

**CALIFORNIA COASTAL COMMISSION**

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Commission Action:



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**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 5-03-212

**APPLICANT:** Chris and Virginia Bredesen

**AGENT:** Dall and Associates

**PROJECT LOCATION:** 437 Paseo De La Playa, City of Torrance (Los Angeles County)

**PROJECT DESCRIPTION:** Request for after-the-fact approval of a concrete and wooden 400 square-foot, 14-foot high open "storage/shade" structure at the base of a coastal bluff six lots down coast from the Torrance Beach public parking lot.

**SUMMARY OF STAFF RECOMMENDATION:**

The applicant is requesting after-the-fact approval for construction of a new 400 square foot 14 foot high structure at the toe of the bluff. The proposed project is located along a coastal bluff immediately inland of Torrance Beach, a public beach. The primary issue before the Commission is consistency of the project with Coastal Act policies protecting natural landforms, scenic resources, native vegetation and habitat, community character and public access to and recreational use of the beach. Staff recommends that the Commission **DENY** the proposed project.

As submitted, the proposed project is inconsistent with Sections 30240, 30251 and 30253 of the Coastal Act. The toe of the bluff, where the structure is proposed, is immediately inland of Torrance Beach, which is a public beach. The project site is consequently highly visible from the public beach. The pattern of development along this segment of Paseo De La Playa is such that most structures are sited at the top of the coastal bluff (24 out of 28 residential lots), while the bluff face remains largely undisturbed and vegetated. While there are exceptions: several lots have stairways or foot paths traversing the bluff face and a few have unpermitted development on the bluff face and at the toe of the bluff (currently under investigation by the Commission's Enforcement staff), the overall appearance of the bluff in this area is natural and undeveloped. Private living space is set back from areas open to the public. Additionally, the proposed development is inconsistent with Sections 30251 and 30253 because the proposed development alters an undeveloped coastal bluff through grading and structural construction. Coastal bluffs are a source of sand supply, and the staff has reviewed evidence that the continued hardening of coastal bluffs reduces the amount of sand available to local public beaches, reducing the size of a coastal recreational resource, which is inconsistent with the public access and recreation policies of the Coastal Act. Finally, while there is no information

concerning the vegetation that existed on this lot before the applicant constructed the structure and removed the vegetation at the toe of the lot, other nearby lots support *Eriogonum parvifolium*, the host plant of the endangered El Segundo blue butterfly (*Euphilotes bernardino allyni*). Allowing a new pattern of development on the face and toe of the coastal bluff in this area could impact the El Segundo blue habitat, which is inconsistent with section 30240(b) of the Coastal Act.

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**SUBSTANTIVE FILE DOCUMENTS:**

1. Coastal Development Permits P-7342 (Hood), 5-97-050 (Kreag) and applicable amendments (Prince), 5-84-187-A (Briles), 5-85-755 (Briles), 5-90-1041 and amendments (Stamegna and Campbell), P-77-716 (Warren), P-7266 (Bacon), A-80-6753 (Bacon), 5-90-868 (Schreiber), 5-01-018 and 5-01-409 (Conger), 5-85-183 (Hall), 5-90-1079 (Wright), 5-91-697 (Wright), A-79-4879 (McGraw), 5-83-618 (Fire), 5-96-167 (Lichter), 5-01-080 (Palmero).
  2. Terchunian, A.V., 1988, *Permitting coastal armoring structures: Can seawalls and beaches coexist?*: Journal of Coastal Research, Special Issue No. 4, p. 65-75.
  3. *Geologic and Soils Engineering Investigation Proposed Single Family Residence, 437 Paseo De La Playa, Torrance, California for Mr. and Mrs. Robert Hood*, (Project No. KB 1935) prepared by Kovacs – Byer and Associates Inc. January 23, 1976.
  4. Department of Boating and Waterways and State Coastal Conservancy, 2002, *California Beach Restoration Study*, Sacramento, California, [www.dbw.ca.gov/beachreport.htm](http://www.dbw.ca.gov/beachreport.htm).
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**STAFF RECOMMENDATION:**

**I. STAFF RECOMMENDATION OF DENIAL**

Staff recommends that the Commission reject the following motion and thereby adopt the following resolution. The motion passes only by affirmative vote of a majority of the Commissioners present.

**A. Motion**

***I move that the Commission approve Coastal Development Permit No. 5-03-212 for the development proposed by the applicant.***

**B. Staff Recommendation of Denial**

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**C. Resolution to Deny the Permit**

The Commission hereby **DENIES** a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will 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 would not comply with the California Environmental Quality Act because there are feasible mitigation measures and/or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

**II. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares as follows:

**A. Project Location, Description and Background**

**1. Project Location**

The project site is located within an existing residential area at 437 Paseo de la Playa, City of Torrance, Los Angeles County (Exhibit 1). The site is the sixth northern most lot of the 28 lots on the bluff top between the first public road, Paseo de la Playa, and the sea. All 28 bluff top lots have 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 approximately 470 feet to the north of the project site (Exhibit 2).

**2. Project Description**

The applicant is requesting after-the-fact (ATF) approval for development on a coastal bluff face. The project involves construction of a 400 square foot, 14-foot high, open-sided structure at the toe of the bluff immediately inland of the public beach. The proposed development consists of a concrete and wooden structure with a solid roof, a retaining wall on the inland side of the structure (height not known), three concrete 24" round pillars on the seaward side and a concrete floor. The applicant has provided a project plan titled "Plant Layout" dated November 3, 2001, which shows the approximate location of the structure but does not show any other details regarding the proposed structure. The plan is not scaled, there are no elevations, no indication of the present or past topography, or any estimate of the amount of grading necessary to level the toe of the bluff, or how many feet into the toe the applicant cut to place the retaining wall. A plant list on the submitted plan (11/3/01) includes many plants not found in the area, is not identified as "native" and is not accompanied by an analysis showing its consistency with local plants found in the southern California dune or coastal bluff scrub community.

In addition, the November 3<sup>rd</sup> plan submitted by the applicant also shows other existing unpermitted development on the bluff face, including an unpermitted stairway on the bluff slope, a concrete or stone patio at the toe of the bluff, seaward of the proposed development, and an unpermitted fence on the sandy beach that have specifically not been included by the applicant as part of this permit application. This application was submitted in response to a letter sent to the applicant by Commission Enforcement staff which directed the applicant to submit an application for removal of all unpermitted development on the bluff slope and the sandy beach,

including the 400 sq. ft. structure, stairway and fence. However, the application submitted by the applicant is a request for after-the-fact approval of the unpermitted 400 square foot structure on the bluff slope only and does not address the other unpermitted development on site. The applicant's agent has stated various times since September 4, 2003 to Commission staff that a revised project description that includes all unpermitted development, including the unpermitted stairway, patio and fence, would be submitted for permit consideration. However, as of November 19, 2003, the applicant has still not revised the proposed project description to address the other unpermitted development on site. The Commission's enforcement division will evaluate further actions to address this matter. In addition, in response to staff's written information requests, the applicant told staff on August 25, 2003 that geological reports exist and copies would be submitted. However, as of November 19, 2003, the applicant has also still not provided any geology reports or estimates for the amount of grading that was necessary to construct the 400 square foot structure. The submitted project plans are included as Exhibit 3. The applicant and agent assert that the "storage shed/beach shade" structure is necessary to store surfboards and beach chairs and to provide shade from the sun.

### 3. Prior Development at Subject Site and Surrounding Area

On June 7, 1976, the South Coast Regional Conservation Commission approved with conditions the construction of a 26-foot high, two-story, single family residence with a detached four-car garage, arcade and swimming pool with an attached jacuzzi (Exhibit 4). Consistent with the project plans, the garage, arcade, swimming pool and jacuzzi are located landward of the home and according to the permit application, the gross structural area including the garage is 5,585 square feet on a 29,180 square foot lot. That permit was approved by the Commission with a condition requiring the applicant to submit revised plans showing no portion of the structure, including decks and balconies encroaching onto the 25-foot bluff setback (Exhibit 4). The applicant does not propose any changes to the existing development on the top of the bluff. Based on the review of historical aerial photographs from 1972, 1993 and 2000, staff has confirmed that no development was present on the bluff face of the subject property prior to September 6, 2000. The applicant's agent has stated that the unpermitted structure at the toe of the bluff was built in 2002.

In response to direction by Commission Enforcement Staff to submit an application for removal of the unpermitted development and restore the site, the applicant originally submitted an application for after-the-fact approval for construction of a 400 square foot "storage shed/beach shade" structure on July 24, 2002. However, the original application was rejected at the initial screening level because the submittal did not contain even the minimal application materials for staff to accept the application. The applicant subsequently resubmitted this permit application on April 28, 2003.

Commission staff has visited the area and researched the historical existence of bluff face development in the subject area and determined that of the twenty-eight residential lots on Paseo De La Playa, approximately twelve (12) have stairs or foot paths that extend down the bluff, two of which are pre-coastal and three received a coastal development permit for the construction of stairs/walkway; three (3) have unpermitted stairways (including the subject lot); two (2) received a coastal development permit for concrete walls at the western property line; two (2) have unpermitted development consisting of wooden beams used to make trails or to terrace the bluff; two (2) have unpermitted cabana type structures (including the subject lot); and approximately sixteen (16) do not appear to have any stairs or walkways extending down the bluff face. (The Commission's Enforcement Division is currently investigating unpermitted development along the bluffs at Paseo De La Playa in Torrance, including stairways and toe of slope improvements.)

4. Permit History for Bluff Face Development in Project Vicinity

Exhibit No. 5 is a chart of the permit history for the 28 residential lots located along Paseo De La Playa in Torrance. Only three properties along this stretch of Paseo De La Playa have permitted accessory structures or retaining walls at the toe of the slope. The northern most lot has development on the bluff face that includes stairs and a small, open covered structure near the toe of the bluff. This development appears in the Commission aerial photo dated 1972 and existed prior to the effective date of the Coastal Act and the Coastal Zone Conservation Act of 1972. In 1986 the Commission approved development on a nearby property, two lots to the north of the subject lot, that included approval of a 5-foot wide pathway that extended from the home to a deck at the toe of the bluff, a wall at the toe of the bluff and along the side yard property lines (Permit No. 5-85-755). On the adjacent property to the north of the subject lot, the Commission approved construction of a concrete walkway that extends from the house to the beach, a wall at the toe of the bluff and a perimeter chain link fence (5-90-1041 and applicable amendments). Two lots to the south of the subject lot, the Commission approved sand colored concrete terrace drains and bluff restoration (5-90-868). There is a permit application pending for construction of stairs down the bluff face, a covered observation deck located towards the base of the bluff and bluff restoration for the endangered El Segundo Blue butterfly on a down coast site at 613 Paseo De La Playa (5-03-328). Of the 28 lots, few have permitted development down the bluff face.

**B. Scenic Resources**

The development proposed to be located at the toe of the bluff is inconsistent with the following Coastal Act policy:

Section 30251 of the Coastal Act states, in part:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

While some bluff faces in southern California have been subdivided and developed, development generally does not extend down the Torrance bluffs. The bluffs extend from about 60 feet high at the north end to almost one hundred thirty feet high as the coast curves toward Palos Verdes. The bluff also becomes steeper, changing from a 2:1 slope covered with dune sand to a rocky cliff. From the beach, the roofs of some of the houses on the top of the bluff, parts of the rear walls of those houses and the edges of some patios are visible. With few exceptions, there is little development along the face of the Torrance bluffs. For the most part, the bluff face to the south, where the bluff rises more steeply, is undisturbed. It forms a vegetated and irregular backdrop to the beach. In the area consisting of the northern most lots, where the bluff is lower and flatter, there is more disturbance of the bluff face. On these northern most lots, the seaward side of the houses and their decks are more visible from the beach.

As described earlier in the Permit History section, several bluff face stairs or footpaths exist throughout the 28 bluff top lots, and on two lots at the northernmost end of row of houses there are stairways and decks permitted by the Commission that extend to the toe of the bluff (5-85-

755, 5-90-1041-A3). Bluff face development on the northern most lot (417 Paseo De La Playa) is pre-coastal, meaning that it occurred before passage of the California Coastal Act and was therefore never subject to the requirements of, or review under, the Act. With the exception of one walkway and a wall at the seaward edge of a neighboring property, the existing development on the bluff face of the property adjacent to and to the north of the subject property is unpermitted development. Such development cannot be considered when assessing the character of the surrounding area. Moreover, even with these exceptions, in general, the bluff face still resembles the bluff face shown in the sketch in the proposed 1981 LUP, irregular cliffs overlain by blown sand, vegetated with a mixture of ice plant and native plants. The roofs and rear windows of houses and the edges of decks are visible from the beach, but generally the bluff front in this area also appears undisturbed. A parcel to the south (3 lots downcoast or south) of the proposed project was extensively graded in response to erosion (449 Paseo de la Playa). In an after-the-fact permit application, the applicant included new development consisting of reconstructing the bluff face, reducing the size of a pad on a bench in the upper portion of the lot and revegetating the bluff face with native plant materials (5-90-868). The permit was approved and the work performed, but the restoration work is no longer evident.

The proposed project is located on the bluff face immediately adjacent to the public beach. The site is highly visible from the sandy beach. Development at this location must be sited and designed to be visually compatible with the relatively undisturbed character of the surrounding area. It is also necessary to ensure that new development be sited and designed to protect views to and along the beach area and minimize the alteration of existing landforms.

#### Landform Alteration, Community Character & Cumulative Effects

As described previously, the applicant is requesting after-the-fact approval for development on a coastal bluff face and at the toe of the bluff. The project involves construction of substantial development at the toe of the bluff consisting of a covered, 400 square foot, 14-foot high wooden/concrete structure that has three 24-inch diameter concrete pillars facing the public beach and a pitched roof (Exhibit 8). According to the applicant's agent, a concrete retaining wall is located on the inland side of the structure. No documentation has been submitted that describes the dimensions of the wall or the amount of grading performed to construct this structure.

The Commission finds that the proposed project does not minimize alteration of natural landforms, is not visually compatible with the character of the surrounding area, and will affect the scenic and visual qualities of the subject area by contributing to a cumulative adverse impact of increased bluff face development. As such, the proposed project is inconsistent with Section 30251 of the Coastal Act.

#### a. Landform Alteration

The Coastal Act requires new development to be sited to "*minimize the alteration of natural land forms.*" The proposed project would be located along a coastal bluff. The existing bluff is a natural landform visible from public vantage points such as the adjacent beach. Any alteration of this landform would affect the scenic views of the coastline when viewed from the public beach.

#### b. Community Character

Pursuant to Section 30251 of the Coastal Act, new development must be visually compatible with the surrounding area. Section 30253 (5) requires the protection of "*special communities and neighborhoods which, because of their unique characteristics,*

are popular visitor destination points for recreational uses." The proposed project would result in a visible intensification of use of the site as compared to its undeveloped state (See Exhibits 6, 7 & 8). Although two lots to the north of the proposed project have bluff face development approved by a Commission in the mid 80's and 90's consisting of stairways, walls and a deck and some lots have unpermitted development at the toe of the bluff and on the bluff face (currently under investigation by the Commission's Enforcement staff), the overall appearance of the bluff as a whole (all 28 lots) in this area is natural and undeveloped (Exhibit 7). Since the 80's and early 90's, the Commission has learned a great deal about the degrading effects to bluffs caused by constructing structures and/or walls on bluff faces, including adverse impacts to public views and coastal community character.

The project site is immediately inland of Torrance public beach, which serves as a popular visitor destination point for recreational uses. Approximately 470 feet to the north of the site are a public park, beach parking lot and pedestrian access ways that extend from the street and parking lot to the beach. Just north of the public park is Redondo Beach. New development along the bluff face will adversely impact the visual quality of the subject area, and will do so in a manner inconsistent with the community character, inconsistent with Sections 30251 and 30253 of the Coastal Act.

c. Cumulative Impacts

As described earlier and identified in Exhibit 7, the majority of development along Paseo De La Playa is located on the bluff top. The proposed project would set a precedent for future development to intensify residential development in the subject area. Over time, incremental impacts can have a significant cumulative adverse visual impact. Other similarly situated property owners might begin to request authority to conduct new construction on the bluff face, thus contributing to adverse visual impacts.

As described previously, the proposed project is located along a coastal bluff immediately inland of Torrance Beach, a public beach. The site is highly visible from the sandy beach. Although several lots have stairways or footpaths traversing the bluff face and some have unpermitted bluff face development (currently under investigation by the Commission's Enforcement staff), the overall appearance of the bluff in this area is natural and undeveloped. Only three other lots contain recreational or storage structures on the bluff face: one with development that is pre-coastal and one with development that is unpermitted. Approval of the proposed project could set a precedent for the construction of other such development along the bluff face that would alter the natural land form, resulting in adverse visual impacts and seaward encroachment. Development at this site must be sited and designed to be visually compatible with the undisturbed character of the surrounding area.

Conclusion

The Commission finds that the project, as currently proposed, is not sited and designed to protect scenic and visual qualities of the site as an area of public importance. Denial of the proposed project would preserve existing scenic resources and would be consistent with preserving the existing community character where development occurs at the top of the coastal bluff (on 24 out of 28 lots). The alteration of the bluff from construction of the "storage/shade" structure would result in an adverse visual effect when viewed from public vantage points along the beach. Allowing the proposed project would also lead to seaward encroachment of new development in an area where additional unpermitted development has occurred that has encroached seaward and threatens to affect the community character. The

Commission finds that the proposed project would result in the alteration of natural landforms and would not be visually compatible with the character of the surrounding area. Consequently, the proposed project would increase adverse impacts upon visual quality in the subject area. Therefore, the Commission finds that the proposed project is inconsistent with Section 30251 of the Coastal Act and therefore must be denied. Denial of the project is consistent with the Commission's recent action on applications 5-01-018 (Conger)(approving permit but prohibiting development on the bluff face, reconsidered and revised on other grounds) and 5-01-080 (Palmero).

### **C. Hazards**

Section 30253 of the Coastal Act states, in pertinent 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.*

Development on a coastal bluff is inherently risky due to the potential for bluff failure. Bluff development poses potential adverse impacts to the geologic stability of bluffs and the stability of residential structures and ancillary improvements. In general, bluff instability is caused by environmental factors and impacts caused by man. Environmental factors include seismicity, wave attack, drying and wetting of soils, wind erosion, salt spray erosion, rodent burrowing, percolation of rain water, poorly structured bedding and soils conducive to erosion. Factors attributed to man include bluff over steepening from cutting roads and railroad tracks, irrigation, over-watering, building too close to the bluff edge, grading into the bluff, improper site drainage, use of impermeable surfaces to increase runoff, use of water-dependent vegetation, pedestrian or vehicular movement across the bluff top and toe, and breaks in water or sewage lines.

#### Site Conditions and Geotechnical Conclusions

As noted above, the bluffs in this area consist of sandy material at the north end, slowly being displaced by higher, rocky material as the bluffs extend toward the Palos Verdes Peninsula. In 1975 and 1976, geologic investigations were performed on the subject lot and at 441 Paseo De La Playa, two doors to the south of the subject lot. Both reports concluded that at the bluff top, upper layers of earth consist of sand. As of November 19, 2003 the applicant had not submitted any geological reports to address site-specific geotechnical issues. The previous owner submitted geologic and soils reports with application 76-7342 for the construction of the home on the top of the bluff. The reports dated May 22, 1975 and January 23, 1976 did not evaluate conditions on the bluff slope. The report does describe earth materials for the upper 17 feet at the top of the bluff. Earth materials consist of fill that is loose sand (approximately 0.0 – 10.0 feet). Beneath the fill layer is Pleistocene sand consisting of various layers of dune sand and clean sand that is dense and becomes coarser with depth. According to the report the sand is exposed on the slope and extends down to beach grade (Kovacs-Byer and Assoc., Inc. 1/23/76). The report continues to say that bedrock, which consists of steeply dipping Miocene Shale, is not exposed on the property but is exposed on the seacliff south of the property. It



was not determined whether or not the grading necessary to construct the 400 square foot structure would impact the stability of the existing bluff slope or whether the retaining wall was sufficient to support the bluff above it. As described above, before construction of the house, testing was performed on the inland edge of the bluff face and the bluff top, but only in the general location of the proposed residence and garage. Because the geologic stability of the proposed development has not been demonstrated, it is not possible to determine the geologic risks associated with the development, or to find affirmatively that the development is consistent with section 30253 of the Coastal Act.

#### Drainage

The applicant has not submitted a drainage plan. It is unclear where the roof top drainage is directed. Existing drainage on this portion of the site is not evident and a change to drainage is not proposed. It is not clear what adverse impacts are caused by the development to the geologic stability of the bluff or to the beach that is seaward of the development.

#### Conclusion

For the reasons stated above, the Commission finds that the bluff face 400 square foot, 14-foot high structure has not been shown to be consistent with Section 30253 of the Coastal Act, which requires that risks be minimized and geologic stability be assured. Therefore, the project must be denied.

#### **D. 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 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.*

The host plant for the El Segundo blue butterfly (*Euphilotes bernardino allyni*), an endangered species, is located in patches throughout the bluff face on many of the lots along Paseo De La Playa. The United States Fish and Wildlife Service (USFWS) provided the Commission written notice of this discovery in 1995 (Letter, Gail Kobetich, 1995). Confirmed by the USFWS and the Commission's former staff ecologist Jon Allen, both the host plant and the butterfly were identified on the lower levels of a nearby lot (5-01-018 and 5-01-409).

It is not known what types of vegetation existed on this site before construction of the development that now exists. Aerials show the slope covered by dense vegetation. On many lots in this area this vegetation consists of a mixture of iceplant (*Carpobrotus edulis*) and natives. The development now on the lot includes a 400 square foot structure subject to this application, and in addition, a concrete switchback stairway that extends from the home to the toe of the bluff and a concrete patio seaward of the 400 square foot structure, of which the latter two are not before the Commission at this time. The applicant and agent contend that the majority of vegetation previously on this site was ice plant. Even if it is demonstrated that butterfly habitat did not exist on this particular site, it has been found in nearby areas along this bluff. Allowing a

new pattern of development, which brings development and associated human activity closer to existing habitat on the face and toe of the coastal bluff will have a cumulative impact on the El Segundo blue habitat and/or the butterfly itself. The Commission recognizes that approving the project described herein may set a precedent for future projects on other properties along this bluff, and the cumulative impacts of that would be severe in degrading what is left of the butterfly habitat in this area. The Commission finds that the proposed development may have replaced environmentally sensitive habitat areas, is disruptive of nearby sensitive habitat values, and would, if proliferated, be incompatible with the continuance of those areas. It is therefore inconsistent with Section 30240 of the Coastal Act, and the Commission is therefore denying the project described herein.

#### **E. Public Access and Recreation**

Sections 30210, 30220, and 30221 of the Coastal Act contain policies regarding public access to the shoreline. In addition, Section 30240 addresses appropriate development adjacent to a recreation area.

Section 30210 states:

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

Section 30220 states:

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Section 30221 states:

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Section 30240 (b) states:

*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.*

The proposed project is adjacent to a public beach. The project may have indirect impacts on public recreation by moving the line of private structures closer to the public areas, and, as noted below, by having long term impacts on sand supply. The project site is located along a lower portion of a bluff face and the toe of a bluff on the seaward side of Paseo De La Playa, which is the first public road immediately inland of Torrance Beach. The project site is highly visible from the sandy public beach. The pattern of development along this segment of Paseo De La Playa is such that structures are sited at the top of the bluff, while the bluff face remains largely undisturbed and vegetated. The bluff faces, generally fenced at the toe of the bluff,

provide a buffer between the public beach and the private residential uses. As discussed previously, only three properties along this stretch of Paseo De La Playa have permitted accessory structures or retaining walls at the toe of the slope. Two consist of concrete retaining walls and one consists of a pre-coastal small covered structure at the lower portion of the bluff (417 Paseo De La Playa). Although several lots have stairways or paths traversing the bluff face and some have unpermitted development at the toe of the bluff (currently under investigation by the Commission's Enforcement staff), the overall appearance of the bluff in this area is natural and undeveloped (Exhibit 7). Public access is available directly seaward of the toe of the bluff at Torrance Beach. Development at this site, if approved, must be sited and designed to be compatible with Section 30240 (b) of the Coastal Act. Section 30240 (b) of the Coastal Act states that development in areas adjacent to parks and recreation areas shall be sited and designed to prevent impacts that would significantly degrade those areas or be incompatible with their continuance. It is necessary to ensure that new development be sited and designed to prevent seaward encroachment of development that would impact public access to coastal resources. The proposed project, as submitted, would be a significant new development encroaching seaward.

As described previously, the applicant is requesting after-the-fact approval for a 400 square foot, 14-foot high wooden/concrete structure at the toe of the bluff just inland of the public beach on a residential lot. While the requested structure does not physically impede public access at the toe of the slope or adjacent beach area, new private structures adjacent to the beach often facilitate private use of public beaches. In addition, discussions of coastal erosion often point out that the "hardening" of coastal bluffs contributes to the loss of beach sand by reducing the supply of material slowly eroding from the face of the bluff (Terchunian, A.V., 1988 and Department of Boating and Waterways and State Coastal Conservancy, 2002). Loss of sand means a narrower beach, which means loss of a coastal resource. As discussed previously, only 10% have permitted accessory structures and/or retaining walls at the toe of the slope along this stretch of Paseo De La Playa. Two consist of concrete retaining walls and one consists of a pre-coastal small covered structure at the lower portion of the bluff (417 Paseo De La Playa). In addition, some have undertaken clearly private development on the sandy beach without a benefit of a coastal development permit. A growing number of property owners along Paseo De La Playa may begin to intensify use of their properties if the proposed project is approved. Increased intensification of private development located along the coastal bluffs adjacent to Torrance Beach will result in a less inviting beach appearance to the general public that may also discourage use of the beach. The Commission finds that the area in front of the development is a recreation area and that the proposed project would decrease the distance from the public beach to private residential uses, therefore significantly degrading the area for public recreation and would therefore be incompatible with Sections 30210, 30220, 30221 and 30240 (b). Therefore, the Commission finds that the proposed project is inconsistent with the public access policies and Section 30240 (b) of the Coastal Act and must be denied.

#### **F. Unpermitted Development**

Development has occurred on site without benefit of the required coastal development permit, including construction of a 400 square foot, 14-foot high covered structure with a retaining wall and concrete pillars on a bluff face adjacent to the sandy beach, a stairway on the bluff slope, a concrete patio at the toe of the bluff and a fence on the sandy beach. Consequently, the work that was undertaken constitutes development that requires a coastal development permit. This application is a request for after-the-fact approval of the 400 sq. ft. structure only and does not address the other unpermitted development on site. The Commission's enforcement division will evaluate further actions to address this matter.

Consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

### **G. 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 that conforms with Chapter 3 policies of the Coastal Act.

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 area that was not resolved included development standards for the beach and the bluffs. The City of Torrance does not have a certified LUP. Therefore the standard for this review is the Coastal Act.

The construction of the proposed project is inconsistent with the Chapter 3 policies of the Coastal Act discussed previously, specifically Sections 30240, 30251 and 30253 of the Coastal Act. Development on the coastal bluff would cause adverse impacts to the natural landform, the coastal scenic resources and public access, which are inconsistent with Chapter Three public access policies, Sections 30240, 30251 and 30253 of the Coastal Act. Section 30240 of the Coastal Act states that development in areas adjacent to parks and recreation areas shall be sited and designed to prevent impacts, which would significantly degrade those areas. Section 30251 of the Coastal Act states that permitted development should minimize landform alteration and visual impacts. Section 30253 of the Coastal Act states that new development should not contribute to significant erosion and geologic instability or be inconsistent with community character. By approving development that is inconsistent with so many aspects of Chapter 3 of the Coastal Act, the proposed development would prejudice the City's ability to prepare a Local Coastal Program for the City of Torrance that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a). Therefore, approval of the project is found inconsistent with Section 30604(a), and the project must be denied.

### **H. Alternatives**

Denial of the proposed project will neither eliminate all economically beneficial or productive use of the applicant's property, nor unreasonably limit the owner's reasonable investment backed expectations of the subject property. The applicant already possesses a substantial residential development of significant economic value of the property. In addition, several alternatives to the proposed development exist. Among those alternative developments are the following (though this list is not intended to be, nor is it, comprehensive of the possible alternatives):

#### **1. No Project**

No changes to the pre-unpermitted development site conditions would result from the "no project" alternative. The owner would continue to use the existing home. There would be no disturbance of the bluff face or the toe of the bluff and no seaward encroachment of development. The bluff face would remain as an undeveloped

vegetated slope and would be consistent with community character as development occurs at the top of the coastal bluff. The proposed 400 square foot structure located near the western property line, which would diminish the value of the public beach by discouraging public usage, would not be built. This alternative would result in the least amount of effects to the environment and also would not have any adverse effect on the value of the property.

2. Relocate development

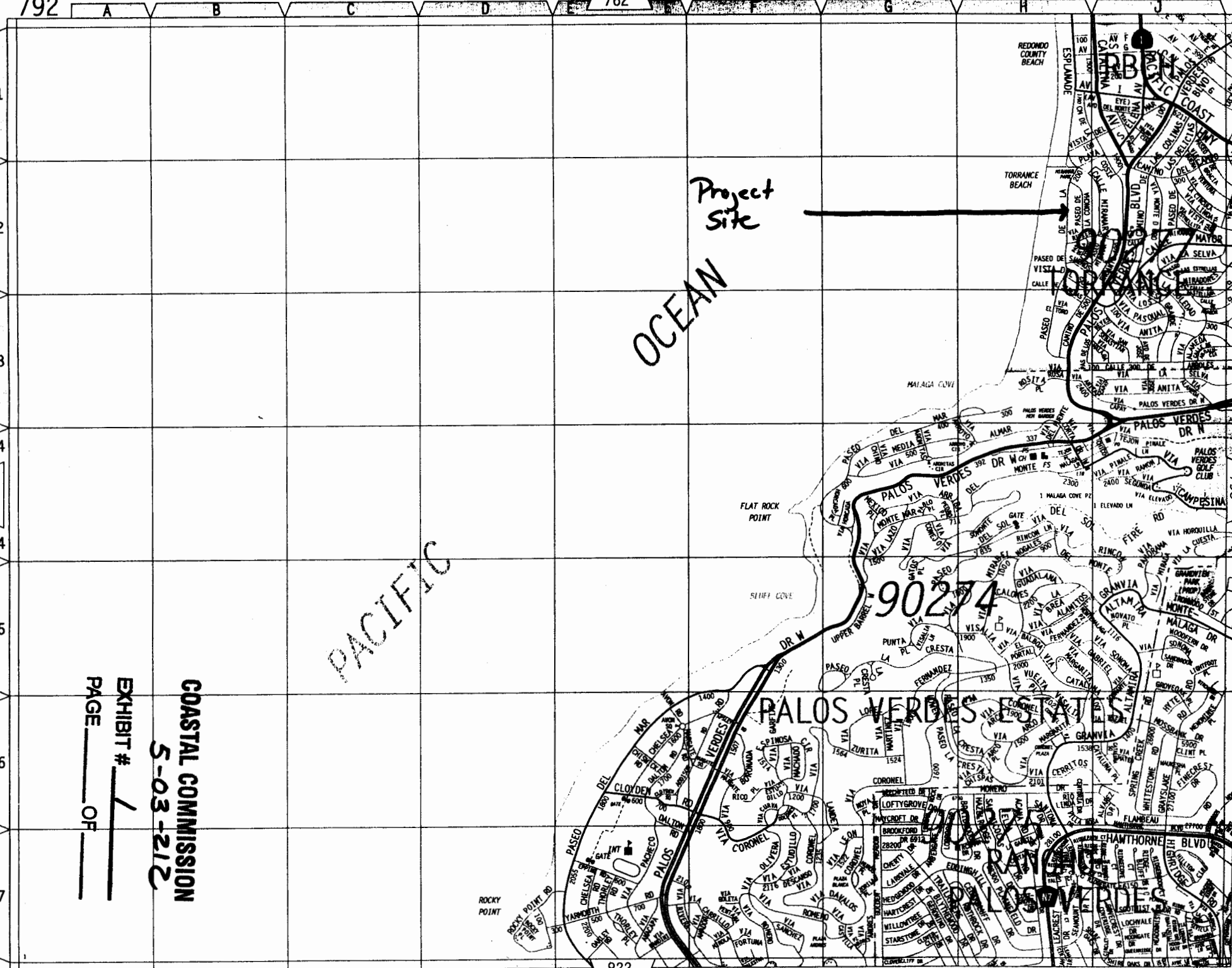
A storage structure located on the bluff top within the vicinity of the pool or added to the existing garage on the landward side of the property would provide a place to safely store beach furniture and/or surfboards and would be easier to access. The current application does not provide a way for the applicant to even get to the structure at the toe of the bluff. The results of this alternative are similar to the results listed in number 1 above. The bluff face would remain as an undeveloped vegetated slope and would be consistent with community character as development occurs at the top of the coastal bluff. The proposed 400 square foot structure located near the southern property line, which would diminish the value of the public beach by discouraging public usage, would not be built. This alternative would result in minimal impacts to the environment and also would not have any adverse effect on the value of the property.

I. **California Environmental Quality Act (CEQA)**

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, 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 which the activity may have on the environment.

The proposed project includes development on the bluff face at the toe of the bluff. Coastal resources in the general area include scenic views from the public beach and native habitat for an endangered butterfly along these coastal bluffs. As discussed previously, the majority of development along Paseo De La Playa is located along the bluff top. Allowing the proposed project would lead to seaward encroachment of new development in an area where additional unpermitted development has occurred that has encroached seaward and threatens to affect the community character. The proposed project would set a precedent for future development to intensify residential development in the subject area. Over time, incremental impacts can have a significant cumulative adverse visual impact. In addition, approving the project described above may set precedents for future projects on other properties along this bluff and the cumulative impacts of that would be severe in degrading what is left of the butterfly habitat in this area.

As described above, the proposed project would have adverse environmental impacts. There are feasible alternatives or mitigation measures available, as described in the section above that would substantially lessen any significant adverse impacts that the activity may have on the environment. Therefore, the proposed project is not consistent with CEQA or the policies of the Coastal Act because there are feasible alternatives, which would lessen significant adverse impacts, which the activity would have on the environment. Therefore, the project must be denied.



PACIFIC

Project Site

OCEAN

90274

PALOS VERDES ESTATES

COASTAL COMMISSION

5-03-212

EXHIBIT # 1

PAGE OF



View Enlarged Map

View Pr  
Instruc

County of Los Angeles: Rick Auerbach, Assessor

7512 | 3  
SCALE 1" = 100'

1995

LA County Beaches  
& Harbors

"Torrance  
Beach Park"

Torrance  
Beach

Project  
Site



PARCEL MAP

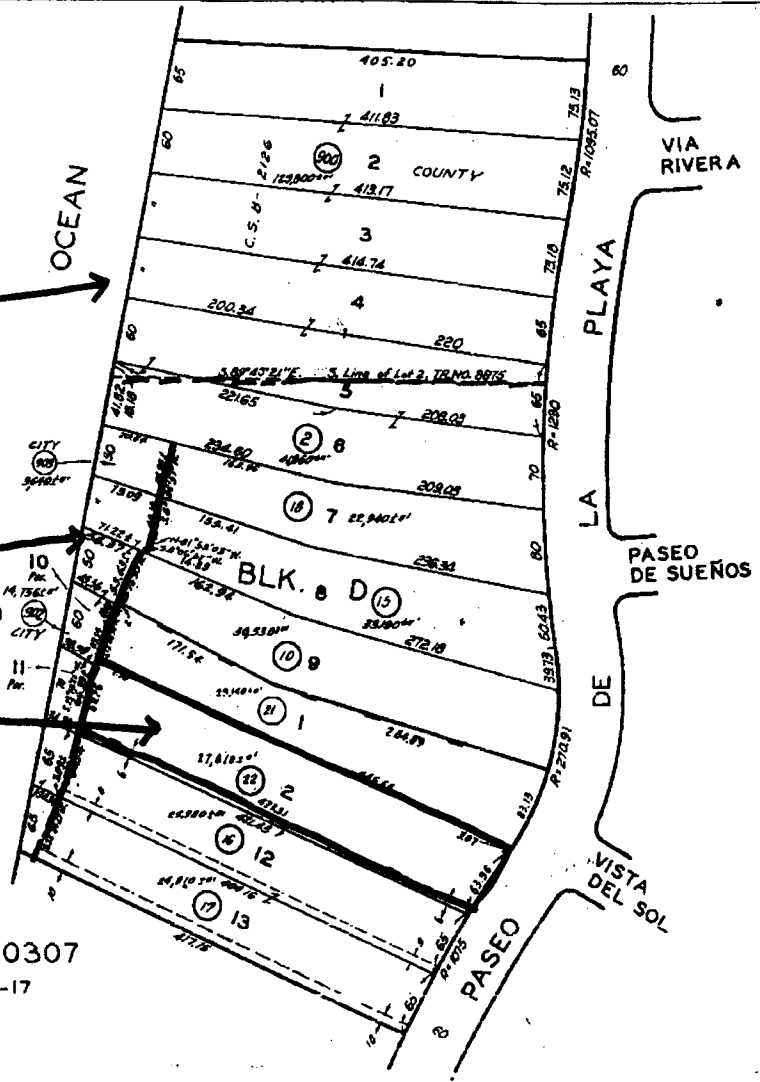
P.M. 73-6

TRACT NO. 10307

M. B. 165-15-17

CODE  
9359

FOR PREV. ASSM'T. SEE: 709-231 & 232



COASTAL COMMISSION

5-03-212

EXHIBIT # 2

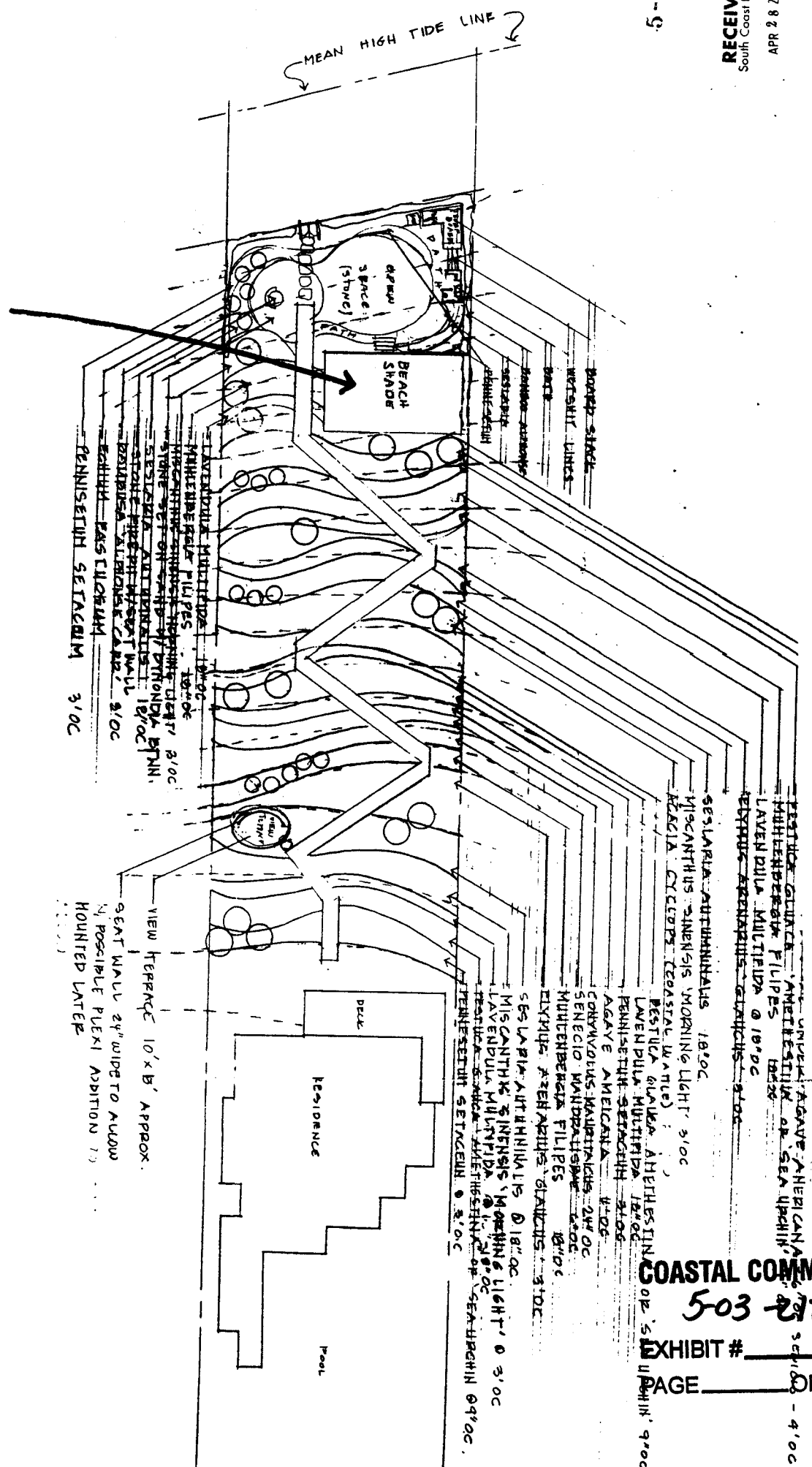
PAGE \_\_\_\_\_ OF \_\_\_\_\_

Pacific Ocean

5-03-

RECEIVED  
South Coast Region  
APR 28 2003

Proposed  
400 sq. ft.  
Structure



VIEW TERRACE 10' x 8' APPROX.  
BEACH WALL 24" WIDET TO ALLOW  
POSSIBLE PLEXI ADDITION TO  
HOUSED LATER

COASTAL COMMISSION  
503-272-3  
EXHIBIT # 3  
PAGE 1 OF 4

Dated 11/3/01



CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION  
SOUTH COAST REGIONAL COMMISSION

666 E. OCEAN BOULEVARD, SUITE 3107  
P. O. BOX 1450  
LONG BEACH, CALIFORNIA 90801  
(213) 436-4301 (714) 846-0648



FILE COPY

RESOLUTION OF APPROVAL AND PERMIT

590-5071

Application Number: P-4-1-76-7342

Name of Applicant: Robert S. Hood

517 Paseo de la Playa, Redondo Beach, CA 90277

Permit Type:  Standard

Emergency

Development Location: 437 Paseo de la Playa, Torrance, CA

Development Description: Construct a two-story, single-family dwelling with detached four-car garage, arcade and swimming pool with attached jacuzzi, 26 feet above average finished grade.

Commission Resolution:

- I. The South Coast Conservation Commission finds that the proposed development:
  - A. Will not have a substantial adverse environmental or ecological effect.
  - B. Is consistent with the findings and declarations set forth in Public Resources Code Sections 27001 and 27302.
  - C. Is subject to the following other resultant statutory provisions and policies:
    - City of Torrance ordinances.
  - D. Is consistent with the aforesaid other statutory provisions and policies in that:
    - approval in concept has been issued.

**DASTAL COMMISSION**

5-03-212 E. The following language and/or drawings clarify and/or facilitate carrying out the intent of the South Coast Regional Zone Conservation Commission:

EXHIBIT # 4  
PAGE 1 OF 2 application, site map, plot plan and approval in concept.

II. Whereas, at a public hearing held on June 7, 1976  
(date)  
at Torrance by a unanimous vote hereby approves  
(location)

the application for Permit Number P-4-1-76-7342 pursuant to  
the California Coastal Zone Conservation Act of 1972, subject to the  
following conditions imposed pursuant to the Public Resources Codes  
Section 27403: Prior to issuance of permit, applicant shall submit:

- 1. a signed and notarized statement agreeing: a. to either use a solar heating system only, for the swimming pool or to have an unheated swimming pool; and b. to use solar heating system only, for the jacuzzi;
- and 2. No portion of the structure, including decks and balconies, shall encroach upon the 25 ft. bluff setback.

Condition/s Met On June 21, 1976 By jlrc/HR

III. Said terms and conditions shall be perpetual and bind all future owners and possessors of the property or any part thereof unless otherwise specified herein.

IV. The grant of this permit is further made subject to the following:

- A. That this permit shall not become effective until the attached verification of permit has been returned to the South Coast Regional Conservation Commission upon which copy all permittees have acknowledged that they have received a copy of the permit and understood its contents. Said acknowledgement should be returned within ten working days following issuance of this permit.
- B. Work authorized by this permit must commence within 360 days of the date accompanying the Executive Director's signature on the permit, or within 480 days of the date of the Regional Commission vote approving the project, whichever occurs first. If work authorized by this permit does not commence within said time, this permit will automatically expire. Permits about to expire may be extended at the descretion of the Regional Commission.

V. Therefore, said Permit (Standard, ~~Emergency~~) No. P-4-1-76-7342 is hereby granted for the above described development only, subject to the above conditions and subject to all terms and provisions of the Resolution of Approval by the South Coast Regional Conservation Commission.

VI. Issued at Long Beach, California on behalf of the South Coast Regional Conservation Commission on June 21, 1976.

**COASTAL COMMISSION**

5-03-212

EXHIBIT # 4

42876 PAGE 2 OF 2

M. J. Carpenter  
M. J. Carpenter  
Executive Director

PASEO DE LA PLAYA, CITY OF TORRANCE

Projects to the North of the Project Site

Address	CDP(s)	Applicant	Project Description	Result	Other
417	5-97-050	Kreag	Construction of a gunite jacuzzi with waterfall and landscaped area in rear yard of existing SFR	Approved with conditions (issued 7/15/97)	Assumption of Risk, acknowledge ESH/ESB
	5-97-050-A1	Prince	Demolition of existing SFR and construction of a SFR with an attached 3-car garage. No change to existing development seaward of the new home.	Approved with conditions (issued 9/5/02)	Assumption of Risk, No future protective device,
	5-97-050-A2	Prince	Enlarging basement floor area landward and 550 cu.yd. of grading	Approved/no condition (issued 6/17/03)	
421	No permit on file				
425	No permit on file				
429	5-84-187	Briles	Construction of a SFR with 4-car garage on vacant lot	Approved with Conditions/Admin.(issued 12/28/84)	Deed Restriction - Liability
	5-84-187-A	Briles	Amend lower portion of landscape plan	Returned 10/25/85	
	5-85-755	Briles	Construction of a 7-foot wide concrete pathway down bluff face to beach, 6-foot high concrete "security" walls along property lines and at base of bluff and landscaping seaward of existing sfr (5-84-187)	Approved w/ changes See Revised Findings 1/8/86; Revised Findings - approved w/changes, 2/5/86.	Final conditions of approval incl. 5-foot wide pathway (semi-impervious), wall at toe of bluff limited to 6-feet high, and native plant materials only.
433	5-90-1041	Stamegna	Construction of a SFR on a vacant lot	Approved with Conditions (permit issued 3/4/92)	Assumption of Risk, stringline of deck, future development
	5-90-1041-A	Stamegna	Decrease building footprint, increase rear building setback by 3', add 400sq.ft. to second floor	Approved/Immaterial Amend (Issued 4/19/93)	

COASTAL COMMISSION

5-03-212

EXHIBIT # 5

PAGE 1 OF 4

	5-90-1041-A2	Hawthorne/Campbell	Install drainline, concrete stairway, chainlink fence and gate, irrigation system, erosion control and restoration of habitat on bluff face.	Approved w/ conditions (Issued 4/29/96)	Restoration, Maintenance and Monitoring Program, Assumption of Risk, Erosion Control Plans, Condition Compliance - 30 days
	5-90-1041-A3	Campbell	Construction of a 4-foot high retaining wall at the toe of the bluff, perimeter chain-link fence and swimming pool at the top of the bluff within the approved area of the SFR	Approved/Immaterial Amend (Issued 4/29/93)	
	5-90-1041-A4	Campbell	Relocate the bluff top retaining wall a maximum of 27-feet further seaward from previously approved location. The amended project will include backfill, extending the ground level cement covered deck to the retaining wall and locating the bluff top swimming pool further seaward.	Approved/Immaterial Amend (Issued 4/29/93)	

<b>Project Site</b>	P-7342	Hood	Construction of a 26-foot high 2-story, SFR with detached 4-car garage, arcade and swimming pool w/ attached jacuzzi.	Approved w/conditions, 6/21/76	use solar heating system for pool and jacuzzi, no structures incl. Decks and balconies shall encroach on the 25-foot bluff setback.
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**Projects to the South of the Project Site**

<b>441</b>	P-77-716	Warren	Construction of a 2-story SFR with 4-car garage.	Approved w/conditions (Issued 12/13/97).	Submit revised plans w/ no structures incl. decks encroaching within 25-foot bluff setback.
<b>445</b>	P-7266	Bacon	Construction of a SFR	Approved w/conditions	Deed Restriction for sft, solar heating for jacuzzi, no portion of structure, incl decks and balconies shall encroach into 25-foot bluff setback.

**COASTAL COMMISSION**

5-03-212

EXHIBIT # 5

PAGE 2 OF 4

	A-80-6753	Bacon	Addition of a 2nd floor sunshade to an existing SFR. The structural projection will not extend seaward beyond the roof overhang.	Administrative 5/19/80	
449	5-90-868	Schreiber	Grade bluff, restore and revegetate bluff face with native plant materials. Existing SFR on the site.	Approved w/conditions (Issued 12/6/90).	Geologist's certification; revised plans for lower terrace drain area and sand colored concrete terrace drains; bluff work to be supervised by consulting engineer and landscape architect; condition. compliance.
501	5-01-018	Conger	Construction of first story addition at rear of existing SFR and construction of three retaining walls, patio, spa, stairs and wood deck in rear yard area.	Approved w/conditions (8/7/01). Permit not issued, see reconsideration.	
	5-01-018R	Conger	Request for reconsideration of Commission's approval.	Reconsideration Granted 10/8/01	
	5-01-409	Conger	Construction of first story addition at rear of existing SFR and construction of three retaining walls, patio, spa, stairs and wood deck in rear yard area.	Approved w/conditions (11/13/03)	Assumption of Risk; No future protective device; No future improvements; Landscape Plan; Erosion control.
	5-01-409-A	Conger	Elimination of Section B in Special Conditions 2, 3 and 5	Approved as Immaterial Amendment (Permit Amendment Issued 10/13/02)	
505	No permit on file				
507	No permit on file				
511	5-85-183	Hall	Seaward extension of existing SFR to include a first floor addition and deck.	Administrative 6/11/85	Top of bluff determination
515	5-90-1079	Wright	Removal of vegetation and alteration of the bluff face for the placement of wood steps down a coastal bluff from an existing SFR to a public beach.	Approved w/conditions (Permit Issued 1/15/92)	Future Improvements

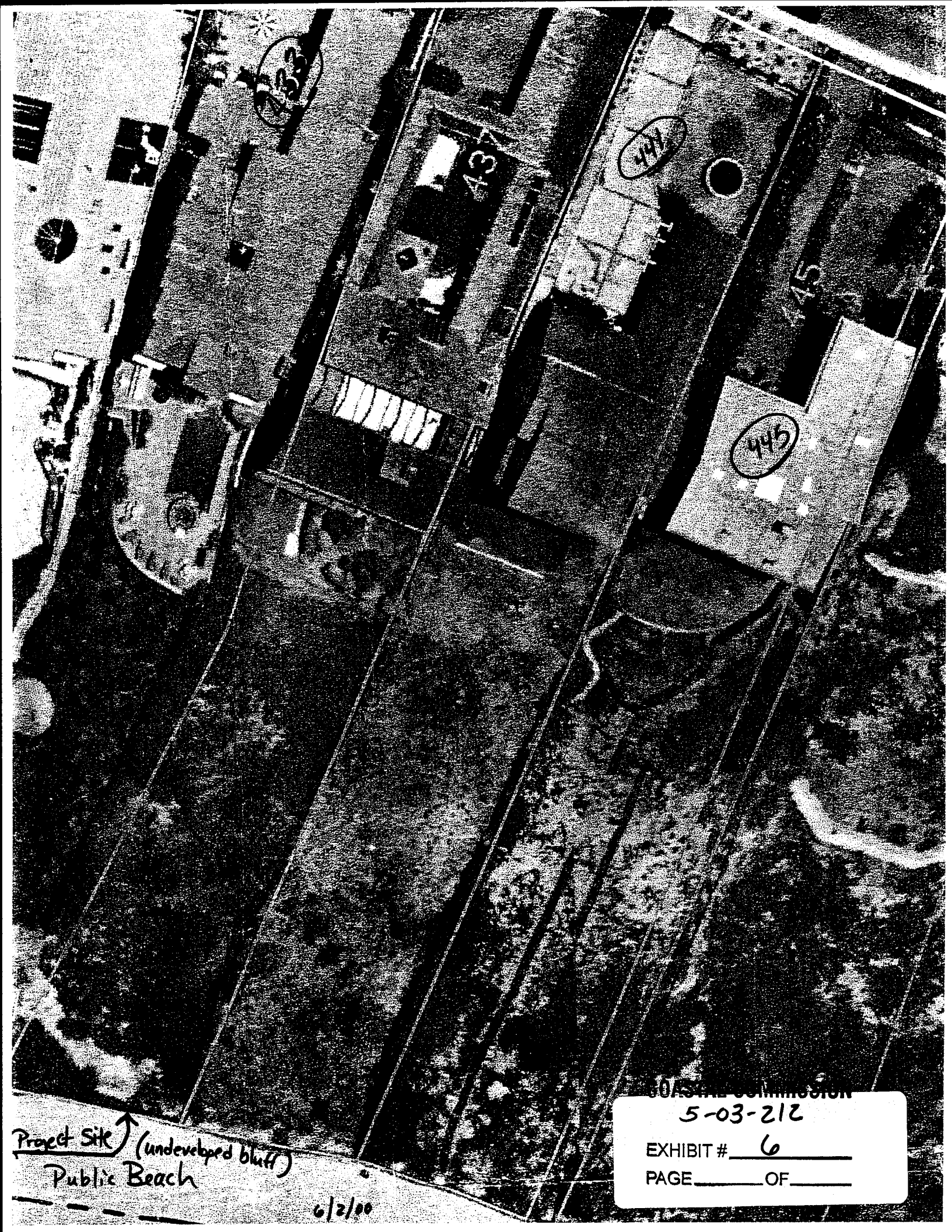
	5-91-697	Wright	Remodel SFR, enclose balcony and enlarge first floor den	Waiver 11/21/91	
517	A-79-4879	McGraw	Remodel sunscreen and 2nd level deck and spa		
521-609	No permit on file				
613	5-03-328	Carey	Bluff restoration; Construction of stairs down bluff to beach and observation deck	Pending	
617	No permit on file				
623	5-83-618	Fire	Correct earth slump condition on bluff top	Approved w/conditions 10/13/83	
627	No permit on file				
631	5-96-167	Lichter	Remodel and addition to existing SFR; deck and swimming pool (inland of swale)	Approved w/conditions	Future Improvements and assumption of risk

COASTAL COMMISSION

5-03-212

EXHIBIT # 5

PAGE 4 OF 4



433

441

445

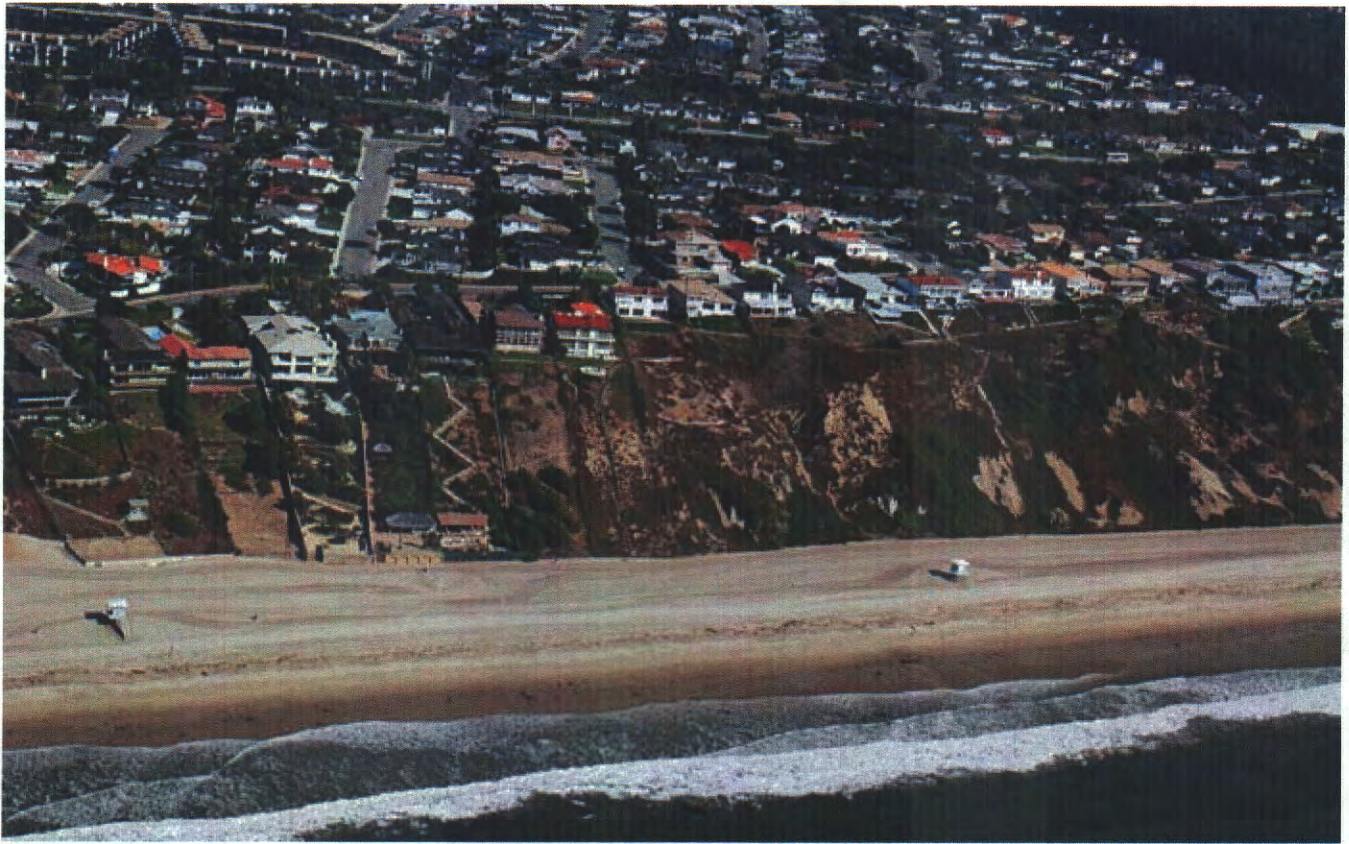
COASTAL COMMISSION  
5-03-212

EXHIBIT # 6

PAGE \_\_\_\_ OF \_\_\_\_

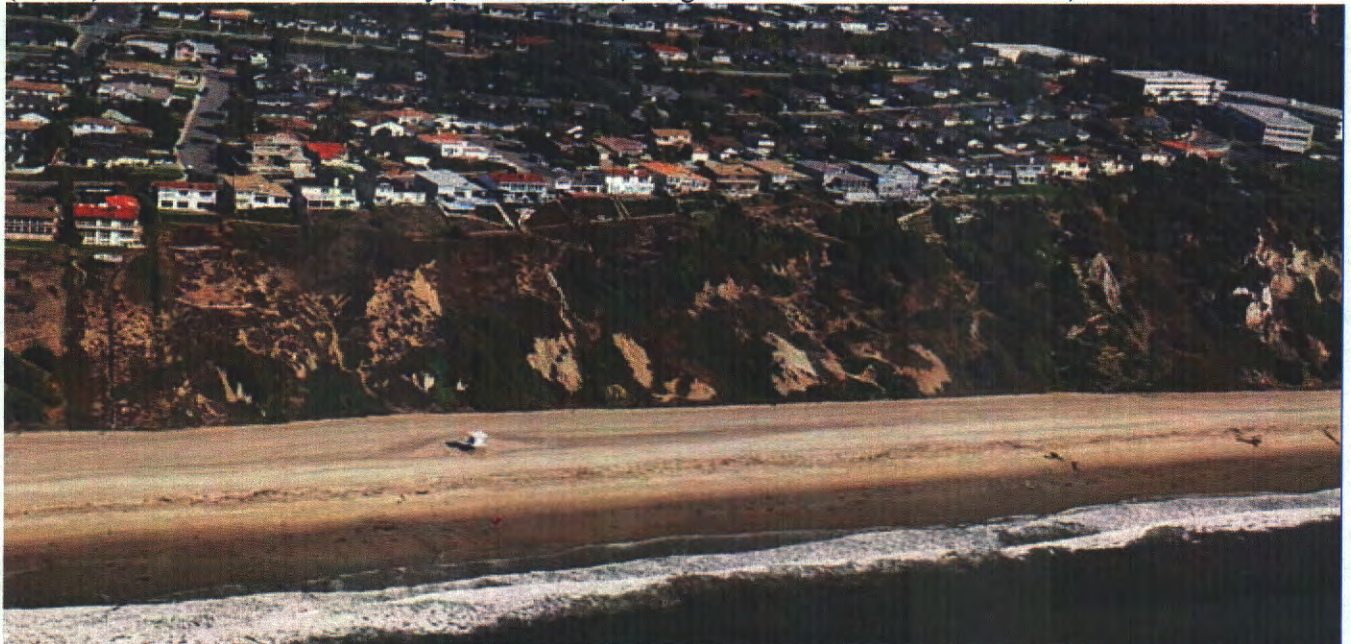
Project Site (undeveloped bluff)  
Public Beach

6/2/00



(Above) 417 – 605 Paseo De La Playa, Torrance CA, Image from Coastal Records website, 9/23/02.

(Below) 441 – 631 Paseo De La Playa, Torrance CA, Image from Coastal Records website, 9/23/02.



←←←← NORTH

COASTAL COMMISSION  
(5-03-212)

EXHIBIT # 7





Project Site

COASTAL COMMISSION

5-03-212

EXHIBIT # 8

PAGE \_\_\_\_\_ OF \_\_\_\_\_