

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 7/17/07
49th Day: 9/4/07
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Staff: Al Padilla-LB
Staff Report: 8/13/07
Hearing Date: 9/5-7/07
Commission Action:



W15g

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-07-233

APPLICANT: Reggie Wilson

AGENT: Alex Shirazi

PROJECT LOCATION: 1467 Paseo del Mar, San Pedro

PROJECT DESCRIPTION: Remove an approximately 2 to 3 foot wide, 115 foot long, concrete walkway constructed partially down a coastal bluff and restore slope to original conditions with regrading and planting of native and non-invasive landscaping.

Lot Area:	13,151 square feet
Landscape Coverage:	1,400 square feet
Zoning:	R1 (single-family residential)

SUBSTANTIVE FILE DOCUMENTS: San Pedro certified Land Use Plan

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed project with special conditions requiring: 1) removal of unpermitted development; 2) submittal of a landscaping plan and monitoring reports; 3) submittal of erosion and runoff control plans; and 4) condition compliance. As conditioned, the proposed development conforms with all applicable policies of the Coastal Act. The applicant is in agreement with the staff recommendation.

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-07-233 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 coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the 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 alternatives 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. Removal of Unpermitted Development

The applicant shall remove the unauthorized concrete walkway from the coastal bluff, generally depicted in Exhibit No. 4, within 60 days of the issuance of this permit. The Executive Director may grant additional time for good cause.

2. Landscape Plan

A) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a final landscaping plan. The plan shall be prepared by a licensed landscape architect and incorporate the following criteria: (a) a majority of the vegetation planted shall consist of native/drought and fire resistant plants of the coastal sage community as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996; no plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council (formerly known as the California Exotic Pest Plant Council), or as may be identified from time to time by the State of California shall be utilized on the property. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property; (b) no permanent irrigation system shall be allowed within the property. Temporary, above ground irrigation to allow the establishment of the plantings is allowed; (c) the plantings established shall provide 90% coverage in 90 days; (d) all required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.

1) 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) Within 30 days of initiation of the landscaping plan, the permittee shall submit to the Executive Director a report documenting the initial restoration activities. The report shall include photographs that clearly show the entire planting on the subject property.

C) Permittee shall submit a written report prepared by a licensed Landscape Architect, for the review and approval of the Executive Director, one year from the date that the landscaping plan is initiated, that evaluates compliance with the approved landscaping plan. The report shall include further recommendations and requirements for additional restoration activities in order for the project to meet the objectives and landscaping plan. This report shall also include photographs that indicate the progress of recovery in the planting area.

D) Five years from the date of the implementation of the landscaping plan the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

E) The permittee shall undertake development in accordance with the approved final plan. 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.

3. Erosion and Runoff 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.

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.

(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.

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.

4. Condition Compliance

Within 60 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all the requirements specified in the conditions hereto that the applicant is required to satisfy prior to the issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant is proposing to remove a 2-3 foot wide, approximately 115 feet long, concrete pathway that was recently constructed on the upper 35 feet of the 122 foot high coastal bluff; and restore the area through regrading the pathway and relandscaping with native and non-invasive vegetation.

The proposed project site is located on a coastal bluff lot, on the seaward side of Paseo del Mar, in the San Pedro community of the City of Los Angeles. The area is residentially

developed with single-family residences adjacent to the property along the bluff and single family residential development inland of Paseo del Mar. The property is a 50 foot wide by approximately 289 foot long residentially zoned lot, that extends approximately 100 feet from Paseo del Mar south to the bluff's edge then 189 feet along the bluff's slope. The lot is developed with a two-story single-family residence, with concrete patio, wooden deck, and two car garage. The residential development is located in the northern portion of the lot on the relatively level area. The coastal bluff descends from the southern portion of the existing development (concrete patio and wooden deck) from approximately elevation 122 feet, down to a rocky beach at the toe of the slope. The slope ranges from approximately 2:1 near the top to 1:1 (Horizontal: Vertical).

The surrounding area is residentially developed with single-family homes. The project site is the third lot from the western end of this bluff top residential tract. To the west of this residential tract is a stretch of undeveloped bluffs, a baseball field, and a bluff top public park. To the northwest, inland of Paseo del Mar, is the City of Los Angeles' 102 acre White Point Nature Preserve, and directly north is a residential neighborhood.

The applicant did not obtain a coastal development permit for the new construction. The applicant was constructing the concrete pathway generally following an existing narrow dirt foot path (based on older aerial photographs in the South Coast office). After being contacted by Commission staff and discussion of Coastal Act concerns, the applicant agreed to apply for a coastal development permit to remove and dispose of the concrete and restore the area to its natural condition.

B. Geology

Section 30253 of the Coastal Act states in part:

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.

In addition, the certified 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...

In past Commission permit action in this area of San Pedro, the Commission has required that new development be set back from the coastal bluff's edge and has not approved any

new bluff stairways in this area. Generally, residential structures are required to be setback from the bluff's edge 25 feet, and ground level decks a minimum of 5 feet. The Commission has required setbacks for these structures to ensure the bluff's integrity, minimize runoff and erosion, and to prevent any future need for bluff protective devices to protect the new development in the event that the bluff erodes and jeopardizes the structure. There are a few existing (pre-coastal) residences located at or near the base of the bluff with access stairways providing residential access from Paseo del Mar, but there are no private stairways providing beach access for the residences located at the top of the bluff.

As proposed, the applicant will remove the unpermitted concrete path to eliminate all slope development, and re-grade the area by hand, and re-landscape the disturbed area with native and non-invasive plants. As proposed, there will be no new structures encroaching beyond the existing bluff top development.

To minimize the potential for erosion along the bluff after removal of the concrete, the applicant is proposing to landscape the disturbed area to stabilize the graded area and minimize the potential for erosion. Because of the steepness of the bluff face, it is important for the area to be landscaped to minimize erosion, and to landscape with low water use plants to minimize the need for watering to reduce the amount of water on the slope, which could lead to erosion.

Generally, on natural bluff areas, the Commission has required that landscaping be done with native species; however, in this area the bluffs are established with mainly non-native and ornamental plant species, with a few native plants. According to a report prepared for this site, the coastal slope is generally moderately vegetated in the upper areas, heavily vegetated in the lower parts and basically covered with coastal sage shrub, ornamental trees, and invasive non-native ground cover. Since there are very few native plants remaining on the bluffs and various non-native plants found throughout the area, the use of new native planting in this area would quickly be taken-over by non-natives. Therefore, the use of non-native, non-invasive drought tolerant species is appropriate in this case.

Consistent with previous permit action for the area, in order to minimize spread of non-native plants into the surrounding area, the applicant is proposing to use mainly native plants with non-native non-invasive plants to help minimize erosion. Such plants include, *Eriogonum parvifolium* (coastal buckwheat), *Baccharis pilularis* (coyote bush), and *Encelia californica* (California aster or bush daisy). As a condition of this permit the applicant shall submit a landscaping plan showing the use of mainly native, as proposed, and may include non-native non-invasive plants to ensure proper coverage for erosion control. The applicant shall also include and incorporate an erosion and runoff off control plan to minimize runoff and silting. Moreover, to ensure that the slope face is not over-irrigated, permanent underground irrigation lines are prohibited on the bluff face. Temporary irrigation to establish new plantings is permitted. The planting of drought tolerant plant species will minimize water use on the bluff face and slopes. The Commission, therefore, finds that only as conditioned will the proposed development be consistent with Section 30253 of the Coastal Act and the certified LUP.

C. Visual Resources

Section 30251 of the Coastal Act states in part that:

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 landforms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The proposed project is located on the coastal bluffs south of Paseo del Mar in the San Pedro area of the City of Los Angeles. This section of Paseo del Mar is developed with single-family residents. Because this portion of Paseo del Mar is fully developed along the seaward side there are no coastal views available from along Paseo del Mar and development located on the seaward side of the residential structures are not visible from Paseo del Mar. However, development on the bluff face will be visible from the rocky beach below. In this case, the applicant is proposing to remove the partially constructed concrete pathway and restore the area of the slope disturbed by the unpermitted development. Therefore, with the removal and restoration, the visual impact of the pathway will be eliminated and the visual quality of the bluffs restored. 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. Unpermitted Development

Development has occurred on site without benefit of the required coastal development permit. Unpermitted development on the site includes grading and the construction of an approximately 2-3 foot wide, 115 foot long concrete pathway partially down the face of a coastal bluff. Although unpermitted development has taken place prior to submission of this permit application, consideration of the 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 imply any finding of legality of any development undertaken on the subject site without a coastal development permit.

E. Local Coastal Program

Section 30604 (a) of the Coastal Act states 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 polices to guide the types, locations and intensity of future development in the San Pedro coastal zone. Among these polices are those specified in the preceding section regarding geologic hazards, 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).

F. California Environmental Quality Act

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.

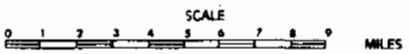
There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.



Site Location

RECEIVED
 Pacific & California Coastal Commission

LOS ANGELES AREA



HUNTINGTON BI

EXHIBIT NO. 1
APPLICATION NO. 5-07-233
Regional Map
California Coastal Commission

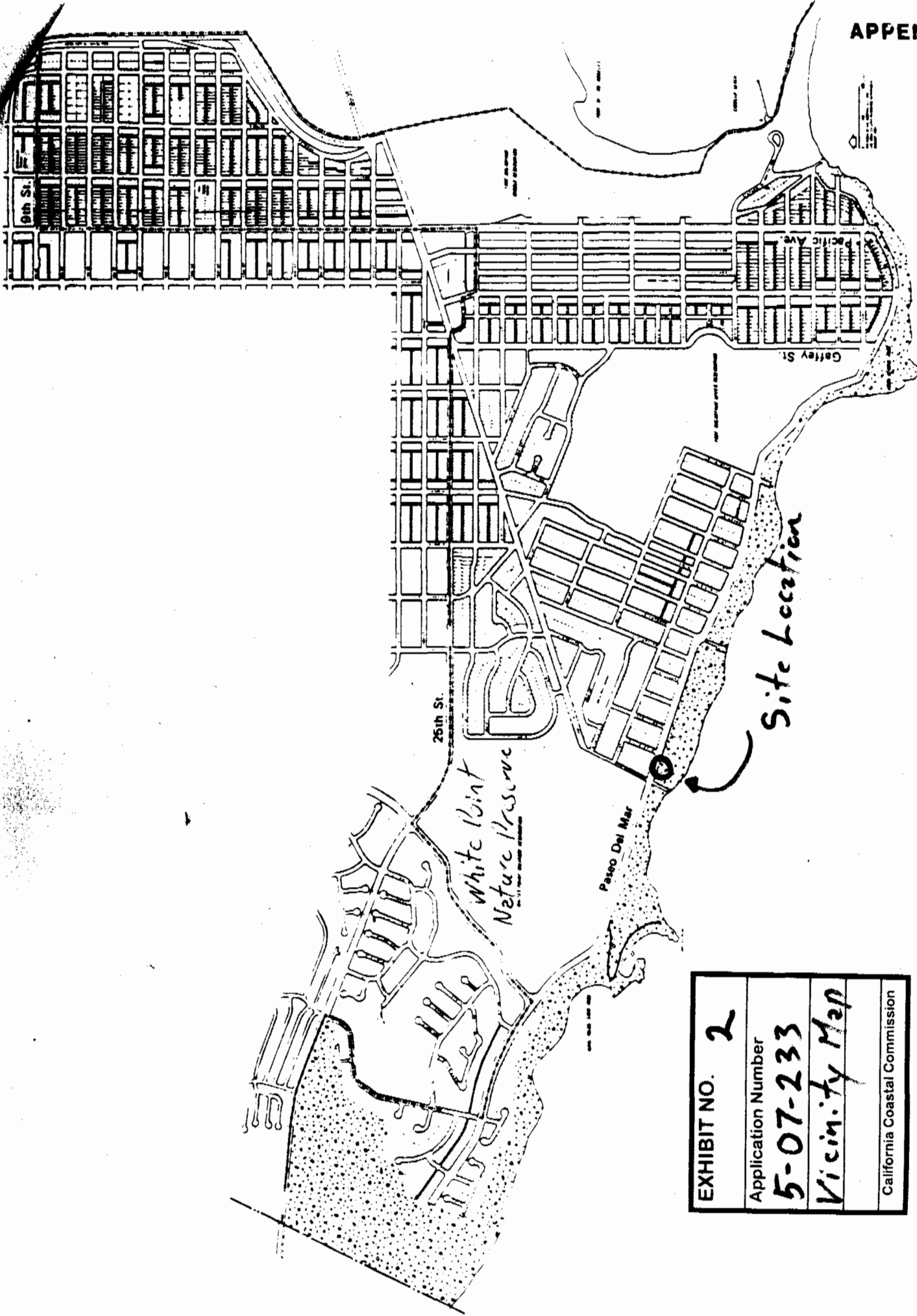
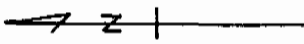
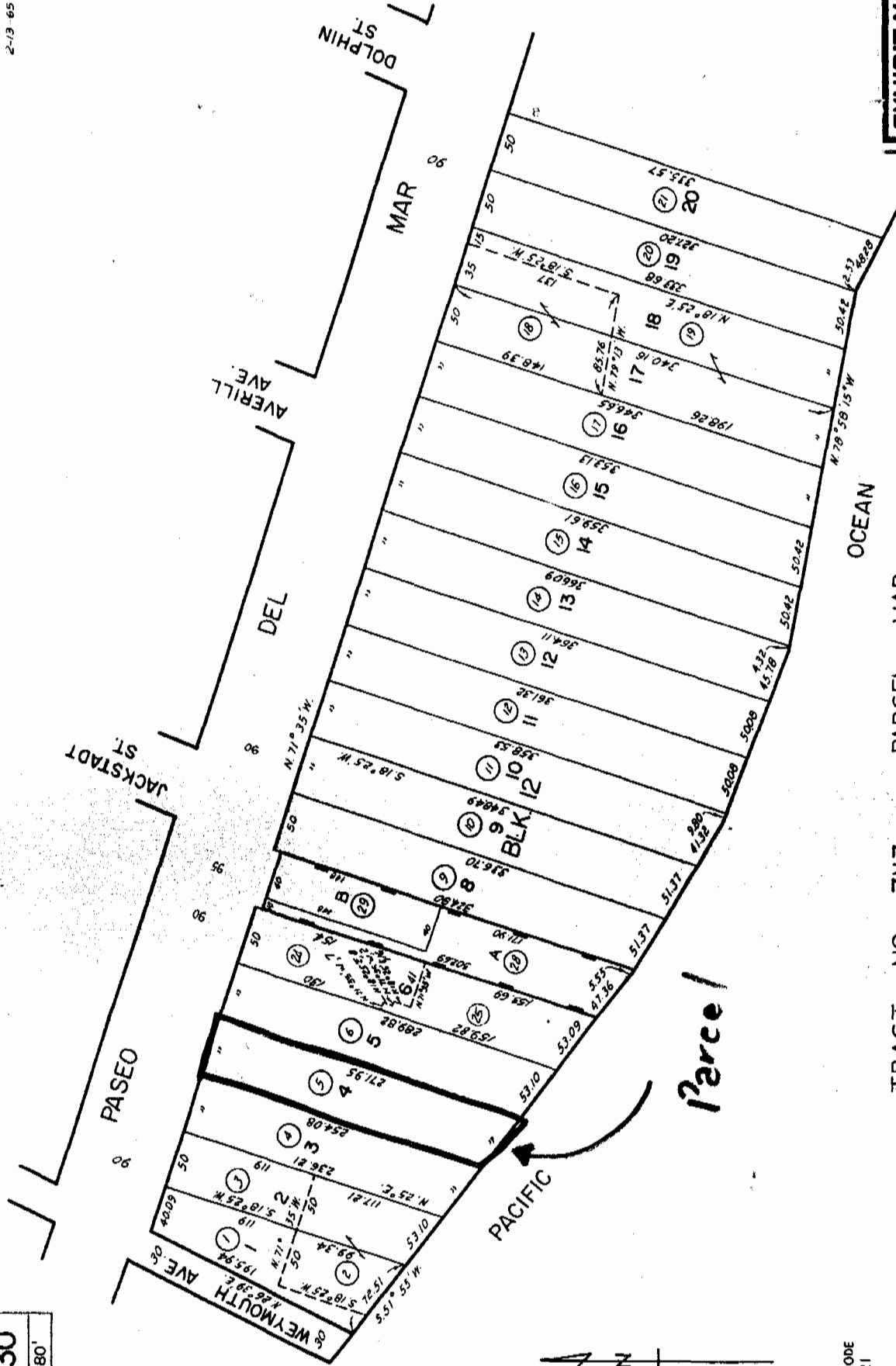


EXHIBIT NO.	2
Application Number	5-07-233
	Vicinity Map
California Coastal Commission	

REVISED
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 11-19-63
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 681218307
 721212007

2-13-65

7470 30
 SCALE 1" = 80'



CODE
 21

TRACT NO. 7117 PARCEL MAP

P. M. 9-12

M.B. 78-98

FOR PREV. ASSMT. SEE: 647-214

EXHIBIT NO. 3

Application Number

5-07-233

Parcel Map

California Coastal Commission

