CALIFORNIA COASTAL COMMISSION

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Filed: 12/22/09 49th Day: 2/9/10 180th Day: 6/20/10 Staff: Al Padilla-LB Staff Report: 3/22/10 Hearing Date: 4/14-16/10

Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-09-190

APPLICANT: City of Los Angeles

AGENT: Frank O'Brian

PROJECT LOCATION: 501 W. Paseo Del Mar at Bluff Place, San Pedro

PROJECT DESCRIPTION: Convert an approximately 15,000 square foot bluff top public 24 space surface parking lot to a public coastal overlook with 2 foot to 21/2 foot high raised wooden viewing platforms; benches; landscaping with drought tolerant and non-invasive plants; impervious surfaces; runoff improvements; reconfiguration of terminus of Pacific Street to provide adequate vehicle turning radius; bluff edge fencing; and adding 10 on-street parking spaces.

SUBSTANTIVE FILE DOCUMENTS:

SUMMARY OF STAFF RECOMMENDATION:

This permit would allow a bluff top public parking lot to be converted to a bluff top view park with 5-8 foot high wrought iron fencing along the bluff edge. Because of potential public access issues caused by the existing on-street parking demand generated by nearby residential development; and with visual impacts that could occur with a fence design that obscures coastal views through the fence within a visual corridor, staff recommends that the Commission approve the proposed permit with special conditions to: 1) restrict on-street park support parking to two-hour limits through posting of street signs; 2) submit revised plans for an alternative fence design that will be more open and less visually obtrusive and compatible with the surrounding area; and 3) condition compliance. The special conditions will ensure that the proposed project is consistent with the Chapter 3 policies of the Coastal Act.

I. STAFF RECOMMENDATION:

MOTION: I move that the Commission approve Coastal

Development Permit No. 5-09-190 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. <u>Notice of Receipt and Acknowledgment.</u> 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. <u>Expiration.</u> 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. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

- 4. <u>Assignment.</u> 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. <u>Terms and Conditions Run with the Land.</u> 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. Parking Restrictions

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a signage plan for the 10 added on-street parking spaces restricting the public parking to 2 hours of public parking between the hours of 6 a.m. and 10 p.m. daily. The parking restrictions shall be adequately posted on permanent curb side signs. The plan shall show the number, size and location of each sign.
- B. 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.

2. Fence Design Alternatives

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of final revised project plans. The revised final project plans and project description shall reflect the following:
 - 1. The fence located along the bluff, extending from the western corner of Pacific Street to the eastern end of the parking lot, shall be a post and cable fence, or other similar, visually open design, and no higher than 42 inches from existing grade and no less than 4" spacing between cables or rods, consistent with the provisions of public safety requirements, subject to the review and approval of the Executive Director. Alternative designs may be allowed if the Executive Director determines that such designs are consistent with the intent of this condition and serve to minimize adverse effects to public coastal views.
- B. 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. Condition Compliance

Within 120 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 requirements specified in the conditions hereto that the applicant is required to satisfy prior to 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. <u>Project Description and Location</u>

The City of Los Angeles proposes to convert a coastal bluff top 24 space surface public parking lot, measuring approximately 15,000 square feet in area, into a public coastal overlook with raised 2 foot to 21/2 foot high wooden viewing platforms; benches; landscaping with drought tolerant and non-invasive plants; impervious concrete and asphalt surfaces; runoff improvements; reconfiguration of the southern terminus of Pacific Street to provide adequate vehicle turning radius; and adding 10 on-street parking spaces and converting the parallel street parking along Bluff Place to 6 diagonal spaces. No onsite parking spaces will remain (see Exhibit No. 4 & 5).

The parking lot and adjoining street end (Pacific Street) will be covered with approximately 10,800 square feet of impervious surfaces with runoff directed to drainage channels that will direct runoff to the existing storm drain to prevent uncontrolled runoff from the bluff that could contribute to slope erosion. Storm drains will be fitted with trash collectors and maintained by the City.

The landscaped areas, totaling approximately 8,850 square feet, will be located along the outer perimeter of the view park. To prevent water infiltration, the landscaped areas will be placed on top of an impervious surface with subsurface drains directed to an area catch basin. No permanent irrigation is proposed.

The terminus of Pacific Street, which extends to the existing fence line near the bluff edge, will be pulled back and improved with a cul-de-sac with curb side parallel parking, and a wider turning radius adequate for emergency vehicles. The area between the cul-de-sac and fence will be resurfaced with an impervious surface, such as concrete, and drainage will be directed to a catch basin.

The proposed project is located in the planning community of San Pedro, in the City of Los Angeles. The existing bluff top parking lot is located adjacent to and east of Pacific Street, which terminates near the edge of the coastal bluffs, and on the seaward side of Bluff Place, which runs perpendicular to Pacific Street. The surrounding area is developed with single and multi-family residential development.

The existing asphalt covered parking lot is irregularly shaped and measures approximately 150 feet wide along Bluff Place and varies from 80 to 120 feet deep. The parking lot and end of Pacific Street provides approximately 282 feet of frontage along the bluff. There is an entrance control swing arm at the parking lots' corner at Pacific Street and Bluff Place. The parking lot is closed to vehicle access in the evening by the City's Parks and Recreation staff.

Along the parking lots' south facing bluff edge there is a wrought iron fence. The fence is approximately 5 feet in height with straight vertical bars spaced 51/2 inches apart. The fence extends from the adjacent residential property on the east to the western edge of the parking lot, at Pacific Street. From the western edge of the parking lot, within the Pacific Street right-of-way there is an 8 foot high wrought iron fence, with curved spike top, with vertical bars spaced 4 inches apart. According to the City, the wrought iron fencing was installed by the City in 2008 to replace the vandalized chain link fencing. The wrought iron fencing did not receive a coastal development permit and is therefore being considered a new proposed fence under this permit.

The proposed project is estimated to cost approximately \$750,000. Funding for the project is by a grant from the State of California Coastal Conservancy through the local project sponsor Los Angeles Harbor Watts Economic Development Corporation, a non-profit community benefit organization located in San Pedro.

B. <u>Visual Resources</u>

Section 30251 of the Coastal Act requires that the scenic and visual qualities of this coastal area shall be protected. Section 30251 of the Coastal Act states, in part:

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...

Coastal Zone Policy #2 of the certified San Pedro Land Use Plan states:

The scenic and visual qualities of San Pedro be protected as a resource of Community as well as regional importance, with permitted development sited and designed to: protect views to and along the ocean, harbor, and scenic coastal areas; minimize the alteration of natural landforms; be visually compatible with the character of the surrounding area; and prevent the blockage of existing views from designated public scenic view areas and Scenic Highways.

The project site provides approximately 282 linear feet of public ocean viewing along the south facing coastal bluff edge. Because of the sites proximity along the bluff, development of the site raises a potential public visual resource issue.

From within the parking lot and from the adjacent streets, Pacific Street and Bluff Place, panoramic views of the open ocean and coastal bluffs are available to the public. The proposed development will provide approximately 2 foot high raised landscaped areas along the perimeter of the park, 2 foot to 21/2 foot high raised viewing platforms located in the middle of the park, setback a minimum of 20 feet from the bluff edge, and 5 foot to 8 foot wrought iron fencing along the bluff edge.

The raised landscaped areas and viewing platform maintain a low profile and do not significantly interfere with public views from any landward vantage points. The 3 foot high raised viewing platforms will enhance views by allowing viewers a higher vantage point to look out over the bluff edge and out to the ocean. However, the proposed bluff edge 5-8 foot high wrought iron fencing, that will extend from the western corner of Pacific Street, to the eastern corner of the public parking lot, will detract from public views and degrade the visual quality of the area. The height, location, and design of the proposed fence could have an adverse effect on the visual and scenic values of this coastal area.

The Coastal Act states that development shall be sited and designed to protect views to and along the ocean and scenic coastal areas and development shall be compatible with the surrounding area. Both the parking lot, which will be improved as a view park, and the terminus of Pacific Street, provide public views of the open ocean and are highly visible from the public streets. Because of the vertical bars and height, the fencing significantly distracts from the available views because the fence is directly in line with the publics' line of sight from the surrounding area and from within the proposed view park. The type of fence proposed by the City is not conducive to public viewing and is incompatible with the proposed view park and a bluff top street end that provides the public open coastal views.

Although any type of fencing will have some degree of visual impact, other types of fencing, which provide a low profile and provide and open design, such as post and cable or rail type fence, will provide better viewing opportunities and will be much more compatible with the surrounding area.

The type of fencing material has been an issue in a number of permits that have come before the Commission. Ocean Trails (A-5-RPV-93-005) in Rancho Palos Verdes, included a 40 inch in height split rail fence with plastic coated chain link along the lower 18-20 inches of the fencing for the public bluff areas. Montage/Treasure Island Resort (A-5-LGB-00-78 &79) included a low, decorative wood fence along the public pathway. Marblehead (CDP No. 5-03-013) in San Clemente was approved with low split rail style fencing for the public trails near the bluff edge. Dana Point Headlands (LCPA 1-03) in Dana Point was also approved with low split rail style fencing for the public trails near the

bluff edge. In the San Clemente Coastal Trail project (CDP No. 5-03-322) in San Clemente, low view friendly fencing with appropriate vegetation was used to protect views and to provide public safety along the bluff and railroad.

The most appropriate fence for any particular area depends on the location and what needs to be protected. For instance, a split rail fence may be appropriate on a coastal trail or in a park where there is a need for more of a visual barrier than a substantial barrier such as a chain link fence or solid wall. But where a fence is needed in an area that is a visual corridor or provides ocean viewing, the fence needs to be of an open design and low profile to minimize the visual intrusion into an area to the maximum extent possible to maximize viewing opportunities and to protect the visual resource. Although the proposed wrought iron fence provides 4 inch to 51/2 inch spacing between vertical bars, the height and design obstructs public views and is not compatible for an area that is adjacent to a coastal bluff and area that provides public coastal viewing opportunities.

According to the City, the purpose of the proposed 5 foot and 8 foot high wrought iron fencing is to prevent people from climbing over the fence and entering into the adjacent area know as Sunken City. Sunken City, located northwest of the southern terminus of Pacific Street, is a closed off City owned vacant area, approximately 9 acres in size, that was once a developed residential area (see Exhibit No. 3). The area experienced landslides back around the 1920s and all structures were subsequently removed by the City. The abandoned area was fenced off along the perimeter of the area with a chain link fence to prevent the public from entering the unstable and unsafe area. In 1988, the City was granted a coastal development permit by the Coastal Commission for the construction of an 8 foot high wrought iron fence to replace the existing chain link fence. The wrought iron fence followed the back property lines of the adjacent residential properties that were outside of the slide area and approximately 100 to 200 feet from the bluffs' edge, and along the eastern edge of Point Fermin Park, running perpendicular to the bluff. The approved wrought iron fence ended at the southeastern corner of the eastern most residential property that was abutting the Sunken City area (adjacent to Pacific Street). where the wrought iron fence then connected to the existing chainlink fence that remained along the terminus of Pacific Street. In approving the wrought iron fence the Commission found that the fence was necessary for security and public safety and that the location of the fence, mainly running behind existing development and running perpendicular to the bluff along the eastern end of Point Fermin Park, would not have a significant impact on public coastal views.

Although the City is proposing a similar fence as the one approved surrounding the Sunken City area, the proposed location is in an area that offers public coastal views and is in a high public visibility area adjacent to a coastal bluff. In such areas, development should be sited and designed to protect views to and along the ocean and scenic coastal areas, be designed to be visually compatible with the character of surrounding areas, and, where feasible, restore and enhance visual quality in visually degraded areas, consistent with Section 30251 of the Coastal Act. Five foot to eight foot tall wrought iron fencing within an existing public viewing area does not enhance the viewing opportunities and would contribute to the visual degradation of the visual resource offered along this area of

the San Pedro bluffs. Therefore, as a condition of this permit (Special Condition No. 2) the applicant is required to submit revised plans for a new redesigned fence of an open design, such as a post and cable fence, no higher than 43 inches from existing grade, that minimizes the visual impact and provides for views through and/or over the fence to the ocean. The commission finds that only as conditioned will the project be consistent with Section 30251 of the Coastal Act and with the certified LUP.

C. <u>Public Access and Recreation</u>

Sections 30210, 30211, and 30252 of the Coastal Act require that new development provide maximum public access and recreation and avoid interference with the public's right of acquired access

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30252 states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

The proposed project will convert the existing public parking lot into a landscaped public viewing park. The existing 24 on-site parking spaces will be removed and 10 on-street parking spaces will be added along the proposed Pacific Avenue cul-de-sac, and along Bluff Place, with the removal of the parking lot entry and converting the existing onstreet parallel parking along Bluff Place to 6 diagonal spaces (see Exhibit No. 4). The project will result in a net loss of 14 public parking spaces. However, in this case, the loss of 14 spaces will not have a significant impact on public beach access or recreation for the following reasons. The existing lot is used as a public coastal look-out and the parking lot is not heavily used. Visitors to the parking lot generally spend only a short period of time at the site, such as for lunch or site seeing. Demand is generally a maximum of 5-7 spaces at any one time. The limited demand is due to the existing parking lot is an isolated public lot and does not provide direct beach or recreational access down to the beach or to any recreational areas. The lot generally serves as a short term parking area for ocean viewing since there is no beach or recreational

access. The nearest beach access point is at Cabrillo Beach Park, located over a quarter mile east. Cabrillo Beach offers approximately one mile of public beach, recreational facilities, and public parking within the park and surrounding residential streets. Located over a quarter mile to the west is a 37 acre bluff top park, Point Fermin Park. Point Fermin Park provides passive recreational opportunities within its landscaped area, and public parking is provided within an adjacent parking lot. Supplemental parking for special events at the park is provided at a 1.25 acre site directly across from Point Fermin, within Angels Gate Park. Point Fermin Park does not provide beach access down to the rocky beach below.

Because the lot does not provide support parking for public beach access or recreation, and generally is only used as an ocean overlook, the conversion of the parking lot to a passive park and overlook, and the loss of 14 public parking spaces, will not have a significant impact on public coastal access or recreation. By removing the parking from the site, and providing support parking along the street, and adding landscaping viewing platforms, the site will be aesthetically improved, enhancing its value as a public lookout and improving the overall appearance of the area.

The 10 spaces added along the street will be sufficient to support visitors to the proposed view park. However, because of the older age of the surrounding residential development and the close proximity of high density residential, there is a high demand for street parking by the residents. Because of the residential on-street demand there is a potential that residents in the area may usurp the additional on-street parking, thereby eliminating available public parking for the view park. Therefore, to ensure that the additional on-street parking is available for public visitors to the park, the 10 relocated on-street parking spaces shall be restricted to no more than 2 hours public parking between the hours of 6 a.m. and 10 p.m. on a daily basis. The City shall post the area with the added on-street parking with permanent street signs showing the daily parking restrictions. Any future change to the parking hours or location of the public parking shall require an amendment to this permit, unless the Executive Director determines that no amendment is necessary. The Commission finds, as conditioned, the proposed development will be consistent with Section 30210, 30211, and 30252 of the Coastal Act.

D. <u>Development</u>

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30253 of the Coastal Act states in part:

New development shall:

(I) 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 proposed project will include landscaped areas incorporating native and drought tolerant non-invasive vegetation. Proposed plants include, Agave Americana and Hesperaloe parvifoora. Existing Bougainvillea, located on the property fence with the residential property to the south, will remain.

The Commission has found in past permit actions throughout the area that the Palm is a highly invasive non-native plant and new landscaping should not include invasive non-native plants, including the Mexican Fan Palm. The Palm, which grows to approximately 100 feet, propagates through seed dispersal. Although the seeds are rather large, and are not dispersed great distances by the wind, seeds are commonly dispersed into other areas by birds and animals. These future seedlings produced by additional trees have the potential to adversely impact native flora and fauna found in other areas along the coast through direct competition for space, and through the trees providing habitat for pest species, such as starlings and rodents, that adversely impact the native habitat through increased competition and increased predation of native species.

To ensure that the project will be landscaped with native drought tolerant and non-invasive plants, which will minimize water use and any potential for slope erosion caused by excess water infiltration, Special Condition No. 3, requiring the submittal of a landscape plan showing use of native and drought tolerant non-invasive plants, is necessary. The Commission, therefore, finds that the proposed project as conditioned will be compatible with the character and scale of the surrounding uses and with Sections 30240 and 30253 of the Coastal Act.

E. Unpermitted Development

Development has occurred on the subject site with the construction of a 5 foot and 8 foot high wrought iron fence along the edge of the coastal bluff.

To ensure that the unpermitted development component of this application is resolved in a timely manner, Special Condition No. 3 requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 120 days of Commission action. The Executive Director may grant additional time for good cause. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

F. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) that conforms with Chapter 3 policies of the Coastal Act:

(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 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

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.

The Commission finds it can approve the development as conditioned. The proposed development is consistent with the policies of the certified LUP. As conditioned, 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).

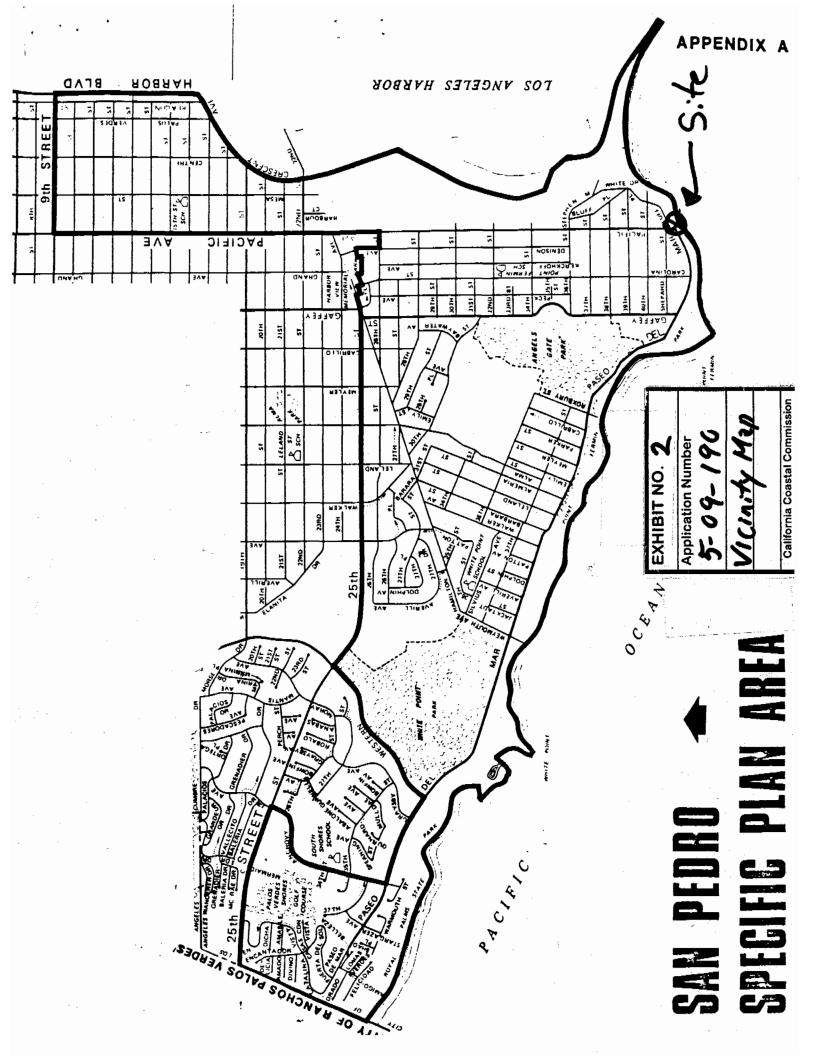
G. California Environmental Quality Act (CEQA)

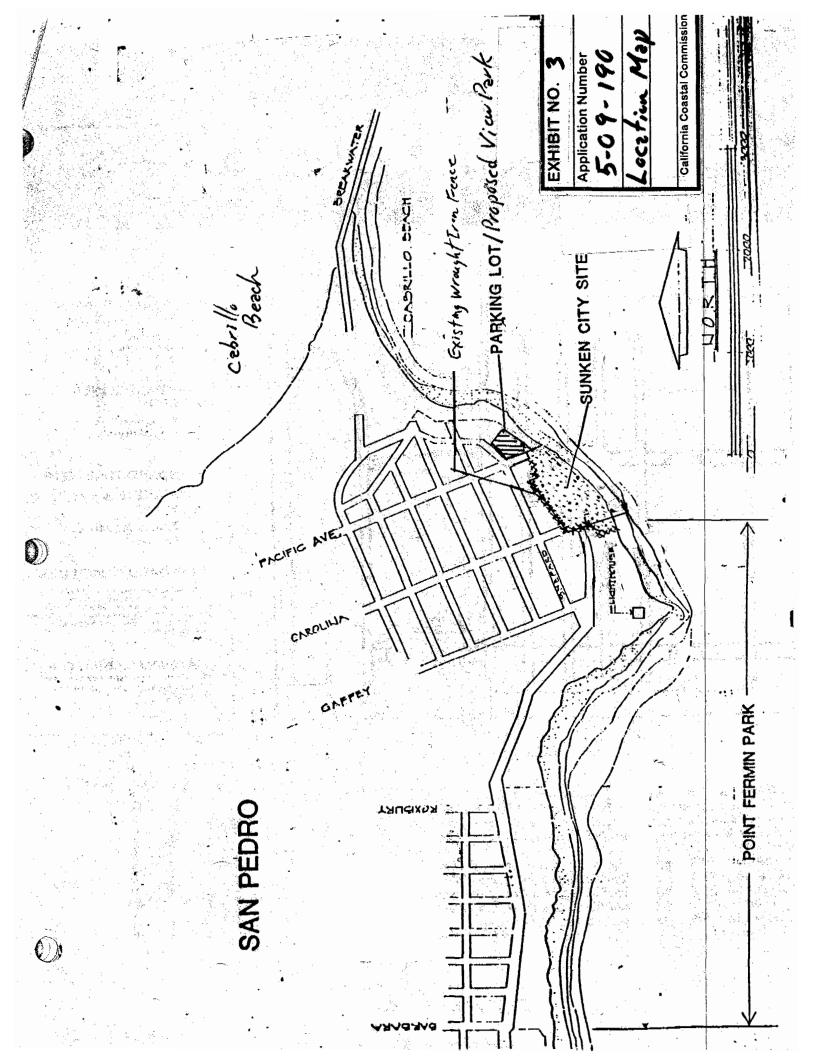
Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, along with any conditions of approval, to be consistent with any applicable requirements of the California Environmental 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 effect which the activity may have on the environment. The City is the lead agency for CEQA compliance and has determined that the project is exempt from the provision of CEQA.

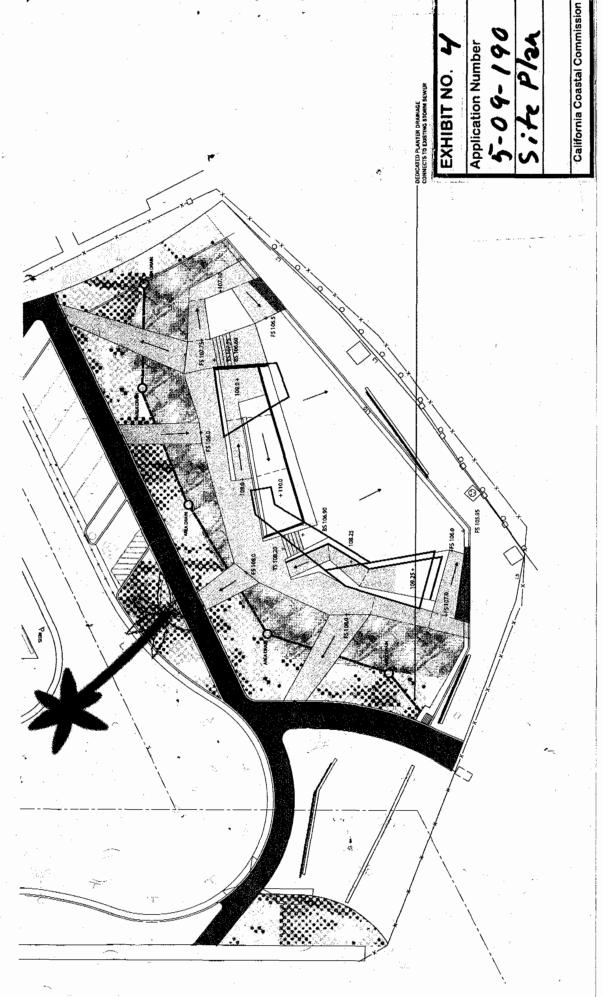
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As discussed above, the project as conditioned would not have any significant effects on the environment. The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, can be found consistent with the requirements of the Coastal Act to conform to CEQA.









Application Number 5-09-196
Caccpt 196
California Coastal Commission