CALIFORNIA COASTAL COMMISSION

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Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-04-324

APPLICANT: C. G. and V. C. Bredesen Trust, Chris and Ginger Bredesen, Trustees

AGENT: Dall and Associates (Norbert Dall, Stephanie Dall)

PROJECT LOCATION: 437 Paseo de la Playa, City of Torrance (Los Angeles County)

PROJECT DESCRIPTION: Request for after-the-fact approval of an existing four foot wide meandering 1,059 linear foot wood/concrete and flagstone walkway on a bluff face, an existing 1,218 sq. ft. two-level patio, an existing 13-foot high 910 sq. ft. shade structure, and an existing storage locker and fire pit all also on the bluff face just above the toe of the bluff, on a 27,808 sq. ft. beach-fronting lot. In addition, the proposed project includes the new construction of a five-foot high retaining wall, cut into the bluff face, requiring 38 cubic yards grading, and two wing walls to support the existing shade structure. The applicant also proposes the construction of new concrete planters and equipment lockers adjacent to the patios. Applicant proposes to mitigate the walkway, patios, shade structure, fire ring and other development on the bluff face by eradicating non-native vegetation on 9,960 sq. ft. of the slope, removal of the existing irrigation system and planting 6,870 sq. ft. with coastal bluff scrub, 2,180 sq. ft. with plants of the Palos Verdes and Santa Monica Mountains plant communities and 910 sq. ft. with regionally local climbing plants. As part of the revegetation, the applicant also proposes to remove the existing unpermitted irrigation system, to install new drip irrigation and water quality improvements and to monitor the native vegetation on the bluff slope.

LOCAL APPROVALS RECEIVED:

City of Torrance, Approval in Concept, 5/12/04

SUBSTANTIVE FILE DOCUMENTS:

See Appendix A.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is requesting after-the-fact approval for construction of an existing meandering 4-foot wide concrete path from a bluff top back yard down the bluff face to the beach, an existing 1,218 sq. ft. two level patio on the bluff face, an existing 13 foot high 910 sq. ft. shade structure, an existing fire ring, planters and an existing storage locker for beach equipment all also on the bluff face at the toe of a coastal bluff. In addition, the proposed project includes the new construction of a five-foot high retaining wall and wing walls with 38 cubic yards grading to support the existing shade structure and the construction of new concrete planters adjacent to the patios. As part of the project the applicant also proposes to reduce the size of the shade structure by 35 square feet to comply with City setback requirements. The applicant proposes to mitigate the project by installing coastal bluff scrub, primarily coast buckwheat, *Eriogonum parvifolium*, on about 6,870 sq. ft. of bluff face and to plant the flatter area around the shade structure with "native vines" California native riparian plants to soften the outline of the shade structure[1]. The riparian plants would have to be irrigated. Finally, the applicant proposes to remove invasive plants and the unpermitted sprinklers from the revegetation area and install a new drip irrigation system. The proposed project is located on the seaward face of a coastal bluff immediately inland of Torrance Beach, a public beach. The project site is consequently highly visible from the public beach. The applicant indicates that the revegetation is contingent upon approval of the walkway, retaining walls, storage locker, fire pit and shade structure.

Staff recommends that the Commission **deny** the project because, as a whole, it is inconsistent with Sections 30210, 30221, 30251, and 30253 of the Coastal Act. (**The motion is on page 4 of this report.**) With regard to public access and recreation, coastal bluffs are a source of sand supply, and there is evidence that the continued hardening of coastal bluffs reduces the amount of sand available to beaches, reducing the size of a coastal recreational resource, which is inconsistent with the public access and recreation policies of the Coastal Act. Section 30251 protects the scenic and visual qualities of coastal areas and requires the Commission to minimize the alteration of natural landforms. The proposed retaining walls and this project as a whole, substantially alter the appearance of the natural bluff. Section 30253 (2) requires approved development to 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 project requires the installation of retaining walls, and drains on the bluff face to protect the patios, walkway and shade structure from damage from subaerial erosion of the bluff.

Section 30253(5) protects special communities and neighborhoods, which, because of their unique characteristics, are popular visitor destination points for recreational uses. The project alters the special area at the toe of the Torrance bluff. The toe of the bluff, where the retaining walls, existing shade structure, storage lockers and fire pit are located,

[1] The acreage in this description is derived from the plan notes applicant's revegetation plan, Kelley, received January 6, 2005, and differs from the applicant's project summary shown in Exhibit 7.

and where the retaining walls are proposed, is immediately inland of Torrance Beach, which is a public beach. The irregular backdrop of a vegetated bluff is essential to the character of this public beach that is heavily used by visitors from Redondo Beach, Torrance, and other south Los Angeles County communities and is used – albeit more sparsely – by an even wider range of people from all over. Changing the irregular vegetated bluff to a row of structures and hardened walkways changes the quality of the area from an undeveloped, recreational open space with the backdrop of an undeveloped bluff, to a developed urban neighborhood.

While there are exceptions, the overall appearance of the bluff along Paseo de la Playa is natural and undeveloped. With the exception of two pre-coastal decks, one at each end of this row of 28 lots, all permitted houses, and roofed structures are sited at the top of the coastal bluff. While before the adoption of the Coastal Act the bluff was crisscrossed with a network of shared pioneered trails, there are few permitted paved private accessways. Six of the 28 lots have permitted or pre-coastal stairways or hardened footpaths traversing the bluff face. Three of these hardened accessways are located on the five lots to the north of this lot, the other three are scattered on lots that are located farther south. Two of the lots with permitted stairways have permitted patios near beach level. Except for the lots described above, bluff face development either does not exist or is unpermitted development. There are four stairways or paved walkways that have been improved with no record of a permit, and one bluff face stairway near the southern end of the bluff that was relocated without a permit. The shade structures, including the one subject to this application, that exist on four of the 28 residential lots, are all unpermitted. The four unpermitted shade structures are located on the northernmost five lots. The Commission's Enforcement Division will evaluate further actions to address these matters.

The applicant's representative has questioned the Commission's ability to limit landform alteration on this site. The applicant's representative has insisted that the slope on the lot that extends from a building pad elevated 85 feet above the beach (elevation 98) to the beach (elevation 13) at a 2:1 slope is not a "coastal bluff" and not a "bluff" at all. This is discussed in detail in Section B of this staff report and in Exhibits 12, 13 and 14.

Staff believes that the status of the area as a coastal bluff is irrelevant to the Commission's ability to limit landform alteration on the site. However, Staff recommends that the Commission, nevertheless, address this contention and find that this bluff is a Coastal bluff as defined by Section 13577 of Title 14 of the Code of Regulations. Section 13577 indicates that a bluff is a bluff if it *has been* subject to marine erosion or if its toe lies within the appeal area (which extends 300 feet from the beach.) The toe is adjacent to a public beach. Staff Geologist Mark Johnsson's response to this assertion is found in Section B of the staff report and in Exhibit 12.

I. STAFF RECOMMENDATION:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 5-04-324 for the development proposed by the applicant.***

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.

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 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 Description and Location

Project Location

The project site is located within an existing residential area at 437 Paseo de la Playa, City of Torrance, Los Angeles County (Exhibits 1, 2 & 3). The site is the sixth northernmost lot of the 28 residential lots on the bluff top between the first public road, Paseo de la Playa, and the sea. The bluff in question varies in height from approximately 60 feet at the Los Angeles County Torrance Beach Park to the north of the residential lots to 120 feet near the boundary of Palos Verdes Estates. The bluff tops of all 28 residential 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 Torrance Beach Park, which is approximately 500 feet to the north of the project site (Exhibits 2, 18 p 4). There are also a vertical beach public access way and public parking in Palos Verdes Estates located approximately ¾ of a mile to the south of project site.

Project Description

The applicant requests after-the-fact approval of an existing four foot-wide 1,059 linear foot meandering concrete walk way from the back yard of the bluff top residence (elevation 98) down a 2.1:1 seaward-facing slope to its toe (elevation 13). At the toe, the applicant requests after the fact approval of an existing 1,218 sq. ft. two-level concrete patio, an existing 910 sq. ft. shade structure (over the upper portion of the patio), existing concrete planters, an existing fire pit and an existing equipment storage locker. In addition, the applicant seeks approval for two new wing walls and a concrete retaining wall to be constructed at the rear wall of the shade structure to support the shade structure. Three concrete columns will also support the shade structure. The construction, mostly for the retaining structure, will require ±approximately 38 cubic yards of new grading; according to the applicant' engineering consultant, a similar amount of grading took place during construction of the patios, bring the total grading to about 76 cubic yards. As part of the project the applicant proposes to reduce the size of the shade structure by 35 square feet to comply with City setback requirements. The applicant proposes to mitigate this work by eradicating invasive non-native vegetation and planting coastal bluff scrub vegetation on a 6,870 -sq. ft. portion of the bluff face (mid-bluff), and by planting a 2,180 sq. ft. area near the patios and shade structure with "horticultural vegetation", mostly California riparian plants, to screen them from view from the beach. In addition, the applicant proposes to remove unpermitted sprinklers from the bluff face, and replace them with a new drip irrigation system and water quality improvements and to monitor the native vegetation[2]. While the shade structure, walkway, and patios are in place, the applicant proposes to carry out some changes to respond to City of Torrance requirements to remove a portion of the shade structure that does not conform to the side yard set back standards. The applicants, as required by the City are also proposing to install a new five-foot retaining wall (at the rear of the shade structure) and two wing walls to support the shade structure and conform to the City's structural requirements. In the mid 1970's the Commission approved a chain link fence at the toe of the bluff on this and the adjacent four lots, separating the bluff face from the public beach. The applicant has covered this fence with black plastic, which the applicant asserts, hides the shade structure from public view, and reduces the visual impact of the development. The single-family house was approved with a separate permit in 1976, P 76-7342. The house is located at approximately 99 feet above sea level. (See Exhibits 5, 6 and also Exhibit 7 for revised Comprehensive Project Description).

Prior Development at Subject Site and Surrounding Area

On June 7, 1976, the South Coast Regional Conservation Commission approved a house on the bluff top portion of this lot "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, P 76-7342 (Exhibit 21), with conditions. Consistent with the project plans, the

[2] Comments on the plan by USFWS staffer Mike Bianchi and Staff ecologist John Dixon's are found in Exhibits 10 and 11.

garage, arcade, swimming pool, and jacuzzi are located landward of the home. 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 21). The house was constructed and complies with the plans. The applicant does not propose any changes to the existing development on the top of the bluff, but with this application, requests after-the-fact approval to construct walkways, decks, and a shade structure seaward of the 25 foot set back line. 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 1978, the previous owner, Robert Hood, applied for and received a permit for a lot line adjustment between the present lot and the adjacent lot, which he also owned (P 78-8892 Hood).

In response to direction by Commission Enforcement Staff to submit an application for removal of the unpermitted development and restoration of the site, the applicant submitted an application for after-the-fact approval for construction of a 400 sq. ft. "storage shed/beach shade" structure on July 24, 2002. However, the 2002 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 that permit application, still only seeking authorization for the shade structure, on April 28, 2003 (5-03-242). On December 10, 2003 the applicant withdrew application 5-03-242. On August 12, 2004 the applicant submitted an application (5-04-324) with an augmented project description that contained all unpermitted development on the site, and a restoration plan. The application remained incomplete for a number of months while staff and the applicant worked together to complete the application and to assure that the restoration portion of the package was based on science acceptable to the resources agencies. The application was deemed complete on November 3, 2004.

Permit History for Bluff Face Development in Project Vicinity

Figure 1 and 2 on the following two pages and Exhibit No. 23 summarize the permit history of bluff face development for the 28 residential lots located along Paseo de la Playa in Torrance.

FIGURE 1 TORRANCE BLUFFS INVENTORY OF BLUFF FACE DEVELOPMENT PERMITTED AND PRE-COASTAL DEVELOPMENT			
Pre-coastal	**Development**	**Location**	**Permit number**
3	**Stairways/ paths**		
		413/417	NA
		601	NA
		627	NA
2	**Patios/decks**[3]		
		413/417	NA
		627	NA
0	**Shade structures**		
			NA
0	**Retaining walls**		
			NA
Approved			
3	**Stairways/ paths**		
		429	5-85-755
		433	5-90-1041A3
		515	5-90-1079
0	**Shade structures**		
3	**Retaining walls**		
		429	5-85-755
		433	5-90-1041A3
		449[4]	5-90-355

[3] Patios/decks listed above are located below concrete drainage swale marking the "historic top of bluff".
[4] Low wall constructed as part of upper bluff repair, not highly visible.

FIGURE 2 TORRANCE BLUFFS INVENTORY OF BLUFF FACE DEVELOPMENT UNPERMITTED DEVELOPMENT			
Unpermitted.			
4	**Stairways/ paths**[5]	**ADDRESS**	
		425*	
		437*	
		445	
		[601[6]]	
		605	
3	**Patios/decks**		
		429	
		433	
		437	
4	**Shade structures**		
		413	
		429	
		433	
		437	

When the Commission assumed jurisdiction in 1973, there were three improved bluff face accessways on this bluff. There were two platforms perched on the bluff face -- one at each end of the row of lots. Since 1973, the Commission has approved three ramps or stairways down the bluff face to the toe of the bluff on the 28 lots along Paseo de la Playa. In one (5-85-755), the applicant asserted the need for safe access for permission to build a concrete walkway, a wall at the toe of the bluff and a patio above the beach; in the second (5-90-1041A3), a narrow property line stairway, sited along an existing wall to reduce visual impacts, was approved as part of a bluff reconstruction and restoration that the owners requested to repair a massive blow-out. The absence of the promised landscaping at these sites has been referred to the Commission's Enforcement staff. A lot located eight lots to the south of the subject lot received a permit in 1991 to stabilize an "existing path " with redwood beams (5-90-1079 (Wright)). During consideration of the third stairway (5-90-1079), the applicant provided persuasive evidence that placement of redwood ties was merely a repair and stabilization of a pre-existing soft-footed path. The

[5] A web of unpermitted paths existed across several lots in 1972. An asterisk indicates that these were further modified without a CDP after 1973.

[6] This stairway has been rebuilt in a new location. Since there was a stairway on this lot in 1972, even though a permit was needed for its relocation, the relocated stairway is not included in staff report total as "unpermitted".

Commission approved two patios in conjunction with stairways, but it has approved no shade structures at the toe of the bluff.

The Commission has approved other development on the bluff face or at the toe of the bluff. The house directly south of the property received a permit to construct a walkway to an upper bluff terrace, conditioned not to extend seaward of a swale marking the historic top of the bluff. Two lots to the south of the subject lot, the Commission approved remedial sand colored concrete terrace drains and bluff restoration (5-90-868) but no stairway and no development below mid-bluff. An owner of another lot received approval for a property line fence, extending down the bluff. The Commission denied an application 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 Carey)[7]. The Commission acknowledges that several lots have inconspicuous pioneered paths down the bluff; shared with adjacent lots or the public, these are not improved and appear in 1973 photographs.

The Commission has approved five new houses on the bluff top lots and a number of additions to existing single-family houses and appurtenant structures, such as pools, jacuzzis, and patios on the top of the bluff. Most of the approved additions were at the top of the bluff, or inland of a thee foot wide concrete lined drainage structure parallel to the bluff top, that represents the historic top of bluff north of 449 Paseo de la Playa. In approving this development the Commission routinely imposed conditions limited development to a 25-foot bluff top set back. In making these approvals, the Commission agreed with the applicants that a concrete swale allocated about ten feet below the house pads and parallel to the bluff top represented the historic top of the bluff (5-01-405A (Conger), P-5-77-716 (Warren)).

Of the twenty-eight residential lots on Paseo de la Playa, six (6) have approved stairs or hardened footpaths that extend down the bluff, three of which are pre-coastal, and three of which, including two lots directly north of the subject property received coastal development permits allowing the construction of stairs/walkway to the beach. Four additional lots, including the subject lot, have unpermitted ramps or stairways under investigation; one property that had a pre-coastal stairway, appears to have relocated the stairway without seeking a coastal development permit. However, eighteen (18) lots do not appear to have any stairs or walkways extending down the bluff face.

As shown in the tables above, the Commission has approved no structures other than paths and walls -- in other words the Commission has not approved any "shade structures" at the toe of the bluff. The Commission has approved only minor development near the toe of the bluff. When the beach transferred to the City, the Commission approved a fence at the toe of the bluffs along five lots, including this one, separating the private property from the beach. The northernmost lot has development on the bluff face that

[7] 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.

includes stairs and a small deck about 30 feet above the toe of the bluff and a volleyball court at sand level. The ramp, volley ball court and deck appear 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; a shade structure visible in more recent photographs appears to have been constructed after the Coastal Act without a coastal development permit.

B. Issues of Jurisdiction.

Two relevant Coastal Act sections regulate development along coastal bluffs. One requires the Commission to protect the scenic and visual quality of coastal areas and to minimize the alteration of natural landforms; a second requires the Commission to assure safety of development and to prohibit development that requires protective devices that would substantially alter of natural landforms along bluffs and cliffs.

Section 30251 Scenic and visual qualities

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 land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 Minimization of adverse impacts

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.
(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
(4) Minimize energy consumption and vehicle miles traveled.
(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics are popular visitor destination points for recreational uses.

The applicant argues that the lot in question is not a coastal bluff, and therefore Section 30253(2) does not apply. In support of this contention, the applicant asserts that:

1) The lot in question is not a bluff because beach replenishment in the 1930's removed the toe of the slope away from the impact of the waves. The toe of the

bluff is by and large free of wave attack. Therefore, the slope is no longer a coastal bluff.

2) Topographic maps prepared at or about 1900 show the sand line in a location much closer to the toe of the slope than it is presently.

3) Mid -Nineteenth Century mariners' logs identify this area as "low rolling hills."

4) Only a rocky bluff should be considered a bluff; bluffs consisting of sand or unconsolidated clays should not be considered coastal bluffs. Since the upper layers of soils on the property is sand above windblown dunes; actual rock is below the surface deposits; and this slope should not be considered a bluff.

5) The applicant's geological consultant and coastal engineer share the applicant's opinion that the site is not a coastal bluff (Exhibit 15, 16).

In support of the contention, the applicant has provided a wave run-up study indicating that the storm waves rarely if ever attack the toe of the bluff, because the beach normally protects it, and a statement from the coastal engineer that the beach was augmented in the 1930's, which since that time protected the bluff from wave action.

With regard to beach replenishment the beach at the toe of the bluff was nourished in the late 1960's as well as at earlier dates. This difference between the present width of the sand area and the historic width of the sandy beach (from the toe of the bluffs to the waterline) was considered in a lawsuit between the previously owners Hood and Muller, the City of Torrance and the State of California In the early 1970s. In that suit, which also included a prescriptive rights component, the State and City argued successfully that the sand areas at the toe of the bluff should be considered public. In the settlement between the landowners and the public agencies, the mean high tide line was agreed to be located ten feet seaward of the "toe of the bluff", and the owners then transferred the ten feet between the toe of the bluff and the mean high tide line to the City of Torrance (Exhibits 17, 18, 19, & 20). In all these discussions the bluff is referred to as "the bluff."

Furthermore, the Commission does not concur that the placement of sand at the toe of a coastal bluff changes the status of the bluff from a coastal bluff to a "slope", and more importantly removes the development on the bluff in question from the need for consistency with Coastal Act sections 30251 and 30253. With respect to this issue, Mark Johnsson, staff geologist states:

> Finally, I have had numerous discussions with the applicant's agent, Norbert Dall, concerning whether or not the slope should be considered a coastal bluff. In some regards, the question is moot. The geologic stability of the proposed (existing) development has been analyzed, and I concur with the applicant's consultants that the development can "assure [geologic] stability" as required by Coastal Act Section 30253, as long as the recommendations in the above referenced reports are adhered to. Nevertheless, out of concern for the protection of visual resources, the Commission generally has not allowed private development on the face of coastal bluffs. Again, the

definition of the landform is therefore less important in this case than the impact of the proposed development on visual resources.

That said, it is my opinion that the slope at the site certainly meets any geologic, legal, and practical definition of a coastal bluff. This is not a particularly steep coastal bluff, probably because under current conditions it is rarely subject to wave attack and so surficial processes dominate the erosion of the bluff. In fact, I have used photographs of the bluff only a few lots downcoast of the subject site to illustrate this concept in talks. Reference (3) is a review of borings reported on in reference (1) and concludes that the borings "encountered silty sand, San Pedro sand, pebbles, and man-placed sand (fill) but no formational materials that would indicate the presence of a wave-cut coastal bluff, sea cliff, or escarpment on (in) the slope." Whether or not a slope is wave cut can in no way be determined, however, from an examination of the materials making up the slope. It is common in California to have steep bluffs cut in unconsolidated sand dunes (such as in southern Monterey Bay). At this location, marine processes are subordinate to subaerial processes, so that the slope is much less steep (see Emory and Kuhn, 1982). Clearly, though, the slope is related to marine erosion in the recent geologic past.

The term "coastal bluff" is not defined in the American Geological Institute's *Glossary of Geology*, the standard source for definitions of geologic terms. But the definition for "bluff" is given as:

> (a) A high bank or bold headland with a broad, precipitous, sometimes rounded cliff face overlooking a plain or body of water; esp. on the outside of a stream meander; a *river bluff.* (b) Any cliff with a steep broad face.

And the adjective "coastal" is defined as:

> Pertaining to a coast; bordering a coast, or located on or near a coast, as *coastal* waters, *coastal* zone management, or *coastal* shipping routes.

In my opinion, the slope on the subject property clearly meets both definitions. The term "coastal bluff" *is* defined in the Commission's Administrative Regulations (CCR Title 14 § 13577 (h)), at least for purposes of defining the Commission's jurisdiction:

...Coastal bluff shall mean:

> (1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and
>
> (2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2).

For reference, PRC 30603(a)(1) and (2) are as follows:

> (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or

> of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
>
> (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
>
> In my opinion, the slope at the property meets the first definition in § 13577 (h). Even if it did not, however, it clearly meets the second definition.
>
> Finally, on a practical level, I note that this relatively steep slope separates a generally flat upland area adjacent to the dissected uplands from the gently sloping beach. The Commission has previously defined the same slope, only a few lots south of the subject site, as a bluff face (see CDP 5-01-018, Conger), and the bold headland is a dramatic landform as seen from the beach (Mark Johnsson, 2004, Exhibit 12.)

The applicant's representative also consulted with the Coastal Commission's mapping staff, in response to this issue. Jon van Coops of the Commission's Mapping Unit has responded, again indicating that when determining the boundaries of the appeal area, staff considers this area a bluff (Exhibit 13, see also Exhibit 14 for a USGS discussion of the matter.)

In the 1970's the previous owner of this property, Robert Hood, appealed an action on this property to the State Commission. The appeal included the contention that the property was not a bluff (Appeal 187-75; P75-5490). The State Commission found no substantial issue with the Regional Commission's action, which was based on its consideration of the "Torrance Bluffs" as an acquisition site. After the State Commission removed the Torrance Bluffs from the acquisition list, based in part on the City of Torrance's letter indicating that (1) the bluffs were hazardous for recreational use and (2) access to the beach was assured in its settlement with the landowners, the Regional Commission approved a request for a single family house on this lot. In all the subsequent correspondence from all parties the landform was identified as a bluff. (Exhibits 17-19)

In addition, other facts do not support the applicant's contentions

1) The Torrance LCP, which was approved with suggested modifications in the early 1980's, although never effectively certified, describes these lots as a bluff.
2) The geologists employed to examine other lots on either side of the property describe the landform as a bluff.
3) In other reports and geologic reviews the bluff is consistently described as a bluff.

Finally, the Coastal Act protects the visual quality of public recreation areas. While the Land Use Plan discussion of views centers on views from private homes, the Land Use Plan also discusses views to and along Torrance beach, and includes drawings of the view along Torrance beach, with the cliffs rising up as the backdrop of the beach. In conclusion, the Commission finds that the issue raised concerning whether or not

Torrance bluffs is a bluff is irrelevant and not consistent with the Commission's past actions.

C. Scenic Resources/Community Character & Cumulative Adverse Impacts

The proposed development consisting of a concrete path that extends down the face of a coastal bluff, a two-level concrete patio and a 910 square foot, 13-foot high shade structure and a storage locker, planters and fire pit near 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 twenty 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. The project site is located near the northern end of the 28 residential bluff top lots (Exhibit 2, 3). The eight northernmost lots include one of the pre-Coastal Act stairways, two of the permitted stairways, three of the unpermitted stairways (including the stairways subject to the present application) and all four unpermitted cabañas. Due to the lower height of the bluffs, on the 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, ten bluff face stairs or footpaths exist throughout the 28 bluff top lots, four of which are unpermitted. On the adjacent lot and on the lot two lots to the north of this development the Commission permitted stairways and decks 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) occurred before passage of the California Coastal Act and was therefore never subject to the requirements of, or review under, the Coastal Act. There are no coastal development permits for lots 521 to 609 (to the north of the project site). Single-family homes existed on these lots prior to establishment of the Coastal Act. Except for the lots described above, bluff face development either does not exist or is unpermitted development. The third permitted hardened accessway is halfway down the row of houses at 515 Paseo de la Playa; the two

other pre-coastal stairways are located at 601 and 627 Paseo de la Playa, near the Palos Verdes Estates boundary.

Even with these exceptions, 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 some of the houses and the edges of decks are visible from the beach, but generally the bluff front appears undisturbed. Development along the bluffs must be sited and designed to protect views to and along the beach and to minimize the alteration of excising natural landforms. New development must also be sited and designed to be visually compatible with the relatively undisturbed character of the surrounding area.

The proposed project is located on the bluff face immediately adjacent to the public beach. The bluff face at this site is highly visible from the sandy beach. The applicant requests after-the-fact approval to construct a hardened walkway, patios, patios, fire ring, storage lockers and shade structure on the bluff face. The applicant proposes to excavate a notch in the bluff (38 cubic yards) to accommodate the rear of the shade structure that will be supported by a five-foot high concrete retaining wall and two wing walls and by three concrete columns. The patios will be constructed with five-inch thick reinforced concrete leveled pads cut into the bluff, requiring about 38 cubic yards of grading also. Some materials were removed to accommodate the patios. Short timber retaining walls will support the walkway and the patio. Subsurface drainage structures at the turns of the ramp will divert water from the face of the bluff to an outlet at the toe. The applicant proposes to mitigate the view impacts of the structure by planting native vines (California rose) to cover the shade structure and by coloring the concrete path.

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 views to and along the public beach.

b. *Community Character*

Pursuant to Section 30251 of the Coastal Act, new development must be visually compatible with the surrounding area. In addition, 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 Exhibit 4, 5, 6.) The lot adjacent to and one lot north of the proposed project have stairways, walls and decks approved in the mid 80's and 90's, the lot five lots to the north of the project has a pre coastal improved pathway and patio. The lot located on the third lot to the north of the

subject property has an unpermitted hardened accessway; as does the second lot to the south, and the subject lot. Four lots, including the lot 5 lots to the north, the lot two lots to the north, the lot adjacent to and north of the subject lot and the subject lot have unpermitted structures (See Exhibit 3.) Even so, the overall appearance of the bluff as a whole (all 28 lots), even in the southern 8 lots is natural and undeveloped (Exhibits 4, 8). 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. The existing patios, shade structure subject to this application are towards the base of the bluff, immediately adjacent to the public beach. Approximately 500 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. Approximately ¾ of a mile to the south is a public beach access way and a public parking lot. Intensified private 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

Section 30250(a) of the Coastal Act requires that new development be located where it will not have significant cumulative adverse effects on coastal resources. As described earlier and identified in Exhibits 23 and 24 the majority of development along Paseo de la Playa is located on the bluff top. The proposed bluff walkway, shade structure, patios and ancillary structures would set a precedent for future development to intensify bluff face development not only on the southern eight lots but along the entire bluff face. Over time, incremental impacts can have a significant cumulative adverse visual impact. Other similarly situated property owners may begin to request authority for new construction on the bluff face, thus contributing to cumulative adverse visual impacts.

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 approved (or pre-coastal) development occurs solely at the top of the coastal bluff (on 22 out of 28 lots). The alteration of the bluff from construction of the paved path, shade structure, retaining walls, planters, fire pit and two level patio would result in an adverse visual effect when viewed from public vantage points along the beach. The applicant's solution to mitigate the visual

impacts raises issues. Covering the existing property line fence with plastic sheeting and installing vines, which must be irrigated, at the toe of the bluff, have problems of their own –irrigated plants are inconsistent with the habitat of the bluff, and black plastic sheeting has visual impacts of its own. When plastic degrades into small pieces it is hazardous to marine life.

Allowing the proposed project would also lead to seaward encroachment of new development in an area where additional unpermitted development has occurred 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), where the Commission approved ancillary structures that were located above the historic top of the bluff, but rejected all development seaward of that line; and 5-04-328(Carey), both instances where the Commission denied bluff face stairs.

D. Hazards

Section 30253 of the Coastal Act states, in pertinent part:

> *New development shall:*
>
> *(l) 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, face and toe, and breaks in water or sewage lines.

Site Conditions and Geotechnical Conclusions

As described in the applicant's technical reports, and in other reports on nearby lots, 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. The applicant has provide a geologic report that indicates that consistent with former reports on the property the bluff consists of blown sand over Pleistocene dunes. It notes that several lots to the south, Miocene shales are exposed. The report indicates that the surface materials are subject to slippage and erosion and includes a number of recommendations concerning drainage. It indicates that the lot is grossly stable, but cautions that as the shade structure may be considered a structure that is not regularly occupied and thus need not be examined for seismic safety (Exhibit 16).

The project as redesigned and evaluated by the applicant's consultants includes extensive measures to stabilize the development. The applicant 's coastal engineer listed the features planned to assure the safety of the existing and proposed patio, walkway, and shade structure.

> "RESIDENTIAL LOT AND PATIO IMPROVEMENTS AT 437 PASEO DE LA PLAYA. The subject property consists of a trapezoidal residential lot that was subdivided, graded, and developed in the 1970's with a two-story single-family home and appurtenances. The lot measures ~60 feet along its seaward (westerly) side, -446 feet n the north, -64 feet on the east (street side), and ~423 feet on the south sides. (See, Exhibit 3, Lanco Engineering, surveyed Topographical Map, 437 Paseo de la Playa, Torrance, 2-26-04). The lot slopes in from approximately +130 feet MSL, along the street, to about +14.8 feet MSL, along the westerly property line, and is fronted by a slope vegetated by primarily non-native vegetation, a wide sandy beach (approximately 200 feet wide), and the Pacific Ocean. The previously approved two-story single-family home, garage, pool/spa, and decks on the subject property are located on the graded pad at the top of the slope, above elevation -+99 feet MSL. A path, consisting of a combination of wooden, wood-bordered concrete, and flagstone pavement extends from near the top of slope, near elevation +97 feet down to the toe of slope, near elevation -+17 feet MSL and to the gate in the fence at the western property line, near elevation -+15[8] feet MSL. ... A finish color consistent with the restored and enhanced natural landscape is proposed to be applied to the path, and native vegetation is proposed to be planted on the slope for enhanced soil/sand stability and to replace various existing non-native plants, which are to be removed. (K&AES, 2003.)
>
> A two-tier patio is located at, and partly notched into, the toe of the slope to the north of the path. ... The lower patio, -600 SF at elevation -+20.5 feet MSL, is bordered on the west and south by two parallel garden walls, ~3-5 feet in height, that define an attractively planted 3 feet wide space. Approximately 40% of this patio consists of flagstones set in grass, and the remainder is paved with concrete. A small grate provides drainage to ground in the northwesterly corner of the lot .The rear (upper) tier of the patio (750 SF) has a -6 inch thick concrete floor, with small drain grates that tie into the discharge to ground.

[8] Staff has relied on the figures on the survey map to get elevation 13.

The rear patio steps up 3 feet behind a retaining wall and 2 feet-wide planter border on its westerly side. The retaining/garden wall extends ~10 feet to the east along the northerly and southerly edges of this patio. Three columns on the west, and a combination 5 feet high retaining and wood wall above it, with ~6 feet long wing walls, support a wooden roof that provides shade over the rear patio, as well as space for a small (~25 SF) secure enclosure for recreational equipment. The shade structure contains no bedroom, kitchen, or bathroom. The concrete columns are built with four #7 rebar (vertical) and #3 ties on 8 inches centers, and supported by a 24 "x24 "x30' concrete grade beam, with two #7 rebar at the top and bottom, and with #3 closed stirrups on 12 inch centers. (SMP, 2004.) The beam and three columns, in turn, are supported, respectively, by 48"x48"x24" thick concrete pads and four #5 bars, as shown on SMP's Sheet No. ... The lower tier patio is completely open to the west and south; the upper tier patio is open to the west and south except for the 18-inch columns and the rear wing walls. The columns and roof of the shade structure are proposed to be vegetated with salt-spray tolerant climbing native vegetation to enhance their aesthetic and functional compatibility with the adjacent restored slope to the east. (K&AES, 2003.) To meet seismic loading standards, two 6 feet long. 8 inch wide sheer walls are proposed to be built, in alignment with the northerly and southerly columns, from the rear retaining wall forward, and the roof of the shade structure along the northerly property line is proposed to be reduced by ~35 SF to fully meet the City's 3 foot setback requirement. (SMP, 2004.) (Skelly Engineering, 2004)

Regarding the general site conditions, the project geologists, Cotton, Shires & Associates state in part:

Evidence of Past or Potential landslide Conditions
No indications of deep-seated or shallow slope instability' were observed at, or immediately adjacent to, the project site during our site reconnaissance on November 11, 2003 or during our site visits on February 17 and 18, 2004. ... In addition, aerial photographs of the subject property and its immediate surroundings show no evidence of landsliding or slope instability. Review of pertinent geologic maps and reports also reveal that no previous slope instability

...

9.0 CONCLUSION
Section 30253 of the Coastal Act of 1976 provides, in relevant part, that "New development shall: (1) Minimize risks to life and property in areas of high geologic, flood and fire hazard, and (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". Based on our evaluation of the site conditions, and the understanding that the recommended actions (mitigations) detailed herein will be incorporated into the comprehensive project description for submittal to Coastal Commission as part of the coastal development permit application and then, subsequently implemented, we conclude that: a) the improvements do not pose a risk to life and property, b) the improvements do not adversely affect stability or structural integrity of the site, c) the improvements do not contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, and d) the improvements do not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.(Cotton, Shires, and Associates, Inc., See also Exhibit 16)

In response to these reports, staff geologist Mark Johnsson indicates:

> Reference (1(Cotton Shires)) contains general information on the site geology, and specific information regarding site stability in terms of bluff recession, surficial and global slope stability, ground and surface water conditions, seismicity, and seismic slope stability. The report indicates that the site is capped by stabilized Late Pleistocene dune sands 3 to 13 feet thick, that overly the Early Pleistocene San Pedro sand. Locally, the San Pedro sand is overlain directly by artificial fill, where it is retained by landscaping walls on the lower part of the bluff.
>
> No evidence of surficial or global slope instabilities were noted at the site, but instability has been observed at properties just downcoast. A quantitative slope stability analysis, performed using soil strength parameters derived from laboratory testing of samples collected at the site, yielded a minimum factor of safety against deep-seated failures of 1.55 for the static condition and 1.01 for the pseudostatic condition. The latter is below the usual criteria of 1.1 required to demonstrate slope stability under seismic loading, but I note that a relatively high (i.e., conservative) value of 0.21 g was used for the earthquake loading coefficient; 0.15 is used more commonly in conjunction with a factor of safety of 1.1 to demonstrate slope stability. A Newmark-type analysis of expected seismic displacement during a seismic event yielded a displacement of 5.86 cm. A displacement of this magnitude would adversely affect structures such as buildings and retaining walls. Finally, the report contains an analysis of surficial slope stability using the methods of infinite slopes. No quantitative results are presented in the report, but the report does conclude that "the materials exposed within the slope face may be susceptible to shallow slope failures, particularly in localized oversteepened areas that may be caused by uncontrolled erosion, improper grading, or other anthropogenic processes." The report makes recommendations for drainage controls to minimize surficial instability.
>
> I concur with the principal conclusion of the report that the slope is grossly stable under static conditions, might be expected to be marginally unstable under seismic loading, and will likely suffer surficial instabilities unless great care is taken to control runoff on the slope.

The existing patios, shade structure subject to this application are towards the base of the bluff, adjacent to the beach. The Commission finds that the development will be stable but would achieve this stability by hardening portions of the cliff face for the walks and patios and relying on protective devices to support the cliff and protect the structures. The retaining wall at the rear of the structure is necessary to support the bluff behind it, where it has been excavated, and to protect the structure from the weight o the bluff. Under normal conditions, the shade structure will be safe, although it is not designed to survive an earthquake. The project will also require grading for the installation of the retaining walls at the edges for the paths and at the rear of the structure, which is another form of protective device, as well as the installation of the drains. The shade structure will require concrete columns supported by a grade beam for support. As designed and as proposed, the development will not be unstable. However, the development requires retaining walls, which are a kind of protective device, columns, a grade beam, and grading on the bluff face to achieve this stability.

Although the applicant's consultant has indicated that the project would ensure structural stability, the Commission finds that the proposed development would not be consistent with Coastal Act Section 30253 (2) because it requires protective devices that would substantially alter natural landforms along bluffs and cliffs.

E. Beach Erosion and beach processes

Section 30235 states:

> ***Section 30235 Construction altering natural shoreline***
>
> *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.*

According to the applicant's coastal engineer, the project will not be subject to wave attack and will not require a structure on the beach to protect it from wave erosion. This is because the beach has been artificially incremented in the past, and is now protected by structures such as the Redondo Beach breakwater. This stability, in the view of the applicant's coastal engineer should last many years into the future (Exhibit 15).

The applicant's coastal engineer, David Skelly, states:

> 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 his 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 upcoast and down coast movement of sand along the shoreline is mostly controlled by groins, breakwaters and jetties and is generally to the south. A review of aerial photographs shows little if any overall shoreline retreat.
>
> ... As addressed more fully below, a review of aerial photographs taken over the last 25 years shows little, if any, overall shoreline retreat along this section of shoreline, principally because when the sand reaches the nearby upcoast groin, it is trapped and therefore stabilizes the beach. For the purpose of this hazard analysis, a very conservative long-term estimate of the shoreline retreat rate of 0.5 feet per year is used. The wide sandy beach in front of the site is normally 200 feet wide and thus provides adequate protection for the site and the South Coast Bike Trail at the base of the slope upcoast from the subject property. An interview with a long term resident revealed that wave runup has not reached the subject property in at least the last 25 years. The man-made beach in this area is subject to some seasonal erosion and accretion, and potentially also subject over

> the 75-year life of new development to major erosion that is associated with extreme (>200 year) storm events, which may erode the beach back to near the toe of the slope. (Skelly, 2004)

With respect to this report, staff geologist Mark Johnsson states:

> The report goes on to conclude that there has been no overall shoreline retreat at the site over the last four decades, that a conservative estimate of future beach erosion would reduce the beach width by about 50 feet in 100 years, and that the toe of the slope is not likely to be subject to damage even from the most extreme beach erosion and wave attack over the expected economic life of the improvements. I concur with these assessments. I do note, however, that the width of the beach is at least in part due to artificial beach nourishment upcoast, that resulted in a dramatic increase in beach width between 1946 and the present (Leidersdorf et al., 1994, Mark Johnsson, Staff Geologist, see also Exhibit 12).

Historically the sandy bluffs immediately inland of this beach have suffered from sloughing and collapse. While sloughing and collapse have been hazardous for beach visitors climbing on the bluffs, it has resulted in replenishment of the beach. The proposed construction of structures on the bluff face adjacent to the beach includes measures to prevent erosion and sloughing (Exhibits 5, 6 &16). Without some erosion of the material from the bluffs, sand and other material from the bluffs will not be available as a source of replenishment of sand for the beaches. Section 30235 states that 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. However, the applicant is requesting several retaining walls to protect several new or unpermitted structures: the walkway, the patio, and the shade structure. This is inconsistent with Section 30235, which requires minimal interference with natural processes related to shoreline sand supply, and which does not require authorization of any protective devices except to protect an existing structure (meaning an existing *legal* structure), or in other cases not relevant here. There is no contention that any of these structures existed before 2002, or received coastal development permits. There is similarly no evidence that these proposed walls are necessary to protect the house, which is located on the top of the bluff. Therefore, the project as proposed, includes a retaining wall that is not necessary to protect the existing structure that was permitted. Retaining walls reduce the amount of sand available to replenish this beach by "stabilizing" the bluff. The project as proposed is therefore not required to be permitted pursuant to Section 30235 of the Coastal Act.

F. Public Access and Recreation

Sections 30210, 30220, and 30221 of the Coastal Act, among other sections, contain policies regarding public access to the shoreline. In addition, Section 30240 addresses appropriate development adjacent to parks and recreation areas.

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 above, 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 terrace located about thirty feet above the toe of a bluff, and what appears to be a volley ball court at sand level (417 Paseo de la Playa). Although several lots have stairways or paved walkways traversing the bluff face (see table above) 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 24). Only one of the three permitted stairways, one permitted to accommodate easier access, includes highly visible switchbacks (at 429 Paseo de la Playa, 5-85-755). This highly visible stairway is one lot away from the present project.

However, this stairway was not built according to the approved plans, thus increasing its visual impact. There is also a stairway on the adjacent lot to the north, (433 Paseo de la Playa), built to provide access to the bluff face in order to maintain what was offered as part of revegetation and erosion reconstruction program. This stairway is located adjacent to the property line and is sited next to an existing wall so as not to be obtrusive (5-90-1041A3).

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 910 square foot, 13-foot high wooden/concrete structure at the toe of the bluff just inland of the public beach. While the requested structure does not physically impede public access at the toe of the slope or to adjacent beach area, new private structures adjacent to the beach often facilitate private use of the public beach adjacent to the new private structures. 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, fewer than 10% have permitted patios 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 patio twenty feet above the toe of the bluff at the lower portion of the bluff (417 Paseo de la Playa). There are no approved shade structures. A growing number of property owners along Paseo de la Playa may seek to intensify use of their properties along the face and toe of the bluff 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 discouraging public use of the beach. The Commission finds that the area directly seaward of the development is a publicly owned recreation area and that the proposed project would decrease the distance from the public beach to private residential uses, thereby significantly degrading the area for public recreation and would therefore be inconsistent 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.

G 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).

This proposed development is three lots away from a lot, 501 Paseo de la Playa where the butterfly and its habitat has been identified. Habitat that supports an endangered species conforms to the Coastal Act definition of an environmentally sensitive habitat area. There is little evidence that this particular lot has supported environmentally sensitive habitat in the recent past. Nineteen-seventies geology reports indicate that the predominant vegetation on the site is ice plant. The proposed removal of irrigation and introduced invasive species from the bluff face and replacement with coastal bluff scrub vegetation, more specifically, with *Eriogonum parvifolium* is compatible with continuance of this habitat on nearby lots.

The applicant, as mitigation for the present project, proposes to remove invasive plants from the bluff face that might invade and displace adjacent habitat, and to replace them with no fewer than 175 plants of the host food plant. The larvae of the El Segundo blue feed on *Eriogonum parvifolium*, and pupate in loose sandy soils under the surface of the soils (Mattoni, 1985, personal communication). The *Eriogonum*, like many dune plants expands radial through loose soils. Hardening or stabilizing the bluff, or irrigating it is likely to be inconsistent with these processes. The USFWS has reviewed this project and has approved the revegetation with conditions that 175 *Eriogonum parvifolium* plants be installed. The applicant has provided a revised plan as part of this project that conforms to the requirements of the USFWS (Exhibit 9 & 10). Installation of *Eriogonum fasciculatum*, as also proposed by the applicant, when attempted at LAWA, was inconsistent with the preservation of the El Segundo bluff butterfly because it encouraged rival species. The applicant indicates, however, that there can be no guarantee that the

plants will eventually serve as hosts for the butterfly because competing predatory insects attracted by introduced plants, such as Argentine ants, feed on the larvae.

Even if butterfly habitat did not exist on this particular site, it has been found in nearby areas along this bluff. While the applicant's proposal to re-establish food plants for the El Segundo blue butterfly has been found acceptable to the staff ecologist John Dixon and by the United States Fish and Wildlife Service, the revegetation is offered only conditionally along with the construction of the walkway and other structures (Exhibit 11).

Allowing the proposed structures would result in allowing a new pattern of development on the bluff face. 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 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. Therefore the Commission finds that the proposed project is inconsistent with Section 30240 of the Coastal Act, and the therefore denying the project.

H. Unpermitted Development

The development that occurred on site without benefit of the required coastal development permit includes the construction of a 910 square foot, 13-foot high covered shade structure a retaining wall and concrete pillars, grading, drainage structures, a paved walkway on the bluff slope, and a two-level concrete patio and other structures at the toe of the bluff. All of this development is located on the bluff face and adjacent to the public beach and is visible from the public beach.

In conjunction with this development, the applicant has installed an unpermitted irrigation system and high water use landscaping, including some invasive plants on the bluff face, increasing the likelihood of sloughing and erosion and also the likelihood of invasion of nearby habitat areas by introduced plant and animals, including ants and other predatory insects. The applicant has proposed to remove the irrigation system and these plants, but only in conjunction with approval of the paved walkway, shade structure, and patios. In this case, because the proposed project, including the request for after-the-fact approval of the unpermitted development, would be inconsistent with the Chapter 3 policies of the Coastal Act, staff is recommending denial of this application. The Commission's enforcement division will evaluate further actions to address this matter.

Although construction has taken place prior to submission of this permit application, 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. Commission action on 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.

I. 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). Torrance identified the beach area as an important resource in its Land Use Plan and included a photographs of the bluffs in is document. However, the City did not accept the modifications, and the certified LUP has lapsed. The area that was not resolved included development standards for the beach and the bluffs; where the boundary line issues were unresolved. Because the City of Torrance does not have a certified LUP, 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 30211, 30235, 30240, 30251 and 30253 of the Coastal Act. Development on the coastal bluff would cause adverse impacts to the natural landforms, the coastal scenic resource, and public access. Section 30235 protects natural shoreline processes. Section 30211 requires that the Commission protect existing public access to the beach, Section 30240 of the Coastal Act states that development in areas adjacent to parks and recreation areas and habitat 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.

J. 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. When the Commission approved the existing single family home on the bluff top, development on the face of the bluff was specifically prohibited. 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. This alternative would mean that no changes to the site as it existed before the unpermitted development took place would be approved. The owner would continue to use the existing home and approved accessory structures, which include a four-car garage, an arcade, a swimming pool, and an attached jacuzzi. 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 walkway, the retaining walls, the patios, the fire pit, storage locker, and proposed 910 -square foot shade structure located near the western property line, which would diminish the value of the public beach by discouraging public usage, would not be built. There would be an alternate way for the applicant to reach the beach which would be to use the public shared accessway at the County parking lot, about 500 feet (six lots) to the south. This alternative would result in the least amount of adverse effects to the environment.

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.

3. Approve native bluff revegetation only. The bluff revegetation proposed by the applicant is consistent with the environmental protection policies of the Coastal Act. It would result in a heavily vegetated bluff. The United States Fish and Wildlife Service have approved the revegetation.

4. Approve a narrow stairway. The applicant could construct a narrow stairway along the northern property line, and the install native vegetation, but remove the covered shade structure, concrete columns, retaining walls, storage lockers, and fire pit. This action would be consistent with the approval on the adjacent property, where the Commission approved an inconspicuous stairway along the northerly property line to provide access to revegetation. While this project would have fewer visual impacts and raise fewer conflicts with public access than the proposed project, it would still establish a pattern of bluff face stairways and would still require stabilization of the bluff face and the installation of drainage device, and hence raise issues of consistent with the public access, beach protection and visual quality policies of the Coastal Act.

K. 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 and at the toe of the bluff. Coastal resources in the general area include scenic views from the public beach and public recreational access. 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 bluff face development in an area where a proliferation of beach level structures and bluff face and paved walkways could create a seaward line of private structures on what has been and undeveloped bluff face. The Commission cannot regard the proliferation of unpermitted structures on the seaward face of the bluff as establishing either the community character or a precedent. Additional unpermitted development has occurred that has encroached seaward and threatens to affect the community character. Over time, incremental impacts can have a significant cumulative adverse visual impact. Approving the project may set a precedent for future projects on other properties along this bluff. The cumulative impact of private structures, patios paved accessways, and stairways along the bluff face would degrade the public's recreational beach experience, and as indicated above, potentially reduce the sand supply available for beach replenishment. Further, on beaches where there is extensive private development adjacent to the public beach, conflicts arise concerning the level and hours of public use of the beach closest to these structures as homeowners attempt to protect their privacy.

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 these significant adverse impacts that the activity will 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. Therefore, the project must be denied.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permits P-7342 (Hood), 5-97-050 (Kreag) and applicable amendments (Prince), 5-84-187 (Briles), 5-84-187-A (Briles), 5-85-755 (Briles), 5-90-1041 and amendments (Stamegna, Hawthorne Savings 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); 5-03-328 Tim Carey Trust), .5-03-212 (Bredesen), P-77-716 (Warren) , 5-85-183 (Hall), 5-90-1079 (Wright), 5-91-697 (Wright), A-79-4879; 5-03-328 (Carey), 5-83-618 (Fire).
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. United States Geological Survey, Monty A. Hampton and Gary B. Griggs, Editors, Professional Paper 1693, *Formation, Evolution and Stability of Coastal Cliffs -- Status and Trends, pp1-4, Introduction.*
4. *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.
5. United States Department of the Interior, United States Fish and Wildlife Service, "*Habitat Restoration and Enhancement Plan, C.G. and V.C. Bredesen Trust Property, 437 Paseo de la Playa Redondo Beach, CA*," letter signed by Ken Corey for Karen Goebel, November 3, 3004
6. Department of Boating and Waterways and State Coastal Conservancy, 2002, "*California Beach Restoration Study,"* Sacramento, California, www.dbw.ca.gov/beachreport.htm.
7. City of Torrance, Aerial photograph, 1978.
8. City of Torrance, Aerial photograph, 1992
9. USGS, 1:40,000 map, Santa Monica Bay, 1893,
10. United States Army Corps of Engineers, 1:62,500 map, Redondo Beach, Quadrangle Sheet, 1944.
11. Cotton, Shires and Associates, Inc., "Geotechnical Investigation and Evaluation, 437 Paseo de la Playa, Torrance, California, " March, 2004.
12. Kelley and Associates, Environmental Sciences, Inc. Native Vegetation Landscaping Plan, 437 Paseo de la Playa, Torrance, Los Angeles County, California, November, 2003,
13. Kelley and Associates, Environmental Sciences, Inc. Native Vegetation Landscaping Plan, 437 Paseo de la Playa, Torrance, Los Angeles County, California, Revised 26 October, 2004
14. Skelley Engineering wave run-up and coastal hazard study, 437 Paseo de la Playa Redondo Beach, CA'" June, 2004.

15. SMP inc. Structural Analysis of Existing Detached Palapa Patio Cover, 437 Paseo de la Playa Torrance ca 90277, " 5-06-04, 8 pages.
16. David Skelly, Geosoils, Memorandum to Mr. Chris Bredesen, November 30, 2004.
17. Stanley E. Remelmeyer, City Attorney, City of Torrance, 1976. Position Paper of the City of Torrance Regarding the Proposal to Acquire Eight (8) Blufftop Parcels at Torrance; Requesting Deletion from the Acquisition List of the Proposal to Acquire Eight (8) Blufftop parcels at Torrance Beach;
18. Kelley, and Associates, Environmental Sciences, Inc. Supplemental Habitat Enhancement Plan, Native Vegetation Landscape Plan, seaward slope, 437 Paseo de la Playa, Torrance, Los Angeles County, California
19. Kelley and Associates, Environmental Services, Inc., "Native Vegetation Landscaping Plan, 437 Paseo de la Playa, Torrance, Los Angeles County, California, " November 2003.
20. Kelley and Associates, Environmental Sciences, Inc., Supplemental Habitat Enhancement Plan and Supporting Documents, 11 October 2004
21. Cotton, Shires & Associates, Inc., Geotechnical Investigation and Evaluation, 437 Paseo de la Playa, Torrance California, March, 2004
22. Skelly Engineering, "Wave Run-up and Coastal Hazard Study, 437 Paseo de la Playa, Redondo Beach, CA, " June, 2004,
23. SMP, Inc., "Structural Analysis of Existing Detached Palapa Patio Cover, 437 Paseo de la Playa, Torrance, Ca. 90277." CDP A-2019

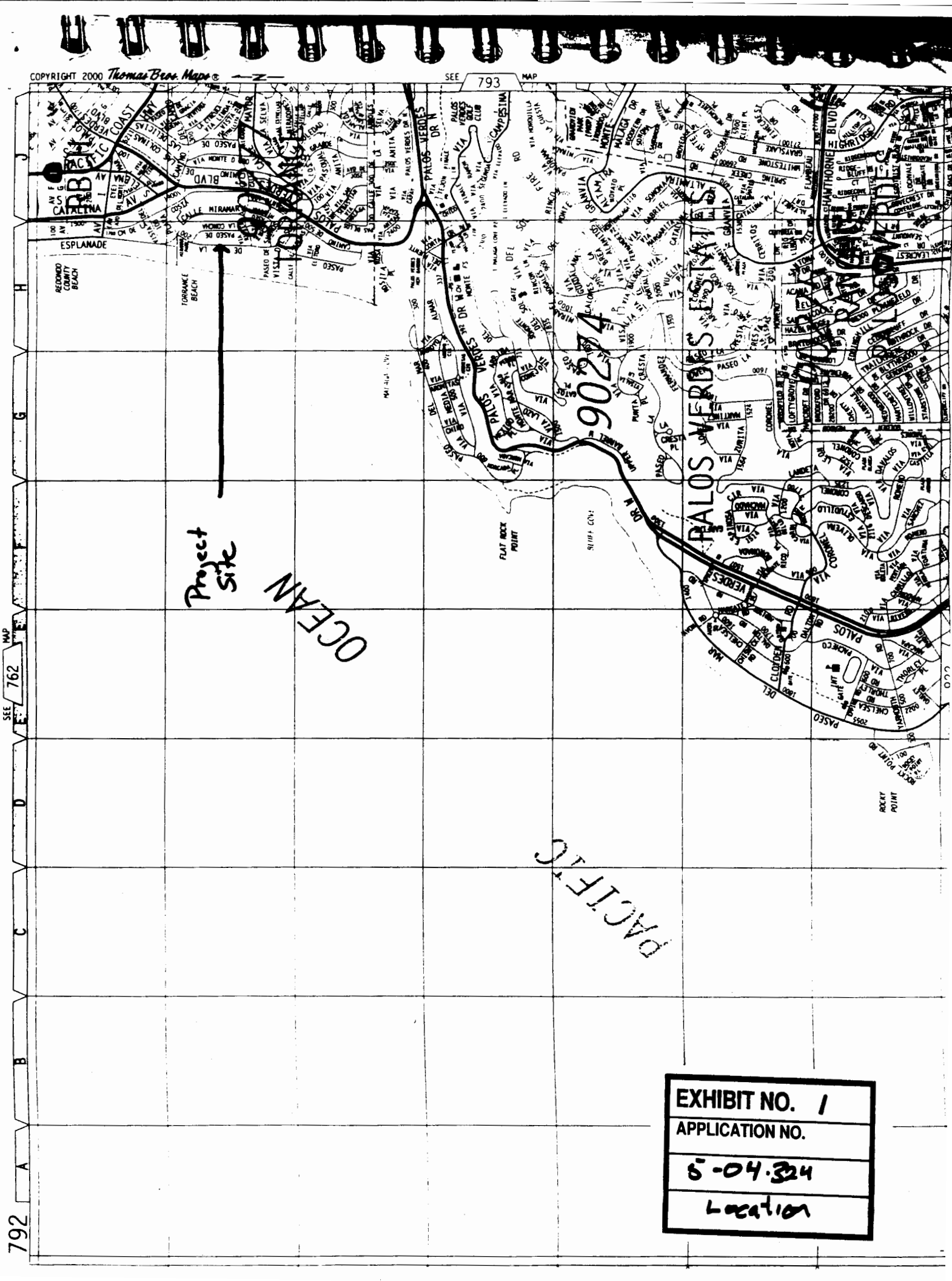
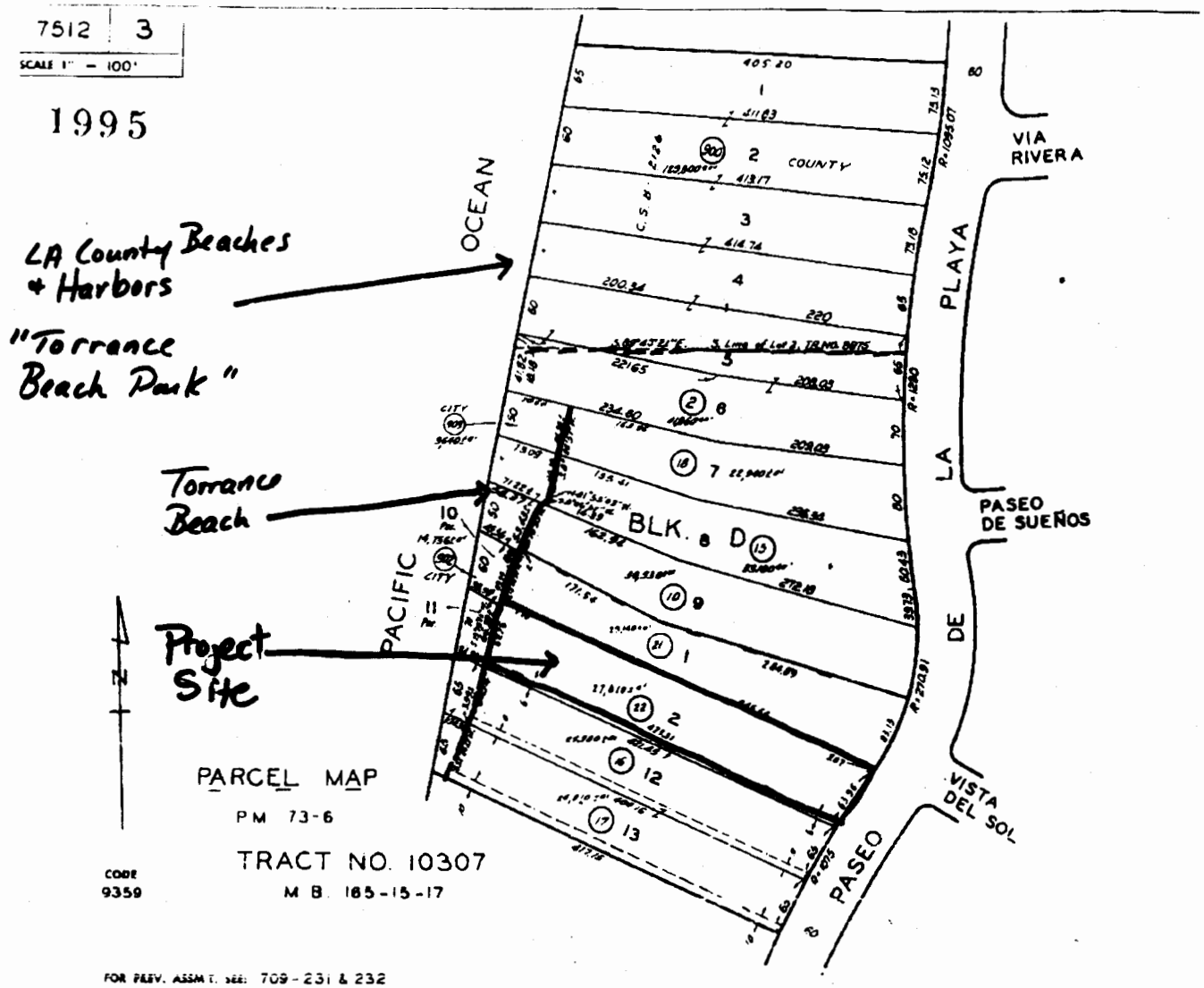


EXHIBIT NO. 1
APPLICATION NO.
5-04-324
Location

View Enlarged Map | View Pr... Instruct...

County of Los Angeles Rick Auerbach, Assessor



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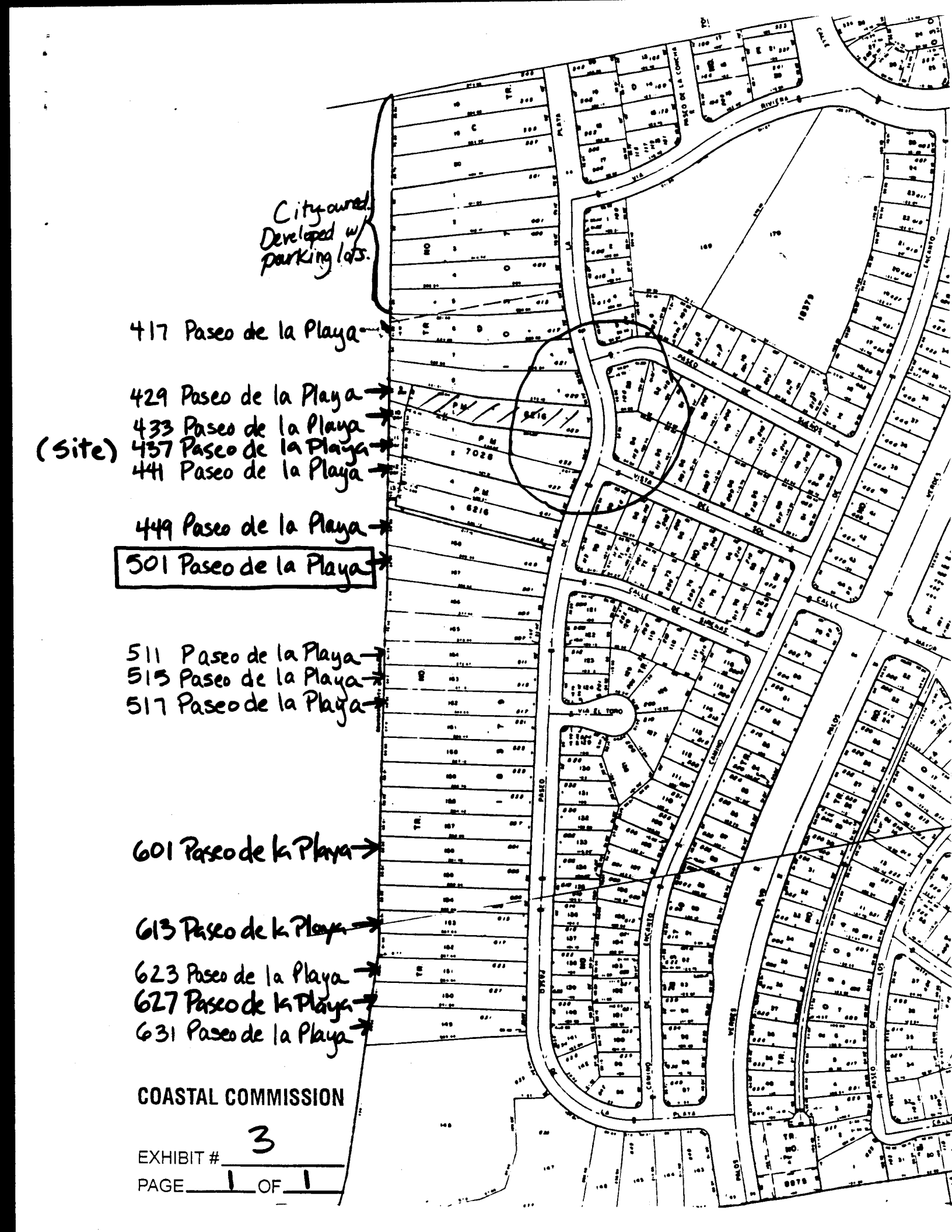
APPLICATION NO.
5-04-324
Lots



COASTAL COMMISSION

EXHIBIT # 3

PAGE 1 OF 1

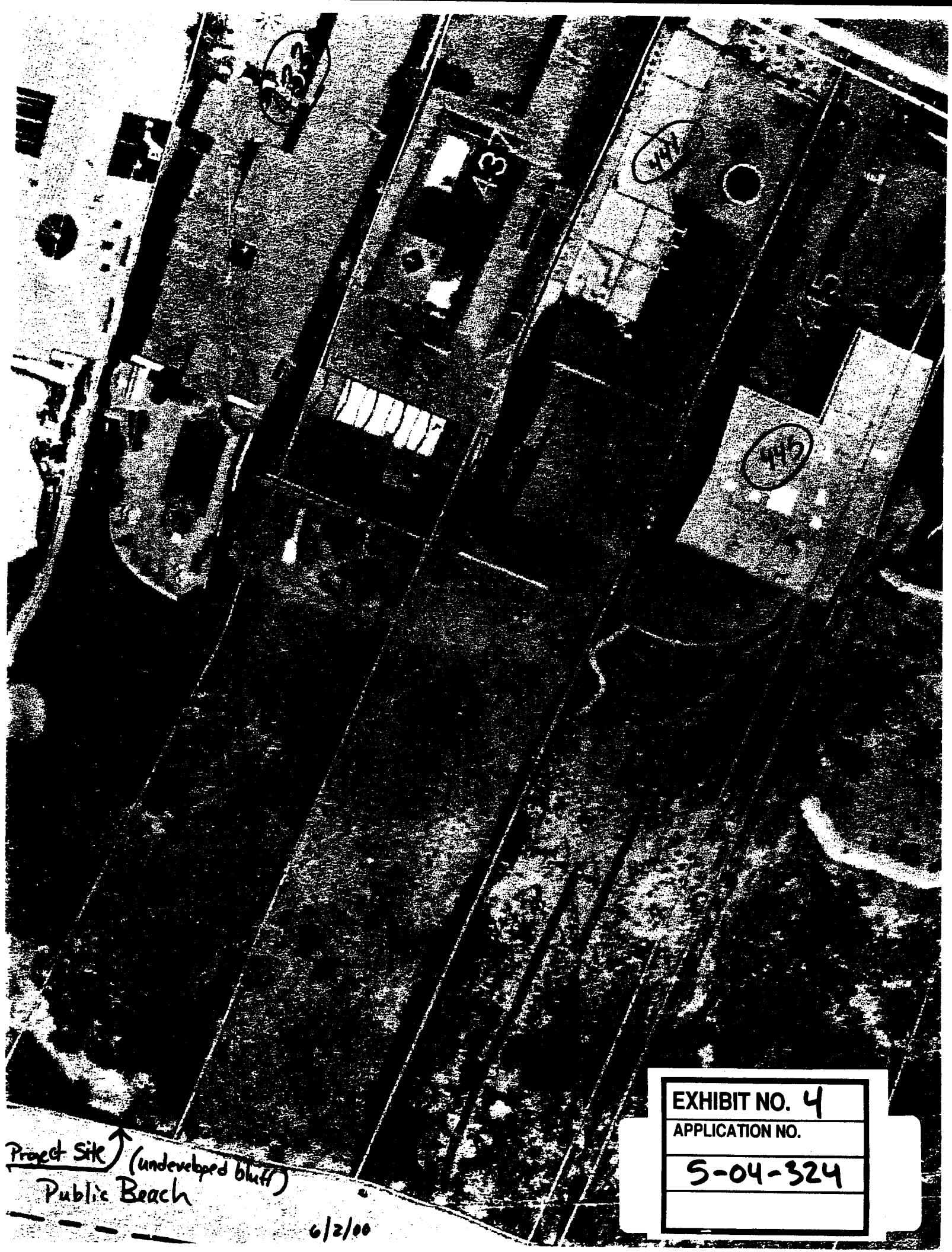
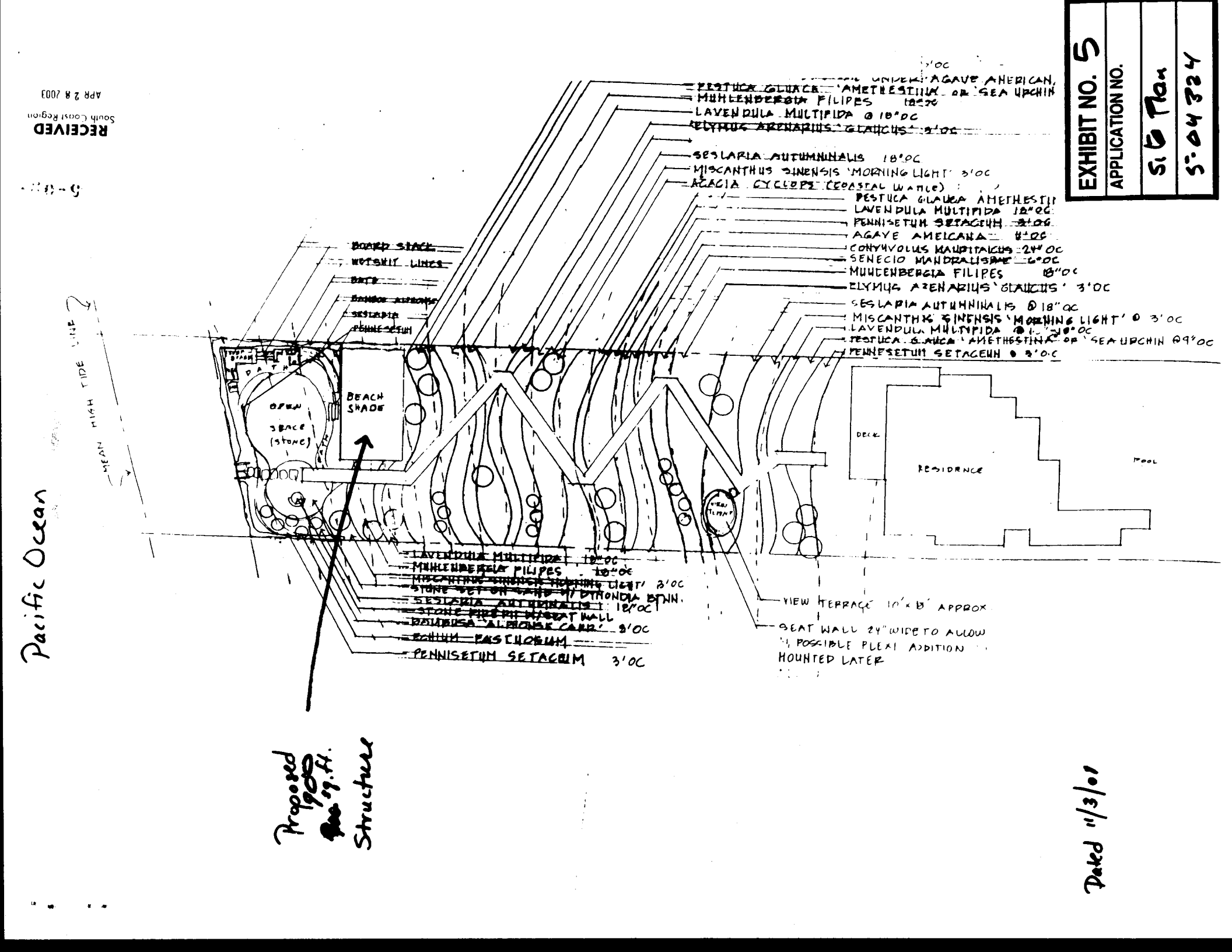
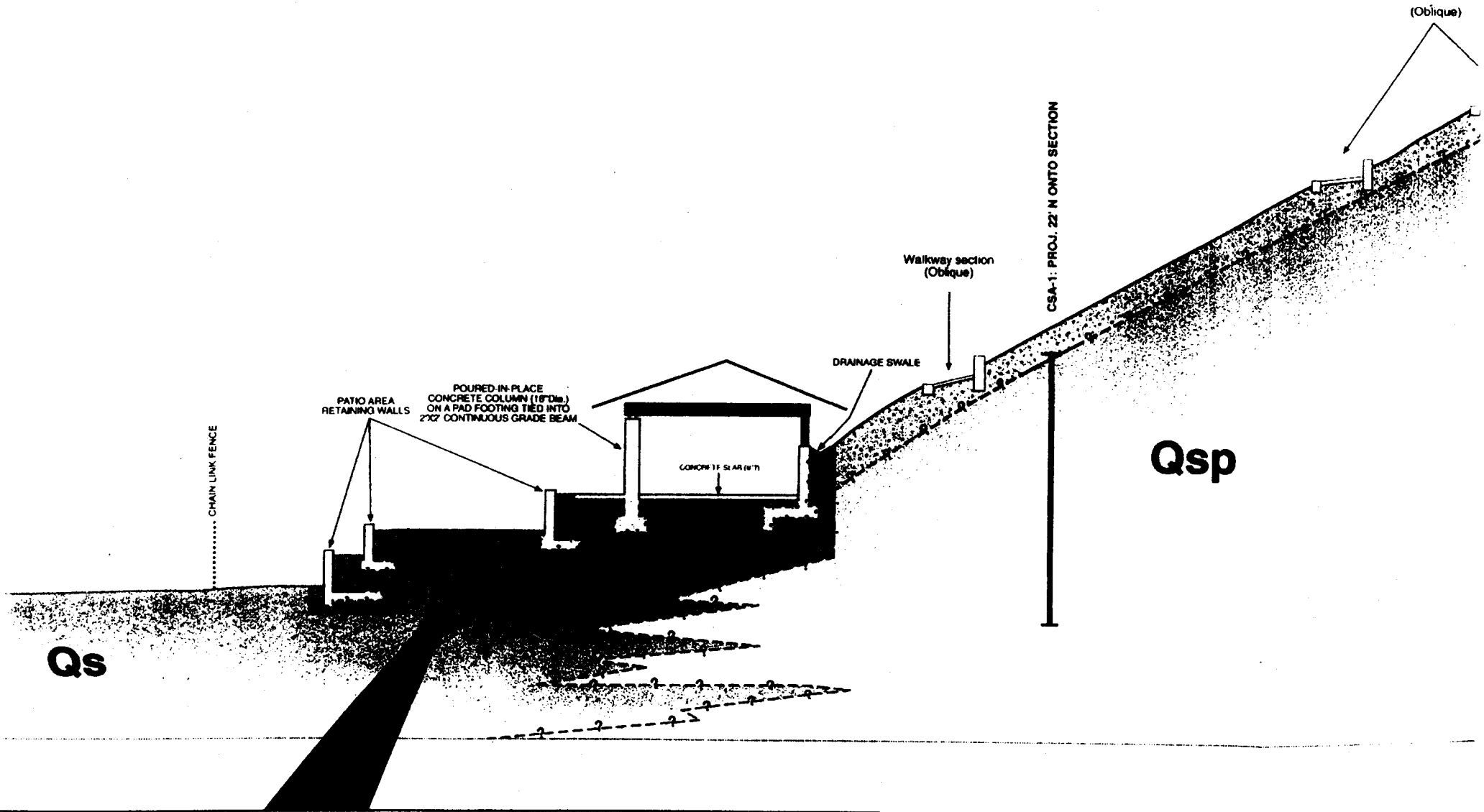


EXHIBIT NO. 4
APPLICATION NO.
5-04-324

EXHIBIT NO. 5
APPLICATION NO.
Site Plan
5-04-124





NOTE: LIMITS OF EXCAVATION FOR CABANA AND PATIO CONSTRUCTION AND FOOTING LIMITS (WHERE DASHED) ARE NOT CONFIRMED. LIMITS SHOWN ARE BASED ON DISCUSSIONS WITH CONTRACTOR ONLY.

COASTAL COMMISSION
5-04-324
EXHIBIT # 6
PAGE 1 OF 2
Section

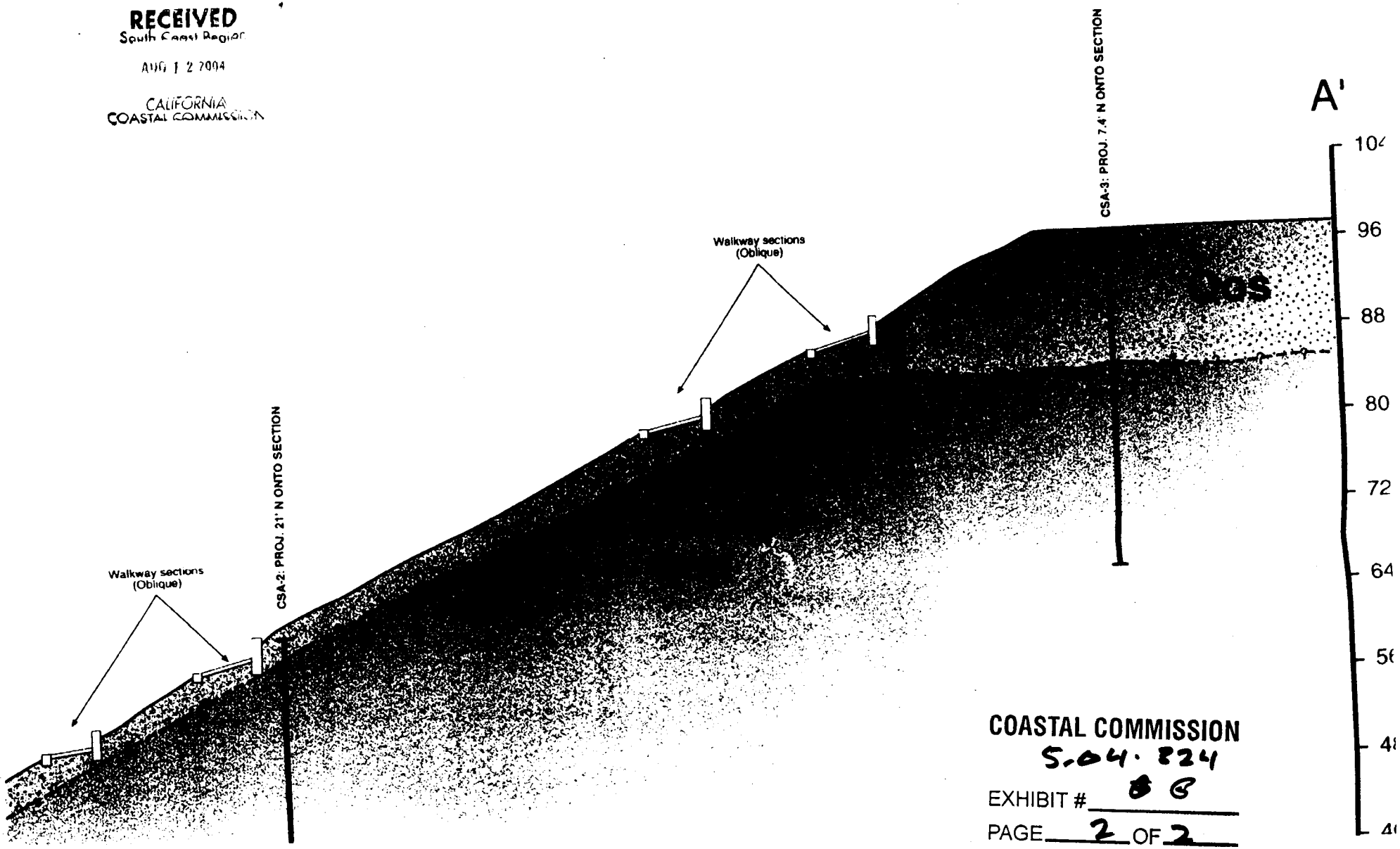


EXHIBIT NO. 7
APPLICATION NO.
5-04-324
P1 135

Final

EXHIBIT 1
Updated October 30, 2004
C G & V C BREDESEN TRUST
APPLICATION FOR COASTAL DEVELOPMENT PERMIT

UPDATED COMPREHENSIVE PROJECT DESCRIPTION[1]

1. INTRODUCTION

The C. G. and V. C. Bredesen Trust ("Bredesen Trust"), owner since May, 2000, of the single family residential lot at 437 Paseo de la Playa, Torrance, Los Angeles County, California ("the lot"), hereby applies for an after-the-fact coastal development permit ("CDP") for the proposed to be fully-mitigated private recreational facilities, native

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[1] Prepared by Dall & Associates, coastal consultant to the Bredesen Trust. This updated project description reflects (1) Kelley & Associates Environmental Sciences, Inc. ["KAES"], "Supplemental Habitat Enhancement Plan: Native Vegetation Landscape Plan, Seaward Slope, 437 Paseo de la Playa, Torrance, Los Angeles County, California," dated 11 October 2004 [10 pp. and Figure 1, "Coast Buckwheat Community Planting Zones,], and (2) KAES, "Revised Native Vegetation Landscaping Plan, Bredesen Trust, 437 Paseo de la Playa, Redondo Beach, California 90277," dated 30 October 2004 [1 page transmittal letter, Exhibit 1, " Distribution and Location of Non-Native Plant Species, Bredesen Trust Property, 437 Paseo de la Playa, Torrance, California [on October 17, 2003 aerial photograph by I. K. Curtis Services, Inc.], and Exhibit 2, "Revised Native Vegetation Landscaping Plan (1 inch = 8 feet)," dated 26 October, 2004. Conformed originals of the latter three documents have been sent directly by KAES to Coastal Commission staff in the Long Beach (Emerson) and San Francisco (Dixon) offices, as well as to USFWS, Carlsbad (Bianchi). The dual reference to the location of the project site in both Torrance and Redondo Beach is due to the fact that, while it is located in the corporate jurisdiction of the City of Torrance, the US Postal Service assigns to it a Redondo Beach mailing address. The transmittal letter and attached Exhibits 1 and 2 in relevant part(s) supersede all previously submitted materials, as part of the application for CDP 5-04-324, regarding eradication of non-native species and planting of native vegetation at the project site. The calculations of square footages in this updated project description reflect the areas for proposed invasive-non native vegetation eradication and for coastal (seacliff, dune [*E. parvifolium*]) buckwheat-centered native vegetation planting on the project site, as shown on KAES, Revised Native Vegetation Plan, October 26, 2004, Note 3. Section 2.1, below, at pages 8-9, contains the updated calculations of respective vegetation and structural development areas. The sources and dates of graphic and mapped images utilized in the analysis for, and depiction of, this updated project description are identified where they are referenced below. Reproductions of these images, in relevant part(s), have also been provided by Dall & Associates to Commission staff in the Long Beach office (Emerson).

vegetation landscaping, and best management water quality practices on the west-facing slope and toe of slope of the lot, as described below and in the CDP application form.[2, 3]

The lot was created and improved through previous subdivision,[4] fencing,[5] development with the home and appurtenances on the relatively flat area adjacent to Paseo de al Playa,[6] and associated grading.[7] The Bredesen Trust proposes no new structural

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[2] See, Exhibit 11 to the CDP application for a location map. (Unless otherwise noted, all references to Exhibits are to exhibits to the CDP.) Application for the CDP must be made to the Commission because it has not effectively certified a City LCP and its approval with suggested modifications lapsed in December, 1981. (See, Cal. Public Resources Code §§30600(c) and (d); 30519(a). Hereinafter, all statutory references are to the California Public Resources Code, unless otherwise noted.)

[3] Based on site-specific analysis, the project geotechnical engineer has indicated that, in "contrast to localized sea cliffs approximately one quarter mile to the south of the subject property," it "does not contain a wave-cut sea cliff or coastal bluff." See, Exhibit 3, at 4.

[4] Parcel Map 73-8, CDP #A-2419, and CDP A-8892 (1976 lot line adjustment to reflect City and State of California's declining to accept subdivider's offer of vertical accessway land dedication).

[5] City Department of Building and Safety records, date stamped October 11, 1977, indicate approval of a 70-feet long, 6 feet high chain link fence along the western property line ("PL") of the lot as initially subdivided. (The City records cite "Commission Approval [dated] 1-7-74, Permit #A-2419" and City Permit No. 64692-B.) The area of the subdivision that contains the lot is shown in an undated image contained in the City Local Coastal Plan, at 4, to be fenced along its westerly (beachside) edge. The fence has periodically been repaired and maintained in place.

[6] CDP P-7342, which at 1 describes the development proposed on the lot in this 1976 application as "a two-story, single-family dwelling with detached four-car garage, arcade and swimming pool with attached jacuzzi, 26 feet above average finished grade." The CDP was verified (issued) by Commission staff on June 23, 1976.

[7] CDP P-7342, which includes grading to "average finished grade." Grading of the building pad apparently included disposal of excess or unsuitable (for recompaction) excavated material on the west-facing slope. (See, Exhibit 3, Geotechnical Report at 3, 6.) Grading on the west-facing slope on the lots in this area has been allowed by the Commission. (Compare, e.g., CDP P-4-20-77-716 at 4 and Attachment 3; CDP 5-85-755, Special Condition 2(a) at 3; CDP 5-90-1041A2 at 8;

development associated with the home on, or in the 25 (27-)-feet setback area at the top of the slope, consistent with the 1976 CDP for the home and driveway, garage, decking, arcade, pool, spa, balconies, and incidental grading.[8]

The proposed development in this CDP application has been specifically designed, including through an alternatives analysis and identification of incorporated mitigation measures, to have no significant adverse effects on coastal resources, or on public use of adjacent Torrance County Beach and the Pacific Ocean.[9] As further updated by KAES in its October 11, 2004 and October 30, 2004 reports, the proposed project now includes planting a coastal buckwheat (E. parvifolium)-centered coastal bluff scrub community on the slope. The proposed structural and native vegetation planting development has received a Class 15303 categorical exemption from the City pursuant to the California Environmental Quality Act, as well as a minor hillside exemption permit and concept approval.[10] Although recommended by the predecessor Coastal Zone

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[8] CDP P-7342, in relevant part (references to solar pool heating system omitted) at 2, provides that "2. No portion of the structure [defined above in footnote 5] including decks and balconies, shall encroach upon the 25 ft. bluff setback." The predecessor Regional Commission's unanimous approval specifically did not require the applicant to offer to dedicate, deed restrict, or otherwise burden the west-facing slope and base of slope on the lot with an open space easement or other recorded device, to run with the land, that would prohibit future improvement and enjoyment of it with a Coastal Act-consistent development, such as a walkway, other private recreational facilities, or native vegetation plantings and water quality and erosion control best management practices that are not a portion of the approved home, garage, pool/spa, or decks/patios. The walkway down the slope and patios/shade structure at the base of the slope clearly are not part of the home, decks, and patios located on the relatively flat part of the property between the street and the setback from the top of slope.

[9] On behalf of the Bredesen Trust and the consultant team, Dall & Associates expresses its appreciation to the staff of the California Coastal Commission ("Commission") Long Beach office for its discussions of the land use history and conditions of the lot and adjacent area, as well as for production of requested Commission documents and guidance in addressing Coastal Act issues raised by the development.

[10] See, Exhibit 9, City Local Agency Review Form, City Minor Hillside exemption for shade structure and storage, MIS01-00265, October 4, 2001.

Conservation Commission for public acquisition,[11] the State of California elected not to purchase the area in which the lot is located.[12] However, the westerly 25 feet wide area of sandy beach at this lot, and other sandy areas ~20-75 feet wide along the six adjacent lots upcoast and downcoast, which areas comprise over 1/2 acre of beach, have already been conveyed in fee title to the City to augment adjacent Torrance County Beach.[13]

A review of the traditional (pre-Coastal Act) and CDP-approved uses on the slopes and toes of slopes of the similarly situated adjacent and nearby lots in the area indicates that various private recreational facilities exist on nearly all of them, that all of the adjacent lots are fenced along their westerly property lines and contain gates, and that the

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[11] See, e.g., California Coastal Plan, 1975, at 398: "Torrance Beach. Acquire eight blufftop parcels to extend the usable public beach area and to provide additional picnic area." In 1977, Commission staff included Attachment 3,an undated "Aerial of 5 Previous Acquisition Parcels" (with the notation: "Torrance Beach. 5 lots that had been considered for state acquisition") to the staff report for additional seaward development at the top of the slope at 433 Paseo de la Playa, which adjoins the lot owned by the Bredesen Trust on the south. (CDP P-4-20-77-716.)

[12] Id. at 3. The subdivider's and then-lot owners' offer, in settlement of a prescriptive rights lawsuit brought by the City, to dedicate a 10-feet wide vertical public access stairway area in fee title between Paseo de la Play and Torrance County Beach adjacent to the southern-most lot in the subdivision was declined by both the City and the State of California for public safety, parking, cost of construction, and proximity of existing vertical public access reasons. The subdivider's dedicated accessway area therefore reverted to the private lot owners through a lot line adjustment. (See, e.g., uncertified City "Local Coastal Plan," at 4-8.)

[13] The area conveyed is shown on Exhibit 8 in yellow color, immediately above (west of) the lot at 437 Paseo de al Playa, which is marked in green. See, also, unadopted Commission staff report 5-03-212, Item Th 20b, Exhibit 2 (excerpt from Los Angeles County Assessor's Map for Parcel Map 73-6 and Tract Map No. 10307), which marks with a black solid line the post-conveyance westerly PL of the lot and denotes the conveyed area as being in City ownership.

Commission has approved a variety of private walkways from near the top of the slope to its base.[14]

The Bredesen Trust proposes no new structural development in the 25-feet setback area for the home, garage, driveway and other appurtenances at the top of the slope, consistent with the 1976 CDP.

In relevant parts, the proposed project reflects and augments, or clarifies, as applicable, the following technical consulting reports prepared for the Bredesen Trust with regard to the project site and proposed development:

- Cotton, Shires & Associates, Inc. ("CSA"), "Geotechnical Investigation and Evaluation, 437 Paseo de la Playa, Torrance, California," March, 2004, 14 pp., Figures 1-3, Plates 1-3, and Appendices A-C.[15]

- Kelley & Associates Environmental Sciences, Inc. ("K&AES"),

  (1) "Supplemental Habitat Enhancement Plan: Native Vegetation Landscape Plan, Seaward Slope, 437 Paseo de la Playa, Torrance,

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[14] The Commission approved a 5-feet wide linear concrete stairway (path) on the slope at adjacent 433 Paseo de la Playa (CDP 5-90-1041A2 at 8); a 5-feet wide semi-pervious serpentine pathway at 429 Paseo de la Playa (CDP 5-85-755), although it previously had prohibited any development seaward of the 50-foot elevational contour on that property; and has taken administrative notice that the lots to the north of these two lots contain stairways from the homes down the slope to the beach. In addition, lots upcoast and downcoast from the lot at 437 Paseo de la Playa contain private recreational facilities (including a lighted beach volley ball court, patios, and shade structures), retaining walls, and fencing and property line walls. See, e.g., City of Torrance aerial photographic images of the subject area from 1978, 1981, and 1992 for depiction of these structures and of various paths or walkways, on the 400 block of Paseo de la Playa.

[15] See, Exhibit 3, the "Geotechnical Report." Plate 1 in Exhibit 3 depicts the location of 14 exploratory borings, hand auger borings, and hand dug test pits on the project site, as well as the location of the BMP subsurface (to-ground) drain outlet near the northwesterly corner of the lot, which is marked by small river run rocks.

Los Angeles County, California," dated 11 October 2004 [10 pp. and Figure 1, "Coast Buckwheat Community Planting Zones,];

(2) "Revised Native Vegetation Landscaping Plan, Bredesen Trust, 437 Paseo de la Playa, Redondo Beach, California 90277," dated 30 October 2004 [1 page transmittal letter, Exhibit 1, " Distribution and Location of Non-Native Plant Species, Bredesen Trust Property, 437 Paseo de la Playa, Torrance, California [on October 17, 2003 aerial photograph by I. K. Curtis Services, Inc.], and Exhibit 2, "Revised Native Vegetation Landscaping Plan (1 inch = 8 feet)," dated 26 October, 2004; and,

(3) "Native Vegetation Landscaping Plan. Seaward Slope, 437 Paseo de la Playa, Torrance, Los Angeles County, California," November, 2003, 9 pp. Exhibits 1-3, and letter from K&AES to the Bredesen Trust, July 25, 2004, 2 pp.[16]

- Skelly Engineering/Geosoils, Inc. ("SE"), "Wave Runup & Coastal Hazard Study, 437 Paseo de la Playa, Redondo Beach, CA," June, 2004, Exhibits 1-6.[17]

- SMP, Inc. ("SMP"), "Structural Analysis of Existing Detached Palapa/Patio Cover," May 6, 2004, 8 sheets; Letter from SMP, Inc. to Chris and Ginger Bredesen, June 22, 2004, 1 page, with Cantilevered Retaining Wall Design, 9 pages;[18] and, Sheets D-1 and S-1.[19]

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[16] As noted above, KAES Exhibits 1 and 2, attached to the transmittal letter of October 30, 2004, supersede Exhibit 4, the "Native Vegetation Landscaping Plan," that was attached to the KAES November, 2003 report with regard to the distribution and location of non-native species to be eradicated and the species and location of native vegetation plantings, to carry out the coastal buckwheat-centered planting, as recommended by Commission staff and others. Exhibit 12 contains the surveyed Topographical Site Plan (Scale: 1 inch = 8 feet, with 2-foot interval contours to –2.68 feet MSL) by LANCO Engineering, February 26, 2004. This topographical site plan, with the revised northerly edge of the shade structure (cabaña) to meet the City's 3-foot setback requirement from the property line, serves as the base map for KAES' Revised Native Vegetation Landscaping Plan (KAES Exhibit 2, October 26, 2004).

[17] See, Exhibit 5, the "Coastal Engineering Report."

[18] The third page is intentionally left blank to maintain sequential pagination (facsimile transmission error).

[19] See, Exhibit 6, the "Structural Engineering Report." This Report reflects previous structural engineering work by Tim Lewis, as well as the parameters (values) provided by CSA in its Geotechnical Report. For internally consistent nomenclature, the "cabaña" and "palapa" referenced in the technical reports is more accurately identified

This project description supersedes all previous materials transmitted by, or on behalf of, the Bredesen Trust, or its Trustees, to the Commission with regard to any development proposed for the west-facing slope and toe of slope on the lot ("the project site").

2. FINITE PROJECT DESCRIPTION

The proposed updated project description (coastal program regulatory "development" pursuant to §30106) consists of five components that are more specifically described below in Sections 2.1-2.5:

- Non-native vegetation eradication; native vegetation planting [in which coast (sea cliff/dune) buckwheat (Eriogonum parvifolium) serves as the core plant for the proposed coastal bluff scrub community on the slope]; limited drip irrigation; erosion control BMP's on, and at the base of, the west-facing slope on the lot; and compatible native vegetation to screen the walkway, provide a barrier to entry into the buckwheat area, and to provide an aesthetic cover for the shade structure columns and roof.

- A 4-feet wide, earth-tone color walkway, constructed of a combination of wood, concrete, and flagstones, from near the top of slope to the gate in the fence at western PL.

- A two-tier concrete and partial flagstone patio at the base of slope, with landscape planters, reduced and structurally upgraded shade

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herein as a "shade structure" since it constitutes neither an open-sided cabin with living facilities (Webster's Ninth New Collegiate Dictionary at 193) nor a habitable beach structure.

structure over the rear patio, with minor recreational equipment storage, 5-feet high rear retaining wall, and short rear supporting walls to meet current seismic standards.[20]

- Balanced on-site grading (38 CY) for foundation of the path, patio/planters, shade structure columns, and rear retaining/support walls.

- Monitoring and reporting of the native vegetation landscaping, for soil creep in the area of the walkway on the slope, and of the patio/shade structure during major (≥100 year) storm events.

2.1. NON-NATIVE VEGETATION ERADICATION, NATIVE VEGETATION PLANTING, AND EROSION CONTROL

As more specifically described in the updated KAES Revised Native Vegetation Landscaping Plan (October 26, 2004), invasive non-native vegetation, consisting primarily of invasive iceplant, acacias, fountain grass, low stature pine trees, and various horticultural shrubs, presently occurs on the project site (west-facing slope and in planters along the edges of the patios at the base of the slope), +9,960 square feet (SF).[21] No remnant native plant communities occur on the project site (2003, 2004), and thus it does not constitute or contain a Coastal Act regulatory environmentally

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[20] The reduction in shade structure roof area is proposed along its northern edge, to consistently meet the City's required 3-foot setback from the northerly property line.
[21] KAES, Exhibit 1, Distribution and Location of Non-Native Plant Species (to be eradicated), attached to transmittal letter from David B. Kelley to Pam Emerson, 30 October 2004.

sensitive area, as defined in §30107.5.[22] 1978 and 1981 aerial photography depicts the subject area as newly stabilized, the latter, with iceplant; by contrast, a substantial clump of buckwheat, analogous to that which still endures at 501 Paseo de la Playa, is visible on the slope at adjacent 433 Paseo de la Playa. Drainage from impervious (roof, patio, and driveway) surfaces is into the ground.[23] However, localized surficial erosion (rilling) has occurred in the area of old water pipes on the west-facing slope along the southern PL, at downslope edges of some turns of the walkway on the slope, and adjacent to faucets and sprinkler heads on the slope.

This updated project description proposes, through the following measures, to establish and maintain a coast buckwheat community on the slope, with compatible native vegetation species along the edge of the walkway, the northern property line, in the planters along the two-tier patio at the base of the slope, and to cover the shade structure columns and roof. The project also proposes to eliminate surficial slope erosion.

2.1.1. Eradication of invasive non-native vegetation from the slope and the planting areas adjacent to the patio located at the foot of the slope, ±9,960 SF.

2.1.2. Restoration by hand of minor erosion (surficial rilling) areas with suitable (compatible) earthen material, ±100 SF, on the previously graded-eroded slope.[24]

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[22] See, David B. Kelley, Consulting Plant and Soil Scientist, Letter to CG and VC Bredesen Trust, 25 June 2004, at 1. This letter is attached to KAES, November, 2003, Exhibit 4. As discussed below in the section on project consistency with applicable Coastal Act policies, the proposed planting of coastal buckwheat and recordation of a conservation-open space easement, to run with the land, over this planting area will also not prospectively render the slope ESH, as that term is defined at Section 30107.5.

[23] Exhibit 3, Geotechnical Report, Plate 1 identifies the subsurface drain outlet to ground near the NW corner of the lot.

[24] This area is located within the coast buckwheat planting area addressed in part 2.1.3(i), immediately below.

2.1.3. Planting, ~~with long-term maintenance~~, best management practices, and monitoring/reporting,[25] of (i) the coast buckwheat community on the slope, as shown in KAES, October 26, 2003, Exhibit 2, ±4,970 SF; (ii) compatible native species along the northern property line fence and the edges of the walkway, ±1,900 SF, including to separate the walkway from the buckwheat community; (iii) replacement of acacias and other invasive non-natives at the top of slope and in the planters with species native to the near coastal areas of Santa Monica Bay, Palos Verdes Peninsula, and Santa Monica Mountains (horticultural zones only), ±2,180 SF; and (iv) regionally native climbing or trailing plants to provide an aesthetic cover of the shade structure roof, ±910 SF.[26]

2.1.4. Removal of old water lines along the southern PL and of sprinkler heads on the slope, retrofitting of existing small water lines and faucets on the slope with automatic cut-off valves to avoid accidental spillage, and retrofitting (replacement as required) of small lateral water lines on the slope with drip irrigation lines for establishment of, and to support, native vegetation during drought conditions. Planting of suitable native vegetation immediately downslope of retrofitted faucets, as shown on the KAES Revised Native Vegetation Landscaping Plan (October 26, 2004), will be preferred; however, small amounts of small river run rock arranged as a small swale may be necessary to avoid localized scouring at the turns in the walkway (path).

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[25] Section 2.5 contains the proposed monitoring and reporting plan.

[26] The invasive non-native eradication and native vegetation planting area on the slope is 7,770 SF (4,970+640+1260+900 SF). The invasive non-native eradication and native vegetation planting area at the top of slope (east of the cross fence) and in the planters is 1,280 SF (1,040+240 SF). The 910 SF area to be covered by climbing or trailing native vegetation is larger than the reduced area of the shade cover roof because it includes the trellises along the columns, to the west, and the planting bed immediately to the east of the roof line. The three subject areas (7,770+1,280+910 SF) total 9,960 SF.

Section 2.6.4, below, considers alternatives to the non-native vegetation eradication, updated native vegetation planting, and erosion control project component. Section 3 contains a consistency analysis of the updated project description with applicable Coastal Act standards.

2.2. WALKWAY

The project proposes to formalize and improve a pre-existing older path down the slope on the lot, between elevation contours +97.3 feet MSL and +14.8 feet MSL at the gate in the western PL fence, and thereby render the walkway safe and environmentally-structurally sustainable. The proposed 4-feet wide and earth-tone color (stained or painted) walkway comprises eight segments that are designed and located to minimize grading, coverage, and storm water runoff;[27] and maximize semi-pervious wooden walkway segments, while maintaining reasonable and safe walkway slopes; harmonize (upon completion) with, and facilitate screening by, the adjacent native landscaping; and provide walking access to the adjacent shade structure, two-tier patio, and gate in the western property fence.

As shown in Exhibit 3, Plate 3, "Forensic Cross-Sections and Test Pit Profiles Through the Walkway," the walkway segments, which are set back a minimum of six (6) feet from the northern PL and 20 feet from the southern PL, consists of:

2.2.1. Pressure treated wooden stairs;[28]

2.2.2. 3-inch thick concrete walkway segments,[29] with low (upslope) landscape walls

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[27] The walkway segments are set back a minimum of six (6) feet from the northern PL and 20 feet from the southern PL.

[28] The walkway contains no creosoted wood.

[29] Walkway segments 2-6, counting the short (~16 feet) wooden stair segment above the low (42-inch) yard cross-fence at elevation +88 to +91.7 feet MSL as segment 1, the

(typically <18 inches high); flush (downslope) laminated wooden borders, supported by ~30 inch long (deep), 1 inch diameter steel bars that extend into native material; and earth-tone 6 by 6 inch stanchions[30] along the downslope side of the walkway, which are on ~6 feet centers, ~ 4 feet above grade, and connected with marine line (rope);

2.2.3. Small (generally 4 by 4 feet) concrete landings, with two-three wooden steps above and below, where the direction of the walkway turns (80-135 degrees) as it trends downslope;

2.2.4. Additional wooden stairs at the toe of the slope, adjacent to the two-tier patio and shade structure, to which the stairs provide access; and,

2.2.5. Flagstones set in concrete, where the path winds past the planter of the lower patio to the gate in the westerly fence on the lot.

The walkway (which is also shown in engineering cross section in Exhibit 3, Geotechnical Report, Plate 2) has a total area of ±1,059 SF, of which ±497 SF are semi-pervious and ±562 SF are impervious surfaces. The walkway is not and will not be artificially lighted and contains no view terrace, seat wall, or gazebo.

As shown on the KAES "Revised Native Vegetation Landscaping Plan," (October 26, 2004), continuous native vegetation, consisting of coast buckwheat, coffeeberry, and tojon, is proposed to be planted along the downslope edges of the walkway (downslope

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32-feet long stairs alongside the patio and shade structure as segment 7, and the curved flagstone and concrete segment around the lower planter as segment 8.

[30] CSA refers to the stanchions as "hand rail posts," although these posts intentionally are connected by marine line (rope) rather than much more visually prominent hand rails.

of the intermediate narrow rock swale) and deer grass is proposed to be planted along the upslope side of the walkway. These plants will serve both to further help screen the walkway from public view, from the beach looking landward, and to provide a relatively dense edge and separation between the walkway and the larger adjacent coast buckwheat planting areas on the slope. The green mesh in the existing fence along the westerly property line presently also screens the walkway, as well as the two-tier patio, from public beach view.[31]

2.3. TWO-TIER PATIO, SHADE STRUCTURE, AND PLANTER BEDS

The two-tier patio, shade structure over the rear (upper) patio, and planter beds are located at the toe of the slope in the northwestern part of the lot, as shown on Exhibit 12, Surveyed Site Topographical Map. Their specifications are, respectively, west to east on the lot:

2.3.1. The planter bed west of the lower patio, 2.5 feet wide, with ~.75-foot wide walls that extend ~2.6 to 2.8 feet above adjacent grade, slightly undulates in a north-south alignment for some 40 feet from the northern PL, 10-13 feet landward (east) of the westerly PL, and then curves 10 feet to the east, to form the northern edge of the walkway.[32] The westerly-most wall is faced with attractive rock; the Native Vegetation Landscaping plan proposes to replace invasive non-native ornamental plants in this (and other) planters at the project site with attractive local or regional native or nativized vegetation. The westerly planter

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[31] As described in Section 2.3, the climbing native vegetation proposed for the columns and the roof of the shade structure will substantially harmonize these components with the adjacent native landscaping at the toe and on the slope of the lot. Other harmonizing components for the shade structure are also provided in Section 2.3.

[32] See Exhibit 3, Geotechnical Report, Plate 2, "Engineering Geologic Cross Section A-A," for a preliminary mapping of this planter, which, as CSA notes, also serves as the first set of two retaining walls for the two-tier patio immediately to the east.

bed and supporting walls are generally not visible from the beach or Pacific Ocean, looking east (inland), because of the screening effect of the fence to the west.[33]

2.3.2. The lower (westerly) tier of the patio is 580 SF in size and ~4.9 to 5.7 feet above nearest adjacent grade.[34] This lower patio consists of 228 SF of flagstones set in grass and 352 SF of concrete decking, with an area drain that connects to the existing drain (in)to ground at the NW corner of the lot. The lower patio is bounded by the planter bed described in Section 2.3.1 to the west and south; by the pre-existing low property line wall to the north; and by the planter bed and rear patio/shade structure, described in Sections 2.3.3., 2.3.4, and 2.3.5, below, to the east. The elevation of the lower patio at +20.33 feet MSL to +20.65 feet MSL places it well above the 100-year wave runup elevation of +16 feet MSL and, thus, will not reach this or the other proposed improvements on the lot.[35] The lower patio is visually screened from the beach or Pacific Ocean by the fence and proposed native landscaping planted in the westerly planter bed.[36]

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[33] A small, ~3 feet long, part of the attractive westerly rock-faced wall that defines the westerly planter bed is visible through the gate in the fence from the nearby beach area.

[34] The lower patio tier is located at elevations +20.33 to +20.65 feet MSL.

[35] See, Exhibit 5, Coastal Engineering Report, at 9. Skelly Engineering found, in addition, that (1) the lot is fronted by a relatively stable beach, with a very low erosion rate of 0.5 ft/year; (2) aerial imagery from the past 40 years shows no overall beach retreat and a seasonal minimum beach width of 100-220 feet; (3) the lot and the toe of slope on it have not been subject to significant wave attack during the past 50+ years; and (4) the toe of slope is not likely to be subject to damage even from the most extreme beach erosion and wave attack over the life of the improvements. (Id.) Skelly Engineering thereon concluded that "wave runup will not impact the subject property over the life of the patios, shade structure and path [walkway]. These improvements will neither create nor contribute to erosion, geologic instability, or destruction of the site or adjacent area. There are no recommendations necessary for [structural or other] wave runup protection. The proposed project also minimizes risks from flooding." (Id.)

[36] Non-invasive horticultural shrubbery planted on the lot immediately to landward of the western fence barely grows above the top of the screened fence line due to the topping effect of combined wind-salt burn.

2.3.3 The planter bed between the lower and rear patio tiers is 35 feet long, 1.5 feet wide, and located ~2.4 feet above the lower (westerly) patio.[37] KAES has determined that this planter has sufficient area, immediately to the west of the three columns that support the shade structure roof, to serve as the base for climbing native vegetation along three respective trellises that will function to screen the columns and roof from the west.[38] A planting bed immediately to the east of the shade structure roof will also provide an area for climbing native roses to grow to cover the easterly-sloping part of the shade structure roof, which offers some leeward protection against the wind.

2.3.4. The rear (easterly) tier of the patio is 638 SF in size and ~4.24 feet above nearest adjacent grade at its southwesterly corner, and 4.27 feet below adjacent grade at the toe of the slope.[39] The rear patio is covered by a shade structure (roof), which is more fully described in Section 2.3.4, below, and presently contains a small recreational equipment storage enclosure (26 SF) at its northeasterly corner. The project structural engineer recommends that the storage enclosure be relocated to the 37 SF space created by the proposed shearwall at the southeasterly rear corner of the shade structure. The rear patio is screened from the beach or Pacific Ocean by the fence, proposed native landscaping planted in the westerly and easterly planter beds, and the shading effect of the shade structure.

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[37] The westerly wall that defines the planter bed between the lower and rear patio tiers extends to ~4.5 feet above nearest adjacent grade (the TW elevation is +23.69 feet MSL, with the nearest grade survey point to the south of the walkway at +19.21 feet MSL.)

[38] See, KAES Exhibit 2, Revised Native Vegetation Landscaping Plan, October 26, 2004.

[39] The rear (easterly) patio tier is located at elevations +23.45 to +23.46 feet MSL, again well above the +16 feet MSL elevation of the 100 year wave runup event identified by the project coastal engineer.

2.3.5. The shade structure consists of a wooden roof, with laminated shingles, that covers the rear (easterly) patio, with a the height at the eaves (northwesterly and southwesterly corners above the rear patio level) of 7.85 to 7.95 feet, and at the northerly and southerly ridge ends in the roof, of 12.32 to 12.41 feet above the rear patio level.[40] Three 18-inch diameter concrete columns support the roof on its westerly side; a rear retaining wall and wooden wall above it support the easterly side. As described and shown in Exhibit 4, Native Vegetation Landscaping Plan, the otherwise prominent concrete columns and shade structure roof are proposed to be screened by climbing vegetation along their respective west-facing sides and the top of the roof. In addition, as indicated in Exhibit 6, Structural Engineering Report, the project structural engineer recommends placement of two 6.5 feet long shearwalls at the southerly and northerly rear of the shade structure, a continuous 15-inch wide and 24 inch deep reinforced concrete footing underneath the retaining and shearwalls, reinforced 4x4 feet concrete pads beneath each of the three columns, and enhanced ridge beams to address seismic safety standards for the project site. These structural improvements will not be visible from the beach or Pacific Ocean.

2.4. GRADING

CSA has calculated that the development includes a minor amount of grading, consisting of ±38 cubic yards ("CY") of balanced on site cut and fill, associated with the

[40] The eaves of the shade structure are at elevations + 31.39 feet MSL (NW corner), +31.4 feet MSL (SW corner), +31.16 feet MSL (NE corner), and +31.15 feet MSL (SE corner). The ridge line of the roof of the shade structure is at elevation near +35.99 feet MSL on the north (actually slightly lower due to 3 foot City-required setback from N PL) and at elevation +35.94 feet on the south. The westerly slope of the roof drains to the planter between the rear and lower patio tiers; the easterly slope of the roof drains to a small concrete drainage swale just east and below the top of the rear retaining wall, and from there to the pre-existing drainage into ground near the NW corner of the lot.

walkway (±20 CY) and the two-tier patio (±18 CY).[41] An additional estimated one (1) cubic yard of suitable earthen material (soil) will be required for landscape remediation of minor rilling within a 100 SF area on the slope near the southern PL.

CSA found that the well-maintained walkway, although it has a relatively shallow foundation, shows no indications of distress (e.g., soil creep, settling or cracking).[42] CSA recommends a walkway and slope monitoring and reporting program to detect occurrence of any soil creep in the top 3-5 feet of the slope, with a continued maintenance program of the walkway, as necessary and subject to property owner, City, and Commission review and approval, that is non-destructive of the landform. Section 2.5, below, contains the proposed project monitoring and reporting plan.

CSA has also recommended seven measures to reduce the potential for saturation of the upper soils on the slope, and thereby reduce the potential for shallow slope failures.[43] These measures, which are incorporated into the proposed project through this project description and the Native Vegetation landscaping Plan, as applicable, consist of the following:

2.4.1. Minimize horticultural irrigation of the landscaping east (landward) of the cross-fence near the top of the slope (above elevation 91).

2.4.2. Replant the slope below the cross-fence with drought-tolerant native vegetation to avoid, or minimize, irrigation on the slope.

2.4.3. Remove abandoned irrigation lines and sprinkler heads, and remove other existing irrigation lines to the maximum extent practicable (or replace them with drip irrigation lines). Regularly inspect the remaining (replacement) drip irrigation system for leaks or faulty heads, and immediately replace (repair) any failed components.

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[41] Exhibit 3, Geotechnical Report, at 11.
[42] Id. at 12.
[43] Id. at 13.

2.4.4. Install automatic cut-off valves on all water lines and faucets located to the west (seaward) of the home.

2.4.5. Annually inspect area drains, inlets, and subsurface drain lines located west (seaward) of the home, along the slope, and at the base of the slope, and maintain them, as necessary.

2.4.6. Regularly check and clear the small concrete swale, located immediately east of the rear retaining wall at the shade structure, of debris to assure proper drainage.

2.4.7. Collect surface runoff at the turns of the walkway and drain (in)to ground at the existing location in the NW corner of the lot, and plant deep-rooted native vegetation (with minor quantities of river-run rock) around and downslope of faucets or other water sources to avoid localized surficial erosion.

2.5. MONITORING AND REPORTING

This CDP application proposes a Monitoring and Reporting Plan ("MRP") for the project site. This MRP reflects the recommendations for monitoring and reporting by CSA and KAES (November, 2003 and October 11, 2004).

2.5.1. The west-facing slope (project site) and walkway, as shown on the topographical site plan (Exhibit 12), shall be monitored for soil creep or other signs of distress by a qualified geotechnical engineer at five year intervals (e.g., in 2009, 2014, etc.) of the Commission action date on the CDP for this project, or following a significant seismic event (greater than Richter Scale Magnitude 5.0), or following an intensive rainfall season (greater than the long-term average recorded in the City, 12.55 inches per rainfall year), whichever comes first. The report shall include photo documentation from the photo points described on Exhibit 3 to the Native Vegetation Landscaping Plan. The geotechnical engineer shall prepare a written monitoring report, including any recommendations for additional non-destructive work to the landform, to address soil creep or other signs of distress,

within 30 days ~~following said date(s)~~, for submittal to the property owner, City, and Coastal Commission. Any work recommended by the geotechnical engineer may only be performed after written communication from the Coastal Commission that either (a) no permit is required for it (i.e., it is exempt from CDP requirements, or (b) a CDP is required for it and has been approved and issued.

2.5.2. The drip-irrigation, water line, faucet and drainage systems located on the lot to the west (seaward) of the home shall be inspected annually no later than October 15 (prior to the start of the rainy season). Any failed water or drainage components shall be replaced or repaired promptly. In addition, all drainage inlets, area drains, the proposed small rock swale along the walkway, and the concrete swale immediately east of the rear retaining wall at the shade structure shall be inspected and cleared of any debris on a weekly basis during the rainy season (October 15-March 15).

Implementation of the proposed Revised Native Vegetation Landscaping Plan (October 26, 2004) includes the following sequenced monitoring and reporting, for submittal to the property owner, City, and Coastal Commission:

2.5.2.1. Within 45 days following planting of native vegetation, the project restoration ecologist (KAES) shall transmit to the property owner, City, and Coastal Commission a status report, including photographic documentation of pre-project non-native vegetation and post-native vegetation planting conditions. The photo-documentation (26 images) shall be substantially from the eight photo points as shown on KAES November, 2003 Exhibit 3, Aerial View-Existing Conditions.

2.5.2.2. The project restoration ecologist shall monitor, and prepare a monitoring report, on the condition of the native planting area on the slope and adjacent horticultural areas, for submittal to the property owner, Coastal Commission

Long Beach office staff, City of Torrance Planning Department, and US Fish and Wildlife Service, Carlsbad field office staff. The monitoring report, including any recommendations for adaptive management, shall be submitted annually on the anniversary date of the Commission decision on CDP 5-04-324, for the first five (5) years following said date. For the first and second year following said date, the photo documentation shall be seasonal (Fall, Winter, Spring, and Summer); thereafter, it shall be annual, within 45 days of the anniversary date of the Commission decision date on the CDP. Thereafter during the economic life of the walkway, patios, and shade structure, a monitoring report shall be prepared and submitted, on said date, once every five years.

2.5.3. Following any 100-year storm/wave event on the Redondo Beach-Torrance shoreline, the project coastal engineer shall prepare a wave runup report update memorandum report, with photo documentation of the extent of impact, if any, on the subject project site, for submittal, no later than 45 days following such event, to the property owner, City, and Coastal Commission.

2.6. ALTERNATIVES ANALYSIS

During analysis of the site conditions and preparation of the project description, the following alternatives to the proposed project have been considered to identify feasible means of avoidance, reduction, and mitigation of any remaining adverse environmental effects of the project:

2.6.1. No Project Alternative

The No Project Alternative ("NPA") would delete the five components of the proposed project (walkway, coast buckwheat-centered native vegetation landscaping and erosion control, two-tier patio with shade structure over the rear patio tier, 38 CY of grading, and

post-project and site condition monitoring and reporting). The NPA would avoid the minor amount of grading on the slope, which was previously graded, and toe of slope to place the foundations for the walkway, patio, and shade structure, but leave in place the existing invasive non-native vegetation on the slope and toe of slope, the pre-existing water and irrigation lines, and the surficial erosion from old water pipes. In addition, the NPA would deny the property owner the ability to improve and enjoy its lot with sustainable, screened, and color-harmonized private recreational uses that have been constructed, pursuant to Commission approvals, on adjacent similarly situated lots. Moreover, the NPA would deny the City, Commission, and US Fish and Wildlife Service the important data about the project site, coast buckwheat planting, and adjacent beach area that would be generated by the proposed native vegetation planting, monitoring, and reporting program.

The NPA is not the preferred project alternative because it has potentially significant direct, indirect, and cumulative adverse impacts from invasive non-native vegetation and slope erosion, would not introduce coastal buckwheat to the subject slope, and would deny the property owner the reasonable, sustainable, and Coastal Act-consistent private recreational use and enjoyment of the subject shoreline lot.

2.6.2. Walkway

Several alternatives, in terms of location and construction, were considered to the proposed walkway, which consists in respective segments of wooden stairs, concrete, and flagstones.

2.6.1.1. Location

Other pre-existing and Commission-approved walkways on the slope in the area adjacent to the subject lot are located in a straight linear alignment along the upcoast

and downcoast property lines, especially on relatively narrower lots; in diverse geometric forms that appear to be primarily responsive to pre-existing landscaping and site-specific minor variations in slope (e.g., sandstone outcrops or pre-existing erosional features); or in response to aesthetic considerations (e.g., serpentine alignment).

While straight linear walkways in this area typically require the least amount of area (SF) for their location,[44] and may be obscured or shaded by vegetation or walls along property lines, they directly cut across the contours of the slope, and, given the angle of the slope, tend to be rather steep, which impairs their safe and convenient use. Geometric walkways by their nature have abrupt turns and require 10-30% more area than straight linear walkways, but the primarily diagonal location of their segments across the face of the slope tends to blend with the slope contours, especially when the walkways are finished (stained, painted) in natural earth tone colors that harmonize with the adjacent landscape. Serpentine walkways tend to be attractive, especially when color-harmonized with the adjacent landscape, in that their curved turns approximate naturally occurring contours, but require 10-15% more area than geometrically aligned walkways. As a practical matter, to avoid innumerable turns and twists, both geometrical and serpentine walkways tend to be centered in their alignment on the lot, but with notable variations in setback of the turns relative to adjacent upcoast and downcoast property lines. Geometric and serpentine walkways, by reducing the steepness of the grade, increase relative safety and convenience of use as compared to linear walkways down the slope.

The proposed walkway, as mitigated through proposed coloring to harmonize it with the proposed adjacent native vegetation landscaping, is the preferred alternative because it approximates the slope contours, minimizes its overall footprint on the slope, and

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[44] A direct linear 4-feet wide walkway, from the edge of the pre-existing landscape steps at the top of the slope, down the slope to the westerly PL, would require areas, respectively, of 944 SF along the north PL, 768 SF along the center of the lot, and 846 SF along the south PL.

provides a reasonable safe and convenient path for use by the private property owner between the home and the base of the slope.

2.6.2.2. Type of Walkway

Other pre-existing and Commission-approved walkways on the slope in the area include unimproved sand paths, continuous wooden stairs, concrete ramps, and various combinations thereof, with walkway widths ranging from ~3 to 4 feet for older steps/stairs to ~7+ feet for newer walkways in the area.

Although pervious, sand paths are prone to water and wind erosion, and provide at best an imperfect footing (surface) on a slope as here for the user. Continuous wooden stairs are semi-pervious and provide improved traction over a sand path, but can be slippery when wet, require regular maintenance as well as substantial exertion by the user to climb or descend them on a slope as here. Continuous concrete ramps optimize safety and convenience of use, but require more area on the slope than other types of walkways.

The proposed walkway, which consists of segments comprised of wooden stairs, concrete, and flagstone, constitutes the preferred alternative because the segment types optimally conform to localized variations in topography (grade) and provide a reasonably safe and convenient path for ascending and descending the slope on the lot.

2.6.3. Patios and Shade Structures

Existing concrete patios at the toe of the slope on nearby lots range between ~1,100 to 1,400 SF, but are typically located immediately adjacent to the western PL's (e.g., on the two adjacent lots to the north of 437 Paseo de la Playa). The proposed two-tier patio at the subject lot, with a combined area of 1,228 SF, of which 20% consists of

pervious surface, is well within that range, but is set back a minimum of 8 feet from the western PL. A smaller patio would achieve no Coastal Act-based resource interest, while it would diminish the property owner's enjoyment of private recreational opportunities.

Shade structures in the area range from large umbrellas placed on patios to small semi-permanent awnings and to a thatch-covered cabaña, ~520 SF in size. The proposed shade structure, following establishment of the 3-foot setback from the northern PL, covers the rear patio and slightly overhangs it for drainage to the adjoining planter on the west and the small swale on the east, which drains (in)to ground. It is of comparable height to the thatched cabaña on the adjacent lot to the north. The proposed screening of the shade structure columns and roof has been addressed above; a reduction in size or height of the roof would not alter its (proposed mitigated) appearance, but would reduce the shade purpose and recreational functionality for which the roof over the rear patio is intended.

2.6.4. Landscape Vegetation

The proposed updated project contains a detailed revised program for eradication of non-native vegetation and removal of erosion-prone irrigation fixtures (pipes, faucets, sprinklers) at the project site, followed by coastal buckwheat-centered native vegetation planting, associated erosion control measures, and monitoring, reporting, and adaptive revegetation, as applicable. The core systemic objective of the revised native vegetation landscaping plan (KAES, October 26, 2004) is to plant coast buckwheat community plants on ~5,000 SF of the slope and to utilize only plants and seeds native to the near-coastal zone of Santa Monica Bay,[45] the Palos Verdes Peninsula, and the Santa Monica Mountains in the horticultural areas adjacent to the cross-fence at the top

[45] Including buckwheat spp. that serve as host, potentially, for the local subspecies of blue butterfly.

of the slope, to replace acacias with suitable small trees and shrubs, and for revegetation of planters along the patios at the base of the slope.[46] The revised native plant lists for the Coast Buckwheat Community, Small Trees and Shrubs, and the Horticultural Zones on the subject area, as shown on the KAES Revised Native Vegetation Landscaping Plan (October 26, 2004, Exhibit 2), specifically reflect those objectives, while also providing Coastal Act-consistent visual quality enhancements for the walkway and shade structure columns and roof.[47]

The NPA would retain the non-native invasive ice plant, fountain grass, and acacia on the west-facing slope, which would likely contribute to spreading of these species through, variously, movement of seeds or spores on the wind or by animals transiting the lot, or through in-ground or ground-level growth of roots or runners, with resultant adverse effects on any remaining native or restored/enhanced native vegetation landscaping in the affected area(s). The NPA therefore is not considered to be the preferred alternative. Due to the lack of tidal water or storm wave contact with the toe of the slope on the lot, littoral current movement of iceplant material to downstream receiver sites, at which it may propagate anew, is considered unlikely.

An alternative that was previously considered (proposed) for the slope, but has been deleted as a result of consultation by the project ecologist with Commission staff, US Fish and Wildlife Service staff, and practitioners at the Urban Wildlands Group, proposed planting of a native vegetation mix that reflects the range of species extant along Santa Monica Bay, including *E. fasciculatum var. polifolium* and plants native to the Santa Monica Mountains and Palos Verdes Peninsula areas. This alternative has been rejected for the slope because it would not create the coast buckwheat community preferred by omission staff and others for the slope. Compatible native plants from the

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[46] See, e.g., Exhibit 4, Native Landscape Plan, Exhibit 3, thereto, in Note 2.

[47] Id. "Native Plant List" (26 plants) and "Proposed Native Vegetation Landscaping Plan" (plan view of the proposed distribution (location) of native plants shown in the panel in the upper center of the sheet).

latter two areas are proposed for the horticultural restoration areas along the patios and top of slope, east of the cross-fence, to replace present invasive non-native plants.

Another alternative that was considered, but rejected, to native vegetation landscaping of the project site, as described, was to retain mature non-native acacias, pines, and fountain grass on the west-facing slope, while removing iceplant and replanting only that area with native species. However, such retention of non-native horticultural species on the project site would reduce the native vegetation area by ~3,050 SF, or nearly one-third of the proposed native vegetation landscaping area, with a substantial component of it (approximately 3/4) consisting of acacias. The mixed native vegetation-non-native horticultural landscaping alternative within the project area would result in avoidable loss of native vegetation/habitat opportunity, and is thus not considered to be the preferred environmental alternative.

Similarly, an alternative to the proposed project would be to exclude the area of the west-facing columns and the roof of the shade structure from the proposed landscaping with climbing native vegetation, which would eliminate visual screening of the columns and roof, as seen from the beach, and reduce the native vegetation coverage on the project site by ~1,000 SF. This alternative is not considered to be the environmentally preferred alternative because it would result in loss of important aesthetic mitigation for the shade structure, as well as in low stature native vegetation/habitat created by the climbing plants on the shade structure roof. In this context, it should also be noted that consideration was given, in the alternative to the climbing vegetation, to placing a native grass (sod) roof on top of the shade structure. However, because of the requirement for further structural improvements to support the additional seasonal (wet) weight of a sod roof, which would require additional or enlarged supportive components that would function to enclose the mainly open shade structure, while adding additional height to a strengthened roof, the sod roof alternative is not considered to be the environmentally preferred alternative.

3. COASTAL ACT CONSISTENCY

This section reviews the specific consistency of the project components described herein with applicable standards of review contained in Coastal Act Chapter 3 (§§30210-30255.)[48]

3.1. Public Access

The westerly 25 feet of the lot (and adjacent upcoast and downcoast lots) were previously conveyed in fee title to the City for augmentation to the public beach (Torrance County Beach) and the resultant property line has been fenced for over two decades to clearly demark the respective public and private properties. Public access to the Beach, which in February, 2004, was over 200 feet wide (sandy beach) is available at the improved County Beaches and Harbors parking lot, ramp, and paths some 400 feet (five lots) upcoast from the project site. Although the subdivider of the parcel that created the lot and adjacent lots dedicated a 10-feet wide vertical public access along the southern side of the subdivision to settle a prescriptive rights lawsuit brought by the City, the City and State of California elected not to accept and improve that accessway, and by the terms of the litigation settlement, the 10-foot band reverted to private property ownership and the lots are no longer burdened by the prescriptive easement.

The Bredesen Trust specifically acquired the lot because of its location adjacent to the shoreline and its ocean recreational resources. The proposed development (native vegetation landscaping, walkway, two-tier patio with shade structure over the rear patio level, minor grading, and monitoring-reporting) is located completely on private property

[48] Article 7, Chapter 3, §§30260-30265.5, which addresses industrial development, is inapplicable to the proposed project, project site, or single-family residential area. Other inapplicable specific sections in Articles 2-6 are also omitted from this analysis.

and does not affect existing lateral or vertical public beach access or, as mitigated, beach use. The ability of the recreationally active property owner, children, and friends to directly access the beach and ocean from the lot, rather than by utilizing the upcoast public parking and accessway, avoids consumption of limited public access infrastructure capacity and makes it available to the neighborhood and public at large.

The proposed project ("project") is thus consistent with §30210, in that it protects both public rights to beach access and use, as well as the rights of adjoining private property owners.[49] The project is consistent with §30211 in that it does not interfere with the public's right of access to the sea, which was previously enhanced through conveyance to the City of the westerly ~25 feet of the lot. Consistent with §30212(a), adequate access between the first inland street and the shoreline exists nearby. Therefore no additional vertical public access burden down the subject slope is required to be placed on this lot. The proposed native vegetation landscaping of the project patio planters, shade structure roof and columns, and slope, when taken together with the proposed earth tone coloring of the walkway to harmonize it with the landscape, will protect the lower cost visitor and recreational facility resources of the public beach and ocean against substantive aesthetic diminution, consistent with §30213.

3.2. Recreation

Consistent with §30220, the physical location, native vegetation landscaping and erosion control measures, vegetative screening, and earth tone coloring of the project components, together with the discharge of storm water runoff (in)to ground on the

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[49] §30010 provides, in relevant part, that the Coastal Act "is not intended, and shall not be construed, as authorizing the [Coastal C]omission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor."

private property will ~~protect the public~~ beach and ocean for continued water-oriented recreational acitivities.

The State of California previously elected neither to purchase the property, of which the subject lot was a part before subdivision, nor to accept and improve the subdivider's dedication of a vertical accessway along the southern side of the subdivision. In light of these facts, the conveyance of the westerly ~25 feet of the lot to the City for augmentation of the public beach has satisfied any reasonable requirement for private accommodation or support of the use of oceanfront land for public recreational use, consistent with §30221.

The predecessor Commission approved the single family residential subdivision of the parcel that, in part, created the subject lot. §30222 is therefore not applicable to the proposed project.

Because of its residential zoning, small size, inaccessibility by equipment to haul feedstock to or product from an aquaculture operation, §30222.5 does not apply to the lot.

The State's previous determinations not to purchase the property in which the lot is located, the existence of a nearby vertical accessway system, the City's and State's determination not to accept and improve the subdivider's dedication of the vertical accessway at the southern end of the subdivision, and the previous conveyance of the westerly 25 feet of the lot to the City, individually and together render reservation of the long-fenced private property for upland public recreational coastal uses infeasible pursuant to §30223.

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3.3. Marine Environment

The proposed project is located on, and at the base of the slope, above elevations reached by high tides or design storm waves, does not affect marine resources, and therefore is consistent with §30230.

Consistent with §30231, clean storm water runoff from the project area will be collected and discharged on-site (in)to ground. Native vegetation landscaping will, together with removal of old water lines, sprinklers, and retrofitting of faucets and drip irrigation, contribute to maintenance, or incrementally to improvement, of water quality.

Consistent with §30232, native vegetation landscaping, utilization of pressure treated wood, and BMP's/best house-keeping practices (including avoidance or minimization of the use of herbicides, pesticides, fungicides, or chemical fertilizers) at the project site will avoid spillage of petroleum products or other hazardous substances.

Consistent with §30233, no diking, dredging, or filling of open coastal waters, wetlands, estuaries, or lakes are proposed, since none of them occur on the project site.

The proposed project does not include, and the Coastal Engineering Report indicates, based on a site-specific review of the evidence, that it will not require during its economic life, any construction that alters natural shoreline processes. §30235 is therefore inapplicable to the proposed project.

3.4. Land Environment

David Kelley, KAES, the author of the Revised Native Vegetation Landscaping Plan and previous Native Vegetation Landscaping Plan, indicates, based on a site-specific review of the evidence on the ground in 2003-4 and of aerial photography between 1978 and

2000, that the project site does not, and during said time most likely did not, contain any environmentally sensitive (habitat) area, as that term is defined in §30107.5. Kelley concurs that the site may have contained relatively small numbers of native plants that are not readily identifiable in the aerial photography record, as observed by Mattoni (1995) from the adjacent lot to the north, but notes that no buckwheat plants comparable to those at 433 or 501 Paseo de la Playa are visible at the subject site in the 1978- 2004 record. Mattoni also observed no coastal or other buckwheat at 437 Paseo de la Playa. §30240(a) therefore does not apply to the proposed project.

The proposed revised native vegetation landscaping of the project site, particularly the proposed planting of 70 coast buckwheat plants and over 230 other native plants from the coast buckwheat community will substantially increase the habitat value of the slope, which is presently dominated by non-native ice plant and acacias. Since the coast buckwheat serves as the host plant for the federally listed El Segundo Blue butterfly, the proposed planting may contribute to the recovery of this species within the Torrance Recovery Unit. US Fish and Wildlife Service (USFWS) staff (M. Bianchi, pers. com.) has expressed support for including the subject area, the perimeter of which is fenced and which will be overlain by a recorded conservation-open space easement, to run with the land, in the USFWS-approved safe harbor agreement with the Urban Wildlands Group. Our client notes that the subject area, following establishment of the proposed native vegetation, will not constitute regulatory ESH, as defined in §30107.5, since the combination of perimeter fencing, dense vegetation planting along the walkway, and permanent conservation-open space easement will by design and operation prevent the planted coast buckwheat community from being either easily disturbed or degraded by human activities or development. Moreover, the proposed removal of invasive non native plants and the native vegetation planting and maintenance program will, including through adaptive monitoring, protect adjacent public recreation and nearby buckwheat plants against significant degradation, consistent with §30240(b).

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Similarly, the siting and design of the proposed native vegetation landscaping, including to screen the shade structure and walkway from view from the adjacent beach and ocean, and the earth tone coloring of the walkway and stanchions, will prevent visual impacts from the proposed project that may otherwise significantly degrade public visual quality through discordant colors, columns, or roofing.

3.5. Development

The proposed project provides for no new residential, commercial, industrial, or visitor-serving commercial development. §30250(a), (b), and (c) are therefore inapplicable to the project.

Consistent with §30251, the proposed project, as mitigated in the Comprehensive Project Description, is considerate of, and protects the scenic and visual quality of the slope and toe of slope on the subject lot, as seen from Torrance County Beach and the Pacific Ocean, as follows:

3.5.1 The two-tier patio and planters are sited and designed to be below the line of sight from the Beach and Ocean, looking landward toward the base of the slope, due to the intervening screened fence and vegetation behind it.

3.5.2. The native vegetation screening of the shade structure columns and roof is designed by the project restoration ecologist to be located and to effect the attractive, harmonized visual screening of these structural elements, as seen from the Beach and Ocean, looking inland.

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EXHIBIT 7

PAGE 32 31

3.5.3. The revised native vegetation planting on the slope, which in part will overhang and screen the earth-tone color walkway and stanchions, will blend the walkway with the adjoining landscape, as seen from the Beach and Ocean, looking inland. The non-native vegetation eradication and native vegetation planting/screening will also restore and enhance the visual quality of the project area, as seen from the Beach and Ocean.

3.5.4. A variety of CDP-entitled private recreational structures, including walkways, patios, variously sized and located shade devices/structures, and active recreational facilities, with retaining and other walls, and non-native as well as native vegetation, presently occur on the adjacent lots immediately upcoast and downcoast from the project site. The proposed project, as mitigated, is consistent with the developed character of the surrounding area.

The proposed project furthers the objectives of §30252(6) in that the location and extent of the walkway and patio/shade-structure on the lot avoids the demand by the residents for shoreline and ocean recreation from incrementally adding to, and cumulatively overloading, the nearby coastal public access and parking facilities.

The respective locations and elevations of the patio, shade structure, and walkway, relative to the wave run up line and elevation, as well as pursuant to applicable geotechnical and seismic standards, will minimize the risk of the proposed development to life and property in areas of generally high geologic and flood (wave) hazards, consistent with §30253(1). The avoidance of a thatch roof over the shade structure avoids the fire hazard for such structures identified by the City Fire Department.

The project geotechnical engineer has calculated that construction of the walkway, patio, and shade structure involve 38 CY of balanced on site primarily surficial grading, primarily in the area of the previously graded slope in conjunction with development of

the residence. By definition, the surficial slope plane therefore is not a "natural landform." Location of the two-tier patio and shade structure over the rear patio at the toe of the slope minimizes the alteration of the slope, toe of slope, and the adjacent, long-fenced, sandy area on private property, consistent with §30253(2).

The seismic mitigation measures recommended by the project structural engineer, the coastal engineering findings, and the geotechnical parameters, all of which are incorporated into the project description above, assure, respectively, the stability and structural integrity of the project components, that the components will not destroy the site or surrounding area, or in any way require the construction of protective devices that would substantially alter natural landforms, consistent with §30253(2). The site-specific topography of the lot indicates that it does not constitute a coastal program regulatory coastal bluff or sea cliff.

Consistent with §30253(4), facilitation of the walkway will provide direct shoreline recreational access by the property owner, which will minimize energy consumption and vehicle miles traveled in the pursuit of such recreational access.

223.2316.301004

LIST OF EXHIBITS

1. Comprehensive Project Description
2. List of Geotechnical and other Reports
3. Geotechnical Report (1 bound original; 1 unbound copy)
4. Native Vegetation Landscaping Plan and Letter (2 bound originals, with Letter included at Exhibit 3 to this Plan), KAES, November, 2003. Superseded in relevant parts by 4.1 and 4.2.

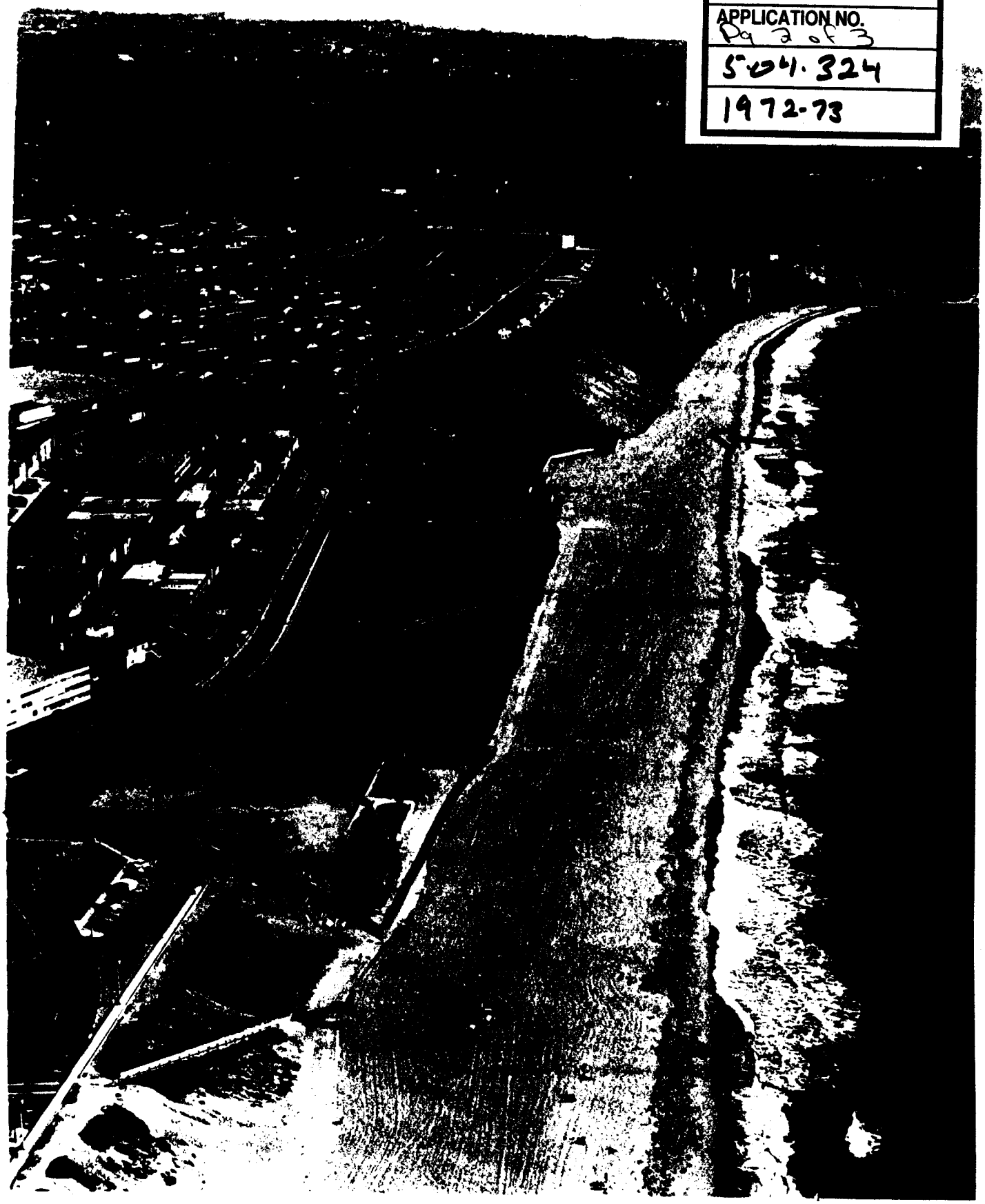
4.1. Habitat Restoration and Enhancement Plan, KAES, 13 October 2004.

4.2. Letter from david Kelley to pam Emerson, 30 October, 2004, with Exhibit 1, Distribution and Location of Non-native Plant Species, and Exhibit 2, Revised Native Vegetation Landscaping Plan (26 October 2004).

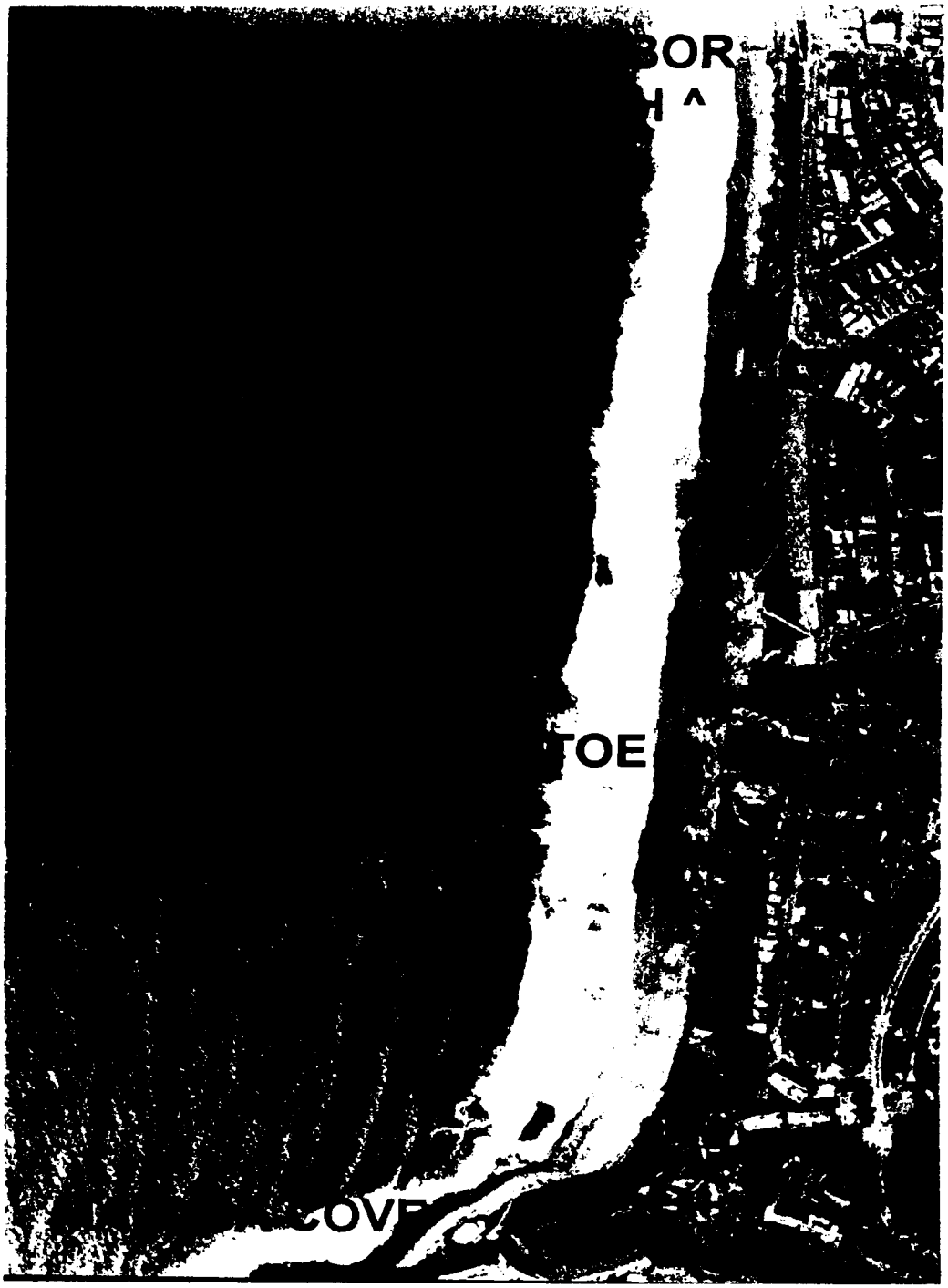
5. Coastal Engineering Report (2 bound originals)
6. Structural Analysis of the Shade Structure
7. Proof of Applicant's Legal Interest
8. Assessor's Parcel Map with 100-foot radius
9. Local Agency Approval Form
10. List of Adjacent Property Owners and Known Interested Persons (with pre-addressed and stamped envelopes)
11. Location Map
12. Topographical Site Plan (2 copies)
13. Reductions (8 1/2 by 11 inches) of the Project Area Site Plan, Shade Structure Framing Plan and Structural Elements (25 sets @ 3 pages)
14. Application Fee

EXHIBIT NO. 8
APPLICATION NO.
1973 aerial
5-04-324

EXHIBIT NO. 8
APPLICATION NO.
Pg 2 of 3
5-04-324
1972-73



SKELLY ENGINEERING



Photograph 1. Site photograph one day after 400 year wave event, January 19, 1988, showing wave runup almost to the bluff toe.

619 S. VULCAN AVE, #214B ENCINITAS CA 92024 PHONE 760 942-8379 Fax 942-3686

DAVID B. KELLEY
Consulting Plant and Soil Scientist

COPY

23 December 2004

COASTAL COMMISSION
5-04-324
EXHIBIT # 9
PAGE 1 OF 2

RECEIVED
South Coast Region
JAN 6 - 2005
CALIFORNIA
COASTAL COMMISSION

Mr. Mike Bianchi
U. S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, California 92009
TEL: 760-431-9440 x304
mike_bianchi@R1.sws.gov

RE: Your File #: FWS-LA-4243.1
Habitat Restoration and Enhancement Plan
Property of the CG and VC Bredesen Trust
Chris and Ginger Bredesen, Trustees
437 Paseo de la Playa
Redondo Beach, California 90277

Dear Mike:

Thank you again for your role in providing a letter response (from Karen Goebel, Assistant Field Supervisor, US Fish and Wildlife Service, 4 November 2004) regarding our recently submitted Revised Native Vegetation Landscaping Plan for the Bredesen property in Torrance/Redondo Beach (K&AES, Inc., 24 October 2004). Following our earlier discussions and your recommendations in the memo, we have revised Exhibit 2 of the Plan to reflect and implement your suggestions regarding an increase of the density of *Eriogonum parvifolium* plants in the areas on the west-facing slope of the Bredesen property designated as the Coast Buckwheat Community on the Plan. Pam Emerson of the California Coastal Commission requested your confirmation of our agreement to your recommendations that 150-200 buckwheat plants be planted, rather than the 90 originally proposed. I have added an additional note to the Revised Native Vegetation Plan (Exhibit 2) to my report that states:

Note Added in Revision (23 December 2004)

"In order to increase the density of *Eriogonum parvifolium* plants on the west-facing slope (see Notes 2, 3, and 18, above), following discussions with the USFWS, a minimum of 175 plants of *Eriogonum parvifolium* shall be planted on 48" centers within the Coast Buckwheat Community planting areas shown on this Revised Native Vegetation Plan. If planting of *E. parvifolium* (10 plants) along the downslope side of the walkway is not preferred or approved by the California Coastal Commission, to avoid potential future crowding or shading by adjacent other screening native vegetation, then these plants shall also be located on the slope in areas presently proposed to be vegetated with native grasses."

Kelley & Associates Environmental Sciences, Inc.
216 F Street #51 • Davis, CA 95616-4515
Tel: 530-753-1232 • Fax: 530-753-2935 • E-mail: <dbkelley@jps.net>

DAVID B. KELLEY
Consulting Plant and Soil Scientist

I am sending you under separate cover a printed copy of the Revised Native Vegetation Plan (Exhibit 2), to which I have added the above note, for your files and would appreciate your sending Pam Emerson at the Coastal Commission staff (pemerson@coastal.ca.gov) an email note confirming your review of and concurrence with this note as accomplishing the guidance previously provided by USFWS in this regard.

Thank you again for your support of our designs and objectives for this native vegetation planting and your keeping Pam advised thereof. Please call me at 530-753-1232 if you have any questions. Best regards.

Sincerely yours,

David B. Kelley
Consulting Plant and Soil Scientist

P.S. I attempted to send this note by e-mail earlier this week, but it bounced back to me. I think that I have the wrong e-mail address for you. If you could contact me by e-mail with a correction, I would appreciate it. My e-mail address is dbkelley@jps.net

Pam Emerson

From: Mike_Bianchi@r1.fws.gov
Sent: Monday, January 03, 2005 3:36 PM
To: pemerson@coastal.ca.gov
Cc: dbkelley@jps.net
Subject: CG and VC Bredeson Trust Landscaping Plan

Ms. Emerson,

I have received a Revised Native Vegetation Plan from K&AES, Inc. (David Kelley) for the Bredeson property. The revised plan has increased the number of coast buckwheat (Eriogonum parvifolium) to be planted on the property from 90 plants to 175 plants. The increased number of coast buckwheat on the site is consistent with the spirit and intent of our previous guidance (FWS-LA-4243.1). I anticipate that the increased number of coast buckwheat will better approximate the number of plants found on occupied El Segundo Blue Butterfly (ESB) habitat. If you require any further information regarding this issue, feel free to contact me via email or at the phone number below.

Mike Bianchi
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92009
760.431.9440x304

COASTAL COMMISSION
USFWS
EXHIBIT # 10
PAGE 1 OF 2
5-04-324

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Field Office
2730 Loker Avenue West
Carlsbad, California 92008

October 5, 1995

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

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

Dear Mr. Ryan:

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

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

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

Sincerely,

Gail C. Kobetich
Field Supervisor

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

MEMORANDUM

FROM: John Dixon, Ph.D.
Ecologist / Wetland Coordinator

TO: Pam Emerson

SUBJECT: Bredesen landscaping plan

DATE: November 2, 2004

Documents reviewed:

1. David B. Kelley. November 2003. Native vegetation landscaping plan. Seaward Slope, 437 Paseo De La Playa, Torrance, Los Angeles County, California.

2. David B. Kelley. October 11, 2004. Supplemental habitat enhancement plan: Native vegetation landscape plan. Seaward slope, 437 Paseo De La Playa, Torrance, Los Angeles County, California. A report prepared for C.G. and V.C. Bredesen Trust.

3. David B. Kelley. October 30, 2004. Letter to P. Emerson (CCC) in reference to "Revised native vegetation landscaping plan, Bredesen Trust, 437 Paseo De La Playa, Redondo Beach, California 910277."

The landscaping plan is divided into two areas – an area devoted to the coast buckwheat community and a horticultural zone (including a strip immediately adjacent to the stairway to the beach). Both areas will be planted with native species, most of which are common in coastal sage scrub and coastal bluff scrub communities. The plant palette for the coast buckwheat community appears appropriate with the exception of mulefat, a typically riparian species. This species should be removed from the plan unless it can be demonstrated that it is a component of natural coastal bluff scrub communities in the area or that there are overriding ecological reasons for including it in this highly manipulated part of the coast. Coast buckwheat is emphasized because of it's importance to the rare El Segundo blue butterfly. Within the horticultural zone, most species are also characteristic of coastal sage scrub or coastal bluff scrub communities. However, some large shrubs/small trees characteristic of chaparral, such as Toyon and California lilac, are also included, presumably for ornamental reasons. California blackberry is also included in the plant palette. I think this is not a good idea. This species is often invasive and could come to dominate areas where it is not desired unless there is intensive maintenance.

The success criteria are: 1. 80% survival of container plants, 2. 75% ground coverage by native species, 3. No more than 25% bare ground, and 4. No more than 15% cover by annual non-native species. To this should be added: 5. Zero percent cover of

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Exhibit 11
p1

perennial non-native species or of invasive species. I think these success criteria are adequate for a small project such as this in this setting. The plan should include the following: "Final monitoring for success within the coast buckwheat community shall take place after at least 3 years without remediation or maintenance activities other than weeding and, during drought years, irrigation. After initial plant establishment, irrigation may take place from October through April to supplement rainfall during unusual drought years."

The final plan should include a description of how success will be evaluated and should be subject to approval by the Executive Director.

5-04-324
Exh. 6, p 11
p2

STATE OF CALIFORNIA—THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

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

7 January 2005

GEOTECHNICAL REVIEW MEMORANDUM

To: Pam Emerson, Los Angeles area supervisor
From: Mark Johnsson, Staff Geologist
Re: 5-04-324 (Bredesen Trust)

With regard to the above referenced after-the-fact coastal development permit application, I have reviewed the following documents.

1) Cotton, Shires and Associates, Inc. 2004, "Geotechnical investigation and evaluation, 437 Paseo de la Playa, Torrance, California", 14 p. Geotechnical report prepared for CG & VC Bredesen Trust dated March 2004 and signed by J. Wallace (CEG 1923), W. R. Morrison (GE 2468) and S. Helenschmidt (GE 2064).

2) Skelly Engineering 2004, "Wave runup and coastal hazard study, 437 Paseo de la Playa, Redondo Beach, California", 10 p. wave runup study prepared for Bredesen Trust dated June 2004 and signed by D. W. Skelly (RCE 47857).

3) Skelly Engineering 2004, "Review of boring logs for 437 Paseo de la Playa, Redondo Beach", 2 p. review letter dated 30 November 2004 and signed by D. W. Skelly (RCE 47857).

In addition, I have viewed the site from the beach.

Reference (1) contains general information on the site geology, and specific information regarding site stability in terms of bluff recession, surficial and global slope stability, ground and surface water conditions, seismicity, and seismic slope stability. The report indicates that the site is capped by stabilized Late Pleistocene dune sands 3 to 13 feet thick, that overly the Early Pleistocene San Pedro sand. Locally, the San Pedro sand is overlain directly by artificial fill, where it is retained by landscaping walls on the lower part of the bluff.

No evidence of surficial or global slope instabilities were noted at the site, but instability has been observed at properties just downcoast. A quantitative slope stability analysis, performed using soil strength parameters derived from laboratory testing of samples collected at the site, yielded a minimum factor of safety against deep-seated failures of 1.55 for the static condition and 1.01 for the pseudostatic condition. The latter is below the usual criteria of 1.1 required to demonstrate slope stability under seismic loading, but I note that a relatively high (i.e., conservative) value of 0.21 g was used for the earthquake loading coefficient; 0.15 is used more commonly in conjunction with a factor of safety of 1.1 to demonstrate slope stability. A Newmark-type analysis of expected seismic displacement during a seismic event yielded a displacement of 5.86 cm. A displacement of this magnitude would adversely affect structures

such as buildings and retaining walls. Finally, the report contains an analysis of surficial slope stability using the methods of infinite slopes. No quantitative results are presented in the report, but the report does conclude that "the materials exposed within the slope face may be susceptible to shallow slope failures, particularly in localized oversteepened areas that may be caused by uncontrolled erosion, improper grading, or other anthropogenic processes." The report makes recommendations for drainage controls to minimize surficial instability.

I concur with the principal conclusion of the report that the slope is grossly stable under static conditions, might be expected to be marginally unstable under seismic loading, and will likely suffer surficial instabilities unless great care is taken to control runoff on the slope.

Reference (2) contains an analysis of the wave runup corresponding to storm conditions during the winter of 1982-1983. This analysis, the detailed review of which is beyond the scope of my review, indicates that the overtopping rate (i.e., the rate at which water would impact the toe of the slope) would be 0.8 cubic feet per second per foot of slope, and the maximum wave runup elevation is +16 feet MSL. Although the toe of the slope would be affected, the improvements, located mostly above +20 feet MSL, would not. Further, the report concludes that the small amount of water impacting the slope would not have enough force to impact the toe of the slope. The report goes on to conclude that there has been no overall shoreline retreat at the site over the last four decades, that a conservative estimate of future beach erosion would reduce the beach width by about 50 feet in 100 years, and that the toe of the slope is not likely to be subject to damage even from the most extreme beach erosion and wave attack over the expected economic life of the improvements. I concur with these assessments. I do note, however, that the width of the beach is at least in part due to artificial beach nourishment upcoast, that resulted in a dramatic increase in beach width between 1946 and the present (Leidersdorf et al., 1994).

Finally, I have had numerous discussions with the applicant's agent, Norbert Dall, concerning whether or not the slope should be considered a coastal bluff. In some regards, the question is moot. The geologic stability of the proposed (existing) development has been analyzed, and I concur with the applicant's consultants that the development can "assure [geologic] stability" as required by Coastal Act Section 30253, as long as the recommendations in the above referenced reports are adhered to. Nevertheless, out of concern for the protection of visual resources, the Commission generally has not allowed private development on the face of coastal bluffs. Again, the definition of the landform is therefore less important in this case than the impact of the proposed development on visual resources.

That said, it is my opinion that the slope at the site certainly meets any geologic, legal, and practical definition of a coastal bluff. This is not a particularly steep coastal bluff, probably because under current conditions it is rarely subject to wave attack and so surficial processes dominate the erosion of the bluff. In fact, I have used photographs of the bluff only a few lots downcoast of the subject site to illustrate this concept in talks. Reference (3) is a review of borings reported on in reference (1) and concludes that the borings "encountered silty sand, San Pedro sand, pebbles, and man-placed sand (fill) but no formational materials that would indicate the presence of a wave-cut coastal bluff, sea cliff, or escarpment on (in) the slope." Whether or not a slope is wave cut can in no way be determined, however, from an examination of the materials making up the slope. It is common in California to have steep bluffs cut in

unconsolidated sand dunes (such as in southern Monterey Bay). At this location, marine processes are subordinate to subaerial processes, so that the slope is much less steep (see Emory and Kuhn, 1982). Clearly, though, the slope is related to marine erosion in the recent geologic past.

The term "coastal bluff" is not defined in the American Geological Institute's *Glossary of Geology*, the standard source for definitions of geologic terms. But the definition for "bluff" is given as:

> (a) A high bank or bold headland with a broad, precipitous, sometimes rounded cliff face overlooking a plain or body of water; esp. on the outside of a stream meander; a *river bluff*. (b) Any cliff with a steep broad face.

And the adjective "coastal" is defined as:

> Pertaining to a coast; bordering a coast, or located on or near a coast, as *coastal* waters, *coastal* zone management, or *coastal* shipping routes.

In my opinion, the slope on the subject property clearly meets both definitions. The term "coastal bluff" *is* defined in the Commission's Administrative Regulations (CCR Title 14 § 13577 (h)), at least for purposes of defining the Commission's jurisdiction:

> ...Coastal bluff shall mean:
>
> (1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and
>
> (2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2).

For reference, PRC 30603(a)(1) and (2) are as follows:

> (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
>
> (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

In my opinion, the slope at the property meets the first definition in § 13577 (h). Even if it did not, however, it clearly meets the second definition.

Finally, on a practical level, I note that this relatively steep slope separates a generally flat upland area adjacent to the dissected uplands from the gently sloping beach. The Commission has previously defined the same slope, only a few lots south of the subject site, as a bluff face (see CDP 5-01-018, Conger), and the bold headland is a dramatic landform as seen from the beach.

I hope that this review is helpful. Please do not hesitate to contact me with any additional questions.

Sincerely,

Mark Johnsson, Ph.D., CEG, CHG
Staff Geologist

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MEMORANDUM

January 10, 2005

To: Pam Emerson
From: Jon Van Coops, Mapping Program Manager
Subject: Bredesen ATF CDP

Mark Johnsson's report on this looked fine, I but wanted to mention several additional comments I had regarding the bluff question. Maybe it would also help to mention somewhere that he talked to mapping and that we concur fully with his conclusions.

1. The 1871 US Coast Survey Topographic map for this area clearly shows a continuous line of hachuring (bluff symbol) landward of the MHTL all along this stretch of coastline. As the contours indicate, the bluff is certainly higher to the north and south, but there is no question that the bluff symbol (short hachures) is present and continuous. This interpretation is further supported by the fact that the contour lines in this area (including the 20 foot contour) end abruptly as they meet the line of hachures, which is a standard practice when delineating contours located adjacent to a bluff. There are two areas that are mapped as less than 20 feet elevation, and even these have the hachure symbol found throughout this area. The presence of dotted 10 foot supplemental contours elsewhere on the map and no such 10 foot contour in this area leads me to interpret the topography in these two areas as greater than 10 feet elevation with a low bluff along the seaward side indicated by the hachures.

My interpretation is based on information contained in the 1975 edition of *Shore and Sea Boundaries, Volume II* by Aaron Schalowitz, published by the U.S. Coast and Geodetic Survey (now the National Geodetic Survey).

2. I was personally responsible for the both the delineation and labeling (including the arrow placement) of the appeal jurisdiction boundary depicted on the draft Post-Cert. Map 139, and can unequivocally state that the entire appeal area up coast of the intersection of Camino de Encanto and Paseo de la Playa within the City of Torrance was based on a line drawn 300 feet from the bluff. Besides our own aerial photo interpretation, this was based in part on the Department of Navigation and Ocean Development (now Dept. of Boating and Waterways) description of this area as a "high bluff" north of approximately Vista del Sol, and a "high eroding cliff" south of that same point, endangered and subject to erosion during high wave conditions. I also supervised the preparation of the large-scale draft post-cert. map, which was intended to replicate on the City's parcel base map the same boundaries that the quad-scale version of the draft had depicted, which show the area in question as appealable based on the bluff criterion.

3. Having been the initial author of both CCR section 13577(h)(1) and (h)(2) I can guarantee you that 13577(h)(1) was intended to include exactly this type of seaward-facing coastal bluff.

13577(h)(2) was intended to include coastal bluffs of the type where the natural position of their seaward face or the construction of PCH, other roadways, or the railroad had precluded marine erosion. Even if it were determined that this bluff didn't meet the definition in (h)(1) (which hardly seems possible), its toe is obviously between the Sea and the First Public Road paralleling the Sea, and also within 300 feet of the inland extent of the beach, so it definitely meets the criteria in (h)(2). It is also important to note that even if the FPR were ultimately determined to be the correct controlling boundary criterion for establishing the location of the appeal jurisdiction boundary here, that doesn't negate the fact that we have a coastal bluff located here as well.

4. Regarding the review of boring logs by GeoSoils Inc., it seemed to me that the reviewer was attempting to imply that the presence of bedrock is a prerequisite for a landform feature to be considered a coastal bluff. This is absolutely incorrect. There are many places along the coast where there are "sand hill" bluffs. One great example is just south of San Francisco along Thornton Beach where old beach and dune sand deposits form coastal bluffs that are, in some places, over 400 high. It is critical to keep in mind that while topography is obviously often a direct reflection of the underlying geology of an area, it is the geomorphic process that develops the distinctive features of a landform. It follows that the evolution of the landform feature we call a coastal bluff results, not only from geologic structure, but also from the process of abrasive action of waves beating against the shoreline. Some of the most impressive coastal bluffs are exposed bedrock sea cliffs, but I have never seen a definition of bluff that requires the material the bluff is made of to be bedrock.

5. Norbert and I had a phone conversation in early November during which I looked at the Torrance draft Post Certification map and acknowledged that, without looking at additional materials, including oblique and vertical aerial photos, I couldn't tell exactly why the draft appeal boundary on the map curved slightly seaward inland of the property in question. It was unclear to me, without further review, whether the draft boundary should have been following the inland ROW of the First Public Road or 300 feet from the top of the bluff at this location. This wasn't meant to imply there was no bluff, only that I needed to look at it more closely to determine whether the top of bluff jogged seaward far enough for the appeal boundary criterion to change. That same afternoon I pulled up the obliques the Coastal Records Project website which includes several oblique images clearly showing a coastal bluff of nearly 100 feet elevation. Stairways built on the bluff face in this area use switchbacks to negotiate the steep drop in elevation to the beach.

Let me know if you have any questions.

U.S. Department of the Interior
U.S. Geological Survey

Formation, Evolution, and Stability of Coastal Cliffs–Status and Trends

Monty A. Hampton and Gary B. Griggs, Editors

Cliffs are a common feature along U.S. coastlines. Understanding the geology of coastal cliffs is essential to addressing the impact of landward cliff retreat in developed areas.

Professional Paper 1693

Introduction

By Monty A. Hampton, Gary B. Griggs, Tuncer B. Edil, Donald E. Guy, Joseph T. Kelley, Paul D. Komar, David M. Mickelson, and Hugh M. Shipman

The term "coastal cliff" refers to a steeply sloping surface where elevated land meets the shoreline. Coastal cliffs are a geomorphic feature of first-order significance, occurring along about 80 percent of the world's shorelines (Emery and Kuhn, 1982). Like virtually all landforms, modern coastal cliffs are a "work in progress," continually acted upon by a broad assortment of offshore (marine or lacustrine) and terrestrial processes that cause them to change form and location through time. An important consequence is that coastal cliffs "retreat" (that is, move landward), and the adjacent coastal land is permanently removed as they do so. Retreat can be slow and persistent, but on many occasions it is rapid and episodic.

Coastal cliff is a general term that refers to steep slopes along the shorelines of both the oceans (where they are commonly called "sea cliffs") and lakes (where they are commonly called "lake bluffs"). The term "bluff" also can refer to escarpments eroded into unlithified material, such as glacial till, along the shore of either an ocean or a lake. Often, the terms "cliff" and "bluff" are used interchangeably.

Coastal cliffs typically originate by marine or lacustrine erosional processes, particularly as the shoreline transgresses landward with a rise of water level. However, some initiate as scarps of large landslides or faults (see, for example, Moore and others, 1989; Kershaw and Guo, 2001) or by glacial erosion (Shipman, this volume). Although their ultimate origin is special, these types of features are here included as coastal cliffs, because in many respects they evolve similarly to other coastal cliffs. Unless otherwise mentioned, however, the following discussions are implicitly about coastal cliffs that originate by marine or lacustrine erosional processes.

The definition of coastal cliffs given above establishes no bounds on the constituent materials, height, or inclination of the eroded surface. In practice, the bounds are established by utility. Erosional processes can carve a cliff face into any geologic material with adequate relief—slowly into hard rocks such as unweathered granite, rapidly into soft sedimentary rocks such as a sandstone, and even more rapidly into unlithified material such as glacial till (Sunamura, 1983). A practical lower bound of bluff or cliff height is a few meters, below which there are few hazard concerns, but above which the serious engineering and land-use issues associated with coastal-cliff retreat become important. Some coastal cliffs are more than 100 m high. Typical inclination of surfaces that are recognized as true coastal cliffs ranges from about 40° to 90°, but it can be as low as 20° in soft sediment such as clay. In some places, overhanging rock faces can exist.

The terrain landward of a coastal cliff can be steep, rugged, and mountainous at one extreme, as along the Big Sur coast of central California, or relatively flat as is common along much of the urban coasts of California, New England, and along the Great Lakes. Problems related to coastal-cliff retreat exist within both types of terrain. The flat terraces and gently sloping plains in urbanized coastal areas in particular have attracted development, because the flat surfaces provide nearly ready-made building sites, and the elevated position can provide magnificent coastal vistas (fig. 1). Cliff retreat

Figure 1. This coastal cliff in Daly City, California, is about 150 m high. As evidenced by the large landslide near the center of the photograph, the cliff is unstable, posing a threat to the nearby densely developed area. The San Andreas Fault is a short distance offshore.

Figure 2. Rapid retreat of this sea cliff in Pacifica, California, caused damage to these houses, which later were declared unsafe and demolished. Compare with the cover photo of the same area, taken about 2-1/2 months previously, before the arrival of the 1997-98 El Niño storms.

has caused damage to structures in many of these places (fig. 2). A common problem along mountain-backed coastal cliffs, which typically are sparsely developed, is damage to or loss of coastal roadways as the coastal cliff retreats (fig. 3).

There are many social as well as scientific issues that emerge from the present understanding of coastal cliffs in the United States, and coastal-cliff retreat is an important national issue. Houses, commercial buildings, roads, and other infrastructure located along a coastal cliff, either on the elevated crest or at the base, have been damaged or destroyed when cliffs collapsed. The loss of typically high-value coastal property has an economic impact because it reduces local property-tax revenues and effects Federal disaster relief and insurance programs. For local governments, the loss of public roads and sewer and water lines on coastal cliffs has a burdensome economic impact. Coastal-cliff retreat also can have an impact in relatively unpopulated areas. For instance, cliff retreat in coastal parks causes financial loss to the tourist industry through loss of access, as well as loss of camping and picnicking sites, and in some places, loss of historically significant sites. Arresting the retreat of a coastal cliff is costly, and many attempts have failed (fig. 4). Furthermore, some coastal-cliff stabilization projects have contributed to beach erosion by cutting off an important source of sand and gravel that nourishes the downdrift beaches. Various studies have documented the extent of the U.S. coastlines that are undergoing erosion (USACE, 1971; Habel and Armstrong, 1978; Griggs and Savoy, 1985; Pope and others, 1999; Komar, 1997; Terich, 1987; Kelley and others, 1989; Carter and others, 1987; McCormick and others, 1984); a reported 86 percent of the shoreline of California, for example (Griggs, 1999). Because of the desirability of living directly on the coast, which in many regions means living on a cliff above an eroding coastline, there are significant short- and long-term risks associated with the population migration to, and more intense development of, those areas. Coastal erosion has become an increasingly publicized regional and national issue that is going to affect the Nation for many decades. Globally, more than a billion people live near the coast (Nicholls and Small, 2002; Small and others, 2000), and many of those reside only a few meters above sea level or behind an encroaching hazard, the edge of the coastal cliff.

Present engineering and regulatory attempts to mitigate the problems associated with coastal-cliff retreat are clearly inadequate, because land, buildings, infrastructure, and lives continue to be lost. There is lively controversy regarding the best approach to a resolution of these problems. "Hard" engineering solutions, such as constructing revetments or seawalls; "soft" solutions, such as replenishing or nourishing protective beaches; "regulatory" solutions, such as establishing effective setback distances; and "passive" solutions that advocate relinquishing threatened land to the advancing sea, all have their vocal constituencies as well as firm opposition. The vast majority of the public, however, does not appreciate the problem of coastal-cliff erosion as well as it does the issue of beach erosion.

Beaches and coastal cliffs are intimately linked. The release of sand and gravel during coastal-cliff erosion is a significant coastal management issue, because the sediment becomes part of the littoral system and contributes to the sediment budget of the beaches (see, for example, studies by Osborne and others, 1989; Everts, 1991; Best and Griggs 1991; Galster and Schwartz, 1990; Diener, 2000; Mickelson and others, 2002; Runyan and Griggs, 2002; Runyan and Griggs, 2003). Halting coastal-cliff erosion by installing seawalls to protect coastal property might reduce the supply of sand, which thereby reduc-

Figure 3. Movement of this large landslide on the Big Sur coast of central California is related to erosion of the coastal cliff at its base, plus other factors such as ground water. Occasional movement of large slides such as this one results in frequent damage to and associated closure of California state Highway 1, which generally follows the coast, as shown here.

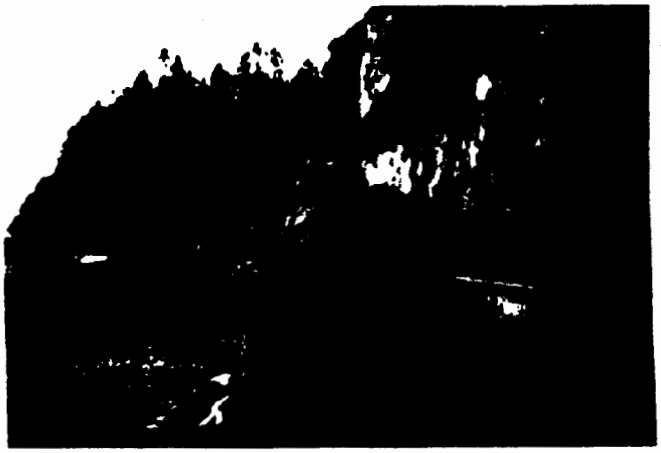

Figure 4. Failure of this steep bluff in glaciofluvial and glacial sediment in Puget Sound, Washington, occurred despite a stabilization attempt. The seawall was built to prevent toe erosion the year prior to failure of the slope.

es the size of the asthetically pleasing beach. Conversely, wide beaches dissipate wave energy, providing natural protection for the cliff. Therefore, if the sediment supply to the beaches is reduced significantly, the beach becomes narrower and the cliff can be subjected to greater wave energy. Installation of groins to create or maintain a beach along one section of coast, unless enough sand is placed on the updrift side immediately following construction so bypassing occurs, can temporarily deprive the down-drift beaches of natural nourishment, causing them to deteriorate and exposing the adjacent cliffs to direct wave attack (fig. 5). Beaches are the Nation's most popular tourist destination, so their protection and maintenance are important economically (Houston, 2002).

Efforts to protect coastal cliffs by armoring them with seawalls and revetments have direct and indirect effects on beaches that are clearly evident along many coastlines. For example, much of the U.S. shoreline of Lake Erie is protected, and beaches are narrow or absent along its coastal bluffs. By contrast, the much less developed Lake Superior shoreline of Wisconsin and Upper Michigan, where protective structures are uncommon, has abundant sand and gravel supplied to the beach. In Maine, eroding bluffs of glacial-marine sediment are a major source of mud to tidal flats and salt marshes. When bluffs are stabilized, the sediment supply to the adjacent tidal flat or marsh is interrupted and the environment becomes dominated by erosional processes. As mud from the tidal flat is exported offshore, the salt marsh-tidal flat boundary becomes a steep peat scarp and the marsh begins to erode. In time, by lowering the elevation of the original tidal flat, it becomes narrower and the salt-marsh buffer disappears. The narrower flat and reduced or eliminated marsh buffer ultimately subject engineering structures to damaging waves that necessitate maintenance or structural modification. In California, approximately 10 percent of the entire 1,760 km of coastline has now been armored (Runyan and Griggs, 2002). In the heavily developed southern California area, the extent of armoring is even greater. Thirty-four percent of the combined shorelines of Ventura, Los Angeles, Orange, and San Diego Counties has now been armored. These seawalls and revetments affect the coastline and coastal cliffs in several ways (Griggs, 1999), including (1) protection of the cliff or bluff from wave erosion, thereby cutting off any sand previously supplied to the beach, (2) loss of beach due to the placement of the structure on the beach sand, with a revetment taking up far more beach area than a seawall, and (3) gradual loss of the beach fronting the seawall or revetment as sea level continues to rise against a shoreline that has now been fixed (termed "passive erosion," see Griggs, 1999). Permits for the construction of new seawalls that cut off the sand contribution from eroding bluffs are now required by the California Coastal Commission to be accompanied by a nourishment program to replace the sand that would have been eroded from the bluff, or the financial equivalent. However, investigation of the magnitude of this sand source in two of California's littoral cells (Santa Barbara and Oceanside) indicates that the cliffs only contribute about 0.5 percent and 12 percent, respectively, of the littoral sand budget (Runyan and Griggs, 2002).

The study of processes, especially the acquisition of quantitative data, on shorelines bordered by coastal cliffs is hindered by (1) the slow rates of change, (2) the difficulty of measuring energy exerted on the coast by the high energy/low frequency storms during which much cliff retreat occurs, (3) the exposed and often dangerous environments for wave measurement and submarine exploration, (4) the lack of access to privately owned, precipitous, or heavily vegetated cliffs, (5) poor research funding, and (6) the small number of active researchers in this area. Even if the nature of contemporary erosive processes were completely understood, it would remain difficult to explain the morphology of coasts that often retain the vestiges of antecedent geological conditions quite different from those of today (Griggs and Trenhaile, 1994).

The large portion of the United States coastline that consists of cliffs or bluffs is not adequately reflected in the modern process-oriented coastal literature, where most emphasis is placed on beaches and other systems that respond rapidly to changing environmental conditions. However, books by Trenhaile (1987) and Sunamura (1992) do consider coastal cliffs in detail. Despite physical and chemical analyses, geochronometric dating, physical and mathematical modeling, and careful measurement of erosion rates, geologists often can only speculate about the development and modification of cliffed coasts (Griggs and Trenhaile, 1994). Nevertheless, geological input is crucial in order to resolve the large-scale social and economic issues associated with a constantly retreating cliffed shoreline over the thousands of miles of developed United States coastline. Geologists face multiple challenges of (1) understanding the fundamental processes and factors that govern coastal-cliff erosion, (2) documenting and quantifying the spatial and temporal variation of retreat rates, and (3) providing this information in a usable format to coastal engineers, planners, and managers, as well as to the general public.

The published geologic reports covering field, experimental, and theoretical studies in aggregate demonstrate the diversity and complexity of coastal cliffs worldwide. Those publications are cited liberally in this report in an attempt to convey a comprehensive understanding of the geologic nature of coastal

Figure 5. South of Milwaukee, Wisconsin, on Lake Michigan, groins protect the bluff in the distance, but serve to enhance erosion of the bluff in the foreground.

cliffs, even though the focus of the report is the cliffs along the shores of the United States, including the Great Lakes. Generalizations about coastal cliffs are difficult, and forecasting the timing and rate of retreat is particularly problematic. This report synthesizes the current knowledge of the status and trends of U.S. coastal cliffs.

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COASTAL COMMISSION
5-04-324
EXHIBIT # 15
PAGE 1 OF 2

GeoSoils Inc.
& E SKELLY ENGINEERING

MEMORANDUM

November 30, 2004

TO: Mr. Chris Bredesen

FROM: David Skelly, PE

FACSIMILE COPY: Rupert Adams, 760.931.1020
Dall & Associates, 916.392.0462
Pam Emerson, 562.590.5084
Mark Johnsson, 415.904.5400
Jon Van Coops, 415.904.5400

SUBJECT: REVIEW OF BORING LOGS FOR 437 PASEO DE LA PLAYA, REDONDO BEACH

I have reviewed Boring Logs CSA-1, CSA-2, CSA-3, HA-1, HA-2, HA-3, and HA-4, which are appended to Cotton, Shires & Associates, Inc. (CSA), Geotechnical Investigation and Evaluation, 437 Paseo de la Playa, Redondo Beach, (City of Torrance), California, March, 2004, to ascertain whether any of these seven (7) borings and hand auger holes intercepted formational material (bedrock) that would indicate the presence of a wave-cut vertical element (escarpment, sea cliff, or coastal bluff) on the west-facing slope and toe of slope at the subject property. Copies of the Geotechnical Investigation and Exploration have previously been transmitted to Coastal Commission staff as part of the application for CDP 5-04-324.

The locations of the exploratory drilling are mapped on Plate 1 of the CSA Geotechnical Investigation and Evaluation and extend from the toe (elevation + 15 feet MSL) to the top of slope (elevation +97 feet MSL), and at intervals at elevations +36 and +61 feet MSL. The drilling extended, respectively, to 24.5, 21.8, 31.5, 5.5, 2.75, 6.5, and 4.6 feet below the surface. The latter four depths are for hand auger holes at or near the base of the slope.

The exploratory drilling, as mapped by CSA for the referenced boringsand hand auger holes, encountered silty sand, San Pedro sand, pebbles, and man-placed sand (fill), but no formational materials that would indicate the presence of a wave-cut coastal bluff, sea cliff, or escarpment on (in) the slope. (See, e.g., CSA, Geotechnical Investigation and Evaluation, page 6.) CSA reports (pages 3-4) that the older, more resistant Fernando

GeoSoils Inc.

SKELLY ENGINEERING

Formation, Melaga Mudstone, and Valmonte Doatomite "form the steeper terrain and localized sea cliffs approximately one quarter mile south of the subject property. In contrast, the subject property does not contain a wave-cut sea cliff or coastal bluff, as these terms are defined in the Coastal Commission's administrative regulations."

Based on my review of the exploratory drilling logs, as well as the analysis of wave runup for the subject site contained in Skelly Engineering, 2004 (which was also submitted to Commissions staff as part of the application for CDP 5-04-324), I concur with CSA's finding that the west facing slope and toe of slope at 437 Paseo de la Playa, Redondo Beach, California contain no coastal bluff, sea cliff, or escarpment due to wave erosion during the historic record.

Please call me if you have any questions regarding this matter.

Sincerely,

David Skelly, MS
Coastal Engineer
RCE#47857

COASTAL COMMISSION
5-04-324
EXHIBIT # 15
PAGE 2 OF 3

5741 Palmer Way, Suite D, Carlsbad CA 92008 *Phone 760-438-3155*

6.0 CALIFORNIA COASTAL COMMISSION TECHNICAL CRITERIA

The following items are intended to address the applicable standards of the Coastal Act (California Public Resources Code) Section 30253(1) and 30253(2) as further clarified in the Coastal Commission's guidelines for assessing *Geologic Stability of Blufftop Development*:

Section 30253 states, in relevant part, that "New development shall (1) Minimize risk to life and property in areas of high geologic hazard. (and) (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."

6.1 Cliff Geometry and Site Topography

The site is characterized by two distinct topographic areas referred to as the eastern and western areas. The eastern portion of the property consists of a split-level building pad upon which a two-story residence, detached garage, pool/spa and other associated appurtenances were constructed. The western portion of the property is characterized by a steep (approximate 2:1 horizontal to vertical) slope that descends from the building pad area westward to near the property line with Torrance County Beach. Total height of the slope at the subject site is on the order of 80 feet. At the toe of the slope, a level patio area on the subject site steps down toward a private gate in the property perimeter fence, which provides access Torrance County Beach.

On February 26, 2004, a topographic survey of the site (with a scale of 1 inch equals 8 feet) was submitted by Lanco Engineering. Lanco's survey extends from the westerly (seaward) edge of the residence, near elevation 106 feet MSL, down the slope (with a base elevation of 14-15 feet MSL) and across the beach to elevation –1.76 feet MSL. This survey was based on Bench Mark DY 10384 located at the corner of Palos Verdes Blvd. and Calle Miramar. Lanco's topographic survey is presented in Plate 1 for the area from the western edge of the single-family residence, to the contour at 14 feet MSL.

6.2 Historic, Current and Foreseeable Slope Erosion

Skelly Engineering has evaluated coastal oceanographic factors pertinent to the site, including wave runup and shoreline and slope stability/erosion. It is our understanding that these items will be discussed under separate cover in its report.

6.3 Geologic Conditions

The geologic conditions at the project site are discussed in Sections 3.1, 3.2 and 5.2 of this report.

6.4 Evidence of Past or Potential Landslide Conditions

No indications of deep-seated or shallow slope instability were observed at, or immediately adjacent to, the project site during our site reconnaissance on November 11, 2003 or during our site visits on February 17 and 18, 2004. CSA is unaware of any previous geotechnical studies performed on the subject property since its construction in the early- to mid-1960s. CSA notes that a geologic report prepared for 417 Paseo De La Playa indicates that bluffs located one or two blocks to the south experienced some slope instability in the 1950s and 1960s. In addition, aerial photographs of the subject property and its immediate surroundings show no evidence of landsliding or slope instability. Review of pertinent geologic maps and reports also reveal that no previous slope instability has been documented at this site.

As part of our evaluation, we performed limited analyses of deep-seated and shallow slope stability at the site. Our deep-seated slope stability analysis was conducted along cross section A-A' (Plate 1). Our analysis was performed using the XSTABL engineering software. Our evaluation utilized a search routine that incorporates the Janbu method of slices to identify the most critical failure surface. The critical failure surface was then re-evaluated using Spencer's Method of Slices in order to achieve equilibrium with respect to forces and moments.

Based on the results of our laboratory testing, along with our review of geotechnical reports addressing the subsurface conditions at nearby properties, we have utilized the following soil strength parameters in our slope stability analysis:

Material	Moist Unit Weight (pcf)	Saturated Unit Weight (pcf)	Cohesion (psf)	Internal Friction Angle (degrees)
Fill (Dune Sand)	110	110	0	35
San Pedro Sand	110	110	0	33

Results of our slope stability analysis yielded a factor of safety of at least 1.5 for deep-seated slope failures at the subject site (Appendix B).

A surficial stability analysis was also conducted for the slope. Our analyses utilized the infinite slope model. Our analysis addressed the surficial stability of the fill soils, since they are the predominant soil type exposed on the slope face. An inclination of 2:1 (horizontal to vertical) was utilized in our slope stability analyses corresponding to the predominant slope inclination at the site. A 3-foot depth of saturation was considered in our evaluation. Results of our analysis indicate that the materials exposed within the slope face may be susceptible to

- Oversteepening of topography;
- Introduction of significant amounts of surface water or alteration of surface drainage;
- Reduction of lateral support at the toe of slope; and
- Addition of external forces in slope areas that would promote lateral slope movement.

Based on our limited review of the site conditions, it appears that alterations associated with the recent improvements are likely to have a negligible effect on overall slope stability, provided the drainage and maintenance recommendations outlined herein are implemented.

7.0 RECENT IMPROVEMENTS

Recent improvements at the subject site include a cabana (shade and storage) structure, a patio area with planters, a walkway that descends the slope face, irrigation lines and landscaping. Timothy Lewis is performing a structural engineering analysis of the cabaña and patio using soil engineering parameters provided by CSA; a description of these improvements will be provided in his report under separate cover. The analysis by CSA is limited to the consideration of geotechnical issues regarding the condition of walkway and landscaping/irrigation in the slope area. Kelley & Associates Environmental Sciences, Inc. will provide a description of existing landscaping conditions and recommendations for the native and drought tolerant vegetation landscape restoration, with minimized irrigation of the slope and cabaña/patio areas.

7.1 Walkway

A 4 foot wide walkway connects the patio/cabana area and the gate in the westerly fence with the residence. The walkway descends the slope with a series of stairs, switchbacks and ramping sections. The walkway between the patio and the gate consists of flagstones set in concrete. The walkway on the slope consists of concrete flatwork that is 3 inches in thickness, with wooden posts and edges. Construction of the walkway appears to have involved minor excavation on the order of 20 cubic yards. The excavated material was reused in the construction of the patios[1] (Chris Bredesen, pers. com.) Several steel anchors have been placed along the downward side of the walkway to depths on the order of 2 to 3 feet below grade. No indications of distress in the concrete flatwork were observed within or alongside the walkway on the slope, or between the toe of the slope and the gate in the westerly fence.

7.2 Landscaping and Irrigation

The slope is moderately vegetated with iceplant, shrubs and ornamental grasses. Acacia trees are situated adjacent to the cabana structure. A series of irrigation lines and sprinklers is located along the face of the slope.

[1] We are informed that by locating the cabaña at the toe of the slope, excavation for it was similarly minimized to an estimated 15 cubic yards, primarily to accommodate the low retaining wall at the rear of the cabaña. The excavated material was also reused onsite in the construction of the patio immediately to the west of the cabaña. (Chris Bredesen, pers. com.)

8.0 RECOMMENDED ACTIONS

The following recommendations are intended to avoid and reduce the potential for the existing site improvements to affect, or be affected by, the stability of the west-facing slope.

8.1 Structural Evaluation

The newly constructed improvements at the site should be evaluated by a qualified structural engineer. The structural engineer's evaluation should consider the as-built configurations of the cabana, the retaining walls, and the patio for conformity with standards-of-care, as well as the Uniform Building Code. The following geotechnical parameters should be incorporated into the structural engineer's analysis:

Allowable soil bearing value	**1,500 psf**
Active lateral earth pressure (level ground)	**35 pcf**
Active lateral earth pressure (sloping ground)	**50 pcf**
Passive Earth Pressure	**350 pcf**
Concrete-soil friction coefficient	**0.35**

8.2 Walkway

As discussed above, the walkway appears to be performing well, with no significant indications of distress being observed during our site visits. However, the walkway could be affected in the future by soil creep, which is a long-term, downslope movement of near surface soils that is caused by gravity. This nearly imperceptible downslope movement typically extends to depths on the order of 3 to 5 feet below the ground surface.

Typical creep rates have been estimated to be on the order of 1 inch per year. The effects of soil creep typically include the downslope displacement of near-surface improvements and shallow foundations. Mitigation of soil creep typically involves installation of substantial deep foundation elements to resist soil creep pressures (deeper than the anchors observed for the walkway).

For non-critical improvements such as walkways, long-term soil creep can be addressed as a maintenance issue, with replacement of hardscape improvements if and when needed. If the effects of soil creep cannot be tolerated as a maintenance issue, foundations supporting the existing walkway, along with other near surface improvements on the slope face should be evaluated for susceptibility to downslope creep of the upper soils. It is our experience that lateral creep pressures in the vicinity of the site can be assumed to be on the order of 1,000 psf per foot of depth, to a maximum depth of 4 to 5 feet below the ground surface, for foundations constructed on or near slopes.

We recommend that the walkway and slope be monitored for soil creep at five year intervals, or following a significant seismic event or excessive rainfall period (El Nino winter) by a qualified geotechnical engineer, with a concise report, including any recommendations for additional non-landform destructive work, to be submitted to the property owner, City, and Coastal Commission.

8.3 Erosion and Surficial Slope Stability

In order to reduce the potential for saturation of the upper soils comprising the slope (and reduce the potential for shallow slope failures), we recommend the following:

1) Horticultural irrigation landward of the cross-fence near elevation 90-91 feet MSL be kept to a minimum.

2) Irrigation on the slope seaward of the cross-fence be avoided or minimized through utilization of native and drought-tolerant naturalized vegetation.

3) Existing and abandoned irrigation lines on the slope be removed to the maximum extent practicable.

4) Automatic flow cut-off valves should be installed on all faucets and remaining water lines to the west of the residence. The irrigation system should be regularly inspected and any leaks and faulty heads should be repaired or replaced as necessary.

5) Area drain inlets and subsurface drain lines should be checked annually and maintained, as necessary, to assure their continued functionality.

6) Drainage devices, including top of retaining wall v-ditches, should be regularly inspected and cleared of debris to ensure proper drainage.

7) Surface runoff that accumulates adjacent to switchbacks in the walkway should be properly collected and transmitted by the installation of a system of area drains that ties into the existing subsurface drain pipe that discharges at the northwestern corner of the site. Deep-rooted low vegetation and minor quantities of river-run rock should be placed around and downslope of any faucets or sprinkler heads along the slope to avoid localized surficial erosion.

9.0 CONCLUSION

Section 30253 of the Coastal Act of 1976 provides, in relevant part, that "New development shall: (1) Minimize risks to life and property in areas of high geologic, flood and fire hazard, and (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".

Based on our evaluation of the site conditions, and the understanding that the recommended actions (mitigations) detailed herein will be incorporated into the

comprehensive project description for submittal to Coastal Commission as part of the coastal development permit application and then, subsequently implemented, we conclude that: a) the improvements do not pose a risk to life and property, b) the improvements do not adversely affect stability or structural integrity of the site, c) the improvements do not contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, and d) the improvements do not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

LIMITATIONS

Our services consist of professional opinions and recommendations made in accordance with generally accepted engineering geology and geotechnical engineering principles and practices. No warranty, expressed or implied, or merchantability of fitness, is made or intended in connection with our work, by the proposal for consulting, testing and observation or other services, or by the furnishing of oral or written reports or findings.

We appreciate the opportunity to be of service. If you have any questions regarding our comments, please call at your earliest convenience.

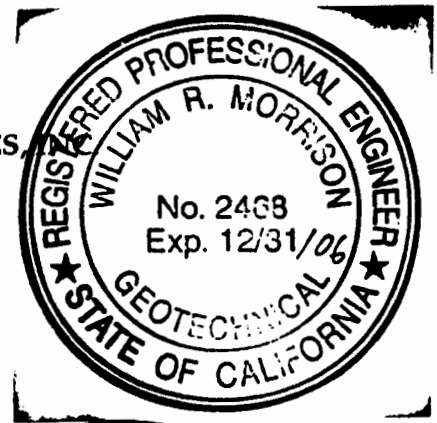
Respectfully Submitted,

COTTON, SHIRES AND ASSOCIATES, INC.

John Wallace
Senior Engineering Geologist
CEG 1923 (exp. 1/21/05)

William R. Morrison
Senior Geotechnical Engineer
GE 2468 (exp. 12/31/06)

Stanley Helenschmidt
Managing Geotechnical Engineer
GE 2064 (exp. 06/30/04)



COASTAL COMMISSION

EXHIBIT # 16
PAGE 6 OF 6

STANLEY E. REMELMEYER
CITY ATTORNEY

CITY OF TORRANCE
3031 TORRANCE BOULEVARD, TORRANCE, CALIFORNI
TELEPHONE (213) 328-5310 9050

December 4, 1973

Commissioner Melvin J. Carpenter
South Coast Regional Zone
Conservation Commission
Post Office Box 1450
Long Beach, California 90801

Dear Mr. Carpenter:

I am writing again about the five vacant lots on the Torrance Beach (file no. V-147), this time at the request of Mrs. Peggy Doll 425 Paseo de la Playa. She tells me that the commission needed a map of the vacant lots, and I volunteered to send you copies of the ones in our office. The first is a copy of that portion of Engineer Survey Division File Map No. 4-139 showing lots 9, 10, 11, 12, and 13. This shows the property line extending to the old mean high tide line as it existed before the Army Corps of Engineers widened the beach in 1965. Everything from that line out to the ocean is county owned (incidentally this is why I could not understand the Commission's decision in P-8-10-73-1682. The condition that the applicant agree not to deny the public lateral access to the beach up to 25' landward of the mean high tide line concerns land that is owned by the county of Los Angeles).

In addition I am sending you a copy of an aerial photo with a rough map of the portions acquired by the City drawn in.

If there is anything else I can provide to help, please let me know.

Sincerely,

STANLEY E. REMELMEYER
City Attorney

By Jonathan Ainsworth
Jonathan Ainsworth

JA:mp
atts

October 9, 1973

HONORABLE MAYOR AND MEMBERS
OF THE TORRANCE CITY COUNCIL
Torrance, California

RE: TORRANCE BEACH

Gentlemen:

Commencing in August, 1971, pursuant to the instructions of the City Council, a series of suits were filed in the Superior Court to quiet the title of the City and the People of the State to the Torrance Beach. The properties involved are those designated "Privately Owned" on the attached sketch-map. The legal bases of the suits were the landmark decisions of the State Supreme Court, known as the Gion-Dietz cases.

The first of these suits to be tried involved the old Hollywood Riviera Beach Club property, now owned by Oscar Berk. The trial resulted in a decision by the Superior Court in favor of the City and County. The decision is now on appeal.

The next increment of cases to be processed relates to the five vacant lots at the end of Vista del Sol. The lots are outlined in black on the attached sketch-map. The record owner of lot 9 is Doris Muller, of lots 10 and 11 is the Robert Hoods, of lots 12 and 13 is Hobbs Marlow.

The City Attorney's office has negotiated a settlement of these cases with said record owners. The settlement has been embodied in formal written Agreements between the City and each of the record owners with accompanying deeds, together with a Stipulation for Entry of Judgment and Order. A copy of the Marlow Agreement is attached as a prototype.

In summary, the record owners are giving the City quitclaim deeds recognizing the City's title to the sandy beach portions of said lots. These sandy beach lands are shown on the attached sketch-map in green. In addition, the property owners collectively

are dedicating to the City a 10 feet wide access route, extending from Paseo de la Playa to the sandy beach. The access route is shown in red on the sketch-map. The lot lines are being adjusted so each of the five lots is giving up two feet.

In return, the City recognizes the title of the said record property owners to the upland portions of the property extending seaward from Paseo de la Playa and their title to the slopes extending from said upland portion to the sandy beach below. The upland portion and slopes are shown in blue on the attached sketch-map.

The Agreements provide also that (1) the City and County will use said property for beach recreational purposes only; no roadways, public toilet facilities, refreshment stands, concessions, or any commercial enterprise will be constructed or permitted on the public beach lands being conveyed to the City; (2) within the next ten years, the City or County must construct an 8 feet high wall on each side of the access route from Paseo de la Playa to the edge of the incline of the bluff, and an 8 feet high chainlink fence from the edge of the incline to the sand--the access route may not be used until the walls and fence are constructed; (3) beach lights must be installed so as not to shine back onto the areas above the bluff, and the lights on the access way may not shine onto adjacent properties; and (4) the City will pay each of said property owners $200 per lot for a total payment of $1,000.

The provisions of the Agreements and Stipulation are acceptable to the County Department of Beaches. It is expected that the Department of Beaches will construct the access route walls and fences at the County's expense.

The record owners have already signed the Agreement, deeds and Stipulation. For said documents to become effective, the approval of the City Council, the Attorney General of California, and the

proper County officers must be obtained. I RECOMMEND that the Council adopt the attached resolution authorizing the Mayor and the City Clerk to execute and attest said Agreements, the City Clerk to accept such deeds, and appropriating the sum of $1,000. However, said Agreements and Stipulation will not be delivered, said deeds will not be accepted and said monies will not be paid until the documents have been formally approved by the appropriate County officers and the Attorney General.

Respectfully submitted,

STANLEY E. REMELMEYER
City Attorney

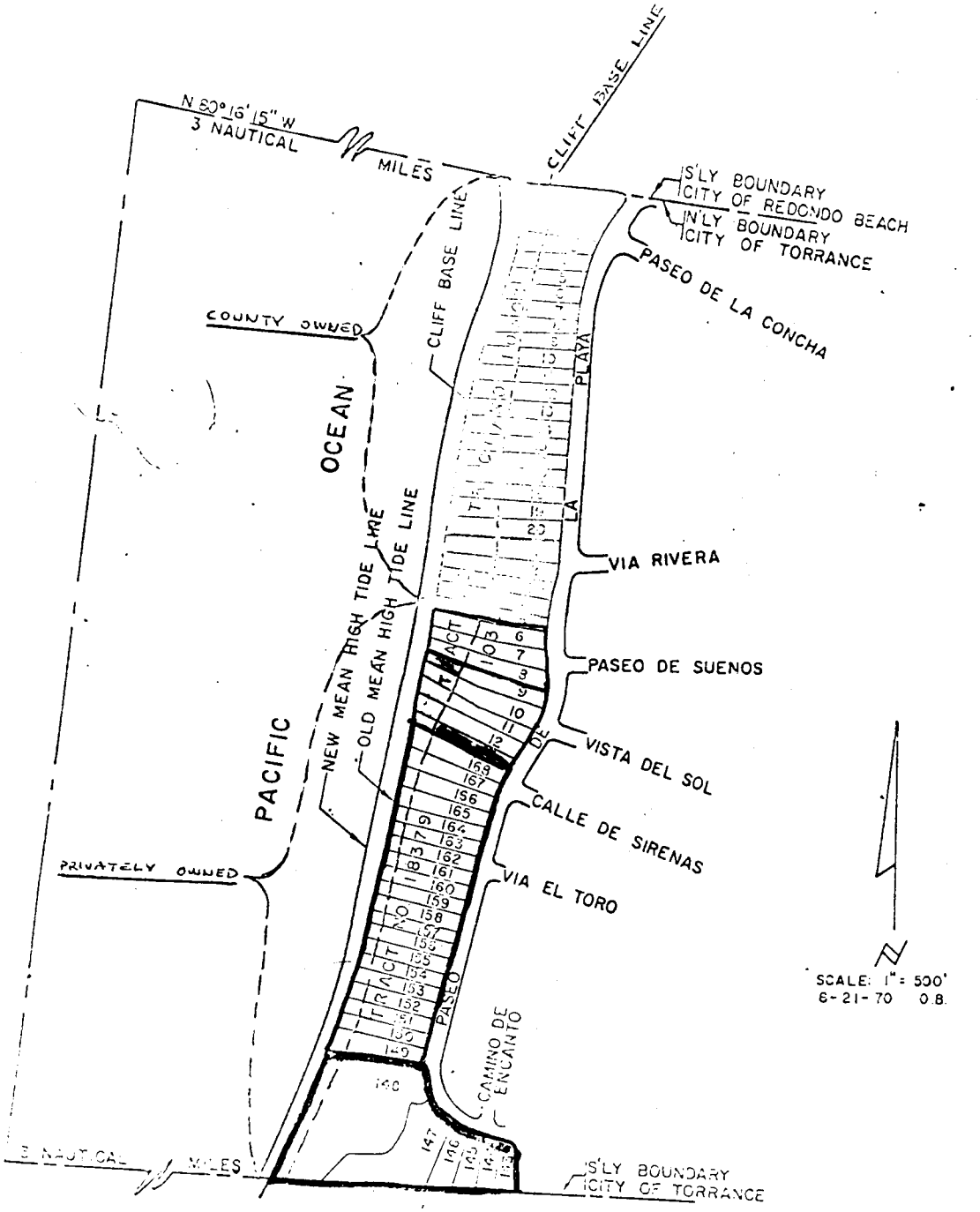
NOTED:

EDWARD J. FERRARO
City Manager

Attachments
SER:dk

COASTAL COMMISSION
5-04-324
EXHIBIT # K
PAGE 3 OF 4

TORRANCE BEACH



SEPTEMBER 2, 1970

County Owned Lots

Privately Owned Lots

COASTAL COMMISSION
5-04-324

EXHIBIT # 10

PAGE 4 OF 4

Beginning at a point in the northeasterly line of said lot distant North 65°35'44" West thereon 404.16 feet from the northeasterly corner of said lot; thence South 22°24'27" West 63.19 feet, more or less, to a point in the southwesterly line of said lot distant North 65°20'00" West thereon 400.39 feet from the southeasterly corner of said lot.

III

The duty of MARLOW to convey the real property described in Paragraph II above is effective upon the delivery of a grant deed by Robert S. Hood and Rhodora L. Hood to MARLOW of the following described property:

The southwesterly 6 feet of Lot 11, Block D, Tract No. 10307, in the City of Torrance, County of Los Angeles, State of California, as shown on map filed in Book 165, pages 15, 16 and 17, of Maps, in the office of the Recorder of said County.

Excepting therefrom that portion thereof which lies westerly of the following described line:

Beginning at a point in the northeasterly line of said lot distant North 61°39'17" West thereon 171.70 feet from the southeasterly terminus thereof; thence South 13°18'22" West 66.39 feet, more or less, to a point in the Southwesterly line of said lot distant North 65°48'31" West thereon 421.43 feet from the southeasterly corner of said lot.

IV

The City agrees to use said real property described in Paragraph II herein only for an access route between Paseo de la Playa and the beach. When the City or its successor in interest exercises its option to the access route, the access route will be constructed with eight-foot-high walls on each side from Paseo de la Playa to the edge of the incline of the bluff; and from that point to the edge of the sand, the access route will have an eight-foot-high chainlink fence constructed on each side. The access route will be covered in such a manner that persons may not enter onto adjacent properties or throw trash over the wall or fence.

Boundary


EXHIBIT NO. 19
APPLICATION NO.
5-04-524
P-2
FENCE
AREA BEING ACQUIRED
BY CITY OF TORRANCE
P/L 19
PRESENT PROPERTY LINE
(OLD MEAN HIGH TIDE LINE
AS OF 1965
AREA ADDED IN 1965

SEE PHOTOGRAPHS HEREIN. + PAGE 11

BEFORE THE

COASTAL ZONE CONSERVATION COMMISSION

OF THE STATE OF CALIFORNIA

IN RE: The Proposal to Acquire Eight (8) Blufftop Parcels at Torrance Beach

Received at hrg, 8/7/01

POSITION PAPER OF THE CITY OF TORRANCE

REQUESTING DELETION FROM ACQUISITION LIST

TO THE HONORABLE MELVIN B. LANE, CHAIRMAN, AND TO THE MEMBERS OF THE COASTAL ZONE CONSERVATION COMMISSION:

The City of Torrance respectfully requests that your Honorable Body delete the eight (8) blufftop lots at Torrance Beach from your Tentative Proposed Acquisition List.

I

SUBJECT PROPERTIES

Torrance Beach is located between the cities of Redondo Beach on the north and Palos Verdes Estates on the south. It has an ocean frontage of only 4,000 feet. Of this frontage, 1700 feet, or fully 42 percent, is already publicly owned. A map of the Torrance Beach is attached as "Exhibit A". The subject properties are designated thereon as Lots 5-13.

The California Coastal Plan, at page 398, tentatively proposes the acquisition of eight (8) blufftop lots at Torrance Beach. These properties are illustrated on the aerial photo marked "Exhibit B ". They are the three (3) large homes situated immediately south of the County parking lot, plus the vacant hilltop land south of those lots. This vacant land has been subdivided into five (5) buildable lots.

STATE OF CALIFORNIA

COASTAL COMMISSION

EDMUND G. BROWN JR., Governor

CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION
SOUTH COAST REGIONAL COMMISSION
666 E. OCEAN BOULEVARD, SUITE 3107
P. O. BOX 1450
LONG BEACH, CALIFORNIA 90801
(213) ~~426-4301~~ (714) 846-0648

590-5071

5.04.324

EXHIBIT # 21

PAGE 1 OF 2

FILE COPY

RESOLUTION OF APPROVAL AND PERMIT

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

Name of Applicant: Robert S. Hood

517 Paseo de la Playa, Redondo Beach, CA 90277

Permit Type: [x] 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.

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

application, site map, plot plan and approval in concept.

II. Whereas, at a public hearing held on June 7, 1976 (date) EXHIBIT # 21 PAGE 2 OF 2 at Torrance (location) by a unanimous ~~xx~~ vote ~~hereby approves~~ 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 unheat swimming pool; and b. to use solar heating system only, for the jacu 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 jlr/lr

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 Commissi 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 Conservatio Commission.

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

COASTAL COMMISSION
5-~~83-242~~
EXHIBIT # 4
42876 PAGE 2 OF 2

M. J. Carpenter
Executive Director

	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	
Address	**CDP(s)**	**Applicant**	**Project Description**	**Result**	**Other**
433 cont.	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)	
Project site 437	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.

COASTAL COMMISSION
5-04-327

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441	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.
445	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.
Address	**CDP(s)**	**Applicant**	**Project Description**	**Result**	**Other**
	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, extend to bluff edge drainage swale .	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
Address	**CDP(s)**	**Applicant**	**Project Description**	**Result**	**Other**
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	Denied	
617	No permit on file				

COASTAL COMMISSION
5-04-324
EXHIBIT # 23
PAGE 4 OF 4

13 September 2004

Hon. Mike Reilly
Chairman, Calif. Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

SUBJECT: COASTAL DEV. PERMIT 5-04-324, BREDESEN

Dear Chairman Reilly:

My friends and I surf RAT (Redondo and Torrance) Beach at least once a week, and many weeks, more often. We greatly appreciate what the Coastal Act has done for the South Bay beaches and access to them, but in the Coastal Act scale of things the Bredesens' private recreational improvements and native vegetation plantings should not rise to the level of taking the State Coastal Commission's time and scarce staff resources, when so many other really large issues are deferred or unaddressed.

If everyone landscaped their west-facing slope, walkways, patios, and other structures the way the Bredesens are proposing to do it, it would make the landward backdrop to the beach look ever so much better and bring some (modest) habitat values back to this almost fully built-out area.

I personally like the idea of the Bredesens having their own walkway down to the beach, since it leaves more room for the rest of us on the public trails 500 feet upcoast. As far as their patio and shade structure go, they have no impact on the public recreational experience or public views looking inland as long as they are - as the Bredesens propose - well landscaped.

It's not as though the South Bay, with its looming power plant, King Harbor, large condo/apartment buildings, municipal concrete ramps and other facilities on the beach, and thousands of homes near the shoreline is a wilderness area where another path, patio, or cabana would be the end of the world as we know it.

Please approve the Bredesens' well-considered proposal. Thank you.

Cordially,

Ronnie Meistrell

4703 Moresby Drive
Torrance, Ca. 90505

c: Al Padilla, Long Beach Coastal Commission office
Coastal Commissioners

5-04-324
Letter Exhibit 23b
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September 15, 2004

Hon. Toni Iseman
California Coastal Commissioner
c/o South Coast District Office
200 Oceangate
Suite 1000
Long Beach, California 90802

SUPPORT FOR BREDESEN COASTAL PERMIT (CDP #5-04-324)

Dear Commissioner Iseman:

It has come to my attention that the Coastal Commission will soon be acting on Chris and Ginger Bredesen's walkway, patio, and shade structure at 437 Paseo de la Playa.

As an avid member of the surfing community at Redondo and Torrance Beach, I support the Bredesen project, and hope that you and the other Coastal Commissioners will, too.

The proposed native lanscaping that screens these improvements will be much more attractive to beach users than the pre-existing invasive, non-native ice plant, and eroded private dirt paths across the slope, and better for the environment, as well.

The Bredesens' improvements do no harm to any coastal resource, and should be approved.

Respectfully,

Hap Jacobs

2224 Thorley Place
Palos Verdes Estates,Ca. 90274

C: Mr. Al Padilla, Coastal Commission Long Beach staff
Coastal Commissioners

Exhibit 23b
p2

September 3, 2004

Mr. Al Padilla
Coastal Analyst
California Coastal Commission-South Coast Area
200 Oceangate, 10th Floor
Long Beach, Ca. 90802

SUBJECT: SUPPORT FOR CDP NO. 5-04-324

Dear Mr. Padilla,

As the downcoast neighbor of Chris and Ginger Bredesen, and a resident property owner since 1978, I write to strongly support the well-designed improvements to their west-facing slope, including native vegetation landscaping, walkway, patio, and shade cover. The Coastal Commission should approve this as quickly as possible.

The Bredesens' property has been fenced since 1977, including along the side of the lot that faces the beach, as are our property and that of our neighbors, pursuant to a coastal development permit from your Commission that I personally processed.

There have always been gates in the western fence at each lot, and paths or walkways of various sorts to connect them with our homes at the top of the slope. As you know, public access is provided along a nearby path and ramp that connect the public parking lot to RAT Beach. Although over the years, much of this area has been overgrown with iceplant, having attractive plants that are native to this area, as the Bredesens propose, is much preferred, not least because they will help avoid any future erosion.

Honestly, I can't see why there should be any to-do about the Bredesens having a tastefully done patio at the toe of the slope on which to relax and a nicely screened permanent shade cover, all on their private property. These improvements do no harm to anyone or anything, especially when they are surrounded and covered by plants.

Support for the Coastal Act in the South Bay has been about providing the access for the public to get to the public beach, not about denying property owners like the Bredesens their right to improve and enjoy their property with what are, after all, rather modest improvements that can be made to blend with their surroundings. I urge that you approve this coastal permit.

Very truly yours,

Kay F. Warren
441 Paseo de la Playa
Redondo Beach, Ca. 90277

Copy: Coastal Commissioners
Chris and Ginger Bredesen

5-04-324
Exhibit 25
p3

San Pedro, California 9073

December 9, 2004

Dr. William Burke
California Coastal Commissioner
11110 West Ohio Avenue, Suite 100
Los Angeles, CA 90025

SUBJECT: CDP 5-04-324 (BREDESEN): SUPPORT

Dear Bill:

I understand that my friends Ginger and Chris Bredesen's minor improvements to their otherwise long-developed property at 437 Paseo de la Playa, Redondo Beach, is before the Coastal Commission at the January, 2005 meeting. I hope that the Commission will approve this application without further ado.

The Bredesens are longtime stalwarts of the South Bay surfing community, who bought this home to enjoy the same access to the ocean that the Commission has approved for their neighbors. I am very mindful, as should be the Commission, that the beach in front of their property has already been transferred to public ownership for perpetual access and recreational use.

The proposed improvements (a walkway, patio, shade cover, and native plant revegetation) will be located entirely on private property; will be colored in earth tones, screened by native vegetation; and will in no way hinder the public's enjoyment of the shoreline. By allowing these improvements, the Bredesens can access the waves without adding to the demand on the already well-used nearby public paths, trails, and parking lots, while creating native habitat that has not existed on the site for decades.

The project design (both structural and botanical) adheres fully to Commission staff's criteria, as well as the environmental resource protection policies of the Coastal Act itself. I would appreciate your support for this proposal when it comes before the Coastal Commission.

Thank you in advance for your consideration.

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Exhibit 2
P 4

Sincerely,

Nan Harman

Nan Harman

cc: Ginger and Chris Bredesen
All Coastal Commissioners
Coastal Commission staff (P. Emerson, Long Beach)

Mark and Kelly McCaslin
2120 Paseo Del Mar
Palos Verdes Estates, Calif. 90274

September 8, 2004

Mr. Mike Reilly, Chairman
And Coastal Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

SUBJECT: 437 PASEO DE LA PLAYA, REDONDO BEACH (BREDESEN)

Dear Coastal Commissioners:

As a long-time surfer at Redondo and Torrance Beach, resident of the South Bay, and member of The Surfrider Foundation, I strongly urge your approval of Chris and Ginger Bredesen's improvements at 437 Paseo de la Playa. No improvements are located on the public beach. In fact, the westerly part of the property (and adjacent lots) was conveyed two decades ago to the public to expand the sandy public beach, which now is about 200 feet wide. All the lots facing the beach here have fences and/or walls to clearly indicate the public-private boundary.

The Bredesen's walkway, covered patio, and native plant restoration will be sensitively designed and harmonized to blend with the landscape that can be seen from the beach and near shore waters. Many neighbors have similar Commission-approved paths, patios, and private recreational improvements in similar locations on adjacent and nearby sloping lots. There is no legitimate reason to prevent the Bredesens from enjoying their property in the same manner afforded to their neighbors by permits and tradition. As a practical matter, given the existing shortage of public beach parking, I would much rather that the Bredesens, their children, and friends access the beach with their recreational equipment directly from their property, rather than hauling their boards and stuff first to the public parking lot, down the public access, and then back to the beach in front of their lot.

Please do the right thing: approve the Bredesen improvements on their property and protect the beach parking lot and accessway for all of us surfers and the public who do not live right along the shoreline.

Respectfully,

Mark McCaslin

5-04-324
Exh. 4 23b
p 5

Copy: Ms. Pam Emerson, Coastal Commission Long Beach office

Pam Kelterborn
113 Vista del Sol
Redondo Beach, Ca. 90277

September 19, 2004

Mr. Mike Reilly, Chair, and Members
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802

SUBJECT: SUPPORT FOR BREDESEN PROJECT (CDP NUMBER 5-04-324)

Ladies and Gentlemen of the Commission:

As one of Ginger and Chris Bredesen's neighbors, please allow me to share the following for your considerations in approving their coastal permit:

1. The proposed earth tone walkway, patio, and vegetation-covered cabaña have no negative environmental effects, but do allow the Bredesens reasonable access and recreational enjoyment on their property.
2. No part of the project extends onto the public beach. The fence along their western property line was first built pursuant to a coastal development permit in 1977 and has been maintained in the interval.
3. The overall native vegetation landscaping of the slope and cabaña roof will protect and enhance public beach views, looking inland.
4. Project consultants have done a site-specific, detailed technical coastal, ecological restoration, engineering, and geotechnical analysis, demonstrating that the project site contains no sensitive habitat and that the project components, as proposed, are structurally sound and safe, minimize grading, and do not require any shoreline protective structures.
5. The proposed improvements are consistent with community character in this area, and the Coastal Commission itself has already approved similar improvements within this small subdivision

I could continue, but you get the picture. The proposed project is fully consistent with the Coastal Act and existing structures and uses in our neighborhood. The Bredesen application deserves your support and approval, just as it has ours.

Sincerely yours,

Pam Kelterborn

cc: Mr. Al Padilla, Coastal Commission Long Beach office
Ms. Ginger Bredesen and Mr. Chris Bredesen

5-04-324
Exhibit 23b
pg

CARLOS JUAREZ JR.
8924 SHENANDOAH AVE.
PICO RIVERA, CALIFORNIA 90660
562-619-8064

Long Beach

October 25, 2004

Chairman Mike Reilly and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

CDP # 5-04-324 (BREDESEN)
SUPPORT

Dear Coastal Commissioners:

I am proud to live in one of the most ethnically diverse urban areas on this planet, where the right to beach access is protected for all of us, whether or not we can afford to live on the shoreline. As a beachgoer I appreciate your efforts to make sure that the public beach is not blocked off for private use.

The walkway and covered patio proposed by the Bredesens will be located entirely on their own property and will not interfere with the public's use of the beach in any way.

Many of their neighbors have approved walkways and walls that are visible from the beach but do not in any way affect beach access or enjoyment. Owners along this stretch of Paseo de la Playa were already required to give up the western parts of their lots for public use when their houses were built. It would be unfair to keep the Bredesens and their neighbors from enjoying their remaining property, and would serve no public purpose.

The Bredesen proposal is the right approach. I ask that you approve it.

Sincerely yours,

Carlos Juarez Jr

cc: Chris and Ginger Bredesen
Pam Emerson, Coastal Commission Permit Supervisor, Long Beach

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Exhibit 2
p 7

October 26, 2004

Mr. Mike Reilly, Chairman
And Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

SUBJECT: COASTAL PERMIT 5-04-324 (BREDESEN)

Dear Coastal Commissioners:

My family and I appreciate what the City of Torrance, the Coastal Act, and the property owners along Paseo de la Playa have done to make the beach available to all the people, but especially our children.

In our society, protecting the public beach does not equate to denying the adjacent property owners their legitimate use of their lots. I'm glad that you have already approved walkways, patios, and nice landscaping on sloping lots owned by other families in this same area.

The Bredesen family deserves the same courtesy and permit approval under the law. If they can also coax beautiful butterflies to visit their yard by planting the right plants, so much the better. In a just society, wise use of the land and nature protection go together. The Bredesen's project shows that to be true and deserves your approval.

Sincerely,

SALVADOR MARTINEZ
4450 W. 162TH STREET
LAWNDALE, CALIFORNIA 90260

cc: Ginger and Chris Bredesen
Ms. Pam Emerson, Long Beach Coastal Commission office

Exhibit 23b
p8

Peff Eick
2312 Manhattan Ave.
Manhattan Beach, Ca. 90266
310-545-0102

September 15 2004

Hon. California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

SUBJECT: BREDESEN (CDP 5-04-324)

Dear Chair and Members of the Commission:

It has come to my attention that Ginger and Chris Bredesen have a coastal permit application pending before your Commission for a walkway between their home and the beach, as well as a patio and partial shade cover on their property at 437 Paseo de la Playa. I join many of their neighbors and beach users from throughout the area in supporting these proposed improvements.

I surf the Redondo and Torrance Beach regularly, at least several times a week. While I don't surf to look at the urbanized landscape of the South Bay, the native vegetation plantings proposed by the Bredesens to replace the iceplant on their slope and to screen these minor improvements will certainly enhance this backdrop to the beach. Including buckwheat in the landscaping may even coax a few blue butterflies into this area, which old timers tell me haven't been around for a long, long time.

As you may know, residents along this stretch of Paseo de la Playa have already deeded the seaward portion of their lots for additional public sandy beach. There is no legitimate Coastal Act reason now to keep the Bredesens from enjoying the rest of their property in the manner they propose.

Respectfully,

Peff Eick
Surfrider and Lover of Butterflies

P.S. A copy of this will go to Mr. Al Padilla, 200 Oceangate, 10th Fl., Long Beach 90802

23b
Exhibit 2c
p 9

JACK MESSERLIAN
3601 Courtney Way
Torrance, CA 90505

September 10, 2004

California Coastal Commission
Attention: Al Padilla
200 Oceangate, 10th Floor
Long Beach, CA 90808

SUBJECT: BREDESEN PROJECT (#5-04-324)

Members of the Commission:

I am pleased to write this letter to lend my support for Chris and Ginger Bredesen's proposed walkway, patio, and extensive native landscaping on their property at 437 Paseo de la Playa.

As a former Torrance Councilmember and Planning Commissioner, I am intimately aware of this neighborhood, and believe the Bredesen project has been designed to ensure it does not impact the landform of the native habitat, and avoids significant visual impacts.

I ask the Commission to note that the slope of the Bredesen property is not a steep coastal wave-cut bluff, which occurs further downcoast, but rather a sand-covered hill that gently slopes to meet the beach. Thus, approval of this project would set no precedent for stairs or other walkways along the steep bluffs to the south.

I understand the City has recently again reviewed the Bredesen's proposed minor improvements, and has issued a Local Agency approval in concept, in addition to the Minor Hillside Development Permit, and that they will issue a building permit after your action on the coastal permit.

The proposed project is in keeping with the neighborhood character and has no adverse environmental impacts. In fact, it improves the landscape, while allowing the Bredesns reasonable access and enjoyment of their property and is worthy of your approval.

Sincerely,

Jack Messerlian

Exh. 4 of 5
23b
p 10

Darryl Dickie
2107 Valley Drive
Manhattan Beach,Ca.90266
310-546-7724

September 30, 2004

Hon. Mike Reilly, Chair
And Coastal Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Regarding: Coastal Permit 5-04-324, Chris and Ginger Bredesen

Dear Mr. Chairman and Coastal Commissioners:

As a RAT Beach surfer who strongly endorses the protection of our ocean and shoreline resources, I am writing in support of Chris and Ginger Bredesen's proposed improvements.

During the 40 years that I've surfed RAT Beach in the vicinity of the Bredesen residence, I've watched the build-out of the South Bay with industry, harbor facilities, condos, and homes. Since passage of the Coastal Act, Paseo de la Playa owners have built homes, patios, fences, retaining walls, swimming pools, property line walls, stairs and other walkways, as well as shade structures and night lighting for their private recreational facilities. Some yards have excellent native landscaping on their west-facing slopes, to minimize their visibility to beachgoers. However, this is clearly an urbanized setting.

Like their neighbors, Chris and Ginger have also designed an environmentally sensitive path to take them safely to and from the beach across their own property, with a patio and a covered area where they can kick back at the end of the day, and get out of the sun. (If you have ever carried a surfboard and other equipment down a steep, blowing, rutted and eroded goat trail to the beach, and then had to climb back up at the end of the day, you, too, will have welcomed the chance to use an improved walkway designed for user safety.) In addition, they propose native landscaping adjacent to their walkway and over their cabaña to help screen them from public view.

The City has approved Chris and Ginger's improvements, and the Coastal Commission, consistent with the Coastal Act, should do the same, without rearranging their patio chairs or forcing them to duck under a low awning that blows away in the next storm.

Truly yours,
Darryl Dickie
Darryl Dickie
Member, Surfrider Foundation

Ex. 4.b.1
p 11

Copy: Al Padilla, Coastal Commission, Long Beach

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Exhibit 25
p12

SEPT. 17, 2004

COASTAL PERMIT 5-04-324
BREDESEN
SUPPORT FOR PROJECT

Mr. Mike Reilly, Chairman
And California Coastal Commissioners
200 Oceangate, 10th Floor
Long Beach, CA 90802

Dear Coastal Commissioners:

Few people are more supportive and protective of our coast and ocean than surfers like me who are on the beaches and in the waters of Southern California almost every day of the year. We appreciate the willingness of property owners along the 400 block of Paseo de la Playa, in years past, to widen the public sandy beach through the transfer of the seaward portion of their private lots for public use.

Consequently, I have no problem at all with the Bredesens' building a walkway on their property to safely access the beach, and a patio and shade structure to enhance their enjoyment of their own property. The native plantings they propose will further improve the landscape and visual quality for all of us. Their discharge of storm water runoff into the ground, rather than into some City storm drain where pollutants accumulate, also reflects a high level of sensitivity for the protection of water quality, which is greatly appreciated by all of us who surf in this area.

The Bredesens' project is protective of coastal resources, fully consistent with the Coastal Act, and deserving of your support and approval.

Sincerely,

Bob Meistrell
413 Via Pasqual]
Redondo Beach, Ca. 90277

Copies: Ms. Ginger and Mr. Chris Bredesen
Mr. Al Padilla, Coastal Commission Staff

Exh. b, t 27b
p 13

September 14, 2004

Mr. Mike Reilly, Chairman
And Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

SUPPORT FOR BREDESEN PERMIT
#5-04-324

Dear Chairman Reilly and Commissioners:

We think that you should know, as you consider the Bredesen application, that Chris and Ginger have lived, worked, and surfed in the South Bay for most of their lives. They bought their home at 437 Paseo de la Playa precisely for its proximity and well-established access to the ocean.

Their walkway, patio, and cabaña improvements are reasonable uses, similar to improvements previously approved by your Commission in this neighborhood. With the proposed native plant landscaping, these improvements will have no adverse effects on the environment or views from the beach, while affording the Bredesens a safe path across their own property. The slope, which has long supported acacias, iceplant, and other horticultural non-native invasive plants, certainly does not comprise or contain environmentally sensitive habitat.

While in our opinion the Coastal Commission probably has more important and better things to do with your limited budget and staff than to process what after all is rather minor improvement to a long-subdivided, graded, and developed urban lot, now that you have the application for the coastal permit and all the supporting studies before you, we ask that you act quickly to approve it.

Sincerely yours,

Kerry C Clinton
Robert C Clinton

Bob and Kerry Clinton
592 Via Almar
Palos Verdes Estates, Ca. 90274
cc: Mr. Al Padilla

Exhibit 22b
p. 14

September 20, 2004

Mr. Al Padilla
Coastal Analyst
California Coastal Commission
South Coast Area
200 Oceangate, Suite 1000
Long Beach, CA 90802

SUBJECT: BREDESEN COASTAL PERMIT (#5-04-324)

Dear Mr. Padilla:

I am writing to support the application of my neighbors Chris and Ginger Bredesen for a coastal permit for native vegetation landscaping, a walkway, and a partially covered patio, on the westerly part of their property at 437 Paseo de la Playa.

Our home is located two lots to the north of the Bredesens'. As you may recall, the Coastal Commission on recommendation of staff unanimously approved a coastal permit for a curvilinear pathway from our home down the west-facing slope to the beach. The approved project also included drought resistant native vegetation landscaping to eliminate or reduce soil erosion, a concrete security wall along our western property line, and an access gate to the beach.

On recommendation of staff, the Commission found that the approved project would minimize the alteration of the natural landform on our property and protect the scenic and visual quality of Torrance Beach, consistent with Coastal Act Section 30251. The Commission also found that approval of our project would not prejudice the ability of the City to prepare a local coastal program that is consistent with the Coastal Act. We have enjoyed these improvements to our property and, as the enclosed photo taken from the beach shows, they have no significant adverse effects on the public view from the beach, looking landward. In fact, the native landscaping has successfully grown to substantially cover the pathway, as seen from the beach.

The Bredesens' lot and slope are similarly situated to ours and their well-screened improvements on the slope and base of slope will be even more screened from public view than ours. We therefore respectfully recommend that the Commission, including staff, maintain its regulatory course with regard to the Bredesen improvements, because the applicable standards of review remain unchanged from when the Commission granted approval of our similar project, and coastal resources will not be adversely affected.

Exhibit 25
p 15

I would appreciate your making a copy of this letter available to the Coastal Commissioners. Thank you.

Respectfully yours,

Jackie Briles

Jackie (Mrs. Paul) Briles
429 Paseo de la Playa
Torrance (Redondo Beach postal code), California 90277

copy: Chris and Ginger Bredesen

Exhibit 28

P 16

This is the referenced picture that goes with my letter dated 9/20/04.

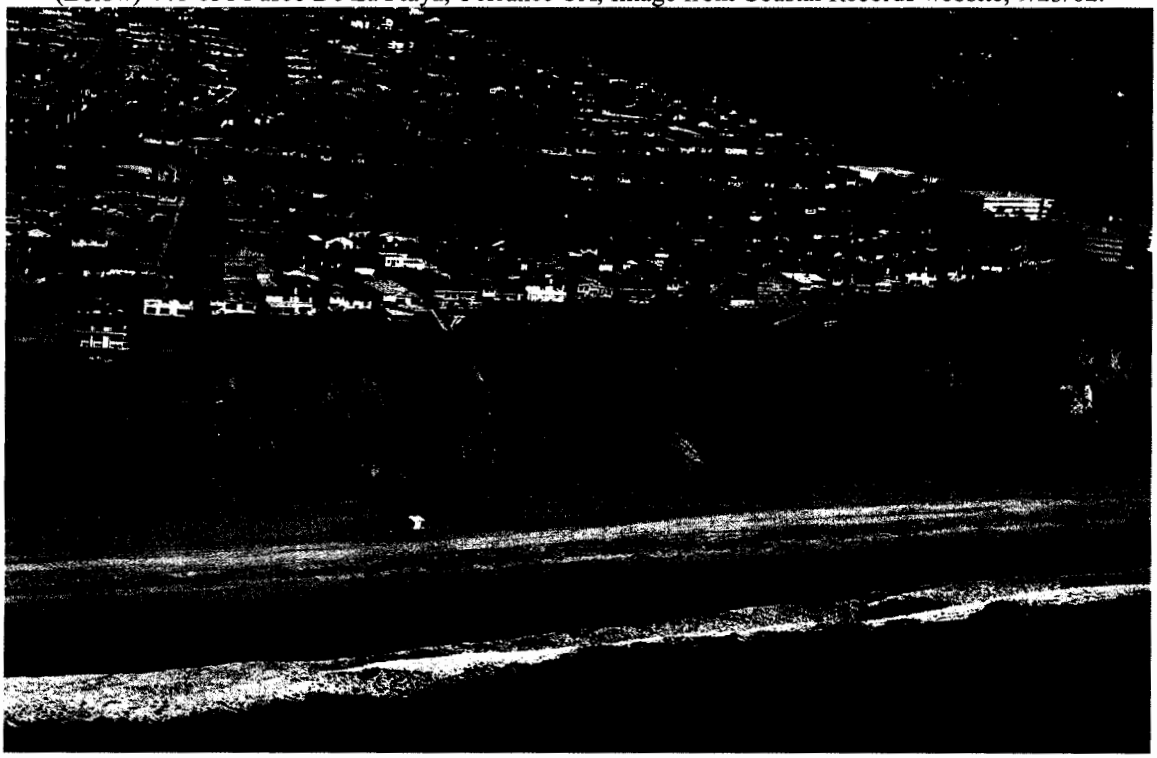
Jackie Briles

Ex 4 + 23 2
P 17

F4.4.1 33!
p 18

(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
(5-04-324)

Exhibit # 24