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W14b&15a

ADDENDUM

December 14, 2021

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W14b&15a, APPLICATION NO. A-5-SNP-19-0136 & 5-20-0153 (Poola/1305 W Paseo del Mar) FOR THE COMMISSION MEETING OF WEDNESDAY, DECEMBER 15, 2021.**

I. CHANGES TO STAFF REPORT

This addendum modifies the staff report dated December 3, 2021. Language added to the staff report is identified in underline and language deleted is identified in ~~strikethrough~~.

a) Modify the project description on De Novo & Dual Application on Page 1 as follows:

Construction of a new 2-story, 26 ft. high, 3,695 sq. ft. single-family residence with a 760924 sq. ft. detached garage, 1,154 sq. ft. roof deck, and rear yard deck and spa.

b) Modify the last paragraph on page 2 and first complete paragraph on page 3 as follows:

The appellants argue that the proposal is inconsistent with the minimization of geologic hazards policies of the Coastal Act, as the development relies on the installation of soldier piles to achieve the required 1.5 factor of safety on the site. The appellants continue to argue that, because soldier piles usually become exposed over time, new development should not rely on them to assure structural stability or to determine a safe bluff setback. Instead, the structure must be set back far enough from the bluff edge to ensure safety over its projected lifespan. In addition, the appellants contend that the project includes no removal plan in the event the home is threatened by bluff instability, which may happen during its design life. Commission staff notes that the City's approval did not consider the potential for the proposed soldier piles to be exposed over time and function as a bluff protective device and did not consider requiring removal of the piles in the event they are exposed. Also, the City's approval did not adequately analyze whether new development should rely on the soldier piles to assure structural stability or to determine a safe bluff setback. In addition, the appellants contend that the potential bluff erosion impact of the 5

ft. storm drain easement on the eastern border of 1305 W Paseo del Mar has not been considered by the local government decision. However, the applicants' geotechnical firms did consider the bluff face erosion that was thought to have been caused by the abandoned storm drain. The 4/14/2016 Peter & Associates report (see Site Description, page 3) notes the bluff face is "extensively degraded by erosion, with the most prominent feature being a deep gorge on Lot 26 ..." Later (page 6), the report includes a section discussing the origin of this "gorge" feature, noting that flow from a "long ago abandoned storm drain culvert" likely formed the gorge, due to "deep incisement of erosion-prone landslide deposits." Further, the bluff retreat analysis (GeoSoils, 11/25/2019) was based on aerial photographs spanning the period 1927 - 2019, and thus will have captured any bluff edge retreat caused by erosion related to the storm drain culvert or the presence of the gorge. In other words, the estimated bluff edge retreats rates provided by GeoSoils include any bluff edge erosion caused by the storm drain. Indeed, the southeastern portion of the 1305 W. Paseo Del Mar lot had the highest erosion rates detected in the study, possibly reflecting the past effects of the storm drain culvert. The LADBS Grading Division reviewed the applicants' geotechnical report and issued an approval letter dated June 29, 2017. Hence, the local government decision did consider the 5 ft. storm drain easement in its findings related to geologic hazards. ~~The appellants also argue that the proposal is inconsistent with Section 30240 of the Coastal Act protecting environmentally sensitive habitat areas, as the existing stairways on the bluff face at the project site are unpermitted development, and the stairways should be removed as part of this project. However, while there are no stairways existing on the project site, there is unpermitted concrete paver adjacent to the bluff edge. The Commission staff recommends that the Commission find that the City approved project does not consider the presence of the unpermitted development near the bluff edge, and therefore the City does not provide sufficient evidence that the proposed development would ensure no adverse impact on environmentally sensitive habitat areas. Therefore, the Commission staff recommends that the Commission find that the appeal does raise a substantial issue with respect to the project's consistency with the Coastal Act and the LUP policies related to geologic hazards and environmentally sensitive habitat areas.~~

Therefore, on balance, 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 reason: the project, as approved by the City of Los Angeles, is inconsistent with Chapter 3 policies of the Coastal Act and the LUP Policies related to geologic hazards, which provides for minimization of coastal hazards and protection of environmentally sensitive habitat area.

c) After the first complete paragraph on page 3, insert the following paragraph:

After the local CDP was appealed to the Commission, the applicants have revised the de novo and dual CDP project description to reflect a change in the proposed size of garage from 921 sq. ft. to 760 sq. ft. The revised plan also shifted the proposed residence further inland to provide a minimum 50 ft. setback from the bluff edge (see Addendum, Attachment A and B).

d) Delete the first paragraph on page 11 as follows:

- 4) ~~The proposal is inconsistent with Coastal Act policies protecting environmentally sensitive habitat areas; A peregrine falcon was spotted at 1311 W Paseo del Mar. Section 30240 of Coastal Act should apply because the sites are within 500 feet of a fully protected raptor nesting site. Mitigation measures must be incorporated into any construction plans. In addition, the existing stairways on the bluff face at the project site are likely unpermitted development and should be removed as part of this project.~~

e) Modify the last paragraph on page 13 and the third paragraph on page 31 as follows:

The locally approved project includes construction of a new 2-story, 26 ft. high, 3,695 sq. ft. single-family residence with a 921 sq. ft. detached garage, 1,154 sq. ft. roof deck, and rear yard deck and spa on a blufftop lot ([Exhibit 2](#)). The project also includes 270 ~~595~~ cubic yards of grading (~~590 cu yd of cut and 5 cu yd of fill~~), and installation of three 4.5 ft. diameter, 70 ft. deep soldier piles and 4 ft. wide, 36 ft. long grade beam at the seaward footprint of the residence, which will be set back at approximately 50 ft. from the bluff edge. The rear yard deck will be at grade without any foundation and will be set back at least 27 ft. from the bluff edge.

f) Modify the first complete paragraph on page 16 as follows:

To substantiate this claim, the appellants have provided a table detailing the mass and scale of all the existing blufftop homes located seaward of W Paseo del Mar between house numbers 1151 and 1481 ([Exhibit 3](#) Page 8). The table shows the square footage of the existing houses, square footage of the garages, and the visible square footage from street-view taken at W Paseo del Mar. The table identified that the average square footage of all the homes is 1,600 sq. ft., the average of the garages is 315 sq. ft., and the average square footage of the visible structures is 1,279 sq. ft. The table also showed that homes along W Paseo del Mar range in size from 378 sq. ft. to 3,410 sq. ft. ~~However, the~~ The Commission staff's own analysis based on data available from LandVision found that the average square footage of all the homes analyzed by the appellants was 1,637.562,172.50 sq. ft. ([Exhibit 7](#)). In addition, the applicants have provided a separate community character analysis of the homes on the seaward side of W Paseo del Mar, as well as homes beyond the immediate neighborhood, and found that the area is characterized by a mix of one- and two-story homes that have a variety of home sizes and architectural styles ([Exhibit 6](#)).

g) After the second complete paragraph on page 20, add the following paragraph:

The appellants contend that the bluff erosion impact of the 5 ft. storm drain easement on the eastern border of 1305 W Paseo del Mar has not been considered by the local government decision. However, the applicants' geotechnical firms did consider the bluff face erosion that was thought to have been caused by the abandoned storm drain. The 4/14/2016 Peter & Associates report (see Site Description, page 3) notes the bluff face is "extensively degraded by erosion, with the most prominent feature being a deep gorge on Lot 26 ..." Later (page 6), the report includes a section discussing the origin of this "gorge" feature, noting that flow from a "long ago abandoned storm drain culvert" likely formed the gorge, due to "deep incisement of erosion-prone landslide deposits." Further, The bluff

retreat analysis (GeoSoils reports) was based on aerial photographs spanning the period 1927 - 2019, and thus will have captured any bluff edge retreat caused by erosion related to the storm drain culvert or the presence of the gorge. In other words, the estimated bluff edge retreats rates provided by GeoSoils include any bluff edge erosion caused by the storm drain. Indeed, the southeastern portion of the 1305 W. Paseo Del Mar lot had the highest erosion rates detected in the study, possibly reflecting the past effects of the storm drain culvert. The LADBS Grading Division reviewed the applicants' geotechnical report and issued an approval letter dated June 29, 2017. Hence, the local government decision did consider the 5 ft. storm drain easement in its findings related to geologic hazards. Therefore, this claim does not raise a substantial issue.

h) Modify the 3rd complete paragraph on page 20 as follows:

However, ~~the~~ Commission finds that the City's approval did not consider the potential for the proposed soldier piles to be exposed over time and function as bluff protective devices and did not consider requiring removal of the piles in the event they are exposed. Also, the City's approval did not adequately analyze whether new development should rely on the soldier piles to assure structural stability or to determine a safe bluff setback, ~~nor did it consider the potential bluff erosion impact of the 5 ft. storm drain easement on the eastern border of the project site.~~ Therefore, the Commission finds that the appeal does raise a substantial issue with respect to the project's consistency with Section 30253 of the Coastal Act and the LUP policies related to geologic hazards.

i) Delete the following text on pages 20-21 as follows¹:

Appellants' Argument No. 4: Impact on Environmentally Sensitive Habitat Area

~~Coastal Act Section 30240 states:~~

~~(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.~~

~~(b) 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.~~

~~Certified San Pedro LUP Page 16, Policy 2 states:~~

~~The grading of natural terrain to permit development in hillside areas be minimized commensurate with densities designated by this Plan, the geological stability of the area, and compatibility with adjoining land uses, the preservation of natural landforms and to ensure that the potential negative effects of runoff and erosion on environmentally sensitive marine resources are minimized.~~

¹ Appellant's contention No. 4 is deleted because it only pertains to the neighboring project (A-5-SNP-19-0154&5-20-0152/1307 W Paseo del Mar, San Pedro).

The appellants argue that the proposal is inconsistent with Section 30240 of the Coastal Act protecting environmentally sensitive habitat areas. The appellants state that two peregrine falcons, a fully protected species in California Fish and Game Code Section 3511, were spotted to the west of the project site at 1311 W Paseo del Mar. The appellants claim that, because the project is within 500 ft. of a nesting site, Section 30240 of the Coastal Act must be considered, and mitigation measures must be incorporated into the project. However, the appellants have not provided evidence that there is a peregrine falcon nesting site within 500 ft. of the property, only that falcons were seen at 1311 W Paseo del Mar. In addition, the simple presence of peregrine falcons and their nesting site in the project vicinity would not render the project vicinity to be ESHA, as peregrine falcons are accustomed to nest and forage in city environment.

The appellants further argue that the existing stairways on the bluff face at the project site are unpermitted development and should be removed as part of this project. However, while there are no stairways existing on the project site, there is unpermitted concrete paver adjacent to the bluff edge. The Harbor Area Planning Commission letter of determination states, in relevant part:

[t]he proposed two-story single family is approximately 210 feet away from the coastline. It [seaward most portion of the deck] is set back 25 feet from the edge of the coastal bluff top. The bluff is approximately 115 feet high and at the base is a narrow rocky beach. The proposed structures will not be built on or extend over environmentally sensitive habitats. Proposed structures are to be built on the flat portion of the land, adjacent to the street. This will assure that there is no identifiable effect on environmentally sensitive habitat areas.

The Commission finds the City-approved project does not consider the presence of the unpermitted concrete paver adjacent to the bluff edge. Therefore, the City does not provide sufficient evidence that the proposed development would ensure no adverse impact on environmentally sensitive habitat areas. The Commission finds that the appeal does raise a substantial issue with respect to the project's consistency with Section 30240 of the Coastal Act and the LUP policies related to environmentally sensitive habitat areas.

j) Modify the following text on pages 21-23 as follows:

Substantial Issue Factors:

As stated previously, the Commission typically applies five factors in making a determination whether an appeal raises a substantial issue pursuant to Section 30625(b)(1).

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.

While the City found that the project would be consistent with Section 30253 and 30240 of the Coastal Act, the City's analysis did not have adequate support for such a determination. The City's analysis did not consider the potential for the proposed soldier piles to be exposed over time and function as bluff protective device, the potential bluff erosion impact of the 5 ft. storm drain easement on the eastern border of the subject site,

and whether the new development's reliance on the soldier piles to assure its structural stability is consistent with the Coastal Act and LUP hazards policies. ~~The City also did not consider the presence of unpermitted concrete paver on the bluff face which may have a potential to impact environmentally sensitive habitat areas.~~ Therefore, this factor supports a finding of substantial issue.

2. The extent and scope of the development as approved or denied by the local government.

The City-approved development includes the ~~demolition of an existing 1,302 sq. ft. single-family residence~~ and construction of a new 2-story, 26 ft. high, ~~3,6953,548~~ 3,695 sq. ft. single-family residence with a ~~760665~~ 760 sq. ft. detached garage, ~~1,1541,124~~ 1,154 sq. ft. roof deck, and rear yard deck in an already developed area. The scope is consistent with that of the surrounding development, which is comprised primarily of one-story and two-story single-family residences. Therefore, the Commission finds that the extent and scope of the City-approved development is consistent with the Chapter 3 policies of the Coastal Act. This factor does not support a finding of substantial issue.

3. The significance of the coastal resources affected by the decision.

The City-approved project would authorize the installation of three soldier piles at the seaward edge of the proposed structure. The City's determination did not consider the potential for the proposed soldier piles to be exposed over time due to soil erosion or activation of the existing landslide, nor did it address the contingency of when the piles do get exposed. If the soldier piles are exposed in the future, it may be necessary to cover the exposed piles with shotcrete or otherwise convert the system into a more traditional wall to preserve its functions, which would have adverse impacts on visual resources and shoreline sand supply.

~~In addition, the City did not adequately analyze the project's potential impact on environmentally sensitive habitat area, as it did not consider the unpermitted concrete paver near the bluff edge which may be located within sensitive habitat.~~ Therefore, the Commission finds that the City-approved development has a potential to impact significant coastal resources. This factor supports a finding of substantial issue.

4. The precedential value of the local government's decision for future interpretations of its LCP.

The City does not currently have a certified LCP, but it does have a certified LUP. The Commission relies on the certified LUP for San Pedro as guidance when reviewing appeals and approving projects because the LUP was certified by the Commission as consistent with Chapter 3 of the Coastal Act. The City-approved development is inconsistent with the policies of the Coastal Act and the LUP, which provides for minimization of geologic hazards ~~and protection of environmentally sensitive habitat area.~~ Therefore, the Commission finds that the City-approved development will have a significant adverse impact on future interpretations of its LUP, and this factor supports a finding of substantial issue.

5. 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 bluff habitat areas affected by the development, allowing development like this without a thorough analysis of the potential hazards ~~and habitat resource 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 ~~sensitive bluff habitats and~~ natural landforms. Allowing the City to permit bluff top development that has not been comprehensively considered would set a bad statewide and regional precedent. Therefore, this factor supports a finding of substantial issue.

Conclusion

Applying the five factors listed above clarifies that, on balance, the appeal raises a "substantial issue" with respect to the project's consistency with Chapter 3 of the Coastal Act and the certified San Pedro LUP with respect to minimization of development's geologic hazards ~~and protection of environmentally sensitive habitat areas~~. The decision is likely to set an adverse precedent for future interpretations of the San Pedro LUP and prejudice the City's ability to prepare an LCP in the future. Therefore, staff recommends that the Commission find that the appeal raises a substantial issue as to the project's conformity with the Chapter 3 policies of the Coastal Act.

j) Modify the 2nd complete paragraph on page 31, as follows:

The locally approved project includes construction of a new 2-story, 26 ft. high, 3,695 sq. ft. single-family residence with a 921 sq. ft. detached garage, 1,154 sq. ft. roof deck, and rear yard deck and spa on a blufftop lot ([Exhibit 2](#)). The project also includes ~~270~~ 595 cubic yards of grading (590 cu yd of cut and 5 cu yd of fill), and installation of three 4.5 ft. diameter, 70 ft. deep soldier piles and 4 ft. wide, 36 ft. long grade beam at the seaward footprint of the residence, which will be set back at approximately 50 ft. from the bluff edge. The rear yard deck will be at grade without any foundation and will be set back at least 27 ft. from the bluff edge. After the local CDP was appealed to the Commission, the applicants have revised the de novo and dual CDP project description to reflect a change in the proposed size of garage from 921 sq. ft. to 760 sq. ft. The revised plan also shifted the proposed residence further inland to provide an at least 50 ft. setback from the bluff edge (see Addendum, Attachment A and B).

k) Modify the last complete paragraph on page 36 as follows:

The appellants of this project have raised that a 5 ft. storm drain easement on the eastern border of the property is not considered by the City's local decision. However, the applicants' geotechnical firms did consider the bluff face erosion that was thought to have been caused by the abandoned storm drain. The 4/14/2016 Peter & Associates report (see Site Description, page 3) notes the bluff face is "extensively degraded by erosion, with the most prominent feature being a deep gorge on Lot 26 ..." Later (page 6), the report includes a section discussing the origin of this "gorge" feature, noting that flow from a "long ago abandoned storm drain culvert" likely formed the gorge, due to "deep incisement of erosion-prone landslide deposits." Further, the bluff retreat analysis (GeoSoils, 11/25/2019) was based on aerial photographs spanning the period 1927 - 2019, and thus will have captured any bluff edge retreat caused by erosion related to the storm drain

culvert or the presence of the gorge. In other words, the estimated bluff edge retreats rates provided by GeoSoils include any bluff edge erosion caused by the storm drain. Indeed, the southeastern portion of the 1305 W. Paseo Del Mar lot had the highest erosion rates detected in the study, possibly reflecting the past effects of the storm drain culvert. The LADBS Grading Division reviewed the applicants' geotechnical report and issued an approval letter dated June 29, 2017. Hence, the local government decision did consider the 5 ft. storm drain easement in its findings related to geologic hazards. In addition, However, the Commission finds that the proposed development will not affect the storm drain easement, as the development observes a 5 ft. sideyard setback from the property line for the detached garage and a 7 ft. sideyard setback from the property line for the residence, which means there will be no development proposed within the 5 ft. storm drain easement. The applicants also clarified that the City's storm drain easement is not active and that the applicants are currently under the process of applying for the vacation of the drainage easement with the City of LA Public Works Department.

l) Remove Exhibit 2 Page 1 and replace with Attachment A

m) Remove Exhibit 9 and replace with Attachment B

j) On Exhibit 2, Page 7, the cross section indicates that there is a "CITY OF LOS ANGELES REQUIRED SHORING WALL", but the applicants have clarified that the "shoring wall" refers to the three 4.5 ft. diameter, 70 ft. deep soldier piles connected by a 4 ft. wide, 36 ft. long steel grade beam and that there is not an additional "shoring wall" structure.

II. RESPONSE TO CORRESPONDENCE

Since the publication of the staff report, the Commission has received one public comment in support and 9 public comments, including multiple letters in opposition from Noel Gould, in opposition of the staff recommendation for the above referenced Appeal/CDP application. The comments are included within the Correspondence for this item. The public comments and staff's responses are hereby added to the proposed findings included in the December 3, 2021 staff report. Only new claims raised by the comments in opposition that pertain to the project's consistency with the Coastal Act are summarized below with staff's responses:

1) Throughout the City hearing and appeal processes and in the Commission's staff report, there were numerous inconsistencies in the applicants' proposal regarding the size of the home and garage, and the amount of proposed grading. The commenter states there were inconsistencies in the proposed size of the home and garages and the amount of grading throughout the hearing processes at the local level and in the dual CDP application before the Commission. The applicants have clarified that the proposed size of the home and the garage have changed twice since the initial submittal to the City due to geologic setback concerns. The applicants have further clarified that the amount of proposed grading was erroneously entered as 270 cubic yards on the submitted dual CDP application to the Commission dated 3/5/2020. Therefore, the currently proposed project is 3,695 sq. ft. for the residence, 760 sq. ft. for the garage, and 595 cubic yards of grading (590 cu yd of cut and 5 cu yd of fill); and the changes are reflected through this addendum. Commission staff notes that, even though the 12/3/2021 staff report based its analyses on the erroneous proposal with 270 cubic yards of grading, the

additional 325 cubic yards of grading does not materially influence the analyses, and staff's recommendation of approval still prevails.

2) The entire bluff area is a popular visitor serving destination not only because of the ocean views but also because of the extremely varied styles of homes, the beautiful yards, and low-density architecture on the bluff. Commission staff notes that the community character analysis of the project conducted by staff is discussed in the staff report dated 12/3/2021 on pages 37 and 38. Staff notes the policies of the Coastal Act and San Pedro LUP provide for the protection of community character, but do not limit the size, mass, or scale of new development. The City's approval letter also found that the project is consistent with the mass and scale of the surrounding neighborhood. In addition, the proposed home will remain a single-family residence and the residence will observe the LUP policies on structure height.

3) Proposed roof deck is out of character for the neighborhood. Staff notes that the certified San Pedro LUP does not preclude roof decks from being built in single-family residential lots. Development height standard (a)(v) on page 6 of the certified LUP states that roof deck railings that do not exceed 36 inches are permitted to exceed the 26 ft. height limit in residential zones and that roof decks are permitted in single-family residential projects.

4) The staff report ignores the cumulative effects of this project, which would allow for the complete "mansionization" of the bluff. Staff disagrees. As with every project, staff has made case-specific findings related to visual resource, community character, and geologic hazards, and determined the proposed project is consistent with the relevant policies of the Coastal Act and certified LUP. Staff acknowledges that this project and its companion project at 1307 W Paseo del Mar would be larger than most homes in the survey area². The approval of this project and its companion project at 1307 W Paseo del Mar would not set a negative precedent in this area, as the proposed residence, while larger than most homes, is not incompatible with the character of the smaller-sized homes in this neighborhood and in San Pedro. Rather, a mix of home sizes and architectural styles is compatible with San Pedro's eclectic character.

5) There is nothing about this project design that allows for easy removal if it becomes unsafe. Staff recommends approval of the project with Special Condition 1, which would require the applicants to submit removal plans to the Executive Director for review and approval; the condition requires that when any portion of the blufftop width is at or less than the width identified in the approved removal plan as needed to conduct the required removal, removal will occur. The plan shall require the removal of all or portions of the development authorized by the permit including the soldier piles, grade beam, any portions of the home that are dependent on the soldier piles and grade beam for engineering stability, and any portions of the home that must be removed to effectuate removal of the portions of the development. This condition will ensure that any soldier pile removal work will occur before the soldier piles are exposed on the bluff face, when there is still adequate bluff stability and enough space between the house and the bluff edge to allow the work to proceed.

² A-5-SNP-19-0154/5-20-0152 (Murthy)

6) An LA Times article dated 6/27/2018 discusses the likelihood that more than 130 ft. of cliff erosion in less than 80 years could occur in Southern California. Staff notes the USGS study the article references uses the CoSMoS modeling tool, on which the Commission often relies when projecting the amount of sea level rise expected for a development's economic life. However, staff notes that the general projections for a region (e.g., all of Southern California or the Palos Verdes Peninsula) shouldn't be blanketly applied to a particular site or area. In the staff report dated 12/3/2021, the Commission's staff geologist made a detailed site-specific analysis and concluded that the project, as proposed to conform with the necessary bluff setbacks, and as conditioned to remove portions of development in the event of exposure, and to restrict the future construction of bluff protective devices, can be found consistent with the coastal hazards policies of the Coastal Act and the LUP.

7) Exhibit 7 of the staff report calculated the average square footage of the blufftop homes seaward of W Paseo del Mar between house numbers 1151 and 1481 to be 2,172.50 sq. ft. However, the correct average square footage is 1,637 sq. ft. Staff acknowledges the mathematical error in Exhibit 7. Staff has made the change through Section I of this addendum to reflect the correction.

8) In a letter dated May 14, 2019, staff has asked the applicants to submit a landscaping and fencing plan that would provide for view corridors in the side yards of the proposed homes. It is inexplicable that staff later revoked this request by allowing this project to have a walled-off effect. Staff notes that, during initial review period of an application, staff often request additional materials from the applicants that are cursory and conservative in nature, in order to analyze potential project alternatives. However, in this case, staff determined it is not appropriate to require view corridors in this unique neighborhood which is bordered by public parks at either end of it with public views and recreational opportunities, and where the views from public roads are already walled off by existing private development, as indicated on pages 17 and 18 of the 12/3/2021 staff report.

9) San Pedro is a special coastal community as per the 1975 Coastal Plan, and accordingly, the special, low-scale residential character of Paseo del Mar must be preserved. Staff notes that the California Coastal Plan of 1975 was the result of Proposition 20, which mandated the preparation of the plan by the Coastal Zone Conservation Commission for submittal to the legislature as recommendations for the orderly, long-range conservation and management of the coastal zone and its resources. What ultimately came out of the legislature in 1976 was the Coastal Act. Therefore, staff notes that the standard of review for the project is the Coastal Act and the certified LUP is used as guidance. The 1975 Coastal Plan does not constitute a standard of review. However, as stated above, the 12/3/2021 staff report does address the character of the neighborhood at pages 37 and 38 and in this addendum.

10) Significant excavation of the bluff in order to allow the structures to be as tall and large as possible must not be allowed. Staff notes that at maximum, approximately 3 ft. of cut is proposed for the development. Exhibit 2 page 3 of the 12/3/2021 staff report

shows the elevation of the proposed structure, which measures less than 26 ft. from the line of average existing grade, consistent with the certified LUP³.

11) Staff abuses its discretion in not correctly applying policies of the Coastal Act and certified LUP in analyzing the visual resource impact of the project. Staff notes that, as stated in page 37 of the 12/3/2021 staff report, the public view to the shoreline through the subject site and the neighboring properties along W Paseo del Mar is already nearly entirely walled off by the existing homes, fences, vegetation, and walls. In addition, the project site is not located within a dedicated visual corridor or a scenic view site found in Appendix G of the certified San Pedro LUP, and the project site is located in a unique neighborhood bordered by public parks at either end of it with public views and recreational opportunities to enjoy the ocean view.

12) Other 2-story homes on the bluff are setback approximately 75 ft. The structure should either be modified to be a one-story home or be set back approximately 75 ft. from the bluff edge as are the other 2-story (heavier) homes along this bluff. Staff notes that most of the residences along this blufftop neighborhood are built closer to the bluff edge than the proposed projects. As discussed in the 12/3/2021 staff report, the proposed residences are set back at least 50 ft. from the bluff edge and are designed and conditioned to assure structural stability and protection of coastal resources.

13) Two-lot compounds are not part of the character of this neighborhood. Staff acknowledges that the proposed residences share a similar design, and that there are shared landscaping features and no boundary wall between the two proposed residences. However, and as discussed, public blue water views from W Paseo del Mar along this blufftop neighborhood are currently restricted as homes, such as the proposed, are set back from the bluff and closer to the street. Staff believes the similarity of the two proposed homes does not pose a coastal resource concern.

14) Allowing a project of this sheer size would have the cumulative effect of a demographic shift, which is an environmental justice issue. Staff notes that the proposed development conforms to the development standards allowable for the Low Residential zone under the certified LUP. Staff further notes that the applicants are proposing to build a single-family residence on a lot designated as such pursuant to the certified LUP. In other words, while the proposed home is larger than most in the survey area, it does not diminish housing opportunities in the coastal zone. As previously discussed, the approval of this project and its companion project at 1307 W Paseo del Mar⁴ would not set a negative precedent in this area, as the proposed residence is not incompatible with the character of the neighborhood. Rather, a mix of home sizes and architectural styles is compatible with San Pedro's eclectic character.

³ Development height standard (a) on page 6 of the certified San Pedro LUP states "No building or structure shall be erected or enlarged within that portion of the Coastal Zone designated for residential use which exceeds two stories or a height of 26 feet as measured from the average existing natural grade to the highest portion of the roof or parapet wall of the building, whichever is higher.

⁴ A-5-SNP-19-0154/5-20-0152 (Murthy)

15) Public participation has been inhibited, as we reached out numerous times to staff to set up a meeting but were ignored. Staff is also combining the de novo hearing with the substantial issue hearing, which makes it even more difficult for the public to provide input and influence the outcome. Staff notes that staff first received a meeting request from Noel Gould (one of the appellants) on September 7, 2021 and exchanged several email correspondences to coordinate the meeting time. On November 15, 2021 staff conducted a virtual meeting with the appellants (Noel Gould, Mark Severino, and Robin Rudisill) explaining staff's analysis and suggested recommendation for the application. Therefore, the appellants had a month of time to prepare their response to the anticipated staff analysis and recommendation. Staff would further note that it is a common practice for the Commission to conduct a combined hearing on substantial issue, de novo and dual CDP applications of the same proposal for streamlined hearing process and that staff notified the appellants during the 11/15/2021 virtual meeting about the combined hearing procedure.

