CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Click here to go to original staff report

September 5, 2014

Th9c

ADDENDUM

To: Commissioners and Interested Parties

From: John Ainsworth, Deputy Director
Amber Dobson, Staff Analyst

Re: **Coastal Development Permit Application 5-14-0690 (City of Los Angeles)**

Correspondence

Two **letters of opposition** were received. The applicant submitted a response letter. All 3 letters are added to the staff report as exhibits.

A letter of opposition from a local biologist requests the application be removed from the consent calendar and rescheduled as a regular calendar item at the local hearing in October due to public concern regarding the hazards of erosion and landslides in the project vicinity. The letter and attachments (a presentation script and slides, a CD containing 2 videos of the seeps discharge, and a Commission Staff report from 2007) document groundwater seeps occurring around Point Fermin that the writer believes may be contributing to erosion on the project site and asks that this problem be addressed before proceeding with development and/or through the establishment of a Local Coastal Program. The letter notes that a slope stability analysis was not included in the application and feels that it is necessary. The attachments suggest there is Bentonite on the site, an element that contributes to coastal landslides. The letter suggests that the Commission could impose additional special conditions that prevent development from taking place until the source of the seeps is determined and resolved by the City.

Another letter of opposition seconds the request to reschedule the application for a local hearing and expresses a wish to attend, notes the local public concern, and suggests there are alternatives for this project.

The response letter from the applicant highlights safety concerns associated with delaying the project, and notes the lack of structural integrity of the existing pole. The letter states the soil and engineering analysis confirm the long-term viability of the new pole and confirm the safety of the proposed location.

Staff Response
Although the applicant did not submit a slope stability analysis nor provide specific studies regarding any seepage on the Point, the applicant did provide a soils report, a letter stating there was no Bentonite found onsite, and engineering reports that confirm the construction methods and proposed location of the pole will ensure its safety from bluff erosion. The erosion on the

site is acknowledged in this staff report and in past reports. The project has been conditioned to address the bluff erosion. The conditions relate to: removal of the pole in the event it is no longer stable, assumption of risk, prevention of future bluff protection devices, acceptance of construction responsibilities, and erosion control.

Application No. 5-14-0690
Brian N. White

Board of Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Request for Postponement

Honorable Commissioners,

I respectfully request that Application No. 5-14-0690 dealing with the replacement of a telecommunications monopole at Point Fermin in Los Angeles be moved from the consent calendar of the September meeting of the California Coastal Commission (Commission) at the Smith River Rancheria to the regular calendar of the October meeting in Newport Beach. This favor would be consistent with the Commission policy of holding hearings on high-profile projects close to the site location whenever possible. I estimate the personal cost for me to attend the Smith River meeting to be around one thousand dollars.

At the October meeting, I would like to address the Commission about a series of groundwater seeps I've observed discharging from the cliffs directly below the proposed telecommunications monopole and elsewhere along the San Pedro coastline. I am concerned these seeps may be a consequence of leaking underground utilities that threaten valuable coastal properties both public and private with an increased risk of costly landslides. As such, I believe the information I have to share may be of interest to the Commission.

The Commission staff report for Application No. 5-14-0690 notes public concerns about overall slope stability and erosion at Point Fermin. Attachment 1 provides evidence of that concern. It consists of a slide presentation given June 16, 2014 to the Coastal San Pedro Neighborhood Council (CSPNC) on the Point Fermin

seeps. Attachment 2 provides a slide-by-slide script (Attachment 2). Two videos on the accompanying CD give a sense of discharge volumes (Attachment 3). The main point of this presentation is that groundwater of unknown origin may threaten the historic lighthouse, communications monopole, and coastal beacon at Point Fermin as it threatened the coastal highway at nearby White Point where a groundwater-induced landslide took out 600 feet of Paseo del Mar in 2011. On August 18, 2014 the CSPNC established a Coastal Risk and Beautification Committee to cover ***coast-wide*** erosion and land movement issues. With a little support from the Commission, this neighborhood concern might prove a good first step toward the city-wide planning process and Certified Local Coastal Plan recommended by the Commission staff report.

Commission support could take the form of permit requirements that advance our understanding of coastal conditions and processes. For instance, given that the City has the necessary laboratories and technical staff to analyze these seeps, a few routine chemical and bacteriological tests would go a long way toward understanding their origin(s) and possible mitigation.

The *Final Geotechnical Report for the White Point Landslide* prepared by Shannon and Wilson for the City of Los Angeles recommends that additional work be done on the contribution of utility leaks and irrigation practices to the local groundwater. As it stands, the City has spent millions of dollars on new coastal infrastructure to dewater a bluff that its old infrastructure may continue to water. That makes no regulatory sense.

Given the White Point recommendation, an upfront audit of local underground utilities and irrigation practices seems a reasonable thing to ask at Point Fermin where water continues to seep from the bluffs surrounding an irrigated park during an epic drought. If City infrastructure or irrigation practices are partially to blame, proactive mitigation measures may be in order.

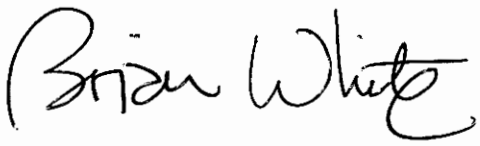
The Commission is on record regarding the dangers of groundwater-induced landslides at Point Fermin. Please see the paragraph at the top of page 5 of the Commission staff report for Application No. 5-07-002 from 2007 (Attachment 4).

As routine as it may seem, Application No. 5-14-0690 is a high-profile case. It involves a public safety communications monopole that first responders depend on during the same emergency situations, such as earthquakes, that could send it crashing into the sea; not a room addition or private deck. Its replacement in a landslide-prone area, 25 feet from a 120-foot cliff composed of seaward-dipping strata above a series of high-volume seeps deserves the closest scrutiny. At the very least, due diligence would seem to require a slope stability analysis, yet none has been provided.

Furthermore, as the project site sits on Federal lands, the associated excavation may require review under Section 106 of the National Historic Preservation Act of 1966.

I respectfully request that Application No. 5-14-0690 be moved from the consent calendar of the September meeting of the Commission to the October meeting to facilitate local involvement in this important public safety issue.

Sincerely,



Brian White
San Pedro, CA

Attachment 1
Point Fermin Seep Update

Brian White

Coastal San Pedro Neighborhood Council
Board Meeting

June 16, 2014

BOE Landslide Report

Study blames water-saturated soil for San Pedro landslide.

Precipitation, irrigation and coastal bluff erosion may have contributed to the collapse of a 600-foot stretch of Paseo del Mar in November, the document says.

Los Angeles Times, June 19, 2012

ACLAD Landslide Report

Understanding as much as possible about the origins, movement and volumes of ground water in the area is a vital key in the strategy of remediating the landslide and the development of dewatering wells. Ultimately, controlling ground water is the best approach to controlling the stability of the landslides.

Douglas, R. 2013. Association of Environmental & Engineering Geologists Special Publication No. 24: p 20.

BOE Instability Indicators

Groundwater Seepage

Hummocky Ground

Ground Cracks

Point Fermin Seeps

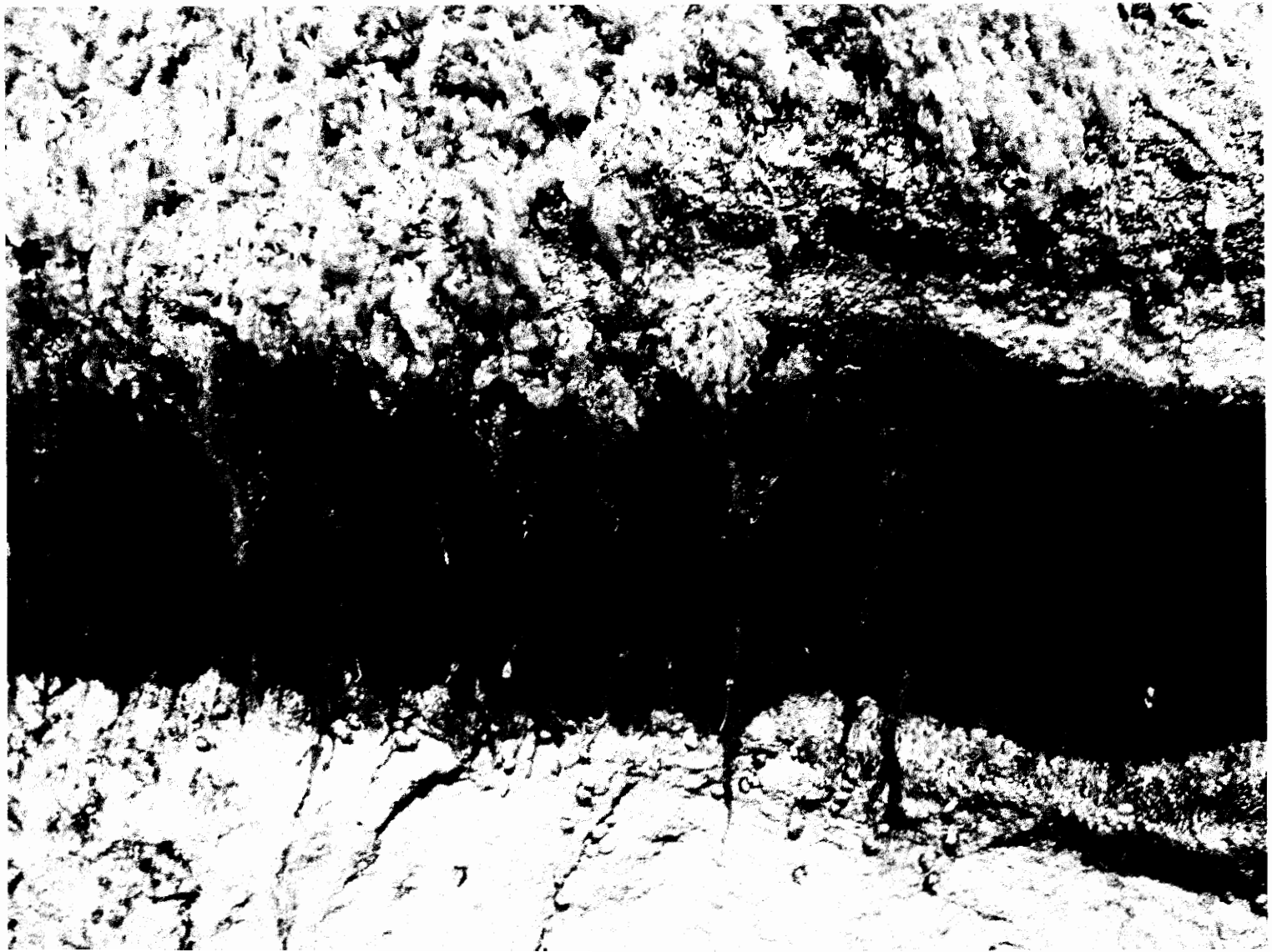
Algal

Enteromorpha

Bacterial

Oscillatoria

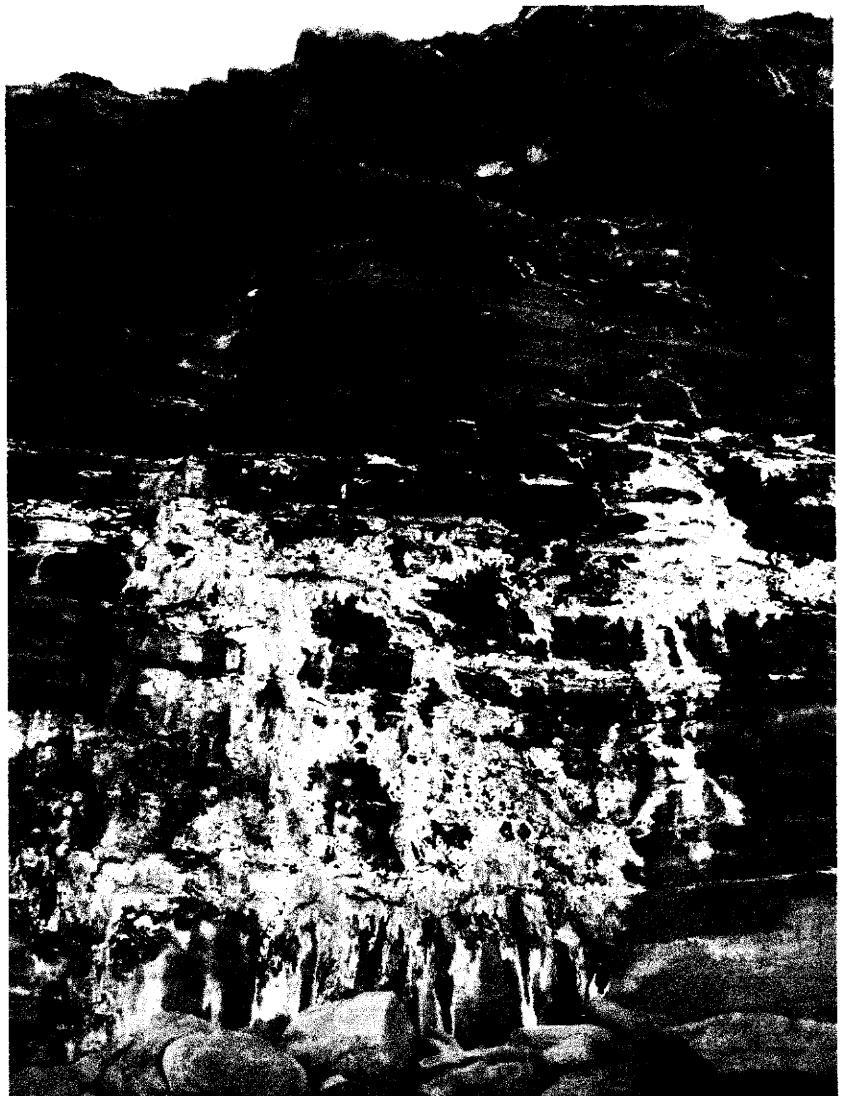
Algal Seeps



Algal Seeps

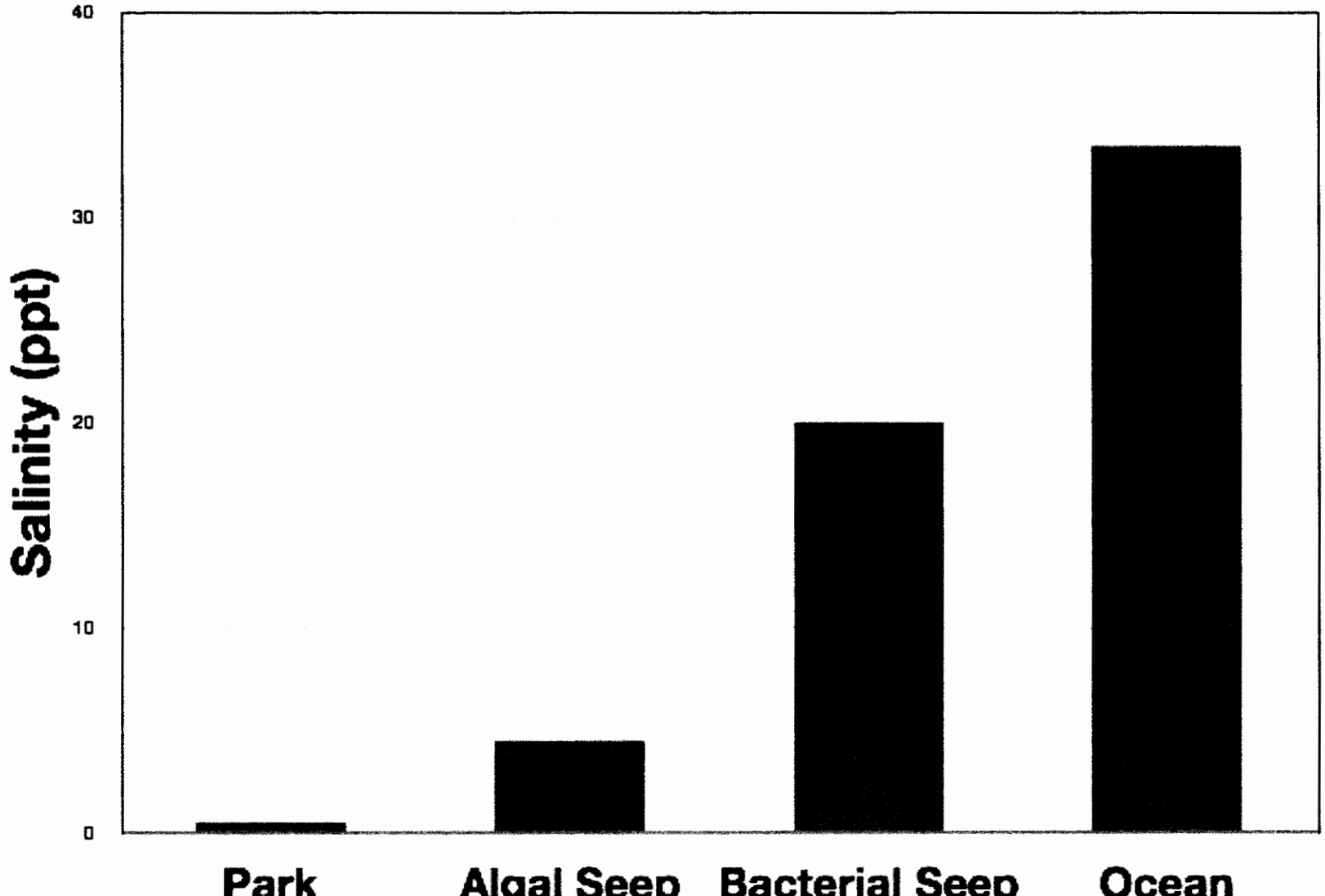
Bacterial Seeps

Bacterial Seeps



Seep Chemistry

Seep Chemistry



Groundwater Sources

Natural

Rainfall
Geothermal

Artificial

Irrigation
Underground Utilities

Park Drainage

Erosion

Tilted Bedding

Fig. 11) From this vantage point, look north. Here, under the Pt. Fermin lighthouse, bedding (layering of the rock) tilts with a slight 10 degree angle – or "dip" – towards the ocean.

Bentonite?

Vulnerable Assets

Pt. Fermin Lighthouse

Communication Station

Federal Aid to Navigation

City Players

Water & Power

Recreation & Parks

Public Works

Sanitation

Engineering

Port

Police/Fire

Phased Approach

Mapping

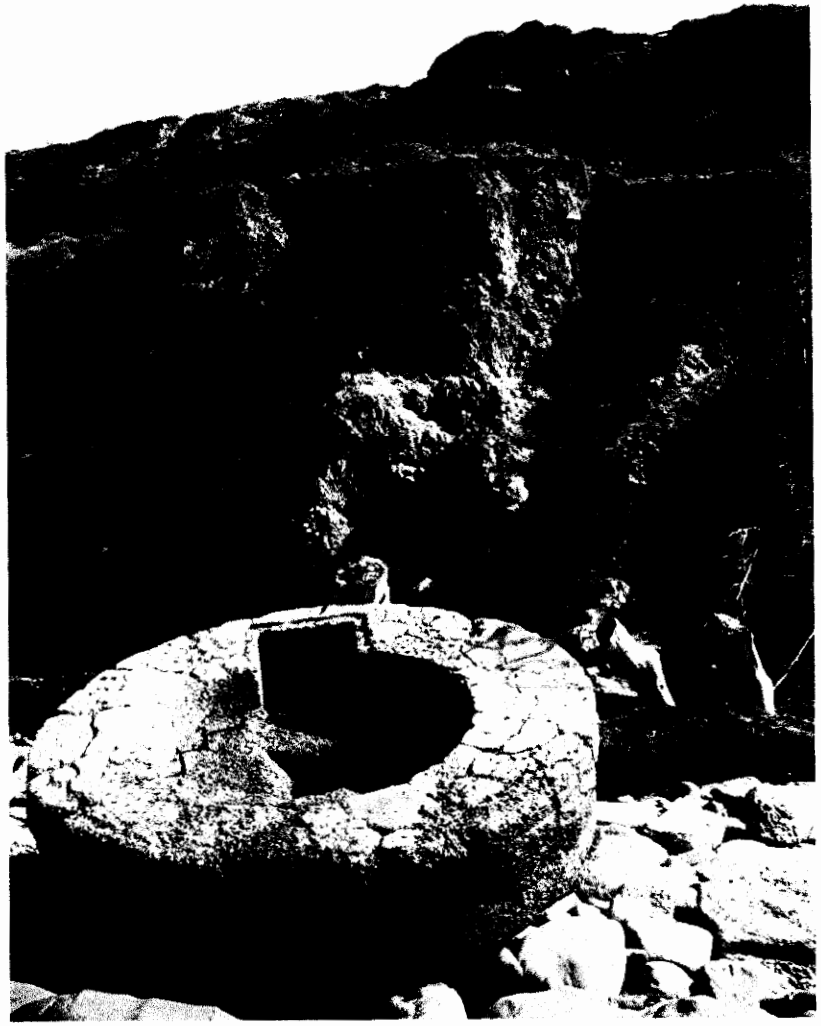
Scoping

Budgeting

Financing

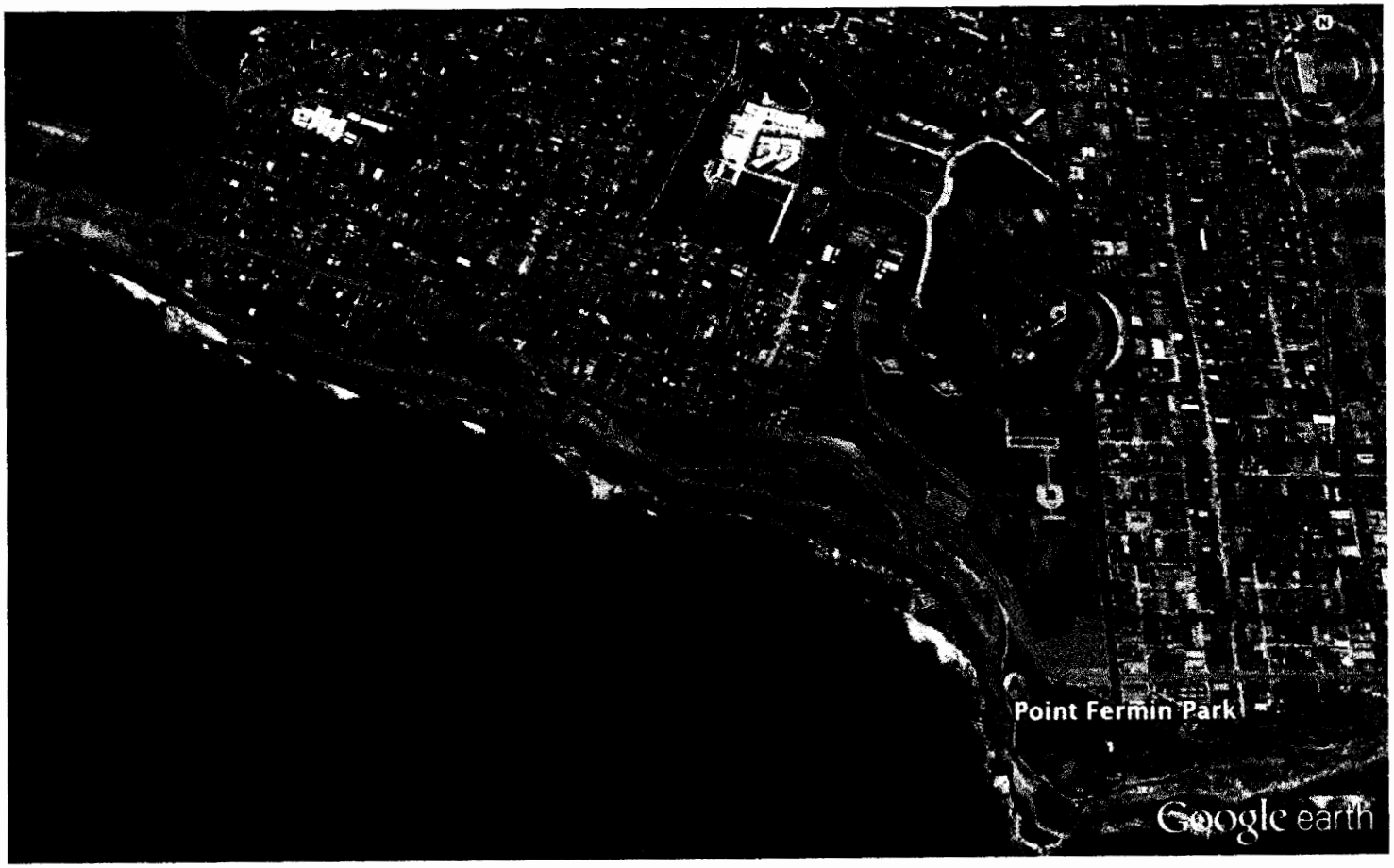
Paseo del Mar Seeps

Paseo del Mar Seeps



Paseo del Mar Seeps

Coastal Concern



Attachment 2

Script for *Point Fermin Seep Update* Slides
Brian N. White

Slide 1 BOE Landslide Report

BOE attributes the 2011 White Point landslide to water-saturated soil.

The soil at the base of Point Fermin is sopping wet.

Slide 2 ACLAD Landslide Report

Dewatering is the only practical preventive measure.

The BOE landslide report provides an engineering template for scoping and budgeting a Point Fermin dewatering project.

Slide 3 BOE Instability Indicators

Groundwater seeps are a primary indicator of slope instability according to BOE.

Groundwater seeps ring the base of the Point Fermin cliffs.

Slide 4 Point Fermin Seeps

Biological communities supported by the Point Fermin seeps indicate at least two groundwater sources.

Slide 5 Algal Seeps (1)

High-volume seeps support mats of the green alga *Enteromorpha*.

Slide 6 Algal Seeps (2)

The algal mats are large and the seeps are fresh to the taste.

Slide 7 Bacterial Seeps (1)

Lower-volume seeps support a slime dominated by the blue-green bacterium *Oscillatoria*.

Slide 8 Bacterial Seeps (2)

The bacterial seeps are smaller but more numerous.

The bacterial seeps exude a white sulfurous precipitate

The bacterial seeps have a sulfurous "rotten-egg" smell.

Sulfurous geothermal water is known to occur locally.

Slide 9 Seep Chemistry (1)

Seep salinity was measured with an over-the-counter aquarist's refractometer.

Slide 10 Seep Chemistry (2)

Salinity readings from a nearby drinking fountain, the seeps and incoming waves confirm the existence of at least two sources of groundwater for the seeps.

Slide 11 Groundwater Sources

Taking into account the salinity, appearance and odor of the different seeps, the less-saline algal seeps may be sulfurous geothermal water diluted by rainwater, irrigation water or sewage.

Slide 12 Park Drainage

The seeps are below the lowest spots in Point Fermin Park where excess rainfall and irrigation water would tend to accumulate and infiltrate.

Ground drains probably service only a portion of the heaviest runoff events.

The N/S sidewalk carries routine irrigation runoff directly from the upper reaches of the park to the front porch of the lighthouse which is located directly above the high-volume algal seeps.

Slide 13 Erosion

The BOE landslide report lists coastal bluff erosion as a contributing factor in the 2011 White Point landslide.

The toppling of Sentinel Rock is an example of the ongoing erosion of the base of Point Fermin.

Slide 14 Tilted Bedding

Seaward dipping strata are one of the primary risk factors for coastal landslides, especially when destabilized and lubricated by excess groundwater.

This figure from a recent field guide shows that the tilted beds of Point Fermin are a textbook example of landslide geology.

Slide 15 Bentonite?

Bentonite layers are another risk factor for coastal landslides.

BOE determined that wet bentonite at a depth of 88 to 97 feet below ground surface was present near the failure surface of the White Point landslide.

A boring is needed to determine if bentonite occurs in the vicinity of the Point Fermin seeps but the seeps themselves are located at a similar depth below ground surface as the suspect White Point bentonite.

Slide 16 Vulnerable Assets

The Point Fermin Lighthouse is on the National Register of Historic Places.

The Point Fermin shore beacon supports international shipping for the Ports of Los Angeles and Long Beach.

The radio communication station supports public safety functions. A permit to replace the monopole is pending before the California Coastal Commission.

Slide 17 City Players

DWP delivers water to the park.

RAP spreads water in the park.

DPW removes storm water and sewage from the park.

POLA administers Tidelands properties.

LAPD/LAFD depend on the public safety communication station.

Slide 18 Phased Approach

Geological mapping is a low-cost, low-tech first step.

The BOE landslide report provides an excellent template for scoping,budgeting and financing additional tests and mitigation measures.

Slide 19 Paseo del Mar Seeps (1)

Seeps are apparent across from Joan Milke Flores Park.

Slide 20 Paseo del Mar Seeps (2)

The seeps occur at the base of a failed slope amid assorted slide debris such as street drains. Similar objects still cling to the side of the highway.

Slide 21 Paseo del Mar Seeps (3)

The seeps appear to be fresh. They are clear, odorless and lack a precipitate.

Slide 22 Coastal Concern

Seeps, tilted beds, eroded bluffs, and failed slopes stretch from one end of the San Pedro coast to the other, from Sunken City to White Point.

The White Point landslide report shows that prevention is much cheaper than repair.

The BOE White Point report provides a basis for conducting a risk assessment for the entire San Pedro coast.

Tidelands monies might be available for preliminary work.

Attachment 4

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

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Filed:	12/14/06
49th Day:	2/01/07
180th Day:	6/12/07
Staff:	Al J. Padilla-LB
Staff Report:	1/22/07
Hearing Date:	2/14-16/07
Commission Action:	

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-07-002

APPLICANT: City of Los Angeles

PROJECT LOCATION: Carolina Street, between Shepard Street and Paseo Del Mar, San Pedro, City of Los Angeles

PROJECT DESCRIPTION: Construction of a new approximately 300 foot long , 21-inch diameter storm drain, catch basin, maintenance holes and junction structure along Carolina Street; and replace approximately 345 foot long, 21-inch diameter section of an existing storm drain line along Shepard Street. The new Carolina Street line will connect to the replacement line along Shepard Street. The purpose of the new line along Carolina Street is to limit surface runoff and groundwater infiltration along the Point Fermin coastal bluffs.

LOCAL APPROVALS RECEIVED: City of Los Angeles Local Coastal Development Permit No 06-01

SUBSTANTIVE FILE DOCUMENTS: San Pedro certified LUP, with suggested modifications

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SUMMARY OF STAFF RECOMMENDATION:

The major issues of this staff report include possible geologic impacts. Staff recommends APPROVAL of the proposed development with three special conditions including: 1) stockpiling, staging, avoidance of siltation, and erosion control; 2) location of debris disposal site; 3) storm drain water quality best management practices; and, 4) assumption of risk.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby GRANTS a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

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 term or 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. STOCKPILING, STAGING, AVOIDANCE OF SILTATION, AND EROSION CONTROL.

A. Prior to issuance of a coastal development permit the applicant shall agree in writing to require that the final plans shall minimize construction impacts of the project and that all contracts and other written materials shall include the

requirements listed below. The applicant shall further agree that the final plans shall identify acceptable locations for stockpiling and staging of materials; plans for control of erosion, stockpiled earth from trenches, and cement; as well as plans for the disposal of construction materials. The plans shall contain the following:

1) A delineation of the areas to be disturbed by grading or construction activities including any temporary trenches, staging and stockpile areas.

2) The plan shall include source control Best Management Practices as part of a written plan designed to control dust, concrete, demolition pavement or pipe removed during construction, and/ or construction materials, and standards for interim control and for clean up. All sediment waste and debris should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill. Contractors and City Inspectors shall monitor and contain oil or fuel leaks from vehicles and equipment.

3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: filling or covering all holes in roadways such that traffic can continue to pass over disturbed areas, stabilization of all stockpiled fill, disturbed soils and trenches with shoring, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. These temporary erosion control measures shall be monitored and maintained at least on a weekly basis until grading or construction operations resume.

B. Prior to commencement of construction the applicant and its contractor(s) shall provide for the review and approval of the Executive Director final plans and plan notes that conform with the requirements of item A above. No work shall take place until the Executive Director approves the plans in writing.

C. Conformance with plans. All work shall take place consistent with the plans submitted in compliance with A above.

2. Location of Debris Disposal Site

The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place. The contractor shall be notified of this condition.

3. **Storm Drain Water Quality Best Management Practices**

The City shall incorporate appropriate BMPs (Best Management Practices) into the design of the new storm drain system, such as:

a) Stenciling of catch basins or inlets
b) Regular maintenance to ensure the storm drains and any associated catch basins or other features are cleaned out prior to the storm season, and inspected and cleaned as necessary throughout the season (October 15th – April 15th).

4. **Assumption of Risk**

A. By acceptance of this permit, the applicants acknowledge and agree: (i) that the site may be subject to hazards from landslides, subsidence, and erosion; (ii) to assume the risks to the applicants 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 COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to construct a new 645 foot storm drain consisting of a new approximately 300 foot long, 21-inch diameter storm drain line, catch basin with grate, maintenance holes, and junction structure along Carolina Street; and an approximately 345 foot long 21-inch diameter storm drain line to replace a portion of the existing 21-inch diameter line along Shepard Street. The new Carolina Street line will connect to the replacement line along Shepard Street. The project is located in the San Pedro area of the City of Los Angeles. The purpose of the new line is to divert surface runoff that collects along Carolina Street and limit groundwater infiltration along the Point Fermin coastal bluffs to the south by directing it via the new storm drain line to the existing storm drain line along Shepard Street. The replacement line along Shepard Street will vary from 2 to 13 feet deeper than

the existing to receive the new line coming off of Carolina to maintain positive down slope drainage.

The new line along Carolina Street will drain a watershed of approximately 3.2 acres. According to reports, Carolina Street currently drains to the south toward the Point Fermin landslide. The Point Fermin landslide, located to the south of the project site, consists of an area of approximately 6.5 acres (see Exhibit No. 2). The landslide developed along the coastline in 1929. Since then, all residential development was removed from the area by the City, and in the early 1990's, the City erected a wrought iron fence along the perimeter of the area due to safety and public nuisance issues. According to reports, the landslide has been stable since the 1960's; however, street runoff from Carolina Street and the intersecting alley, collects within this low point along the southern end of Carolina Street and flows onto the Point Fermin area and percolates into the ground, which could lead to landsliding and erosion.

The project will be constructed entirely within the existing street right-of-way. Construction staging area will be locate within the right-of-way at the lower end of Pacific Avenue, or within the right-of-way along either Carolina Street or Shepard Street. Street parking will be temporarily impacted during construction. Vehicle access will be maintained and alternative routes around the construction area are available along nearby adjacent streets. Coastal bluff access is to the west, at Point Fermin Park and east at the Pacific Street lookout/parking lot and will not be adversely impacted by the temporary construction activity.

The City will incorporate Best Management Practices into the construction and staging of the project, including debris control, sediment and desilting basins, and sand bagging the construction area. The catch basin will be constructed with a surface grate to prevent debris from entering the drainage system and the City will conduct routine cleanout and maintenance. Trash rack inserts, to trap additional solid debris, are not being proposed due to the potential clogging of the basin which could increase runoff and infiltration in the landslide area, which this system is designed to reduce. The City, consistent with their City wide public educational stenciling program, will include stenciling at the catch basin to help inform the public not to place solid debris and other pollutants into the storm drain.

B. Development

The Coastal Act recognizes that certain types of development, such as the proposed project, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property. As such, the Commission finds that due to the unforeseen possibility landslides, subsidence, and erosion, the applicant shall assume these risks as a condition of approval. Therefore, Special Condition No. 4 requires the applicant to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. The applicant's assumption of risk will demonstrate that the applicant is aware of and appreciates the nature of the hazards which

RECEIVED
South Coast Region

CALIFORNIA COASTAL COMMISSION

EXHIBIT NO. 1

APPLICATION NO. 5-07-002

Vicinity Map

California Coastal Commission

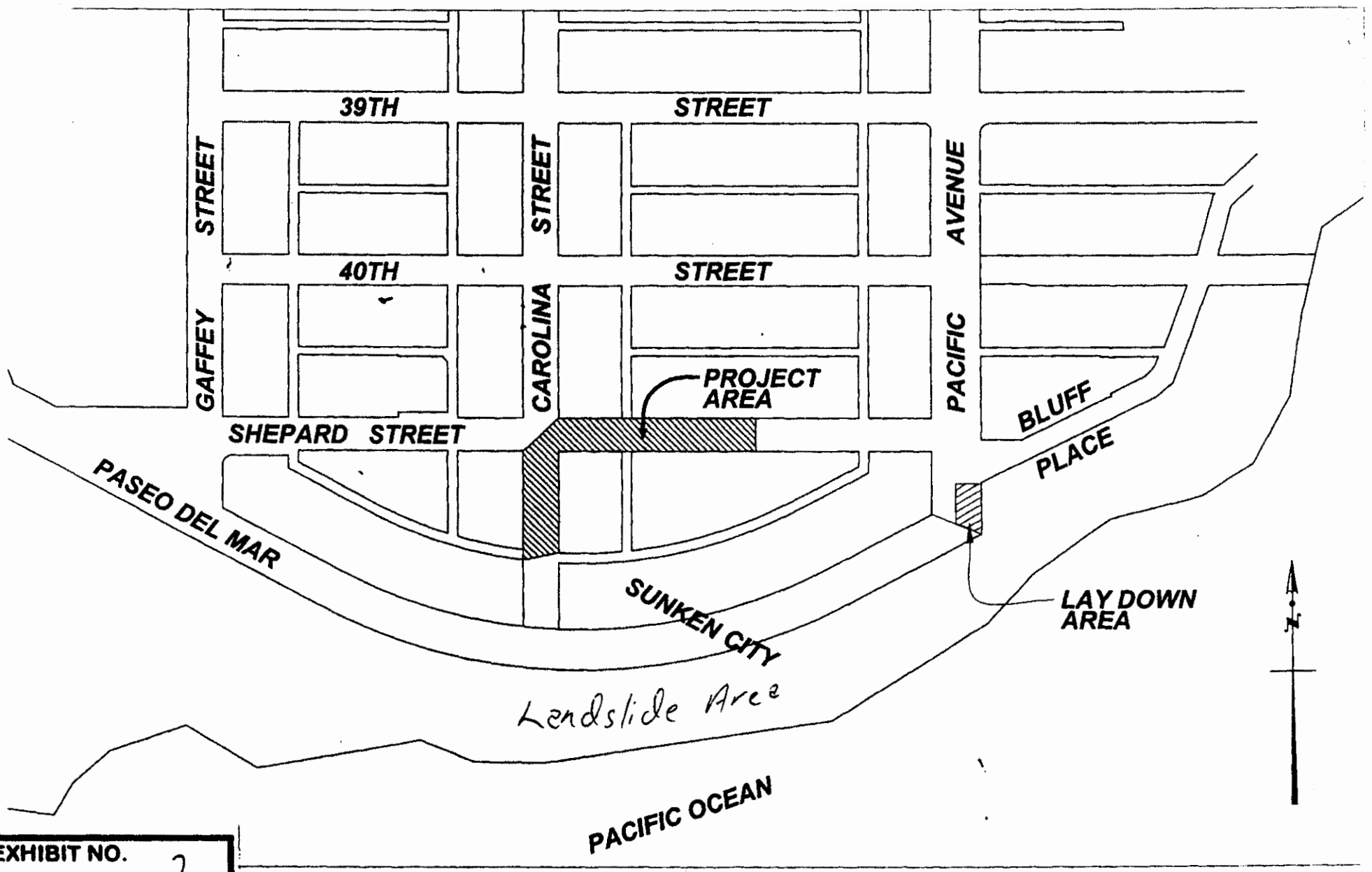


EXHIBIT NO. 2

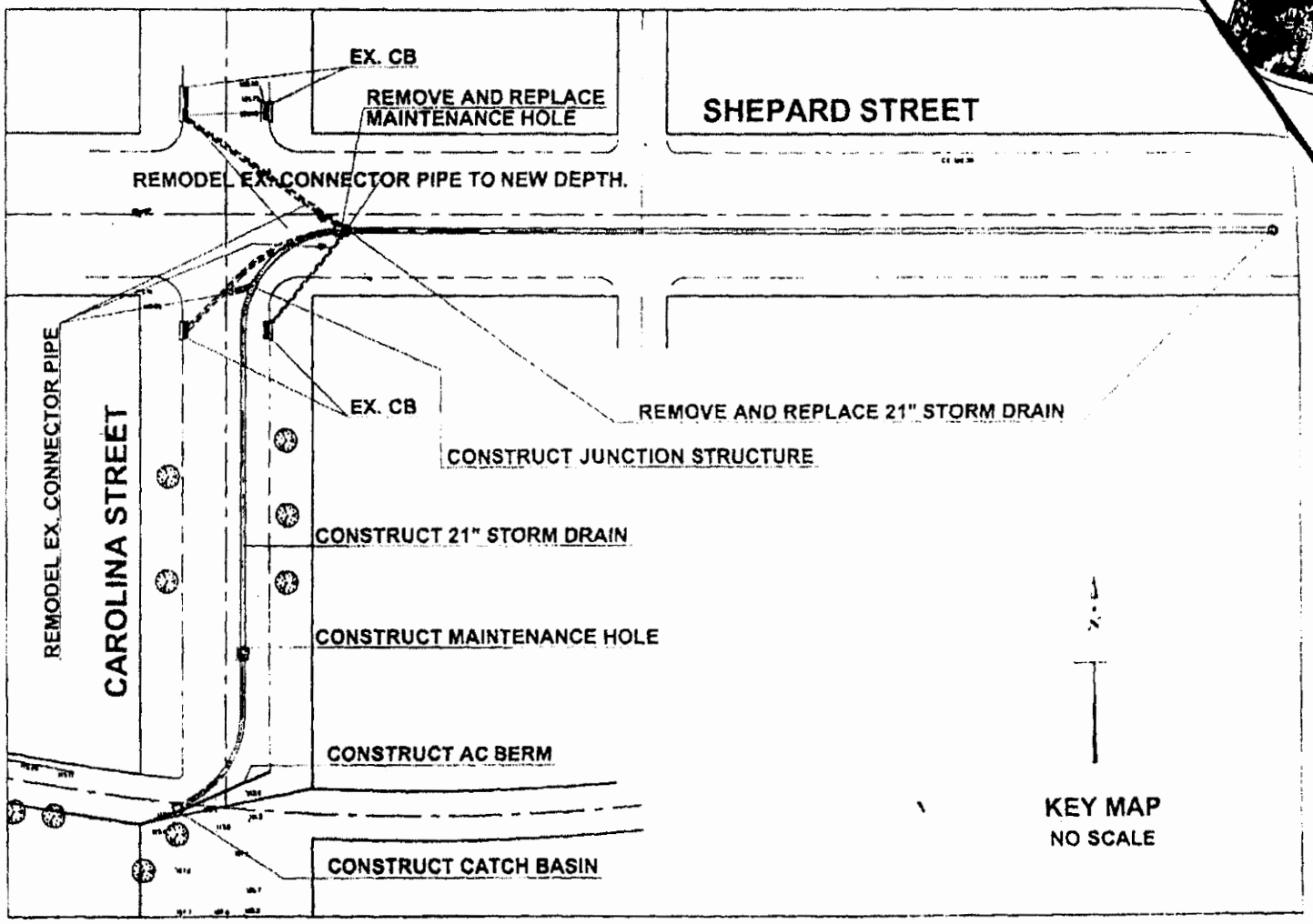
Application Number

5-07-002

Site Location

California Coastal Commission

Figure 2



CAROLINA STREET EMERGENCY STORM DRAIN
W.O. SZS11370

EXHIBIT NO. 3
Application Number
5-07-002
Storm Drain
California Coastal Commission

Board of Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Board of Commissioners:

There is opposition to the siting of the communications towers at Pt. Fermin Lighthouse, Application No. 5-14-0690,
and it should not be put on this month's consent calendar. There is a viable and better alternative and there is citizen opposition to this application.

Please do not allow the hearing on this issue to be held in the northern extremes of the state as some of us wish to attend the meeting to explain our opposition.

Thanks.

June Burlingame Smith
3915 S. Carolina Street
San Pedro, Ca 90731
310 831 0726
Burling102@aol.com

MEMORANDUM

TO: BOARD OF COMMISSIONERS
CALIFORNIA COASTAL COMMISSION

FROM: ALEXANDER MISHKIN, CITY OF LOS ANGELES

SUBJECT: POINT FERMIN MONOPOLE – APPLICATION NO. 5-14-0690

DATE: September 5, 2014

The City of Los Angeles respectfully requests that any proposal to delay the monopole replacement project be strongly reconsidered. The new monopole addresses an immediate public safety concern in the San Pedro region caused by the compromised structural integrity of the existing pole.

To continue to provide reliable coverage for LAPD, specifically the patrol divisions for the South Bureau, and to support the City's expanding public safety data and voice demands, the pole must be replaced. The safety of the citizens of San Pedro is the City of Los Angeles's priority and failure to replace a critically unstable pole poses a tremendous public safety risk. Point Fermin is a critical public safety communications site that provides radio coverage to the coastal area at the southern tip of the City of Los Angeles. LAPD utilizes Point Fermin as a radio receive site for LAPD City-wide operations – the absence of which would negatively impact the area's safety. The monopole at the site supports the radio antennas needed for these receivers.

The current pole was never originally designed to be used as a communications monopole, but rather is believed to have been a flag pole whose age is currently unknown. After prolonged exposure to the coastal climate and hosting two LAPD antennas for the past 13 years, the pole's condition has become unstable and severely corroded.

While the City recognizes the long-term importance of better understanding the coastal region's erosion concerns and bluff retreat rate, the immediate focus is serving the citizens of San Pedro with reliable public safety communications. Soil and engineering analysis have been conducted on the long-term viability of the new monopole which has determined the installation site to be a safe distance from the bluff (30 feet), ensuring limited impact to day-to-day operations of the Park.

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Th9c

Filed:	6/23/14
180th Day:	12/20/14
Staff:	A. Dobson-LB
Staff Report:	8/18/14
Hearing Date:	9/11/14

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: **5-14-0690**

APPLICANT: **City of Los Angeles**

PROJECT LOCATION: 807 W. Paseo Del Mar, Point Fermin in San Pedro, City of Los Angeles, Los Angeles County

PROJECT DESCRIPTION: Remove an existing 70 foot high public safety/emergency services radio communications monopole with antennas and install a new 75 foot high tapered steel monopole with accessory antennas on federal land at Point Fermin. The adjacent equipment shelter will remain as-is.

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

Resolution:

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

This permit is granted subject to the following 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 on which the Commission voted on the application. 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. **Future Development.** This permit is only for the development described in coastal development permit No. 5-14-0690. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the development governed by the coastal development permit No. 5-14-0690. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to changes in foundation, antennas, or height of the structure, and repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 5-14-0690 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

2. **Assumption of Risk, Waiver of Liability and Indemnity.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant acknowledges and agrees (i) that the site may be subject to hazards from fire, slope instability, erosion, landslides, and 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.

3. **No Future Bluff Protective Device.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant agrees, on behalf of itself and all other successors and assigns, that no bluff protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-14-0690 including, but not limited to the foundation, monopole, equipment shelter, and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, sea-level rise or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

4. **Future Removal.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants further agree, on behalf of itself and all successors and assigns, that the City of Los Angeles shall remove the development authorized by this permit, including the foundation, monopole, equipment shelter, and any future improvements, if any government agency and/or

geotechnical engineer has determined that the structure is no longer usable, or is unstable due to any of the following hazards: waves, erosion, storm conditions, sea-level rise or other natural hazards in the future. In the event that portions of the development fall to the beach before they are removed, the City of Los Angeles shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

In addition, the applicant (or its successor/assignee) agrees that if, in the future, the facility is no longer needed, the applicant (or its successor/assignee) shall abandon the facility and be responsible for removal of all permanent structures and restoration of the site as needed to re-establish the area consistent with the character of the surrounding Park area. Before performing any work in response to the requirements of this condition, the applicant (or its successor/assignee) shall contact the Executive Director of the California Coastal Commission to determine if an amendment to this coastal development permit or a new coastal development permit is necessary.

5. **Erosion Control Plan.**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion control.

The plan shall demonstrate that:

(1) during construction, erosion on the site shall be controlled to avoid impact to adjacent sensitive areas
(2) use of temporary erosion control measures shall be used during construction
(3) following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent coastal resources
(4) permanent erosion control measures shall be installed to avoid ponding from runoff the roof of the proposed new structure or erosion of proposed new road

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

(1) 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.
(2) A site plan showing the location of all temporary erosion control measures.
(3) A schedule for installation and removal of the temporary erosion control measures.
(4) A site plan showing the location of all permanent erosion control measures.
(5) A schedule for installation and maintenance of the permanent erosion control measures.
(6) A site plan showing finished grades (at 1 foot contour intervals) and any permanent drainage 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 legally required.

6. **Construction Responsibilities and Debris Removal.**

BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, The permittee agrees to comply with the following construction-related requirements:

(a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave/wind erosion and dispersion;

(b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;

(c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to sensitive habitat areas, during construction, to include the following, at minimum: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and the Pacific Ocean; use of debris fences as appropriate, a pre-construction meeting to review procedural and BMP guidelines;

(d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged to coastal waters.

7. **Construction Staging Plan.**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit a plan for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s) will avoid impacts to public access and to sensitive habitat areas.

1. The plan shall demonstrate that:

(a) Construction equipment, materials or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition;

(b) Construction equipment, materials, or activity shall not be placed outside of the immediate construction zone;

(c) Adverse impacts to sensitive habitat shall be avoided;

(d) Public parking areas shall not be used for staging or storage of equipment;

(e) Beach and/or bluff areas shall not be used as staging areas;

(f) The staging area for construction of the project shall not obstruct access to the public trail/park.

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

(a) A site plan that depicts:
(1) Limits of the staging area(s)
(2) Construction corridor(s)
(3) Construction site
(4) Location of construction fencing and temporary job trailers, if any

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 legally required.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

Point Fermin is in the San Pedro community in the City of Los Angeles, on a peninsula with a public park, the historical Point Fermin Lighthouse, and public trails bordering the peninsula. The beach below the bluffs of the peninsula is open for public recreation. The point between the public trails and the sea is the project site, currently operated by the U.S. Coast Guard (**Exhibit 1**). A U.S. Coast Guard building exists on the point, closest to the bluffs, and the existing monopole and equipment shelter exist behind it, to the East, closer to the public park. Because the monopole is on closed, federal land with no current public access (security gate), the replacement of the pole will not negatively impact public access to the surrounding recreation areas.

The current monopole supports the radio site as part of 45 city-wide Microwave Radio Network Expansion system to increase the robustness of the City's communication backhaul (communications links) for public safety and regional interoperable communications. The Point Fermin site provides a critical coverage around South San Pedro and Cabrillo Beach for the Los Angeles Police Department voice radio system. The is the only site that provides such coverage.

A license agreement has been given to the City of Los Angeles to access the site to replace and maintain the communications pole. The existing pole has been in place an undetermined amount of time, but the foundation is corroding and needs replacement. The proposed steel monopole will be embedded 20 feet deep into the soil and backfilled with gravel. The top 36 inches below ground will be concrete to secure the base of the pole. The base of the pole is feet 1 ft. 8 in. in diameter. The pole and all accessory antennas will stand 75 feet high in total. The monopole will stand 55 ft. high and the accessory antennas will stand an additional 20 feet high. There will be 2 drum antennas measuring approximately 3 feet wide and there will be 2 whip antennas approximately 6 inches wide mounted on the pole. The new pole will be located approximately 8 feet landward of

the current location and approximately 30 feet away from the bluff edge, yet still adjacent to the existing equipment shelter. The visual impact of this pole would be similar to the impact of the existing pole. The small height difference and the change in antenna shape, and its presence among the existing trees and development will not negatively impact public coastal views.

The project site is near the historic "Sunken City" Landslide area of San Pedro. Public concerns regarding overall slope stability and erosion on the peninsula have been brought to the attention of Commission staff, however, this appears to be a larger city-wide planning issue. The erosion potential associated with this particular project has been addressed through the Geotechnical report by ENGEO Inc.(Sept. 4 2013, project No. : 10500) and recommendations, which confirm that the monopole will be safe from erosion. The erosion of the peninsula, specifically this area of point Fermin, and associated development standards needs to be addressed by the local jurisdiction, City of Los Angeles and the land owner, the U.S. Coast Guard. These issues could be adequately addressed through the creation of a Certified Local Coastal Plan.

Given these circumstances, erosion of the site is acknowledged and addressed through this permit by the special conditions regarding: removal of the pole in the event it is no longer stable, assumption of risk, prevention of future bluff protection devices, and acceptance of construction responsibilities and erosion control are required to ensure these conditions will be met in the future.

B. ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. DEVELOPMENT

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

D. HAZARDS

Development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, or shoreline protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, visual resources, and shoreline processes. To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs, hillsides, and shoreline processes the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, an appropriate set-back from the edge of a bluff or hillside, to prohibit the construction of protective devices (such as a retaining wall or shoreline protective device) in the future, for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, and to require that the landowner or any successor-in-interest assume the risk of

undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

E. WATER QUALITY

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

807 W. Paseo Del Mar, San Pedro
Project Site

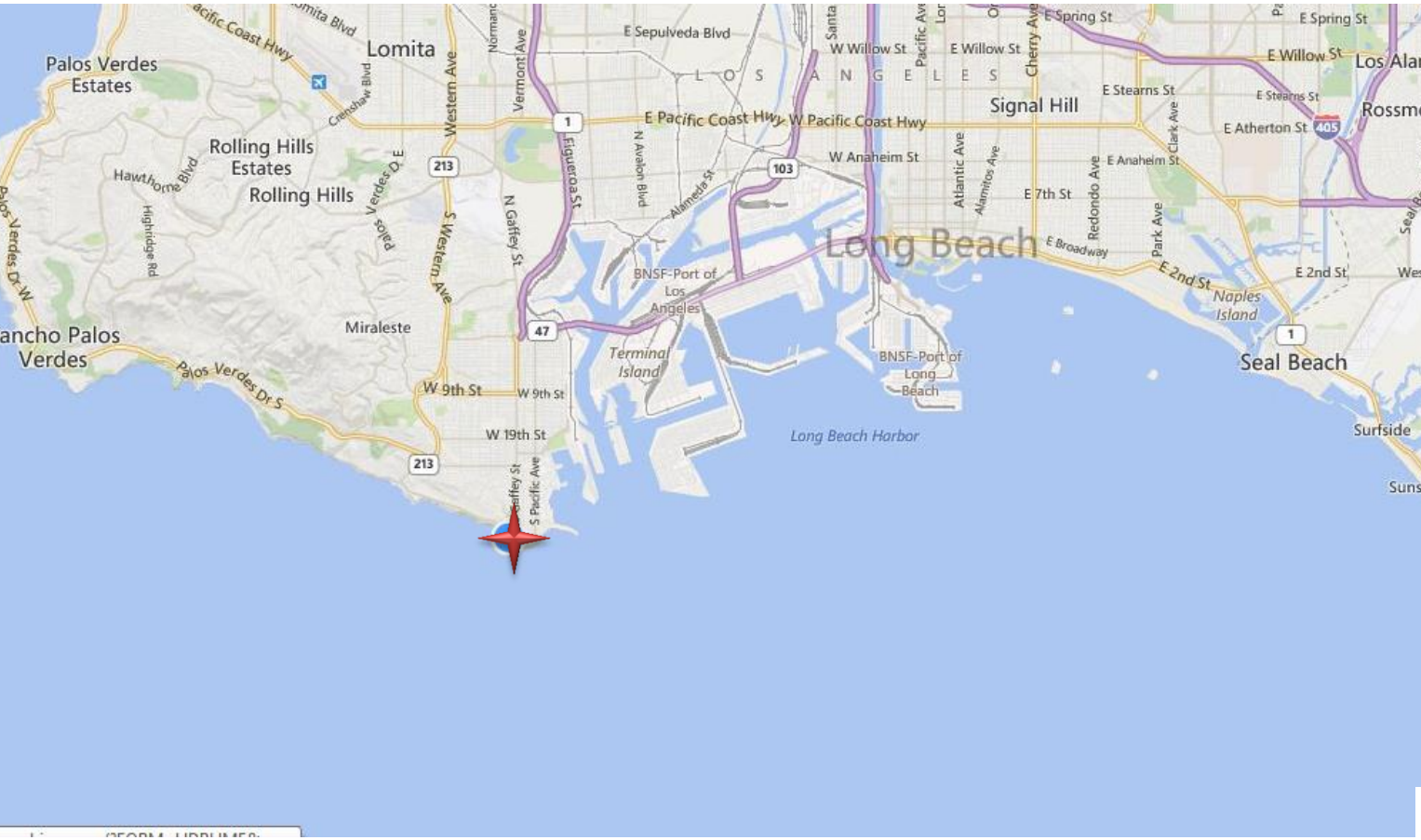


Exhibit 1

California Coastal Commission

807 W. Paseo Del Mar, San Pedro
MONOPOLE

Exhibit 2

California Coastal Commission

Existing MONOPOLE

Exhibit 2

California Coastal Commission

Proposed Plans

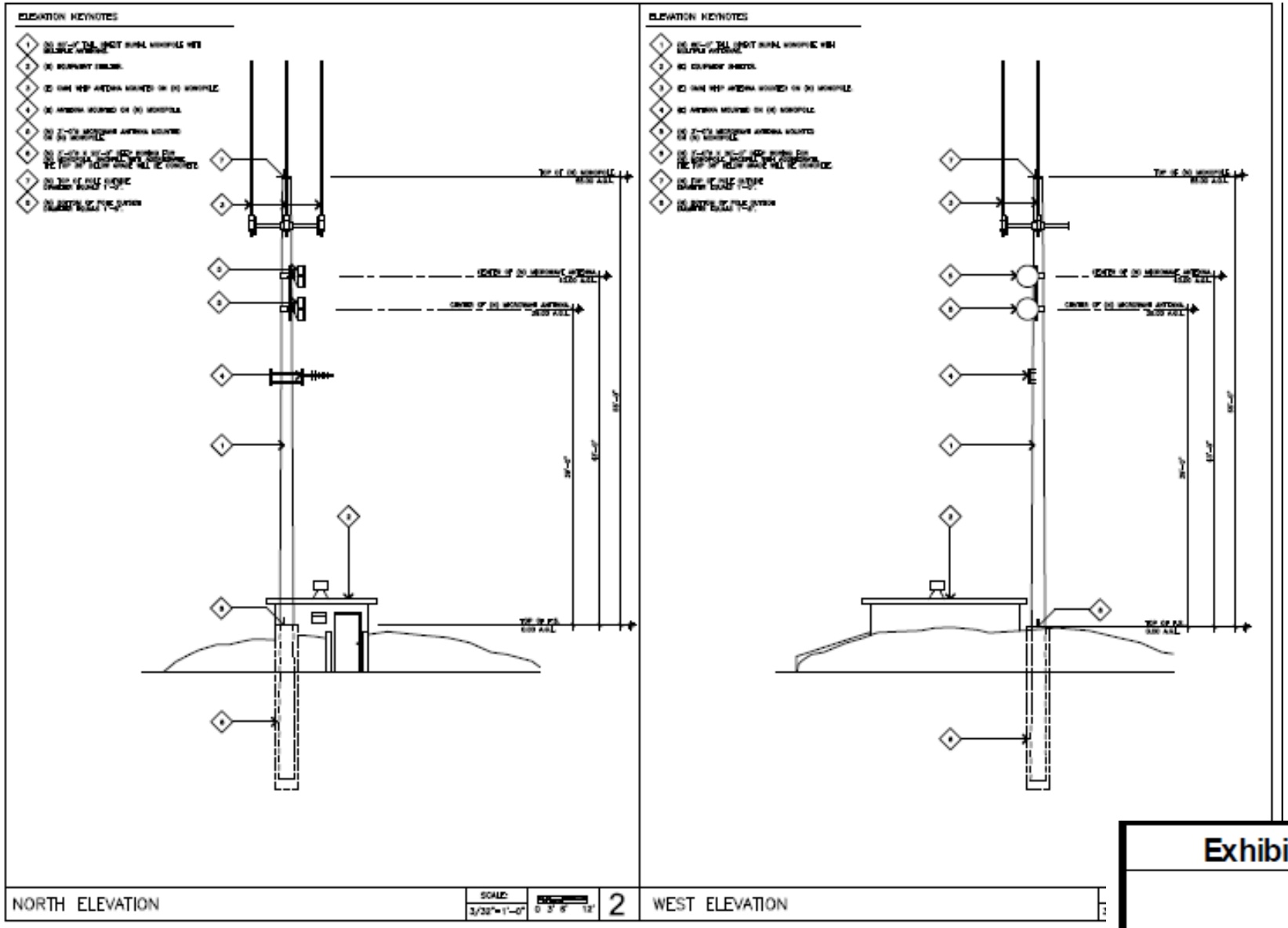


Exhibit 3

California Coastal Commission