

CEASE AND DESIST ORDER CCC-06-CD-02, BREDESEN

This Order is final and effective, but its operation is stayed until a decision is announced by the Superior Court for the County of Los Angeles in the matter of Chris & Ginger Bredesen v. Coastal Commission, Peter Douglas, et al., Case No. YS014958. During this period of review by the Superior Court, penalties shall not accrue.

Pursuant to its authority under Public Resource Code Section 30810, the California Coastal Commission hereby orders and authorizes Chris G. Bredesen and Virginia C. Bredesen, as Trustees of the C.G. and V.C. Bredesen Trust, (hereinafter referred to as "Respondents") to:

1. Cease and desist from engaging in any further development on the property identified by Los Angeles County as Assessor's Parcel Number 7512-003-022 (hereinafter referred to as "the property").
2. Cease and desist from maintaining unpermitted development on the property.
3. Take all steps necessary to ensure compliance with the Coastal Act including: removal of all unpermitted development from the property and restoration of all areas impacted from the unpermitted development and/or from its removal, according to the following terms and conditions:

I. Submittal of Removal and Restoration Plan

- a. Within sixty days of issuance of this Order, Respondents shall submit, pursuant to Section V of this Order, for the review and approval of the Executive Director, two sets of a Removal and Restoration Plan, prepared by a licensed civil engineer or a qualified restoration ecologist or resource specialist, with credentials acceptable to the Executive Director. The plan shall provide for the removal of all unpermitted development from the property including the 1,059 linear-foot, four-foot wide, concrete and flagstone walkway with handrails, posts and edges; irrigation system; 910 square-foot; thirteen-foot high shade structure; 1218 square-foot, two-tier, concrete and flagstone patio; fire pit; storage locker; plastic sheeting covering the permitted chain link fence, and concrete planters on the face and at the toe of a coastal bluff.
- b. The Removal and Restoration Plan shall include the following provisions regarding the removal of unpermitted development:
 - a. A detailed description of proposed removal activities.
 - b. A timetable for removal.

- c. Disposal site for removed development. The site must be a licensed disposal facility located outside of the Coastal Zone. Any hazardous materials must be transported to a licensed hazardous waste disposal facility.
- d. If mechanized equipment is used, the following information shall be provided:
 - i. Type of mechanized equipment required for removal activities;
 - ii. Length of time equipment must be used;
 - iii. Routes utilized to bring equipment to and from the property;
 - iv. Storage location for equipment when not in use during removal process;
 - v. Hours of operation of mechanized equipment;
 - vi. Contingency plan in case of a spill of fuel or other hazardous release from use of mechanized equipment that addresses clean-up and disposal of the hazardous materials and water quality concerns;
 - vii. Measures to be taken to protect water quality.
- c. The Removal and Restoration Plan shall also include a grading plan to restore the face and toe of the bluff where unpermitted grading or disturbance has occurred or where the slope of the bluff was impacted by removal of development pursuant to this Order. Disturbed or graded areas of the bluff shall be restored to match the existing topography of the immediately adjacent undisturbed bluff slope areas.
- d. The Removal and Restoration Plan shall also include a revegetation and erosion control plan to revegetate the bluff on the property where grading and/or vegetation removal has occurred or occurs as a result of removal of development pursuant to this Order. The revegetation and erosion control plan shall include the following criteria:
 - i. An interim erosion control plan that provides for temporary erosion control measures such as geofabrics, silt fencing, sandbag barriers, or other measures to control erosion until revegetation of the restored slope is completed. These erosion control measures shall be required on the project site prior to and concurrent with

any grading operations and shall be maintained throughout the process to minimize erosion and sediment to runoff waters during construction. All sediment shall be removed to an appropriate disposal site, approved by the Executive Director, either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

- ii. A revegetation program prepared by a qualified restoration ecologist or resource specialist, with credentials acceptable to the Executive Director, which 1) utilizes native species of coastal bluff scrub vegetation, including coast buckwheat (*Erigeronum parvifolium*), 2) is consistent with the surrounding native plant community, and 3) includes indicators to be used in monitoring reports to establish the level of success of revegetation, including but not limited to the following:
 1. 80% survival of container plants
 2. 75% ground coverage by annual non-native species
 3. No more than 25% bare ground
 4. No more than 15% cover by annual non-native species
 5. 0% cover of perennial non-native species
- e. A monitoring and maintenance methodology that includes the following provisions:
 - i. Respondents agree to submit, on an annual basis for a period of five years (no later than December 31st of each year) a written report, for the review and approval of the Executive Director, prepared by a qualified resource specialist, evaluating compliance with the approved Removal and Restoration Plan. The annual reports shall include further recommendations and requirements for additional restoration activities in order for the project to meet the objectives of the Removal and Restoration Plan. These reports shall also include photographs taken annually from the same pre-designated locations (annotated to a copy of the site plans) indicating the progress of recovery in the restoration areas.
 - ii. At the end of the five-year period, Respondents agree to submit a final detailed report prepared by a qualified resource specialist for the review and approval of the Executive Director. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the approved Removal and Restoration Plan, Respondents agree to submit a revised or supplemental plan to compensate for those portions of the original program that were not successful. The Executive Director will determine if the

revised or supplemental restoration plan must be processed as a CDP, a new Restoration Order, or a modification of this Order.

- f. If the Executive Director determines that any modifications or additions to the submitted Removal and Restoration Plan are necessary, he shall notify Respondents. Respondents shall complete requested modifications and resubmit the Removal and Restoration Plan for approval within 10 days of the notification.

II. Removal and Restoration

- a. Within thirty days after approval of the Removal and Restoration Plan by the Executive Director, Respondents shall:
 - i. Remove all unpermitted development, including the 1,059 linear-foot, four-foot wide, concrete and flagstone walkway with handrails, posts and edges; irrigation system; 910 square-foot; thirteen-foot high shade structure; 1218 square-foot, two-tier, concrete and flagstone patio; fire pit; storage locker; plastic sheeting, and concrete planters on the face and at the toe of a coastal bluff.
 - ii. Complete all restorative grading consistent with the approved Removal and Restoration Plan.
 - iii. Revegetate all disturbed and graded areas of the bluff slope consistent with the approved Removal and Restoration Plan.
- b. Within sixty days after approval of the Removal and Restoration Plan by the Executive Director, Commission staff will conduct a site inspection to confirm compliance with the terms and conditions of the order.
- c. Other than those areas subject to restoration activities, the areas of the property and surrounding areas currently undisturbed shall not be disturbed by activities required by this Order. Prior to initiation of any activities resulting in the physical alteration of the property, the disturbance boundary shall be physically delineated in the field using temporary measures such as stakes and colored tape.
- d. Within thirty days of the implementation of the Removal and Restoration Plan, the Respondents shall submit to the Executive Director a report documenting the project's completion. The report shall include photographs that clearly show the entire bluff area and a statement from a qualified restoration ecologist or resource specialist, indicating that the Removal and Restoration Plan has been implemented according to this Order.

III. Monitoring

Respondents will monitor restoration of the bluff on the property according to Section I.d of this Order. All monitoring documents shall be submitted according to Section V. of this Order.

I. **Persons Subject to the Order**

Persons subject to this Cease and Desist Order are Respondents, Respondents' agents, contractors and employees, and any persons acting in concert with any of the foregoing.

II. **Identification of the Property**

The property that is subject to this Order is located at 437 Paseo de la Playa in Torrance, Los Angeles County and identified by the Los Angeles County Assessor's Office as APN 7512-003-022.

III. **Description of Unpermitted Development**

Unpermitted development includes unpermitted construction of a walkway, irrigation system, shade structure, patio, fire pit, storage locker, plastic sheeting, and concrete planters on the face and at the toe of a coastal bluff.

IV. **Commission Jurisdiction and Authority to Act**

The Commission has jurisdiction over this matter, as the property at issue is located within the Coastal Zone and in an area not covered by a certified Local Coastal Plan. The Commission is issuing this Order pursuant to its authority under Coastal Act Section 30810.

V. **Submittal of Documents**

All documents submitted pursuant to this Order must be sent to:

California Coastal Commission
Attn: Christine Chestnut
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

With a copy of all documents to:
California Coastal Commission
Attn: Pat Veasart
89 S. California Street, Suite 200
Ventura, CA 93001-2801

VI. **Effective Date and Terms of the Order**

The effective date of the Order is the date of approval by the Commission. The Order shall remain in effect permanently unless and until modified or rescinded by the Commission.

VII. Findings

The Order is issued on the basis of the findings adopted by the Commission at the March 2006 hearing, as set forth in the attached document entitled "Staff Report and Findings for Notice of Violation and Cease and Desist Order and Restoration Order".

VIII. Compliance Obligation

Strict compliance with the Order by all parties subject thereto is required. Failure to comply strictly with any term or condition of the Order including any deadline contained in the Order will constitute a violation of this Order and may result in the imposition of civil penalties, as authorized under Section 30821.6, of up to SIX THOUSAND DOLLARS (\$6,000) per day for each day in which such compliance failure persists, in addition to any other penalties authorized under Section 30820.

IX. Extension of Deadlines

The Executive Director may extend deadlines for good cause. Any extension request must be made in writing to the Executive Director and received by Commission staff at least ten days prior to expiration of the subject deadline.

X. Appeal

Pursuant to Public Resources Code Section 30803(b), any person or entity against whom this Order is issued may file a petition with the Superior Court for a stay of this Order.

XI. Modifications and Amendments to this Order

This Order may be amended or modified only in accordance with the standards and procedures set forth in Section 13188(b) of the Commission's administrative regulations.

XII. Government Liability

The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondents in carrying out activities required and authorized under this Order, nor shall the State of California be held as a party to any contract entered into by Respondents or Respondents' agents in carrying out activities pursuant to this Order.

XIII. Successors and Assigns

This Order shall run with the land, binding all successors in interest, future owners of the property, heirs and assigns of Respondents. Notice shall be provided to all successors, heirs and assigns of any remaining obligations under this Order.

XIV. No Limitation on Authority

Except as expressly provided herein, nothing herein shall limit or restrict the exercise of the Commission's enforcement authority pursuant to Chapter 9 of the Coastal Act, including the authority to require and enforce compliance with this Order.

Executed in San Francisco on April 10, 2006, on behalf of the California Coastal Commission.

By:  Peter Douglas, Executive Director

RESTORATION ORDER CCC-06-RO-02, BREDESEN

This Order is final and effective, but its operation is stayed until a decision is announced by the Superior Court for the County of Los Angeles in the matter of Chris & Ginger Bredesen v. Coastal Commission, Peter Douglas, et al., Case No. YS014958. During this period of review by the Superior Court, penalties shall not accrue.

Pursuant to its authority under Public Resource Code Section 30811, the California Coastal Commission hereby orders and authorizes Chris G. Bredesen and Virginia C. Bredesen, as Trustees of the C.G. & V.C. Bredesen Trust, (hereinafter referred to as "Respondents") to:

- I. Submittal of Removal and Restoration Plan
 - a. Within sixty days of issuance of this Order, Respondents shall submit, pursuant to Section V of this Order, for the review and approval of the Executive Director, two sets of a Removal and Restoration Plan, prepared by a licensed civil engineer or a qualified restoration ecologist or resource specialist, with credentials acceptable to the Executive Director. The plan shall provide for the removal of all unpermitted development from the property including the 1,059 linear-foot, four-foot wide, concrete and flagstone walkway with handrails, posts and edges; irrigation system; 910 square-foot; thirteen-foot high shade structure; 1218 square-foot, two-tier, concrete and flagstone patio; fire pit; storage locker; plastic sheeting covering the permitted chain link fence, and concrete planters on the face and at the toe of a coastal bluff.
 - b. The Removal and Restoration Plan shall include the following provisions regarding the removal of unpermitted development:
 - a. A detailed description of proposed removal activities.
 - b. A timetable for removal.
 - c. Disposal site for removed development. The site must be a licensed disposal facility located outside of the Coastal Zone. Any hazardous materials must be transported to a licensed hazardous waste disposal facility.
 - d. If mechanized equipment is used, the following information shall be provided:
 - i. Type of mechanized equipment required for removal activities;
 - ii. Length of time equipment must be used;

- iii. Routes utilized to bring equipment to and from the property;
 - iv. Storage location for equipment when not in use during removal process;
 - v. Hours of operation of mechanized equipment;
 - vi. Contingency plan in case of a spill of fuel or other hazardous release from use of mechanized equipment that addresses clean-up and disposal of the hazardous materials and water quality concerns;
 - vii. Measures to be taken to protect water quality.
- c. The Removal and Restoration Plan shall also include a grading plan to restore the face and toe of the bluff where unpermitted grading or disturbance has occurred or where the slope of the bluff was impacted by removal of development pursuant to this Order. Disturbed or graded areas of the bluff shall be restored to match the existing topography of the immediately adjacent undisturbed bluff slope areas.
- d. The Removal and Restoration Plan shall also include a revegetation and erosion control plan to revegetate the bluff on the property where grading and/or vegetation removal has occurred or occurs as a result of removal of development pursuant to this Order. The revegetation and erosion control plan shall include the following criteria:
- i. An interim erosion control plan that provides for temporary erosion control measures such as geofabrics, silt fencing, sandbag barriers, or other measures to control erosion until revegetation of the restored slope is completed. These erosion control measures shall be required on the project site prior to and concurrent with any grading operations and shall be maintained throughout the process to minimize erosion and sediment to runoff waters during construction. All sediment shall be removed to an appropriate disposal site, approved by the Executive Director, either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
 - ii. A revegetation program prepared by a qualified restoration ecologist or resource specialist, with credentials acceptable to the Executive Director, which 1) utilizes native species of coastal bluff scrub vegetation, including coast buckwheat (*Erigonum parvifolium*), 2) is consistent with the surrounding native plant

community, and 3) includes indicators to be used in monitoring reports to establish the level of success of revegetation program, including but not limited to the following:

1. 80% survival of container plants
 2. 75% ground coverage by annual non-native species
 3. No more than 25% bare ground
 4. No more than 15% cover by annual non-native species
 5. 0% cover of perennial non-native species
- e. A monitoring and maintenance methodology that includes the following provisions:
- i. Respondents agree to submit, on an annual basis for a period of five years (no later than December 31st of each year) a written report, for the review and approval of the Executive Director, prepared by a qualified resource specialist, evaluating compliance with the approved Removal and Restoration Plan. The annual reports shall include further recommendations and requirements for additional restoration activities in order for the project to meet the objectives of the Removal and Restoration Plan. These reports shall also include photographs taken annually from the same pre-designated locations (annotated to a copy of the site plans) indicating the progress of recovery in the restoration areas.
 - ii. At the end of the five-year period, Respondents agree to submit a final detailed report prepared by a qualified resource specialist for the review and approval of the Executive Director. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the approved Removal and Restoration Plan, Respondents agree to submit a revised or supplemental plan to compensate for those portions of the original program that were not successful. The Executive Director will determine if the revised or supplemental restoration plan must be processed as a CDP, a new Restoration Order, or a modification of this Order.
- f. If the Executive Director determines that any modifications or additions to the submitted Removal and Restoration Plan are necessary, he shall notify Respondents. Respondents shall complete requested modifications and resubmit the Removal and Restoration Plan for approval within 10 days of the notification.

II. Removal and Restoration

- a. Within thirty days after approval of the Removal and Restoration Plan by the Executive Director, Respondents shall:
 - i. Remove all unpermitted development, including the 1,059 linear-foot, four-foot wide, concrete and flagstone walkway with handrails, posts and edges; irrigation system; 910 square-foot; thirteen-foot high shade structure; 1218 square-foot, two-tier, concrete and flagstone patio; fire pit; storage locker; plastic sheeting, and concrete planters on the face and at the toe of a coastal bluff.
 - ii. Complete all restorative grading consistent with the approved Removal and Restoration Plan.
 - iii. Revegetate all disturbed and graded areas of the bluff slope consistent with the approved Removal and Restoration Plan.
- b. Within sixty days after approval of the Removal and Restoration Plan by the Executive Director, Commission staff will conduct a site inspection to confirm compliance with the terms and conditions of the order.
- c. Other than those areas subject to restoration activities, the areas of the property and surrounding areas currently undisturbed shall not be disturbed by activities required by this Order. Prior to initiation of any activities resulting in the physical alteration of the property, the disturbance boundary shall be physically delineated in the field using temporary measures such as stakes and colored tape.
- d. Within thirty days of the implementation of the Removal and Restoration Plan, the Respondents shall submit to the Executive Director a report documenting the project's completion. The report shall include photographs that clearly show the entire bluff area and a statement from a qualified restoration ecologist or resource specialist, indicating that the Removal and Restoration Plan has been implemented according to this Order.

III. Monitoring

Respondents will monitor restoration of the bluff on the property according to Section I.d of this Order. All monitoring documents shall be submitted according to Section V. of this Order.

I. **Persons Subject to the Order**

Persons subject to this Restoration Order are Respondents, Respondents' agents, contractors and employees, and any persons acting in concert with any of the foregoing.

II. Identification of the Property

The property that is subject to this Order is located at 437 Paseo de la Playa in Torrance, Los Angeles County and identified by the Los Angeles County Assessor's Office as APN 7512-003-022.

III. Description of Unpermitted Development

Unpermitted development includes unpermitted construction of a walkway, irrigation system, shade structure, patio, fire pit, storage locker, plastic sheeting, and concrete planters on the face and at the toe of a coastal bluff.

IV. Commission Jurisdiction and Authority to Act

The Commission has jurisdiction over this matter, as the property at issue is located within the Coastal Zone and in an area not covered by a certified Local Coastal Plan. The Commission is issuing this Order pursuant to its authority under Coastal Act Section 30811.

V. Submittal of Documents

All documents submitted pursuant to this Order must be sent to:

California Coastal Commission
Attn: Christine Chestnut
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

With a copy of all documents to:
California Coastal Commission
Attn: Pat Veasart
89 S. California Street, Suite 200
Ventura, CA 93001-2801

VI. Effective Date and Terms of the Order

The effective date of the Order is the date of approval by the Commission. The Order shall remain in effect permanently unless and until modified or rescinded by the Commission.

VII. Findings

The Order is issued on the basis of the findings adopted by the Commission at the March 2006 hearing, as set forth in the attached document entitled "Staff Report and Findings for Notice of Cease and Desist Order and Restoration Order".

VIII. Compliance Obligation

Strict compliance with the Order by all parties subject thereto is required. Failure to comply strictly with any term or condition of the Order including any deadline contained

in the Order will constitute a violation of this Order and may result in the imposition of civil penalties, as authorized under Section 30821.6, of up to SIX THOUSAND DOLLARS (\$6,000) per day for each day in which such compliance failure persists, in addition to any other penalties authorized under Section 30820.

IX. Extension of Deadlines

The Executive Director may extend deadlines for good cause. Any extension request must be made in writing to the Executive Director and received by Commission staff at least ten days prior to expiration of the subject deadline.

X. Appeal

Pursuant to Public Resources Code Section 30803(b), any person or entity against whom this Order is issued may file a petition with the Superior Court for a stay of this Order.

XI. Modifications and Amendments to this Order

This Order may be amended or modified only in accordance with the standards and procedures set forth in Section 13188(b) of the Commission's administrative regulations.

XII. Government Liability

The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondents in carrying out activities required and authorized under this Order, nor shall the State of California be held as a party to any contract entered into by Respondents or their agents in carrying out activities pursuant to this Order.


XIII. Successors and Assigns

This Order shall run with the land, binding all successors in interest, future owners of the property, heirs and assigns of Respondents. Notice shall be provided to all successors, heirs and assigns of any remaining obligations under this Order.

XIV. No Limitation on Authority

Except as expressly provided herein, nothing herein shall limit or restrict the exercise of the Commission's enforcement authority pursuant to Chapter 9 of the Coastal Act, including the authority to require and enforce compliance with this Order.

Executed in San Francisco on April 10, 2006, on behalf of the California Coastal Commission.

By:  Peter Douglas, Executive Director