

CALIFORNIA COASTAL COMMISSION

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W13a

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-23-0346

Applicant: Sean Tabazadeh

Agent: Brandon Straus, Srour & Associates

Project Location: 505 Paseo de la Playa, Torrance, Los Angeles County
(APN: 7512-002-013)

Project Description: Demolition of an existing two-story, 3,179 sq. ft. single-family residence with attached garage and construction of a new 24-ft. high, two-story, 4,049 sq. ft. single family residence with attached garage, spa, and 5-ft.-high fence on the seaward side of a coastal bluff top lot. Repairs to municipal stormwater drainage infrastructure located on and within the bluff resulting in 465 cy of grading (450 cy of cut and 15 cy of fill), and approximately 12,400 sq. ft. of southern bluff scrub restoration are also proposed.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The applicant is seeking to demolish the existing 3,179 sq. ft. two-story bluff top single-family residence with attached garage constructed in 1962 and construct a new 24-ft. high, two-story, 4,049 sq. ft. single family residence with attached three-car garage, with 64 sq. ft. spa and 5-ft. high fence on the seaward side of the home on a coastal bluff top

lot. The applicant is also proposing to repair a portion of the municipal underground stormwater drainage infrastructure that is located within the City's drainage easement on the applicant's property, which includes 465 cy of grading (450 cy of cut and 15 cy of fill) to recontour the eroded scarp, replace 156 linear feet of 18 in. corrugated metal pipe (CMP), new junction, concrete collar, 3 linear feet of 12 in. CMP, and install a 182 sq. ft. concrete and grouted rip rap energy dissipator structure at the toe of the slope. The applicant proposes to revegetate all impacted areas with Coastal Southern Bluff Scrub species.

The subject parcel is located within a residential block of homes along the Torrance bluff where homeowners generally own the entire parcel from the road to the toe of the bluff. The City maintains a 10-ft. wide horizontal easement across the top of the lots on the seaward side where a four-foot wide concrete swale was constructed in circa 1967 and was designed to capture storm water runoff from the 18 bluff-top lots and surrounding hardscape before it flows down the bluff. The swale is part of a larger storm water management system on the bluff ([Exhibit 3](#)). There are two catch basins that collect water from the swale near the north end of the bluff. One is located within the north side of the applicant's parcel, and the other is located within the parcel to the immediate south of the applicant's parcel ([Exhibit 4](#)). Both of these catch basins connect to CMPs that join together at junction that is centrally located within the bluff approximately 60-ft. below the proposed seaward side patio within the applicant's property.

In 2019, a bluff slide destroyed approximately 200 linear ft. of the pipe system that carried water from the swale to the bottom of the bluff within the applicant's property. The destruction of the pipes left exposed ends of a 12-in. CMP coming from the catch basin to the north and an 18-in. CMP coming from the catch basin to the south ([Exhibit 5](#)). Following the failure, the City of Torrance removed the damaged CMP (which was no longer underground) and tied a flexible ABS pipe to the exposed storm drain (without a permit). The City also put plastic sheeting on some of the exposed soil. To Commissions staff's knowledge, no additional work has been performed on the bluff since those measures were put in place.

Typically, the Commission does not authorize private drainage infrastructure on coastal bluffs, however in this case, the drainage swale and associated pipes convey stormwater collected from the surrounding community at large over the applicant's property within the City's stormwater easement and down the bluff to the toe of the slope. The applicant proposes to replace the missing pipe segments with new high-density polyethylene (HDPE) pipe. Due to the deteriorated condition of the remaining CMPs above the break points, approximately 45 ft. of the remaining CMP near the exposed ends will be removed and replaced with HDPE pipe. The new pipes will then come together downslope at a concrete junction. From the catch basin, a single HDPE pipe will carry water down the remainder of the slope and discharge it into a new approximately 190 sq. ft. energy dissipator at the bottom of the bluff made up of grouted rip rap ([Exhibit 3](#)). The new HDPE pipe will run downslope in the same alignment as the original pipe.

In the absence of a certified LCP, as is the case here, the Commission, in past actions, has imposed either a minimum bluff edge setback for new development to be located 25 ft. from the edge of the bluff for primary structures and minimum 10-ft. setback for secondary structures (at grade patios, decks, garden walls) on stable sites, and requires conformance with structural and deck string line setbacks as drawn from adjacent structures, or has required a greater bluff edge setback based on site specific geologic studies that indicate the site may be unstable or subject to greater erosion rates.

In this case, the applicant is proposing to construct a new single-family residential structure, landscape wall, spa, which do comply with the minimum 25-ft. and 10-ft. setback from the bluff edge, respectively, at approximately 188 ft. Mean Sea Level (MSL) in elevation, as designated by the applicant's engineer.

The primary issues raised by this project application are whether the proposed new single-family home, accessory development, and replacement and/or repair of the stormwater discharge infrastructure are consistent with the coastal hazards and Environmentally Sensitive Habitat Areas (ESHA) policies of the Coastal Act.

The proposed development on the bluff below the residence, including the stormwater drainage pipe repairs and maintenance, grading, slope remediation, and habitat restoration will directly impact approximately 4,133 sq. ft. of 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 middle and lower portions of the bluff, which are potential habitat for an endangered species of butterfly endemic to the area. The demolition of the existing residence and construction of the new residence and associated patio, spa, and landscape wall will occur adjacent to, and above, the designated ESHA, and the existing sensitive vegetation will be flagged so that it will be avoided as much as practicable during construction activities to prevent significant degradation of the primary habitat value. The repair and maintenance of the stormwater drainage pipes needed for the proper functioning of the community stormwater system requires a permit under Coastal Act section 30610(d) and Section 13252(a)(3) of the Commission's regulations due to its location, in order to analyze the methods proposed for the repair and maintenance activities.

The applicant is proposing to restore approximately 12,400 sq. ft. of Native Southern Coastal Bluff Scrub habitat to mitigate for the impacts to ESHA as a result of the grading, pipe replacement and repairs, and installation of replacement energy dissipator structure, as described in more detail below. In order to fully mitigate impacts to ESHA, the areal extent of the bluff to be mitigated at a 3:1 (restoration:impact) ratio. Restoration will involve removal of exotic vegetation 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*) (ESB), which is currently federally endangered. In addition, the applicant is proposing to plant tall native shrubs around the rock dissipator outlet

structure to avoid visual impacts of the bluff. As part of the project, the applicant proposes a monitoring plan to evaluate the success of the restoration project, which is addressed in **Special Condition 2**, and to ensure no construction activities could negatively impact ESBs onsite, **Special Condition 3** specifies time and operation constraints to avoid the flight season of the butterfly.

Due to updates and inconsistencies in previous versions of plan sets submitted with the application for the proposed project, staff recommends that the Commission impose **Special Condition 1**, which requires the submittal of final plans. In addition, because the project site is on a beachfront parcel and in proximity to coastal waters, staff recommends the Commission impose construction-related requirements and best management practices under **Special Conditions 4, 5, and 6** to prevent pollution of coastal waters.

Moreover, given that the applicant has chosen to implement the project on coastal bluff property despite risks from erosion, landslides, slope instability, and earth movement, the applicant must assume the risks. Therefore, staff recommends that the Commission impose **Special Conditions 9 and 11**, which require an acknowledgment of the assumption of risk and memorializes the applicant is not entitled to construct any shoreline protection or bluff retention devices in the future. To ensure the protection of any archaeological and tribal cultural resources that may be encountered onsite during construction, staff recommends the Commission impose **Special Condition 10**. Finally, to ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, staff recommends that the Commission impose **Special Condition 12**, 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.

Staff believes that, with these conditions, the proposed development can be found consistent with the resource protection policies of the Coastal Act. Thus, staff recommends that the Commission find the project consistent with Chapter 3 of the Coastal Act and **approve** with conditions Coastal Development Permit Application No. 5-23-0346 as further discussed in this report. The motion is on page 6. The standard of review is Chapter 3 of the Coastal Act.

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APPENDIX B

EXHIBITS

Exhibit 1 – Vicinity Map/Project Location

Exhibit 2 – Project Plans-Residence

Exhibit 3 – Existing Blufftop Drainage Site Plan

Exhibit 4 – Stormwater Infrastructure Plans

Exhibit 5 – Bluff Edge

Exhibit 6 – Site Photos

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 5-23-0346 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. 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 Commissioners present.

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project 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

- 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 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Revised Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit two full sized (3 feet x 2 feet) 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 Civil Plans by Bolton Engineering (dated February 28, 2023) 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. Remove reference to swimming pool
 - B. Call out Kristar Filtration Inserts proposed to be placed in existing catch basins on the top of the bluff on Drainage Plans
2. **Final Habitat Restoration and Monitoring Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, a final revised habitat restoration and monitoring plan in substantial conformance with the submitted *505 Paseo de la Playa Habitat Survey 2023* and *505 Paseo de la Playa Restoration and Monitoring Guide prepared for Sean Tabazadeh*, by Ann Dalkey, Restoration Ecologist on January 22, 2023. The revised plan shall identify the final location and size of the proposed 12,399 square foot restoration area and shall identify the type of vegetation that shall be planted around the rock dissipater structure to obscure potential visual impacts. A biologist qualified in the preparation of plans to restore a southern coastal bluff scrub community shall prepare the revised restoration and

monitoring plan. The revised restoration and monitoring plan shall, at a minimum, include the following:

- A. A revised plant palette for container plants and seeds that is limited to southern coastal bluff scrub species characteristic of Torrance, California coastal bluffs. The plan shall describe the size, number, and species of container plants to be used and include an exhibit/map of the container plant spacing/placement based on an understanding of the dominant and associated species of an undisturbed southern coastal bluff scrub community.
- B. Detailed description of erosion control plans and weeding plans and temporary irrigation schedule.
- C. Description of monitoring design plans including both qualitative (photographs) and quantitative (transects, quadrats, etc.) methods for sampling the restoration area to track restoration success.
- D. Restoration performance standards revised to be 70% cover of a southern coastal bluff community, 3% cover or less of non-native plants, and 0% cover of non-native invasive plants at the end of five years after commencement of restoration activities.
- E. Provisions for monitoring and remediation of the restoration site in accordance with the approved final restoration program for a period of five years from commencement of restoration activities or until it has been determined that the performance standards have been met or have failed to be met, whichever comes first.
- F. 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 be five years from commencement of restoration activities. 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.
- G. 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 permittee shall implement the habitat restoration and monitoring plan within 90 days of issuance of this permit. The permittee shall monitor and manage the restoration site in accordance with the approved restoration and monitoring plan, including any revised restoration program approved by the Commission or its staff. Any proposed changes to the approved restoration and monitoring plan shall be reported to the Executive Director. No changes to the approved restoration 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. Construction Timing.** To avoid adverse impacts on the El Segundo blue butterfly, exterior construction on the seaward side of the residence shall not occur between mid-June and October 7. However, the permittee may undertake such 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 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.
- 4. Erosion Control Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, a plan for runoff and erosion control.
 - A. 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, public streets, and the public beach below.
 - B. 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 permittee 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.

5. Staging. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant 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 permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

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

The permittee 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 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 coastal waters.

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 is 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. By acceptance of this permit, the applicant agrees that: all final plans as modified and approved under Coastal Development Permit No. 5-23-0346, shall be consistent with all recommendations contained in *Addendum Letter No. 1 – Response to Coastal Commission Comments, dated May 18, 2023, for Proposed Residential Development and New Pool at 505*

Paseo de la Playa, Torrance, California, dated June 19, 2023, submitted by T.I.N. Engineering Company.

The permittee 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. 5-23-0346. 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. 5-23-0346. Accordingly, any future improvements to the principal structure, patio, or the slope authorized by this Coastal Development Permit No. 5-23-0346 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. 5-23-0346 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

9. No Future Bluff or Shoreline Protective Device.

A. By acceptance of this permit, the permittees agree, on behalf of themselves and any successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-23-0346 including, but not limited to, the residence or 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:

1. The City 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;

2. Essential services to the site (e.g. utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above;

3. Removal is required pursuant to LCP policies for sea level rise adaptation planning; or

4. The development requires new or augmented shoreline protective devices that conflict with applicable LCP or Coastal Act policies.

Approval of CDP No.5-23-0346 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.

10. Protection of Archaeological and Tribal Cultural Resources. The permittee shall undertake development in compliance with the following mitigation measures to protect archaeological, including tribal cultural resources:

- A. AT LEAST ONE MONTH PRIOR TO COMMENCEMENT OF ANY GROUND-DISTURBING CONSTRUCTION ACTIVITIES, the permittee shall (i) notify the representatives of Gabrieleño-affiliated Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list for the area; (ii) invite all affiliated Tribal representatives on that list to be present and to monitor ground-disturbing activities; and (iii) arrange for any invited Tribal representative that requests to monitor and a qualified archaeological monitor to be present to observe project activities with the potential to impact archaeological and/or tribal cultural resources. The monitor(s) shall have experience monitoring for archaeological resources of the local area during excavation projects, be competent to identify significant resource types, and be aware of recommended Tribal procedures for the inadvertent discovery of archaeological resources and human remains. Evidence of written notification shall be made available to the Executive Director upon request.
- B. If an area of archaeological resources is discovered during ground-disturbing activities, all construction shall cease and shall not recommence except as provided in subsection (D) hereof, and the permittee shall retain an archaeologist and/or tribal cultural resource specialist qualified to analyze the significance of the find in consultation with the Gabrieleño-affiliated Native American Tribes listed on the NAHC list. The specialist(s) shall immediately notify the affiliated Tribes on the NAHC list. An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area

that includes a reasonable buffer zone recommended by the monitor(s). Project activities may continue outside of the exclusion zone.

- C. Should human remains be discovered on-site during the course of the project, immediately after such discovery, the on-site archaeologist and Native American monitor(s) shall notify the County Coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. The Native American group/person deemed acceptable by the NAHC shall participate in the identification process, pursuant to Public Resources Code Section 5097.98. Should the human remains be determined to be that of a Native American, the permittee shall comply with the requirements of Section 5097.98. Within five (5) calendar days of such notification, the permittee shall notify the Executive Director of the discovery of human remains.
- D. A permittee seeking to recommence construction within the exclusion zone following discovery of the archaeological resources shall submit a Supplementary Archaeological Plan (SAP) prepared by the project archaeologist in consultation with the Gabrieleño-affiliated Native American Tribes listed on the NAHC list for the review and written approval of the Executive Director. If the Executive Director approves the SAP and determines that the SAP's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director in writing. If the Executive Director approves the SAP but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

11. 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 including but not limited to waves, erosion, storm conditions, liquefaction, flooding, and sea level rise; (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.

12. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant 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.

III. FINDINGS AND DECLARATIONS

A. Project Description and Location

Location and Site History

The project site is located on a coastal bluff property overlooking the Pacific Ocean within an existing residential area at 505 Paseo de la Playa, City of Torrance, Los Angeles County ([Exhibit 1](#)). The site is developed with a two-story single-family residence constructed in 1962 and is the eleventh northernmost lot of the 28 bluff-top lots located between the first public road, Paseo de la Playa, and the sea. All of the 28 bluff-top lots have been developed with single-family residences. The coastal bluff in this location ranges from approximately 95 ft. high at the Los Angeles County Torrance Beach Park to the north of the residential lots, and gradually rises to 120 ft. high near the boundary of Palos Verdes Estates. Some of the blufftop residences share a trail network down the bluff face located on private properties leading to the public beach below, Torrance Beach. Except for a few cabañas, landscaping, stairways and pathways, the bluff face remains largely undeveloped. 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 675 ft. to the north of the project site. There is also a vertical beach public accessway and public parking area located approximately one-half mile to the south of the project site in Palos Verdes Estates.

The subject parcel is located within a residential block of homes along the Torrance bluff where homeowners generally own the entire parcel from the top of the bluff to the toe of the slope. The City maintains a 10-ft. wide horizontal easement across the top of the lots on the seaward side where a four-ft. wide concrete swale was constructed in circa 1967 and was designed to capture storm water runoff from the 18 bluff-top lots to the south of this lot before it flows down the bluff. The swale is part of a larger storm water management system on the bluff that conveys stormwater for 28 bluff-top residences and the surrounding community at large ([Exhibit 3](#)). There are two catch

basins that collect water from the swale near the north end of the bluff. One is located within the north side of the applicant's parcel, and the other is located within the parcel to the immediate south of the applicant's parcel ([Exhibit 4](#)). Both of these catch basins connect to corrugated metal pipes (CMPs) that join together at a concrete junction within the bluff face of the applicant's property.

In 2019, a bluff slide destroyed approximately 200 linear ft. of the pipe system that carried stormwater from the swale and terminated below ground at the bottom of the bluff within the applicant's property. The destruction of the pipes left exposed ends of a 12-in. CMP coming from the catch basin to the north and an 18-in. CMP coming from the catch basin to the south ([Exhibit 6](#)). Following the failure, the City of Torrance removed the damaged CMP (which was no longer underground) and tied a flexible ABS pipe to the exposed storm drain (without a coastal development permit). The City also put plastic sheeting on some of the exposed soil. To Commissions staff's knowledge, no additional work has been performed on the bluff since those measures were put in place.

Project Description

The applicant proposes to demolish the existing 22-ft. high, 3,179 sq. ft. two-story bluff top residence with attached garage constructed in 1962 and construct a new 24-ft. high, two-story, 4,049 sq. ft. single family residence with attached three-car garage, with spa and 5-ft. high fence on the seaward side of the home on a coastal bluff top lot. In addition, the applicant is proposing to repair and/or replace missing pipe segments of a portion of the municipal stormwater drainage located within the City's easement within the bluff face of the applicant's subject parcel that was damaged in the bluff failure in 2019, recontour the eroded scarp to a more gradual slope, and revegetate the slope with native vegetation.

The applicant proposes to replace the missing pipe segments with new high-density polyethylene (HDPE) pipe. Due to the deteriorated condition of the remaining CMPs above the break points, approximately 45 linear ft. of the remaining CMP near the exposed ends will be removed and replaced with HDPE pipe as shown on [Exhibit 3](#). Drain Line A will be replaced with 3 linear ft. of 12-in. HDPE pipe; Drain Line B will be replaced with 156 linear ft. of 18-in. HDPE pipe, and the new pipes will then join downslope at a new catch basin. From the catch basin, a single HDPE pipe will carry stormwater down the remainder of the slope and discharge it into a new approximately 182 sq. ft. energy dissipator at the bottom of the bluff made up of grouted rip rap ([Exhibit 4](#)). The HDPE pipe will run downslope in the same alignment as the original pipe, and the rock energy dissipator is proposed by the applicant to slow down the velocity of stormwater flows to assist in preventing erosion. As proposed, the repaired pipe system and energy dissipator have the capacity to withstand a 25-year, 50-year and 100-year storm. The applicant is proposing to install Kristar filters into the two existing catch basins at the top of the slope that connect to the existing 12-in. CMP pipes to provide pre-treatment for the runoff being discharged down to the proposed outlet structure at the toe of the slope to the public sandy beach below, and in some

instances, the ocean. Altogether, the proposed repair and maintenance work will allow the community stormwater system to function as intended.

Prior to the installation of the new pipe intersection and catch basin, the applicant proposes to grade the existing scarp to reduce the steepness of the near-vertical bluff face caused by the slide, which involves grading the area of the slope shown in the shaded gray area on [Exhibit 4](#), which is approximately 2,760 sq. ft. Installation of new pipe and replacement pipes, which will have to be removed and reburied in the same alignment will impact 1,191 sq. ft., and installation of the dissipator, which is a part of the stormwater repairs at the toe of the slope, will impact approximately 182 sq. ft. of the bluff and vegetation ([Exhibit 4](#)). To facilitate the work on the bluff and to avoid sensitive vegetation as much as practicable, the applicant is proposing to begin the work on the bluff face after demolishing the existing residence for easier access to the bluff and to use the vacant pad as a staging area, rather than the bluff face or beach, for any equipment needed.

Post construction, the applicant is proposing to revegetate approximately 12,400 sq. ft. below the residence with native Southern Coastal Bluff plant species. Proposed restoration includes a monitoring plan to measure the effectiveness and success of the restoration project, which is memorialized by **Special Condition 2**. No permanent irrigation system is proposed to be installed for the site restoration; instead, a temporary aboveground irrigation system would be installed for use during the maintenance period to augment natural precipitation.

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.

The subject site is adjacent to coastal bluffs known to support environmentally sensitive habitat areas (ESHA) that are potential habitat for a federally endangered species of butterfly endemic to the area. Coastal bluffs, by virtue of the fact that they have a very limited distribution, only occurring between the ocean and land, often also support rare coastal bluff scrub communities dominated by low shrubs and prostrate herbaceous species with a rarity ranking of G1 S1.1.¹ Due to the possible presence of ESB, which also has a G1 S1 rarity ranking, or its host plant, sea-cliff buckwheat, on the site (*Eriogonum parvifolium*), the applicant submitted a biological survey to determine what types of vegetation currently exist on the property titled 505 Paseo de la Playa Habitat Survey 2023 prepared for Sean Tabazadeh, by Ann Dalkey, Restoration Ecologist on January 22, 2023. Ms. Dalkey found that 14% of the plant cover on the bluff was native, of which 5% was sea-cliff buckwheat plants, which was comprised of approximately 50-75 individual sea-cliff buckwheat plants. In addition, she also identified approximately 200 native lanceolate dudleya (*Dudleya lanceolata*) and a small stand of newly emerging native clustered tarweed (*Deinandra fasciculata*) on the bluff. Ms. Dalkey mapped the native coastal bluff scrub patches as shown in her January 2023 report. Although no El Segundo Blue Butterflies were observed onsite in January, Ms. Dalkey notes in her report that the sea-cliff buckwheat is “highly likely to be occupied by the butterfly” during their flight season which typically occurs June to July, when they are most likely to be detected.

According to the assessment, the remaining 73% of the bluff vegetation is dominated primarily by highway iceplant (*Carpobrotus edulis*), which forms a thick carpet and comprises approximately 65% of the non-native vegetation. The remaining 8% is primarily comprised of a small stand of mock orange (*Philadelphus sp.*) and carnation spurge (*Euphorbia terracina*) that can spread rapidly and has a toxic sap that can reduce germination of native 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 Environmental Program Manager, 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. The patches of native species on this bluff, which

¹ A G1 S1.1 is the rarest rarity ranking and means that the respective species is Critically Imperiled - At very high risk of extirpation due to very restricted range, very few populations or occurrences, very steep declines, severe threats, or other factors.

include sea-cliff wild buckwheat (*Eriognum parvifolium*), lanceolate dudleya (*Dudleya lanceolata*) and tarweed plant (*Deinandra fasciculata*), are characteristic SCBS species.

There are bare areas among the native vegetation with sandy soil, that is also characteristic of SCBS on relatively steep slopes. 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 overrun by non-native and invasive plant species is not unusual given the proximity of the project site to ornamental landscaping in a residential urban setting. Moreover, the presence of non-native and invasive vegetation and bare areas among patches of SCBS is common in urban settings and does not negate the ESHA determination for the SCBS rising to the level of ESHA.

In addition to the presence of SCBS discussed above, Dr. Engel concurs with Ms. Dalkey that the ESB would likely occur on the site because of the presence of the rather large patch of sea-cliff wild buckwheat, the butterfly's host plant, at the center of the bluff. This, along with historical observations of the butterfly made by other biologists within the Malaga Cove area in 2001 and 2008, which were approximately 180 ft. south of the subject parcel, in addition to Commission-required monitoring reports for similar restoration projects on adjacent parcels (CDP No. 5-17-0630 for 529 and 533 Paseo de la Playa, Torrance) lends additional support to their conclusion. 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 grading, erosion due to faulty drainage, introduction of non-native invasive and ornamental species, and clearing for trails and other types of development.

Therefore, Dr. Jonna Engel finds that the section of the coastal bluff below the residence at 505 Paseo de la Playa that supports Southern California Bluff Scrub rises to the level of ESHA, because it is one of the rarest and most threatened habitats in California, contains critical habitat for ESBs, which are an endangered species, and is easily disturbed by human activities. Thus, the SCBS habitat that exists within the subject bluff property is ESHA and is entitled to protection under Section 30240 of the Coastal Act.

Impacts to ESHA

Pursuant to Coastal Act 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. Three components of the project may impact areas designated as ESHA and are analyzed below: 1) the grading and recontouring of the slope of the affected

area, 2) the method of repair and replacement of the pipes and associated stormwater drainage, including the installation of the rock energy dissipater structure; and 3) the habitat restoration.

Project Alternatives

The primary purpose of the project is to repair the failed bluff stormwater drainage system that is threatened by further erosion of the bluff. To determine the least environmentally damaging, but feasible,² alternative, the applicant considered three methods of slope remediation, including: (1) “no project” alternative; (2) reconstruction of the bluff; and (3) reinforced soil slope approach.

Alternative 1: No Project

With respect to the proposed bluff repair, a “no-project” alternative would result in no action taken to repair the broken drainage pipes or prevent further failure of the bluff. This alternative would result in the continued failure of the bluff slope, erosion of the beach at the toe of the bluff and potential increased pollution of coastal waters from the corroded pipes as well as unfiltered stormwater. According to the *Preliminary Hillside Assessment Erosion Report* dated November 27, 2019, prepared by Psomas, the closed-circuit television (CCTV) video of the affected storm drain system showed that portions of the remaining 18” and 12” CMPs, located upstream of the slope erosion area, are heavily corroded and have deteriorated to the point of exposing the surrounding soil. The soil is being eroded into the pipe through the holes in the corroded pipe. This is evident by the debris build-up adjacent to the corroded and missing portions of pipe walls. The Psomas report concludes that the slope will continue to erode if the storm drains are not repaired to function as originally constructed. This includes more erosion further up the slope as the remaining CMPs continue to erode. According to the *Slope Erosion Evaluation* of the site dated December 3, 2019, by Ningyo & Moore, Geotechnical and Environmental Sciences Consultants, the bluff slopes and near-vertical side of slope near the broken pipes generate a safety factor of less than 1.5, and without repair measures, the site soils will continue to erode. The slope failure may become enlarged if additional water is introduced to the slope by excessive stormwater and runoff, and rainfall into the slope face.

Commission staff geologists, Dr. Joseph Street and Philip Johnson, have reviewed these reports and materials and agree that the slope conditions will worsen if mitigation measures are not implemented to reduce erosion, and could eventually affect the properties above the bluff. Furthermore, continued failure of the slope could also negatively impact the existing native vegetation and habitat onsite, and ultimately the public beach below impacting public access. Therefore, the “no-project” alternative with respect to the bluff area would not address the geologic hazard at issue, could potentially threaten the applicant’s residence and other properties on the bluff, and

² 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.

could have detrimental impacts to rare habitat onsite. Currently, there are no measures in place to prevent runoff from the top of the slope down the bluff face. Among the mitigation measures recommended by the Ninyo and Moore report is that “surface water runoff should not be permitted to enter the ground at, or near, the top of the slope.” 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: Cap the Broken Pipes

Another alternative is to cap the broken-off ends of the CMPs. According to the Bolton Hydrology Studies submitted with the application, the Clear Peak Flow rate of the runoff into the swale during a 25-year storm would be 3.6923 cubic feet per second. As discussed in Alternative 1, the remaining CMPs are heavily corroded and already have soil intrusion through the corrosion holes. Capping the broken ends of the pipes will put additional pressure on them and could cause additional breaks and bluff failures at the sites of those breaks. Capping also could cause water to back up in the swale feeding the pipes and overflow at the top of the bluff. This could cause widespread bluff failures during a 25-year storm and larger storm events, would not address the geologic hazard at issue and could have detrimental impacts to the rare habitat onsite.

Alternative 3: Leave the Remaining CMPs in Place and Attach New Pipes to the Exposed Ends

This alternative would involve attaching new pipes to the remaining CMPs that would be remain in place. Like Alternative 2, this alternative is not preferable, because it continues to rely on heavily corroded and compromised CMPs. Continuing to use those pipes to handle storm runoff may lead to slope failures at additional locations resulting in greater geologic hazards, impacting coastal waters from corroded pipe material, and negatively impacting rare habitat onsite as well.

Alternative 4: Redirect Stormflows from the Area of the Broken Pipes to the Street

The fourth alternative is to redirect stormflows to the top of the bluff utilizing a pump system. This would require the repair of the pipes and attaching them to the concrete catch basin where the north and south portions of the pipe originally met, along with installation of subterranean sump pumps, pump housing, and power supply. The catch basin and pump system would be required to handle a Clear Peak Flow rate of 3.6923 cubic feet per second. Analysis and approvals would be required due to the additional runoff being redirected to municipal storm sewers and the potential of increased beach impacts downstream where stormwater discharges to the beach. The size and design of the pumping facility, including the size of the pipe needed to carry water up the slope, has not been determined at this time. However, the catch basin and pump housing might require installation of supporting caissons in the bluff, along with an access path

from the top or bottom of the bluff to the pumping facility for repair and maintenance. This alternative would potentially be inconsistent with ESHA and Hazards policies of the Coastal Act regarding new structural development within 25 ft. of the bluff edge.

Alternative 5: Redirect Stormflows from the Existing Swale to the Street

Similar to Alternative 4, this alternative would require installation of pumping systems and footings or caissons for support. In this alternative, two such systems would be required at different locations. The swale feeds into two concrete catch basins, which feed into the now-broken pipes. One catch basin is located on the applicant's property and one is located on the adjacent property at 507 Paseo De La Playa. This alternative raises the same issues as Alternative 5 regarding runoff into the municipal storm sewer and downstream beach discharge area. This alternative also is contrary to the Commission's policy prohibiting development on the bluff and structures within 25 ft. of the bluff edge, and is not an allowable use in ESHA.

Alternative 6: Excavate and Replace the Broken Pipes with High-Density Polyethylene (HDPE) Pipes Routed to the Bottom of the Slope

This alternative entails trimming back the slope in the area of the broken pipes and repairs and reconstruction of the drainpipe system that was damaged during the bluff failure, using HDPE pipes laid over the existing slope and within the existing eroded trench, buried with fill and revegetated with native vegetation with an outlet structure at the bottom of the slope. This is the minimum necessary and least environmentally damaging practicable alternative that would avoid further erosion. Since the applicant is proposing to mitigate for the impacts to ESHA at a 3:1 ratio (restoration to impact), the restoration plan includes removal of the non-native freeway ice plant, and the nearby native plants have been identified and would be protected. Construction access could be provided from the top of the bluff, which would be vacant after demolition of the existing house. Following completion of the repair, native plants would be planted to reestablish the denuded slopes. The applicant proposes to implement Alternative 6.

Alternative 6 is the least environmentally damaging feasible alternative for the pipe replacement and repair because it avoids direct impacts to native SCBS to the maximum extent feasible 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, and although this alternative is the least environmentally damaging and feasible alternative, it raises potential conflicts with the ESHA requirements of Section 30240.

Habitat Restoration

The applicant has proposed to restore Southern Coastal Bluff Scrub vegetation on the entire bluff within the subject parcel, south of the proposed landscape wall seaward of the new residence. The proposed restoration would revegetate approximately 12,400 sq. ft. of bluff habitat, which is approximately three times the size of the area of impact resulting from the slope and stormwater infrastructure repair, which is 4,133 sq. ft. 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 3**, 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 applicant to submit a monitoring report five (5) years from the date of the commencement of restoration for Coastal Development Permit No. 5-23-0346 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.

Analysis

As discussed, Commission staff has determined that the section of the coastal bluff below the residence at 505 Paseo de la Playa is 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 repair the stormwater drainage infrastructure and restore and stabilize a coastal bluff that is ESHA and avoid further erosion at the toe of the slope and public beach. Thus, pursuant to Coastal Act section 30610(d) and Title 14, Division 5.5, section 13252(a)(3) of the California Code of Regulations, the proposed method of repairs to and maintenance of the portion of the community stormwater system on the subject site is reviewed and conditioned as necessary to be the least environmentally damaging feasible alternative.

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, which 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.

In addition, the stormwater pipe repairs are necessary repair and maintenance of an existing structure that existed prior to adoption of the Coastal Act. 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 stormwater drainage, is not the subject of the permit. In addition, the 182 sq. ft. grouted rip rap structure at the end of the pipe is part of the overall repair and maintenance of the overall stormwater system that enhances the erosional control to maintain the functionality of the stormwater system. Thus, although the repair work is non-resource dependent development in ESHA, the Commission may only regulate the method by which that repair work is undertaken.

The proposed method of repairs has been conditioned to minimize impacts to the ESHA and to not significantly disrupt habitat values. Similarly, the development adjacent to ESHA (demolition of the existing house and construction of the new house, patio, spa, and landscape wall), has been proposed and conditioned to ensure that it is sited and designed to prevent impacts that would significantly degrade the ESHA. Thus, as conditioned, the proposed demolition and new residence, garage, spa and fence is consistent with section 30240 of the Coastal Act.

C. Hazards

Coastal Act section 30253 states in relevant 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.

Coastal Act section 30270 of the Coastal Act states:

The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

The project is located on a coastal bluff top lot overlooking the Pacific Ocean. To evaluate the feasibility of future residential development at the subject site, the applicants commissioned the following studies and investigations: *T.I.N. Engineering Company, Soil Engineering Investigation and Report for Proposed Residential Development and New Pool at 505 Paseo de la Playa, Redondo Beach Area, City of Torrance, California*, prepared by T.I. N. Engineering Company dated May 6, 2022, and *Supplemental Letter No. 1 – Determination of Top Elevation of Rear Slope for Proposed Residential Development and New Pool at 505 Paseo de la Playa, Redondo Beach Area, City of Torrance, California*, prepared by T.I. N, Engineering Company dated October 31, 2022; *Future Bluff Retreat in Consideration of Sea Level Rise, 505 Paseo de la Playa, Torrance, California*, prepared by Geosoils, Inc., dated September 29, 2023; and *Slope Erosion Evaluation, 505 Paseo de la Playa Torrance, California*, prepared by Psomas dated December 3, 2019. The scope of the geological investigation involved exploratory borings, specific field soil logging and sampling, laboratory soil sample tests, and engineering analyses. According to the engineering

report, the study included review of the available project data, historic aerial photographs and topographic maps, site geologic reconnaissance, past California Coastal Commission Bluff Edge Determination memos, as well as calculating the long-term bluff retreat rates, engineering slope stability analyses and report preparation in accordance with CCC requirements. In addition, T.I. N. Engineering Company determined the bluff edge to be located approximately at the +188 ft. MSL elevation contour ([Exhibit 5](#)). Commission staff's Geologists, Dr. Joseph Street and Philip Johnson, reviewed the soil investigation and bluff edge determination, in addition to other documents directly related to the subject property and surrounding properties, and agree with this determination.

With regard to the stability of the slope, T.I.N. Engineering Company determined that the proposed development has a calculated global static factor-of-safety (FS) of 1.5, which is the standard that the Commission typically requires for new principal structures. The Ninyo & Moore report provided a slope stability analysis that found the bluff is grossly stable, and stable at the location of the existing and proposed house. With regard to the stability of the bluff face where the over-steepened slopes and or near-vertical walls near the exposed CMP storm drains are located, the factor of safety is less than 1.5 under static conditions. However, with the repairs proposed to the scarp, this will be remedied. Given the relatively gentle slope (of the majority of the bluff (2:1 to 1.5 :1) excluding the steepened portion where the scarp is located, and the proposed restoration to match these grades, the Commission geologists have determined that the bluff slope will be adequately stable.

Bluff Erosion/Retreat and Sea Level Rise Considerations

As stated above, a quantitative slope stability analysis conducted by the applicant's geologist indicates that the slope is globally stable with a factor of safety greater than 1.5; however, local instability and erosion has occurred in the area oversteepened by the erosion caused by the broken drain pipe. with respect to sliding. More generally, it is acknowledged that landslides and episodic slope failures have occurred along the lower Paseo de la Playa bluff, particularly to the south of the project site where the coastal bluff is steeper than at this project site. The upper bluff slope is also subject to surficial sliding and creep, as evidenced by erosional features on the adjacent slopes of properties up coast and down coast along Paseo de la Playa, including on this parcel due to the failed stormwater infrastructure ([Exhibit 1](#)). Using an estimated bluff retreat rate of 0.02 ft. per year, the applicant's geologist estimates a total 75-year bluff retreat of 1.5 ft., occurring entirely within the upper portion of the bluff subject to erosion. Thus, the applicant considers the upper bluff erosion to be negligible provided the proposed repairs to existing drainage controls are maintained. Commission staff generally concurs with these assessments; however, shoreline areas are inherently dynamic environments, and the low historic rate of bluff erosion could increase if, with future sea level rise, storm waves are able to reach the bluff toe with greater frequency. To ensure compliance with Chapter 3 hazards policies, property owners must take into account the risks of rising sea level when planning and designing coastal projects. At this site, erosion on the upper bluff could also occur in the future in response to the expected

steepening of the lower bluff over the long term due to marine erosion, which is likely to be exacerbated by sea level rise.

Sea level has been rising for many years. Several different approaches have been used to analyze the global tide gauge records in order to assess the spatial and temporal variations, and these efforts have yielded sea level rise rates ranging from about 1.2 mm/year to 1.7 mm/year (about 0.5 to 0.7 inches/decade) for the 20th century, but since 1990 the rate has more than doubled, and the rate of sea level rise continues to accelerate. Since the advent of satellite altimetry in 1993, measurements of absolute sea level from space indicate an average global rate of sea level rise of 3.4 mm/year or 1.3 inches/decade – more than twice the average rate over the 20th century and greater than any time over the past one thousand years.³ Recent observations of sea level along parts of the California coast have shown some anomalous trends; however, the best available science demonstrates that the climate is warming, and such warming is expected to cause sea levels to rise at an accelerating rate throughout this century. The State of California has undertaken significant research to understand how much sea level rise to expect over this century and to anticipate the likely impacts of such sea level rise. In April 2017, a working group of the Ocean Protection Council's (OPC) Science Advisory Team released "Rising Seas in California: An Update on Sea-Level Rise Science."⁴ This report synthesizes recent evolving research on sea level rise science, notably including a discussion of probabilistic sea level rise projections as well as the potential for rapid ice loss leading to extreme sea level rise. This science synthesis was integrated into the OPC's "State of California Sea-Level Rise Guidance 2018 Update."⁵ This guidance document provides high-level, statewide recommendations for state agencies and other stakeholders to follow when analyzing sea level rise. Notably, it provides a set of projections that OPC recommends using when assessing potential sea level rise vulnerabilities for various projects. Taken together, the Rising Seas science report and updated State Guidance account for the current best available science on sea level rise for the State of California. The updated projections in the 2017 Rising Seas report and the 2018 OPC Guidance suggest sea levels could rise between 2.1 and 6.7 ft. by 2100 at the Los Angeles tide gauge,⁶

³ <http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf>

⁵ OPC State of California Sea-Level Rise Guidance, 2018 Update: http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A OPC SLR Guidance-rd3.pdf

⁶ The OPC Guidance provides sea level rise projections for 12 California tide gauges, and recommends using the projections from the tide gauge closest to the project site. The projections for the LA tide gauge can be found on page 72 of the OPC Guidance.

depending on future greenhouse gas emissions. The OPC Guidance recommends that development of only moderate adaptive capacity, including residential development, use the high end of this range, 6.7 ft, to inform decisions regarding development. These projections and recommendations are incorporated into the 2018 update of the Coastal Commission Sea Level Rise Policy Guidance.⁷ New updates to both the OPC and Commission Sea Level Rise Guidance are in progress.

As our understanding of sea level rise continues to evolve, it is possible that sea level rise projections will continue to change as well (as evidenced by the recent updates to best available science). While uncertainty will remain with regard to exactly how much sea levels will rise and when, the direction of sea level change is clear, and it is critical to continue to assess sea level rise vulnerabilities when planning for future development. Importantly, maintaining a precautionary approach that considers high or even extreme sea level rise rates and includes planning for future adaptation will help ensure that decisions are made that will result in a resilient coastal California.

The coastal hazards report submitted by the applicant (GeoSoils, September 29, 2023) evaluated the potential for marine erosion of the bluff with up to 2.5 ft. of sea level rise, using shoreline position projections from the U.S. Geological Survey CoSMoS-Coast model. With this amount of sea level rise (which, based on the OPC Guidance, could occur between 2060 – 2100 depending on the SLR scenario), the mean high tide shoreline would be located near the base of the coastal bluff, and would likely be associated with active marine erosion of the bluff toe. GeoSoils concludes, however, that there would not be significant bluff erosion at the top of the bluff, near the location of the proposed development. The Commission's geologists generally agree with this conclusion. Due to the relatively gentle slope of the coastal bluff and the large horizontal distance between the present-day shoreline and the top of the bluff, a large amount of erosion and retreat at the base of the bluff would have to occur to affect erosion rates at the top of the bluff. As a result, threats to the blufftop development related to marine erosion are unlikely to emerge within a 75-year project life and only under the more extreme, low probability sea level scenarios toward the end of the century. Even if sea level rise eventually allows active marine erosion to occur at the toe of the bluff, it is expected to take many years before this erosion translates up the bluff face (through oversteepening and progressive bluff failures) and begins to threaten the proposed bluff top home, set back 33 ft. from the current bluff edge. In summary, the proposed setback is expected to ensure the stability and structural integrity of the new development over a 75-year project life without the need for protective devices. Nonetheless, it is foreseeable that erosion could eventually threaten development at the site over the longer term. Therefore, in order to sufficiently plan for and acknowledge such anticipated hazards, the Commission is imposing **Special Conditions 8, 9, and 11** for no future seawall protection, assumption of risk, and a deed restriction to inform

⁷ <https://www.coastal.ca.gov/climate/slrguidance.html>

prospective future buyers and successors in interest of the conditions of this coastal development permit.

Bluff Setbacks

Coastal bluff development is inherently hazardous and poses potential adverse impacts to the geologic stability of coastal bluffs, shoreline processes, and to the stability of residential structures.

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 set back from bluff edges and prevent development from extending on to the face of the bluff. Bluff collapses or failures and emergency permits have led the Commission to change its views on bluff encroachments throughout the coast. Since 1997, the Commission has witnessed serious failures on bluffs that had not been expected to fail. 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 relatively stable 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 ft. from the bluff edge and accessory structures that do not require structural foundations such as decks, patios and walkways to be sited at least 10 ft. from the bluff edge to minimize the potential that the development will contribute to slope instability. The intent of these setbacks 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.

Commission staff agrees with the applicant's designated bluff edge, which the applicant's engineer determined to be located at approximately the +188 ft. MSL elevation contour ([Exhibit 5](#)). In this case, the seaward extent of the proposed residence is located approximately 33 ft. inland from the bluff edge, and the proposed 5-ft. high landscape wall with conventional footings approximately 2-2.5 ft. deep, 64 square foot spa is proposed approximately 20 ft. inland of the bluff edge, and the seaward extent of the proposed new concrete patio is approximately 20 ft. inland of the bluff edge.

The Commission geologists have noted that, although the bluff at the site is grossly stable, localized episodic slope failures have occurred along the lower Paseo de la Playa bluff and that the upper bluff slope is also subject to surficial sliding and creep. They also note that the project site is located in close proximity to several active faults,

and that strong ground-shaking during earthquakes could contribute to localized slope failures. Thus, although the slope is grossly stable, it is vulnerable to localized failures, minor surficial slumps or ground cracking. In addition, although the applicant's geologist estimates that the annual erosion rate is negligible, marine erosion exacerbated by sea level rise, (as discussed above) is expected to occur in the future. Finally, erosion on the upper bluff could occur in response to the expected steepening of the lower bluff over the long term (likely beyond the 75-year life of development) due to marine erosion, which would be exacerbated by sea level rise.

Therefore, it is important that new development on site provide at least a 25-ft. setback from the bluff edge for the primary residence and major additions, and a minimum 10-ft. setback from the bluff edge for proposed minor accessory structures that do not require foundational support and could be easily removed in the event that they are subject to potential erosion. These minimum setbacks will ensure that the project assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area, as required by Coastal Act section 30253(b).

Future Bluff and Shoreline Protection

The subject site is a bluff top oceanfront lot. In general, bluff top lots are inherently hazardous. It is the nature of bluffs to erode. Bluff failure can be episodic, and bluffs that seem stable now may not be so in the future. Even when a thorough professional geotechnical analysis of a site concludes that a proposed development is expected to be safe from bluff retreat hazards for the life of the project, the bluff in this location has failed, and it has been the experience of the Commission that in some instances, unexpected bluff retreat episodes that threaten development during the life of a structure sometimes do occur (e.g. Coastal Development Permit No. 5-17-0630). In the Commission's experience, geologists cannot predict with absolute certainty if or when bluff failure on a particular site may take place and cannot predict if or when a residence or property may become threatened by natural coastal processes. Therefore, Commission staff is imposing **Special Condition 11**, which memorializes that the applicant is assuming the risk of developing in this potentially hazardous location.

Section 30253 of the Coastal Act requires that new development shall not require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The proposed development could not be recommended for approval and deemed consistent with Section 30253 of the Coastal Act if projected bluff retreat would affect the proposed development and necessitate construction of, or reliance on, such a protective device. A protective device may be a seawall at the base of the bluff, or a rock anchor system, or shotcrete wall on the bluff face or other similar protective device that substantially alters natural landforms. If new development necessitates future protection, the landform and shoreline processes could be dramatically altered by the presence of the protective system, and, thus, such development would not be consistent with Section 30253.

The Coastal Act limits construction of these protective devices because they have a variety of negative impacts on coastal resources including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach.

The proposed project includes new development and can only be found consistent with Section 30253 of the Coastal Act if a shoreline/bluff protective device is not needed now or in the future. The applicant's geotechnical consultant has indicated that the site is grossly stable, that the project should be safe for the life of the project (75 years), and that no shoreline protection devices will be needed. If not for the information provided by the applicant that the site is safe for development, the Commission likely could not conclude that the proposed development will not in any way "require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." The proposed development appears to be safe from erosion over a 75-year period on the basis of available information and is therefore consistent with Coastal Act.

As stated above, the record of coastal development permit applications and Commission actions has also shown that geologic conditions change over time and that predictions based upon the geologic sciences are inexact. Even though there is evidence that geologic conditions change, the Commission must rely upon, and hold the applicant to, the information provided, which states the site is safe for the proposed development without the need for protective devices. Thus, to hold the applicant to the information provided and to minimize the project's potential future impact on shoreline processes, **Special Condition 9** prohibits construction of any future bluff or shoreline protective device(s) such as revetments, seawalls, caissons, cliff retaining walls, shotcrete walls, and other such construction that armors or otherwise substantially alters the bluff face in order to protect the development approved pursuant to Coastal Development Permit No. 5-23-0346 including, but not limited to, the residence, the patio and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, sea level rise or other natural coastal hazards in the future. **Special Condition 8**, however, 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.

Future Development

Due to its bluff top location, the proposed project raises concerns that future development at the project site may, over time, result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. In order to ensure that development that could potentially adversely impact the geologic stability concerns expressed in this staff report does not occur on the site, the Commission imposes **Special Condition 7**. This condition informs the applicant that future development at

the bluff top site, pursuant to Sections 13252 and 13253 of the Commission's regulations, requires an amendment to this permit (5-23-0346) or a new coastal development permit. Future development includes, but is not limited to, structural additions, landscaping, and fencing.

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 12** requiring that the property owner record a deed restriction against the property, referencing all of the 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 in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

As conditioned, the project is required to provide an appropriate setback from the bluff edge, prohibit construction of protective devices (such as blufftop or shoreline protective devices) in the future, and require that the landowner and any successor-in-interest assume the risk of undertaking the development. Only as conditioned, does the Commission find that the proposed development conforms to the requirements of Section 30253 of the Coastal Act regarding the citing of development in a hazardous location.

Drainage

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. As part of the project proposal, the stormwater drainage infrastructure will be repaired to convey stormwater to the toe of the bluff, keeping it off of the bluff to avoid erosion, and the drainage components will be better equipped to accommodate flows typical of a 100-year storm. The proposed flatwork on the site (e.g. paved pathways and patios) will be built at a slight slope so that stormwater is directed to area drains that terminate at the proposed sump pump to be located within the northwest corner of the proposed concrete patio. This will re-route any stormwater runoff from being drained onto the bluff face, which undoubtedly contributed to erosion, and pump it to the street where it will be directed to the city's storm drain system.

To ensure the proposed project incorporates and implements these measures to address erosion, water quality, and pollution, **Special Condition 5** requires that the applicant 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 applicant that future development at the site requires an amendment to this permit (5-23-0346) or a new coastal development permit.

The Commission also imposes **Special Condition 12** requiring the applicant to record a Deed Restriction acknowledging that, pursuant to this permit (CDP No. 5-23-0346), the Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property, and imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property.

Only as conditioned, does the Commission find that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in a hazardous location.

D. Marine Resources and 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.

The adjacent coastal water downstream of the project location has listed 303(d) water quality impairments for mercury, PCBs, trash, and indicator bacteria.⁸ As detailed above, a major component of the proposed project involves repair and replacement of public stormwater infrastructure located within the bluff of the subject parcel, which

⁸ Water bodies and pollutants that exceed protective water quality standards are placed on the State's 303(d) List. In California, this determination is governed by the Water Quality Control Policy for developing California's Clean Water Act Section 303(d) list.

conveys stormwater from at least 18 surrounding residential parcels and surrounding hardscape, roads, and sidewalks to the beach and ultimately the ocean.

To improve the quality of the water entering the stormwater conveyance system, the applicant proposes to use Kristar filters and FloGard +Plus catch basin inserts in two of the catch basins, which will provide physical screening of pollutants such as gross solids, trash, debris, and petroleum hydrocarbons when both a filter fabric basket and sorbent pouches are used. These filters are designed to remove primary pollutants from paved surfaces in commercial and residential areas and to provide pre-treatment specific to the pollutants of concern in the coastal waters below for the runoff being discharged down to the proposed outlet structure at the toe of the slope. The Commission's Senior Environmental Scientist, Dr. Hollie Hall, has reviewed the proposed project and has determined these filters are appropriate for the project drainage area.

The applicant is proposing to install Kristar filters in the two bluff top catch basins within the City's stormwater easement (one on the north end of the parcel near the public sidewalk, and the other located southwest of the parcel within the neighboring property) to provide a pre-treatment specific to the pollutants of concern in the beach below for the runoff being discharged down to the proposed outlet structure at the toe of the slope.

The Kristar and FloGard inserts require regular maintenance to ensure efficacy and prolong the system's life. This underscores the importance of a well-structured and diligently followed maintenance plan. Routine maintenance is accomplished by hand removing accumulated pollutants from the filter basket or using a vacuum truck and also replacing the sorbent pouches. The frequency of maintenance depends on the volume of stormwater treated, the site conditions, and the system's performance. Using these filters with a regular maintenance program will greatly reduce gross solids, trash, debris, and petroleum hydrocarbons from the stormwater before discharge at the toe of the bluff, beach, and ultimately, the ocean below. On May 8, 2024, the City of Torrance confirmed with Commission staff via email that they will maintain the proposed filters twice annually and more often as needed, according to the device manufacturers requirements, and will have the right to enter onto the applicant and neighbor's property to clean the filters pursuant to their stormwater easement as required by the NPDES Municipal Separate Storm Sewer System (MS4 Permit). The repairs proposed, coupled with proper maintenance, will decrease the pollutants discharged from the outfall, minimizing the adverse impacts from the storm water that enters the marine environment.

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 or cause increased turbidity, impacting marine animals' ability to locate food. In order to avoid or minimize such impacts, construction best management practices will be implemented. In order to ensure prevention of adverse construction-related impacts upon marine resources and to minimize erosion, the Commission imposes **Special Conditions 4 and 6** requiring the applicant to implement construction best management practices.

Therefore, the Commission finds that the proposed development, as conditioned, is not anticipated to result in any significant adverse impact to marine resources or water quality and 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 protect human health.

E. Coastal 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 applicant's property boundary 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 approximately 185 ft. north of the project site via public parking lots and footpaths at Torrance Beach. There is also a beach accessway and public parking to the south of the project site in Palos Verdes Estates.

The applicant is proposing to demolish the existing house first to allow for staging for the bluff restoration work to occur on the top of the bluff on the level concrete patio inland of the bluff edge. They are also proposing to construct the new residence and associated development from the street side and are not proposing to utilize the public beach for access to the site for any construction or restoration activities. To ensure public access to the beach will not be impeded by the proposed project, the Commission is imposing **Special Condition 5**.

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 construction work is not anticipated to exceed 3 months. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with the 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 landforms, 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 is located on a coastal bluff top lot overlooking the Pacific Ocean. No public views of the ocean are available from the subject site, but the site is visible from public vantage points, including the ocean, and Torrance Beach, the public beach below the bluff. The Commission has observed that, cumulatively, development obscures the public's view of the natural landforms of bluffs and cliffs. Because the proposed development will potentially affect views from public vantage points, any adverse visual impacts must be minimized. Consequently, it is necessary to ensure that the development be sited to protect views to and along the ocean and minimize the alteration of existing landforms.

The project, as proposed, includes demolition of the existing residence, construction of a new residence sufficiently setback from the bluff edge, a five foot high landscape wall, and repair of exposed broken stormwater pipes that will be reburied with soil, revegetation of the bluff with appropriate southern bluff scrub species, including taller species to visually obscure the grouted riprap rock dissipator outlet structure placed at

the toe of the bluff. As set forth in earlier discussion, after the proposed restoration is complete, the visual quality of the bluff will be improved as compared to the visual impacts of the broken and exposed stormwater pipes and eroded gully that currently exist on the bluff.

Therefore, 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. Archaeological and Tribal Cultural Resources

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The Commission recognizes that the entirety of the State's coastal zone was originally indigenous territory that continues to have cultural significance to Native American tribes. The Commission's Tribal Consultation Policy (adopted on August 8, 2018)⁹ recognizes the importance of State efforts to protect Tribal Cultural Resources and improve communication and coordination with Tribes, and it sets out a tribal consultation process that is fully consistent with, and complementary to the nature of, the Commission's goals, policies (including Section 30244), and mission statement. Tribal Cultural Resources can be sites, features, cultural landscapes, sacred places, and objects with cultural value and can also qualify as archeological, paleontological, visual, biological, or other resources that the Commission is tasked with protecting pursuant to the Coastal Act.

Archaeological and Tribal Cultural Resources in Project Area

The California coastal zone has been home to native populations since time immemorial. The project site is located within the ancestral settlements of the Gabriolino (Tongva) peoples, and within an important tribal landscape, which are considered sacred to numerous tribes with territorial, ancestral, and/or cultural ties to the area. Ceremonial and cultural activities continue near this site to the present day.

As a part of this application (CDP No. 5-23-0346), the applicant provided a Cultural Historical Resources Information System (CHRIS) Report dated May 16, 2023, prepared by the South Central Coastal Information Center at California State University,

⁹ <https://documents.coastal.ca.gov/assets/env-justice/tribal-consultation/Adopted-Tribal-ConsultationPolicy.pdf>

Fullerton's Department of Anthropology. The findings of the report identified the following: "The project is potentially sensitive for cultural resources. Two prehistoric sites have been recorded to north and south of the project area along the coast. No previous surveys for the presence of cultural resources are on file for the subject property. Previous ground disturbance at the subject property may have already disturbed any archaeological deposits, but intact remains may also be present and could be unearthed during project activities. Because most of the project area is obscured by urban development, an archaeological survey is not likely to result in the observation of surface artifacts. Therefore, it is recommended that a qualified archaeologist be retained to monitor all ground-disturbing activities."

Tribal Consultation

In accordance with the Commission's Tribal Consultation procedures, on November 20, 2023, via email, Commission staff initiated consultation with all representatives of Gabrielino/Tongva tribal entities listed on the California Native American Heritage Commission contact list. Consultation with representatives of the Gabrielino Band of Mission Indians – Kizh Nation occurred on January 23, 2024. During the consultation process, the representatives shared the history and sensitivity of the site and provided feedback on the project scope and proposed conditions of approval outlined by Commission staff.

Tribal Concerns

The tribal representatives said that this site is located within a larger sacred area and mentioned the importance of the native bluff habitat along the face of this landform. The main concern described during the consultation was, generally, that the site has high potential for containing tribal cultural resources that could be impacted by ground disturbance at the site. The representatives voiced concerns regarding the amount of grading proposed. Commission staff requested the applicant provide project alternatives that detail why the project and proposed grading is necessary and if there were any alternatives that would result in less grading. This alternative analysis is described in more detail below. While avoidance or minimal ground disturbance is the clear preference, if grading is determined to be necessary, the representatives requested that any approved work be very carefully monitored by appropriate Native American monitors with documented ancestral ties to the area.

Alternatives

The alternatives analysis submitted by the applicant considered three possible alternatives including the no action alternative and the proposed alternative. The main evaluation criteria were the amount of grading and the practicality of each proposal.

Alternative 1: No-Project Alternative

Foregoing the repair of the storm pipe system would eliminate the need to carry out grading needed for the repair, amounting to approximately 450 cy of cut. The

consequences of this alternative are discussed above. Ultimately, this alternative could cause more disturbance to the stability of the bluff resulting from unabated stormwater flowing down the bluff face leading to more erosion and potential unearthing of cultural resources.

Alternative 2: Proposed Excavation with no Monitoring of the House Construction

The applicant's second proposed alternative is to allow excavation of the foundation for the house without requiring monitoring based on the fact that the house was constructed on fill soil placed on the lot when it was graded for development as demonstrated in the applicant's geological reports.

Alternative 3: Proposed Excavation with Site Monitoring

Another alternative proposed by the applicant is to have all ground disturbance at the site monitored by Tribal representatives.

Conclusion

While the applicant prefers to construct the project and perform the drainage repairs, monitoring of ground disturbance by interested parties would mitigate the risk of potential impacts to archaeological resources including some tribal cultural resources, consistent with Coastal Act section 30244. **Special Condition 10** requires monitoring of the project site prior to commencement of any ground-disturbing activities and outlines the procedure the applicant must adhere to in the event archaeological resources or human remains are discovered on-site during the course of the project. Other tribal cultural resources, including the native habitat found along the bluffs in the project area, are addressed in previous sections of this report.

I. 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 and 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 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).

J. 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 the above 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 plans; **2)** habitat restoration and monitoring plan; **3)** timing to avoid impacts to sensitive species; **4)** erosion control plan; **5)** staging; **6)** storage of construction materials; **7)** best management practices; **8)** future development; **9)** no future shoreline protective devices; **10)** cultural resource monitoring; **11)** assumption of risk; and **12)** a deed restriction. As conditioned, the proposed development is consistent with the visual resource protection, hazards, cultural resource, public access, and water quality policies of the Coastal Act, and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect, individual or cumulative, which the activity may have on the environment. Therefore, the Commission finds that the proposed development, as conditioned, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act and CEQA.

APPENDIX B – CULTURAL RESOURCES SIGNIFICANCE TESTING PLAN PROCEDURES

- A. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved and implementation may proceed.
1. If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures are de minimis in nature and scope, the significance testing may commence after the Executive Director informs the permittee of that determination.
 2. If the Executive Director approves the Significance Testing Plan but determines that the changes therein are not de minimis, significance testing may not recommence until after an amendment to this permit is approved by the Commission.
 3. Once the measures identified in the significance testing plan are undertaken, the permittee shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archeologist's recommendation as to whether the findings are significant. The project archeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. The Executive Director shall make the determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the permittee shall prepare and submit to the Executive Director a supplementary Archeological Plan in accordance with subsection B of this appendix and all other relevant subsections. If the deposits are found to be not significant, then the permittee may recommence grading in accordance with any measures outlined in the significance testing program.
- B. An applicant seeking to recommence construction following a determination by the Executive Director that the cultural deposits discovered are significant shall submit a supplementary Archeological Plan for the review and approval of the Executive Director. The supplementary Archeological Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well as others identified in the special condition. The supplementary Archeological Plan shall identify proposed investigation and mitigation measures.

The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the Supplementary Archaeological Plan.

1. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director informs the permittee of that determination.
 2. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.
- C. Prior to submittal to the Executive Director, all plans required to be submitted pursuant to this special condition, except the Significance Testing Plan, shall have received review and written comment by a peer review committee convened in accordance with current professional practice that shall include qualified archeologists and representatives of Native American groups with documented ancestral ties to the area. Names and qualifications of selected peer reviewers shall be submitted for review and approval by the Executive Director. The plans submitted to the Executive Director shall incorporate the recommendations of the peer review committee. Furthermore, upon completion of the peer review process, all plans shall be submitted to the California Office of Historic Preservation (OHP) and the NAHC for their review and an opportunity to comment. The plans submitted to the Executive Director shall incorporate the recommendations of the OHP and NAHC. If the OHP and/or NAHC do not respond within 30 days of their receipt of the plan, the requirement under this permit for that entities' review and comment shall expire, unless the Executive Director extends said deadline for good cause. All plans shall be submitted for the review and approval of the Executive Director.