

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071

RECORD PACKET COPY



Filed: Apr. 2, 1997
49th Day: May 21, 1997
180th Day: Sept. 29, 1997
Staff: JLR-LB
Staff Report: April 11, 1997
Hearing Date: May 13-16, 1997

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-97-050

APPLICANT: Mr. & Mrs. William A. Kreag

PROJECT LOCATION: 417 Paseo del la Playa, Torrance

PROJECT DESCRIPTION: Construct a gunite jacuzzi with waterfall to include an adjacent landscaped area in the rear yard of an existing single-family residence located on a blufftop lot adjacent to a public beach.

Lot area:	38,780 sq. ft.
Building coverage:	3,650 sq. ft.
Pavement coverage:	N/A
Landscape coverage:	30,930
Parking spaces:	N/A
Zoning:	R-1
Plan designation:	Residential
Project density:	N/A
Ht abv fin grade:	N/A

LOCAL APPROVALS RECEIVED: Approval in Concept—City of Torrance

SUBSTANTIVE FILE DOCUMENTS: City of Torrance Draft Land Use Plan

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with Special Conditions addressing natural hazards and environmentally sensitive habitat.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

5-97-050 (Mr. & Mrs. William Kreag)

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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. Assumption of Risk

Prior to the issuance of the Coastal Development Permit, the applicant (and landowner) shall execute and record a Deed Restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from erosion and slope failure, and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

2. Environmentally Sensitive Habitat

Prior to issuance of permit, the applicant shall submit final landscape plans, subject to the review and approval of the Executive Director, that are designed to avoid disturbance of any existing coastal sage scrub on the bluff face. The plants in the backyard area located between the house and fence shall include no invasive plants as listed in the Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, dated January 20, 1992 (See Exhibit E). The applicant shall include specific plans for preservation of existing bluff face vegetation. Such plans for any replanting of the bluff face shall consist of coastal bluff scrub plants identified as habitat (See Exhibit F) for the El Segundo Blue Butterfly (Euphilotes bernardino allyni) or other plants as recommended by the U.S. Fish and Wildlife Service. The final landscape design shall be determined in consultation with recommendations from U.S. Fish and Wildlife Service.

3. Future Development

Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 5-97-050; and that any future improvements to the property, including but not limited to clearing of vegetation seaward of the rear yard fence, grading or installation of drainage devices will require a permit from the Coastal Commission or its successor agency. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

4. Acknowledgement of Sensitive Habitat

By acceptance of this permit, the applicant acknowledges that the bluff face of this lot is located in an environmentally sensitive area which provides habitat for the El Segundo Blue Butterfly (Euphilotes bernardino allyni).

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant proposes to construct a gunite jacuzzi with waterfall to include an adjacent landscaped area in the rear yard of an existing single-family residence. The subject site is located on a blufftop lot above Torrance Beach, in the City of Torrance. The proposed jacuzzi is located between an existing outdoor swimming pool and the residence. The jacuzzi will be constructed within an existing landscaped area and will not remove any environmentally sensitive habitat i.e., bluff sage scrub.

B. Natural Hazards

New development shall:

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

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development is located on the top of a bluff, an area which is subject to natural hazards. Natural hazards common to this bluff include landslides, erosion and slumping. The Commission in previous actions on development in this area has found that there are certain risks associated with blufftop development that can never be entirely eliminated. Blufftop lots are subject to potential hazards not found in conventional flatland developments.

The proposed development is located in an area that has historically experienced bluff top erosion problems. Following is a more detailed description of the area as excerpted from the City's adopted LCP:

Geologic

Based upon a soils investigation in the coastal area there is an existing geological hazard along a portion of the bluff over the Torrance Beach. Several of the bluff top lots have a history of bluff erosion and localized landslides.

Therefore, no construction has been allowed beyond the limits of a "safe building line" established on certain lots west of Paseo de la Playa. (See Map 9).

5-97-050 (Mr. & Mrs. William Kreag)

Bluff erosion at the northern end of the parking lot has been perpetuated by drainage patterns in the area which allow water to flow down Paseo de la Playa and across the parking lot. The problem has been further aggravated by foot traffic across that section of the bluffs.

Pedestrian traffic should be confined to improved accessways and drainage patterns should be controlled to reduced bluff erosion.

In order to address geologic concerns, the City's draft LCP proposes the following implementing actions:

No improvements will be allowed west of the safe building line established by the Department of Building and Safety (See Map 9), no construction will be allowed between the safe building line and the west side of Paseo de la Playa or on any lots north of Lot 164 without a soils and geologic investigation. This will be enforced through provisions of the Hillside Overlay Zone (See Appendix G). All precautions will be taken to limit surface erosion and the percolation of water into the subsurface soils. Drainage patterns will be carefully controlled to minimize the runoff of water from the building areas over the top of the bluff. All water or sewer lines will be carefully constructed to insure against leakage of water from these lines into the subsurface soils. In addition, the ditches into which the lines are placed will be carefully backfilled with compacted soil to reduce the percolation of surface waters into the deeper underlying materials. Where planting is indicated drought tolerant plants should be used to minimize or eliminate irrigation.

The applicant's plan indicates that the residential structure complies with the City's bluff setback "safe building line". The City's certified LUP geologic background documents recommend "that houses be constructed in back of a mapped setback line but that structures like pools and jacuzzis can be constructed seaward of that line".

The applicant has not provided a geology/soils report. The Commission, in previous permit actions on development in this area has found that there are certain risks associated with hillside development that can never be entirely eliminated. In December, 1996, the Commission approved a permit (5-96-167) for the construction of a swimming pool located on the blufftop. That project is located approximately two blocks southerly of the subject site. The geologic/soil report for permit 5-96-167 stated that in this area "leakage" is a concern and "could add to the existing water table and cause a localized failure". The applicant for permit 5-96-167 was approved by the Commission with a special condition requiring the applicant to record a deed restriction assuming the risk of development in this hazardous area.

Therefore, the Commission finds that in order to be consistent with section 30253 of the Coastal Act, the applicant for the proposed development must also record a deed restriction assuming the risk of developing in this hazardous area, and waiving the Commission's liability for damage that may occur as a result of such natural hazards.

C. Environmentally Sensitive Habitat

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 such resources shall be allowed within such 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 such areas, and shall be compatible with the continuance of such habitat areas.

The surrounding bluff face area contains significant environmentally sensitive habitat including coastal sage scrub and coastal bluff scrub. There are sensitive bird and plant species which are associated with coastal bluff scrub or coastal sage scrub. Vegetation along the bluff face within this area consists of native and introduced plants. One of the native plant species found on this bluff face is Eriogonum Parvifolium (Coastal Buckwheat). Eriogonum Parvifolium is the host plant for the El Segundo Blue Butterfly (Euphilotes bernardino allyni), a federally listed endangered species. Recently, the United States Department of Interior Fish and Wildlife Service monitored a nearby site and observed the presence of the El Segundo Blue Butterfly (See Exhibit G).

The proposed jacuzzi will be constructed inland of the top of the bluff within a grass landscaped backyard. Within the rear yard, there is an existing 4' high concrete block retaining wall located along the top of the bluff. Seaward of the wall, the bluff face is not landscaped and remains in a natural state in terms of topography and natural native and non-native vegetation. For purposes of this report, the area seaward of the wall is the face of the bluff.

In a recent past Commission permit approval within this area, the Commission addressed concerns about the use of non-native, invasive plants which over time could supplant areas containing native plants. Once this occurs, the El Segundo Blue's habitat could be seriously degraded or eliminated from the area. To ensure that the native plants have a greater chance to establish themselves on the bluff face and provide a viable native habitat for the El Segundo Blue Butterfly, the Commission is requiring a special condition requiring the applicant to plant non-invasive plants along the top of the bluff that will not encroach into the environmentally sensitive bluff face area. The Commission is also imposing a special condition requiring that any future improvements to the property, including but not limited to clearing of vegetation seaward of the rear yard fence, grading or installation of drainage devices will require a permit from the Coastal Commission. Therefore, the Commission finds that the proposed development, as conditioned, is sited and designed to prevent adverse impacts on environmentally sensitive habitat as required in Section 30240 of the Coastal Act.

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D. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which 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 the 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).

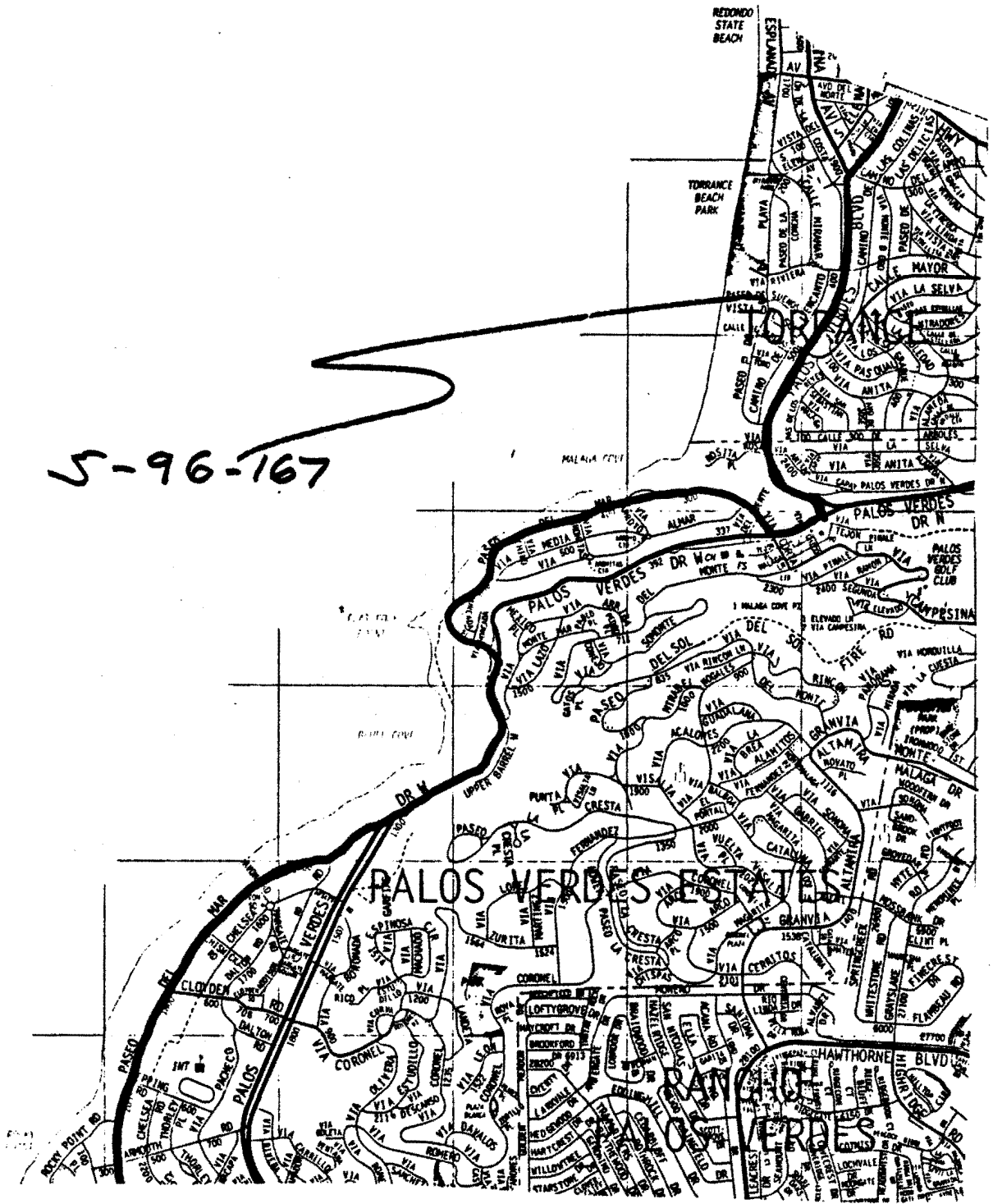
On June 18, 1981, the Commission approved the City of Torrance Land Use Plan (LUP) with Suggested Modifications. The City did not accept the modifications and the certified LUP, which was valid for six months, has lapsed. The major issues raised in the LUP were affordable housing, blufftop development and beach parking.

Based upon the findings presented in the preceding section, the Commission finds that the proposed development, as conditioned, will not create adverse impacts on coastal resources and is therefore consistent with applicable policies contained in the adopted City of Torrance LUP. In addition, the Commission finds that approval of the proposed project will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

E. CEQA

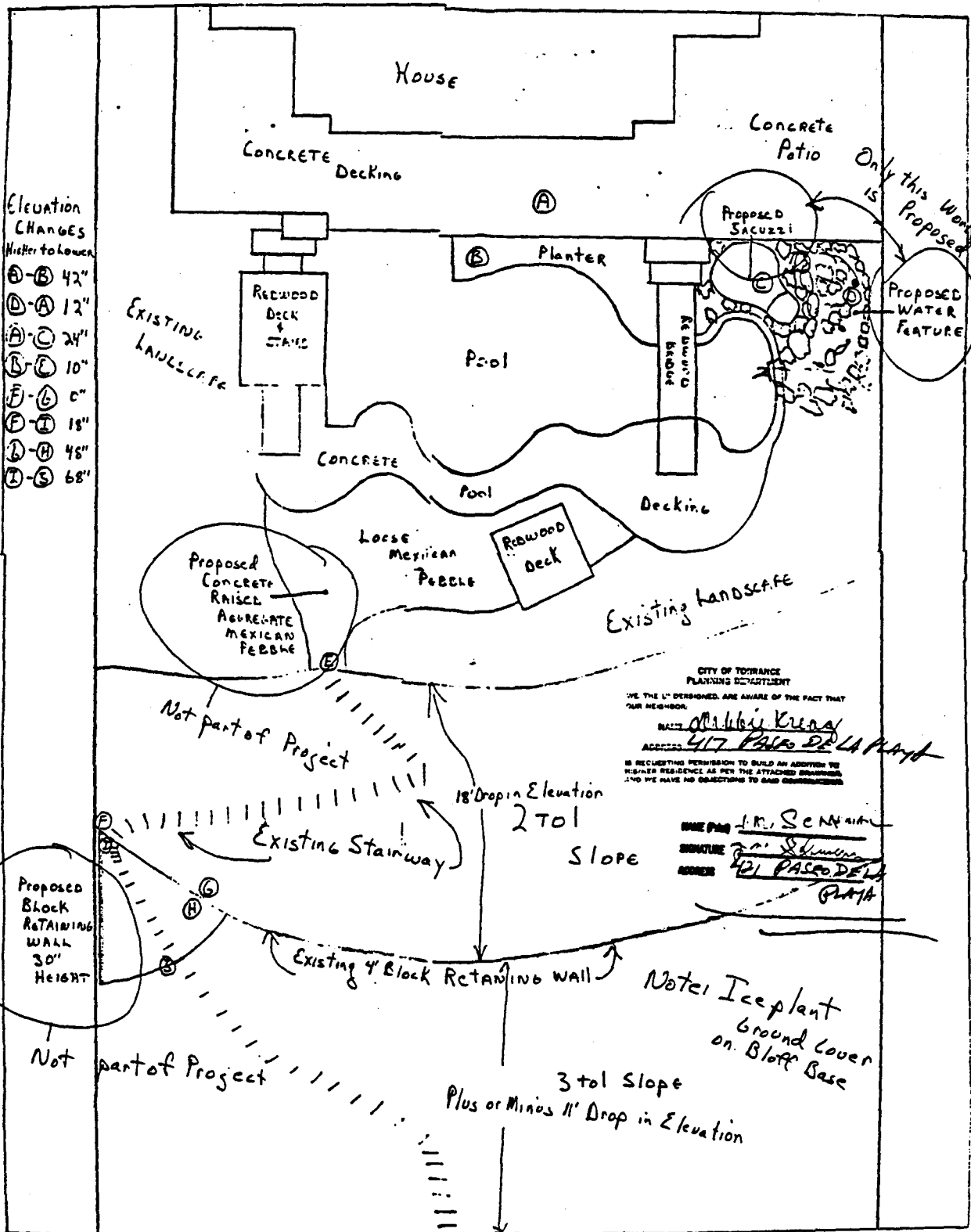
Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California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

The proposed project has been conditioned to be found consistent with the natural hazards and environmentally sensitive habitat policies of the Coastal Act. Mitigation measures will minimize all adverse impacts. 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 amendment is found consistent with CEQA and the policies of the Coastal Act.



5-96-167

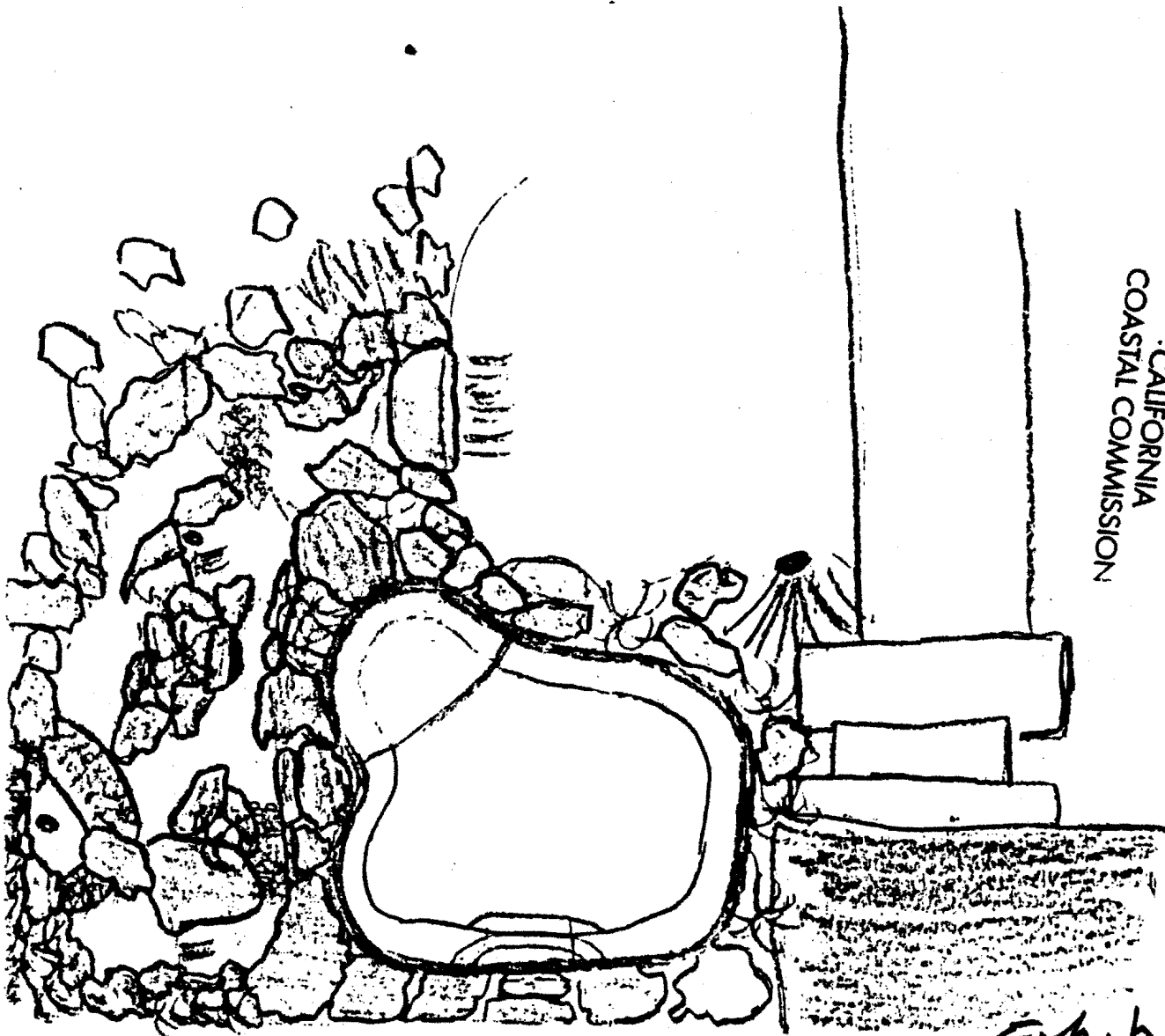
Exhibit A
5-97-050



Sheet	Scale 1/4" = 8'	DATE SAN 97	LANDSCAPE RENOVATION Mo + Debbie KREAG RESIDENCE 417 PASEO DE LA PLAYA Torrance	PLANS PREPARED BY Antonio Biondani By Ecospaces #27545173 Rolling Hills Estates PH: 310/530-8755	Revisions
508 77-37A					81

Exhibit B
5-97-050

Kuao Residence
Spa + Living
Living



RECEIVED
JAN 29 1997
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COASTAL COMMISSION

Exhibit C
5-97-050

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

APPENDIX B

LOCAL AGENCY REVIEW FORM

5-97-050
RECEIVED
MAR 5 1997

CALIFORNIA
COASTAL COMMISSION

SECTION A (TO BE COMPLETED BY APPLICANT)

Applicant KREAG, William + Debra
Project Description Install Custom Gunite SPA + water feature (Waterfall)
Location 417 Paseo Dela Playa
Redondo Beach Ca. 90277 (City of Torrance)
Assessor's Parcel Number 7512-003-002

SECTION B (TO BE COMPLETED BY LOCAL PLANNING OR BUILDING INSPECTION DEPARTMENT)

Zoning Designation R-1 du/ac

General or Community Plan Designation Low Density RES. 9 du/ac

Local Discretionary Approvals

- Proposed development meets all zoning requirements and needs no local permits other than building permits.
- Proposed development needs local discretionary approvals noted below.

Needed Received

- Design/Architectural review
- Variance for _____
- Rezone from _____
- Tentative Subdivision/Parcel Map No. _____
- Grading/Land Development Permit No. _____
- Planned Residential/Commercial Development Approval
- Site Plan Review
- Condominium Conversion Permit
- Conditional, Special, or Major Use Permit No. _____
- Other TORRANCE "MIND HILLSIDE EXEMPTION"

CEQA Status

- Categorically Exempt Class 15304 Item B
- Negative Declaration Granted (Date) _____
- Environmental Impact Report Required, Final Report Certified (Date) _____
- Other _____

Prepared for the City/County of TORRANCE by Steve A. Cuy
Date 3-5-97 Title PLANNING ASSOCIATE

ACF

5-97-050
Exhibit D

SCIENTIFIC NAME	COMMON NAME
<i>Acacia cyclops</i>	Acacia
<i>Acacia longifolia</i>	Sidney Golden Wattle
<i>Acacia melanoxylon</i>	Blackwood Acacia
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Aplonia cordifolia</i>	Red Apple
<i>Arundo donax</i>	Giant Reed or Arundo Grass
<i>Avena sativa</i>	Wild Oats
<i>Avena barbata</i>	Slender Oat
<i>Brassica nigra</i>	Black Mustard
<i>Brassica rapa</i>	Field Mustard
<i>Bromus diandrus</i>	Rippul Grass
<i>Bromus mollis</i>	Brome Grass, Soft Chess
<i>Bromus rubens</i>	Foral Chess
<i>Carduus pycnocephalus</i>	Italian Thistle
<i>Carpobrotus edulis</i>	Hotentot Fig
<i>Centaurea mollensis</i>	Yellow Star-Thistle, Teesdale
<i>Centaurea solstitialis</i>	Barnaby's Thistle
<i>Chenopodium album</i>	Pigweed, Lamb's Quarters
<i>Chenopodium murale</i>	Goosefoot
<i>Chrysanthemum coronarium</i>	Annual chrysanthemum
<i>Cirsium vulgare</i>	Bull Thistle
<i>Conium maculatum</i>	Poison Hemlock
<i>Cortaderia stacouris</i>	Pampas Grass
<i>Cynara cardunculus</i>	Artichoke Thistle or Cardoon
<i>Cynodon dactylon</i>	Bermuda Grass
<i>Descurainia sophia</i>	Flaxweed
<i>Erodium cicutarium</i>	Flaree
<i>Eupatorium (Ageratina) adenophorum</i>	Eupatory
<i>Eucalyptus globulus</i>	Eucalyptus
<i>Foeniculum vulgare</i>	Fennel
<i>Hirschfeldia incana</i>	Perennial Mustard
<i>Hordeum japonicum</i>	Foral Barley, Mouse Barley
<i>Lactuca scariola</i>	Prickly Lettuce
<i>Labularia maritima</i>	Sweet Alysum
<i>Malva parviflora</i>	Cheeseweed
<i>Marrubium vulgare</i>	Morehound
<i>Mesembryanthemum crystallinum</i>	Common Ice Plant
<i>Myoporum laetum</i>	Myoporum
<i>Nicotiana glauca</i>	Tree Tobacco
<i>Oryzopsis miliacea</i>	Smile Grass
<i>Oralis pes-caprae</i>	Bermuda Buttercup
<i>Pennisetum clandestinum</i>	Kikuyu Grass
<i>Pennisetum setaceum</i>	Fountain Grass
<i>Phalaris aquatica</i>	Marding Grass
<i>Picris echioides</i>	Bristly Ox-tongue
<i>Raphanus sativus</i>	Wild Radish
<i>Ricinus communis</i>	Castor Bean
<i>Rumex conglomeratus</i>	Creek Dock
<i>Rumex crispus</i>	Curly Dock
<i>Sida australis</i>	Russian Thistle
<i>Schinus molle</i>	California Pepper Tree
<i>Schinus terebinthifolius</i>	Florida Pepper Tree
<i>Senecio mikanioides</i>	German Ivy
<i>Silybum marianum</i>	Milk Thistle
<i>Sisymbrium irio</i>	London Rocket
<i>Sisymbrium officinale</i>	Hedge Mustard
<i>Sisymbrium orientale</i>	Eastern Rocket
<i>Sonchus oleraceus</i>	Sow Thistle
<i>Sorghum halepense</i>	Johnson Grass
<i>Spartium junceum</i>	Spanish Broom
<i>Taraxacum officinale</i>	Dandelion
<i>Tribulus terrestris</i>	Puncture Vine
<i>Tropaeolum majus</i>	Nasturtium
<i>Vicia major</i>	Perennial
<i>Xanthium spinosus</i>	Cocklebur

Invasive Plants

5-97-050
Exhibit E

HAND SEED THIS ZONE WITH THE SEED MIX, AS FOLLOWS:

<u>LB/ACRE</u>	<u>SPECIES</u>	<u>MINIMUM PURITY/GERM</u>
4	AMBROSIA CHAMISSONIA	85/50
2	AMBROSIA PSILASTACHYA	2/25
2	ARTEMISIA CALIFORNICA	15/50
2	BACCHARIS PILULARIA CONSANGUINEA	2/40
1	CAMISSONIA CHEIRANTHIFOLIA	98/75
2	CROTON CALIFORNICA	90/20
8	ENCELIA CALIFORNICA	40/60
15	ERIOGONUM PARVIPOLUM	30/60
1	ESCHSCHOLZIA CALIFORNICA	98/75
1	GALIUM ANGUSTIFOLIA	80/30
2	GNAPHALIUM BICOLOR	2/35
8	HAPLOPAPPUS ERIOCOIDES	6/25
2	LOTUS PURSHIANUS	98/70
3	LUPINUS BICOLOR	98/80
2	LUPINUS CHAMISSONIS	98/80
1	OPUNTIA LITTORALIS	98/30
2	PHACELIA CIRCUTARIA	90/60
2	PHACELIA RAMOSISSIMA	90/70
4	LOTUS SCOPARIUS	90/60
2	SALIVA MELLIFERA	70/50
6	VULPIA MICROSTACYS	90/60

SEED MIXTURE IS AVAILABLE FROM S AND S SEEDS -
PHONE: (805) 684-0436

Native Dunes plants

5-97-050
Exhibit F

Gene Mattoni, 199



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Field Office
2730 Loker Avenue West
Carlsbad, California 92008

RECEIVED

OCT 11 1995

CALIFORNIA
COASTAL COMMISSION
October 5, 1995
SOUTH COAST DISTRICT

Mr. James L. Ryan
California Coastal Commission
P.O. Box 1450
Long Beach, California 90802-4416

Subject: Endangered El Segundo blue butterfly and restoration program
at 433 Paseo del lay Playa, Torrance,

Dear Mr. Ryan:

This letter responds to the proposed restoration plan for the El Segundo blue butterfly (*Euphilotes bernardino allyni*) at 433 Paseo de la Playa in the City of Torrance, Los Angeles County, California. The U.S. Fish and Wildlife Service (Service) is concerned about the possible effects of the project on this endangered species, which is fully protected under the Endangered Species Act of 1973, as amended (Act). The butterfly has been observed on the project site by Chris Nagano of my staff. Our comments are based on the Planting Plan L-1, dated July 12, 1995, which was received by the Service from Hawthorne Savings on August 23, 1995; and a meeting between Bruce Lewis and Sherry Lawson of Hawthorne Savings, and Chris Nagano on October 3, 1995.

The planting plan will adequately restore habitat for the endangered El Segundo blue butterfly if the iceplant (*Caprobrotus edulis*) is planted thirty-six (36) inches off-center. The coastal buckwheat (*Eriogonum parvifolium*) and associated native species that will be planted at the site will provide additional habitat for the butterfly.

We appreciate the efforts of the California Coastal Commission and Hawthorne Savings in protecting endangered species and California's remaining wildlife habitats. Please contact Chris Nagano of my staff at the letterhead address or at 619/431-9440 if you have any questions.

Sincerely,

Gail C. Kobetich
Gail C. Kobetich
Field Supervisor

EXHIBIT NO. 5
APPLICATION NO. 5-90-1041A2
Letter from Fish and Wildlife
California Coastal Commission

5-97-050
Exhibit G