

CALIFORNIA COASTAL COMMISSION

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**W7a**

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STAFF REPORT: CONSENT CALENDAR

Application No.:	5-20-0706
Applicant:	Playa Redondo, LLC
Agent:	Denn Engineers
Location:	433 Paseo de la Playa, Torrance, Los Angeles County (APN No.: 7512-003-021)
Project Description:	Interior remodel and addition of approximately 2,071 sq. ft. to an existing two-story, 7,965 sq. ft. single family residence on a 26,825 coastal bluff lot.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The project site is currently developed with a 7,965 sq. ft., two-story single-family residence with an attached three-car garage, associated perimeter walls, walkways, concrete pavements, pool, rear patios, and staircases. The residence was originally permitted in 1991. The applicant proposes to remodel and expand the single-family residence, including an approximately 2,071 sq. ft. addition to the landward side of the home that includes the reconfiguration of bedrooms, and relocation of interior walls. The first floor remodel consists of a conversion of approximately 75 sq. ft. of garage space to living area, an addition of approximately 193 sq. ft. to the north side of the garage, and an approximately 662 sq. ft. exercise room to the west side of the house. The second floor remodel and addition consists of the addition of approximately 1,409 square feet to the eastern side of the house for two new bedrooms, and demolishing the two existing second floor balconies and replacing them with one. The proposed project

also includes removing the front yard paved basketball court and replacing it with a drought-tolerant lawn, and aesthetic improvements to the existing pool on the seaward side of the home, including removing the pool slide and artificial boulders along the pool edge, and replastering the pool. In total, the proposed project consists of demolishing approximately 39% of the exterior walls; demolishing and replacing 28% of the roof; and re-roofing the rest of the roof areas. The proposed development does not constitute major redevelopment, as alterations to the major structural elements of the residence (foundation, floor structure, and roof structure) are individually less than 50%.

The project site is located at 433 Paseo de la Playa in Torrance, Los Angeles County. The site is designated as R-1 (Single Family Residential) in the Torrance Land Use Plan, and the proposed development adheres to this land use. The project site is one of 28 bluff top residences located directly adjacent to Torrance Beach.

The main Coastal Act issues associated with this project include coastal hazards typically associated with development on an ocean-fronting bluff-top lot and potential impacts to water quality and marine resources during the project construction phase and life of the project. The proposed additions are located more than 25-feet landward of the bluff edge as determined by Commission staff, which is consistent with past Commission action along this bluff to minimize the potential that the development will contribute to slope instability.

In addition, there is Environmentally Sensitive Habitat Area (ESHA) present on the bluff face that consists of southern coastal bluff scrub vegetation, including approximately 19% sea-cliff wild buckwheat (*Eriogonum parvifolium*) in the mid to upper slope, which is the host plant for the El Segundo Blue Butterfly (*Euphilotes battoides allyni*), an endangered species of butterfly endemic to the area. The farthest extent of seaward development will occur approximately 75 feet inland from the vegetation, while the swimming pool resurfacing and aesthetic improvements will occur approximately 35 feet inland from the vegetation, which will not negatively impact ESHA onsite, as the project has been conditioned with timing constraints to avoid adverse impacts on sensitive species, particularly the El Segundo blue butterfly, as described in **Special Condition 1**.

Development on beachfront sites is inherently dangerous, and the proposed development may be subject to unforeseen or underestimated geologic hazards in the future, which could lead to proposals for new shoreline or bluff protective devices to protect the proposed development, with the potential to adversely affect coastal resources. Therefore, staff recommends that the Commission impose **Special Condition 2** which prohibits construction of any future bluff or shoreline protective device(s) to protect the new development approved pursuant to Coastal Development Permit No. 5-20-0706. Additionally, staff recommends that the Commission impose **Special Condition 3**, which requires the applicant to acknowledge the risks associated with the proposed development, and **Special Condition 5**, requiring the applicant to provide notice of the restrictions associated with the development at the site for any future property owners. In addition, **Special Condition 4** requires the applicant to

5-20-0706 (Playa Redondo, LLC)

adhere to construction best management practices to avoid adverse construction-related impacts upon water quality and marine resources.

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, did not become effective. Therefore, the Commission's standard of review for the proposed development is Chapter 3 policies of the Coastal Act.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 5-20-0706, as conditioned. The motion to carry out the staff recommendation is on **Page 5** of the staff report.

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EXHIBITS

Exhibit 1: Vicinity Map and Project Site

Exhibit 2: Project Plans

Exhibit 3: Habitat Survey

Exhibit 4: Applicant’s Bluff Edge Determination

Exhibit 5: CCC’s Bluff Edge Delineation and Structural Setback

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve the Coastal Development Permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves Coastal Development Permit No. 5-20-0706 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant 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 or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Construction Timing.** To avoid adverse impacts on the El Segundo blue butterfly, construction shall not occur between mid-June and October 7. 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 U.S. Fish and Wildlife Service 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.
2. **No Future Bluff or Shoreline Protective Device(s) to Protect the Proposed Development.**
 - A. By acceptance of this permit, the permittee agrees, on behalf of themselves and any successors and assigns, that no shoreline or bluff protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-20-0706 including, but not limited to, the residence and foundation, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or any other natural hazards in the future. By acceptance of this permit, the permittees hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235, any similar provision of a certified LCP, or any applicable law.
 - B. By acceptance of this permit, the permittees further agree, on behalf of themselves and all successors and assigns, that they are required to remove all or a portion of the development authorized by this permit and restore the site, if:
 - i. The City of Torrance or any government agency with jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or other natural hazards related to coastal processes, and that there are no feasible measures that could make the structure suitable for habitation or use without the use of bluff or shoreline protective devices;
 - ii. Essential services to the site (e.g. utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above;
 - iii. Removal is required pursuant to LCP policies for sea level rise adaptation planning; or
 - iv. The development requires new or augmented shoreline or bluff protective devices that conflict with applicable LCP or Coastal Act policies.

Approval of CDP No. 5-20-0706 does not allow encroachment onto public trust lands. Any future encroachment onto public trust lands shall be removed unless authorized by the Coastal Commission. Additionally, encroachment onto public trust lands is subject to approval by the State Lands Commission or other designated trustee agency.

- 3. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards including but not limited to waves, erosion, storm conditions, liquefaction, flooding, and sea level rise; (ii) to assume the risks to the permittee 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; (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; (v) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable; (vi) that the boundary between public land (tidelands) and private land may shift with rising seas, the structure may eventually be located on public trust lands, and the development approval does not permit encroachment onto public trust land; (vii) any future encroachment must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain, and any future encroachment would also be subject to the State Lands Commission's (or other trustee agency's) leasing approval; and (viii) that the structure may be required to be removed or relocated and the site restored if it becomes unsafe or if removal is required pursuant to the Coastal Act.
- 4. Construction Responsibilities and Debris Removal.** The permittee shall comply with the following construction related requirements:

 - A. No demolition or construction materials, equipment, 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. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
 - C. 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;

- D. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;
- E. If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity;
- F. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day;
- G. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;
- H. The permittee shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- I. 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;
- J. 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;
- K. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material;
- L. 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;
- M. The discharge of any hazardous materials into any receiving waters shall be prohibited;
- N. 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;
- O. Best Management Practices (BMP's) and Good Housekeeping Practices (GHP's) 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; and

P. All BMP's shall be maintained in a functional condition throughout the duration of construction activity.

5. Deed Restriction. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) 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 subject site is currently developed with an existing 7,965 sq. ft. single family residence with an attached 3-car garage and associated perimeter walls, walkways, concrete pavements, pool, rear patios, and staircase ([Exhibit 1](#)). The applicant proposes to remodel and expand the single-family residence, including a total of 2,071 sq. ft. addition, comprised of a 700 sq. ft. addition to the first floor and 1,409 sq. ft. to second floor, all located on the landward side of the residence. The proposed project also includes interior remodeling of the kitchen, media room, bedrooms, bathrooms, and laundry room and converting 75 sq. ft. of existing garage space to living area. The proposal includes demolishing approximately 39% of the exterior walls; demolishing and replacing approximately 28% of the roof; and replacing approximately 28% of the foundation.

Exterior hardscaping and landscaping improvements include removing the front yard paved basketball court on the landward side of the house and replacing it with a drought-tolerant landscaped lawn as well as proposed work to the existing pool on the seaward side of the home that includes removing the pool slide and artificial boulders along the pool edge and replastering the pool. The proposed development does not constitute major redevelopment, as alterations to the major structural elements of the residence (foundation, floor structure, and roof structure) are individually less than 50%.

The proposed development is located at 433 Paseo de la Playa in the City of Torrance, Los Angeles County ([Exhibit 1](#)). The site is designated as Single-Family Residential (R-1) in the City of Torrance Land Use Plan (LUP), and the proposed development adheres to this land use. The site is the fifth southernmost lot of the 28 lots on the blufftop between the first public road, Paseo de la Playa, and the sea. The coastal bluff in this location is approximately 90 feet high. Torrance Beach, which is the beach seaward of the toe of the bluff, is a public beach. The proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities.

Permit History

The Commission authorized the construction of the single-family residence on a vacant, bluff-top lot in 1991 (CDP 5-90-1042), and several amendments followed. The Commission authorized a few modifications to the permitted development through CDP 5-90-1042-A1, and then issued two amendments (5-90-1041-A2 and 5-90-1041-A3) in April of 1996, for the concrete staircase along the upcoast perimeter fence, the boundary wall at the toe of the beach, and restoration and revegetation of the coastal bluff with coastal bluff scrub plants to address the impacts of a previous instance of unpermitted development (see Cease and Desist Order CCC-11-CD-04 and Restoration Order CCC-11-RO-03). According to enforcement staff, all unpermitted development installed by the applicant's predecessor in interest has been removed and restoration was complete.

Environmentally Sensitive Habitat Area (ESHA)

Sea-cliff wild buckwheat (*Eriogonum parvifolium*), the host plant for the endangered El Segundo blue butterfly (*Euphilotes battoides allyni*) (ESB), 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 and included Torrance as one of the four targeted recovery sites (USFWS 1998). Permit history of this site includes restoration of southern coastal bluff scrub (SCBS) habitat in circa 2012, with annual monitoring required for five years concluding in circa 2017.

Due to the possible presence of ESBs 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 the *433 Paseo de la Playa Habitat Survey 2021*, prepared by Restoration Ecologist Ann Dalkey on March 24, 2021 ([Exhibit 3](#)). Ms. Dalkey's report describes the findings of a biological survey conducted on March 4, 2021, which concluded approximately half of the vegetation on the bluff face are native species, mostly located on the mid to upper slope of the property, and approximately half are non-native vegetation and bare area. Of the native vegetation, approximately 19% was sea-cliff wild buckwheat cover. Several other native species were present, such as California bush sunflower (*Encelia californica*), lemonade berry (*Rhus integrifolia*), and ground

covers like suncups (*Camissoniopsis cheiranthifolia*) and strigose lotus (*Acmispon strigosus*). Although no ESBs were observed due to the time of year of the survey (ESBs flight season occurs during summer, June through September), Ms. Dalkey surmised it is highly probably that ESBs have found this habitat due to the ESBs propensity to colonize new habitat along this bluff.

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

“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.”

Applying the definition of ESHA to a specific habitat invokes a three-part test (1a, 1b, and 2):

1a. Is the habitat rare or does the habitat support rare plants or animals?

1b. Is the habitat, or the plant or animal species in the habitat, especially valuable because of their “special nature” or because they play an “especially valuable” role in a habitat or ecosystem?

2. Lastly, is the habitat, or the rare plant or animal species in the habitat, easily disturbed or degraded?

According to Commission staff’s Senior Ecologist, Dr. Jonna Engel, the bluff in this location supports vegetation indicative of 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. Southern California coastal bluff scrub habitat, which is dominated by low shrubs and prostrate herbaceous species, is found on exposed bluffs above the ocean between Point Conception and the Mexican border. It is considered critically imperiled by the California Department of Fish and Wildlife with a rarity ranking of G1 S1.1. This ranking means that this habitat is at very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.

Although approximately half of the vegetation on the bluff is non-native, 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 non-native vegetation and bare areas are actually characteristics of SCBS in urban settings, and such characteristics do not minimize its habitat value as ESHA. The SCBS below the subject home is not a small, isolated patch of habitat, but rather part of a continuous stretch of SCBS habitat that extends from Torrance Beach to Malaga Cove (over 4,000 linear feet), which supports SCBS plant species. Dr. Engel determined that SCBS is easily disturbed and degraded by human activities such as the introduction of non-

native ornamental and invasive species and clearing for trails and other types of development.

In addition to the presence of the rare plant species discussed above, Dr. Engel concurs with Ms. Dalkey's report that it is highly possible that the endangered El Segundo blue butterfly could potentially occur at the site because of historical observations of the butterfly made by other biologists within the Malaga Cove area in 2001 and 2008, which were approximately 60 feet south of the subject parcel. 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.

Therefore, according to Commission senior ecologist, Dr. Jonna Engel, the section of the coastal bluff below the residence at 433 Paseo de la Playa rises to the level of ESHA because it supports SCBS, which is one of the rarest and most threatened habitats in California, which is easily disturbed by human activities and could potentially provide habitat for El Segundo blue butterflies, which are an endangered species. Thus, the SCBS habitat that exists within the subject bluff rises to the level of ESHA and is entitled to protection under Section 30240 of the Coastal Act.

Impacts to ESHA

Coastal Act Section 30240 requires protection of ESHA and states that:

“(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.”

Pursuant to subsection 30240(a), 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. The proposed development is not resource dependent and could not be permitted in ESHA. Two components of the project may impact areas designated as ESHA, which include aesthetic improvements to the pool within the concrete patio and the replacement of the exterior wall and balconies on the seaward side of the home.

Typically, remodeling a structure is considered by the Commission to be major redevelopment if alterations to the major structural elements of the residence (foundation, floor structure, and roof structure) are individually more than 50%. As such, major redevelopment is at that point considered to be “new development,” which

would be required to be set back at least 100-feet from ESHA so that it is sited and designed to prevent impacts to ESHA. In this case, however, the proposed development does not constitute major redevelopment, as alterations to the major structural elements of the residence (foundation, floor structure, and roof structure) are individually less than 50%. Furthermore, the new addition will be constructed approximately 75-feet landward from ESHA on the inland side of the house, which is the largest feasible buffer given the site constraints. Although the swimming pool resurfacing will occur approximately 35 feet inland from the vegetation, no work is proposed on the bluff face of the home below the existing patio where the ESHA is located, and the Commission is imposing **Special Condition 1**, which specifies time and operation constraints to avoid adverse impacts on the butterfly. Thus, as conditioned, all of the proposed development is consistent with section 30240 of the Coastal Act.

Hazards

The project is located on a coastal bluff top overlooking the Pacific Ocean. In view of the cumulative effect on safety, public views and bluff habitat statewide, the Commission has determined in many instances that the policy most protective of resources is to require that development be setback from bluff edges and prevent development from extending on to the face of the bluff. The Commission has witnessed a number of serious failures on bluffs that had not been expected to fail, and a number of them were associated with grading and/or excess moisture from human-induced water sources. In addition, the Commission has noted cumulative pressure on bluff faces for stairways and other improvements such as patios and walkways.

For development proposed on coastal bluffs, in past actions the Commission has required principal structures and major accessory structures such as guesthouses and pools to be setback at least 25 feet from the bluff edge and that accessory structures that do not require structural foundations, such as decks, patios and walkways, to be sited at least 10 feet from the bluff edge to minimize the potential that the development will contribute to slope instability. The intent of these setbacks (as articulated in the South Coast Region Interpretive Guidelines for bluff top development adopted by the Commission in 1981, and consistent with past Commission action in the area), is to substantially reduce the likelihood of proposed development becoming threatened given the inherent uncertainty in predicting geologic processes in the future, and to allow for potential changes in bluff erosion rates as a result of rising sea level. If ancillary structures are threatened by erosion it is understood that they will be relocated rather than protected by structural means.

To evaluate the feasibility of the proposed project, the applicant commissioned a geotechnical investigation by Geosoils, Inc. and submitted a report entitled *Geotechnical Update and Bluff Top Location Confirmation for Planned Remodel Improvements, 433 Paseo de La Playa, Redondo Beach, Los Angeles County, California 90277* dated April 21, 2021. The scope of the geological investigations involved review of the site-specific geotechnical studies, reviews of available in-house regional geologic maps and literature, and stereoscopic and oblique aerial photographs

and site reconnaissance and visual bluff determination. It also utilized two studies conducted by Brian A. Robinson & Associates, Inc. dated April 19, 2012 and June 24, 2012 for the same parcel.

Commission staff's Geologist, Dr. Joseph Street reviewed the report and bluff edge determinations submitted by Geosoils ([Exhibit 4](#)) and found it difficult to discern the exact location of the bluff edge due to the substantial modifications to the site topography during past development. These modifications include grading and placement of artificial fill to create a level building pad for the residence and rear patio/swimming area, as well as grading of the bluff slope below the house as part of the habitat restoration and erosion control work carried out after the house was built (see CDP No. 5-90-1041-A2). A report by GeoSoils (4/21/2021) submitted by the applicant provides estimates of the historical, pre-development bluff edge in 1959 and 1973 based on aerial photograph analysis; these historical bluff edges are located 80-90 feet seaward of the house and largely downslope of the rear patio retaining wall. GeoSoils also provides an estimate of the present-day bluff edge ("Feb 2021 Bluff Edge") that is landward of the historical bluff edges (about 55 feet seaward of the house) as shown in [Exhibit 4](#). The criteria used to determine this bluff edge location are not stated, but based on the limited site geologic information provided in an earlier report (Brian A. Robinson & Associates ("BARA"), 2012), this bluff edge line may approximate the edge of the natural bluff materials interpreted to occur beneath the fill supporting the rear patio.

An alternative approach to delineating the bluff edge is to use the topography shown in the geologic site plan presented in the BARA (2012) report, which shows contours for the bluff surface beneath the rear patio fill. The topography in the BARA (2012) site plan is based on a previous site plan from the "Habitat Enhancement and Erosion Control Plan" approved under CDP No. 5-90-1041-A2 in 1995 and appears to show the post-restoration topography of the bluff (following the work authorized under CDP No. 5-90-1041-A2). The "topographic bluff edge line" from the BARA (2012) site plan occurs farther landward than the GeoSoils Feb 2021 Bluff Edge and may pass beneath the northwest corner of the house (the topographic contours become difficult to interpret in this area). This bluff edge delineation reflects the bluff topography prior to the expansion of the rear yard patio and pool area; however, this "post-restoration topography" may also include artificial fill that obscures the natural bluff edge.

Ultimately, Dr. Street determined that there isn't much practical significance to the choice of the bluff edge line in this specific instance, because in both cases (GeoSoils bluff edge vs. bluff edge based on BARA 2012 topography), the proposed additions to the residence would be set back more than 25-ft from the bluff edge, which is consistent with past Commission action along this bluff ([Exhibit 5](#)).

With regard to accessory structures, the seaward extent of the existing concrete patio and pool are located seaward of the bluff edge and are thus nonconforming to the 10-foot bluff edge setback. However, since the applicant is proposing to conduct repair and maintenance of the legal nonconforming swimming pool and is not proposing "new

development” in this location, the proposed aesthetic work is permissible as conditioned.

Since development on beachfront sites is inherently dangerous, and the proposed development may be subject to unforeseen or underestimated geologic hazards in the future, which could lead to proposals for new shoreline or bluff protective devices to protect the proposed development, the Commission imposes Special Condition 2, which prohibits construction of any future bluff or shoreline protective device(s) to protect the development approved pursuant to Coastal Development Permit No. 5-20-0706. Further, the applicant must acknowledge that the development approved by this permit is not entitled to shoreline protection and waive any right to construct any future bluff or shoreline protective devices such as revetments, seawalls, caissons, cliff retaining walls, shotcrete walls, and other such construction that armors or otherwise substantially alters the bluff. Special Condition 2 does not preclude the applicant from applying for future coastal development permits for maintenance of existing development or future improvements to the site (other than blufftop or shoreline protective devices) including landscaping and drainage improvements aimed to prevent slope and bluff instability. The Commission would determine the consistency of such proposals with the Coastal Act in its review of such applications. The house was constructed circa 1995 pursuant to CDP 5-90-1041 as amended. Thus, it is not considered an “existing” structure that may be entitled to shoreline protection pursuant to Section 30235 of the Coastal Act. Therefore, neither the proposed development nor the existing development is entitled to shoreline protection.

Additionally, the Commission imposes **Special Condition 3**, which requires the applicant to acknowledge and assume the risks associated with the proposed development. The applicant is noticed that the proposed development is built in an area that is potentially subject to bluff and slope instability, sea level rise, erosion, landslides and wave uprush or other tidally induced erosion that can damage the subject property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. Finally, the condition requires the applicant to waive claims against the Commission and indemnify the Commission in the event of any third-party claims.

B. PUBLIC ACCESS

The proposed development will not affect the public’s ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. MARINE RESOURCES

The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. The proposed project includes measures to help ensure protection of coastal waters and marine resources during construction. To ensure that all impacts (pre- and post-construction) to water quality are minimized and to reduce the potential for construction related impacts on water quality, the Commission imposes **Special**

Condition 4, which requires, but is not limited to, appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants entering coastal waters and the continued use and maintenance of post construction BMPs.

The proposed project has been conditioned to minimize any significant adverse effect the project may have on the environment by avoiding or mitigating impacts upon sensitive marine resources. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30224, 30230, 30231, and 30233 of the Coastal Act.

D. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, the continued use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. 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. DEED RESTRICTION

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 5**, which requires that 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. Thus, as conditioned, this permit ensures that any prospective future owner will receive notice of the restrictions and/or obligations imposed on the use and enjoyment of the land, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

F. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit for development in an area with no certified Local Coastal Program ("LCP") only if the project will not prejudice the ability of the local government having jurisdiction to prepare an LCP that conforms with Chapter 3 policies of the Coastal Act.

On June 18, 1981, the Commission approved with suggested modifications the City of Torrance Land Use Plan (LUP). The City did not accept the modifications, and the certified LUP, which was valid for six months, did not become effective. 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 conformity with Chapter 3. In addition, the Commission finds that approval of the proposed project will not prejudice the City's ability to prepare a Local Coastal Program consistent with the Chapter 3 policies of the Coastal Act, as required by Section 30604(a).

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of Torrance is the lead agency for purposes of CEQA compliance. As determined by the City, this project is categorically exempt from CEQA under Class 15301 on November 4, 2020.

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 approval, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).) In order for the Commission's program to qualify for that certification, Section 21080.5(d)(2)(A) of CEQA required that the program be designed such that it would not approve any development as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect that 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. No public comments regarding potential significant adverse environmental effects of the project were received by the Commission prior to preparation of the staff report. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect, individual and cumulative, that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A- SUBSTANTIVE FILE DOCUMENTS

Geotechnical Update and Bluff Top Location Confirmation for Planned Remodel Improvements, 433 Paseo de La Playa, Redondo Beach, Los Angeles County, California 90277, April 21, 2021.