

CALIFORNIA COASTAL COMMISSION

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Filed: August 3, 2007
49th Day: September 21, 2007
180th Day: January 30, 2008
Staff: Gabriel Buhr-LB
Staff Report: August 6, 2007
Hearing Date: September 5-7, 2007
Commission Action:

W17a

STAFF REPORT: MATERIAL AMENDMENT**AMENDMENT**

APPLICATION No.: 5-04-094-A1

APPLICANT: Manhattan Corners LLC

AGENT: Elizabeth Srour

PROJECT LOCATION: 30 – 44 Hermosa Avenue, City of Hermosa Beach

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Demolition of three 1-story structures and construction of a commercial/residential building consisting of 2,370 square feet ground level commercial space with three condominium units above. A total of 17 on-site parking spaces with alley access to the rear are proposed. Roof top drainage will be directed through downspouts and onto permeable surfaces that are along side and rear yard areas.

DESCRIPTION OF AMENDMENT: Request for after the fact approval of changes to the approved Drainage Control Plan. Changes include the removal of proposed on-site infiltration for treatment of run-off, replaced by the installation of six *Flogard* downspout filters in-line on drain piping.

SUMMARY OF STAFF RECOMMENDATION: Staff is recommending approval of the amendment as proposed which will result in 1) installation of six *Flogard* downspout filters, and, 2) a revised Erosion and Drainage Control special condition that is consistent with the Commission's most recent action regarding maintenance of downspout filters and other on-site source control measures.

LOCAL APPROVALS RECEIVED: City of Hermosa Beach Approval in Concept, September 9, 2003; Planning Commission Resolution 03-44

SUBSTANTIVE FILE DOCUMENTS:

1. City of Hermosa Beach Land Use Plan
2. Geotechnical Engineering Investigation Report prepared by Coastline Geotechnical Consultants dated October 21, 2003
3. General Specifications for Maintenance of *Flogard* Downspout Filters, DPS (Drainage Protection Services)

EXHIBITS:

1. Vicinity Map
2. Assessor's Parcel Map
3. Site and Drainage Plan

PROCEDURAL NOTE

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The proposed amendment was determined to be material because it affects conditions required for the purpose of protecting a coastal resource. Staff is recommending approval of the proposed changes to the special condition because protection of coastal resources (the marine environment of Hermosa Beach) will not be effected.

I. STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 5-04-094 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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 TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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 amendment 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 amended development on the

environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended 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 permittee 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 this permit is reported to the Commission. 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 permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

A. Conditions Imposed Under Original

Unless specifically altered by this amendment, all regular and special conditions attached to Coastal Development Permit No. 5-04-094 remain in effect. If the specifications of any plans approved to comply with permit 5-04-094 are inconsistent with either the revised project description submitted with this amendment or the conditions imposed by this amendment, the applicant shall submit new plans to the Commission, for the review and approval of the Executive Director, that are consistent with the terms and conditions of this permit as modified by this amendment 5-04-094 A1.

B. Replace Previously Imposed Special Condition No. 2 (Erosion and Drainage Control) with the following Special Condition:

1. Erosion and Drainage Control

Previously imposed Special Condition No. 2 (Erosion and Drainage Control) shall be replaced with the following special condition:

- A. The applicant shall conform to the drainage and run-off control plan received on July 11, 2007 showing all roof drainage and runoff directed to area collection drains and sub-drain systems on site for discharge to the street through piping with attached *Flogard* downspout filters.

The permittees and their successors in interest shall be responsible for carrying out all required maintenance and source control measures on-site including the following:

1. Filter installation, maintenance and replacement shall be per manufacturer's printed instructions
2. Source control measures that will reduce the pollutants from the parking areas including but not limited to: parking lot shall be swept and litter shall be removed on a weekly basis, at a minimum. The parking lot shall not be sprayed down or washed down unless the water used is directed through the sanitary sewer system or a filtered drain.
3. Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals.

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

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. AMENDMENT PROJECT DESCRIPTION

The applicant proposes to amend the Commission approved permit for the construction of a three-story, 30-foot high commercial/residential mixed use building that consists of 2,370 square feet of commercial space with three condominium units above on a 7,200 square foot lot. Three tandem spaces (six spaces) plus to guest spaces are provided for the residential use, and nine additional spaces are available for the commercial use. All 17 on-site parking places are located on the first floor and completely covered by the story above. Parking is accessed via the rear alley.

The subject site is located along the inland side of Hermosa Avenue, approximately 300 feet inland from the Strand, a public right-of-way that is parallel and adjacent to the beach (Exhibit #1 and #2). The area is zoned C-1, neighborhood commercial in the City of Hermosa Beach.

The original project was approved with special conditions related to: 1) residential density and parking; 2) erosion and drainage control, and 3) recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report.

The original permit contained water quality improvements as part of the proposed project, consisting of rooftop and surface drainage directed to permeable areas designed to treat, infiltrate or filter run-off. Geotechnical investigation of the site encountered a high water table at the subject site located 7 feet below the ground surface. Concerned with the effects on-site infiltration might have on building stability and safety the applicant's contractor removed the permitted permeable surfaces on-site and installed six (6) *Flogard* downspout filters to treat roof top run-off before it was discharged to the public storm drain system (Exhibit #3). The applicant is requesting an after the fact approval for this change to the original Erosion and Drainage Control Special Condition, including an updated Special Condition to reflect the installed downspout filters.

B. Marine Habitat

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 proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Due to the potential for increased hazards due to the high water table encountered on-site, which could be amplified by encouraging on-site water infiltration for water quality purposes, maximizing on-site retention of drainage is not required. The project plans submitted by the applicant included a drainage and run-off control plan showing all roof drainage and runoff directed to area collection drains with attached *Flogard* downspout filters and sub-drain systems on-site for discharge to the public storm drain system. The installation of downspout filters in combination with other required source control measures will ensure that discharged water is free from petroleum based and other potential pollutants. To be effective, the installed downspout filters require routine maintenance and occasional replacement when necessary according to manufacturer specifications. The Commission imposes **Special Condition #1**, which requires the applicant to conform to the submitted drainage and run-off control plan, and incorporate required on-site maintenance and source control. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

C. Local Coastal Program

Section 30604 (a) of the Coastal Act states:

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).

The Commission conditionally certified the City of Hermosa Beach Land Use Plan on August 19, 1981. The Land Use Plan (LUP) was effectively certified with suggested modifications on April 21, 1982. The modifications were accepted and the LUP is certified. The City submitted a final draft of its zoning and implementation ordinances (LIP) and a revision to their LUP in 2000. The amendment and Implementation ordinance was scheduled for public hearing and Commission action at the October 8, 2001 meeting, but the City withdrew. Therefore, these have not been certified and the standard of review for development in Hermosa Beach is still the Coastal Act.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

D. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications 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.

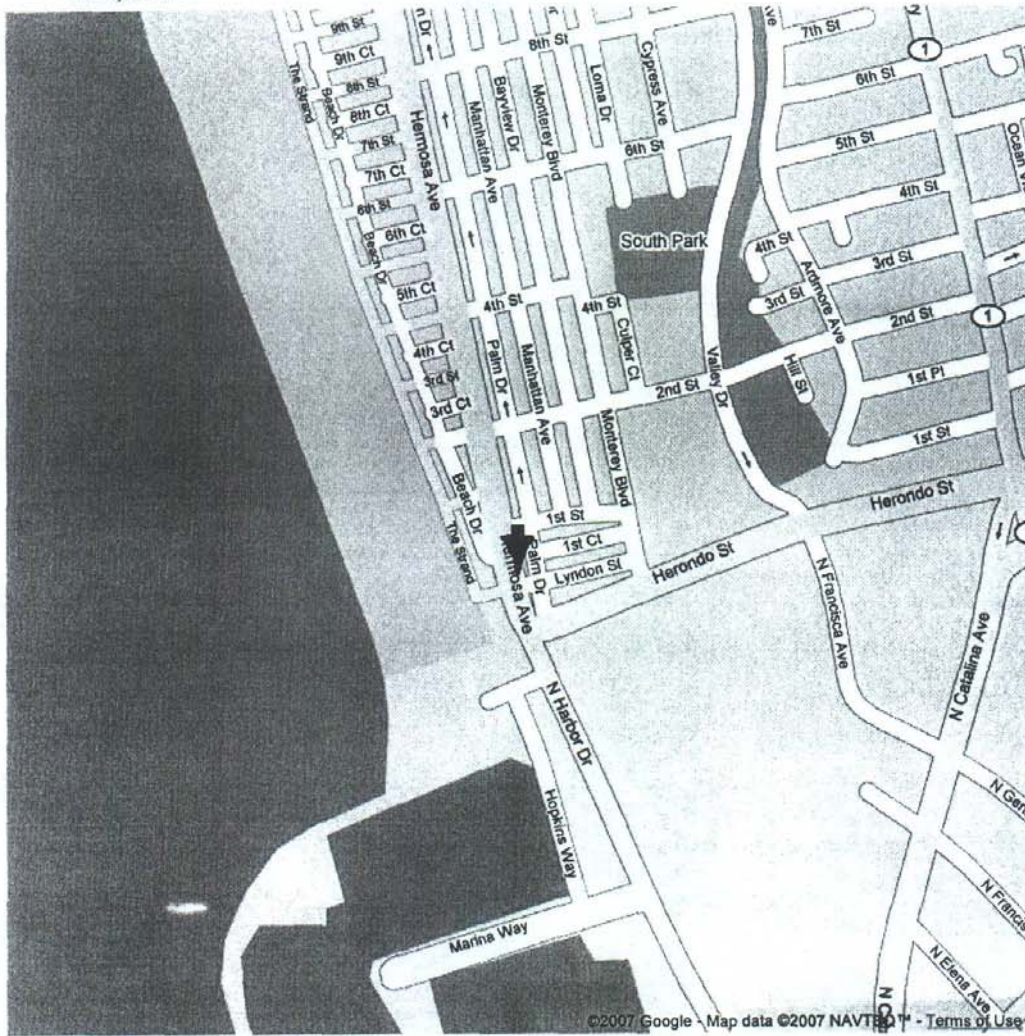
As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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30 Hermosa Ave - Google Maps



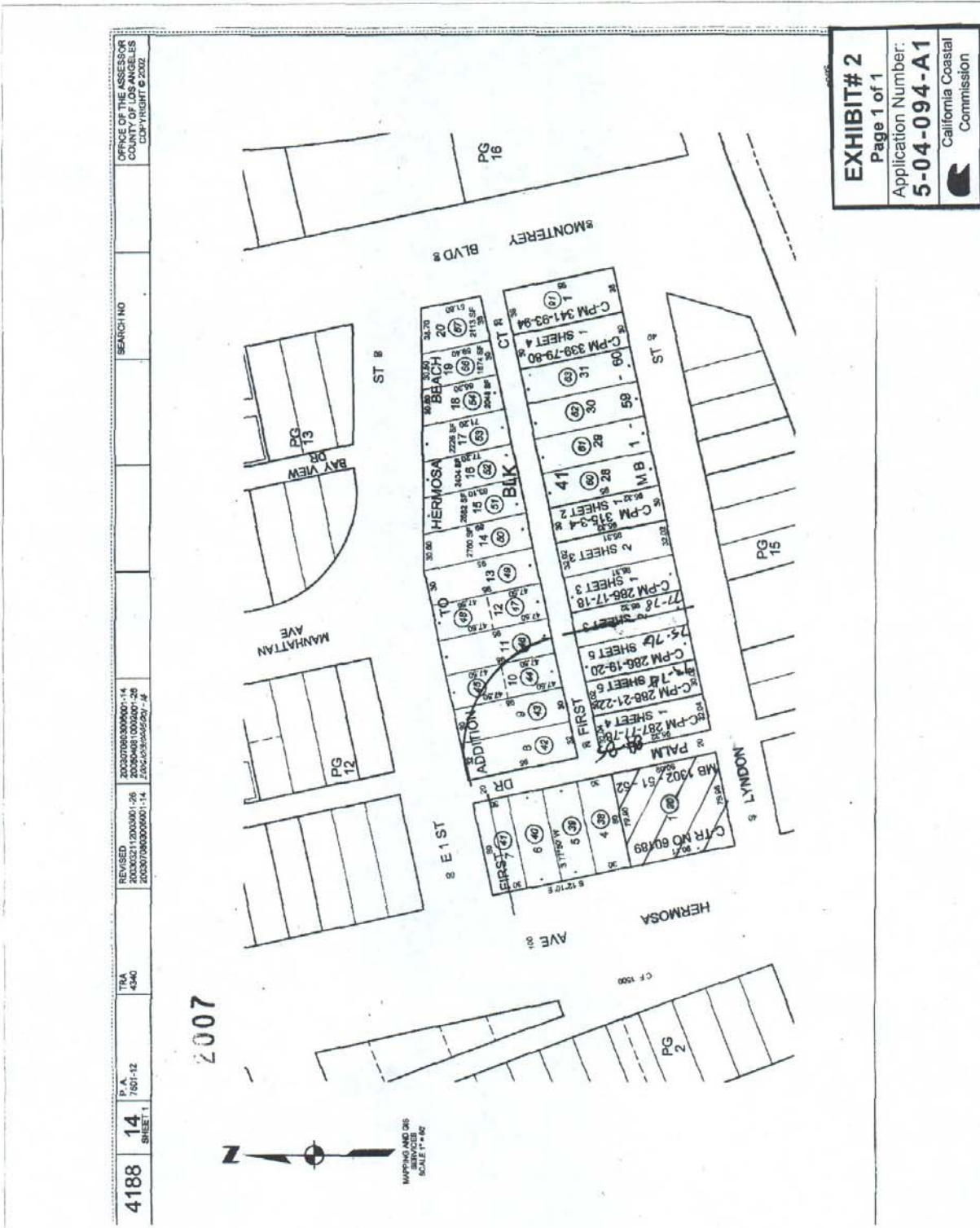
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Hermosa Beach, CA 90254



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