

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(2) 590-5071



Request Filed: 8-23-01  
Staff: MS/LB ✓  
Staff Report: 9-17-01  
Hearing Date: October 8-12, 2001  
Commission Action:

# M11a RECORD PACKET COPY

## REQUEST FOR RECONSIDERATION

**APPLICATION NUMBER:** 5-01-018R

**APPLICANT:** Robert and Nancy Conger

**AGENT:** GWC Architects, Attn: Gerald Compton

**PROJECT DESCRIPTION:** Request for reconsideration of the Commission's approval with special conditions of an application for an interior remodel and construction of a 591 square foot, 12.5-foot high first story addition at the rear of an existing 3,152 square foot, two-story single family residence on the bluff top of a 27,780 square foot lot.

**PROJECT LOCATION:** 501 Paseo de la Playa, City of Torrance, Los Angeles County

### **COMMISSION ACTION AND DATE:**

The commission approved permit application 5-01-018 with special conditions on August 7, 2001.

### **SUMMARY OF STAFF RECOMMENDATION:**

At the Commission's August 2001 hearing, the Commission approved only the construction of a proposed 591 square foot addition and interior remodeling of the existing residence. Conditions were imposed which required revised plans demonstrating the elimination of the proposed retaining walls, patio, spa and other rear-yard accessory improvements. The Commission's action was based on the information in the record at that time which suggested that the proposed accessory improvements would be located on the bluff face because they were sited seaward of where the current bluff edge was determined to be. Since the hearing, the applicant has had additional soil testing and subsurface geologic exploration performed on the property which demonstrates that the bluff top parcel has been altered by the placement of fill. The identification of fill on the lot represents new evidence which the applicant alleges he could not have provided at the hearing because he did not understand the bases for the staff recommendation.

Specifically, the applicant asserts that he could not provide the relevant information because he did not understand the basis for the staff recommendation and the staff's delineation of the bluff edge. In addition, he makes another claim in which he alleges the staff analyst misled the Commission's staff geologist by making notations on the geology report. Although an argument could be made that the applicant's failure to understand the recommendation is not grounds for reconsideration, the

applicant has provided new relevant information which could have been germane to the Commission's decision. Therefore, staff is recommending the Commission grant reconsideration at this time and the reconsideration of the matter would be scheduled for a subsequent hearing.

**PROCEDURAL NOTE:**

The Commission's regulations provide that at any time within thirty (30) days following a final vote upon an application for a coastal development permit, the applicant of record may request that the Commission grant a reconsideration of the denial of an application, or of any term or condition of a coastal development permit which has been granted. Title 14 Cal. Code of Regulations Section 13109.2.

The regulations state that the grounds for reconsideration of a permit action shall be as provided in Coastal Act Section 30627, which states:

The basis of the request for reconsideration shall be either that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the Commission's initial decision.

Section 30627 (b)(4) of the Coastal Act also states that the Commission "shall have the discretion to grant or deny requests for reconsideration."

The applicant submitted a request for reconsideration of the Commission's August 7, 2001 decision on August 23, 2001, stating the grounds within the 30 day period following the final vote as required by Section 13109 of the California Code of Regulations. If a majority of the Commissioners present vote to grant reconsideration, the permit application will be scheduled for the upcoming hearing, at which the Commission will consider it as a new application. Title 14, Cal. Code of Regs., Section 13109.5.

**Summary of Applicant's Contention**

The request for reconsideration is based on the dual assertions that (1) error[s] of fact or law ha[ve] occurred" that could potentially alter the Commission's initial decision and (2) "there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter." The alleged errors "of fact or law" are really errors of fact, relative to the top of bluff delineation, as well as the requirement for revised plans in Special Conditions 1, which is based on the allegedly erroneous top of bluff delineation. The applicant asserts also that conditions 2 -7 (Exhibit #3) are in error due to the Commission's bluff top delineation. The applicant believes that the new information that the applicant has provided shows that the proposed development is landward of the true top of bluff which could cause a change in the Commission's decision, permitting all proposed development which includes the patio, spa and other rear-yard accessory improvements. The relevant new evidence is the nature of the material under the house. According to the applicant, there is a significant amount of fill under the house. The applicant asserts that the information used by the Commission senior staff geologist, for determining the top of bluff was not

fully understood by the applicant, and therefore the relevance of the information regarding fill under the house was not clear. Therefore, the applicant was not able to provide the relevant information to respond to the staff's recommendation.

**STAFF RECOMMENDATION:**

**MOTION:**                *I move that the Commission grant reconsideration of Coastal Development Permit No. [5-01-018 R]*

**STAFF RECOMMENDATION TO GRANT RECONSIDERATION:**

Staff recommends a **YES** vote on the motion. Passage of this motion will result in grant of reconsideration and adoption of the following resolution and findings. If reconsideration is granted, the matter is processed as a new permit application. The motion passes only by affirmative vote of a majority of Commissioners present.

**RESOLUTION TO GRANT RECONSIDERATION:**

The Commission hereby grants the request for reconsideration of the Commission's decision on coastal development permit no. [5-01-018 R] on the grounds that:

- (a) there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing; and/or,
- (b) an error of fact has occurred which has the potential of altering the initial decision; and/or,
- (c) an error of law has occurred which has the potential of altering the initial decision.

The staff recommends that the Commission adopt the following resolution:

**I.     Approval of Reconsideration**

The Commission hereby approves the request for reconsideration of the proposed project on grounds that (1) "an error of fact or law has occurred" that could potentially alter the Commission's initial decision and (2) "there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter."

**II.    Findings and Declarations**

**A.     Project Description and History**

The proposed project includes an interior remodel and construction of a 591 square foot, 12.5-foot high first story addition at the rear of an existing 3,152 square foot, two-story single family

residence on the bluff top, and construction of three retaining walls, a 404 square foot patio area with spa and stairs, and a 246 square foot wood deck located 12 inches above existing grade on the bluff face in the rear yard of a 27,780 square foot, R-1 zoned bluff lot. A total of 8.9 cubic yards of excavation and fill would be required to install the spa, and 34.8 cubic yards of excavation and fill would be required for the proposed patio, stairs and footings.

The application was filed on March 30, 2001, which included a January 17, 2001 Geotechnical Soils Report for the proposed project area. Per the applicant's request for a continuance of one month on the Commission Hearing for the permit, the application was moved to the August 2001 Hearing. At the August 6-10, 2001 Commission hearing the Commission approved Permit 5-01-018 (501 Paseo de la Playa, City of Torrance) with special conditions.

Special Condition Number 1 in Permit 5-01-018, as approved by the Commission on August 7, 2001, states:

1. ***Revised Plans***

A) ***PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit revised plans to the Executive Director for review and approval. The revised plans shall show the following changes to the project:***

1. *Show only development inland of the top of bluff on the plans and eliminate from plans all proposed development seaward of the top of the bluff.*
2. *Show the proposed living room and family room addition inland of the top of bluff at the rear of the existing single family residence.*
3. *Relocate inland of the top of bluff or eliminate from plans the proposed patio area, spa, retaining walls, stairs and cantilevered wood deck.*
4. *Eliminate the previously revised plans, which incorporated Revision 3, Drainage Plan, for the proposed spa.*

B) *The revised plans shall, prior to submittal to the Executive Director, be reviewed and certified by a qualified professional to ensure that they are consistent with the Commission's approval and with the recommendations of any required technical reports [Please see Special Condition Four].*

C) *The permittees shall undertake development in accordance with the final plans approved by the Executive Director. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.*

On August 21, 2001 the applicant submitted a new application, 5-01-334 501 Paseo De La Playa, Redondo Beach (Los Angeles County) for an 86 square foot extension of the first floor bedroom of the existing 3,152 square foot single family residence. Within a day or two, the applicant verbally contacted the Commission office in Long Beach requesting that the application be withdrawn based

on his action of requesting a reconsideration for application #5-01-018. The applicant was informed that the "withdraw" request must be submitted in writing. The request for reconsideration was filed on August 23, 2001 along with new information regarding the amount of fill that was on the applicant's property (Exhibit #1). A new geological report based on additional boring samples was provided with the reconsideration request (Exhibit #1 and #3). The written "withdraw" request for the new application has not been submitted pending the decision on the reconsideration.

B. Grounds for Reconsideration

Pursuant to Section 30627 (b)(4) of the Coastal Act, the Commission has the discretion to grant or deny requests for reconsideration. Section 30627(a)(2) states that the Commission shall develop procedures for deciding whether to grant reconsideration of any "term or condition of a coastal development permit" that has been granted, and shall follow those procedures in making that decision.

The applicant requests "under the 30-day discovery of new information, a review of the prior hearing and corrected staff report."<sup>1</sup> In a subsequent letter, also filed within the 30-day deadline for reconsideration requests, the applicant lists alleged "errors in the last staff report of July 27, 2001," and requests that they be corrected.<sup>2</sup> The Commission interprets these two letters to collectively constitute a request for reconsideration of all of the terms and conditions of the prior permit.

Section 30627 (b)(3) states in relevant part that the valid bases for a request for reconsideration include (1) "that an error of fact or law has occurred that could alter the Commission's initial decision" or (2) that there is "relevant new evidence that, in the exercise of reasonable diligence, could not have been presented at the original hearing on the matter". If the Commission votes to grant reconsideration, it will consider the permit application as a new application at a subsequent hearing.

C. Issues Raised by the Applicant

1. *Error of Fact*

The applicant asserts that the Commission has committed error[s] of fact under the Coastal Act that could alter the Commission's decision. The applicant contends that the Commission committed an error of fact by concluding, inaccurately, that the bluff top was located at the edge of the applicant's existing home, when in fact, it is really approximately 30 feet seaward of the applicant's existing home. The applicant asserts that this could have changed the Commission's decision with respect to Special Condition 1-7 in that, had the Commission known that the top of the bluff was beyond the area proposed for development, it would not have been necessary to require revised plans, or the relocation or elimination of certain structures. The applicant asserts that there is no "Assumption of Risk". The proposed development is not on the bluff face therefore there is no geologic, flood or fire hazard or risk to life and property. The applicant asserts that with the correction of the top of bluff, special conditions 3, 4 and 5 will not be necessary. The applicant asserts that special condition #6 is

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<sup>1</sup> Reconsideration Request from Robert Conger to Pam Emerson (August 22, 2001) See Exhibit #1.

<sup>2</sup> Electronic mail message from Robert Conger to Melissa Stickney (September 2, 2001) See Exhibit #2.

in error, there will be no planting on the bluff slope. The applicant asserts that Erosion and Drainage Control are not an issue. The proposed project will improve drainage, directing it to the street not the swale and the proposed project is removing fill dirt. Drainage has been incorporated into the plans; there is no erosion during construction. The applicant asserts that Special Conditions 1 – 7 are errors made by the Commission based on the incorrect determination of the bluff top.

**2. *New Evidence***

The applicant asserts that relevant new evidence exists that, in the exercise of reasonable diligence, could not have been presented at the original hearing on this matter, on August 7, 2001. The new evidence offered by the applicant is evidence that the material under the house is fill, and relates to the alleged error of fact listed above. The applicant claims that this evidence could not, with reasonable diligence, have been presented at the August 7, 2001 hearing because the applicant could not have known that such evidence would be relevant to the Commission's decision.

**D. Analysis**

**1. *Error of Fact***

Upon reviewing the new information that the applicant provided, Commission staff concurs that the Commission made an error in determining the location of the bluff top. The staff agrees that the planned house and yard improvements are not proposed on the bluff face as the Commission previously had found. Commission also agrees that this error could have changed the Commission's decision to impose the requirement for revised plans in Special Condition 1. Commission staff does not agree that the Commission made an error in imposing Special Conditions 2 – 7.

**2. *New Evidence***

Staff concurs with the applicant that the new information illustrating the significant amount of fill under the applicant's existing home constitutes new evidence that could not have been presented at the prior hearing. The original staff report did not specifically say that the amount of fill under the existing home could be a determinant of where the bluff edge is located. A subsurface exploration study was not considered crucial. However, during the hearing, the amount of fill was mentioned by staff. The Commission's staff geologist then explained that the bluff edge should be determined by the current configuration of the bluff and the Commission adopted this recommendation. However, the Commission's geologist also stated:

*An exception may be in the case where there has actually been fill added near the edge of a coastal bluff, in which case this fill really has very little affect on the bluff face, itself. In that case, I believe that it is probably appropriate to leave the bluff edge determination where it was; however, if there has been a cut into the bluff edge, rather than trying to extrapolate where a bluff edge, hanging out in space might be, I believe it is appropriate to apply the previous definitions to the current configuration of the bluff edge.*

The applicant asserts that the reference used by the Commission senior staff geologist, for determining the current "top-of-bluff" was not fully understood by the applicant and was not fully explained in the staff report. Therefore, the applicant was unable to correctly address the question of where the top of bluff is located when fill has been placed onsite. In the request for reconsideration, the applicant states in part,

*Now that we understand what reference Mark Johnsson, senior staff geologist, is using for his determination, we are able to correctly address his definition....the new borings and test pit clearly identify that there is significant fill upon which the house pad is built. The cut slope, on the south portion of the flat area, provided for the slope of the swale and water run-off. The two level fill pad by our prior estimate and Mark's definition then properly places the "Historic Top of the Bluff", previously defined since the 1960, as the correct definition.*

In this case, the events that took place during the hearing were confusing to the applicant because how the bluff top determination would be made in cases where fill has been placed onsite was not fully explained in the staff report. Thus, although the applicants exercised due diligence, they were not able to provide the pertinent information needed to enable the Commission to make a correct decision.

Where an applicant for reconsideration meets the threshold requirements of alleging potential errors of fact or law that could alter the Commission's decision or relevant new evidence that could not, in the exercise of reasonable diligence, have been presented at the original hearing, the Commission has discretion to grant reconsideration. For the reasons explained above, the applicants have made the required showing. In this situation, a second hearing on the applicant's application would allow the Commission to more fully consider the location of the proposed development in relation to the bluff top based on complete and accurate information. Thus, reconsideration appears warranted to provide the Commission with an adequate opportunity to consider the actual conditions at the project site.

E. Conclusion

The applicant's request for reconsideration of the terms and conditions of the permit is granted in light of the conclusions above. A new hearing on the application will be scheduled for November meeting.





Robert and Nancy Conger  
501 Paseo de la Playa  
Redondo Beach, CA 90277  
(310) 373-9867  
Office: (310) 726-4100

COASTAL COMMISSION  
5-01-018, R  
EXHIBIT # \_\_\_\_\_  
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August 22, 2001

California Coastal Commission  
South Coast Area  
200 OceanGate, 10<sup>th</sup> Floor  
Long Beach, CA 90802  
Tel: (562) 590-5071  
Fax: (562) 590-5084

COASTAL COMMISSION  
CALIFORNIA

AUG 23 2001

South Coast Region

RECEIVED

Permit Number: 5-01-018

Reference: Staff Report of May 18, 2001, Historical "Top-of-Bluff"/New Soils Report

Attention: Pam Emerson

Attached is the new Supplemental Geotechnical Engineering Report from Coastline Geotechnical Consultants, Inc. Now that we understand what reference Mark Johnson, senior staff geologist, is using for his determination, we are able to correctly address his definition. Per the attached report, the new borings and test pit clearly identify that there is significant fill upon which the house pad is built. The cut slope, on the south portion of the flat area, provided for the slope of the swale and water run-off. The two level fill pad by our prior estimate and Mark's definition then properly places the "Historic Top of the Bluff," previously defined since the 1960, as the correct definition. Unfortunately the prior staff member misinterpreted the cut slope and relabeled our engineer's drawings redefining a new top of bluff. This obviously lead Mark to believe there was a reason to support the redefinition.

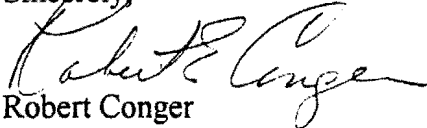
I have sketched two views of the subject area based on this latest report. The upper view is a side (elevation) view showing the top of the slope at elevation of 120' and the site inland. This shows 8' of fill toward our southern portion of the lot that our second floor is positioned on and 3' of fill at our first floor level. I have also shown that our neighbor's grade is 31/2' below our first floor with a retaining wall between our properties. The second view is a frontal view looking into our property from the top of the bluff, showing the approximate location of the latest boring and test pit with the associated fill. Thus our original assertion that the "Historic Top of the Bluff" is the correct definition.

With this new information, I am requesting, under the 30-day discovery of new information, a review of the prior hearing and corrected staff report. It is clear that the top of the bluff is completely seaward of all the construction relative to our application. Further, there are a number of details in the most current staff report (mainly carry-overs from the prior report) that are in error. If you desire I will detail those, though as we know virtually all of the issues

center around the definition of the top of the bluff. There are no engineering, bluff, stability, view or habitat issues.

I would appreciate your quick review of the facts and attached report. I believe this should correct the staff's prior improper recommendations. Please let me know how we need to proceed at this time. I certainly do not desire to have one of the time issues to cause us to default on our ability to seek correct redress.

Sincerely,

  
Robert Conger

Enc.: 2ea. Supplemental Geotechnical Engineering Report  
2ea. Illustrative drawings of the elevation and frontal views based on the engineering report

cc: Lurie, Zepeda, Schmalz & Hogan

COASTAL COMMISSION  
5-01-018R

EXHIBIT # 1  
PAGE 2 OF 8

# COASTLINE GEOTECHNICAL CONSULTANTS, INC.

CONSULTING GEOTECHNICAL ENGINEERS

5 W. 178TH STREET  
GARDENA, CALIFORNIA 90248-3202

Tel. (310) 217-1504  
Fax (310) 217-1909

August 21, 2001

Project No. 1601C-071

Mr. and Mrs. Robert Conger  
501 Paseo de la Playa  
Torrance, CA 90501

COASTAL COMMISSION

5-01-08R /

EXHIBIT #

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**Subject:** Supplemental Geotechnical Engineering Report  
Proposed Spa, Deck and Exterior of House  
501 Paseo de la Playa  
Torrance, California

**X Reference:** Geotechnical Engineering Investigation Report  
Proposed Spa, Deck and Exterior of House  
501 Paseo de la Playa  
prepared by Coastline Geotechnical Consultants, Inc.  
dated August 8, 2000

Dear Mr. and Mrs. Conger:

At your request, a representative of this office further inspected the property, and excavated two borings and one test pit at the above mentioned site on August 1 and 3, 2001. The purpose of this study was to determine natural grade and depths of fill, and to determine the estimated limits of cuts and fills needed to create the existing property, and to update our previous geotechnical report.

### Description of Site

The subject site is a rectangularly shaped parcel, measuring approximately 50 to 75 feet wide by 390 to 400 feet deep, situated on the west side of Paseo de la Playa in the City of Torrance. The property is occupied by a single family, two story residence. A level building pad has been created on the bluff which naturally descends to the north and west. Beyond the west (rear) concrete patio, a combination fill over cut slope descends at 26° for a height of about 10 feet, to a gunite drainage swale and bench.

Minor to moderate amount of fill was placed to create a level building pad, and a cut west of the pad was made to construct the drainage swale, and for equipment access.

Proposed Development

It is understood that the proposed construction will consist of the extension of the existing residence, a deck and spa.

No grading is anticipated.

Conclusions

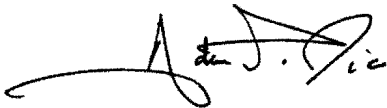
Based on the recent findings from our active test pit and two borings to determine natural topography and depths of fill, it is concluded that the lot has been cut from its pre-existing natural grade, and filled with a minor to moderate amount of silty sand. This gives the site a "terraced" look from the southern residences toward its northern residences. Please refer to Plate 1 for test excavation locations and Plates 2 through 4 for a description and depth of existing material.

Remarks

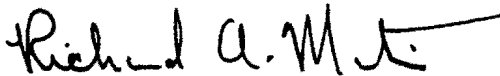
This update and findings of a prior investigation were made in accordance with generally accepted engineering procedures and included such observations and document review considered necessary given the circumstances. In the opinion of the undersigned, the accompanying report has been substantiated by mathematical data in conformity with generally accepted engineering principles and presents fairly the information requested. No other warranty expressed or implied is made as to the professional advice included in this report.

Respectfully submitted,

COASTLINE GEOTECHNICAL CONSULTANTS, INC.



Adam F. Dia



Richard A. Martin, RGE 563

RAM/AFD/jm

(3) Addressee

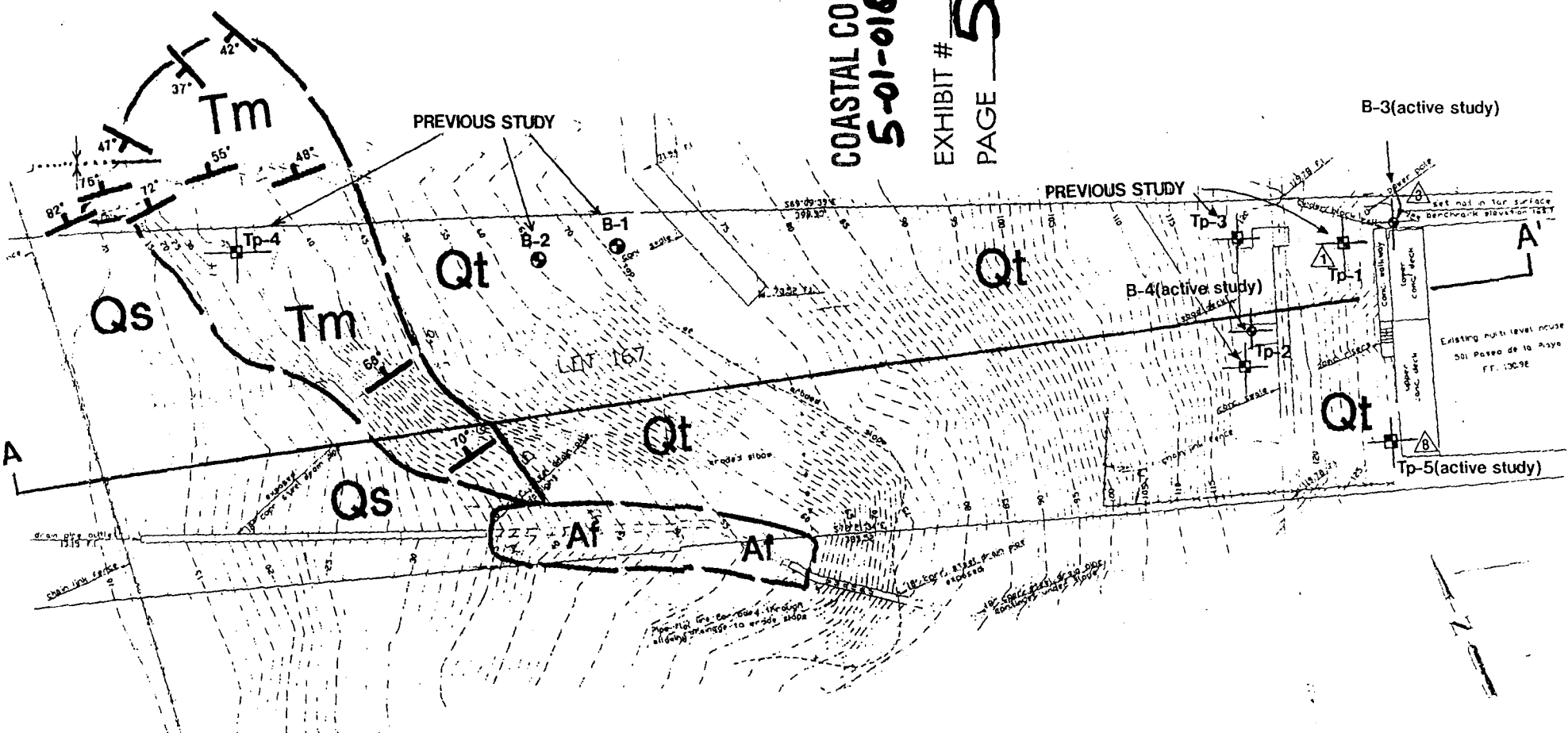


COASTAL COMMISSION

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**EXPLANATION**

- Qs - Beach Sand
- Tm - Malaga Mudstone
- Qt - Terrace Deposits
- Af - Fill
- ⊕ - location of test pits
- ⊙ - location of borings
- ~ - geologic contact
- 35° - strike and dip of bedding (Tm)
- ∩ - apparent fold
- A-A' - geologic cross section
- ⊕ - depths of fill

<b>SOILS INVESTIGATION</b> 501 PASEO DE LA PLAYA, TORRANCE, CA		
SCALE: 1" = 20'	APPROVED BY:	DRAWN BY AFD
DATE: JUL 00		REVISED AFD
<b>COASTLINE GEOTECHNICAL CONSULTANTS</b>		
PROJECT NO. 1601C-071		DRAWING NUMBER 1

**SUMMARY OF TEST PIT NO. 5**

Date: 8/1/01

Elevation: 128

Dry Density (Pcf)	Moisture (% Dry Wt.)	Samples U B	Depth (Ft.)	Description	Color	Consistency
				FILL: SAND-slightly silty, slightly moist, f-c grain, porous, upper 1.0' roots-roots	Dark Brown	Dense
			5	hand auger started		
				NATURAL SOIL: SAND-slightly silty, damp, f-m grain, slightly porous	Brown	Dense-Very Dense
			10	SAND, damp	Tan	
				SAND-slightly silty	Dark Brown-Brown	
				DUNE SAND(Qt): SAND-slightly silty, m-c grain, porous, weathered	Moderately Tan-Tan	Very Dense
			15	Total Depth 13.5 Feet No Caving No Groundwater Hand Auger Administered @ 6.0 Feet	<b>5-01-018R</b> <b>COASTAL COMMISSION</b>	
					EXHIBIT # <u>1</u>	
					PAGE <u>6</u> OF <u>8</u>	

Geotechnical Engineering Investigation  
501 Paseo de la Playa  
Torrance, California

Project No. 1601C-071

Plate 2

**COASTLINE GEOTECHNICAL CONSULTANTS**

# SUMMARY OF BORING NO. 3

Date: 8/3/01

Elevation: 126

Drive Energy (Kip-Ft.)	Dry Density (Pcf)	Moisture (% Dry Wt.)	C B Samples	Depth (Ft.)	Description	Color	Consistency
					FILL: SAND-slightly silty, slightly moist, f-c grain, porous, upper 1.0' roots-rootlets	Dark Brown	Dense
				5	NATURAL SOIL: SAND-slightly silty, damp-slightly moist, f-m grain, porous	Brown	Dense
						Tan-Brown	Very Dense
					DUNE SAND(Qt): SAND, damp, f-c grain, porous, slightly weathered	Tan	Dense
				10	Total Depth 9.5 Feet No Caving No Groundwater		
				15			
				20			

**5-01-018R**  
**COASTAL COMMISSION**

EXHIBIT # 1  
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Geotechnical Engineering Investigation  
501 Paseo de la Playa  
Torrance, California

Project No. 1601C-071

Plate 3

**COASTLINE GEOTECHNICAL CONSULTANTS**

# SUMMARY OF BORING NO. 4

Date: 8/3/01

Elevation: 120

Drive Energy (Kip-Ft.)	Dry Density (Pcf)	Moisture (% Dry Wt.)	C B Samples	Depth (Ft.)	Description	Color	Consistency
					NATURAL SOIL: SAND-slightly silty, damp, m-c grain, rootlets	Dark Brown-Brown	Dense
					↓		
					DUNE SAND(Qt): SAND, damp, f-c grain, porous	Tan	Very Dense
				5	Total Depth 5.0 Feet No Caving No Groundwater		
				10			
				15			
				20			

**5-01-018R**  
**COASTAL COMMISSION**

EXHIBIT # 1

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Geotechnical Engineering Investigation  
501 Paseo de la Playa  
Torrance, California]

Project No. 1601C-071

Plate 4

**COASTLINE GEOTECHNICAL CONSULTANTS**



Robert and Nancy Conger  
501 Paseo de la Playa  
Redondo Beach, CA 90277  
(310) 373-9867  
Office (310) 726-4100

September 2, 2001

California Coastal Commission  
South Coast Area  
200 OceanGate, 10<sup>th</sup> Floor  
Long Beach, CA 90802  
Tel: (562) 590-5071  
Fax: (562) 590-5084

5-010018R  
COASTAL COMMISSION

EXHIBIT # 2  
PAGE 1 OF 4

Permit Number: 5-01-018

Attention: Melissa Stickney,

Per my discussion with Pam Emerson, I am forwarding this letter relative to errors in the last staff report of July 27, 2001. I realize that many of the misinformation and errors carried over from the staff report of May 30, 2001, but I would like to correct them again so they do not reappear.

You have received the Supplemental Geotechnical Engineering Report that substantiates that the "Historical Top of Bluff" is correctly defined and that our project is all inland of this line. I had also forwarded an illustration depicting the views so that the report, comments and photos previously supplied are easier for you and Pam to visualize. I have heard that your Geologist Mark Johnsson has contacted my geotechnical engineer and they have stated that my illustration does represent the data they have supplied. They of course can not stamp my illustration as theirs since I drew this as an illustration, not a detailed engineering drawing, and Mark does have their report of the detailed data.

As I have previously indicated, the Torrance Building Department has a designated "build line" on the properties south of us, starting three properties further south. According to the city, there is no build line on our property and none continuing northward as the bluff becomes more of a hillside.

I have sent letters on June 7, June 30, July 21, and August 22, 2001 all relating to the project and the past staff report information that was in error. Since we finally saw Mark's definition, we have now supplied him with the information that by his definition places the top of the bluff at the historic line and thereby places all of our project inland of the top of the bluff as we have previously asserted, and not in any manner touching the bluff slope.

Our project places retaining walls, spa and patio on the existing fill then places a useable wood deck on the flat area inland of the top of the slope, leaving the existing swale as is. The deck provides for useful yet protected area on the flat area.

As I discussed with Pam, the following items in the staff report are either incorrect, or no longer valid:

1. Pg1 Description includes only 350 sq. feet of addition on the rear of the house, with the balance on the street side including the conversion of 100sq feet of existing storage space into habitat living space. The other parts of the description when corrected will have the entire project inland of the top of the bluff.

Once rewritten, the new staff report should not require any of the conditions, since none of the project is on the bluff slope. The various exhibits with staff notes added to redefine the top of slope at the immediate rear of our house need to be corrected to place the top of the bluff back seaward to the correct location.

2. Pg4 Item 2. Assumption of Risk etc. should not apply. There is no additional risk then set by the Torrance Building and Safety Department for building on any hillside, including all of the Hollywood Rivera Section.

3. Pg5 Items 3, 4, and 5 again change with the correction of the top of bluff. Further, Torrance Building and Safety Department requires that all permit for the bluff home receive a Coastal Permit before issuing a building permit.

4. Pg6 We are reducing plantings on the fill portion and not performing any planting on the bluff slope.

5. Pg7 The project is removing fill dirt and drainage has been incorporated into the plans. There is no erosion during construction or upon completion.

6. Pg8 IV.A. Project Description There are 28 lots, not 27 on the top of the bluff. Beach access is nine lots North of our project. Our lot is .64 acres (27,780 sq. feet) with the top portion 60 feet wide. The lot runs approximately 100 feet from the street to the top of the bluff. The balance of the description should be corrected relative to the projects location inland of the top of the bluff. Further, the swale is located approximately 25 feet inland of the top of the bluff

7. Pg10 B. Top of Bluff The project is located inland of the top of bluff. There has been no safety or other activity on our lot or any to the north or even the three lots to the south. The only activity has been on the cliff further south that are much steeper. For this lot there is not a Safe Building Line as this lot, along with all those to the north, are treated as being on hillside, not cliffs. The build line starts on lot 164 and runs south. We have not located any information relative to an old sewer line, only the water drainage pipe located on an adjacent property in the 1960s.

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8. Pg11 All of Mark Johnson's comments have been addressed and the correct definition of the top of slope and its location have been satisfied since the house and project is on fill.

9. Pg13 C. Bluff Face Development All of our proposed project is inland of the top of the bluff. Thus most of the comments are relative to our project are changed. On page 14, 2<sup>nd</sup> par., six of the nine lots north of us have stairs and improvements on the bluff face. In the same paragraph, a comment made relative to the lot next to us on the north that the lot "was extensively graded in response to erosion". That is in error, as the lot was graded to improve the view. Subsequently, the owner was required to perform additional work after his next door neighbor complained.

In the 4<sup>th</sup> paragraph a comment is made that we will have a cantilevered wood deck – that is in error, as our deck will all be inland of the top of bluff and sit up 12 inches off the flat area. Virtually none of our project will be visible from the beach, as the wood deck is approximately 12 feet wide before the patio starts and the retaining walls for the patio and house are further behind that. There are a number of comments that are incidental to the issues, that will not be relevant since the top of the bluff is now correctly defined and all of our project is now correctly set as inland of the top of the bluff.

10. Pg16 2. Habitat Impacts We had given written permission for the State Fish and Wildlife Service to come on to our property to survey for the El Segundo Blue Butterfly. Our project has no impact on the habitat as all of butterfly habitat is at the lower edge of our property next to the beach. Any disturbance to their habitat would come from people on the beach. The USFWS staff, in prior discussions with us and others on the bluff, have stated that if we would assist them in the future to repopulate some of the buckwheat plants there would be nothing to inhibit us from future improvements on the slope. This would of course be some future plan they are attempting to work with the homeowners and the Coastal Commission. Bottom line is that our project has no impact on habitat.

In addition, per page 17, 3<sup>rd</sup> paragraph, our project will improve the drainage as the patio will have any water running to the street per our plans, where now any water runs to the swale, then is discharged lower down the slope through the neighbors slope drain pipe to the beach.

11. Pg17 Geologic Hazard Our project has no more "risk" than any hillside lot. As covered in our engineers reports and approved by the Torrance Building and Safety Department, our lot is "grossly stable" and all aspects have been approved in conformance with the engineering in the plan. The comment on page 19 3<sup>rd</sup> paragraph on the defective storm drain is on the neighbor's lot and we are encouraging them to repair the pipe that has been in the current condition for at least a dozen years.

Page 20-24 Assumption of Risk, ----- We are not in an area of "high geologic, flood and fire hazard or high risk to life and property. Our lot is a typical hillside that homes are built on everyday. Further, there have been no geologic issues with this property

since it was built in the mid-60s. Thus, there are no needs for further "Waivers or Indemnity since the City of Torrance has approved the project relative to all the standard compliance of Building and Safety.

12. Pg25 D. Previous Commission Actions in Project Area Missing from the list and discussion in the bluff activity completed earlier this year on Lot 169 that included a small patio and glass wind screen as well as stairs down the slope to the beach. Also again, the error in description of the lot adjacent to ours that was graded for view purposes then required modifying the grading on the slope by the Commission.

Should you require any further information or discussion please do not hesitate to contact me. As you know, this project has been in progress since 1999.

Sincerely,

Robert Conger

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PAGE 4 OF 4

**KEITH W. EHLERT**  
Consulting Engineering Geologist

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September 14, 2001

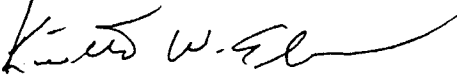
CONFIDENTIAL COMMUNICATION  
501-018R 3  
EXHIBIT # 3  
PAGE 1 OF 3

Mr. and Mrs. Robert Conger  
501 Paseo de la Playa  
Torrance, CA 90501

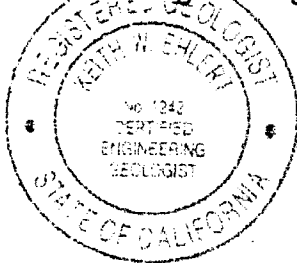
SUBJECT: ORIGINAL TOPOGRAPHY  
501 Paseo de la Playa  
Torrance, CA 90501

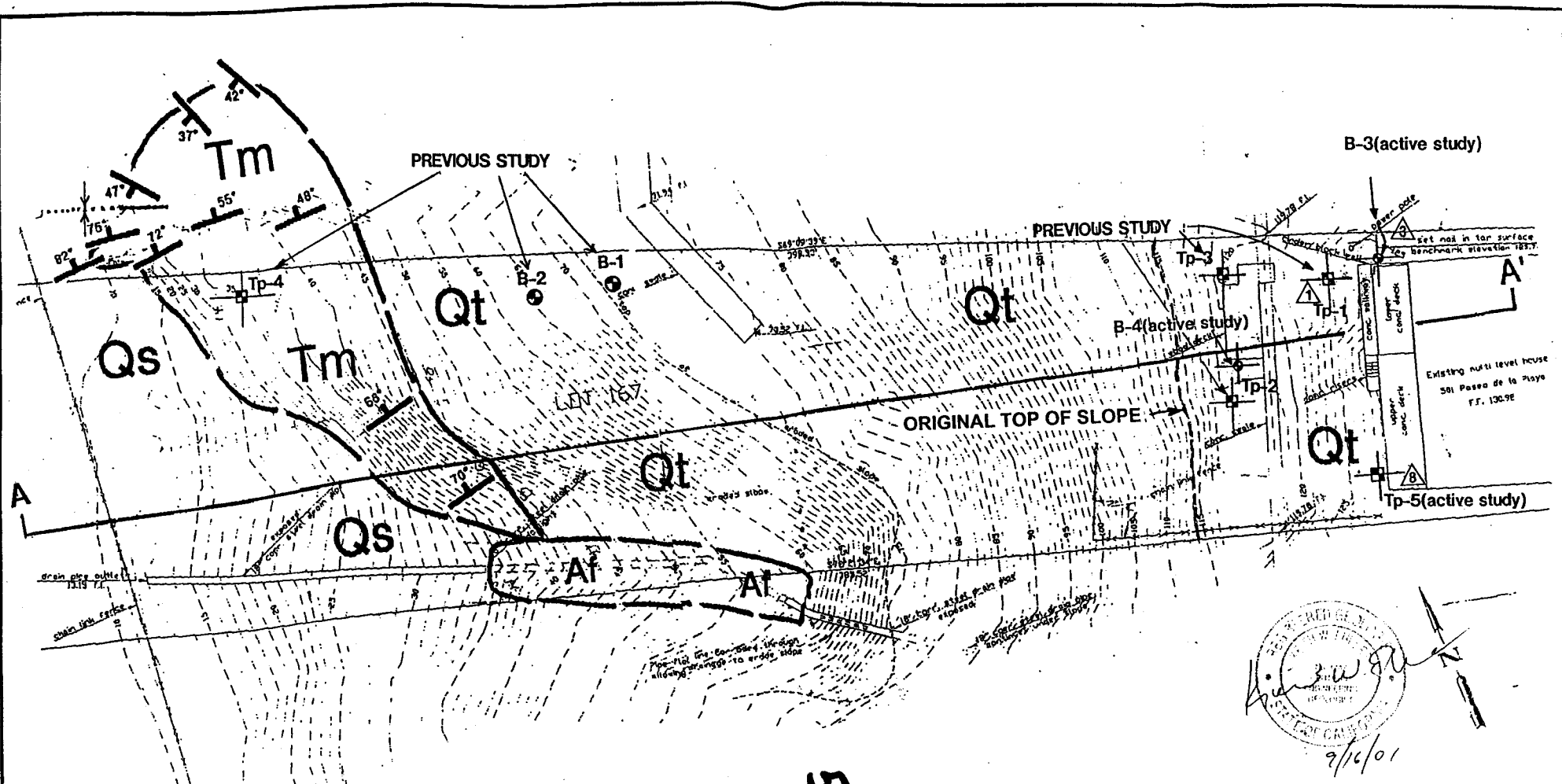
Attached are a map and cross section showing existing topography and our interpretation of topography as it existed prior to development of the site. This interpretation is based on subsurface data obtained from test pits and borings. Based on the data obtained, it is our opinion that the original "top of slope" prior to development of the site was located as indicated on Figures 1 and 2 (attached).

Respectfully submitted



Keith W. Ehlert  
Certified Engineering Geologist 1242





**EXPLANATION**

- Qs - Beach Sand
- Tm - Malaga Mudstone
- Qt - Terrace Deposits
- Af - Fill
- - location of test pits
- - location of borings
- - - - geologic contact
- 35° - strike and dip of bedding(Tm)
- ⋮ - apparent fold
- A A' - geologic cross section
- △ - depths of fill

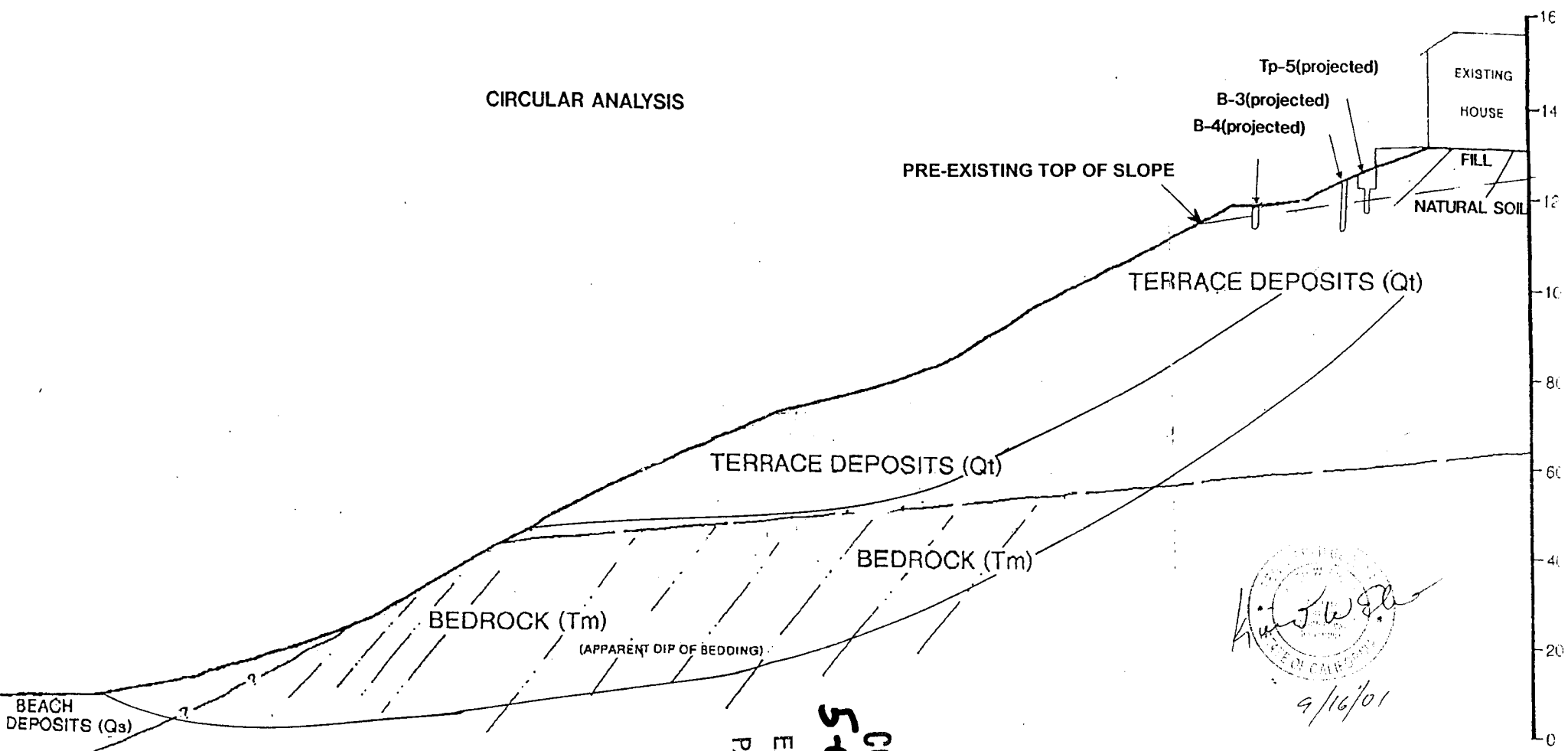
COASTAL COMMISSION  
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 5-01-01R  
 PAGE 2 OF 3

<b>SOILS INVESTIGATION</b> 501 PASEO DE LA PLAYA, TORRANCE, CA		
SCALE: 1" = 20' DATE: JUL 00	APPROVED BY:	DRAWN BY AFD REVISED AFD
<b>COASTLINE GEOTECHNICAL CONSULTANTS</b>		
PROJECT NO. 1601C-071		FIGURE 1

A

A'

### CIRCULAR ANALYSIS



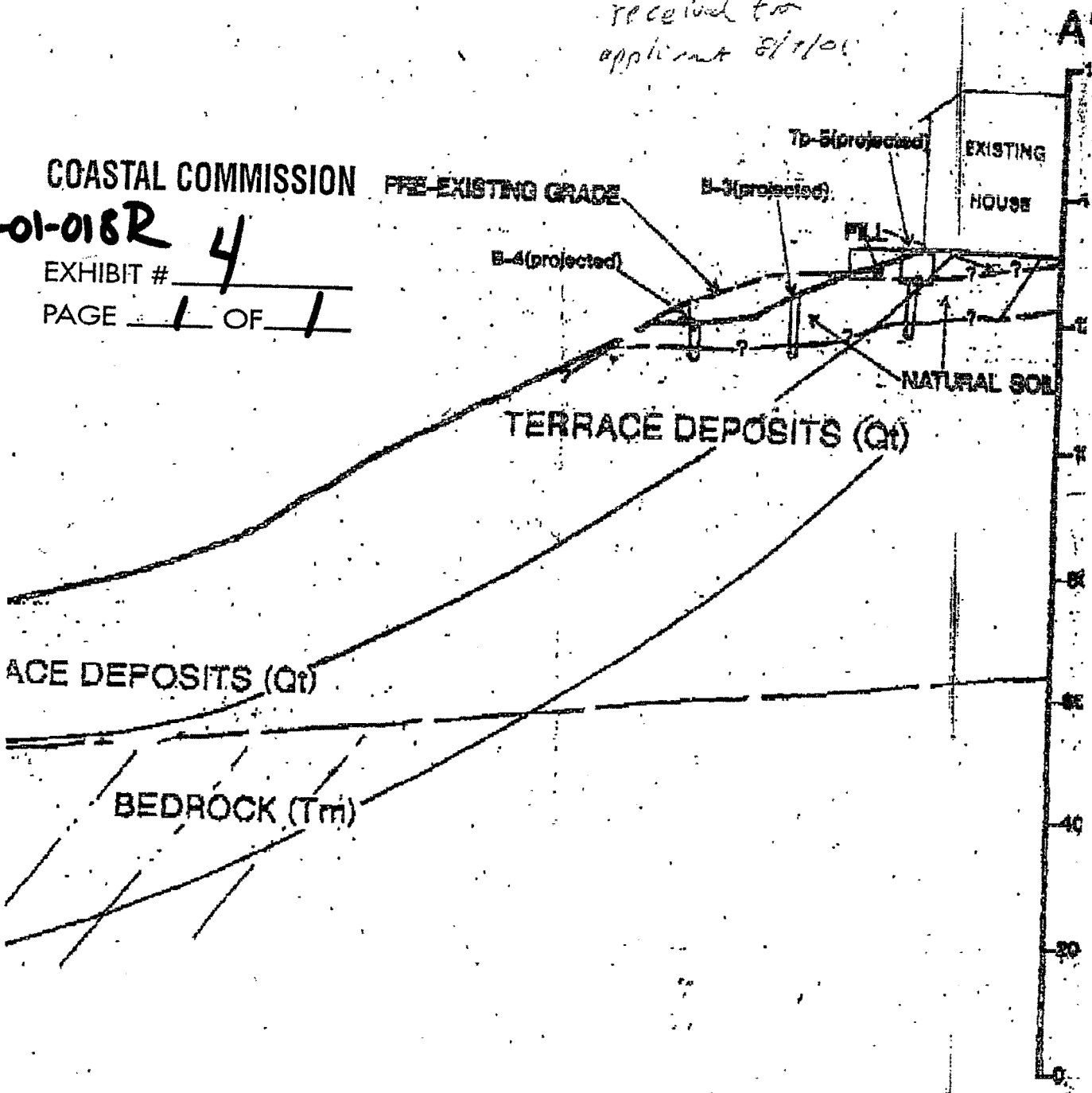
*[Signature]*  
 9/16/01

COASTAL COMMISSION  
 5-01-018R 3  
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 PAGE 3 OF 3

SLOPE STABILITY ANALYSIS 501 PASEO DE LA PLAYA, TORRANCE, CA		
SCALE: 1" = 20'	APPROVED BY:	DRAWN BY AFD
DATE: JULY 00		REVISED AFD
COASTLINE GEOTECHNICAL CONSULTANTS		
PROJECT NO. 1601C-071		FIGURE 2

*received for  
application 8/1/01*

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**5-01-018R**  
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 PAGE 1 OF 1



<b>SLOPE STABILITY ANALYSIS</b> 501 PASO DE LA PLAYA, TORRANCE, CA		
SCALE: 1" = 20'	APPROVED BY:	DRAWN BY: AFD
DATE: JULY 00		REVISED:
<b>COASTLINE GEOTECHNICAL CONSULTANTS</b>		
PROJECT NO. 1601C-071		DRAWING NUMBER 3



## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400



18 September 2001

COASTAL COMMISSION

5-01-018 R 5

EXHIBIT #

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## GEOTECHNICAL REVIEW MEMORANDUM

To: Melissa Stickney, Coastal Program Analyst  
From: Mark Johnsson, Senior Geologist  
Re: Conger Reconsideration (5-01-018)

In reference to the above application, I have reviewed the following documents in addition to those reviewed in my previous memorandum (of 12 July 2001):

- 1) Coastline Geotechnical Consultants, Inc, 2001, "Supplemental geotechnical engineering report, proposed spa, deck, and exterior of house, 501 Paseo de la Playa, Torrance, California," 2 page geotechnical letter report dated 21 August 2001 and signed by Adam Dia and Richard A. Martin (GE 563).
- 2) Keith W. Ehlert, Consulting Engineering Geologist, 2001, "Original topography, 501 Paseo de la Playa, Torrance, California 90501," 1 page geotechnical letter report dated 14 September 2001 and signed by Keith W. Ehlert (CEG 1242)

In addition, I have spoken with Mr. Dia several times via telephone, and have discussed with him the configuration of natural soils and artificial fills at the top of the bluff at the subject residence. I have visited the site, but have not directly observed the top of the bluff.

Reference (1) reports on three new borings that were performed in order to determine the extent of the artificial fill underlying the slope immediately seaward of the residence at the site. Two borings found 3 to 8 feet of fill overlying natural soils and marine terrace deposits. From these data, a geologic cross section was constructed and presented in reference (2). This cross section is not entirely consistent with the boring data: in particular, boring B-4 encountered no fill, but is shown as intersecting several feet of fill in the interpretive cross section. Nevertheless, the data in reference (1) do confirm the applicant's contention that the slope immediately seaward of the residence is primarily built up from artificial fill. There may well have been some cut involved at the top of the slope, but it is fair to say that the slope in question should be considered substantially a fill slope.

Accordingly, the "step-like feature" at the top of the coastal bluff was largely created by the placement of artificial fill, not by cutting into the natural bluff. I note that this is counter to the interpretation that I drew in my 15 July 2001 memorandum, which was based on statements in the Ehlert Consultant report dated 11 July 2000. The conclusion in my earlier memorandum that the edge of the coastal bluff lay at the top of the slope, essentially coincident with the wall of the residence was incorrect, based as it was on data that are shown by the new boring data to be incorrect. The actual bluff edge, then, should be taken as the break in the *natural* slope, beyond

which the gradient increases more or less continuously until it reaches the general gradient of the sea cliff (point indicated on the attached exhibit).

Please note that this interpretation of the edge of bluff is based entirely on the present topography and on the geologic materials making up the slopes. The historic bluff line identified on documents submitted by the applicant is not germane to an identification of the present bluff edge. Bluff edges change over time as the result of both natural and human processes.

All of the proposed development is landward of this point. The development lying between the residence and the bluff edge consists of a wooden deck and a spa; it is not uncommon for the Commission to approve such development adjacent to the bluff edge, within the structural setback zone for larger structures such as a residence.

I note that the previous geotechnical investigations, cited in my 12 July 2001 memorandum, did indicate that there is some surficial instability of the slope, largely associated with a defective storm drain that crosses the slope. Further, a steep coastal bluff such as this can be expected to be subject to soil creep. Accordingly, continued erosion of the bluff is to be expected. Therefore, I recommend that the permit be conditioned such that all of the approved development shall be removed if it becomes threatened by erosion. That is, no future bluff face or bluff top protective devices, such as retaining walls, should be permitted to protect the development.

I hope that this review has been helpful. Please do not hesitate to contact me if you have further questions.

Sincerely,

Mark Johnsson, Ph.D., CEG

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I. Resolution: Approval with Conditions

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 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Revised Plans

- A) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit revised plans to the Executive Director for review and approval. The revised plans shall show the following changes to the project:

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**COASTAL COMMISSION**

1. Show only development inland of the top of bluff on the plans and eliminate from plans all proposed development seaward of the top of the bluff.  
(a)

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2. Show the proposed living room and family room addition inland of the top of bluff at the rear of the existing single family residence.

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3. Relocate inland of the top of bluff or eliminate from plans the proposed patio area, spa, retaining walls, stairs and cantilevered wood deck.

4. Eliminate the previously revised plans, which incorporated Revision 3, Drainage Plan, for the proposed spa.

B) The revised plans shall, prior to submittal to the Executive Director, be reviewed and certified by a qualified professional to ensure that they are consistent with the Commission's approval and with the recommendations of any required technical reports [Please see Special Condition Four].

C) The permittees shall undertake development in accordance with the final plans approved by the Executive Director. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**2. Assumption of Risk, Waiver of Liability and Indemnity**

A) By acceptance of this permit, the applicants acknowledge and agree: (i) that the site may be subject to hazards from landslide, bluff retreat, erosion and/or earth movement, (ii) to assume the risks to 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 applicants shall execute and record a lease restriction, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. The lease restriction shall include a legal description of the applicants' entire parcel. The lease restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This lease restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

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**3. No Future Protective Device**

- A) By acceptance of this permit, the applicants agree, on behalf of themselves and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the subject property approved pursuant to Coastal Development Permit 5-01-018, including future improvements, in the event that the property is threatened with damage or destruction from erosion, landslide, waves, storm conditions or other natural hazards in the future. By acceptance of this permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- B) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record a lease restriction in a form and content acceptable to the Executive Director, which reflects the above restriction on development. The lease restriction shall include a legal description of the applicants' entire parcel. The lease restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This lease restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**4. Conformance of Plans to Recommendations and Requirements**

- A) All final design and construction plans shall meet or exceed all recommendations and requirements contained in Geological Investigation Report No. 4705-00 prepared by Keith W. Ehlert, Consulting Engineering Geologist, dated July 11, 2000, Geotechnical Engineering Investigation Report No. 1601C-070 prepared by Coastline Geotechnical Consultants, Inc. dated August 8, 2000, Wave Impact Study prepared by Skelly Engineering dated March 2000 and the requirements of the City of Torrance, Department of Building and Safety, to the extent that they are consistent with the conditions imposed by the Commission.
- B) The permittees 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 of this coastal development permit unless the Executive Director determines that no amendment is required.

**5. No future improvements without a coastal development permit.**

A. This permit is only for the development approved in Coastal Development Permit 5-01-018. Pursuant to Title 14 California Code of Regulations, section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the portions of the parcel located between the westerly wall of the single family house approved in this permit 5-01-018 and the westerly property line. Accordingly, any future improvements located on the subject portion of the parcel, except for a property line fence, and landscaping installed pursuant to a landscaping

plan approved pursuant to condition 6 below, but otherwise including, but not limited to repair and maintenance and/or the installation or removal of ground cover or landscaping identified as not requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), which are proposed within the restricted area shall require an amendment to Permit 5-01-018 from the Commission or shall require an additional coastal development permit from the Commission..

**B. Prior to Issuance of the Coastal Development Permit**, the applicant shall execute and record a lease restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The lease restriction shall include legal descriptions of both the applicant's entire parcel and the restricted area. The lease restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This lease restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**6. Landscape Plan**

**A. Prior to issuance of a Coastal Development Permit**, the applicant shall submit a landscaping plan prepared by a professionally licensed landscape architect or resource specialist, for review and approval by the Executive Director. The plan shall include, at a minimum, the following components: a map showing the type, size, and location of all plant materials that will be installed on the previously disturbed portions of the site: the areas around the house and on and above the bench shown in Exhibit 3.

(a) On the portion of the lot disturbed by the approved construction, the applicant shall employ only low water use plants. The applicant shall not install invasive plants listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996, those listed in the "Ocean Trails Invasive Plants list" and those plants identified by the United States Fish and Wildlife Service as having potentially negative effects on the Malaga Cove habitat (notably *Eriogonum fasciculatum*.)

(b) The applicants shall not direct drainage or irrigation from the addition onto the bluff face, or stockpile or store equipment on the bluff face or beach.

**C.** 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.

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7. Erosion and Drainage Control

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 and drainage control.

1) Erosion and Drainage Control Plan

(a) The erosion and drainage control plan shall demonstrate that:

- During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties, the beach, and the bluff face.
- The following temporary erosion control measures shall be used during construction: temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible.
- Permanent erosion and drainage control measures shall be installed to ensure the stability of the site, adjacent properties, and public streets.
- All roof drainage from the addition

(b) The erosion control plan shall include, at a minimum, the following components:

- 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.
- A site plan showing the location of all temporary erosion control measures.
- A schedule for installation and removal of the temporary erosion control measures.
- A written review and approval of all erosion and drainage control measures by the applicant's engineer and/or geologist.
- A written agreement indicating where all excavated material will be disposed and acknowledgement that any construction debris disposed within the coastal zone requires a separate coastal development permit.

The permanent site drainage control plan shall demonstrate that:

- Run-off from the project shall not increase the sediment or pollutant load in the storm drain system above pre-development levels.
- Run-off from all roofs, patios, driveways and other impervious surfaces on the site shall be collected and discharged to avoid ponding and/or erosion either on or off the site.

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- (d) The drainage control plan shall include, at a minimum, the following components:
- The location, types and capacity of pipes, drains and/or filters proposed.
  - A schedule for installation and maintenance of the devices.
  - A site plan showing finished grades at two-foot contour intervals and drainage improvements.

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- (e) These erosion and drainage control measures shall be required to be in place and operational on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from the runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriately approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

- (f) 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: stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles and/or mats, sand bag barriers, and/or silt fencing; and include temporary drains and swales and sediment basins. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**IV. Findings and Declarations**

The Commission hereby finds and declares:

**A. Project Description**

The project site is located within an existing residential area at 501 Paseo de la Playa, City of Torrance, Los Angeles County (Exhibit #1). The site is one of 27 lots on the bluff top between the first public road, Paseo de la Playa, and the sea. The adjacent blufftop lots have all been developed with single family residences. Torrance Beach, the beach seaward of the toe of the bluff is public. Vertical public access to this beach is available to pedestrians via public parking lots and footpaths located at the Los Angeles County Beaches and Harbors' "Torrance Beach Park" approximately one-quarter to one-half mile north of the project site (Exhibit #1).

The 23,400 square foot lot extends from the street down 120 feet in elevation to the 200-foot wide public beach (Exhibit #2). The top portion of the lot is approximately 50 feet wide, flat, and developed with an existing two-story single family residence. The flat part of the lot