CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Th20a

Filed:	01/16/2018
270th Day:	10/13/2018
Staff:	M. Revell- LB
Staff Report:	08/31/2018
Hearing Date:	09/13/2018

STAFF REPORT: REGULAR CALENDAR

Application No.:	**5-17-0630**
Applicants:	**Joyce Family Trust and Burke Family Trust**
Agents:	Stanley Lamport/Monica Briseno, Cox, Castle & Nicholson
Location:	529 and 533 Paseo de la Playa, Torrance, Los Angeles County (APNs 7512-002-005 and 7512-002-006)
Project Description:	Remedial slope repair of coastal bluff face through excavation, construction of a 10-ft. wide by 2-ft. deep backfill keyway, backfill compaction with geogrid reinforcement layers, benching of fill soils into bedrock, subsurface drainage, and construction of temporary access path. Project includes approximately 800 cubic yards of grading on two coastal bluff lots. A restoration plan including native southern coastal bluff plant species is also proposed, as well as repair of a trail damaged by the slope failure
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Following rain events between January and April 2016, a slope failure occurred on the coastal bluff face of the subject properties located at 529 and 533 Paseo de la Playa in Torrance. These properties are two of 28 bluff top properties adjacent to Torrance Beach, which is a public beach. Each property is currently developed with a two-story, single-family residence, associated accessory structures/improvements, and soft-footed trails.

The applicants are proposing to remediate the failed bluff slope with geogrid reinforcement layers, i.e., "Geoweb," across two privately owned bluff properties. The purpose of the proposed development is to protect the foundation integrity of the residences, existing drainage ditch, mitigate further loss of property, and restore the habitat on the bluff. The project will include approximately

800 cubic yards of grading. The applicants' intent is to restore the slope back to a natural angle consistent with grades prior to the 2016 slope failure and blended into existing adjacent grades. No work is proposed to the residences. No concrete or permanent bluff protective structures are proposed (e.g. tiebacks, shotcrete, retaining walls, etc.) as part of the slope remediation. After installation of the Geoweb, the slope will be restored with native vegetation consistent with the habitat found near the toe of the bluff.

The existing residences and soft-footed trails down the bluff face were installed prior to adoption of the Coastal Act in 1976. The existing trails are currently non-conforming to the Commission's 10-foot bluff edge setback guidance for accessory improvements/structures associated with a principal residential development on a bluff and are sited on the bluff face. Approximately 30% of the soft-footed trail was destroyed by the 2016 slope failure, which is proposed to be replaced in-situ. Because less than 50% of the total length of the trail is proposed to be reconstructed, this component of the project constitutes "repair and maintenance" pursuant to Coastal Act Section 30610(d) that requires a permit under Section 13252(a) of the Commission's regulations for "extraordinary methods of repair and maintenance." Therefore, staff is recommending approval of replacement of a small part of the existing bluff trail in the location of the slope failure.

The proposed development, including the temporary construction pathway, slope remediation, and habitat restoration will directly impact some sensitive habitat areas that are designated and protected as environmentally sensitive habitat areas ("ESHA") under Section 30240 of the Coastal Act. Here, the designated ESHA primarily consists of southern bluff scrub habitat that exists in the lower half of the bluff, which is potential habitat for an endangered species of butterfly endemic to the area (although the habitat is degraded and no butterflies have been observed at the project site). The repair of the landslide will occur adjacent to, and above, the designated ESHA, and the temporary construction access path has been designed and located to prevent significant degradation of the primary habitat value. Although the construction activities include some restoration of ESHA, the slope remediation work is not an allowable use under Section 30240(a). Nevertheless, the bluff retention work is necessary to protect the two homes on the bluff top in danger of erosion and, therefore, is permitted under Section 30235 of the Coastal Act.

The slide area will be accessed via a temporary 8-foot wide construction access path that will ascend from the toe of the bluff to the slope failure location near the top of the bluff along the southerly edge of the 529 Paseo De La Playa property. The temporary construction pathway will be constructed in areas of bare ground and areas containing non-native vegetation, avoiding and minimizing impacts to the southern bluff scrub habitat. After construction, the construction pathway will be restored with native vegetation, consistent with the native vegetation that currently exists on the site.

In addition, the applicants are proposing approximately 28,000 square feet of habitat restoration on the bluff face across the two properties, which encompasses the debris slide area, and approximately all of the private property below the slide to the southern boundaries of both the parcels, where the existing ESHA is located. The restoration would involve installing vegetation in bare areas and the removal of exotic vegetation, such as freeway iceplant (*Carpobotus edulis*) and replacement with native plants including sea-cliff wild buckwheat (*Eriogonum parvifolium*), propagated from local sources to establish a native southern bluff scrub habitat suitable for the El Segundo Blue Butterfly (*Euphilotes battoides allyni*), which is currently endangered. As part of the project, the applicants

propose a monitoring plan to evaluate the success of the restoration project, which is addressed in **Special Condition 2.**

The proposed development has been conditioned to assure the project is consistent with the resource protection policies of the Coastal Act. Due to updates and revisions to the project plans during staff review, the Commission imposes **Special Condition 1**, which requires the submittal of final plans incorporating all changes and **Special Condition 2** requires submittal of a final habitat restoration and monitoring plan. The Commission imposes **Special Condition 5** which specifies construction timing constraints to avoid adverse impacts on sensitive species, particularly the El Segundo Blue Butterfly. In addition, because the project site is on a beachfront parcel and in proximity to coastal waters, the Commission recommends construction-related requirements and best management practices under **Special Conditions 3 and 6** to prevent pollution of coastal waters.

Moreover, given that the applicants have chosen to implement the project on coastal bluff properties despite risks from erosion, landslides, slope instability, and earth movement, the applicants must assume the risks. Therefore, the Commission imposes **Special Conditions 8 and 9,** which require an assumption of risk and no future development without an amendment to this permit or new coastal development permit.

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition 10**, which requires the property owners record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property.

The existing home is afforded protection by the Coastal Act and the proposed project will serve to provide habitat restoration in a location where it is critically needed. Thus, staff recommends that the Commission **approve** with conditions Coastal Development Permit Application No. 5-17-0630 as further discussed in this report.

TABLE OF CONTENTS

APPENDICES

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-17-0630 pursuant to the staff recommendation.*

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

Resolution:

The Commission hereby approves Coastal Development Permit Application No. 5-17-0630 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittees or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittees to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Plans**. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit two full sized (3 ft. x 2 ft.) sets of revised final plans with graphic scale to the Executive Director for review and approval. The final plans shall be in substantial conformance with the project plans submitted to the Coastal Commission's South Coast District Office on August 24, 2018, but shall be modified to achieve compliance with this condition, including that the revised plans shall show the following required changes and clarifications to the project:
   A. **Annotations.** Removal of inadvertent annotations on the Improvements Plan
   B. **Tie-Backs.** Removal of "Manta Ray" or equivalent anchors from Final Plans.
   C. **Overlay Plan.** Submittal of Final Improvements Plan with Habitat Survey overlay
   D. **Remedial Slope Repair and Grading Limits.** No slope remediation or grading shall be undertaken within environmentally sensitive habitat areas.

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

2. **Habitat Restoration and Monitoring Plan**. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for review and written approval of the Executive Director, a final revised detailed habitat restoration and monitoring plan to restore disturbed habitat in substantial conformance with the submitted *Improvement Plans Remedial Slope Repair 529 &533 Paseo de la Playa, Torrance CA*, Bolton Engineering Corp, received Friday, August 24, 2018. The revised plan shall identify the final location and size of the proposed 28,000 square foot restoration area. A biologist qualified in the preparation of plans to restore a southern coastal bluff scrub community shall design the revised restoration and monitoring plan. The revised restoration and monitoring plan shall at a minimum include the following:

   A. Restoration plan including planting map, plant palette, source of plant material, and schedule of plant installation, watering, erosion control, soil fertilization and weed abatement.

   B. Final Success Criteria. The restoration will be considered successful if the overall species composition and the vegetative cover of the dominant perennial species are similar to relatively undisturbed vegetation of the same type in nearby reference areas.

Species composition shall be considered similar if all the dominant species and at least 80% of the non-dominant species at the reference site are present at the restored site.

C. Provisions for monitoring and remediation of the restoration site in accordance with the approved final restoration program for a period of five years or until it has been determined that success criteria have been met or have failed to be met, whichever comes first.

D. Provisions for submission of annual reports of monitoring results to the Executive Director for the duration of the required monitoring period. Each report shall document the condition of the restoration with photographs taken from the same fixed points in the same directions. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of the restoration project in relation to the performance standards. The performance monitoring period shall either be five years or three years without maintenance or remediation, whichever is longer. The final report must be prepared in conjunction with a qualified biologist. The report must evaluate whether the restoration site conforms to the goals, objectives, and performance standards set forth in the approved final restoration program.

E. If the final report indicates that the restoration project has been unsuccessful, in part, or in whole, based on the approved performance standards, the applicant shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program that were necessary to offset project impacts which did not meet the approved performance standards. The revised restoration program, if necessary, shall be processed as an amendment to this coastal development permit.

The permittees shall monitor and manage the restoration site in accordance with the approved mitigation and monitoring plan, including any revised restoration program approved by the Commission or its staff. Any proposed changes to the approved mitigation and monitoring plan shall be reported to the Executive Director. No changes to the approved mitigation and monitoring plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Erosion Control Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and approval, a plan for runoff and erosion control.

i. The erosion control plan shall demonstrate that:
   (1) During construction, erosion on the site shall be controlled to avoid adverse impacts on the habitat.
   (2) The following temporary erosion control measures shall be used during construction: sand bags, a desilting basin and silt fences.
   (3) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and public streets.

ii. The plan shall include, at a minimum, the following components:

(1) A narrative report describing all temporary erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
(2) A site plan showing the location of all temporary erosion control measures.
(3) A schedule for installation and removal of the temporary erosion control measures.
(4) A site plan showing the location of all permanent erosion control measures.
(5) A schedule for installation and maintenance of the permanent erosion control measures.

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

4. Staging. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and written approval of the Executive Director, a staging plan for the proposed development. Development staging and storage of equipment is prohibited on the public beach and public beach parking lots/structures.

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

5. Construction Timing. To avoid adverse impacts on the El Segundo blue butterfly, construction shall not occur between mid-June and one month and one week after August 31. However, the permittee may undertake construction during this period upon obtaining a written statement from the Executive Director authorizing construction on specified dates. To obtain such a determination, the permittees must submit a declaration from California Department of Fish and Wildlife stating that construction on the specific dates proposed will not cause adverse impacts to any state or federally-listed sensitive, threatened, or endangered species. The declaration must contain an assessment of the timing of the flight season and larval development of the El Segundo blue butterfly found in the area and a statement that the construction activity on the specific dates proposed will not interfere with flight or larval development of the El Segundo blue butterfly.

6. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittees shall comply with the following construction-related requirements:

(a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.

(b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.

(c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.

(d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.

(e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.

(f) The permittees shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.

(g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

(h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.

(i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.

(j) The discharge of any hazardous materials into any receiving waters shall be prohibited.

(k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

(l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related

materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.

(m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

7. Conformance with Geotechnical Recommendations.

A. All final plans as modified and approved under Coastal Development Permit No. 5-17-0630, shall be consistent with all recommendations contained in the *Preliminary Geotechnical Engineering Report, remedial Slope Repair, 529 and 533 Paseo de la Playa, Redondo Beach, California*, dated August 20, 2016 submitted by Hamilton & Associates, Inc.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and approval, two full sets of plans (3 feet x 2 feet) with evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced report.

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

8. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-17-0630. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-17-0630. Accordingly, any future improvements to the trail or slope authorized by this Coastal Development Permit No. 5-17-0630, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-17-0630 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

9. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the permittees acknowledge and agree (i) that the site may be subject to hazards from flooding, sea level rise, erosion and wave uprush; (ii) to assume the risks to the permittees and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees

incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

10. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcels governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

Location and Site History

The project site is located within an existing residential area at 529 and 533 Paseo de la Playa, City of Torrance, Los Angeles County (**Exhibit 1 and 2**)**.** The sites are the tenth and eleventh southernmost lots of the 28 lots on the bluff top between the first public road, Paseo de la Playa, and the sea. The coastal bluff in this location is approximately 60 feet high at the Los Angeles County Torrance Beach Park to the north of the subject residential lots, and gradually rises to 120 feet high near the boundary of Palos Verdes Estates. All 28 bluff top lots have been developed with single family residences. The residences are located on the top of the bluff, sharing a trail network down the bluff face located on private properties leading to the beach. Except for a few cabañas, landscaping, stairways and pathways, the bluff face remains largely undeveloped. Torrance Beach, which is the beach seaward of the toe of the bluff, is a public beach. Vertical public access to this beach is available to pedestrians via public parking lots and footpaths located at the Los Angeles County Beaches and Harbors' "Torrance Beach Park", which is approximately 1,000 feet to the north of the project site. There is also a vertical beach public access way and public parking area located approximately one mile to the south of the project site in Palos Verdes Estates. In August of 2007, the Coastal Commission approved Coastal Development Permit No. 5-07-206 for 529 Paseo de la Playa, which approved a restoration plan to remove non-native vegetation and revegetate with native southern foredune scrub and southern bluff scrub plant species on the lower portion of the bluff to provide habitat for the endangered El Segundo blue

butterfly. However, the permit was never issued due to the failure of the applicant to submit an erosion control plan, which was one of the "prior to issuance" conditions of the permit.

Project Description
The project area is located on two coastal bluff properties overlooking the Pacific Ocean. Both properties at 529 and 533 Paseo de la Playa are currently developed with a two-story, single-family residence, associated accessory structures and improvements, and soft footed trails along the bluff. After heavy rains in January and April of 2016, a surficial slope failure occurred on the coastal bluff face of the subject properties in May of 2016. Since 2016, the affected area of the coastal bluff face has continued to degrade and the slope failure is currently about 20% larger than it was in May 2016.

The applicants are proposing to remediate the failed bluff slope utilizing a multi-layer "Geoweb" slope protection system, which is an approximately 4-inch thick polyethylene grid, consisting of a network of holes similar to landscape fencing, that is placed over the face of the slope, and allows for vegetation to grow through the holes, or "cells". The Geoweb stabilizes the topsoil from movement, thereby preventing significant erosion of the bluff or mass landslides and allowing the slope surface, which would not otherwise be able to support much plant life, to revegetate.

The purpose of the proposed development is to protect the foundation integrity of the bluff top residences, associated drainage improvements, protect and mitigate further loss of property, and restore the site habitat. The proposed slope remediation includes: 1) bluff excavation to remove existing slide debris, slide-affected soils, and soft soils; 2) construction of 10-ft. wide by 2-ft. deep backfill keyway in approximately 8 to 10-ft. thick fill soils into bedrock or soil; 3) backfill compaction with geogrid reinforcement layers; and 4) subsurface drainage, consisting of perforated 4-inch diameter PVC pipes, wrapped with geo-fabric, positioned every 15 vertical feet of the slope. The project will include approximately 800 cubic yards of grading **(Exhibit 4)**. The intent is to restore the slope back to a natural angle consistent with grades prior to the 2016 slope failure and blended into existing adjacent grades. No work is proposed to the residences.

The applicants are also proposing habitat restoration that includes revegetation of the site with native plant species, specifically southern coastal bluff scrub species, and includes a monitoring plan to measure the effectiveness and success of the restoration project. No permanent irrigation system will be installed for the site restoration; hand watering will be conducted as needed to augment natural precipitation.

To access the slope repair area, the applicants are proposing to construct a temporary access path that will ascend from the bottom of the bluff up to the slope remediation area. This temporary pathway will be sited primarily along the southern edge of the 529 Paseo De La Playa property **(Exhibit 3)**. Although there are existing soft-footed trails on the parcels, these existing trails are not large enough to accommodate heavy mechanized equipment necessary for the bluff repair. Construction of the temporary construction access path involves approximately 368 cubic yards of grading and removal of non-native vegetation consisting primarily of ice plant (*Carpobotus edulis*). Post-construction, to remove the temporary pathway, the applicants are proposing to restore the grade of this portion of the bluff face to natural grade, and install native plants propagated from

local sources to establish a native southern bluff scrub habitat suitable for the El Segundo Blue Butterfly (*Euphilotes battoides allyni*).

Historic aerial photographs from 1972 show that residential structures and trails existed on the subject parcels prior to adoption of the Coastal Act. The trails are currently non-conforming to the Commission's 10-foot bluff edge setback guidance for accessory improvements/structures associated with a principal residential development on a bluff. The soft-footed trails are sited on the bluff face inconsistent with Coastal Act policies to site development outside of hazardous areas. Commission staff has researched the historical existence of bluff face development in the subject area on the residential lots, and has determined that several lots have inconspicuous pioneered paths down the bluff face, and share a network of private trails, which appear in 1973 photographs. Several of these residential lots have received coastal development permits allowing the construction of stairs and/or trails, or walkways to the beach. The applicants' properties have a pioneered footpath extending down the bluff face which is shared between the properties, and based on the 1972 aerial photographs of the bluffs, Commission staff has determined that the path existed prior to the adoption of the Coastal Act in 1976. The slope failure in 2016 damaged part of this pathway, and the applicant is requesting approval of repair of approximately 30 percent of it. The applicant intends to utilize this pathway for access to the restoration site during installation, maintenance and monitoring.

B. BIOLOGICAL RESOURCES

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.*

Section 30107.5 of the Coastal Act defines environmentally sensitive habitat or ESHA as:

> *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

1. ESHA Designation

Sea-cliff wild buckwheat (*Eriogonum parvifolium*), the host plant for the endangered El Segundo blue butterfly (*Euphilotes battoides allyni*), and the butterfly itself, can be found in patches throughout the bluff face on many of the lots along Paseo de la Playa, especially along the seaward extent of the lower slope. The United States Fish and Wildlife Service (USFWS) provided the Commission written notice of this discovery in 1995 (Letter, Gail Kobetich, 1995), and the first

habitat recovery plan identified a population within the vicinity of the proposed project, which included Torrance as one of the four targeted recovery sites (USFWS 1998).

Due to the possible presence of El Segundo blue butterflies, or its host plant, sea-cliff buckwheat on the site, Commission staff requested that the applicant submit a biological survey to determine what types of vegetation currently exist on the property. In response, the applicant submitted *Habitat Survey for 529 and 533 Paseo de la Playa, Coastal Development Permit Application No. 5-17-0630,* prepared by Biologist Ann Dalkey on October 25, 2017 **(Exhibit 5)**. Ms. Dalkey's report describes the findings of a biological survey conducted on September 21, 2017, which included native and non-native vegetation. According to her assessment, the bluff is vegetated with a limited number of native species, mostly confined to the lower portion of the slope which include: lemonade berry (*Rhus integrifolia),* salt bush (*Atriplex lentiformis),* Santa Catalina island desert thorn (*Lycium brevipes* var. *hassei*), and three specimens of sea-cliff wild buckwheat (*Eriognum parvifolium),* which were found near the northern boundary of the 529 property and were "partially covered by iceplant, but in otherwise good condition" (*See* **Exhibit 5**). The results of the survey also concluded that non-native plants cover approximately 47% of the area. Ms. Dalkey reported that her survey could not determine whether the El Segundo blue butterfly (ESB) was present on the coastal bluff below the subject parcels because her survey occurred after the butterfly's flight season. In addition, Ms. Dalkey suggested that it is unlikely that the ESB's would use the host plants on the site due to the condition of the plants.

Section 30240 of the Coastal Act requires that environmentally sensitive habitat area ("ESHA") be protected. Under Section 30107.5 of the Coastal Act, there are three important elements of ESHA. First, a geographic area can be designated ESHA either because of the presence of individual species of plants or animals, or because of the presence of a particular habitat. Second, in order for an area to be designated as ESHA, the species or habitat must be either rare or it must be especially valuable. Finally, the area must be easily disturbed or degraded by human activities.

According to Commission staff's Senior Ecologist, Dr. Jonna Engel, the bluff in this location supports Southern Coastal Bluff Scrub (SCBS), which is identified by the California Department of Fish and Wildlife as one of the rarest and most threatened habitats in California **(Exhibit 6)**. The bluff in this location is characterized by patches of native species indicative of SCBS, which include lemonade berry (*Rhus integrifolia),* salt bush (*Atriplex lentiformis),* Santa Catalina island desert thorn (*Lycium brevipes* var. *hassei*), and sea-cliff wild buckwheat (*Eriognum parvifolium),* which are characteristic southern bluff scrub species. Furthermore, Lemonade berry scrub, which is the most dominant type of native vegetation on the bluff, is itself a vulnerable type of habitat at risk of extinction **(Exhibit 6).**

In addition to the patches of non-native vegetation, the bluff consists of several bare areas that contain sandy soil, which are also characteristic of SCBS on relatively steep slopes (**Exhibit 6**). Also, according to Dr. Engel, most native habitat in California is invaded by non-natives to one degree or another and the fact that the SCBS in this location is invaded by non-native plant species is not unusual given the proximity of the project site with ornamental landscaping within a residential urban setting. Moreover, the presence of nonnative vegetation and bare areas are actually characteristics of SCBS in urban settings, and such characteristics do not minimize its habitat value as ESHA. Furthermore, the SCBS below the subject homes is not a small, isolated

patch of habitat, but rather part of a continuous stretch of SCBS habitat that stretches from Torrance Beach to Malaga Cove (over 4,000 linear feet), which supports SCBS plant species.

In addition to the presence of the rare plant species discussed above, Dr. Engel has determined that it is possible that the endangered El Segundo blue butterfly (*Euphilotes battoides allyni*), could potentially occur at the site because of the presence of a patch of its host plant, sea-cliff wild buckwheat (*Eriognum parvifolium*) at the base of the bluff, along with historical observations of the butterfly made by other biologists within the Malaga Cove area in 2001 and 2008, which were approximately 180 feet south of the subject parcels (**Exhibit 6**). Furthermore, four Recovery Units (RUs), which are areas known to be inhabited by the butterfly and that contain restorable habitat, were established in a recovery plan for the ESB, one of which is Torrance.

Finally, the last element necessary for designating habitat as ESHA is the requirement that the habitat be easily disturbed or degraded by human activities. Dr. Engel has concluded that SCBS is easily disturbed and degraded by human activities such as the introduction of non-native and ornamental and invasive species, and clearing for trails and other types of development.

Therefore, according to Commission staff ecologist, Dr. Jonna Engel, the section of the coastal bluff below the residences at 529 and 533 Paseo de la Playa rises to the level of ESHA because it supports Southern Coastal Bluff Scrub, which is one of the rarest and most threatened habitats in California, which is easily disturbed by human activities and contains critical habitat for ESBs, which are an endangered species. Thus, the SCBS habitat that exists within the subject bluff properties below the landslide area, and as demarcated by Dr. Engel in Exhibit 5, rises to the level of ESHA, and is entitled to protection under Section 30240 of the Coastal Act.

2. Impacts to ESHA

Pursuant to subsection 30240(a)of the Coastal Act, development in designated ESHA is limited to uses that are dependent on the resource and must protect against any significant disruption of habitat values. Under section 30240(b), development that occurs adjacent to ESHA must be sited and designed to prevent impacts which would significantly degrade those areas, and must be compatible with the continuance of those habitat areas. Four components of the project may impact areas designated as ESHA and are analyzed below: 1) the slope remediation work, 2) the construction access way, 3) the habitat restoration, and 4) trail repair.

Slope Remediation

The primary purpose of the project is to repair the failed bluff below two residential properties that are threatened by further erosion of the bluff. To determine the least environmentally damaging, but feasible,[1] alternative, the applicants considered three methods of slope remediation, including: (1) "no project" alternative; (2) reconstruction of the bluff; and (3) reinforced soil slope approach.

[1] Section 30108 of the Coastal Act states that "feasible" means capable of being accomplished in a successfully manner within a reasonable period of time, taking into account, economic, environmental, social and technological factors.

Alternative 1: No Project
According to the applicant's engineer, the bluff face area affected by the surficial slope failure has increased in size by approximately 20% since 2016, is still increasing, and the foundational integrity of the residences at 529 and 533 Paseo de la Playa is compromised. Based on the observation that the slide area was increasing, and after the applicant submitted CDP Application No. 5-17-0630, the applicant applied for an Emergency Permit on January 10, 2018 (CDP No. G-5-18-0002), which was thoroughly reviewed by Commission staff's Coastal Engineer, Dr. Lesley Ewing.

Although Dr. Ewing determined that the applicant's analysis lacked sufficient evidence to demonstrate that the threat to the residences was imminent, she did find that the stability of the home would eventually become compromised if the slope remediation work was not performed, which may be exacerbated by rainfall during the winter months. In addition to the projected threat to the residences at the top of the bluff, continued failure of slope could theoretically impact the public beach below at the bottom of the bluff, or could also negatively impact the existing native vegetation and habitat onsite. The "no project" alternative would result in the continued failure of slope. Therefore, this alternative would not address the geologic hazard at issue, and could have detrimental impacts to the rare habitat onsite.

Alternative 2: Reconstruction of the Bluff
The second alternative entails a complete reconstruction of the slope utilizing high-capacity earthmoving equipment enlarging the area of impact and slope repair to approximately 100 feet by 100 feet, and would include the complete removal of vegetation and habitat within the project area. Not only would this approach create a large visual alteration of the bluff, but would generate considerable dust, noise, and detrimental impacts to the ESHA on the slope. Alternative 2, therefore, is the most environmentally intrusive approach that would permanently change the current natural coastal slope condition and would not be consistent with the other Coastal Act policies that require protection of natural landforms and bluffs and protect natural sand supply, as discussed in the Hazards findings below.

Alternative 3: Reinforced Soil Slope Approach
The proposed repair method is the preferred alternative and is the minimum necessary and least environmentally damaging practicable alternative that would restore the stability of the slope. This alternative involves minimal remedial grading by using "Geoweb" slope reinforcement layers that are to be anchor-filled with planting media, allowing vegetation regrowth in the landslide area. Dr. Ewing has reviewed these alternatives, and agrees with the applicant that the proposed alternative appears to be the least environmentally damaging of the two slope restoration options. This alternative would not directly impact ESHA, because the landslide area that would be repaired and reinforced is on the steep portion of the bluff above the ESHA. In addition, the slope repair work requires some method of accessing the landslide area, the potential impacts of which are discussed in the next section.

Therefore, the least environmentally damaging feasible alternative for the bluff remediation is Alternative 3, which consists of some minimal grading and reinforcement of the failed slope with "Geoweb." This alternative is not expected to have any direct impacts to ESHA, any indirect impacts to adjacent ESHA would not significantly degrade the resource and is compatible with continuation of the habitat, in compliance with Section 30240. Therefore, Alternative 3 is the preferred alternative.

Construction Access

Based on the ESHA determination that the section of the coastal bluff below the subject homes contains very rare habitat, Commission staff requested that the applicant submit alternatives to the construction staging plan that examined construction alternatives that would avoid impacting vegetation on the slope. Alternative methods analyzed by the applicant included: 1) manual labor; 2) helicopter access; 3) construction path up the center of the site avoiding sensitive plant species; and 4) a construction path along the southern portion of the project site within bare areas and invasive vegetation only.

Alternative 1: Manual Labor

To reduce impacts to vegetation, the first alternative examined the potential of performing the work utilizing manual labor with no mechanized equipment and access from the existing trails. The applicant calculated that since the total amount of material to be moved was roughly 4,000 cubic yards, that it would require approximately 37,000 wheel barrow trips down the bluff, which would take approximately 7 to 8 months, which would expose adjacent properties to a potential expansion of the slope failure during a prolonged repair effort. In addition, the workers would be exposed to potential additional slides, sloughing, and other conditions that prolong the repair work. So, although this alternative would theoretically be less impactful to the surrounding habitat, it would not take place within a reasonable period of time compared to utilizing standard earthmoving work and could result in additional slides, further impacting the habitat onsite.

Alternative 2: Helicopter

In an effort to consider options that would reduce habitat impacts on the slope, the applicant analyzed the option of using a helicopter to bring in necessary equipment. Since the work to repair the failed slope would require an excavator to have access to the slide area, the helicopter would need to have the capacity to carry a payload over 3,000 lbs. in order to transport an excavator or bobcat, and no such helicopters are commercially available in California. Therefore, this alternative is not feasible given these technological constraints.

Alternative 3: Construction Path to Avoid Sensitive Vegetation

The applicant submitted an alternative construction path on March 2, 2018, which was accompanied with a letter of support from the applicant's biologist, Anne Dalkey, who conducted the applicant's habitat assessment **(Exhibit 7).**This construction path alternative consisted of an approximately 250 linear foot long, 8 foot wide construction path that meandered up the center of the two parcels, and was designed to avoid sea-cliff wild buckwheat (*Eriogonum parvifolium*), and Santa Catalina island desert-thorn (*Lycium brevipes var. hassei*). Although this construction path alternative did in fact avoid these sensitive plant species, it required grading in the same locations where saltbush (*Atriplex lentiformis)* and lemonade berry (*Rhus integrifolia)* were documented in Ms. Dalkey's habitat survey, which according to Dr. Engel are Southern Coastal Bluff Scrub species that rise to the level of ESHA. As such, this path was not the least environmentally damaging feasible alternative.

Alternative 4: Construction Path in Bare Areas and Invasive Vegetation
The fourth and final alternative proposed by the applicant was received by our office on June 22, 2018, which also included a letter of support from the applicant's biologist (**Exhibit 8**). This construction path alternative is proposed along the southern boundary of 533 Paseo de La Playa, and is limited to grading areas of bare ground and freeway iceplant (*Carpobrotus edulis*) mats. This proposed construction path is also approximately 250 linear feet long and 8 feet wide, but unlike the third alternative, is only directly impacting non-native invasive freeway iceplant, and not directly impacting any native plant species, including SCBS.

Thus, Alternative 4 is the least environmentally damaging feasible alternative for the construction path, because it avoids direct impacts to native SCBS species and limits grading and construction activities to the non-native ice plant and bare areas. Nevertheless, designated ESHA in the project site includes both SCBS habitat and surrounding non-natives and bare patches, as described in Exhibit 5, and Alternative 4 involves some grading of and direct impacts to designated ESHA. Accordingly, although this alternative is the least environmentally damaging and feasible alternative, it raises potential conflicts with Section 30240's requirements regarding ESHA.

Habitat Restoration
The applicants have proposed to restore Southern Coastal Bluff Scrub vegetation on the entire southern half of both parcels within the debris slide area and the surrounding bluff. The proposed restoration would revegetate approximately 28,000 square feet of bluff habitat, which is approximately four times the size of the area of slope repair, which is 7,100 square feet. To ensure that potential impacts to the El Segundo Blue Butterfly are avoided, all work is scheduled to occur outside of its flight season. To ensure the proposed project incorporates and implements this measure, the Commission imposes **Special Condition 5**, which specifies time and operation constraints to avoid adverse impacts on the butterfly.

However, if not properly conducted and monitored, the restoration program could fail to meet the performance standards specified and/or contribute to the spread of non-natives. Therefore, to ensure proper implementation of the proposed restoration, **Special Condition 2** requires the applicants to submit a monitoring report five (5) years from the date of the approval for Coastal Development Permit No. 5-17-0630 and final restoration program. If the report concludes that the restoration is not in conformance with or has failed to meet the performance standards specified in the restoration program approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director.

Trail Repair
As stated, there is a soft-footed trail down the bluff face of the subject parcels that was installed prior to adoption of the Coastal Act in 1976. Approximately 30% of the soft-footed trail was destroyed by the 2016 slope failure, which is proposed to be replaced in-situ. The portion of the trail destroyed by the 2016 slope failure is located in the debris slide area above the area designated as ESHA, and is therefore adjacent to the ESHA. Because less than 50% of the total length of the trail is proposed to be reconstructed, this component of the project constitutes "repair and maintenance" pursuant to Coastal Act Section 30610(d) that requires a permit under Section 13252(a) of the Commission's regulations for "extraordinary methods of repair and maintenance."

Analysis
As discussed, Commission staff has determined that the section of the coastal bluff below the residences at 529 and 533 Paseo de la Playa and below the landslide area is ESHA, which must be protected under Section 30240 of the Coastal Act. According to Subsection 30240(a) of the Coastal Act, only uses dependent on the resources are allowed within ESHA. Past Commission action and current Local Coastal Program language identifies several examples of such uses, which include: habitat creation, restoration, and/or enhancement activities; public accessways, trails, and associated minor improvements; nature study, ESHA-related educational uses, etc. In this case, the construction path and trail repair work proposed to occur in ESHA are not allowable uses because they are not "dependent on" the ESHA. Although the proposed project does involve restoration of the degraded Southern Coastal Sage Scrub that would qualify as an allowable use in ESHA, the proposed work cannot primarily be considered a restoration project, as its primary purpose is to restore and stabilize a portion of the bluff that is not ESHA in order to protect residences on the top of the bluff. Thus, approval of the proposed project would authorize some activities that are not allowable uses under 30240(a), specifically, the construction access path and the trail repair work.

Therefore, the proposed project does not comply with Section 30240(a). Despite the project's inconsistency with the allowable use component of Section 30240(a), as discussed above, the project has been designed and located in such a way as to avoid any significant disruption or degradation of the SCBS habitat that is the primary basis for the ESHA designation, and includes habitat restoration that will improve the overall quality and quantity of the SCBS habitat in the project site. Thus, although the project otherwise complies with Section 30240 in terms of avoiding significant impacts to ESHA, Commission staff would not be able to support the proposed construction access path or the trail repair work in ESHA because these activities are not an allowable use under Section 30240(a).

However, the two residences on the bluff top above the landslide area, both of which were constructed prior to adoption of the Coastal Act, are in danger from further erosion and/or bluff failure, which has been expanding since the original landslide occurred in 2016. Under Section 30235 of the Coastal Act, and as analyzed in more detail below in Section C, the proposed work to remediate the landslide is necessary to protect these two homes from damage or loss that could result from further deterioration of the bluff, and the applicants are entitled to construct some type of shoreline protective device to protect the homes. Because Section 30235 explicitly requires that shoreline protection "shall be permitted" when required to protect existing structures in danger from erosion, the proposed construction pathway and work necessary to repair the landslide and reinforce the bluff may be permitted if it complies with Section 30235.

In addition, the trail repair work is necessary repair and maintenance of an existing structure that, although not previously permitted, existed prior to adoption of the Coastal Act. Section 30610(d) of the Coastal Act specifies that repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repairs does not require a coastal development permit, except for "extraordinary methods of repair and maintenance" determined by regulation to involve a risk of substantial adverse environmental impact. Section 13252(a)(3) of the Commission's regulations identifies any method of repair or maintenance work located in ESHA, and that involves either the placement of solid materials or the presence of mechanized equipment or construction materials in ESHA, as development that requires a coastal development permit. The

proposed trail work satisfies the requirements of section 13252(a)(3). Therefore, under section 30610(d) and section 13252 of the Commission's regulations, the Commission may authorize and condition the *method* of repair or maintenance to ensure compliance with Chapter 3 of the Coastal Act, whereas the underlying development to be repaired, in this case, the pre-Coastal trail, is not the subject of the permit. Thus, although the trail repair work is non-resource dependent development in ESHA, the Commission may only regulate the method by which that repair work is undertaken. In this case, there is development proposed in ESHA and adjacent to ESHA. The development proposed in ESHA is allowable because it is either repair and maintenance work or work that is required to be authorized under section 30235 (see discussion below). The development in ESHA has been conditioned to minimize impacts to the ESHA and to not significantly disrupt habitat values. Similarly, the development outside of ESHA has been conditioned to ensure that it is sited and designed to prevent impacts that would significantly degrade the ESHA. Thus, as conditioned, all of the proposed development, with the exception of the construction trail through ESHA, is consistent with section 30240 of the Coastal Act.

C. HAZARDS

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

> *New development shall do all of the following:*
>
> *(a)Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
>
> *(b)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.*

Section 30235 of the Coastal Act states:

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

The project area is located on a coastal bluff property overlooking the Pacific Ocean. To evaluate the stability of the bluff slope following a surficial slope failure in 2016 at the subject site, the applicants commissioned a Preliminary Geotechnical Engineering Report by Hamilton & Associates dated August 20, 2016. The scope of the geological investigation involved excavation of two hand auger borings, specific field soil logging and sampling, laboratory soil sample tests, and engineering analyses. The applicant's geologic report concludes that, from a geotechnical perspective, the proposed development is necessary to protect the residential structures and drainage improvements at the top of the bluff.

Additionally, the proposed development is necessary to address the potential for increased instability and further failure of the slope to protect the properties and existing residences. Following the 2016 slope failure, the affected area of the coastal bluff face has gradually increased in size and it is currently about 20% larger than it was in May 2016. As discussed earlier, the applicant contends that the foundational integrity of the residences at 529 and 533 Paseo de la Playa is compromised, and Commission staff's Coastal Engineer agrees.

Under Section 30235 of the Coastal Act, cliff retaining walls and other construction that alters natural shoreline processes shall be permitted when required to protect existing structures that are in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. In this case, two homes are located on the bluff top above the landslide, both of which are existing structures threatened by further erosion of the bluff and, therefore, entitled to shoreline protection under Section 30235. The applicant proposes to stabilize the slope and rehabilitate the slope failure, a naturally occurring geologic phenomenon that frequently happens along the shoreline below coastal bluffs. While the applicant is entitled to construct a retaining wall or other shoreline protective device to protect the homes, section 30235 requires that such device be designed to eliminate or mitigate adverse impacts. When such structures are allowed, therefore, the Commission considers the least environmentally damaging alternative that still provides the structural support to which the applicants are entitled. The applicants have proposed to install a Geoweb slope protection system, a kind of construction that is intended to reinforce the bluff face and protect against future slope failures while minimally impacting the bluff, natural shoreline processes, and visual impacts. Geoweb is an alternative to the "hard" and permanent armoring of the coastal bluff. "Hard" protective devices (i.e. seawalls, revetments, cliff retaining walls, groins and other such structures) are designed to forestall erosion, but alter natural landforms and inhibit natural shoreline processes. The applicants are proposing "soft" protection that is a preferable form of remediation. The "soft" protection will not inhibit natural bluff erosion to the same degree as concrete armoring and, thus, it has been designed to mitigate adverse impacts on local sand supply consistent with Section 30235. The Geoweb allows for natural erosion processes to continue gradually overtime. Therefore, as conditioned, the project is consistent with, and allowed pursuant to, Section 30235 of the Coastal Act.

Pursuant to Section 30253, to minimize erosion and ensure stability of the project site, the project must also include adequate drainage and erosion control measures to address site drainage issues that could otherwise contribute to erosion and geologic instability. To ensure the proposed project incorporates and implements these measures to address erosion, water quality, and pollution, **Special Condition 6** requires that the applicants comply with construction-related best management practices (BMPs) to prevent construction materials, debris and waste from entering receiving waters, prevent spillage and/or runoff of demolition or construction related materials, and to contain sediment or contaminants associated with demolition or construction activities.

Because of the potential for future improvements at the bluff properties, which could potentially adversely impact the geologic stability, or other coastal resources, the Commission imposes **Special Condition 8**. This condition informs the applicants that future development at the site requires an amendment to this permit (5-17-0630) or a new coastal development permit.

The Commission also imposes **Special Condition 10** requiring the applicants to record a Deed Restriction acknowledging that, pursuant to this permit (CDP No. 5-17-0630), the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property.

Conclusion
The Commission finds that only as conditioned as described above can the proposed development be found consistent with Sections 30253 and 30235 of the Coastal Act.

D. WATER QUALITY

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

There is a potential for discharge of polluted runoff from the project site into coastal waters as a result of the proposed development. Sections 30230 and 30231 of the Coastal Act require that marine resources and the biological productivity of coastal water be maintained and enhanced. Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal waters via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. However, construction best management practices will be implemented to avoid or minimize impacts to the environment. Therefore, the proposed project is not anticipated to result in any significant adverse impact to marine resources or water quality. In order to ensure prevention of adverse construction-related impacts upon marine resources and to minimize erosion, the Commission imposes **Special Condition 3** requiring the applicants to implement construction best management practices. Therefore, the Commission finds that the proposed development, as

conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. PUBLIC ACCESS AND RECREATION

Section 30210 of the Coastal Act 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 of the Coastal Act 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 of the Coastal Act 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.*

One of the basic goals stated in the Coastal Act is to protect public access and recreation along the coast. The Chapter 3 policies of the Coastal Act also require that development not interfere with public access.

The proposed development is located within an existing fully developed residential community located between the sea and the first public road paralleling the sea. Torrance Beach, a public beach, is located seaward of the applicants' property lines at the toe of the bluff. Public access through the privately owned residential lots in this community does not currently exist. Public access to Torrance Beach is available over a quarter of a mile north of the project site via public parking lots and footpaths at Redondo Beach. There is also a beach access way and public parking to the south of the project site in Palos Verdes Estates.

To the maximum extent possible, the applicant proposes to deliver materials and smaller equipment along the street side of the properties from the top of the bluff and through the side yards. However, to undertake the proposed development, large earth moving mechanized equipment is required for the project, as well as disposal routes and staging areas. The slide area will be accessed via a temporary construction access path, which will stretch from the bottom of the bluff up to the slope repair area along the southerly edge of the 529 Paseo De La Playa property. The applicants are proposing to transport and deliver materials and equipment to the toe of the bluff via the public

beach. Therefore, the Commission is imposing **Special Condition 11** to ensure the public's access to the beach is not impeded by the proposed project.

As conditioned, the proposed development is not anticipated to result in any adverse impacts to existing public access or recreation in the area. In addition, the duration of the proposed development is not anticipated to exceed 3 months. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with 30210, 30220, 30221, and the other public access and recreation policies of the Coastal Act.

F. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

> *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.*

The Coastal Act protects the visual quality of scenic coastal areas. The project site consists of two properties on a coastal bluff located adjacent to Torrance Beach. This coastal bluff forms the back drop to the beach in this area and is highly visible to the public using the beach. Section 30251 requires that alteration of the bluff face be minimized so as to protect the scenic and visual qualities of the bluff and beach areas.

The applicants are proposing superficial reconstruction of a portion of the bluff face. As set forth in earlier discussion, once the proposed slope remediation is complete, the applicants are proposing habitat restoration, which will includes the revegetation of all areas disturbed by the slope remediation work with native vegetation appropriate for southern bluff scrub habitat. Because the proposed development includes a habitat restoration program, the visual quality of the bluff is not anticipated to be adversely impacted by the proposed development. The Geoweb will not be visible from the public beach below the site after the restored plants have matured, and will be only minimally noticeable prior to that, particularly as compared to the visual impacts of concrete and other "hard" retaining structures typically used to support bluffs.

No work is proposed to the existing residential structures and associated improvements at/near the top of the bluff. Additionally, there is no proposed change to the chain link fence that exists at the base of the bluff. The fence is open and does not block views from the beach looking inland.

The Commission finds that the proposed development does not present a significant visual impact to the scenic resources from the roadway or along the beach. Therefore, the Commission finds the project, as conditioned, consistent with the visual resource protection policies of Section 30251 of the Coastal Act.

G. LOCAL COASTAL PROGRAM

Coastal Act Section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3:

> *(a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.*

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

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

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Special Conditions imposed will mitigate adverse impacts to coastal resources and public access. The **Special Conditions** address the following issues: **1)** final revised plans; **2)** habitat restoration and monitoring plan**; 3)** erosion control plan; **4)** staging; **5)** timing and operation constraints; **6)** best management practices; **7)** conformance with geotechnical recommendations; **8)** future development; **9)** assumption of risk; and **10)** a deed restriction. Therefore, the Commission finds that, as conditioned, there are no feasible alternatives or feasible

mitigation measures available which would substantially lessen any significant adverse effect of the proposed project, there are no remaining significant environmental impacts within the meaning of CEQA, and the project is consistent with CEQA and the policies of the Coastal Act.

Appendix A - Substantive File Documents

- Coastal Development Permit Application (CDP) No. 5-17-0630
- Coastal Development Permit No. 5-07-206 (529 Paseo De La Playa, Torrance)
- *Habitat Survey for 529 and 533 Paseo De La Playa, Coastal Development Permit Application No. 5-17-0630* prepared by Ann Dalkey, Ecologist, received October 25, 2017.
- *Preliminary Geotechnical Engineering Report, Remedial Slope Repair, 529 (and 533) Paseo De La Playa, Redondo Beach, California* prepared by Hamilton & Associates, dated August 20, 2016.