

CALIFORNIA COASTAL COMMISSION

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Hearing Date: June 11, 2002
Commission Action:

**STAFF REPORT: PERMIT AMENDMENT****APPLICATION NUMBER:** 5-97-050-A1**RECORD PACKET COPY****APPLICANTS:** Mr. and Mrs. Jeff Prince**AGENT:** Anthony Frank Inferrera A.I.A. Architect**PROJECT LOCATION:** 417 Paseo de la Playa, City of Torrance, Los Angeles Co.**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED (5-97-050):**

Construction of a gunite jacuzzi with waterfall to include an adjacent landscaped area in the rear yard of an existing single-family residence located on a bluff top lot adjacent to a public beach.

DESCRIPTION OF AMENDMENT (5-97-050-A1):

Demolition of an existing two-story single family residence with an attached garage and construction of a 10,861 square-foot, 2-level single family residence and 3-car garage with mediterranean features. Existing pool and rear yard landscaping is to remain unchanged.

Lot Area	36,801 square feet
Building Coverage	9,110 square feet
Pavement Coverage	6,144 square feet
Landscape Coverage	17,500 square feet
Parking Spaces	3
Zoning	R-1
Plan Designation	Low Density Residential
Ht above existing grade	27 feet

LOCAL APPROVAL: City of Torrance Approval in Concept, 12/05/01.**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending approval of the proposed coastal development permit amendment with six special conditions that require the applicant to comply with geotechnical recommendations, provide an erosion and drainage control plan during and after construction, to not build any bluff protection devices and assume the risk of the proposed development. Special Condition 6 carries forward the previously imposed special conditions. The motion to carry out the staff recommendation is on **page 2**.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Torrance Land Use Plan, certified with suggested modifications 1981.
2. Coastal Development Permits 5-97-050 (Kreag), 5-99-456 (Conger), 4-99-211 (Lever), 5-00-228 (Hopkins), 5-01-409 (Conger).
3. *Limited Soil Engineering Investigation and Report for Proposed New Two-Story Residential Building Development at 417 Paseo De La Playa, Redondo Beach, California, (Project No. 020734) prepared by T.I.N. Engineering Company dated February 22, 2002.*
4. *Wave Runup and Coastal Hazard Study, 417 Paseo De La Playa, Redondo Beach, CA, prepared by Skelly Engineering dated May 2002.*

PROCEDURAL NOTE

A. Coastal Development Permit Amendments

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The subject application is being forwarded to the Commission because the Executive Director has determined that the proposed amendment is a material change and affects conditions required for the purposes of protecting coastal resources or coastal access.

I. **MOTION, STAFF RECOMMENDATION AND RESOLUTION:**

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 5-97-050 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended 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. Assumption of Risk, Waiver of Liability and Indemnity

- A) By acceptance of this amended 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 AMENDED COASTAL DEVELOPMENT PERMIT,** the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed 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 deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. No Future Protective Device

- A) By acceptance of this amended 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 Amendment 5-97-050-A1, 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 AMENDED COASTAL DEVELOPMENT PERMIT,** the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed 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 deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. 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. 020734 prepared by T.I.N. Engineering Company, dated February 22, 2002 and Wave Impact Study prepared by Skelly Engineering dated May 2002 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.

4. Erosion and Construction BMPs

A) PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final drainage and runoff control plans. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

1) Erosion and Drainage Control Plan (Construction Phase)

- (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.
 - The erosion and drainage control plans shall show 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.
- (c) 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.
- (d) 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.

5. Drainage and Landscape Plans

A) PRIOR TO THE ISSUANCE OF THE AMENDED 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 areas disturbed due to construction: the areas around the house and the area between the house and existing rear yard development.

1) Landscape and Drainage Control

- (a) The landscape and drainage control plan shall:

- Conform to drainage plans submitted to the Coastal Commission in April 2002.
- Use efficient irrigation systems.
- Minimize to the maximum extent practicable the use of chemical pesticides, herbicides and fertilizers on all landscaped areas.
- 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 January 20, 1992, 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*.)
- 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.
- No irrigation, planting or excavation shall occur on the bluff face without an amendment to this coastal development permit.

B) Five years from the date of issuance of amended Coastal Development Permit No. 5-97-050, the applicant shall submit for the review and approval of the Executive Director, a monitoring report, prepared by a licensed biologist, landscape architect or qualified resource specialist, that certifies the on-site landscaping is in conformance with the landscaping plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species, plant coverage and an evaluation of the conformance of the resultant landscaping with the requirements of this special condition.

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

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.

6. Prior Conditions

Unless specifically altered by this amendment, all Regular and Special Conditions attached to coastal development permit 5-97-050 remain in effect (Exhibit 5).

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

On May 13, 1997, the California Coastal Commission approved Coastal Development Permit 5-97-030 for the construction of a gunite jacuzzi with a waterfall to include an adjacent landscaped area in the rear yard of an existing single-family residence located on a bluff top lot adjacent to a public beach. The original permit contained four special conditions (Exhibit 5) requiring the applicant to assume the risk of the development, acknowledge that the bluff face of this lot is located in an environmentally sensitive habitat area for the El Segundo Butterfly, plant only noninvasive plants and to record a deed restriction stating that the subject permit is only for the development described in the permit and any future improvements to the property will require a permit from the Coastal Commission.

The applicants are proposing to demolish the existing single family residence and construct a new 10,861 square-foot, 27-foot high (above existing grade), 2-level single family residence with an attached 3-car garage. The new home will be set back approximately 12 to 16 feet from the existing single family home, which brings the seaward wall of the new home in closer line with the adjacent home located south of the project site (Exhibit 6). The applicant proposes increased side and front yard setbacks providing an increased landscaped area from an existing 12,000 square feet to 17,500 square feet.

The project site is located within an existing residential area at 417 Paseo de la Playa, City of Torrance, Los Angeles County (Exhibit 1). The site is the northern most lot of the 28 lots on the bluff top between the first public road, Paseo de la Playa, and the sea. The adjacent bluff top 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", which is adjacent to and north of the project site (Exhibit 2).

The 36,801 square-foot lot extends from the street down approximately 60 feet in elevation to the 200-foot wide public beach (Exhibit 3). The top portion of the lot is approximately 118 feet wide, flat, and developed with an existing two-story single family residence. The flat part of the lot extends approximately 117 feet from the street to the top edge of the bluff, which is located approximately 34 feet seaward of the edge of the existing single family residence (Exhibits 3). The applicants do not propose any development below the most seaward point of the new home and propose to leave the existing rear-yard pool, jacuzzi and landscape unchanged (Exhibit 7, Photos 2&3).

B. Hazards

Section 30253 states in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Assumption of Risk, Waiver of Liability and Indemnity

Under Section 30253 of the Coastal Act new development in areas of high geologic, flood, and fire hazard may occur so long as risks to life and property are minimized and the other policies of Chapter 3 are met. The Coastal Act recognizes that new development may involve the taking of some 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/her property.

The existing single family residence lies on a sloping coastal bluff top lot. The geological and geotechnical engineering investigation reports and wave impact report state that the subject property is well suited for the proposed development. Although the wave impact report states a conservative estimate of bluff retreat of one-half foot per year, this speed is highly unlikely.

The applicants, however, commissioned these reports, and ultimately the conclusion of the report and the decision to construct the project relying on the report is the responsibility of the applicants. The proposed project, even as conditioned, may still be subject to natural hazards such as slope failure and erosion. The geological and geotechnical evaluations do not guarantee that future erosion, landslide activity, or land movement will not affect the stability of the proposed project. Because of the inherent risks to development situated on a coastal bluff, the Commission cannot absolutely acknowledge that the design of the new single family home will protect the subject property during future storms, erosion, and/or landslides. Therefore, the Commission finds that the proposed project is subject to risk from erosion and that the applicants shall assume the liability of such risk.

The applicants may decide that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. However, neither the Commission nor any other public agency that permits development should be held liable for the applicants' decision to develop. Therefore, the applicants are required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. The assumption of risk, when recorded against the property as a deed restriction, will show that the applicants are aware of and appreciate the nature of the hazards

which may exist on the site and which may adversely affect the stability or safety of the proposed development.

In case an unexpected event occurs on the subject property, the Commission attaches Special Condition 1, which requires the applicant to record a deed restriction whereby the owners and any future owners assume the risk of extraordinary erosion and/or geologic hazards of the property and accepts sole responsibility for the removal of any structural or other debris resulting from landslides, slope failures, or erosion on and from the site. A deed restriction is required to be executed by the applicant in order to assure that the restriction will be recorded on the property and run with the land.

Therefore, prior to issuance of the coastal development permit, the applicants shall record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restriction on development. The deed restriction shall include a legal description of the applicants' entire parcel. The deed 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 deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

Conformance of Plans to Recommendations and Requirements

Recommendations regarding the construction of the single family home and grading have been provided in reports submitted by the applicants. Adherence to the recommendations and requirements contained in these reports and named by the City of Torrance Department of Building and Safety is necessary to assure the stability of the permitted development. As conditioned, the development will assure stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way requires the construction of protective devices that would substantially alter natural landforms. Therefore, adherence to the recommendations and requirements, to the extent that they are consistent with the conditions imposed by the Commission, is necessary to ensure that the developments are consistent with Section 30253 of the Coastal Act.

Special Condition 3 requires the applicants to conform to the geological recommendations in Report No. 020734 and the recommendations in the wave impact report prepared for the site. According to Special Condition 3, the applicants shall also comply with the recommendations and requirements of the City of Torrance Department of Building and Safety that are not in conflict with this permit and the Commission's conditions.

Wave Impact Report

Section 30253 (1) states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Since coastal bluffs may be subject to flooding and wave attack, the Commission requires wave impact studies for bluff top development to assess the potential hazard from wave attack, flooding and erosion. The wave runup, flooding, and erosion hazard analyses should anticipate wave and sea level conditions (and associated wave runup, flooding, and erosion hazards) through the life of the development. For a 100 year structural life, that would be taking the 1982/83 storm conditions (or 1988

conditions) and adding in 2 to 3 feet of sea level rise. The purpose of this analysis is to determine how high any future storm damage may be so the hazards can be anticipated and so that mitigation measures can be incorporated into the project design.

The applicants have provided a Wave Runup Study for the subject property, as is consistently required by the Commission for shoreline development in southern Los Angeles County and Orange County. The Wave Impact Study for the subject property was prepared by Skelly Engineering and is dated May 2002.

According to the consultant, the site is on coastal bluff located at the southern terminus of the Santa Monica Littoral Cell. The Wave Runup Study states:

The net sand movement along this section of shoreline is to the north towards King Harbor. A groin is located about 1.5 miles to the north of the site and the Malaga Cove headland (Flat Rock Point) is located immediately to the south of the site. A review of aerial photographs over the past 40 years show little if any overall shoreline retreat. The shoreline is stabilized by the natural headland to the south, and the groin and harbor to the north. For the purpose of this analysis a very conservative estimate of the shoreline retreat rate is 0.5 feet per year (Exhibit 4, p.1).

The Wave Impact Study concludes that the proposed development and the base of the bluff will not be subject to hazards from flooding and wave runup during the life of the development (Exhibit 4, p.2-3). According to the report, the approximately 200-foot wide sandy beach provides adequate protection for the base of the bluff at the seaward property line of the site (Exhibit 4, p.1). The report states in part:

Over the vast majority of time wave runup will not reach the base of the bluff and will absolutely not reach the improvements on the property over the next 100 years...In conclusion, wave runup will not impact this property over the life of the proposed improvement. The proposed development will neither create nor contribute to erosion, geologic instability, or destruction of the site or adjacent area. There are no recommendations necessary for wave runup protection. The proposed project minimizes risks from flooding.

Although the toe of the bluff is not expected to be subject to wave damage, the Commission imposes Special Condition 1 for an "Assumption of Risk" agreement. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards. In addition, the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity from liability, through the requirement that a deed restriction be recorded. As conditioned, the Commission finds the proposed project is consistent with Section 30253 of the Coastal Act.

No Future Protective Device

The Coastal Act limits construction of protective devices because they increase beach erosion and negatively affect views. Under Coastal Act Section 30235, a protective device, such as a cliff retaining wall or seawall, must be approved if: (1) there is an existing principal structure in imminent danger from erosion; (2) shoreline altering construction is required to protect the existing threatened structure; and (3) the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply.

The Commission has generally interpreted Section 30235 to require the Commission to approve protection of development only for existing principal structures. The construction of a protective device to protect new development would not be required by Section 30235 of the Coastal Act. The proposed project involves the construction of a new single family residence and 3-car garage. In addition, allowing the construction of a protective device to protect new development would conflict with Section 30253 of the Coastal Act, which states that permitted development shall not require the construction of protective devices that would substantially alter natural landforms along bluffs.

The applicants do not propose the construction of any protective device to protect the proposed development. It is not possible to completely predict what conditions the proposed structure may be subject to in the future. The proposed development could require a protective device as a result of increased erosion of the bluff face. Consequently, it is conceivable the proposed structure may be subject to erosion hazards that could lead to a request for a protective device, such as a retaining wall, to support the development. The construction of such devices would represent a conflict with Section 30251, which protect the integrity of natural landforms.

The development is not subject to wave runup and flooding. Based on the information provided by the applicants, no mitigation measures, such as a seawall, are anticipated to be needed in the future. The coastal processes and physical conditions are such at this site that the project is not expected to engender the need for a seawall to protect the proposed development. There currently is a wide sandy beach in front of the proposed development that provides substantial protection of the toe of the bluff from wave activity. The proposed development would be located on top of the approximately 60-foot high bluff and would not be subject to wave runup or flooding hazards.

To further ensure that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act, and to ensure that the proposed project does not result in future increased bluff erosion and adverse effects to coastal processes, the Commission imposes Special Condition 2. Special Condition 2 requires the applicants record a deed restriction that would prohibit the applicants, or future landowner, from constructing a protective device for the purpose of protecting any of the development approved as part of this application. This condition is necessary because it is impossible to completely predict what conditions the proposed structure may be subject to in the future.

By requiring recordation of a deed restriction agreeing that no protective devices, including retaining walls, shall ever be constructed to protect the development approved by this permit, the Commission makes it clear that it's approval is based on the understanding the

proposed development will be safe from potential erosion and wave runup damage. Based on Special Condition 2, the Commission also requires that the applicants remove the structures if any government agency orders that the structures be removed due to erosion, wave runup or other hazards.

Section 30235 states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Seawalls have impacts on the sand supply of beaches, exacerbating erosional situations by increasing the rate of sand loss. Only as conditioned to require that no future protective devices will be installed can the Commission find that the development is consistent with Sections 30253 and 30235 of the Coastal Act. As conditioned, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act, which requires that permitted development shall minimize the alteration of natural landforms, and Section 30253, which requires that geologic and flood hazards be minimized, and that stability and structural integrity be assured.

C. Water Quality

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Erosion and Construction BMPs

A potential impact to habitat, as a result of any construction, is siltation of ocean waters due to unrestricted runoff and erosion. To prevent this and to assure protection of offshore waters, the Commission has imposed conditions to prevent erosion during construction and discharge of excess water over the face of the bluff or onto the beach and offshore waters. Special Condition 4 provides protection of offshore waters. The Commission requires, as has the City, that the applicant direct run off away from the bluff face and beach. As conditioned, the development is consistent with Sections 30230 and 30231 of the Coastal Act.

Drainage and Landscape

The applicant proposes to allow roof top drainage to permeate through the landscaped front and side yard areas before running into the street and the main storm drain system. Special Condition 5 requires the applicant to conform to the drainage plans as submitted. Special Condition 5 also requires the use of efficient irrigation systems and minimal use of chemicals and fertilizers. Using vegetation to control drainage and runoff is consistent with the marine resource policies of the Coastal Act.

Special Condition 5 also contains additional requirements for landscaping, i.e. no invasives permitted due to the risk of displacing native habitat that supports the El Segundo blue butterfly (*Euphilotes bernardino allyni*). The host plant known as Coastal Buckwheat (*Eriogonum Parvifolium*) for the El Segundo blue butterfly, an endangered species, is located in patches throughout the bluff face on many of the lots along Paseo de la Playa, especially seaward of the lower edge of cut slope. The United States Fish and Wildlife Service (USFWS) provided the Commission written notice of this discovery in 1995 (Letter, Gail Kobetich, 1995). Those plants identified by the United States Fish and Wildlife Service as having potentially negative effects on the El Segundo blue butterfly habitat are *Eriogonum fasciculatum* and should be avoided. Not allowing invasives on the subject lot will ensure that the El Segundo blue butterfly habitat is protected. Requiring drought tolerant vegetation only to be planted in landscaped areas will minimize the amount of water needed to maintain the vegetation growth.

As conditioned, the development is consistent with Sections 30230 and 30231 of the Coastal Act.

D. Environmentally Sensitive Area Habitat (ESHA)

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would

significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

As mentioned previously, coastal development permit (5-97-050) was issued for the development of a jacuzzi located inland of the top of the bluff within a grass landscaped backyard. The Commission required the applicant to acknowledge the environmentally sensitive habitat area and to plant non-invasive vegetation in the landscaped area adjacent to the jacuzzi (Exhibit 5). Adopted findings by the Commission stated in part:

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.

In this case, the applicant is not proposing any development other than replacing the single family home and garage with a new home and garage. The proposed home will be set back approximately 12-16 feet landward of the existing residential structure. The applicant contends that all other existing development and landscaping seaward of the new home will remain unchanged. The applicant has been made aware of the original permit (5-97-050) and reiterates that the proposed development does not impact the bluff face area. However, Special Condition 6 requires the applicant to adhere to all standard and special conditions of the original coastal development permit 5-97-050 (Exhibit 5). Moreover, Special Conditions 4 and 5 of this permit amendment prevents installation of invasive plants that may displace *Eriogonum parvifolium*, a food plant of the endangered butterfly, and assures that bluff face vegetation is protected from unrestricted runoff and erosion during and after construction. As conditioned, the development is consistent with Section 30240 of the Coastal Act.

E. Public Access and Recreation

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3. The proposed development is located between the sea and the nearest public road.

Section 30212 of the Coastal Act states, in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(2) adequate access exists nearby.

The proposed development is located within an existing fully developed residential community partially located between the sea and the first public road paralleling the sea. Torrance Beach, the beach seaward of the toe of the bluff is public. Public access through the privately owned residential lots in this community does not currently exist. However, adequate public access to Torrance Beach is available via public parking lots and footpaths at Redondo Beach located adjacent to and north of the project site (Exhibit 2). The proposed development will not result in any adverse impacts to existing public access or recreation in the area. Therefore, the Commission finds that the project is consistent with the public access and recreation policies of the Coastal Act.

F. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program, 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 this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.*

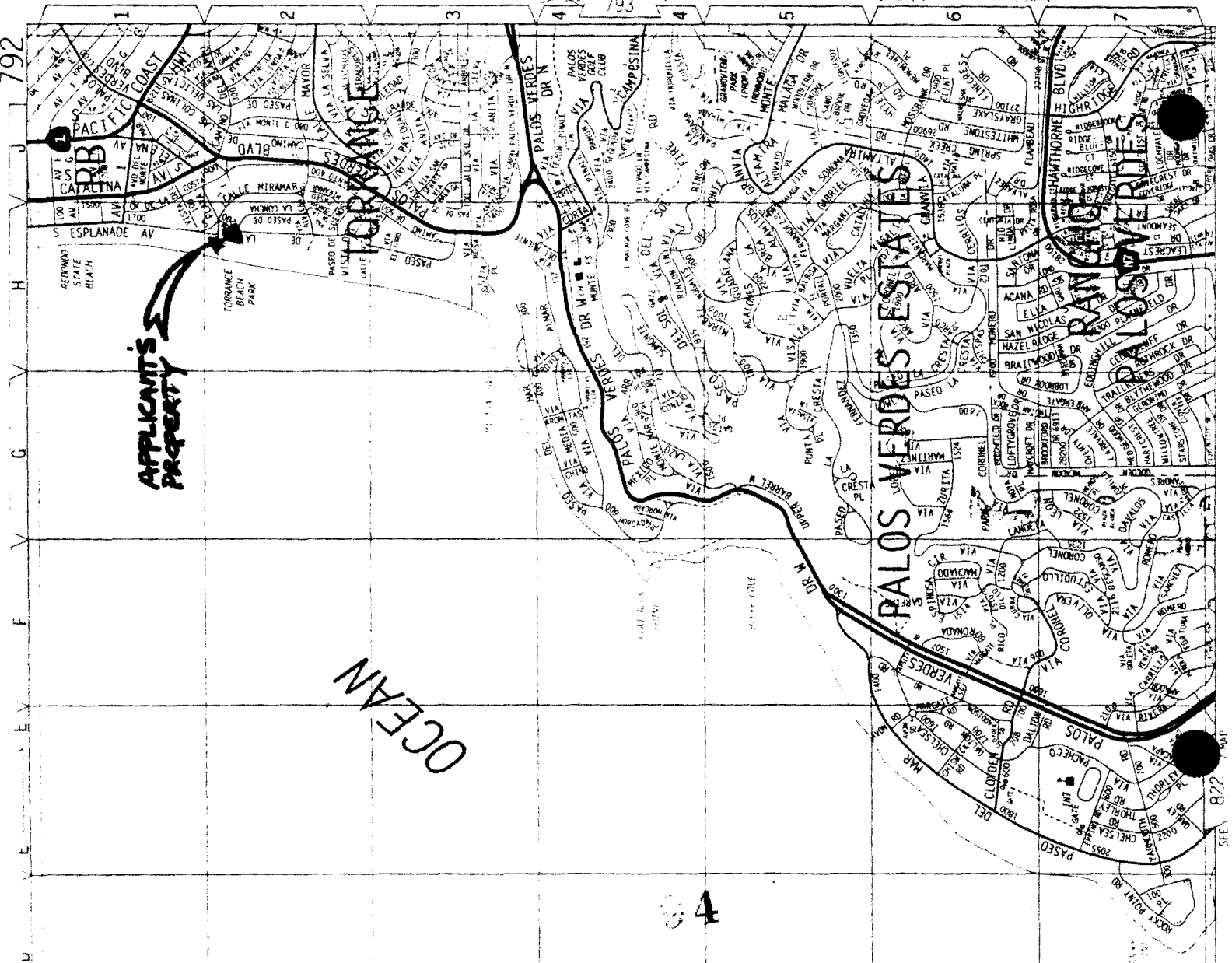
On June 18, 1981, the Commission approved with suggested modifications the City of Torrance Land Use Plan (LUP). The City did not accept the modifications and the certified LUP, which was valid for six months, has lapsed. The major issues raised in the LUP were affordable housing, bluff top development 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 City of Torrance certified 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 Chapter 3 policies of the Coastal Act, as required by Section 30604(a).

G. California Environmental Quality Act

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect that the activity may have on the environment.

The project, as conditioned, minimizes impacts to the bluff top. The project, as conditioned, allows all proposed development, which is inland of the top of bluff. The proposed project, as conditioned, has been found consistent with the public access, water quality and natural hazard policies of Chapter 3 of the Coastal Act. All adverse impacts have been minimized and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.



APPLICANT'S PROPERTY

OCEAN

PACIFIC

RECEIVED
South Coast Region

MAR 25 2002

CALIFORNIA
COASTAL COMMISSION

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EXHIBIT # 1
PAGE 1 OF 1
5-97-050-A1

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EXHIBIT # 1
PAGE 1 OF 1
5-97-050-A1

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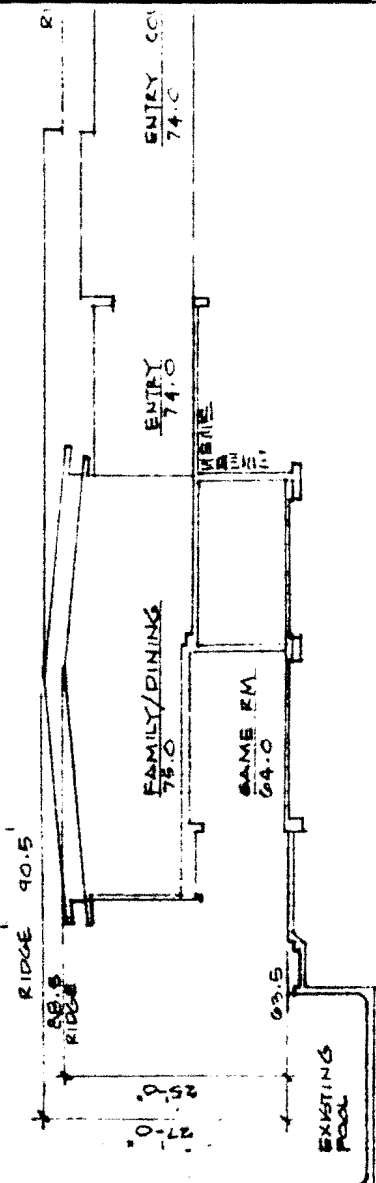
PROJECT SITE

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ESTES, BOERSON

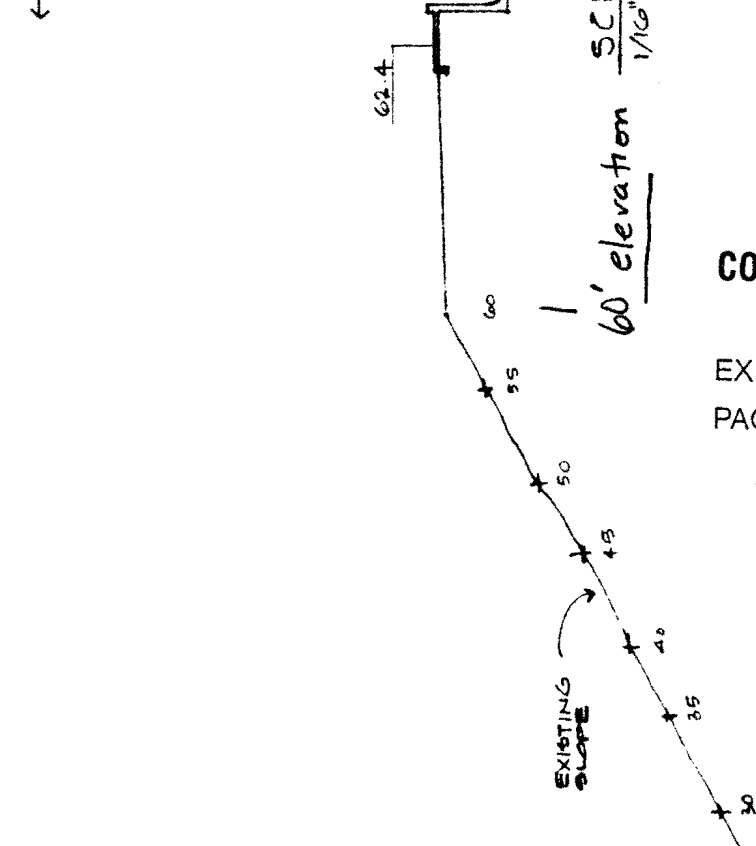


EXISTING ← NEW →



SCHEMATIC SITE SECTION

60' elevation 1/16" = 1'-0"

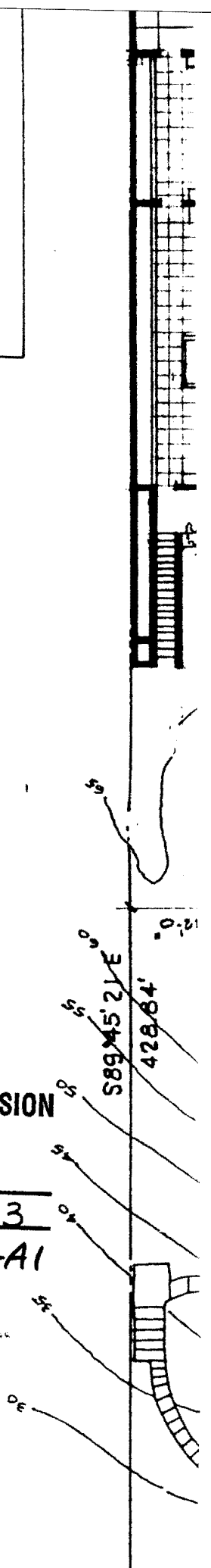


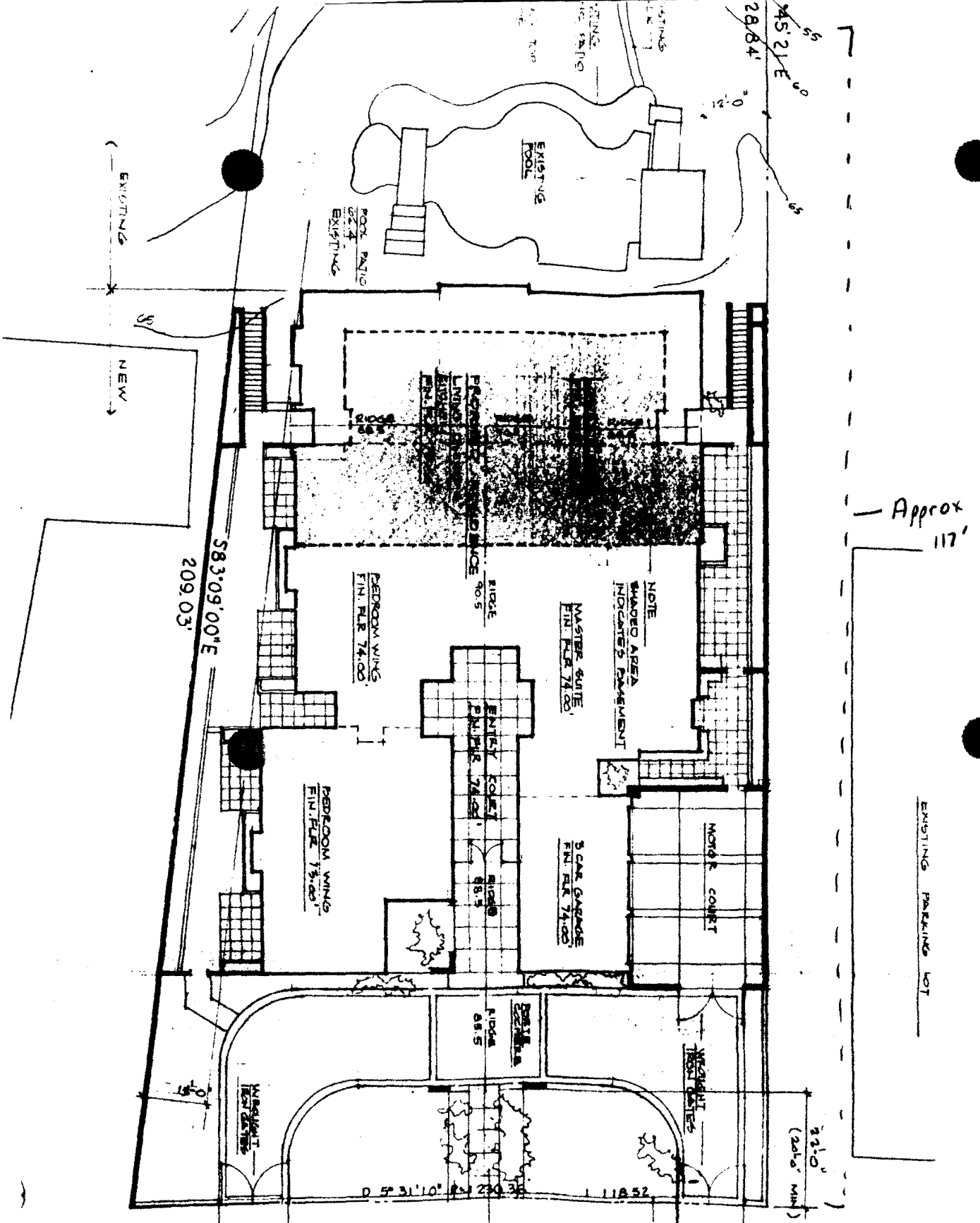
COASTAL COMMISSION

EXHIBIT # 3

PAGE 2 OF 3

5-97-050-A1





COASTAL COMMISSION

EXHIBIT # 3

PAGE 3 OF 3

5-97-050-A1

Paseo De La Playa

This shoreline fronting the site is located at the southern end of the Santa Monica Littoral Cell. A littoral cell is a coastal compartment that contains a complete cycle of littoral sedimentation including sources, transport pathways and sediment sinks. The Santa Monica Littoral Cell extends from Point Dume to Palos Verdes Point, a distance of 40 miles. Most of the shoreline in this littoral cell has been essentially stabilized by man. The local beaches were primarily made by man through nourishment as a result of major shoreline civil works projects (Hyperion Treatment Plant, Marina Del Rey, King Harbor, etc.). The up-coast and down-coast movement of sand along the shoreline is mostly controlled by groins, breakwaters, and jetties and is generally to the south. A major sink for the beach sands is the Redondo Submarine Canyon located at the entrance to King Harbor.

The site is located at the southern terminus of the Santa Monica Littoral Cell. The net sand movement along this section of shoreline is to the north towards King Harbor. A groin is located about 1.5 miles to the north of the site and the Malaga Cove headland (Flat Rock Point) is located immediately to the south of the site. A review of aerial photographs over the past 40 years show little if any overall shoreline retreat. The shoreline is stabilized by the natural headland to the south, and by the groin and harbor to the north. For the purpose of this analysis a very conservative estimate of the shoreline retreat rate is 0.5 feet per year. The sand beach in front of the site is normally 200 feet wide and provides adequate protection for the base of the bluff near the seaward property line of the site. Over the vast majority of time wave runup will not reach the base of the bluff and will absolutely not reach the improvements on the property over the next 100 years. However, the beach in this area is subject to seasonal erosion due to extreme event storm events which may erode the beach back to near the bluff base within the 100 year lifetime of the new development.

II. DATUM & DATA

The datum used in this report is Mean Sea Level (MSL), which is +0.14 feet National Geodetic Vertical Datum (NGVD). The units of measurement in this report are feet (ft), pounds force (lbs), and second (sec). A topographic map prepared by Bolton Engineering Corporation, was used for site elevations. The NOAA Nautical Chart #18744 was used to determine bathymetry. Aerial photographs, from the early 1960's to 1981 and aerial photographs taken annually from 1982 thru 1999, were reviewed for shoreline changes. A geotechnical report prepared by T.I.N. Engineering Company, dated February 22, 2002 and a geology report prepared by Keith W. Ehlert Consulting Engineering Geologist, dated April 19, 2000 were also used. The proposed development was discussed with Mr.

The maximum wave runup on the bluff slope is about +36' MSL under the most extreme oceanographic condition remotely possible over the next 100 years. (The improvements on the site will most definitely not be subject to wave runup.) The mid bluff retaining wall is located at about elevation +37' MSL and will not be subject to wave runup.

VI. CONCLUSIONS AND RECOMMENDATIONS

Prediction of runup on a beach and bluff during extreme storm events is a very complex problem. The calculations made herein use state of the art methods, yet they are based on several simplifying assumptions (see Chapter 7 of SPM). There are several facts that indicate that wave runup will not reach the property or adversely impact the property over the life of the structure.

- There is a relatively stable beach sandy beach in front of the property 99.9% of the time. The conservative (extreme) erosion rate is small (0.5 ft/yr) and would only reduce the beach width about 50 feet in 100 years.
- A review of aerial photographs over the last four decades shows little overall shoreline retreat in general and a sand beach even at times when the beach is seasonally at its narrowest.
- The base of the bluff is a bedrock material, Miocene Monterey Formation, which is resistant to erosion. Using an extreme (very conservative) bluff erosion rate of 0.5 ft/year, the bluff would retreat only 50 feet. The structure is over 160 feet from the bluff toe.
- The property has not been subject to wave runup attack in the past.
- The runup analysis shows that the 100 year wave runup event will not reach the improvements on the property.
- The small privacy wall near the toe of the bluff does not serve as a shore protection device. The proposed development should not need any new shore protection over the expected life of the development (75 years).

In conclusion, wave runup will not impact this development over the life of the

proposed improvement. The proposed development will neither create nor contribute to erosion, geologic instability, or destruction of the site or adjacent area. There are no recommendations necessary for wave runup protection. The proposed project minimizes risks from flooding.

VII. CERTIFICATION

This report is prepared in accordance with accepted standards of engineering practice, based on the site conditions, the materials observed and historical data reported. No warranty is expressed or implied.

VIII. REFERENCES

Coastal Construction Manual, 1986 FEMA (Federal Emergency Management Agency) Ref # FEMA-55


Shore Protection Manual, 1984, 4th ed. 2 Vols, US Army Engineer Waterways Experiment Station, Coastal Engineering Research Center, US Government Printing Office, Washington, DC.

USACOE (US Army Corps Of Engineers), 1986, "Southern California Coastal Processes Data Summary" Ref # CCSTW 86-1.

IX. COPYRIGHT

This report is an instrument of professional service provided by Skelly Engineering to Mr. Jeff Prince. As such it is protected by the copyright laws of the United States. Reproduction of this report, in whole or in part, is permitted only if title, date, and author is cited in full. Any secondary use of this report is made entirely at the risk of the user. It is strongly recommended that a competent coastal engineer be consulted when interpreting any of this information.

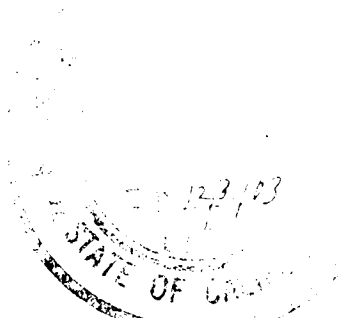
Respectfully Submitted,



David W. Skelly, MS
RCE #47857

COASTAL COMMISSION

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EXHIBIT # 4
PAGE 3 OF 3
5-97-050-A1



CALIFORNIA COASTAL COMMISSION

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



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:

COASTAL COMMISSION
 5-97-050-A1

EXHIBIT # 5PAGE 1 OF 7

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.

COASTAL COMMISSION

5-97-050-A1

EXHIBIT # 5PAGE 2 OF 7

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

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).

COASTAL COMMISSION

5-97-050-A1

EXHIBIT # 5

PAGE 3 OF 7

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

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 Playa. (See Map 9).

COASTAL COMMISSION

5-97-050-A1

EXHIBIT # 5

PAGE 4 OF 7

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.

EXHIBIT # 5
PAGE 5 OF 7
5-97-050-A1

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

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.

COASTAL COMMISSION

5-97-050-A1

EXHIBIT # 5PAGE 6 OF 7

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.

COASTAL COMMISSION

5-97-050-A1

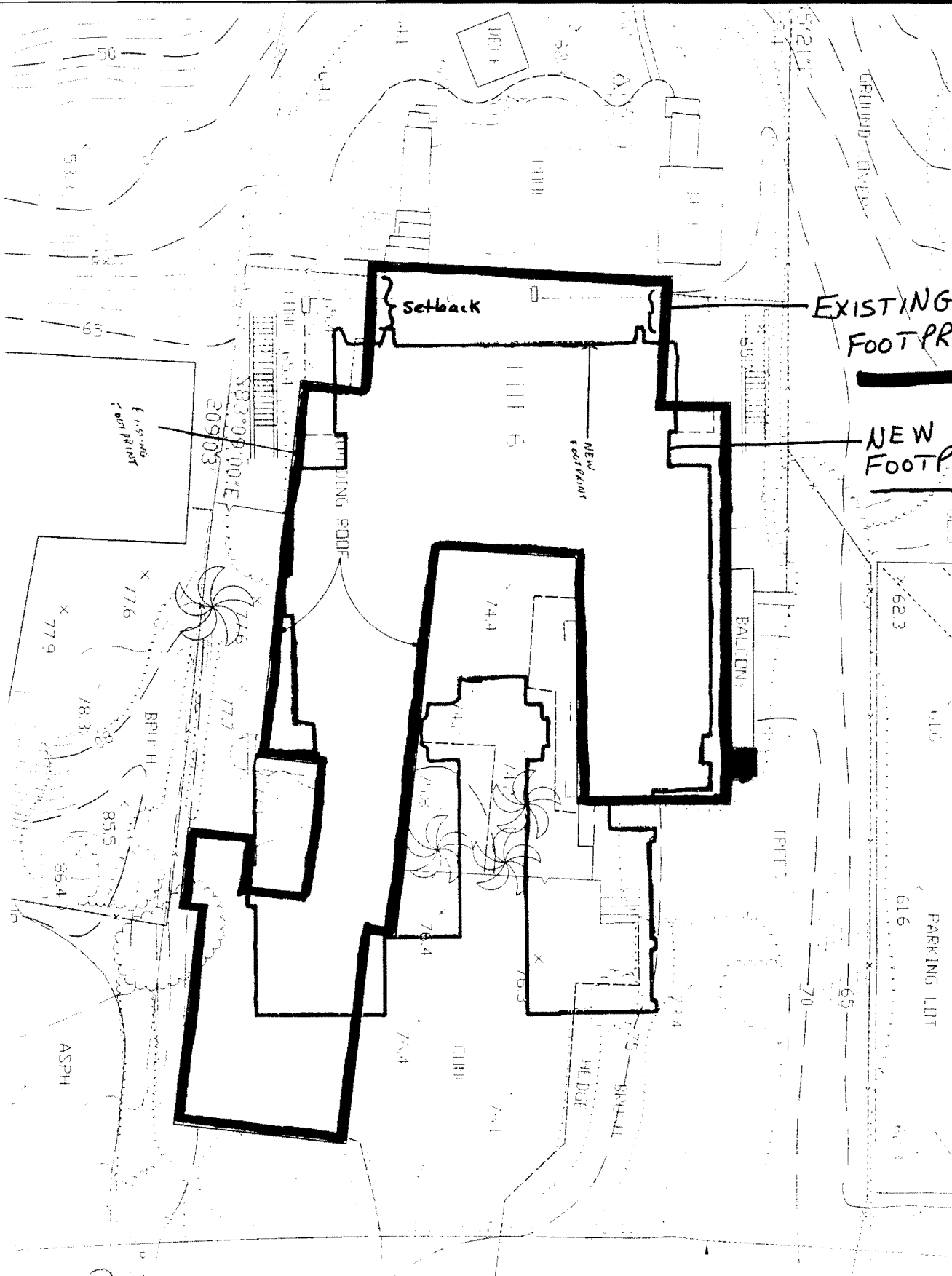
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EXHIBIT # 5

PAGE 7 OF 7

COASTAL COMMISSION

EXHIBIT # _____



EXISTING FOOTPRINT

NEW FOOTPRINT

Setback

NEW FOOTPRINT

PARKING ROOF

BALCONY

PARKING LOT

COASTAL COMMISSION

EXHIBIT # 6

PAGE 1 OF 1

5-97-050-A1



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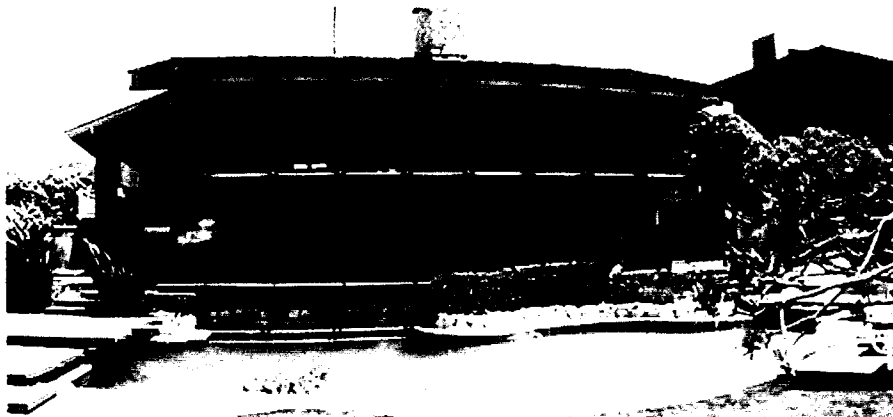


PHOTO
2

← EXISTING
REAR yard
Development
and Landscape



↓
PHOTO
3

COASTAL COMMISSION

EXHIBIT # 7
PAGE 1 OF 1

5-97-050-A1