

CALIFORNIA COASTAL COMMISSION

301 E OCEAN BLVD., SUITE 300
LONG BEACH, CA 90802
FAX (562) 590-5984
TDD (562) 590-5071



Th17c

Filed: 12/11/24
270th Day: 9/7/25
Staff: M. Revell-LB
Staff Report: 8/01/25
Hearing Date: 8/14/25

STAFF REPORT: REGULAR CALENDAR

Application No.: 5-23-0546

Applicant: Nicholas Halikis

Agent: April Winecki, Stanley Lamport, and ENGEO (Attn: Walter Crampton)

Location: 525 Paseo de la Playa, Torrance, Los Angeles County (APN: 7512-002-007)

Project Description: Remove portions of an unpermitted private bluff accessway, including an above-ground staircase with 125 timber steps and all associated treads, 64 lin. ft. of retaining walls one ft. to four ft. in height, 12 16 in. post that will be cut off at grade; after-the-fact request to retain portions of the bluff accessway, including below-grade staircase posts and a 30 ft.-long retaining wall that will be reduced in height from approximately three ft. to approximately 18 in.; revegetation/restoration of the bluff face with 4,608 sq. ft. of native southern California bluff habitat and installation of Geoweb™ along previous disturbed areas; retain and like-for-like replace unpermitted rear-yard accessory structures, including a 15 ft.-long by three ft.-wide staircase with 13 steps, a 49 ft.-long, three ft.- wide flagstone path with garden walls on either side, and 383 sq. ft. wooden deck. Sixteen cy. of grading (8 cy. of cut and 8 cy. of fill) is proposed.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The applicant proposes to partially remove a bluff staircase and path, except for certain components, described below, and to replant the staircase and path with appropriate native plants. The subject development is located partially on the bluff-face and partially inland of the bluff edge of a property with an existing single-family residence, which was constructed prior to the passage of Proposition 20 in 1972. The project is located at 525 Paseo de la Playa in Torrance, Los Angeles County ([Exhibit 1](#)).

Between 2002 and 2006, without a coastal development permit (CDP), a previous property owner undertook grading, landscaping, and paving of the rear yard on the upper slope; construction of 1,536 sq. ft. path on the bluff face that consists of a 736 sq. ft. staircase near the top of the bluff face that is supported by twelve concrete footings that extend approximately three ft. below grade that leads to an 800 sq. ft. footpath that meanders down the bluff face. The unpermitted bluff face path is supported by multiple wooden retaining walls totally approximately 94 lin. ft. ranging from one to four ft. in height and includes 125 above-grade timber steps with associated treads ([Exhibit 2](#)).

In the rear-yard, the applicant requests after-the-fact approval for retention and like-for-like replacement of accessory structures, including a stairway and flagstone path with associated garden walls and a wood deck that covers the v-ditch ([Exhibit 3](#)). The applicant also proposes to revegetate the unpermitted lawn with a moderate water-use native groundcover. On the bluff face, the applicant proposes to restore the area of the bluff face that was developed with the unpermitted path and to mitigate the impacts from the unpermitted development by planting of 4,608 sq. ft. of native, southern coastal bluff vegetation in and around the staircase and footpath footprint ([Exhibit 3](#)). The proposal includes installation of a permanent drip-emitter irrigation system in the restoration area. The applicant also proposes 16 cy. of grading, including 8 cy. of cut and 8 cy. of fill.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Torrance does not have a certified LCP, and, thus, the standard of review is Chapter 3 of the Coastal Act.

Staff recommends the imposition of eight (8) special conditions, including: **1)** submittal of final revised plans, **2)** submittal of a final revised HMMP, **3)** rear-yard landscaping requirements, **4)** nesting bird surveys, **5)** construction best management practices, **6)** assumption of risk, **7)** deed restriction, and **8)** protection of archeological and tribal cultural resources. Staff recommends the Commission find the proposed project, as thus conditioned, consistent with Chapter 3 of the Coastal Act and **APPROVE** CDP application 5-23-0546. The motion and resolution can be found on page 4.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	4
II. STANDARD CONDITIONS.....	4
III. SPECIAL CONDITIONS	5
IV. FINDINGS AND DECLARATIONS.....	11
A. Project Location, Background, and Description.....	11
B. Biological Resources.....	15
C. Coastal Hazards	22
D. Visual Resources	27
E. Public Access and Recreation.....	28
F. Cultural Resources.....	29
G. Unpermitted Development	30
H. Local Coastal Program.....	31
I. California Environmental Quality Act	32

Exhibits

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Historic Aerial Photographs](#)

[Exhibit 3 – Project Plans](#)

[Exhibit 4 – Applicant’s Submitted Habitat Survey](#)

[Exhibit 5 – Applicant’s Submitted Geology Surveys](#)

I. MOTION AND RESOLUTION

Motion: I move that the Commission approve Coastal Development Permit No. 5-23-0546 pursuant to the staff recommendation.

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

Resolution: The Commission hereby approves Coastal Development Permit No. 5-23-0546 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the Certified Local Coastal Plan and the public access and recreation policies of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Submittal of Final Revised Plans.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two full-size sets of the following revised final plans that conform with the plans by SEED Group, dated June 6, 2025, except that they shall be modified as required:

- 1) **Development Removal Plan.** A plan with proof of geotechnical review by a licensed professional engineer and an Approval-in-Concept from the City of Torrance for removal of all above-grade components of the 736 sq. ft. staircase and 800 sq. ft. pathway down the slope face, all retaining walls down slope face, and all 125 footpath steps and associated treads, including soil nails and below grade components, except as follows:
 - a. In the rear yard area, the 13-step, 15-ft.-long by four-ft.-wide staircase with timber uprights on the north side of the yard may be repaired and maintained;
 - b. In the rear yard area, the 49-ft.-long by three-ft.-wide flagstone path with garden walls on either side (50 ft.-long and 57 ft.-long) that ascends from the swale deck to the top of the stairs described in subsection a. above, maybe be repaired and maintained;
 - c. In the rear yard area, the 48 ft. long garden wall on the inland side of the swale may be repaired and maintained;
 - d. In the rear yard area, the 383 sq. ft. deck over the swale may be repaired and maintained;
 - e. In the rear yard area, a four-ft-high chain link fence may be repaired and maintained;
 - f. On slope face, the 736 sq. ft. staircase and six upright posts may remain in place through the five-year bluff plant maintenance period. Once the maintenance period has concluded, the stairs shall be removed, the six remaining postholes/footings shall be cut to grade level, and the surface shall be restored and planted; and
 - g. On the bluff face, the uppermost retaining wall that is 30 ft. long and three ft. high shall be allowed to remain but shall be cut down to no more than 18 in.
- 2) **Grading Plan.** A plan with proof of geotechnical review by a licensed professional engineer and an Approval-in-Concept from the City of Torrance demonstrating the bluff will be restored to the approximate match of the original slope grade, within the footprint of the slope-face staircase and footpath footprint using the minimum amount of Geoweb Geocell™ and fill necessary. The plan shall specify the source, volume, and location of fill. The plan shall show the placement of a Geoweb™ path atop the newly filled natural slope grade, accompanied by the minimum number of temporary

metal stakes necessary for construction workers to safely navigate the sloped Geoweb™ path.

- 3) **Irrigation Plan.** A plan with proof of review by a licensed professional landscaping service demonstrating removal of all drip-emitter irrigation system components no later than five years after initial installation. The plan shall include measures to avoid trampling or disturbing native vegetation. The plans shall not include any new, permanent drip-emitters installed on the bluff upslope of the restoration area.

- B. The permittee shall undertake development in conformance with the approved final plans within 90 days of issuance of this permit. No changes to the approved final plans shall occur unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. Final Habitat Mitigation and Monitoring Plan (HMMP).

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a final revised HMMP in substantial conformance with the HMMP prepared by Anne Dalkey and dated July 18, 2024, except that it shall be modified as required:
 - 1) The remaining footprint of the path, including within the Geoweb™ where feasible, shall be hydroseeded with native southern California coastal bluff scrub species from the proposed plant palette.
 - 2) The plan shall include restoration performance standards revised to replace "0% cover of non-native invasive plants at the end of five years" with no more than 5% cover of Invasive Plant Council highly and moderately identified non-native invasive species.
 - 3) The plan shall include provisions for monitoring and remediation of the restoration site, in accordance with the approved final restoration program, for a period of five years or until it has been determined that the performance standards have been met or have failed to be met, whichever comes first.
 - 4) The plan shall include provisions for submission of five years 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. 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.

- 5) 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 a revised or supplemental restoration program within 90 days of final report submittal. The revised or supplemental restoration program shall compensate for the portions of the original program 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.
 - B. All revised plans shall be prepared and certified by a qualified biologist based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission's approval.
 - C. The permittee shall undertake development in conformance with the approved final plans 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. No changes to the approved final plans shall occur unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.
- 3. Construction Timing and Sensitive Bird Species Surveys.** For any construction activities on the bluff face occurring between **February 15** and **August 31**, the applicant shall retain the services of a qualified biologist or environmental resources specialist (hereinafter, "environmental resources specialist") to conduct nesting bird surveys in order to determine the presence of songbird and raptor and owl species. The environmental resources specialist shall survey for active nests within seven (7) days prior to commencement of project activities, and once a week thereafter during construction, to detect any such activity within 500 feet of the project area. If an active songbird nest(s) is located within 300 feet of construction activities (500 feet for raptors), the qualified biologist shall halt construction activities to enable the applicant to employ best management practices (BMPs) to ensure that construction activities do not disturb or disrupt nesting activities. Noise levels at active nest sites must not exceed 65 dB unless a noise study has determined that ambient noise in the immediate area exceeds that level. If this is the case, noise levels at the nest site must not exceed the ambient noise level measured. Noise reducing BMPs may include using alternative equipment, equipment noise buffering, sound blankets, etc. Alternatively, construction activities and schedules may be adjusted to avoid active nest areas until the respective young birds have fledged. Unrestricted construction activities may resume when no active nests remain in the construction area. Results of nesting bird surveys, ambient noise surveys, and any follow-up construction avoidance measures shall be documented in monthly reports by the qualified

biologist and submitted to the Coastal Commission Executive Director throughout the bird breeding season.

4. 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 sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- F. The permittee 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 stockpiles 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.

5. Landscaping – Drought Tolerant, Non-Invasive Plants. By acceptance of this permit, the applicant agrees that all landscaping in the rear-yard shall consist of native, drought-tolerant plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society (<https://www.cnps.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<https://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low-water use plants as identified by California Department of Water Resources (<https://ucanr.edu/sites/WUCOLS/files/183488.pdf>). Any irrigation of the lawn adjacent to the bluff edge shall be limited to hand-watering.

6. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to erosion, wave uprush, landside, bluff retreat, and storms, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; 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.

7. 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 landowner(s) 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.

8. 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 in writing, email, and/or phone calls, as necessary, 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. A qualified archaeologist means an individual who meets the Secretary of the Interior's Professional Standards for an Archaeological Principal Investigator and/or is listed as Registered Professional Archaeologist. The archaeological 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 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 or tribal cultural 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 a qualified archaeologist and/or a tribal cultural resource specialist(s) qualified to analyze the significance of the find. The specialist(s) shall immediately notify the affiliated Tribes on the NAHC list. The methods of protection of Tribal Cultural Resources shall be developed in consultation with the Gabrieleño-affiliated Native American Tribes listed on the NAHC list. If there is disagreement regarding the method(s) of protection of resources, the methods that are most protective of coastal resources shall be selected. Significance testing may be carried out for tribal cultural resource finds only if acceptable to the affected Native American Tribe(s), in accordance with a Significance Testing

Plan. 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. An “exclusion zone” may be established around the discovery area. If the county coroner determines that the human remains are those of a Native American, the coroner shall contact the NAHC within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate in the identification process pursuant to Public Resources Code Section 5097.98. The permittee shall comply with the requirements of Section 5097.98 and work with the MLD person(s) to preserve the remains in place, move the remains elsewhere onsite, relinquish the remains to the descendants for treatment, or determine other culturally appropriate treatment. Within five (5) calendar days of notification to NAHC, the permittee shall notify the Coastal Commission’s Executive Director of the discovery of human remains and identify any changes to the proposed development or mitigation measures that may be needed related to the inadvertent discovery. The Executive Director shall maintain confidentiality regarding the presence of human remains on the project site. The Executive Director shall determine whether the identified changes are de minimis in nature and scope.
- D. A permittee seeking to recommence construction within an exclusion zone (excluding the discovery of human remains, which shall follow Section 5097.98 as noted in (C) above), 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.

IV. FINDINGS AND DECLARATIONS

A. Project Location, Background, and Description

Project Location

The project site is a coastal bluff lot overlooking Torrance Beach in a residential neighborhood, at 525 Paseo de la Playa in the City of Torrance, Los Angeles County **(Exhibit 1)**. The subject site is the 12th northernmost lot of the 28 blufftop lots located between the first public road (Paseo de la Playa) and the sea, all of which are developed with single-family residences.

Several residences have constructed networks of private trails, cabañas, and stairways on the bluff face leading to the public sandy beach below (almost all of which are unpermitted). With these exceptions, most of the bluffs above Torrance Beach remain vegetated and undeveloped. Vertical access to Torrance Beach is available to the public approximately 0.3 miles north of the project site via the Torrance Beach Park, managed by Los Angeles County Beaches. An additional public parking lot and accessway is located 1.3 miles south of the project site in Palos Verdes Estates.

The project site is developed with an existing, two-story single-family residence constructed prior to passage of Proposition 20 in 1972. The rear yard is developed with a 15-ft.-long by four-ft.-wide (60 sq. ft.) staircase, with 13 stairs and three timber uprights on the north side of the upper slope (back yard area); a 49-ft.-long by three-ft.-wide flagstone path that has garden walls (50 ft. and 57 ft. long) on either side that ascends from a swale to the top of the 13-step stairs case; a 383 sq. ft. deck over a drainage swale; and a 48-ft.-long garden wall just inland of the swale **(Exhibits 2 & 3)**. The drainage swale runs the length of the 28 blufftop lots along Paseo de la Playa.

Project Background

As shown by aerial photographs from 1972, the rear yard was originally limited to a single patio adjacent to the home **(Exhibit 2)**. The patio was located above an undeveloped, 20-ft. tall grass upper slope that terminated in a drainage swale. A flat, grassy pad extended beyond the swale and transitioned into a steep, 220-ft. tall lower slope located below the drainage swale. The lower slope of the bluff was entirely undeveloped and vegetated with scrub.

Between 2002 and 2006, the upper slope, inland of the bluff edge, was graded, landscaped, and paved with multiple patios extending from the residence to the drainage swale **(Exhibit 2)**. The flat pad seaward of the swale was developed with a 384 sq. ft. deck and a 765 sq. ft. grass lawn. A 736 sq. ft. wooden staircase was constructed at the edge of the flat pad, leading to a meandering, 200-ft. long, four-ft.-wide path graded into the bluff face (800 total sq. ft. in size). The path is supported by multiple wooden retaining walls ranging from one to four-ft. in height totaling 94-ft. in length. The path is developed with 125 timber steps (0.5-ft. by 0.5-ft. by 3.5-ft. in size) and associated treads installed on-grade. Approximately 100 feet above the sandy beach, the footpath appears to cross over onto the northern neighbor's property and continues down the bluff to the beach. No record of previous CDPs exists for the subject site. All development located between the originally-constructed upper patio and the sandy beach below is unpermitted development.

The applicant purchased the property in 2013. The unpermitted development described above still exists onsite ([Exhibit 3](#)). On September 12, 2018, Commission enforcement staff issued Notice of Violation No. V-5-18-0074 for the unpermitted rear yard development and bluff face private accessway. On May 14, 2021, the applicant submitted CDP Application No. 5-21-0343 with the intent of mitigating impacts of the unpermitted bluff face accessway.

Under Application No. 5-21-0343, the applicant proposed to remove all above-grade staircase components and requested after-the-fact approval to retain the below-grade staircase footings, above-grade retaining walls and above-grade treads supporting the footpath. The applicant also proposed 2,734 sq. ft. of native southern coastal bluff restoration around the bluff staircase/pathway footprint. No grading was proposed, and the application did not address the unpermitted upper slope improvements. The applicant contended that removal of the below-grade staircase footings and above-grade retaining walls and treads would destabilize the bluff. However, the applicant did not provide adequate evidence that the structures were necessary to protect the existing blufftop residence and designed to eliminate and/or mitigate sand supply impacts, as required by Coastal Act Chapter 3 policies.

On November 30, 2022, Commission staff published a recommendation on the subject application for Commission action at the December 2022 hearing. Commission staff recommended approval-in-part for above-grade staircase removal and bluff restoration; and denial-in-part for the requests to retain the remaining staircase and footpath components. The applicant withdrew the application before Commission action. On June 30, 2023, the applicant submitted the current CDP Application No. 5-23-0546.

Project Description

The applicant is now proposing a modified scope of work to the existing rear yard and bluff face. The currently proposed scope of work is summarized below ([Exhibit 3](#)):

- 1) After-the-fact request to retain structures the rear yard, including the 15 ft.-long by four-ft.-wide (60 sq. ft.) staircase with 13 steps on the north side of the rear yard with associated timber uprights; the 49-ft.-long by three-ft. wide (147 sq. ft.) flagstone path with garden walls on either sides (50 and 57-ft. long); the 383 sq. ft. wooden deck atop the swale, as well as like-for-like replacement; the 48 ft.-long garden/retaining wall inland of the drainage swale; and a four-ft.-high chain link fence;
- 2) After-the-fact request to retain structures on the bluff face, including the below grade portions of twelve 16 sq. ft. concrete postholes installed up to three-ft. below grade and a 30-ft.-long retaining wall located along the footpath at the upper area of the bluff face; remove above-grade components of the existing 736 sq. ft. bluff staircase located at the upper portion of the bluff face; remove all 125 timber footpath steps and associated treads; and remove 64 lin. ft. of retaining walls located at various portions along the footpath;
- 3) Restore and revegetate a 4,608 sq. ft. portion of the bluff face, including within the 800 sq. ft. graded area where the stairs to be removed currently exist, with

- new, native southern California bluff vegetation, accompanied by installation of a permanent overhead-spray irrigation system and plastic Geoweb™ pathway on the bluff-face;
- 4) Revegetate the flat 765 sq. ft. grassy lawn in the rear-yard seaward of the drainage swale above the slope face with California field sedge (*Carex praegracilis*) and install a permanent drip-emitter irrigation system.

Regarding the proposed rear-yard work (Item 1 above), the applicant proposes to maintain the accessory structures listed above and a like-for-like replacement for damaged portions of accessory structures showing signs of natural weathering, including portions of the 60 sq. ft. staircase on the northern side of the upper yard and the 383 sq. ft. deck over the drainage swale.

Regarding the proposed bluff structure retention (Item 2 above), the applicant proposes to remove all portions of the footpath walls to the maximum extent feasible without destabilizing the bluff, which would be done in phases. Phase 1 includes removal of all 125 steps and treads located within the 800 sq. ft. footpath, removal of 64 of the 94 lin. ft. of various retaining walls that line portions of the footpath, cutting six of the twelve concrete postholes/footings at grade and undertaking the restoration plan (Item 3). Phase 2 would begin when the restoration plan is complete and includes removing the 736 sq. ft. staircase on the upper bluff, removing the above grade portions of the remaining six concrete postholes/footings that line the staircase in that location, and restoring that area with native vegetation. The applicant states that it's necessary to maintain the upper bluff face staircase throughout the duration of the bluff face restoration so that those undertaking the restoration work can safely access the bluff face area.

Regarding the bluff face restoration (Item 3 above), the proposed 4,608 sq. ft. of new habitat is intended to mitigate adverse impacts of the 1,536 cumulative sq. ft. unpermitted bluff accessway (which includes the 800 sq. ft. private path area where the stairs are located) at a 3:1 ratio. Regarding the lawn revegetation (Item 5 above), the applicant wishes to improve groundcover on the existing flat, grassy pad with additional seeding and vegetation. Sixteen cy. of grading is proposed, composed of eight cy. of cut and eight cy. of fill.

When an applicant seeks approval of unpermitted development, the Commission reviews the application by considering the physical characteristics of the site as if the unpermitted development had not occurred on the subject property.¹ In doing so, a proposal to retain any portion of the existing unpermitted development is reviewed as a proposal for new development. Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where

¹ Ref. LT-WR v. CCC (2007) 152 Cal. App. 4th 770, 796-797.

the local government having jurisdiction does not have a certified Local Coastal Program.

The City of Torrance does not have a certified LCP, and, thus, the standard of review is Chapter 3 of the Coastal Act. Therefore, in this case, the Commission reviews the subject site as though the unpermitted development has not occurred on the site and determines whether the proposed retention of the unpermitted development ("new development") is consistent with Chapter 3 of the Coastal Act.

B. Biological Resources

Section 30107.5 of the Coastal Act defines environmentally sensitive habitat area (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.

Section 30231 of the Coastal Act states, in relevant part:

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.

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 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.

Much of the bluffs above Torrance Beach are occupied by large patches of seacliff buckwheat (*Eriogonum parvifolium*), which supports the federally-listed endangered El Segundo blue butterfly (*Euphilotes battoides allyni*) (ESB) endemic to the area. Bluffs supporting extensive patches of ESB-occupied seacliff buckwheat habitat meet the definition of environmentally sensitive habitat area (ESHA) under Section 30107.5 of the Coastal Act because they support the rare El Segundo blue butterfly. Section 30240 requires protection against disturbance of ESHA by limiting development in ESHA to resource-dependent uses and requiring development adjacent to ESHA protect and be compatible with the habitat.

Existing Site Conditions

The first question is whether the unpermitted bluff accessway displaced critical ESB habitat or other type of ESHA. The applicant's consulting ecologist, Anne Dalkey, conducted two habitat surveys of the project site: one titled "Habitat Survey for 525 Paseo de la Playa", conducted on August 15, 2019, and a second titled "Habitat Survey and Native Planting Plan 2023", conducted on May 6, 2023 ([Exhibit 4](#)).

Both habitat surveys show a bluff face dominated by 66% non-native plant cover. The entire upper and mid-slope is covered in freeway iceplant (*Carpobrotus edulis*), ornamental vegetation, and other non-native species with limited habitat value for wildlife. Another 27% of the bluff face is unvegetated, including both the unpermitted path and a large expanse of lower-slope porcellanite.²

The remaining 7% of the bluff face is vegetated with two native plant species: a small lemonade berry stand (*Rhus integrifolia*) and a small patch of seacliff buckwheat (*Eriogonum parvifolium*) plants. Less than half of the lemonade berry stand is located on the applicant's property. The 2019 survey noted a wildlife tunnel through the lemonade berry stand that was no longer present in 2023. The 2019 survey found only one seacliff buckwheat plant immediately adjacent to applicant's property whereas in 2023, seven small-to-medium sized seacliff buckwheat plants were identified on the applicant's property. Ms. Dalkey attributes the increase in seacliff buckwheat to nearby habitat restoration projects required by the Commission. She observed several ESB in the vicinity of the applicant's property and attributed this to the recent presence of the small seacliff buckwheat patch. All native vegetation onsite is located on the lower slope, at least 30 feet south of the unpermitted bluff path.

Aerial photographs do not provide enough detail to determine whether the staircase, footpath, and retaining walls displaced existing ESHA when constructed. However, based on the existing distribution and dominance of non-native species on the applicant's portion of the bluff, the extensive coverage of iceplant in photos from 1972, just 7% of the lower bluff of the applicant's property occupied by native species, and the

² Porcellanite is a hard form of rock resembling unglazed porcelain.

small patch of seacliff buckwheat on the site identified only recently, Commission senior ecologist, Dr. Jonna Engel, determined that the upper slope did not support ESHA prior to 2002.

Proposed Bluff Habitat

The next question is whether the applicant's current proposal adequately restores and enhances biological resources on the bluff face. The applicant's previous CDP Application No. 5-21-0343 proposed 1,536 sq. ft. of new ESB habitat vegetation at a 1:1 ratio (impact-to-mitigation ratio) to restore the unpermitted bluff development footprint. The applicant also proposed an additional 2,374 sq. ft of restoration at a 0.55:1 ratio to mitigate the impacts of unpermitted bluff work.

However, the applicant withdrew the application in 2022, and the unpermitted, 1,536 sq. ft. path remained onsite for roughly three more years—at least 12 years if counting from the initial date of unpermitted construction. If the application had been acted on by the Commission and issued, the accessway footprint would have been restored to a healthy coastal bluff habitat that supported numerous ESB host sea-cliff buckwheat plants by this report's publication. Commission staff discussed the need for an adequate mitigation ratio to resolve the long-standing violation with the applicant. The applicant now proposes to revegetate the 1,536 sq. ft. bluff development footprint (1:1) and restore an additional 3,072 sq. ft. of native habitat on the bluff face (2:1) for a total 4,608 sq. ft. of new native habitat (3:1 total).

The 2023 habitat survey conducted by Ms. Dalkey includes two additional report sections—a "Planting Guide" and "Monitoring and Reporting Plan"—that outline specific revegetation/restoration protocols. For brevity's sake, the subject report sections are cumulatively referenced as a Habitat Mitigation and Monitoring Report (HMMP). The proposed HMMP includes a plant palette of 38 native species, including seacliff buckwheat, desert wishbone plant (*Mirabilis laevis* var. *crassifolia*), purple sage (*Salvia leucophylla*), and California brittlebush (*Encelia californica*). This is an unusually diverse plant palette, considering that other bluff restorations in Torrance typically seed 12 plant species at most. The HMMP provides the following explanation for the 38 proposed species:

In regards to the overall plant palette, I provide a list of species that I have observed growing naturally in the Palos Verdes Peninsula and do well when planted along the Torrance and Redondo Beach bluffs. The greater the diversity, the more stable the new habitat will be. Additionally, this property is located within an area that contains the endangered El Segundo blue butterfly that occurs within the Torrance Recovery Area. ...Through monitoring observations, I have observed that optimal habitat for El Segundo blue butterflies contains 33% host plant (sea-cliff buckwheat), 33% associated California bush sunflower (Encelia californica) or California sagebrush, and 33% mixed southern coastal bluff scrub habitat species. The goal is to provide a diverse habitat for the local native wildlife, starting with the one-third host plant for the butterfly, plus other species that will create a resilient habitat on the steep slope. ...This approach was followed for the 429-533 Paseo de

la Playa properties where El Segundo blue butterflies occupied the newly installed native plants within the first year following the restoration. Also, I've observed wildlife utilizing the new habitat including native ants tending El Segundo blue butterfly larvae, robust lizard populations (two species), and red-tailed hawks feeding on these lizards.

Commission staff also requested clarification on the inclusion of certain plant species that do not occur naturally in the Palos Verdes Peninsula. This included island green dudleya (*Dudleya virens insularis*), goldenbush (*Hazardia squarrosa*), and desert wishbone bush (*Mirabilis laevis varietas crassifolia*). In staff's published recommendation on the prior CDP application (No. 5-21-0343), the special conditions required elimination of desert wishbone bush from the proposed plant palette. Ms. Dalkey clarified that each of the subject plants have non-native variants or sister species causing the confusion. The species selected for the plant palette are native to the subject region and have been used in Ms. Dalkey's other restoration palettes in the surrounding area. Based on the above clarifications, as well as Ms. Dalkey's experience with Torrance bluff restoration projects, Dr. Engel concurs that the proposed plant palette is acceptable.

As a first step, the HMMP proposes the use of a skid-steer loader (commonly known as a Bobcat™) to clear the existing mats of non-native vegetation. This could pose a threat to the existing lemonade berry and sea-cliff buckwheat stands on the lower bluff slope. To avoid disturbing existing native species, the HMMP requires the subject native stands to be flagged during site preparation. The project plans designate a clear radius around the native species in which mechanized equipment will be prohibited.

Once non-native vegetation is removed (or in the case of iceplant, rolled up and left to decompose within a year), the HMMP proposes removal of the unpermitted staircase and footpath components. The applicant requests after-the-fact authorization to retain certain footpath components, including twelve subterranean stairway posts and one 30-ft.-long retaining wall ([Exhibit 2](#)). Aside from the concrete postholes, all of the subject structures are untreated wood. (The impacts of this request on bluff stability and sand supply are discussed in the ['Coastal Hazards'](#) subsection below.)

Dr. Engel has reviewed the as-built plans and raised concerns with the effects of artificial barriers on the bluff face. Wooden walls and steps may obstruct native plant rooting and the formation of wildlife burrows, with downstream effects on predator foraging ability. The Commission must review after-the-fact requests to retain existing structures as if the structures are newly proposed. The installation of wooden retaining walls and treads throughout restored native bluff habitat would have adverse effects on said habitat, inconsistent with Coastal Act Section 30240. On this basis, Dr. Engel recommends removal of all existing, artificial structures on the bluff face to the maximum extent feasible without destabilizing the bluff face. **Special Condition 1** thus requires the applicant to submit final revised plans to remove all bluff face structures to the maximum extent feasible, for Executive Director review and approval prior to issuance of the CDP.

Next, the HMMP proposes the installation of biodegradable jute netting and a PVC-pipe overhead sprinkler system across the entire 4,608 sq. ft. restoration area. (This area would not include the flagged lemonade berry stand and seacliff buckwheat patch.) The project plans do not include figures or notes for future irrigation system removal, suggesting permanent installation. The HMMP notes that supplemental irrigation could be useful in later years, when vegetation has established but faces insufficient rainfall and acknowledges that permanent irrigation is not strictly necessary after the first few years.

Dr. Engel has confirmed that native southern California coastal bluff habitat should acclimate to the dry, Mediterranean climate upon establishment and does not need perpetual irrigation. Considering the resulting erosion risk—and the inevitable progression of plastic irrigation piping to degraded litter with weathering—Dr. Engel recommends removal of all bluff-face irrigation after five years of the initial planting. **Special Condition 1** thus requires the applicant to submit final revised plans removing all irrigation system components installed on the bluff face no later than five years after work commences, for Executive Director review and approval prior to issuance of the CDP.

Following jute and irrigation installation, the HMMP outlines protocol for planting approximately 169 container plants and 12.2 lbs. of seeds across the upper- and mid-slope. The HMMP proposes ongoing weeding through the spring and fall season to deter the proliferation of non-native shoots blown onto the project site from neighboring seedbanks. Weeding in June through September (i.e. the mature ESB's flight season) is prohibited. The HMMP also prohibits the use of herbicide or fertilizer, which will avoid potential contamination of the beach below.

The project plans show a winding Geoweb™ path down the bluff face. Geoweb™ is a plastic mat with cells that can be filled with soil and planted with native vegetation. The HMMP states: "It is difficult to walk on the site without disrupting the vegetation and associated wildlife. Likely the [Geoweb™ placed on the] removed trail will serve as the safest conduit for traversing the slope." The applicant stated that native vegetation would gradually colonize the Geoweb™ path's polygonal cells once it is no longer used to traverse the bluff face. Once the vegetation colonizes the Geoweb™, it will be very difficult, if not impossible, to remove without damaging the native vegetation or destabilizing portions of the slope. The Geoweb™ path is not proposed to be removed, but shall be seeded with native southern California coastal bluff scrub species from the proposed plant palette as required by **Special Condition 2**.

Lastly, the HMMP proposes monitoring protocol to confirm the new native habitat is successful. The HMMP proposes monitoring for "up to five years ...[or until] success criteria have been met without maintenance or remediation for three years, whichever is longer." Botanical monitoring would include data collection via transects and fixed-point photographs taken at consistent, flagged locations across the slope. It would also include qualitative assessments, such as "year to year comparisons" to assess progress across reports and recommendations on the need for infill planting. The proposed success criteria are:

1. The restored site contains all dominant species and at least 80% of non-dominant species found at the reference site;
2. At least 70% cover of southern coastal bluff community; and,
3. No more than 5% cover of IPC's identified highly and moderately invasive non-native plants.
4. The proposed reference site is the two-acre habitat area located on the Esplanade between Miramar Park and Avenue I in Redondo Beach. The reference site was restored by the Urban Wildlife Group in 2003.³ The HMMP notes that the site's native vegetation has become self-sufficient and currently contains approximately 34% of seacliff buckwheat cover, 32% California bush sunflower (*Encelia californica*), and an unquantified (although assumedly close to 34%) mix of other native plant species.

Overall, the HMMP provides an adequate degree of specificity on sampling methods and success criteria. However, it references a singular final report, rather than annual monitoring reports. Additionally, ESB survey protocol are outlined "if desired", suggesting optionality. In past actions, the Commission has required mitigation plans to include provisions for annual monitoring reports (conducted by a qualified biologist) to ensure that success of restoration is proceeding as planned and to allow for revisions as needed. Dr. Engel recommends that the HMMP be updated to include these provisions and ensure the Commission's ability to fully evaluate restoration success.

The Commission imposes **Special Condition 2** to require the applicant to submit a final, revised HMMP for Executive Director review and approval prior to issuance of the CDP. The HMMP shall be revised to include provisions for monitoring the restoration site for a period of five years or until it has been determined that the performance standards have been met or have failed to be met, whichever comes first. The final HMMP shall include provisions for submitting annual reports of monitoring results to the Executive Director for the duration of the required monitoring period. Each report shall be prepared in conjunction with a qualified biologist. **Special Condition 2** additionally requires the applicant to undertake development in conformance with the final plans approved by the Executive Director within 90 days of permit issuance. If the final monitoring report indicates that the restoration did not meet performance standards, the applicant shall submit a supplemental restoration program for the review and approval of the Executive Director within 90 days of final report submittal.

There are mature trees located in, and within 300 ft. of the project site. This raises the potential for the proposed work to disturb bird nesting activity. **Special Condition 3** thus requires any construction activities on the bluff face occurring between February 15 and August 31 to be preceded at least seven days in advance by nesting surveys conducted by a qualified biologist. If work occurs during this period and the nesting survey shows an active songbird nest within 300 ft. of construction activities (or within 500 ft. for raptor nests), the qualified biologist shall halt construction activities to enable the applicant to

³ CDP No. [5-03-280](#) (Urban Wildlife Group).

employ best management practices (BMPs) to ensure that construction activities do not disturb or disrupt nesting activities.

Grading and pathway removal activities will produce debris that could spill onto the beach and enter the adjacent Pacific Ocean in a manner detrimental to water quality. **Special Condition 4** requires that the applicant comply with construction-related BMPs to prevent construction materials, debris and waste from entering receiving waters, prevent spillage and/or runoff of demolition-related materials, and to contain sediment or contaminants associated with demolition or construction activities.

Proposed Rear-Yard Lawn

The applicant also proposes to re-vegetate their existing 765 sq. ft. Bermuda grass (*Cynodon dactylon*) lawn with California field sedge (*Carex praegracilis*). The lawn extends between the drainage swale and the bluff edge in the rear yard. It currently contains some bare, unvegetated patches that the applicant wishes to resolve with full revegetation.

California field sedge is a native species unlikely to hamper restoration efforts by propagating down the bluff face. It also requires moderate irrigation: the applicant proposes installation of driplines stretching laterally across the lawn at one-foot wide intervals, incurring roughly 831 gallons of water use per month.⁴ If the blufftop is unable to absorb the full extent of irrigation, some amount of runoff will slide down the bluff face. However, the proposed planted species immediately below the lawn's edge include hearty species able to withstand some extra irrigation, including toyon (*Heteromeles arbutifolia*), Jimson weed (*Datura wrightii*), and California sagebrush (*Artemisia californica*). Dr. Engel has indicated that evidence of the proposed lawn irrigation's adverse effect on the proposed revegetation/restoration remains inconclusive. Overall, the proposed lawn revegetation does not raise a certain adverse impact to biological resources. However, there are concerns regarding the irrigation system, as discussed in detail below.

Future revegetation of the lawn with another species could contaminate the adjacent new bluff face habitat. **Special Condition 5** thus memorializes that all landscaping in the rear-yard shall consist of native, drought-tolerant plant species; and any lawn irrigation shall be limited to hand-watering.

Conclusion

While evidence that the unpermitted bluff accessway displaced ESHA remains inconclusive, the accessway has undoubtedly prevented the potential for new habitat for at least 12 years. The applicant's proposed 3:1 planting ratio, including 1,536 sq. ft. of revegetation and 3,072 sq. ft. of restoration, will adequately mitigate the results of the Coastal Act violation. The proposed HMMP provides adequate protocol for planting,

⁴ This daily estimate was extrapolated from the proposed 9,978 gallons per year.

weeding, and irrigating without damage to the existing native vegetation onsite. As conditioned, all temporary bluff-face equipment (including the plastic irrigation piping and pathway) will be removed before it can become defunct litter or hamper the vegetation's acclimatization to natural, dry weather.

Thus, as conditioned, the proposed project is consistent with Chapter 3 Coastal Act policies regarding ESHA and water quality.

C. Coastal Hazards

Section 30235 of the Coastal Act states, in relevant part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Section 30253 of the Coastal Act 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.

Bluff erosion is a natural process critical for shoreline sand supply. Under the natural eroding forces of scour, wave impact, and tectonic movement, the bluffs would ideally respond to dynamic coastal conditions by discharging sediment to the beach below. Installing static development on the bluff face impedes this process and can limit beach nourishment. Section 30235 of the Coastal Act allows approval of construction that alters natural shoreline processes only when required to serve coastal-dependent uses or to protect existing structures from erosion, and when designed to avoid or mitigate adverse impacts on local sand supply.

Avoiding significant contribution to bluff instability is also required. 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. Section 30253 requires that new development minimize risks to life and property by neither creating, nor contributing, to natural bluff erosion.

As stated in the [‘Project Location, Background, and Description’](#) section, the project consists of work to structures located in the rear-yard and on the bluff face. Both areas pose varying degrees of risk and require different forms of hazard mitigation.

Proposed Rear-Yard Work

The project site's rear-yard extends between the western walls of the applicant's single-family residence and the edge of the flat, grassy lawn, seaward of the drainage swale. Within the rear-yard, the applicant requests after-the-fact authorization for construction of a 60 sq. ft. (15 ft. by four ft.) concrete staircase supported by timber posts; a 147 sq. ft. (49 ft. by three ft.) flagstone path lined with two timber landscaping walls (50 ft.- and 57 ft.-long); and a 383 sq. ft. wooden deck covering the drainage swale ([Exhibit 3](#)). Additionally, the applicant proposes like-for-like replacement of the staircase, portions of the landscaping walls, and the swale deck. The applicant also proposes to revegetate the 765 sq. ft. grassy lawn with California field sedge and install a drip irrigation system. (The irrigation system is analyzed in a later segment of this report subsection.)

In past actions, the Commission has required a 25-ft. setback from the bluff edge for accessory structures requiring foundation structures (like pools and caisson-supported staircases); and a ten-ft. setback for structures that do not require foundation components (like walkways and decks).⁵ These setbacks are intended to minimize hazards and allow natural bluff erosion to continue without endangering those using the accessory structures. If ancillary structures are threatened by erosion, it is understood that they will be relocated rather than protected by structural means.

Based on the site topography, historical aerial photographs, and the Commission's actions on adjacent properties, the submitted reports state that the bluff edge follows the seaward edge of the flat, grass lawn ([Exhibit 5](#)). The Commission's geologist, Phillip Johnson, has reviewed the submitted information and concurs with the applicant's bluff edge determination. All rear-yard accessory structures are sited more than ten feet inland of the bluff edge. Aside from a small westernmost segment, the staircase, path, and landscaping walls are located more than 25 feet inland of the bluff edge. Thus, the applicant's request for after-the-fact authorization of the subject structures does not raise immediate hazards or impacts to natural bluff erosion. Additionally, the proposed like-for-like replacement of these structures will not require excavation or substantial grading of the upper slopes.

The 383 sq. ft. deck atop the drainage swale does raise one potential hazard: it hides potential swale clogs from view. The applicant's consulting engineer, ENGEO, has confirmed that the wooden deck is permeable and does not keep yard runoff from entering the swale. However, the applicant would have no idea if debris gradually accumulated to form a dam that sent runoff down the bluff face. Periodic inspections are a critical step in maintaining a functional drainage system. To ensure continuing swale functionality, **Special Condition 1** requires the final project plans to design the swale deck in a manner that allows visual inspection for blockages. This may include hinged metal grates, wooden doors, or open portions built as effective 'windows' into the swale

⁵ Ref. CDP Nos. [5-04-324](#) (Bredesen), [5-07-206](#) (Joyce), [5-18-1153](#) (Katnik), [5-18-0394](#), (Danesh), [5-20-0706](#) (Playa Redondo, LLC), and [5-21-0077](#) (Papaian).

below the new deck. The proposed rear-yard work does not raise other likely hazards (aside from the proposed lawn irrigation system, which is detailed further below).

Proposed Bluff-Face Work

The project site's bluff face is currently developed with a 736 sq. ft. stairway supported by twelve three-foot deep posts in concrete postholes located at the upper portion of the bluff face; a 200-ft-long, (800 sq. ft.) footpath that is developed with 125 timber steps and associated treads; and 94 lin.-ft. of retaining walls located along various portions of the staircase and footpath. The applicant proposes removal of all above-grade stairway components, including all 125 steps and all portions of the posts that are above grade; 64 of the 94-lin. ft. of the retaining walls, and all of the path treads. The applicant asserts that removing the remaining below-grade stairway posts and the 30 ft.-long retaining wall located at the upper bluff face would destabilize the bluff. The applicant has requested approval for after-the-fact retention of these structures, contending that removal may endanger safety for himself, neighboring property-owners, and beach-goers below the bluff.

The applicant submitted a geological evaluation of bluff conditions conducted by ENGEO, titled "Coastal Bluff Stability Considerations" and dated June 29, 2023. The applicant's consulting engineer provided four additional reports in response to Commission staff questions, all of which are listed in Appendix A of this report. (For brevity, the reports are referenced cumulatively in the following analysis.)

The reports describe the subject 150-ft. tall bluff as comprised primarily of hard, erosion-resistant Malaga Mudstone. Across the upper slope, the Malaga Mudstone is overlain by softer San Pedro sands and other more erosion-prone surficial sediments ([Exhibit 5](#)). The contact between Malaga Mudstone and less stable overlying sediment occurs roughly 106 feet above the toe of the bluff. In 2016, an upper slope failure at this elevation resulted in a major landslide across two neighboring properties immediately south of the project site (529 and 533 Paseo de la Playa). Regarding the project site, the reports state:

...[R]emoval of existing bluff face improvements, particularly within the upper 40 feet of the bluff (above elevation 106 feet shown on Figure 3) comprising the San Pedro sand deposits, would unquestionably destabilize the face of the coastal bluff immediately above the existing footpath improvements, and, as a result, would not provide a safe and stable access the [proposed] restoration work. ... Based on our site inspection, there are three locations where removal of walls will result in slope failure that cannot be avoided through interim measures. If the walls are removed in these locations, replacement with permanent retention will be necessary to avoid a bluff failure.

The unpermitted development on the bluff face inhibits natural bluff erosion, which provides a critical source of sand to the public beach below. The entire unpermitted bluff path therefore constitutes "construction that alters natural shoreline processes" under Coastal Act Section 30235. The existing single-family residence at 525 Paseo de la

Playa was constructed prior to enactment of the Coastal Act and therefore constitutes an “existing structure” eligible for shoreline protection under Section 30235. However, the applicant has not adequately substantiated the claim that the structures are necessary to protect an existing structure (the single-family residence) nor demonstrated that these structures would be the least environmentally damaging alternative. Additionally, the existing wooden structures have not been designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Therefore, the applicant’s after-the-fact request for retention of these structures does not meet the requirements of Coastal Act Section 30235.

To maintain consistency with Coastal Act Section 30235, the applicant must remove all components of the unpermitted bluff path to the maximum extent feasible. Upon discussion with Commission staff, the applicant’s consulting engineer confirmed the feasibility of removing all existing structures from the bluff face (except the twelve subterranean posts and 30-ft. long retaining wall) and using a three-dimensional Geoweb™ soil confinement system to fill the remaining gaps to the surrounding natural slope grade. The Commission’s geologist agrees that the applicant’s current proposal for to remove all above-grade staircase components and any portions of the retaining wall extending above the upslope grade—is the maximum extent of safe removal feasible.

Special Condition 1 requires the applicant to submit final revised plans showing City approval-in-concept for Executive Director review and approval prior to issuance of the CDP. The final plans shall show removal of all above-grade staircase components (including the railings, upper posts, and steps); all retaining walls (except the 30-ft. long wall adjacent to the staircase on the upper bluff face); and all footpath steps (including any soil nails or below-grade components) on and/or in the bluff-face footpath.

The plan shall include proof of review and approval from a licensed geology and/or engineering professional. **Special Condition 1** requires the permittee to undertake development in conformance with the plans approved by the Executive Director within 90 days of permit issuance. **Special Condition 1** prohibits any changes to the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

Proposed Irrigation

The project also includes installation of a permanent spray irrigation system ([Exhibit 3](#)). Half-inch diameter rebars, installed less than a foot below grade, would support 31 sprinkler-heads installed throughout the 4,608 sq. ft. proposed area of revegetation/restoration. The sprinklers would be connected to the main water valve located on the blufftop adjacent to the residence via above-grade, plastic and iron pipes. The project plans estimate a total water use of 32,455 gallons per year (roughly 2,704 gallons per month) for the bluff-face irrigation system. The applicant does not propose future irrigation system removal. The submitted 2023 habitat survey notes that an existing irrigation system installed on the bluff face “appears to be shared with 529

Paseo de la Playa”. It is not clear when or why irrigation was installed on the project site. Nor do the submitted plans distinguish between existing and new irrigation system components.

The applicant’s submitted geological reports do not address the impact of thousands of gallons of water dripped onto the bluff face in perpetuity. Prior to 1972, the City installed a blufftop drainage swale seaward of the residences on Paseo de la Playa to mitigate the safety risks of unchecked runoff. The applicant’s proposed system may negate the purpose of the swale in terms of geologic safety. In past actions, the Commission has not approved permanent irrigation systems on or immediately above coastal bluffs due to the potential for malfunctions or leaks that could saturate the bluff and lead to bluff instability.⁶ Any vegetated lawn will require some amount of irrigation, but hand-watering with a broadcast spray hose should be adequate for drought-tolerant groundcover and significantly less prone to the risks posed by bluff saturation and resulting instability.

To prevent the irrigation system from contributing to geologic instability, **Special Condition 1** requires the applicant to submit a final, revised Irrigation Plan for Executive Director review and approval prior to issuance of the CDP. The final Irrigation Plan shall demonstrate removal of all irrigation system components—both existing and proposed—no later than five years after installation of approved irrigation. Considering the potential hazards, the final Irrigation Plan shall also be revised to eliminate irrigation from the grass lawn. The final plans may choose another plant species for the lawn that can thrive with hand-watering.

The project plans indicate that all materials and equipment would be staged curbside without obstructing any public rights-of-way. **Special Condition 1** additionally requires the applicant to submit a final Construction Staging Plan for Executive Director review and approval prior to issuance of the CDP. The final Construction Staging Plan shall show where any temporary equipment will be staged on the bluff and prohibit staging and storage of equipment on the public beach or public beach parking lots. **Special Condition 4** 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-related materials, and to contain sediment or contaminants associated with demolition or construction activities.

To address risks associated with bluff face development, the Commission imposes **Special Condition 6**, requiring the applicant to assume all risks and liability inherent in development at the subject site and waive any claim of damage or liability against the Commission for the work approved under the subject CDP. In order to ensure that potential and future property owners are aware of the terms and conditions of the permit, **Special Condition 7** requires the applicant to record a deed restriction acknowledging that, pursuant to this permit, the Commission has authorized

⁶ Ref. CDP Nos. [5-90-1041-A2](#) (Hawthorne Savings), [5-07-206](#) (Joyce), [5-12-095](#) (Fuchs), [5-18-1153](#) (Katnik), [5-18-0394](#) (Danesh), [5-20-0706](#) (Playa Redondo, LLC), [5-21-0077](#) (Papaian).

development on the subject property subject to terms and conditions that restrict the use of the property.

Conclusion

The unpermitted bluff path prevents natural bluff erosion and is not required to protect an existing structure. Its components were not designed to mitigate the impacts to sand supply and does not constitute the least environmentally impactful alternative. As such, it must be removed to the maximum extent safely feasible for project consistency with Coastal Act Section 30235 and 30253.

For the unstable upper slope, maximum safe removal of structures constitutes removing all above-grade portions of the staircase and the small portion of retaining wall jutting above the upslope's natural grade. For the more stable mid-slope, complete removal of all retaining walls and path treads is feasible if accompanied by temporary stabilization measures and fill. The applicant's submitted alternative plans show a form of structural removal and bluff reconstruction that would allow both Coastal Commission and City approval if revised pursuant to **Special Condition 1**.

Regarding the rear-yard work, the accessory structures proposed for retention are located inland of the ten-ft. bluff edge setback and do not constitute protective devices altering natural shoreline processes. The applicant's proposed like-for-like replacement of the subject rear-yard structures does not raise the risk of hazards or excess natural landform alteration. As revised pursuant to **Special Condition 1**, the replaced deck swale will not affect the swale's drainage function or impede visual inspection for clogs.

Thus, as conditioned, the proposed project is consistent with Chapter 3 Coastal Act policies regarding minimization of hazards and natural landform alteration.

D. Visual Resources

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Coastal Act Section 30251 requires protection of visual resources in scenic coastal areas. While public views of the ocean are not available from the subject site, the site is visible from the ocean and the public beach vantage points below the bluff. Bluff-face development degrades the scenic quality of the public's view of the natural landforms of

bluffs and cliffs and results in a significant, adverse cumulative impact. Thus, the publicly-visible site development must minimize adverse impacts and minimize the alteration of existing landforms.

As proposed, the project would remove all visible portions of the staircase structure but keep one 30 ft.-long retaining wall at the upper portion of the bluff face. Even with the proposed re-vegetation of the footpath, it would likely take several years for native vegetation to obscure all steps and walls from the public's view from the beach or the sea. Future erosion and/or episodic failure could expose them. Under such circumstances, the proposed structures would have an adverse visual impact since they would be visible from the beach, both now and in the future. As proposed, the Commission finds that the proposal for the retention of the footings and timber steps would be inconsistent with Section 30251 of the Coastal Act.

To ensure restoration and enhancement of visual resources onsite without delay, the Commission imposes **Special Condition 1** to require the applicant to submit a final Development Removal Plan demonstrating removal of all visible bluff-face structures below the bluff edge.

To avoid a permanent carve-out in the bluff face from the footpath, **Special Condition 1** also requires the applicant to submit a final Grading Plan demonstrating that the retaining walls will be removed and the bluff will be restored to the approximate match of the original slope grade. This will ensure the bluff face is generally consistent with the surrounding, undeveloped bluffs. Visual resources will be improved as compared to the visual impacts of the unpermitted staircases and retaining walls that currently exist on the bluff.

Therefore, as conditioned, the proposed project will be consistent with Section 30251 of the Coastal Act regarding protection of visual resources.

E. Public Access and Recreation

Section 30210 of the Coastal Act states:

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

Section 30220 of the Coastal Act states:

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

Section 30221 of the Coastal Act states:

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

Protection of public access and recreation is one of the fundamental goals of the Coastal Act. Section 30210 of the Coastal Act requires maximum coastal access for the public consistent with the protection of public rights, private property-owners' rights, and natural resources. Sections 30220 and 30221 require protection of oceanfront land for the use of recreational, water-oriented activity.

The proposed development is located within an existing fully developed residential community located between the sea and the first public road paralleling the sea. Vertical access to Torrance Beach is available to the public via the Torrance Beach Park, managed by Los Angeles County Beaches and Harbors and located 0.3 miles north of the project site. An additional public parking lot and accessway is located in Palos Verdes Estates, 1.3 miles south of the project site.

The project plans indicate that all materials and equipment would be staged curbside without obstructing any public rights-of-way. To ensure public access to the beach will not be impacted, **Special Condition 1** requires the applicant to submit a final Construction Staging Plan for Executive Director review and approval prior to issuance of the CDP showing where any temporary equipment will be staged. The final revised plan must prohibit staging and storage of equipment on the public beach or public beach parking lots.

As conditioned, the proposed development is not anticipated to result in any adverse impacts to existing public access or recreation in the area. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Chapter 3 policies of the Coastal Act regarding public access.

F. Cultural Resources

Section 30244 states in relevant part:

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

Section 30244 of the Coastal Act requires reasonable mitigation measures for development that would adversely impact archaeological or paleontological resources. 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, recognizes the importance of State efforts to protect Tribal Cultural Resources and outlines the tribal consultation process. Tribal Cultural Resources can be sites, features, cultural landscapes, sacred places, and objects with cultural value. These resources

may also qualify as archeological, paleontological, visual, biological, or other resources that the Commission is tasked with protecting under the Coastal Act.

On April 29, 2025, staff notified all tribal representatives provided as contacts by the NAHC. Staff consulted with a representative of the Gabrielino Tongva Indians of California Tribal Council who described the potential to encounter tribal archaeological resources during the proposed grading work. Commission staff did not receive responses from other contacted tribes.

To reduce potential impacts to tribal cultural and archaeological resources, the applicant has proposed mitigation measures, including retention of a tribal monitor to observe all ground-disturbing activities and treatment methods for any potential resource discovery. To ensure that these measures and additional mitigation occurs to minimize potential adverse impacts, **Special Condition 8** requires all tribal representatives on the NAHC contact list to be invited and allowed to monitor all project activities that could impact archaeological and tribal cultural resources along with a qualified archaeologist. If any potential tribal and/or archeological resources are discovered, **Special Condition 8** requires construction to pause until the appropriate parties are notified and a Supplemental Archaeological Plan (SAP) is developed in consultation with Tribes listed on the NAHC contact list. The applicant must also notify the Executive Director of the discovery and submit the SAP for their review and approval at which time the Executive Director would determine whether a CDP amendment is required per **Special Condition 8**.

G. Unpermitted Development

Violations of the Coastal Act have occurred and continue to exist on the subject property including, but not necessarily limited to, construction of 1) multiple paved patios and landscaping between the residence and the flat pad beyond the drainage swale, 2) a wooden bluff face staircase supported by below-grade concrete footings, 3) retaining walls lining a 200-ft. long footpath, and 4) 125 timber steps on the footpath.

To address the unpermitted development, the applicant is applying for a CDP to retain or replace unpermitted development on the bluff top, as described in detail above in the project description, and to remove the unpermitted bluff staircase and path, except for certain components, described herein; plant the pathway with appropriate native plants; and restore 3,072 sq. ft. of native southern coastal bluff species, in addition to the 1,562 sq. ft. area impacted by the unpermitted staircase and path, which will also be restored. [\(Exhibit 3\)](#). The 3,072 sq. ft. of additional habitat restoration, which is over and above what is necessary to restore the area impacted by the unpermitted staircase and path, is proposed to fully resolve the Coastal Act violations described herein, including the Commission's claims for monetary penalties. Proposed restoration of the bluff face includes a monitoring plan to measure the effectiveness and success of the restoration project. Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's subsequent performance of the work authorized by the permit in compliance with all of the terms and conditions thereof the permit will result in resolution of the violations described herein.

Consideration of the permit application by the Commission has been based solely on consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations (or any other violations), nor does it constitute an implied statement of the Commission's position regarding the legality of the development undertaken on the subject site without a coastal permit, or of any other development, except as otherwise expressed herein. Approval of this permit is possible only because of the conditions included herein, and the applicant's presumed subsequent compliance with said conditions, and failure to comply with these conditions in conjunction with the exercise of this permit would also constitute a violation of this permit and of the Coastal Act. Accordingly, the applicant remains subject to enforcement action just as it was prior to this permit approval for engaging in unpermitted development, unless and until the conditions of approval included in this permit are satisfied.

H. Local Coastal Program

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

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

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

Based upon the findings presented in the preceding section, the Commission finds that the proposed development, as conditioned, will not create adverse impacts on coastal resources. In addition, the Commission finds that approval of the proposed project, in part, as conditioned, 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).

I. 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. There are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect, individual or cumulative, of the proposed project. Therefore, the Commission finds that the proposed project as conditioned to mitigate the identified impacts, are the least environmentally damaging feasible alternative and comply with the applicable requirements of the Coastal Act to conform to CEQA.