

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 9/28/09
 49th Day: 11/16/09
 180th Day: 3/27/10
 Staff: Al Padilla-LB
 Staff Report: 1118/2009
 Hearing Date: 12/9-11/ 2009
 Commission Action:

W6a**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-09-189**APPLICANT:** Shanghai Strand, LLC**AGENT:** Elizabeth Srour**PROJECT LOCATION:** 2014 The Strand, City of Hermosa Beach (Los Angeles County)**DESCRIPTION:** Remodel existing two-story single-family residence and the addition of a 1,002 square foot third story and open deck.

Lot Area	2,374 square feet
Building Coverage	1,504 square feet
Landscape Coverage	29 square feet
Parking Spaces	3
Zoning	R-2B
Planning Designation	Medium Density Residential
Ht above final grade	30 feet

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing remodel and existing single-family residence. The major issues raised by this beachfront development are that it could be affected by wave attack and flooding during strong storm events, and consistency with community character.

Commission staff is recommending **APPROVAL** of the proposed project with Five (5) Special Conditions regarding: 1) drainage and run-off control plan; 2) no future shoreline protective device; 3) assumption of risk; 4) additional approvals for any future development; and 5) a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

SUBSTANTIVE FILE DOCUMENTS:

- Wave Runup and Coastal Hazard Study, 2108 The Strand, Hermosa Beach, CA prepared by GeoSoils Inc. dated May 2009;
- Coastal Development Permits 5-02-201 (McSorely); 5-05-336 (Delphi Properties) and 5-06-191 (Toibb) 5-08-121(Delphi Properties).

LOCAL APPROVALS RECEIVED: City of Hermosa Beach Approval-in-Concept dated August 25, 2009.

LIST OF EXHIBITS

1. Vicinity Map
2. Assessor's Parcel Map
3. Site Plan
4. Elevations

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

MOTION: *I move that the Commission approve coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION:

I. APPROVAL WITH CONDITIONS

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

II. STANDARD CONDITIONS:

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

1. Drainage and Run-Off Control Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a drainage plan showing roof drainage and runoff from all impervious areas directed to vegetated/landscaped areas wherever possible. Additional surface run-off should be directed to an infiltration basin system with attached sump pump for overflow removal to the public storm drain system.
- B. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (<http://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.

- C. 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.

2. No Future Shoreline Protective Device

- A. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-09-189 including, but not limited to, the residences, garages, foundations, and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- B. By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including the residences, garages, foundations, and any other future improvements if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

3. Assumption of Risk, Waiver of Liability and Indemnity

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding and wave uprush; (ii) to assume the risks to the applicant 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.

4. Future Development

- A. This permit is only for the development described in coastal development permit

No. 5-09-189. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(b) shall not apply to the development governed by the coastal development permit No. 5-09-189. Accordingly, any future improvements to the structure authorized by this permit, shall require an amendment to Permit No. 5-09-189 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

5. Deed Restriction

- A. **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 has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant is proposing to remodel an existing 2,624 square foot two-story single-family residence and add a 1,002 square foot third floor and open deck. The height of the remodeled residence will be 30 feet from existing grade. There are currently two on-site parking spaces for the single family residence and a third space will be added. The addition will not encroach further seaward than the existing structure.

The subject site is located at 2014 The Strand, within the City of Hermosa Beach, Los Angeles County (Exhibit No. 1). The site is a relatively level beachfront lot located between the first public road and the sea. This 2,374 square foot lot is located on the inland side of The Strand, an improved public right-of way that separates the residential development from the public beach (Exhibit No. 3). The Strand is used by both residents

and visitors for recreational purposes (walking, jogging, biking, etc.) and to access the shoreline. The Strand extends for approximately 4 miles, from 45th Street (the border between El Segundo and Manhattan Beach) to Herondo Street (the border between Hermosa Beach and Redondo Beach). The proposed project is located within an existing urban residential area, located approximately 1/3 mile north of the Hermosa Beach Pier. There is an approximately 350-foot wide sandy beach between the subject property and the mean high tide line. Vertical public access to this beach is available to pedestrians via public right-of-way at the western end of 20th Street, approximately 80 feet to the south, and at the western end of 21st Street, approximately 150 feet to the north of the subject site (Exhibit No. 2).

The City has reviewed the proposed project and found it consistent with local zoning requirements, as evidenced by their Approval-In-Concept, dated August 25, 2009. The proposed project conforms to the certified LUP 30-foot height limit for R-2B zoned, medium density residential, and conforms to the setback limits for front, rear and side yards.

The final size (3,626 sq. ft.) of this remodeled single family residence is not unique to this Hermosa Beach community. Within the surrounding area there are residences of 5,931 square feet, 6,000 square feet, 8,884 square feet and 9,884 square feet.

B. Hazards

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. Based on Coastal Hazard and Wave Runup Studies that have been recently submitted for nearby projects the subject beach is a stable beach and the proposed development exists landward of the storm wave uprush limit, therefore projects located landward of the Strand do not require any seawall or other shoreline protective device.

To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: require a drainage and runoff control plan to direct, treat, and minimize the flow of water offsite (Special Condition No. 1); prohibit construction of protective devices (such as a seawall) in the future (Special Condition No. 2); and to require that the landowner and any successor-in-interest assume the risk of undertaking the development (Special Condition No. 3). As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. Community Character/Visual Quality

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To

assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition (Special Condition No. 4) be imposed. As conditioned the development conforms with Chapter 3 policies of the Coastal Act.

D. Public Access/Parking

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment.

The applicant has included a drainage plan as part of the proposed project, consisting of rooftop and surface drainage directed to public storm drains primarily located on The Strand, seaward of the property. Due to the large amount of impervious surfaces it is important to encourage on-site filtration wherever possible. Special Condition No. 1 addresses this concern by requiring submittal of a drainage plan showing roof drainage and runoff from all impervious areas directed to vegetated/landscaped areas wherever possible. Additional surface run-off should be directed to an infiltration basin system with attached sump pump for overflow removal to the public storm drain system. Any vegetated landscaped areas located on site shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (<http://www.CNPS.org/>) in their publications.

Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of

water quality to promote the biological productivity of coastal waters and to protect human health.

F. Deed Restriction

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition (Special Condition No. 5) requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

G. Local Coastal Program

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

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.

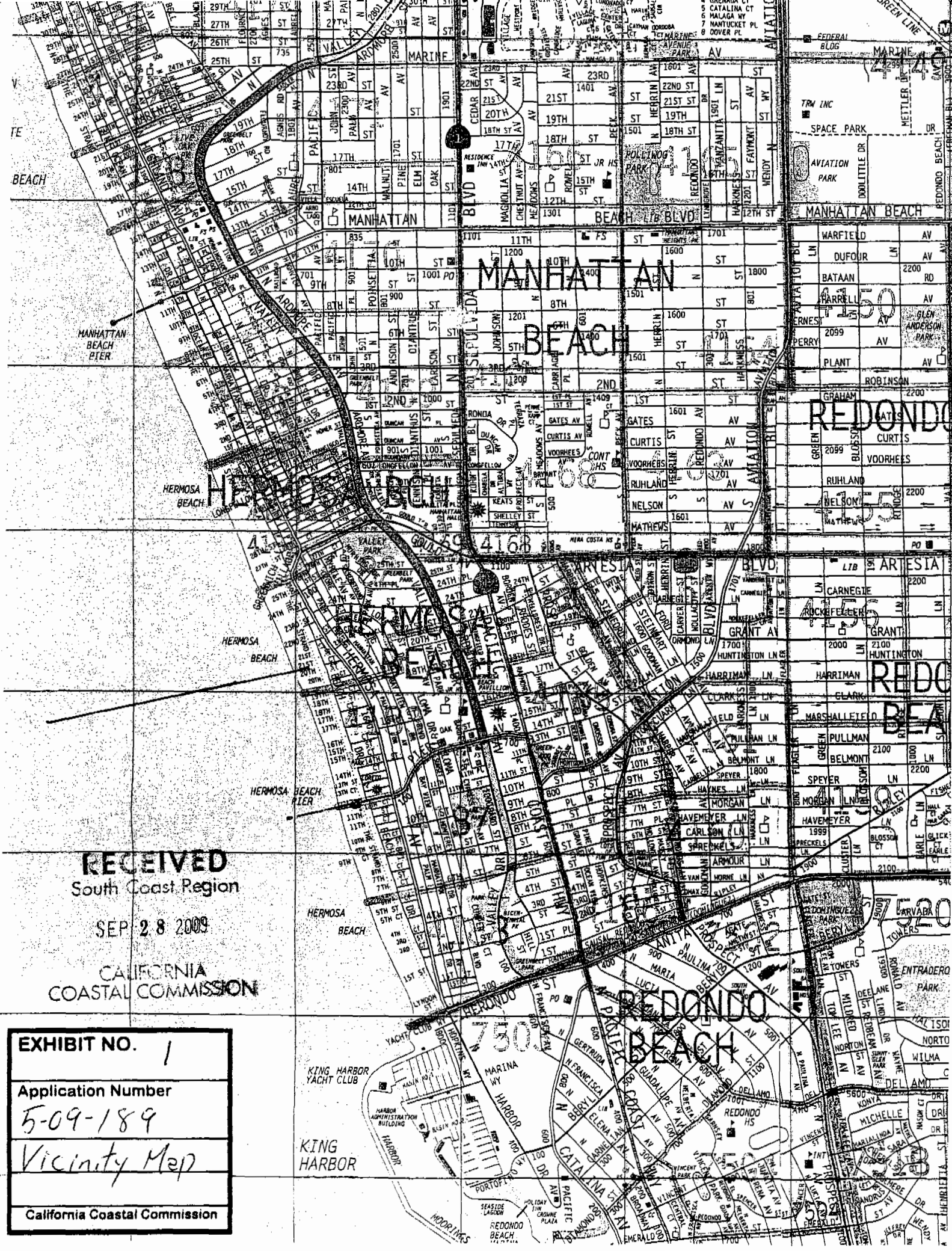
As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter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

H. 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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EXHIBIT NO. 1
Application Number 5-09-189
Vicinity Map
California Coastal Commission

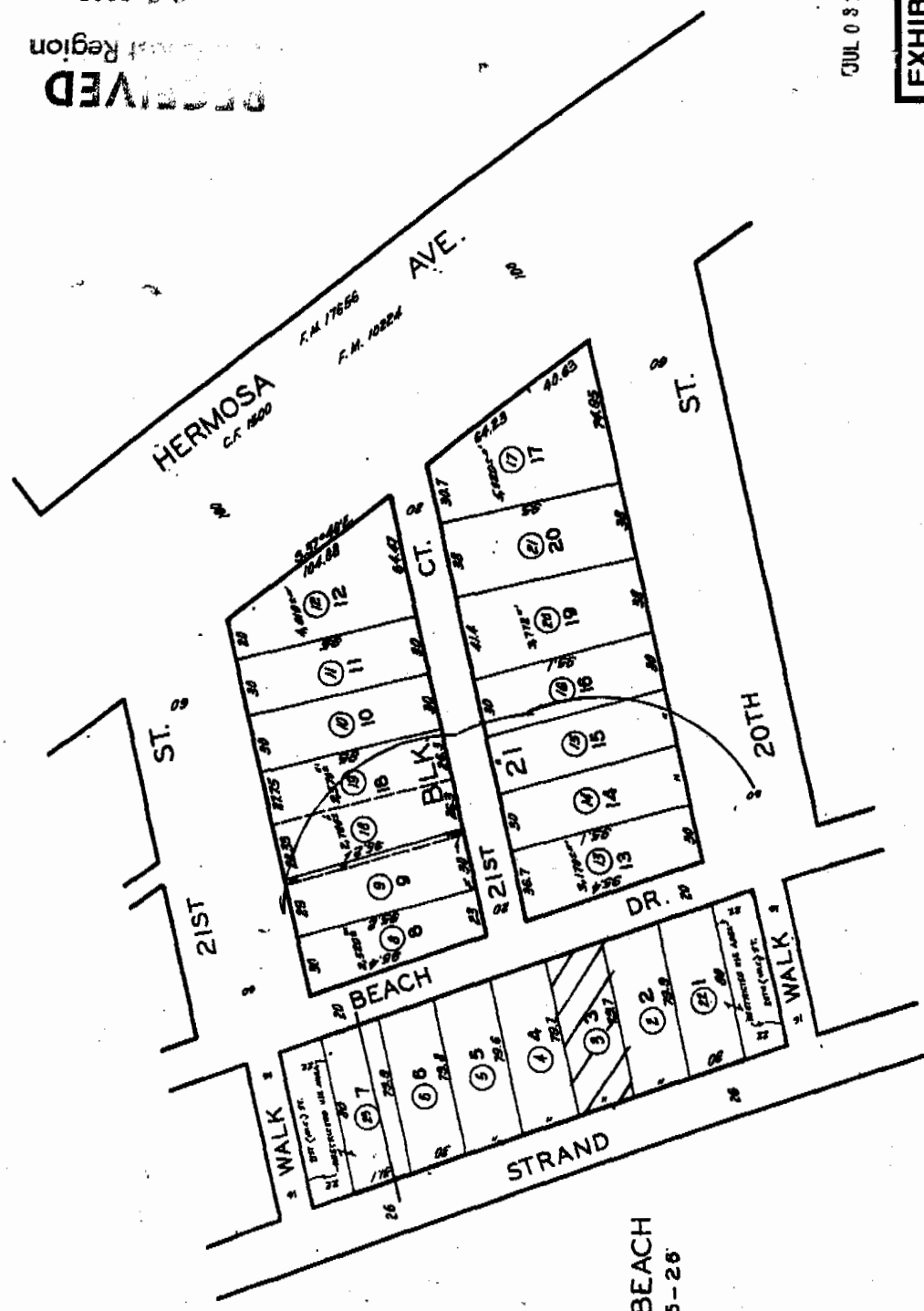
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San Diego Regional
Planning Commission
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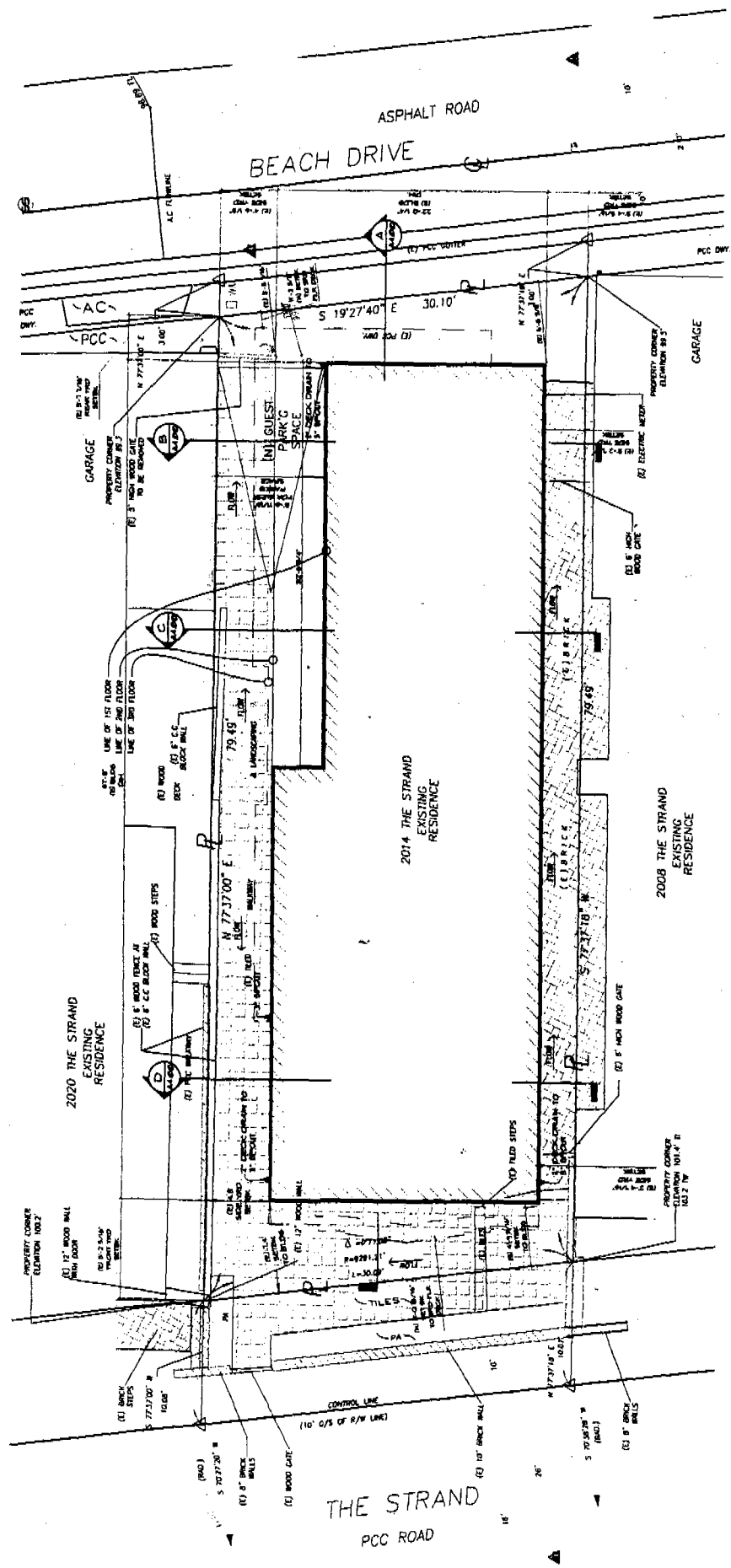
HERMOSA BEACH
M.B. 1-25-26

CODE
4340

FOR PREY. ASSMT. SEE: 15.9-14

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EXHIBIT NO. 2
Application Number 5-09-189
Parcel Map
California Coastal Commission



SITE PLAN
1/4" = 1'-0"

- LEGEND:**
- DENOTES EXISTING GRADE
 - DENOTES NEW FINAL GRADE (2009)
 - DENOTES INTERPOLATED GRADE
- NOTES:**
- 1) THE BUILDING ADDRESS SHALL BE PROVIDED ON THE BLUE PRINTS AS SUCH A POSITION AS TO BE PLAINLY VISIBLE FROM THE STREET FRONTING THE PROPERTY PER 31.00000 C.C. & 31.00000 P.M.S.C. TO TERMINATE AT STREET FRONTAGE.
 - 2) ANY CONSTRUCTION DONE ON PUBLIC RIGHT-OF-WAY SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.
 - 3) CONTRACTORS SHALL VERIFY ALL DATA PRIOR TO STARTING CONSTRUCTION AND BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.

2014 THE STRAND, HERMOSA BEACH
(DUBINSKY)

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EXHIBIT NO. 3

Application Number
5-09-189

Existing Site
Plan

California Coastal Commission

Proposed

Existing

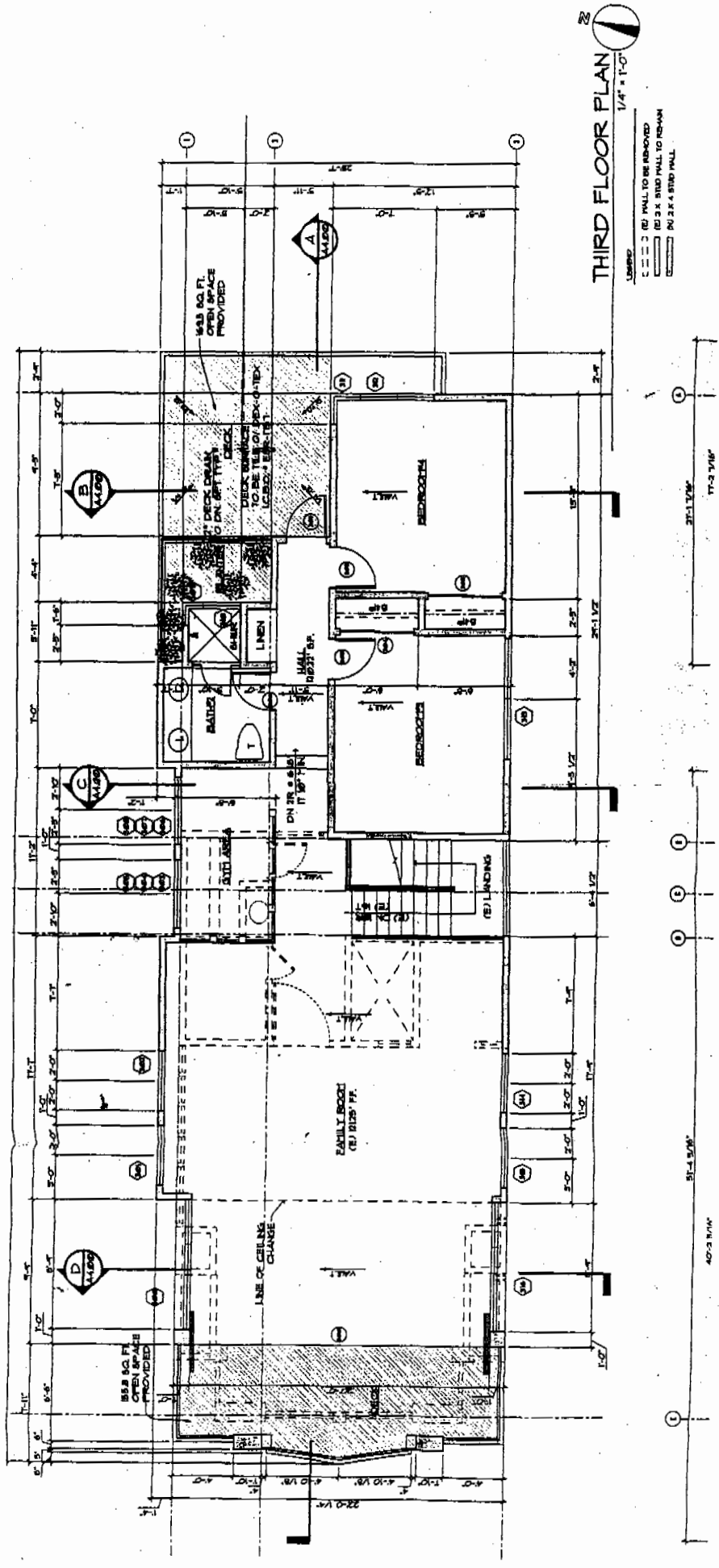
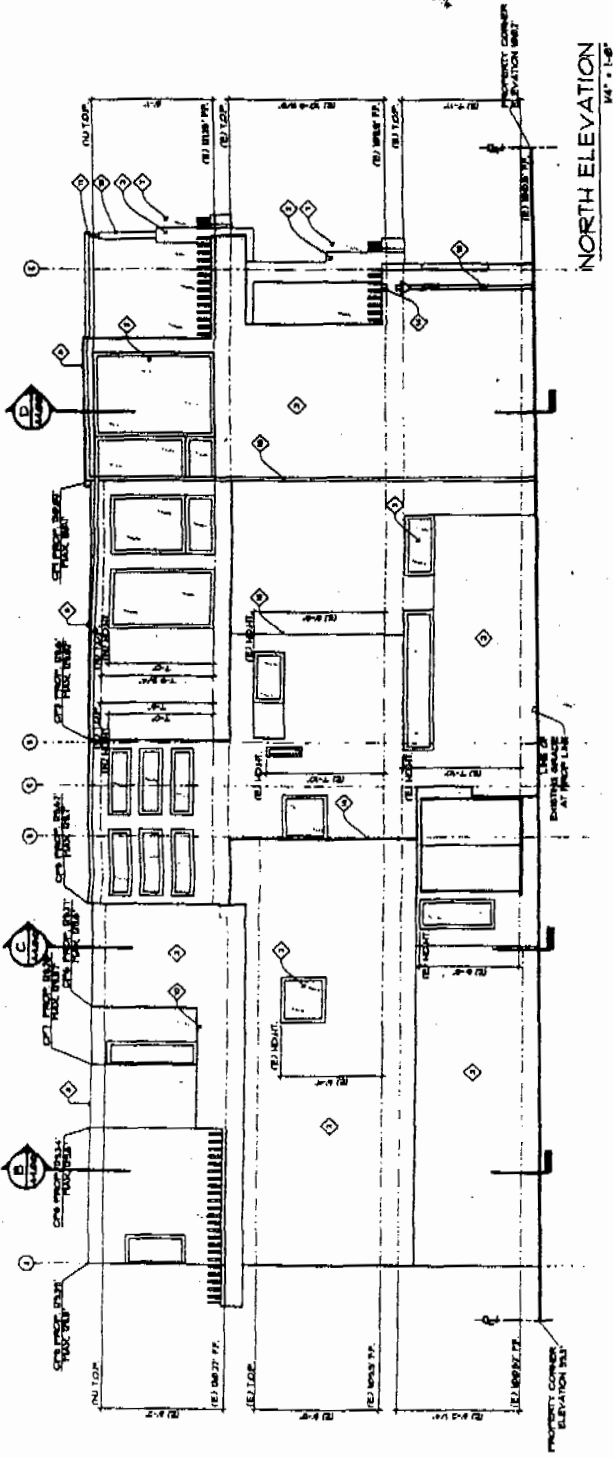
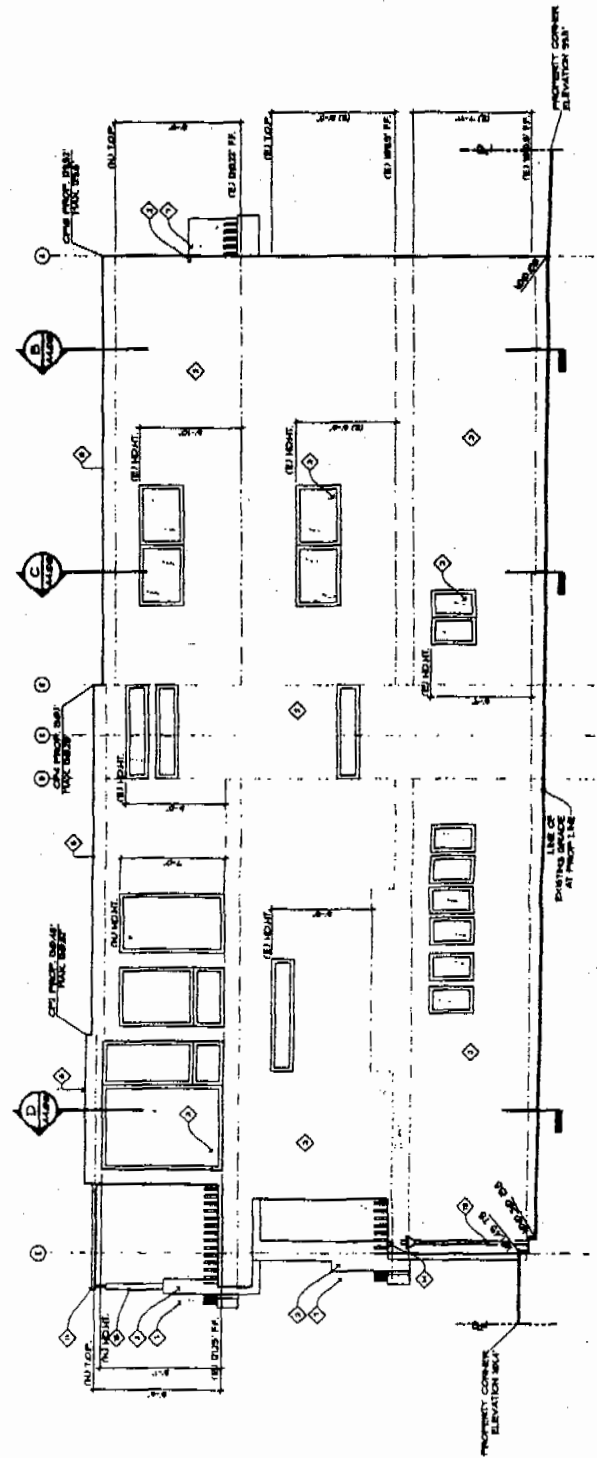


EXHIBIT NO. 41
Application Number 5-09-189
Third Floor Addition
California Coastal Commission



NORTH ELEVATION
1/4" = 1'-0"



SOUTH ELEVATION

2014 THE STRAND, HERMOSA BEACH
(DUBINSKY)

EXHIBIT NO. 5
Application Number 5-09-189
Elevations
California Coastal Commission