lifetime for most single family residences is 75-100 years; thus, the predicted bluff edge should be evaluated considering not only historical bluff erosion and retreat, but also acceleration of retreat due to sea level rise and other climatic impacts for the lifetime of the proposed residence, which the City did not address. Therefore, the City failed to find that the structure is adequately set back from the bluff edge. The City also failed to address the substantial amount of unpermitted development on the bluff slope which may impact the geologic conditions on site and, thus, should be

incorporated in the evaluation of the bluff edge and associated appropriate setback for the proposed residence. In addition, no findings were made relating to the type of foundations proposed for the structure (including the use of caissons), the drainage on site, or erosion control measures during and after construction. The City also did not address view impacts of the proposed project from the beach, including views of structures potentially exposed due to erosion. Thus, the City did not demonstrate that the proposed development would assure stability, not contribute to geologic instability, minimize alteration of natural landforms and risks to life and property, and protect public views from the public beach below in conformance with Sections 30251 and 30253 of the Coastal Act.

III. LOCAL GOVERNMENT ACTION

On January 18, 2018, the Director of City Planning held a public hearing for Local CDP DIR-2017-3804-CDP-MEL for the project. The local CDP was not appealed to the City. On February 13, 2018, the Director of City Planning issued a determination letter approving the project. The City's Notice of Final Local Action for the local CDP was received in the Coastal Commission's Long Beach Office on March 29, 2018, and the Coastal Commission's required twenty working-day appeal period was established. On April 26, 2018, one appeal was received from the Executive Director ([Exhibit 3](#)). No other appeals were received prior to the end of the appeal period on April 26, 2018.

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its 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 CDP 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 applicant, 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 the specific grounds for appeal and 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 **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 action of the local government with the Chapter 3 policies of the Coastal Act, the local CDP is voided and the Commission typically continues 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 for a future Commission meeting. A de novo public hearing on the merits of the application uses 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.

If the Commission decides to hear arguments and vote on the substantial issue question, those who are qualified to testify at the hearing, as provided by Section 13117 of Title 14 of the California Code of Regulation, 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 applicant, 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.

V. SINGLE/DUAL PERMIT JURISDICTION AREA

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 which receives a local CDP permit also obtain a second (or “dual”) CDP from the Coastal Commission. The proposed project site is located within the *Dual Permit Jurisdiction Area*. The Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area and the *Single Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. For projects located outside the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local CDP is the only CDP required.

VI. FINDINGS AND DECLARATIONS – SUBSTANTIAL ISSUE

A. PROJECT DESCRIPTION & LOCATION

The applicant is proposing to demolish an approximately 1,319 sf. single family residence and detached 801 sf. guest house (324 sf.) and garage (477 sf.) and construct a 1-story, 17-ft. high, 1,590 sf. single family residence with an attached 2-car garage. The proposal also includes a, new gate, improved driveway, and new concrete pavers landward of the proposed residence and a new “self-contained” swim spa seaward of the proposed residence. The subject lot is currently developed with a single family residence, built in 1939, and a detached garage and guest house. In addition, the bluff slope is currently developed with unpermitted decks, planters, and hardscape structures which, according to the applicant, were constructed by the applicant in 2003 to protect the property from hazards due to bluff erosion.

The project site is an approximately 19,555 sq. ft. lot located at 1207 Paseo del Mar, San Pedro in the City of Los Angeles, Los Angeles County ([Exhibit 1](#)). The lot has a land use designation of Low Residential and is zoned R1-1XL by the City of Los Angeles. The top of the lot is relatively level extending from Paseo del Mar seaward to the estimated bluff edge approximately 130 feet seaward of the north property line. From the predicted bluff edge, the lot descends approximately 260 feet down a 110-foot high bluff at various angles ranging, on average, from approximately 20 degrees to 40 degrees to the Pacific Ocean and includes a narrow public rocky beach at the toe of the bluff. The property is located in a largely single family residential neighborhood approximately 400 feet from Wilders Addition Park ([Exhibit 1](#)).

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 regulation 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 had 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 **a substantial issue exists** with respect to the degree of factual and legal support for the local government’s decision that the development is consistent 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 the 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 of the Coastal Act.

Section II of this staff report outlined the appellant’s contentions regarding the project. Concerns raised by the appellant include the City-approved project’s consistency with sections 30240(b), 30251, and 30253 of the Coastal Act. There is no certified LCP or LUP for this area of the City of Los Angeles. As such, the Coastal Act is the standard of review for this coastal development permit.

The Commission’s standard of review for determining whether to hear the appeal is only whether the appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act. Cal. Pub. Res. Code § 30625(b)(1); 14 C.C.R. § 13321. 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).

This appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act (Cal. Pub. Res. Code §§ 30200-30265.5).¹ The City’s Director Determination for Local CDP No. DIR-2017-3804 issued by the City of Los Angeles states that the City applied the policies of Chapter 3 of the Coastal Act and concluded, in part, that the development, as proposed and conditioned by the City, would be consistent with Chapter 3 of the Coastal Act and would not prejudice the ability of the City to prepare an LCP for the San Pedro Coastal Zone ([Exhibit 2](#)).

A substantial issue exists with respect to the proposed project’s conformance with Chapter 3 of the Coastal Act, and with the approval of the Local CDP No. DIR-2017-3804, because the City-approved project does not provide sufficient evidence that the proposed development would assure stability, not contribute to geologic instability to the site or surrounding area, minimize alteration of natural landforms and risks to life and property, and protect public views from the public beach below in conformance with Sections 30240(b), 30251, and 30253 of the Coastal Act.

Relevant Coastal Act policies:

Coastal Act Section 30240(b) states:

Development in areas adjacent to environmentally sensitive habitat areas and 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 habitat and recreation areas.

Coastal Act Section 30251 states, in part:

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

Coastal Act Section 30253 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.

¹ Unless otherwise indicated, all subsequent statutory references are to sections within the Coastal Act. Cal. Pub. Res. Code §§ 30000 *et seq.*

(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.

The issues of geologic stability, preservation of the quality of recreational areas, and scenic and visual resources are important and substantial issues. Sections 30240(b), 30251, and 30253 of the Coastal Act mandate protection of the quality of scenic and visual coastal areas and limitations on development in hazardous areas. As such, the Commission has carefully reviewed projects like the City-approved development. The City, in its findings in the staff report for the subject local CDP, did not provide adequate analysis of the development's impacts on public views from the beach or the appropriateness of the setback from the proposed bluff edge. The City's staff report states, in relevant part:

“Section 30240 [of the Coastal Act] Environmentally Sensitive Habitat Areas. The project will not impact any marine resources. The site is adjacent to the coastline, and will not have any identifiable effect on the Pacific Ocean.”

*“Section 30251 [of the Coastal Act] states the importance of preserving and protecting the scenic and visual qualities of coastal areas, protecting views to and along the ocean, minimizing the alteration of natural land forms , to be visually compatible with the character of the surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. **The project's location results in no impact on scenic or visual qualities of coastal areas or prominent natural landforms.** According to the San Pedro Specific Plan **the site is not located in the dedicated visual corridors and scenic view sites.**” [Emphasis added]*

*“Section 30253 [of the Coastal Act] requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard, minimize impacts along bluffs and cliffs, and protect special communities and neighborhoods that are popular visitor destination points for recreational uses. **The subject property is within a Hillside area, a Special Grading Area, and a landslide area, therefore a slope analysis was required to assure land is suitable for development. The site is also located in a tsunami inundation zone, and is approximately 4 kilometers from the nearest fault (Palos Verdes Fault Zone). However, the project is required to comply with state and local building codes that would minimize structural and seismic impacts.**” [Emphasis added]*

In the City's staff report dated February 13, 2018, the background description of the property acknowledged that the project site is located on a coastal bluff within a designated Hillside Area, Special Grading Area, and Landslide area and that the bluff edge is approximately 130 feet from the property line adjacent to Paseo del Mar. However, there was no bluff edge determination in the City's record nor was the bluff edge called out in any of the project plans or supplemental documents. The City's record did contain a slope band analysis and floor area ratios (FAR); however, the scope of the analysis did not detail how the FAR was calculated, the location of the bluff edge, the location of the proposed development, the erosion rate, or the factor of safety of the site. The discussion of the slope analysis was similarly limited to the statement that the development is set back 30 feet from the bluff edge and that a slope analysis was required. Considering the shape of the 490 contour line and the topography illustrated in the slope band analysis, it appears that the bluff edge may be within ten feet of the proposed residence and may

be landward of proposed and existing accessory structures. Additionally, the anticipated lifetime for most single family residences is 75-100 years; thus, the predicted bluff edge should be evaluated considering not only historical bluff erosion and retreat, but also acceleration of retreat due to sea level rise and other climatic impacts for the expected lifetime of the proposed residence. The City did not address the location of the bluff edge, the historical erosion rate, or an accelerated erosion rate accounting for sea level rise. Therefore, the City failed to find that the structure is adequately set back from the bluff edge.

The City also failed to address the substantial amount of unpermitted development—stone decks, wood decks, concrete, stone, steps and composite material landings, tile, and planters—on the bluff slope which may impact the drainage and geologic conditions on site and, thus, should be incorporated in the evaluation of the bluff edge and associated appropriate setback for the proposed residence. In addition, no findings were made relating to the type of foundations proposed for the structure (including the use of caissons and their design, location, setback from the bluff edge, or relation to the slope's factor of safety), the drainage on site, or erosion control measures during and after construction. Thus, the City did not provide adequate evidence that the project is consistent with Sections 30253 and 30240(b) of the Coastal Act.

In addition, the City's findings related to visual impacts was limited to a statement that the project conforms to the 26-foot maximum height limit required in the San Pedro Specific Plan with a maximum height of approximately 17 feet and, therefore, preserves views of the ocean. The City did not make findings regarding the existing views from Paseo del Mar seaward or the impact of the development on such views. The City also does not address visual impacts of the proposed project from the beach, including views of structures potentially exposed due to erosion. Thus, the City did not demonstrate that the proposed development would protect public views from the public beach below in conformance with Sections 30251 of the Coastal Act.

Only with careful review of the project can the Commission ensure that the scenic and visual qualities of the coast are protected and that the geologic hazards are adequately addressed. If it finds that a substantial issue exists, the Commission will have the opportunity to review and act on the project at the subsequent de novo hearing.

Applying the five factors listed in the prior section clarifies that the appeal raises “a substantial issue” with respect to Chapter 3 of the Coastal Act, and therefore, does meet the substantiality standard of Section 30265(b)(1), because the nature of the proposed project and the local government action are not consistent with policies of Chapter 3 of the Coastal Act.

The first factor is 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. Due to the proposed project's location on a coastal bluff in a geologically hazardous area, as designated in the certified Land Use Plan for the San Pedro community, it has the potential to be impacted by a variety of coastal hazards, including erosion, and have a visual impact from the public rocky beach below. The City did not address the location of the bluff edge, the historical erosion rate, or an accelerated erosion rate due to sea level rise. The local CDP also does not acknowledge the substantial unpermitted development on the bluff slope or the impact it may have on the site's geologic stability. Therefore, by not analyzing these issues, the City failed to find that the structure is adequately set back from the bluff edge. The City also did not make findings relating to the type of foundations proposed for the structure (including the use of caissons), the drainage on site, or erosion control measures during and after construction. Furthermore, the City did not analyze the visual impacts of the development from the rocky beach and ocean at the base of the bluff slope.

Therefore, the Coastal Commission finds that the City provided an inadequate degree of factual and legal support for its decision.

The second factor is the extent and scope of the development as approved or denied by the local government. The City-approved development includes the demolition of an approximately 1,319 sf. single family residence and detached 801 sf. guest house and garage and construction of a 1-story, 17-ft. high, 1,590 sf. single family residence. The proposed new residence is smaller than the existing two structures combined and the maximum height of the proposed structure is 9 feet below the maximum allowable height as described in the San Pedro Specific Plan. The City states that no cut, fill, or export of dirt is proposed; however, without an adequate analysis of the bluff edge and erosion rate, the geologic conditions onsite, or the proposed foundations, it is unclear if excavation and grading to accommodate the proposed new structure, deck segment, and pool would be necessary to ensure an appropriate factor of safety for the structure. In addition, public views from the rocky beach and ocean below were not addressed, including the visual impact of potential exposure of structures due to erosion. Therefore, the extent and scope of the development as approved by the City may not be consistent with the hazard, scenic and visual quality provisions of Chapter 3 of the Coastal Act.

The third factor is the significance of the coastal resources affected by the decision. The project site is located on a coastal bluff approximately 400 feet from a park that contains trails to coastal access points. The rocky beach is located at the base of the bluff at the seaward extent of the subject property. The bluffs are a prominent visual feature along the coast and from the beach. Sections 30240 and 30251 of the Coastal Act explicitly protect the scenic and visual qualities of coastal areas. Therefore, the coastal resources affected by the development are significant.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. The City of Los Angeles does not currently have a certified LCP for the San Pedro area. The coastal resources affected by the City-approved development are significant. As such, the baseline by which these significant resources are reviewed for LCP policy purposes should be as though the coastal bluffs are in a natural state. The local CDP also does not acknowledge the substantial unpermitted development on the bluff slope. In addition, the City did not make adequate findings regarding the appropriate setback for this development from the bluff edge, including findings relating to the impact of sea level rise and the unpermitted development on the bluff's erosion rate. This project, as proposed and conditioned by the City, may also alter the natural state of the prominent coastal bluffs and may prejudice the ability of the City to prepare an LCP that adequately protects scenic, visual, and recreational resources along these bluffs, and protects development from coastal hazards, 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 this appeal raises local issues with regard to the specific hazards associated with this bluff top development and the specific views affected by the development, allowing development like this without a thorough analysis of the potential hazards and visual impacts could set a negative precedent city-wide or statewide. Applicants across the state regularly apply for bluff top development, and it is important that the Commission and local jurisdictions consistently carry out the Coastal Act's requirement to protect life and property, as well as preserve scenic bluffs and natural landforms. Allowing the City to permit bluff top development that has not been comprehensively considered would set a bad statewide precedent. In addition, the City's failure to issue CDPs for the prior development of the bluff slope demonstrates the regional significance of the appeal. It is critical to have the Commission consider these apparent errors and provide

guidance to the City for future projects within its jurisdiction. Therefore, the City's approval does raise issues of statewide significance.

In conclusion, the issues raised by the appeal relate to hazards associated with bluff top development, adequate protection and consideration for the scenic, recreational and visual qualities of the coast, and the City's prior failure to require a CDP for the development of the vast majority of a coastal bluff slope. The City failed to provide adequate findings that the proposed development is consistent with the geologic hazards and the scenic and visual resource policies of the Coastal Act. Therefore, the Commission finds that the appeal raises a substantial issue as to conformity with Chapter 3 policies of the Coastal Act.

Appendix A – Substantive File Documents

- Community of San Pedro Specific Plan