

CALIFORNIA COASTAL COMMISSION
South Coast Area
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RECORD PACKET COPY

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Staff: JLR:LB
Staff Report: 6-19-96
Hearing Date: July 9-12, 1996
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-96-121

APPLICANT: City of Rancho Palos Verdes Redevelopment Agency

PROJECT LOCATION: Along the shoreline south of Palos Verdes Drive South between Peppertree Lane and Schooner Drive.

PROJECT DESCRIPTION: Drill three geologic borings along the Portuguese Bend shoreline to include three access roads and temporary gabion wave protection devices.

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Rancho Palos Verdes

STAFF NOTE:

The City of Rancho Palos Verdes has a fully certified Local Coastal Program (LCP) and is able to issue coastal development permits except for projects located on tidelands. After certification of an LCP, the Commission continues to retain permit authority for projects located on tidelands. The proposed project is located on tidelands and therefore the City has applied to the Commission for a Coastal Development Permit. The standard of review for Coastal Development Permits are the Coastal Act policies. However, the certified LCP policies can provide guidance.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with special conditions addressing sensitive environmental habitat.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California

Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application, or in the case of administrative permits, the date on which the permit is reported to the Commission. Construction shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

Environmentally Sensitive Habitat

1. The applicant shall agree, by accepting this permit, that no construction activities shall commence until after August 15th which is the end of the breeding season for the California gnatcatcher.

2. Prior to issuance of permit, the applicant shall submit final roadway alignment plans, subject to the review and approval of the Executive Director, that are designed to avoid or minimize disturbance of the on-site existing coastal sage scrub. The final alignment shall be determined in consultation with recommendations from U.S. Fish and Wildlife Service.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Description and Location

The applicant proposes to drill three geologic borings along the Portuguese Bend shoreline to include three access roads and temporary gabion wave protection devices. The drilling sites are located on a cobblestone beach adjacent to a steep, near vertical sea cliff. The three proposed drilling site access roads are approximately 200', 500' and 700' in length and will require approximately 2,000 cubic yards of grading. These blufftop to beach access roads are necessary because the beach is too narrow to permit heavy equipment to access the drill sites. Two of the access roads are located off an existing maintenance road located within the active Portuguese Bend Landslide area. A third access road will be located off any existing private roadway located near the private gated community of the Portuguese Bend Club. Following is a more detailed project description as submitted by the City:

DRILL LOCATIONS AND SITE PREPARATIONS

At this time, we are proposing three drill locations. In order to establish a stable pad and protect the drill rig from wave action, gabions will be installed. Gabions are wire caged baskets filled with rock. Approximately 60 gabions will be used for all three locations. Local landslide debris will be scavenged to fill the gabions. Site preparation should be completed in two weeks for each site, but because the time schedule will overlap it should take a total of four weeks.

DRILLING OPERATIONS

We will move a drill rig on site and install the bore pit. The drill rig will be truck mounted using vertical drill equipment. Drilling will last approximately 7 days for each location depending on what subsurface conditions are encountered.

SITE RESTORATION

Project site will be restored by removal of the gabion cages and restorative grading of the access roads. Wave action will redistribute any landslide debris at the drilling location.

ACCESS

The access will be created with common rubber tire and trackmounted

vehicles. Project access to each boring shall be graded to minimize impact to local plantlife, avoid geotechnical hazards, maintaining safe working environments while achieving project objectives. Grading quantities for each individual access are listed on the plans. These are only approximations since this project is located within an active landslide and quantities may change due to factors mentioned previously. We are estimating a total quantity of 2000 cubic yards balanced for all three boring holes. Access will take approximately 6 days to complete depending on the site conditions encountered once grading begins. Also, maintenance of these accesses can be expected through project duration.

SUMMARY/OBJECTIVE

These additional geological test borings will provide necessary additional data for the purpose of studying the possibility of providing additional stabilization for the Portuguese Bend landslide area and adjacent landslide areas in an effort to reduce erosion, sedimentation, and turbidity at the Rancho Palos Verdes coastline. There is no existing geological data available for these areas.

B. NATURAL HAZARDS

1. Applicable Coastal Act Policies:

Section 30253 of the Coastal Act provides in part:

New Development shall:

- (1) Minimize risks to life and property in areas of high geologic, floor, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

2. Applicable Certified Local Coastal Program (LCP) Policies

The following natural environment policies of the City's certified LCP are relevant:

2-Require any development within the Coastal Resource Management Districts of high slopes (CRM 2) and insufficient information area (CRM 5) to perform at least one, and preferably two, independent engineering studies (performed by a licensed engineer) concerning the geotechnical, soils, and other stability factors (including seismic considerations) affecting the site.

7-Prohibit activities which create excessive silt, pollutant runoff,

increase canyon-wall erosion, or potential for landslide, within or affecting Coastal Resources Management Districts containing hydrologic factors (CRM 8).

15-Provide mitigating measures where possible to control surface runoff that might be degrading to the natural environment.

3. Staff Analysis Regarding Natural Hazards

The subject site is located within the Portuguese Bend landslide area, which is presently active. This landslide and adjacent landslides have been extensively studied. Following is a brief description of the landslides as excerpted from a Shoreline Feasibility Study prepared by the U.S. Army Corps of Engineers and dated August 1994:

The geological setting is that of a northwest-trending dome located at the southwest edge of the Los Angeles Basin, bordered on the south by the Pacific Ocean and on the north by the broad plain of the Los Angeles Basin. The Palos Verdes Hills are a block of bedrock squeezed upward between the Palos Verdes Fault and the offshore San Pedro Basin Fault. During the Pliocene and Pleistocene, the Palos Verdes Hills were uplifted as an island, subsequently becoming a peninsula that joined to the Los Angeles Basin. Wave cut benches were eroded on the hills as a result of eustatic sea level changes, and modern wave erosion has carved a steep, nearly vertical sea cliff up to 150 feet high along most of the shoreline. These land forms have been highly modified in the Portuguese Bend area by recent landslides. The 1100-acre landslide complex is shown in Figure 2 and includes the Abalone Cove, Portuguese Bend, and Klondike Canyon landslides. Currently, land movement occurs only in the Portuguese Bend landslide area.

A future study will identify shoreline protective measures that will protect the coastline at Abalone Cove and Portuguese Bend Cove from shore erosion by waves and tidal action. The proposed roadway will allow drilling equipment to conduct a geologic test boring. This boring, as well as previous other borings, are an on-going effort by the city to better understand the area wide geology.

The above listed LCP policies are applicable to the subject site because the site is mapped in Coastal Resource Management (CRM) districts CRM 2, 5 and 8 and is located on a steep bluff that is also the face of an active landslide. Exhibit E shows multiple hazard designations applicable to the site.

The purpose of the proposed geological test borings is to obtain new data for the purpose of studying the possibility of providing additional stabilization for the Portuguese Bend landslide area in order to reduce erosion, sedimentation and turbidity along the coastline. The proposed project will facilitate geological investigation consistent with Sections N2 and N7 of the City's certified LCP. The City's extensive geotechnical background studies and reports, including a U.S. Army Corps of Engineers feasibility study, are an ongoing effort by the City to assure stability and minimize risks to life

and property from natural hazards within the active Portuguese Bend Landslide area. Therefore, the Commission find that the proposed project is consistent with Section 30253 of the Coastal Act for minimizing risks to life and property in high geologic hazard areas and assuring stability and structural integrity.

C. NATURAL HABITAT

1. Applicable Coastal Act Policies

Section 30240

(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.

2. Applicable LCP Policies

The following natural habitat policies of the certified LCP are relevant:

8-Require developments within or adjacent to wildlife habitat and provide mitigation measures to fully offset the impact.

9-Encourage developments within Coastal Resources Management Districts containing natural vegetation (CRM 10) to revegetate with native material wherever clearing of vegetation is required.

10-Protect, enhance and encourage restoration of Marine Resources of the City through Marine Resource Management and cooperation with other public agencies and private organizations.

The above listed LCP policies are applicable to the subject site because the site is also mapped in Coastal Resource Management (CRM) district CRM 10 and is located on a steep bluff that is also the face of an active landslide. Exhibit E shows multiple hazard designations applicable to the site.

3. Staff Analysis Regarding Natural Habitat

The surrounding nearby area contains significant environmentally sensitive habitat including coastal sage scrub and coastal bluff scrub. There are sensitive bird and plant species on the site as well, all of which are associated with coastal bluff scrub or coastal sage scrub. Of particular significance is the presence of the California Gnatcatcher, now listed as Threatened under the Endangered Species Act. Following is a more detailed description of the natural vegetation as described in the City's certified LCP.

The active portion of the Portuguese Bend landslide supports stands of natural vegetation (coastal sage scrub). Due to the severe nature of the terrain and the unstable geologic profile of the area, opportunities for site development are limited. The active landslide area provides a good habitat for a number of resident, migrant, and wintering bird species. The high rodent populations and constant air currents make this area an excellent feeding ground for birds of prey, including three rare and endangered species (California Department of Fish and Game, 1972). The Peregrine Falcon, the Prairie Falcon and White-Tailed Kite. These to the shoreline across this area as well as access to any portion of the site, is unsafe.

Following is an area wide description of the surrounding environmentally sensitive habitat as excerpted from a U.S. Fish and Wildlife letter dated February 19, 1996:

There are approximately 1050 acres of coastal sage scrub remaining on the Palos Verdes peninsula. There were 56 breeding pairs of the birds in 1994 which decreased by 54 percent to 26 breeding pairs in 1995. The population level of the gnatcatcher on the Palos Verdes peninsula is at a seriously low level and the recovery of this species in this geographically isolated area likely will require not only the protection of major, extant tracts of coastal sage scrub, but also restoration of this habitat in some disturbed areas.

The applicant is proposing to minimize grading impacts to local plant life and avoid geotechnical hazards. The project sites "will be restored by removal of the gabion cages and restorative grading of the access roads." The City's certified LCP in Section N8 requires that new development fully mitigate wildlife habitat impacts. Additionally, in Section N10 of the certified LCP requires that development revegetate any native habitat that was cleared and Section N10 requires the City to cooperate with other public agencies to protect natural vegetation.

On June 18, 1996, staff from the City, U.S. Fish and Wildlife Service and the Coastal Commission met at the subject parcel to determine what, if any, potential impacts on natural resources could occur. It was determined that although the areas to be graded contained mostly non-native, invasive plants, there are isolated areas of coastal sage scrub. The scrub is a sensitive environmental habitat that provides habitat for the threatened coastal California gnatcatcher bird.

The U.S. Fish and Wildlife Service has recommended that no construction activities should commence prior to the end of the breeding season for gnatcatchers which is August 15th. That agency also indicated their interest to assist the City with final design alignment of the roadways in order to minimize disturbance and avoid removal of existing coastal sage scrub. Therefore, the Commission is imposing a special condition that construction activities not commence until after August 15th. The Commission is also imposing a condition requiring the City to consult with the U.S. Fish and Wildlife Service to determine the final alignment of the roadways that will avoid or minimize disturbance to the coastal sage scrub plant community.

Therefore, the Commission finds that the proposed development, as conditioned, is sited and designed to prevent adverse impacts on natural habitat as required in Section 30240 of the Coastal Act and the applicable habitat provisions of the City's certified LCP.

D. Public Access/Recreation

1. The following Chapter 3 public access policies are relevant:

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30214 of the Coastal Act states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place and

manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right of pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

2. The following access policies of the City's certified are relevant:

Access Corridor Gradients should be designed so that they do not exceed "desirable" gradient standards for their respective users (pedestrians, bicycles, autos), and where topography or other factors prohibit this approach, they should be clearly marked as being of greater difficulty, and requiring more caution.

Wherever possible, proposed access corridors should be located so as to maximize compatible opportunities for multi-use relationships with other corridor types (overlaid or parallel).

3. Staff Analysis Regarding Public Access/Recreation

The City's LCP does provide for public access with this area because of the instability of the active landslide and the steepness of the adjacent seacliff which is continuously eroding. The purpose of the proposed roadway is to allow drilling equipment to access 3 designated sites in order to perform a geologic test boring. After the tests have been completed, the two easterly roadway areas will be restored,. The third most westerly road will remain. In the future, this road will be used for emergency access purposes. Section 30212(a) of the Coastal Act requires that new development shall provide public access from the nearest public roadway. The proposed project will provide a maintenance road from Palos Verdes Drive South leading down a bluff to the beach. Section 30210 of the Coastal Act requires maximum access shall be provided consistent with public safety needs. The proposed roadway, which is located in an isolated area along the Palos Verdes blufftop coastline, will provide an accessway for emergency vehicles. Therefore, the Commission finds that the development, as approved by the City, to provide public emergency vehicle access, is consistent with the applicable public access provisions of Chapter 3 of the Coastal Act and the Certified LCP.

E. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of the Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any

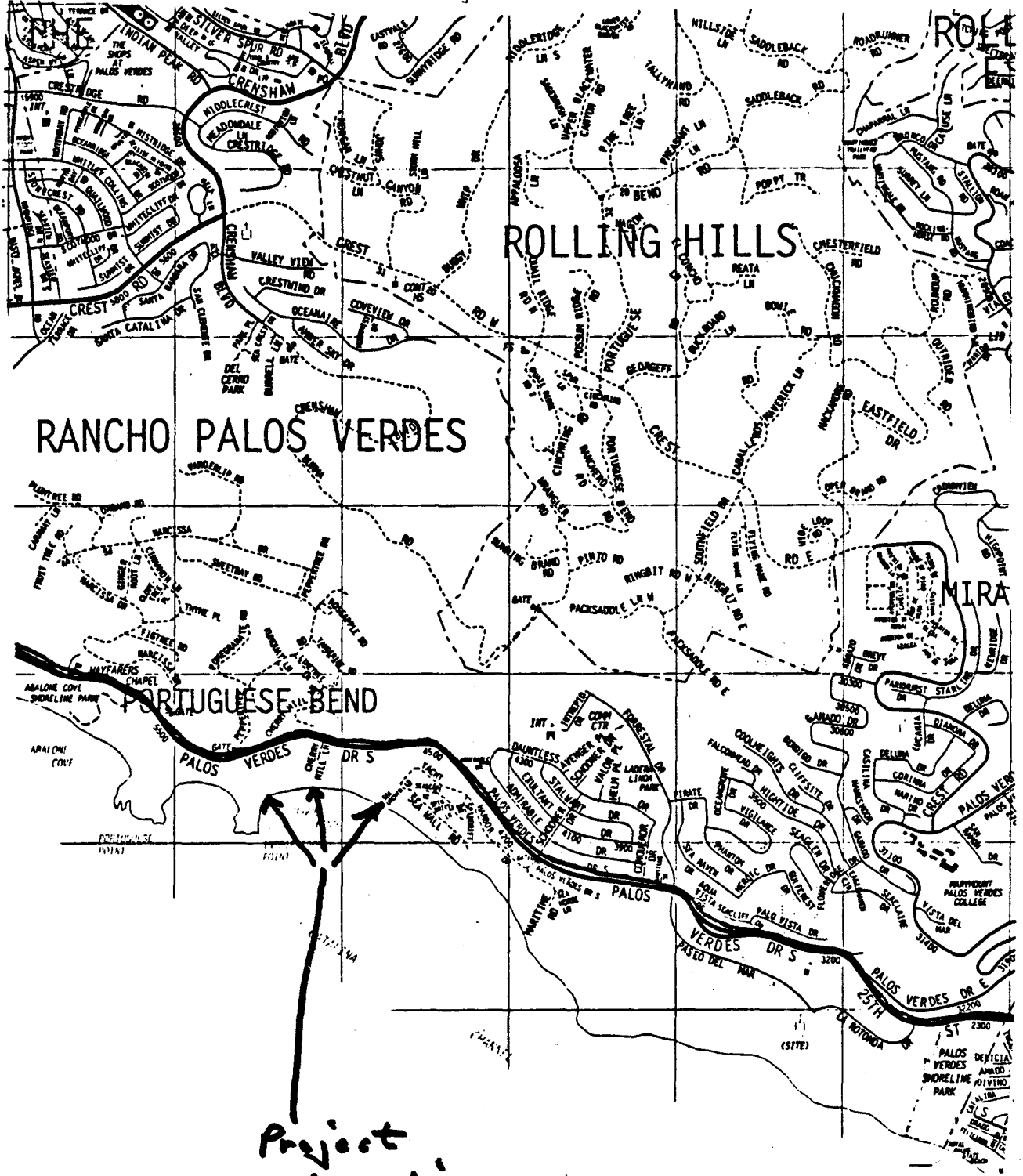
applicable requirements of the California Environmental Quality Act (CEQA).

Section 21080.5 (d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the natural hazards policies of the Coastal Act. Mitigation measures to commence construction at the end of the gnatcatcher breeding season and to align the roadway to avoid or minimize disturbance to coastal sage scrub, will minimize all adverse impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

JLR:b11

7185F



Project Location

Exhibit A
5-96-121

SCALE 1" = 400'
TRA 7140
OFFICE OF ASSESSOR
COUNTY OF LOS ANGELES
PA 752-33-15-23.22

VICINITY MAP
100 FT RADIUS

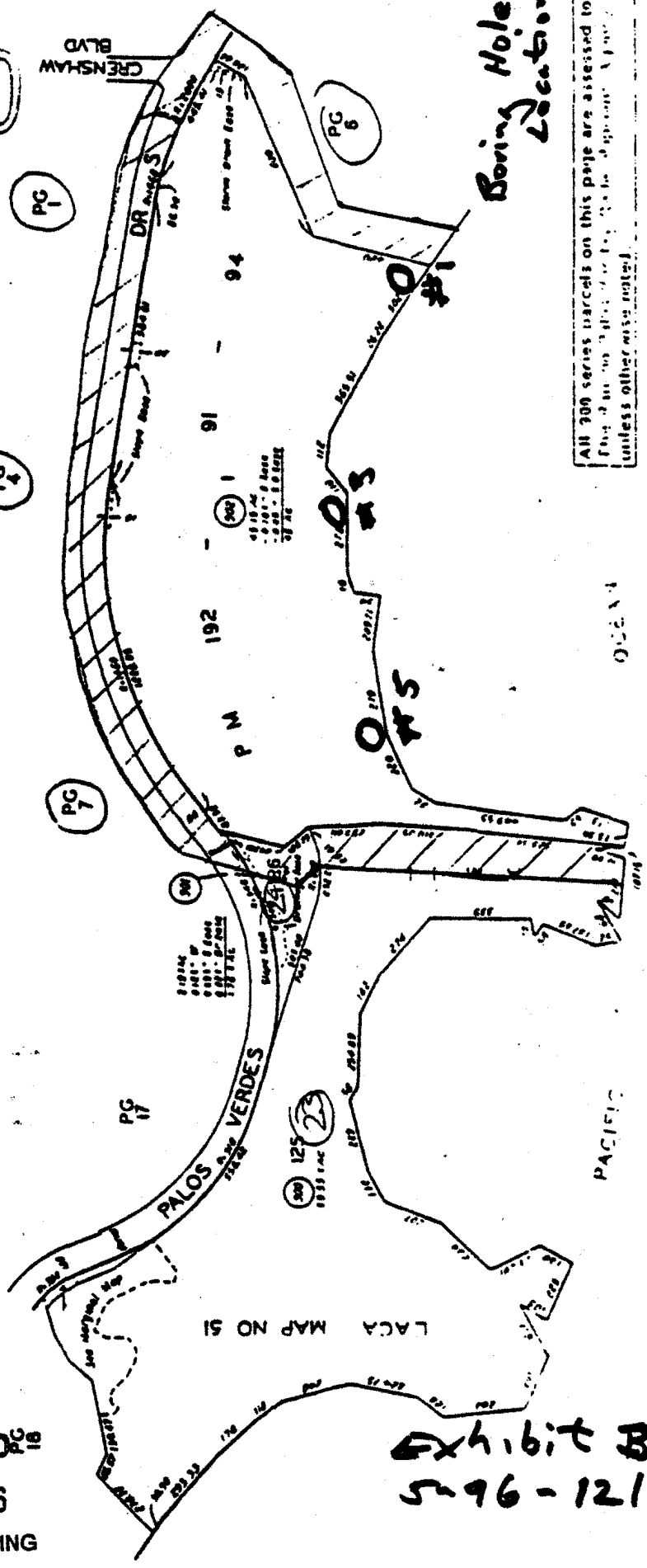
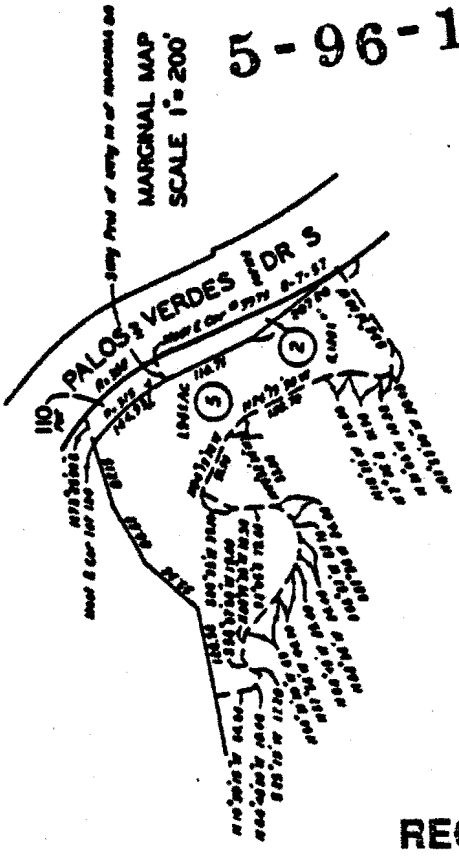
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CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

MARGINAL MAP
SCALE 1" = 200'

5-96-121



All 300 series parcels on this page are assessed to Palos Verdes Estates, Inc. for the purposes of this map unless otherwise noted.

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& CODE ENF.

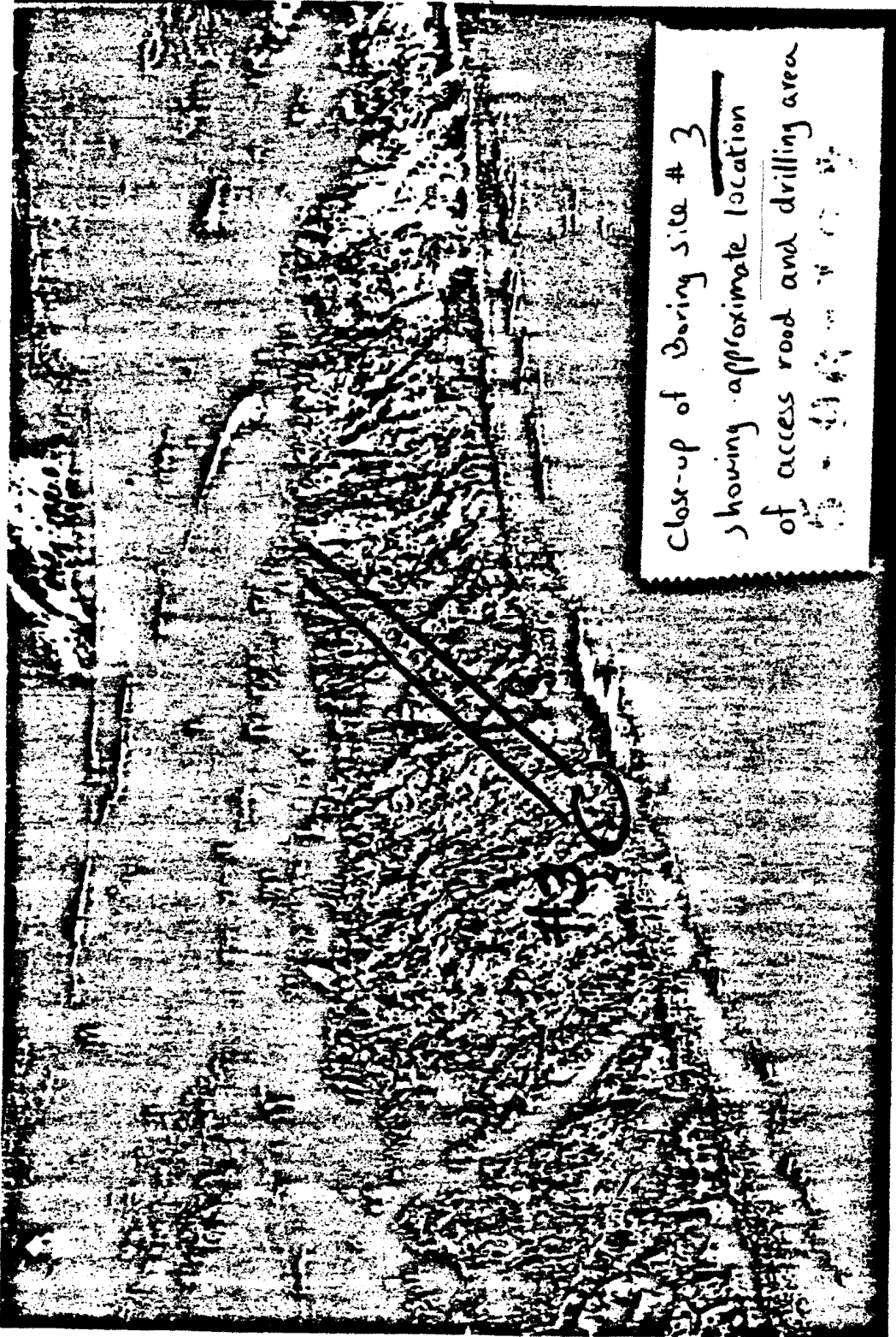
Exhibit B
5-96-121

#1



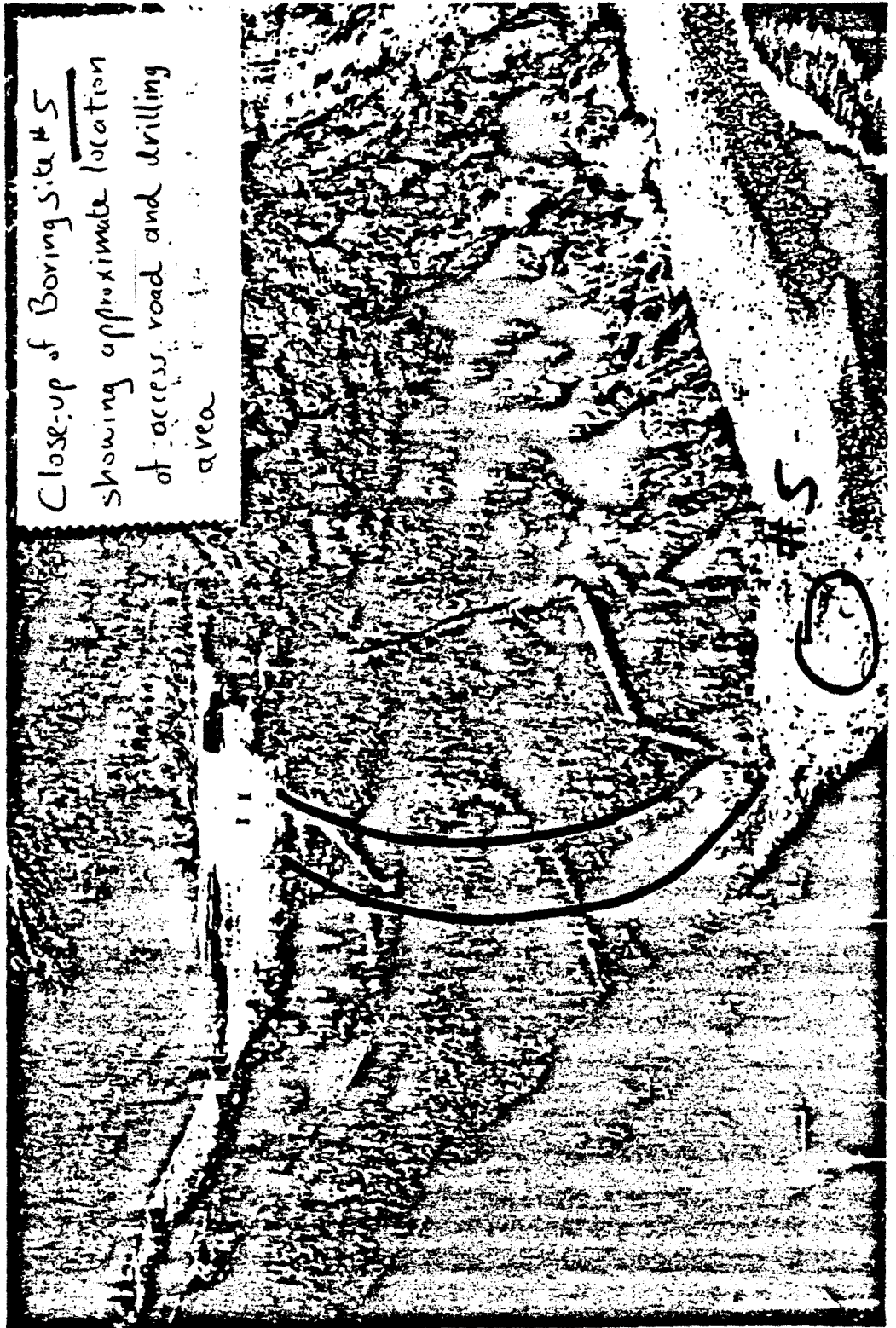
Approximate location of Boring
Site # 1, adjacent to
Portyuse Bend C.I.6 Grading
Project

Exhibit C
5-96-121



Close-up of Boring site # 3
showing approximate location
of access road and drilling area

Exhibit D
5-96-121



Close-up of Boring site #5
showing approximate location
of access road and drilling
area

Exhibit E
5-96-121