

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-00-178

APPLICANT: Dr. Mohamed Nasr

AGENT: Mr. Vahram Jebejian

PROJECT LOCATION: 2273 Warmouth Street, San Pedro

PROJECT DESCRIPTION: After the fact permit to approve an approximately 4.5 to 6.5 foot high upper retaining wall (A), a 1.5 foot below grade lower retaining wall (B), 1-2 foot high stepped side walls, placement of fill on the downslope side of the retaining wall (A) to restore the slope, and landscaping. The project will include the removal of the following: 3.5 to 5.5 feet of a 12-foot high upper retaining wall (A), 3.5 feet of a lower retaining wall (B), approximately 90 cubic yards of fill material, 770 square feet of concrete slab, 720 square foot wood deck and stairway, lawn area, planter, and pipe and board retaining structure.

Lot area:	10,220 square feet
Building coverage:	3,385 square feet
Zoning:	R1-1
Plan designation:	Low Density Residential

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed project with special conditions requiring: 1) landscaping plans; 2) erosion and runoff control plans; 3) recordation of an assumption of risk deed restriction; 4) conformance with geologic and soil recommendations; 5) recordation of a no future bluff top protective devices restriction; and 6) timely completion of approved project.

SUBSTANTIVE FILE DOCUMENTS: San Pedro certified LUP; Coastal Development Permit: #5-95-140(Nasr), #5-85-460(Dinsmore); and #5-97-300(Nasr).

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit #5-00-178 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Landscape Plan

A. Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, a landscaping plan. The plan shall be prepared by a licensed landscape architect.

I. The plan shall demonstrate that:

- (a) All cut and fill slopes shall be stabilized with planting at the completion of grading. Planting on the bluff where grading has been permitted should be of drought tolerant non-invasive species. Native plant species indigenous to the San Pedro/Palisades Bluff area is encouraged. Ornamental planting with non-indigenous and non-invasive plant species is permitted in the landscaped area behind the upper retaining wall.
- (b) No permanent irrigation system shall be allowed on the bluff face or seaward of the upper retaining wall. Temporary above ground irrigation to allow the establishment of the plantings is allowed.
- (c) All required plantings will be maintained in good growing conditions through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan, and

II. The plan shall include, at a minimum, the following components:

- (a) a map showing the type, size, and location of all plant materials that will be on the developed site, topography of the developed site, and all other landscape features, and;
- (b) a schedule for installation of plants.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plan shall be reported to

the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Erosion Control Plans

A. Prior to issuance of the permit, the applicant shall submit, for review and approval of the Executive Director, erosion and runoff control plans. The plans shall include:

Erosion Control Plan

- I. The erosion control plan shall demonstrate that:
 - (a) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties.
 - (b) The following temporary erosion control measures shall be used during construction: sand bags and silt fences.
 - (c) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties.
 - (d) All construction debris shall be removed from the bluff face.
- II. The plan shall include, at a minimum, the following components:
 - (a) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
 - (b) A site plan showing the location of all temporary erosion control measures.
 - (c) A schedule for installation and removal of the temporary erosion control measures.
 - (d) A site plan showing the location of all permanent erosion control measures.
 - (e) A schedule for installation and maintenance of the permanent erosion control measures.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion, landslide, or earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

B. Prior to issuance of the permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

4. Conformance of Design and Construction Plans to Geotechnical Report

A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the soils and geology investigation report prepared by Technosoil, Inc., dated July 11, 1997. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. No Future Bluff Protective Device

A(1) By acceptance of this permit, the applicant agrees, on behalf of himself and all other successors and assigns, that no future bluff protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-00-178 including, but not limited to, the upper and lower retaining wall, and stepped side walls in the event the development is threatened with damage or destruction from erosion, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this permit, the applicant and landowner hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

A(2) By acceptance of this permit, the applicant further agrees, on behalf of himself and all other successors and assigns, that the landowner shall remove the development authorized by this permit, including the upper and lower retaining and stepped side walls, if any government agency has ordered that the structures are unsafe due to any of the hazards identified above. In the event that any portion of the development is destroyed, the permittee shall remove all recoverable debris associated with the development from the beach, ocean and adjoining properties and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

A(3) In the event the edge of the bluff recedes to threaten the structural integrity of the proposed development, but no government agency has ordered that the structures be removed, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the applicant, that addressees whether

any portions of the development are threatened by erosion, bluff retreat, landslides, or other natural hazards. The report shall identify all those immediate or potential measures that could stabilize the development without bluff protection, including but not limited to removal or relocation of portions of the development. If the geotechnical report concludes that the development is unsafe, the permittee shall, in accordance with a coastal development permit remove the threatened portion of the structure.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restrictions on development. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6. Timely completion of project

The applicant agrees that he will complete all development authorized or required by the Commission on CDP Application No. 5-00-178 within 180 days of the date the Commission's action becomes final.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant is requesting an after the fact permit to approve an approximately 4.5 to 6.5 foot high upper retaining wall (A), a 1.5 foot below grade lower retaining wall (B), 1-2 foot high stepped side walls, placement of fill on the downslope side of the retaining wall to restore the slope, and landscaping. The project will include the removal of the following: 3.5 to 5.5 feet of a 12-foot high upper retaining wall (A), 3.5 feet of a lower retaining wall (B), approximately 90 cubic yards of fill material, 770 square feet of concrete slab, 720 square foot wood deck and stairway, lawn area, planter, and pipe and board retaining structure (see Exhibit No. 3-5). The proposed development is located on the upper portions of a coastal bluff face.

The proposed site is a 10,220 square foot lot located on Warmouth Street in the San Pedro area of the City of Los Angeles. The proposed project site is currently improved with an existing 2,665 square foot single-family residence, with attached 693 square foot garage, patio cover, swimming pool, cement patio and side retaining walls (see Exhibit No. 1).

The northern half of the lot, where the existing residence and swimming pool are located, is level. Approximately 62 feet south of the residence, the lot begins to slope at a 1:1 gradient. The slope descends for approximately 170 feet down to the rocky beach.

The project is sited within the jurisdiction of the City of Los Angeles and the County of Los Angeles. The cement patio extension, 12-foot high retaining wall and approximately 6 feet of the wood deck and lawn area are under the jurisdiction of the City of Los Angeles. The remaining southern (seaward) portion of the applicant's property, which includes the southern 5 to 10 feet of the wood deck and lawn area, and the 3.5 foot retaining wall, lies on property owned by and within the jurisdiction of the County of Los Angeles.

Development on the bluff face, including the existing retaining wall, portions of the cement patio, fill, wood deck, and landscaping was constructed in 1994, without the benefit of a Coastal Development Permit, or City permits. Commission staff was notified of the development by one of the applicant's neighbors. After a thorough investigation and search of Coastal Commission and City of Los Angeles' records, staff determined that the development was unpermitted. The Property owner was notified and a coastal development permit was subsequently submitted by the applicant. In February 1998, after a public hearing and testimony, the Commission denied the permit application (#5-97-300).

Subsequently, in 1999, the applicant and the Commission entered into a settlement agreement to resolve the development issues. The agreement allowed the applicant to file a new coastal development permit application that incorporated certain specified development. If the applicant filed such an application, Commission staff agreed to recommend approval of the application that includes the specified development, provided Commission staff also determined that the new application is consistent with the Coastal Act.

B. Development History

According to City building records, building permits were issued in 1968 for the single-family residence and swimming pool. The single-family residence and swimming pool were completed in October of 1968, based on the issuance of a Certificate of Occupancy. There are no records of retaining walls or cement patio being approved. However, according to the City, the absence of a retaining wall on the building permit is not uncommon for that period since permits routinely did not include details such as retaining wall location. Furthermore, hardscape, such as patios, do not require permits, therefore, there would be no permits on record for the patio.

City building records indicate that solar panels, for heating the swimming pool, were added to the site in 1979. The building permit indicated that grading would be involved. The type and amount of grading was not specified in the records. The solar panels were installed along the southern portion (seaward side) of the lot. The panels were sited on the

descending slope south of the swimming pool and approximately 5 feet beyond (downslope from) the original edge of the cement patio area. The panels extended approximately 40 feet perpendicular from the western property line. Based on ownership records the solar panels were installed by the previous owner of the property. While placement of solar panels would have required a Coastal Development permit, there is no evidence that the owner at that time applied for a permit.

Based on the 1987 and 1993 aerial photographs and building permits, the solar panels were placed approximately 5 feet beyond the edge of the original cement patio, and approximately 45 feet from the existing residence, on the sloping portion of the lot.

Aerial photographs indicate that the wood deck and stairway leading from the level cement pad to the deck were built between 1987 and 1993. The wood deck was located down slope and adjacent to the solar panels. The stairway was located adjacent to and parallel to the western property line. While placement of the wood deck and stairway would have required a Coastal Development permit, there is no evidence that a permit was applied for.

According to the applicant, there was a retaining wall underneath and on the downhill side of the solar panels that supported the panels and cut slope. After the panels were removed by the applicant, the retaining wall was increased in height to its current height of 12 feet above the slopes grade, and the planter and lower 3.5 foot retaining wall was constructed.

Aerial photographs taken in 1986, 1987, and 1993, show the solar panels. Based on these photographs, it is impossible to determine whether or not a retaining wall or some type of supporting wall existed underneath the solar panels. However, based on the aerial photographs, it is evident that, if a wall did exist underneath the solar panels, the wall did not extend across the entire width of the property, as does the current wall.

In past Commission permit action on the site, the Commission, in November 1995, approved a second story addition over the existing single-family residence [coastal development permit #5-95-140 (Nasr)]. The existing residence and second story addition is separate from the development proposed under this permit.

C. Geology

Section 30253 of the Coastal Act states:

New development shall:

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

The San Pedro certified LUP designates the bluffs as a Geologically Hazardous Area (Appendix B of the LUP). The LUP states in part that:

New development, including additions to and remodels of existing structures, along coastal bluffs shall not be approved unless it minimizes risk to life and property, assures structural stability and integrity for the economic lifetime of the development...

The existing residential structure, which was constructed in 1968, is located on a bluff top within a level area in the northern half of the lot. The southern half of the lot slopes at a 1:1 gradient down to the rocky beach (Royal Palms County Beach).

The proposed development consists of reducing the height of the upper 12-foot high retaining wall (A) on the bluff face along the entire 70-foot width of the property by 3.5 to 5.5 feet, to a height that will vary from 4.5 to 6.5 feet from grade. The cement slab extension and fill placed behind the upper wall will be removed and the slope restored, to as near as possible, to the slope elevation and gradient that existed prior to the development.

Extending perpendicular from the upper retaining wall (A), along the eastern and western property lines, are 1- 4 foot high stepped side walls. The applicant is proposing to leave the walls in place to provide support for the existing wall and to support the cut slope along the side property lines. The stepped side walls will be lowered approximately 1-2 feet to conform with the adjacent grade.

At the base of the 12-high wall, along the western half of the property, is a wood deck. The deck is raised approximately 3 feet above ground level by wood piers. Along the eastern half of the property is an approximately 3 foot high retaining wall that is backfilled and used as a planter. Immediately south of this planter is a level lawn area. An approximately 3.5 foot high block wall (B), topped with a wrought iron railing, is constructed seaward of the wood deck and lawn area. Pipe and board retaining structures have been constructed downslope of the lower wall.

The improvements seaward of the 12-high wall (A) will be removed, except for the lower 3.5 foot high block wall (B). This lower wall will be reduced in height to be flush with the existing grade. The wall will not be completely removed so as not to cause instability or exacerbate erosion of the slope.

On November 13, 1995, a geologic report was prepared for the applicant by Solus Geotechnical Corp. The report indicates that the site is situated within the confines of a

known ancient, inactive landslide, as indicated in the Robert Stone and Associates, March 14, 1968 report, that was prepared for the construction of the residence. The Solus report also indicates that the landslide was inactive and stable and concludes that there are no known active landslides or significant or potentially active faults in the surrounding area.

With regards to the proposed development the Solus report indicates that the:

... 12 foot high retaining wall... appears to be in good condition... plumb, and free of cracks or other evidence of deterioration... The block cells [of the 3 foot high retaining wall (planter)] are not grouted and the wall exhibits cracking, rotation, and disrepair... The block cells of [the lower 2 foot high block wall] are not grouted... [The] stepped block wall [that] runs perpendicular to the main wall [has experienced a] large separation crack... between this wall and the main wall. The southerly end of this wall appears to be settling and creeping toward the bluff face. The pipe and board structures are constructed with plumbing pipe, rebar, fence stakes, and household lumber. They are in disrepair.

The Solus report concludes that:

The [larger] wall appears to have been properly constructed and is in good repair. It shows no evidence of cracks, rotation, settlement, slippage or creep. The wall appears to be stable. The wall is considered an important part of the development, and is providing support for the rear yard area.

The Solus report further concludes that:

Removal of the wall could create a hazard for the structures and could create adverse drainage conditions on the bluff face... The lesser retaining walls, the pipe and board structures, and the wood deck... do not appear to have been properly constructed. These improvements should be removed from the site...

In response to an insurance claim by Mr. Nasr, a geotechnical evaluation was conducted for Allstate Insurance. The report for Allstate was prepared prior to the Solus report. The geotechnical evaluation was conducted by AGRA Earth and Environment. The evaluation produced two reports. The first report was dated August 26, 1994 and the second was December 15, 1994.

AGRA drilled three geotechnical borings on the property. Boring B-1 was drilled approximately 6 feet behind the large retaining wall. The report indicates that from the boring it was determined that:

... the upper 3 feet of backfill materials were found to be compacted to only 69 percent of the maximum dry density, and the consolidation test-pressure curve shows that the material at 2 feet below the surface may continue to consolidate under normal loads; therefore, further distress associated with settlement may be

expected. Downslope adjustment may also continue due to the naturally dynamic nature of near surface soils on the shorecliff.

The report further states that:

The surficial stability of the seabluff was observed to be affected by erosional and slope-creep [processes]... In this area, both soils and landslide "float" outcrops were observed to be loose and unstable.

The backyard improvements within the influence of the steep seacliff should be considered to be temporary and subject to ongoing creep and potential downslope failure.

The Solus report did not conduct any subsurface excavations and according to the geologist for Solus, Solus did not review the reports prepared by AGRA.

As part of the City of Los Angeles' geotechnical review of the project the City reviewed the Solus report. The City did not have the opportunity to review the AGRA reports. However, because the wall was already constructed, the City's grading department could not determine if the wall's design pressures were adequate for the area since geologic information of material behind the wall was not provided. Therefore, since the wall was already constructed and necessary geotechnical information was not available to determine if the wall was constructed properly the City decided to waive geotechnical approval upon the applicant's recordation of a "Covenant and agreement Regarding Maintenance of Building". The document, which has been recorded by the applicant, states in part that the applicant is aware that:

design pressures may not be appropriate and/or adequate since the geologic information of material behind the wall is not provided by our design consultant. We also recognize that the wall does not conform to code requirement in regard to the setback distance between the wall footing and the descending slope surface... Furthermore, based on field observations... rebar placement in the wall is less than that required by design calculation.

Based on the Solus and AGRA geotechnical reports it is evident that the bluff area is unstable and subject to surficial creep and erosion. Aerial photographs show that the natural slope lies 10 to 15 feet further inland from where the large retaining wall and other structures currently exist. Therefore, the improvements proposed by this permit application are located seaward and downslope of what was once the original or natural bluff edge and in an area designated in the San Pedro Land Use Plan as a geologically hazardous area. Based on the geologic reports and the City's review, this area is considered as a geologically hazardous area. Further compounding the potential hazard is the fact that the large retaining wall, lower walls, wood patio are not constructed properly, as stated in the Solus report and applicant's recorded "Covenant and

Agreement" document. Such construction can add additional weight to the unstable slope and exacerbate erosion.

Although the Solus report states that the mesa area at the top of the bluff is considered stable for construction the report states that the bluff is not believed to possess a factor of safety of 1.5. The Solus report states that the geotechnical factor of safety for the slope was not determined because:

the data required to perform the analysis is off-site, and could only be acquired by very deep (170+ feet) borings.

Subsequent to the geotechnical report prepared by Solus the applicant submitted a new soil and geology investigation report. The report was prepared by Technosoil, Inc., on July 11, 1997. The report states that:

... Based on a stability analysis, the factor of safety with respect to gross stability of the portion of the slope analyzed exceeds the normally accepted value of 1.5.

The Technosoil report appears to base their stability analysis on one 64-foot deep boring located approximately 20-feet behind the retaining wall. The report states that the stability analysis only pertains to that portion of the slope where the boring was taken. The analysis does not include the portion of the slope where the retaining wall is located and the area immediately downslope of the wall. The Solus report states that in order to determine the slopes factor of safety additional off-site data and deeper borings are required. Therefore, the factor of safety for the slope, where the retaining wall is located, has not, and can not be determined with the limited data obtained from the one boring.

Furthermore, the Technosoil, Inc. report concludes that in order to comply with the current setback requirement for the foundations located adjacent to an existing slope, it is recommended that the existing retaining wall be underpinned by friction piles in terrace deposits and bedrock underlying the subject site. Therefore, based on the conclusion made by Technosoil, Inc., additional protective and stability measures are necessary to ensure that the wall will be constructed properly and geologically safe.

Extending flat bluff top development seaward over natural bluff faces by fill and artificial construction is inherently unstable because the underlying bluff is an area which over time will erode. This is especially true in instances such as in this case where the bluff is composed mostly of landslide debris.

In past permit action the Commission has found that development on steep bluffs have been found to have the potential to significantly exacerbate the natural process of erosion in conjunction with erosion caused by wave action on coastal bluffs [coastal development permit #5-85-460 (Dinsmore)]. Erosion rates are greater when structures are built on the bluff face. Rain water running off such structures over time tend to undercut and erode the area of the bluff immediately behind the structures. Additionally, the loss of vegetation

through the altering of the natural landforms would increase the erosion potential. Moreover, the planting of ornamental landscaping, that may require frequent watering, will also increase the erosion potential.

However, based on the geologic information and consultation and on-site meetings with the applicant's representatives and with the Commission's coastal engineer, complete removal of the retaining walls may cause slope instability and may exacerbate erosion along this upper portion of the slope. Therefore, the applicant is proposing to lower the retaining walls and remove the back fill material, and other ancillary structures that were placed on the slope.

The proposed project will not restore the bluff back to its original pre-development condition, because of the potential to exacerbate slope instability and erosion, however, by reducing the height and removing the backfill material and other improvements, the load on the slope will be reduced and the potential for erosion, landslide, or earth movement will be minimized. Furthermore, the removal of the lawn area will reduce the amount of watering on the slope and minimize the potential for erosion caused by overwatering. Furthermore, after the area is regraded, the applicant is proposing to landscape the area. However, landscaping and watering can contribute to slope instability. Landscaping along the bluff should consist of drought tolerant non-invasive plants to minimize overwatering which could result in slope erosion. The irrigation system should be temporary, placed above ground, and be removed once plants have been established. Moreover, on natural bluff areas, the Commission has required that landscaping be done with native species; however, in this area the bluffs are built out and the established plants are mainly non-native and ornamental plant species. There are very few native plants remaining on the bluffs and the native planting in this area would quickly be taken-over by non-natives. Therefore, the use of non-native, drought tolerant species, is appropriate in this case.

To ensure that the proposed landscaping is done with drought tolerant non-invasive plants the applicant shall submit landscaping plans that indicate type of plants, planting schedule, and type and location of irrigation. Furthermore, to ensure erosion is controlled during construction activities, the applicant shall provide an erosion control plan and implement erosion control measures during construction. The plan shall demonstrate that neighboring properties will not be adversely impacted, type of erosion control measures to be used, and a schedule when temporary devices will be removed. The applicant shall also remove all demolition debris from the bluff so that it will not contribute to erosion and pose a safety risk to the public beach.

Furthermore, the placement of structures on the bluff face could necessitate the placement of protective devices, such as gunite or additional retaining structures to protect the encroaching structures if and when they begin to fail. To ensure that no additional protective devices will be placed on the bluff a special condition is necessary to require the recordation of a deed restriction that prohibits the applicant, or future property owners, from constructing any protective devices to protect the proposed development.

To ensure that the applicant will complete all development authorized or required by this permit in a timely manner to minimize the potential for landsliding and erosion of the bluff, a time limit on the completion of the construction is required. The condition requires that the applicant complete all work approved by the Commission, within 180 days of the date the Commission's action becomes final.

The Commission finds that the proposed development, as conditioned, will not adversely impact the stability and structural integrity of the bluff. The Commission, therefore, finds that the proposed project, only as conditioned, will be consistent with Section 30253 of the Coastal Act.

C. Visual Resources

Section 30251 of the Coastal Act states:

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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, the certified LUP states in part that:

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 point of the roof or parapet wall of the building, whichever is higher...

The subject property and surrounding area is designated residential. The surrounding area consists of single-family residences that were constructed in the late 1950's and 1960's. All blufftop lots are developed with single-family residences and include decks and retaining walls built out near or at the edge of the bluff.

At the foot of the 120-foot high bluffs is a narrow rocky beach, which is part of Royal Palms County Beach Park. Access down to this beach area is either from the east at the public parking lot of Royal Palms Beach Park, which is approximately a third of a mile away, or down a steep, narrow and unimproved dirt bluff path, located approximately a quarter of a mile to the west.

From the beach one can see a number of the residential decks, walls, fences, and ornamental landscaping developed along the top of the bluff. However, all existing development along the bluff has existed prior to the Coastal Act and is located atop the bluff and does not extend down the bluff face as in this case.

Visibility of the proposed development is limited due to the steepness of the bluff and narrow beach. The portions of the larger upper retaining wall and lower retaining wall, and wood deck, are visible from only a few areas along this beach. With the proposed lowering of the retaining walls, and removal of the wood deck, the proposed development will not be visible from the beach or surrounding public area.

The Commission, therefore, finds that the project as conditioned will be consistent with the view protection policies of the Coastal Act and the certified LUP, will not adversely impact

the visual resources of the surrounding area, and therefore, is consistent with Sections and 30251 of the Coastal Act.

D. Local Coastal Program

Section 30604(a) of the Coastal Act provides that:

(a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

On September 12, 1990, the Commission certified, with suggested modifications, the land use plan portion of the San Pedro segment of the City of Los Angeles' Local Coastal Program. The certified LUP contains policies to guide the types, locations and intensity of future development in the San Pedro coastal zone. Among these policies are those specified in the preceding section regarding public access and visual resources. The proposed development is consistent with the policies of the certified LUP. As proposed the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the project as conditioned will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. Unpermitted Development

Although development may have taken place without benefit of a coastal development permit, consideration of this permit application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

F. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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.

There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.



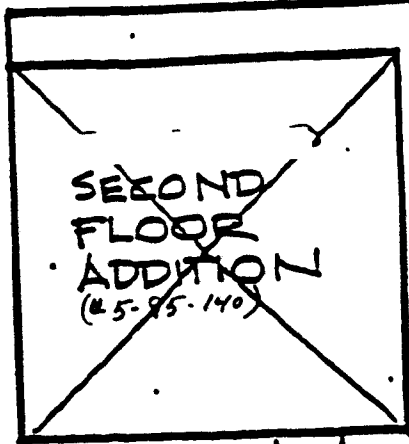
RECEIVED

Site
CATALINA CHANNEL

PACIFIC O

EXHIBIT NO. 1
APPLICATION NO.
5-00-178
Vicinity Map
California Coastal Commission

VICINITY MAP 5-95-140



S.F.D.
LOT 98 (SITE)

S.F.D.
LOT

2.
97

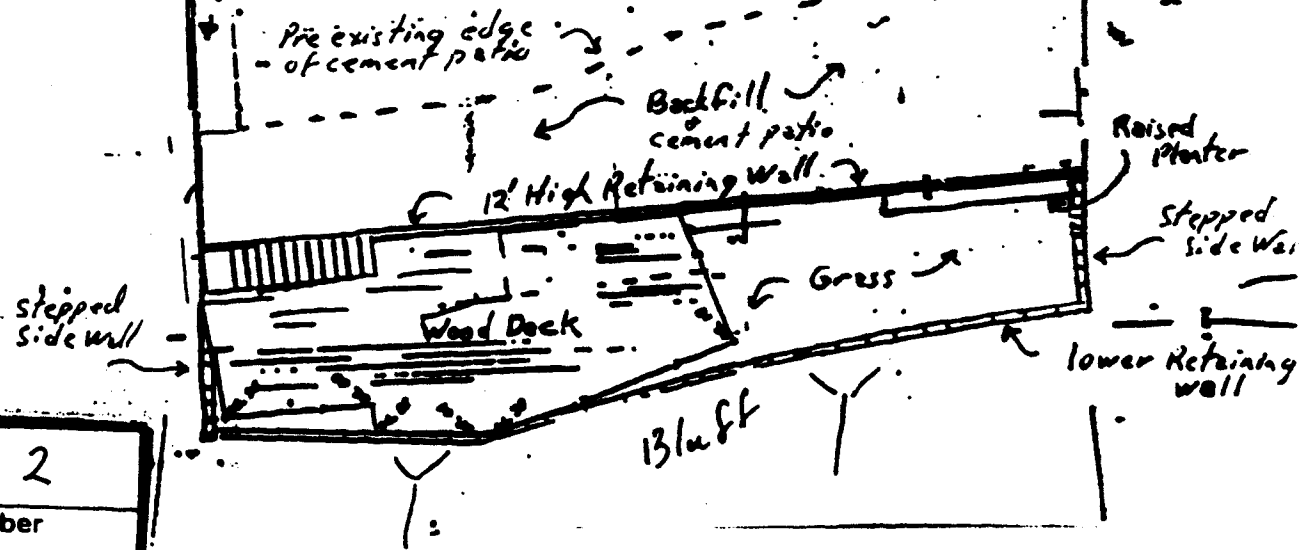
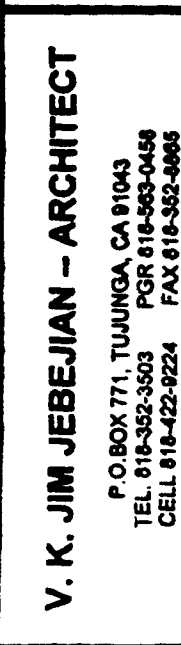


EXHIBIT NO. 2
Application Number 5-00-178
Existing Site Plan
California Coastal Commission



Proposed Development	California Coastal Commission
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AREA IS BE ELEVATED TO 2.1 SLOPE
AND LANDSCAPED TO PRE-EXISTING
CONDITION (PRIOR TO JAN 1984 EARTH
SHAKE)

EXISTING
SURFACE

TOP OF EXISTING WALL

NEIGHBOR 103.63

24' EXISTING TOP OF BLUFF

EXISTING SLAB 106

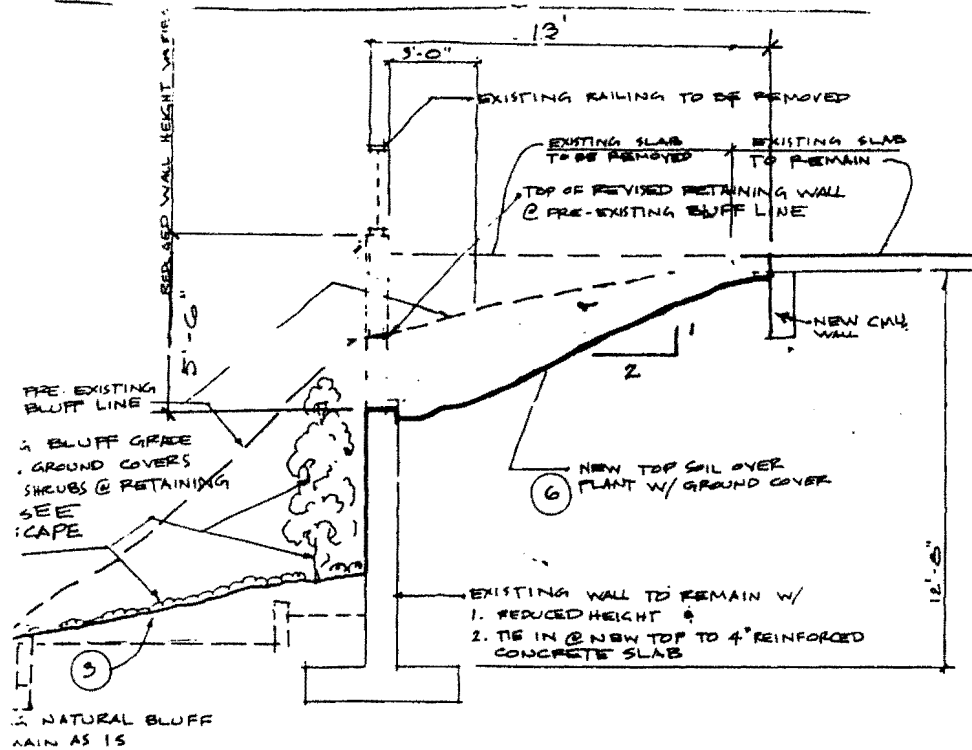
105.12

104.12

103.12

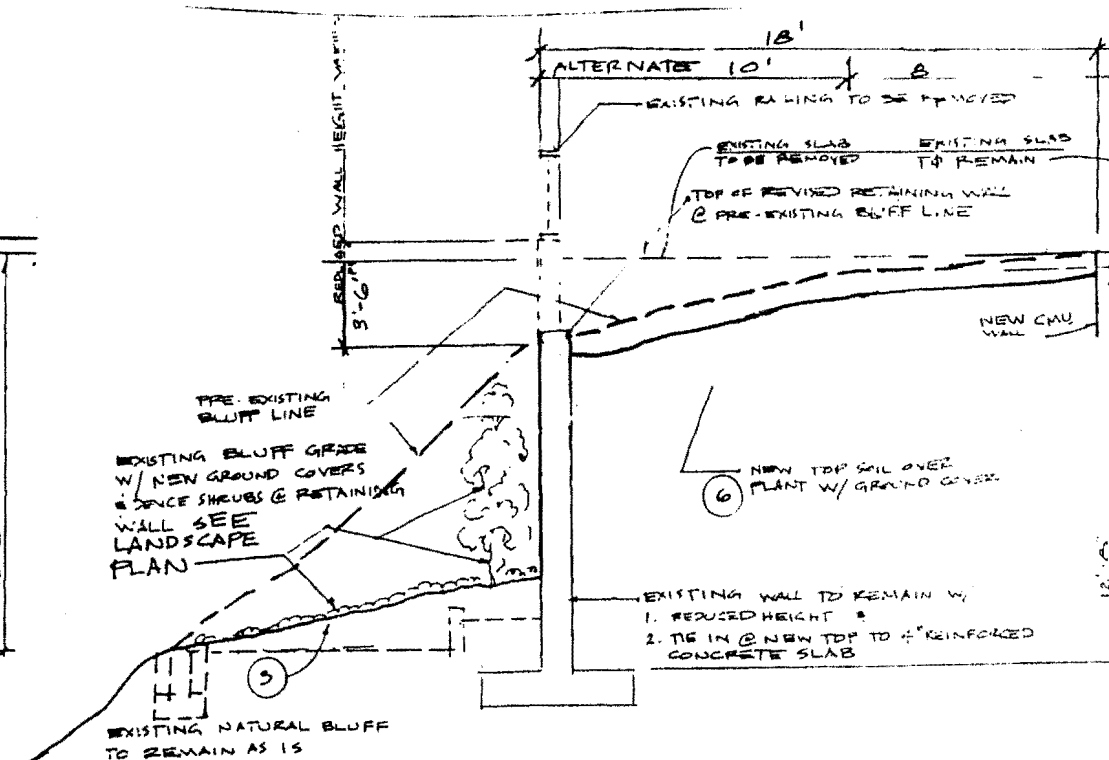
Y SOUTH ELEVATION LOOKING TO BLUFF WALL

EXHIBIT NO. 4
Application Number 5-00-178
Elevation Proposed Wall



BLUFF TERRACE SECTION

3" = 1'



A BLUFF TERRACE SECTION

3/8" = 1'

REVISIONS:



EXHIBIT NO. 5

Application Number

5-00-178

Cross sections

California Coastal Commission

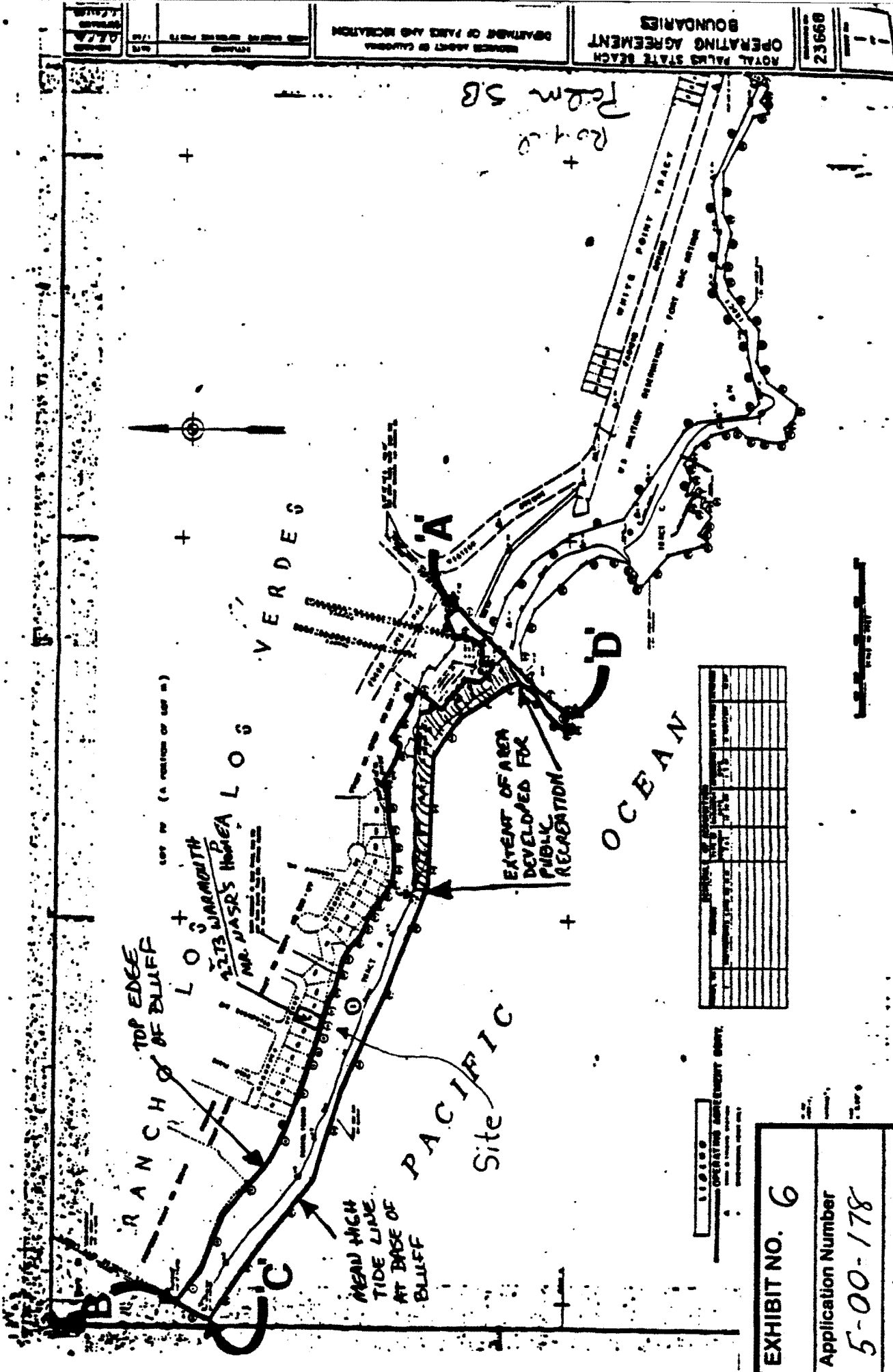


EXHIBIT NO. 6
Application Number 5-00-178
Map of General Area
California Coastal Commission

ROYAL PALMS STATE BEACH
OPERATING AGREEMENT
BOUNDARIES
23668
DEPARTMENT OF PARKS AND RECREATION
RECORDS AGENT OF CALIFORNIA
1/21
1/21
1/21

FORM 5B
Rev. 10