

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: September 15, 2011
49th Day: November 3, 2011
180th Day: March 13, 2012
Staff: JDA-LB
Staff Report: November 17, 2011
Hearing Date: December 7-9, 2011
Commission Action:

Th6e

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-11-233

APPLICANT: Delphi Properties 1722 Strand, LLC

AGENT: Srour and Associates

PROJECT LOCATION: 2666 The Strand, Hermosa Beach, Los Angeles County

PROJECT DESCRIPTION: Demolition of the existing duplex and construction of a new, 25 foot high, 7393 sq. ft. single family residence

LOCAL APPROVAL: City of Hermosa Beach Approval In Concept dated September 12, 2011

SUBSTANTIVE FILE DOCUMENTS: City of Hermosa Beach Land Use Plan

LIST OF EXHIBITS:

1. Vicinity Map
2. Site Plan

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed coastal development permit with **six (6)** special conditions. The special conditions would: **1)** require conformance with submitted drainage and runoff control plans; **2)** require that the applicant assume the risk of development; **3)** require the submission of revised plans to avoid impacts related to bird strikes; **4)** require a Coastal Development Permit for future development; **5)** require the applicant to agree to no future shoreline protective device; and **6)** require a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

I. STAFF RECOMMENDATION:

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

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 TO APPROVE THE PERMIT:

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 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 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. Water Quality, Drainage and Landscaping Plans

A. The applicant shall conform to the drainage and run-off control plan received on October 25, 2011 showing roof drainage and runoff from all impervious areas directed to a drywell wherever possible. The applicant shall incorporate Best Management Practices (BMPs) into the construction and post-construction phases of the subject development.

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, the California Exotic Pest Plant Council, 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 landscaping and drainage 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. 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 from flooding, sea level rise, erosion 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.

3. Bird Strike Prevention

A. Ocean front glass railings, fences, screen walls and gates subject to this permit shall use materials designed to minimize bird-strikes with the railing, screen wall, fence, or gate. Such materials may consist, all or in part, of wood; metal; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless an ultraviolet-light reflective coating and/or appliques (e.g. stickers/decals) specially designed to reduce birdstrikes by reducing reflectivity and transparency are also used. Any coating or appliques used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one applique for every 3 foot by 3 foot area) and the recommendations of the Executive Director. Use of opaque or partially opaque materials is preferred to clear

glass or Plexiglas and appliquéés. All materials, coatings and appliquéés shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications and as recommended by the Executive Director. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit final revised plans showing the location, design, height and materials of glass railings, fences, screen walls and gates for the review and approval of the Executive Director. Said plans shall reflect the requirements of this special condition.

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

4. Future Development

A. This permit is only for the development described in Coastal Development Permit No. 5-11-233. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-11-233. Accordingly, any future improvements to the single-family residence authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 of California Code of Regulations Sections 13252 (a)-(b), shall require an amendment to Permit No. 5-11-233 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

5. No Future Shoreline Protective Device

A. By acceptance of this permit, the applicant agrees, on behalf of himself and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-11-233 including, but not limited to, the residence, garage, foundations, and patio, and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, sea level rise, storm conditions or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of himself 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 himself and all successors and assigns, that the landowner(s) shall remove the development authorized by this permit, including the residence, garage, foundations, patio and retaining wall if any government agency has ordered that the structure is 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(s) 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.

6. Deed Restriction

PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT (5-11-233), the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit, as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit, shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The proposed development consists of demolition of the existing duplex, and construction of a new, 25 foot high, 7,393 square foot, two-story with roof-deck over basement level single family residence. On-site parking for the proposed single family residence will be provided by three parking spaces, exceeding the Commission's typically applied requirement of two parking spaces per unit. The subject site is located at 2666 The Strand, within the City of Hermosa Beach, Los Angeles County. The site is a relatively level beachfront lot located between the first public road and the sea. This 4,327 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. 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 about 0.8 miles north of the Hermosa Beach Pier. There is an approximately 400-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 26th Street, located approximately 300 feet to the south of the subject property (Exhibit No. 1).

The City has reviewed the proposed project and found it consistent with local zoning requirements, as shown by their Approval-In-Concept, dated September 12, 2011. The proposed project conforms to the certified LUP 25-foot height limit for R-1 zoned, low density residential, and conforms to the setback limits for front, rear and side yards.

New Development – Bird Strike Prevention

Section 30250(a) of the Coastal Act requires, in part, that new development not have significant adverse effects on coastal resources. The proposed project includes the use of clear glass windscreens. Use of clear, visually permeable materials near open space areas are known to have adverse impacts on a variety of bird species. Birds are known to strike glass walls causing their death or stunning them which exposes them to predation. Some authors report that such bird strikes cause between 100 million to 1 billion bird deaths per year in North America alone. Birds strike the glass because they either don't see the glass, or there is some type of reflection in the glass which attracts them (such as the reflection of bushes or trees that the bird might use for habitat).

To avoid these impacts to bird species, the Commission has typically prohibited the use of clear glass windscreens adjacent to open space or park areas. The proposed project, which includes the use of clear glass windscreens, is therefore not compatible with the Commission's past actions relative to bird-strike prevention. Special Condition 3 requires, prior to issuance of the permit, the applicant to submit a set of revised plans which replace clear glass windscreens with metal, wood, frosted glass, or etched glass screens and/or railings. Special Condition 4 states that any future changes to the proposed development, including the railing or addition of glass screening, would require an amendment to this Coastal Development Permit. Therefore, as conditioned, the project does not present a potential bird strike hazard and conforms to Section 30250(a) of the Coastal Act.

B. Public Access

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

C. Recreation

The proposed development, as submitted, does not interfere with public recreational use of coastal resources and conforms with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

D. Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, the use of non-invasive drought tolerant vegetation, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the

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

E. **Hazards**

The applicant provided a Coastal Hazard and Wave Run-up Study for the subject property, as is consistently required by the Commission for shoreline development in southern Los Angeles County and Orange County. The Wave Run-up Study was prepared by GeoSoils, Inc. and is dated August 22, 2011. The analysis describes the subject beach as a stable beach and concludes that the proposed development exists landward of the storm wave uprush limit, and therefore will not require any seawall or other shoreline protective device.

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future can not be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. 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; prohibit construction of protective devices (such as a seawall) in the future; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. 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.

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 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.

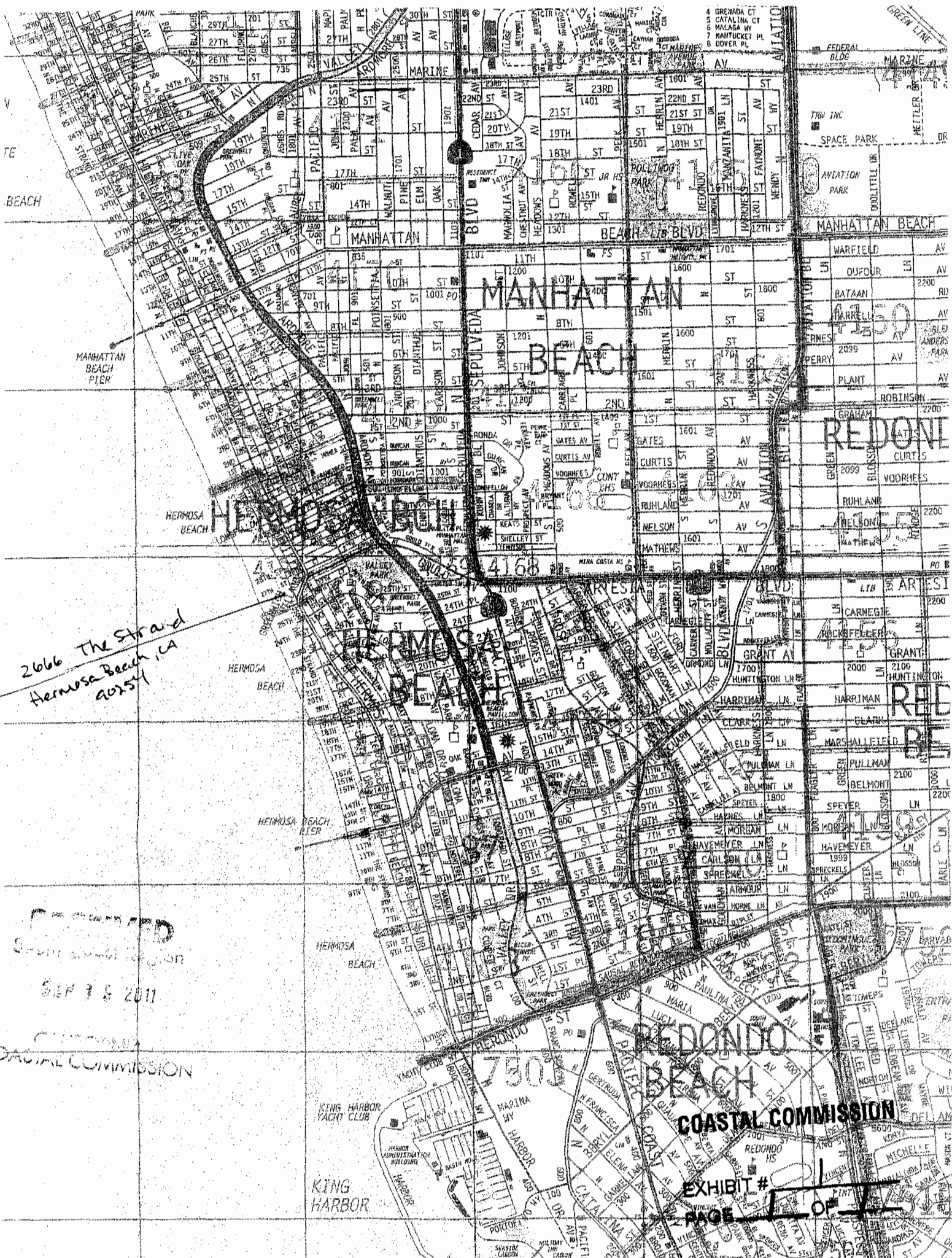
G. **Local Coastal Program**

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 Land Use Plan for Hermosa Beach was effectively certified on April 21, 1982, however, as stated, the Coastal Act is the standard of review for this project. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area.

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 other feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.



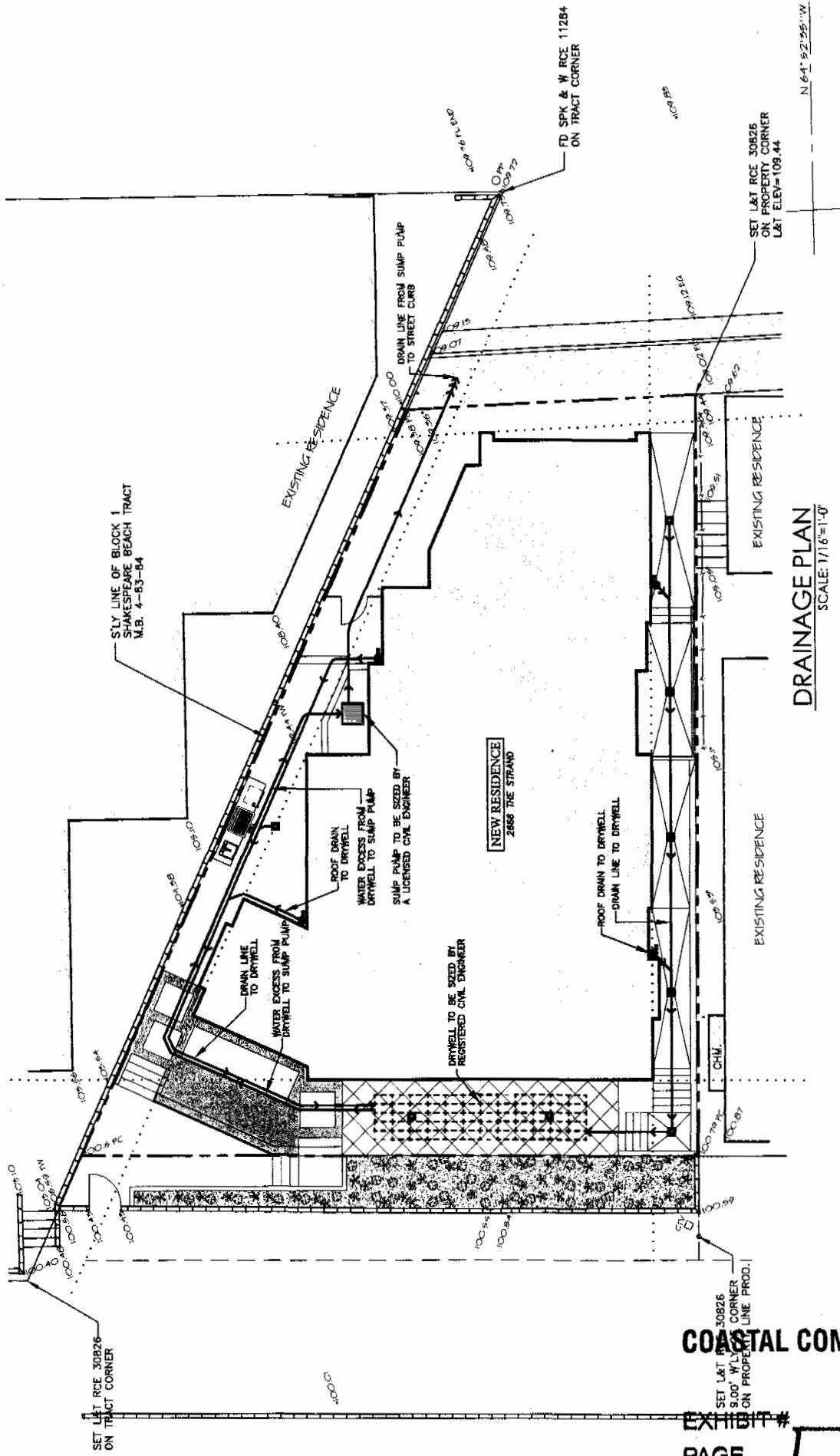
2666 The Strand
Hermosa Beach, CA
90254

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CITY OF MANHATTAN BEACH
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EXHIBIT # 1
PAGE 1 OF 5



DRAINAGE PLAN
SCALE: 1/16"=1'-0"

COASTAL COMMISSION

SET LAT RICE 30826
ON TRACT CORNER
3.00' W/L' LINE
ON PROPERTY
LINE PROD.

TOMARO
 ARCHITECTURE
 INCORPORATED
 1001 Sixth Street
 Suite No. 100
 Manhattan Beach,
 California 90266
 Tel: 310.318.8089
 Fax: 310.318.9400
 www.tomaro.com
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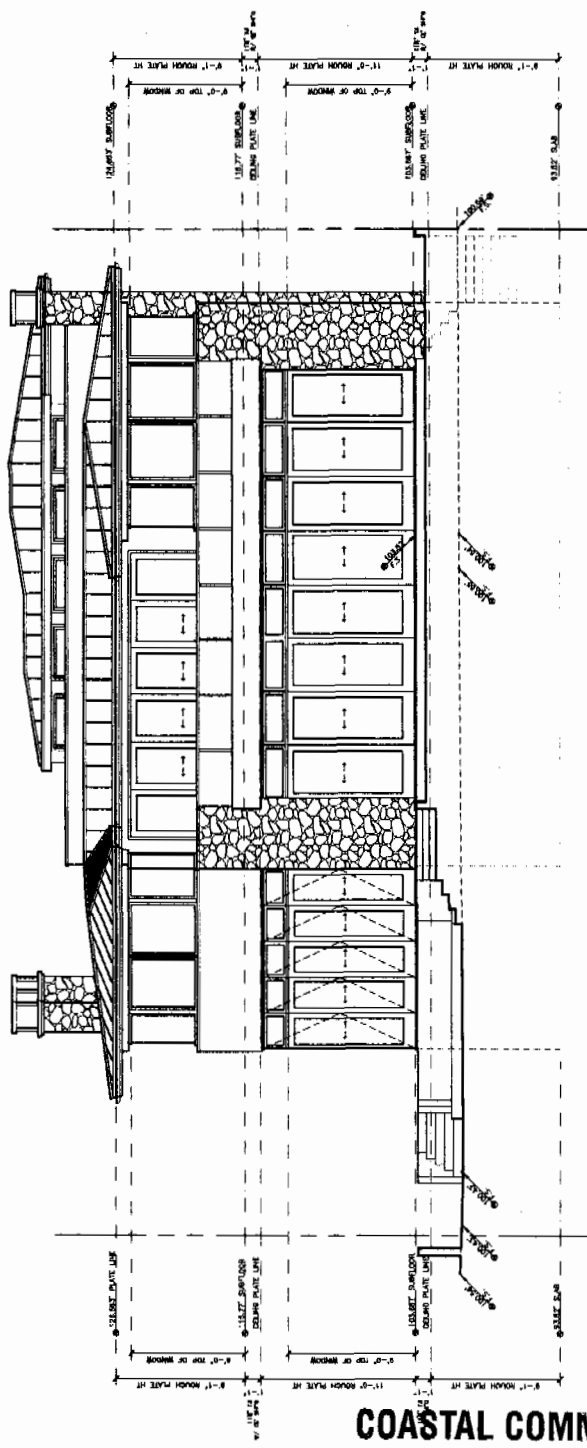
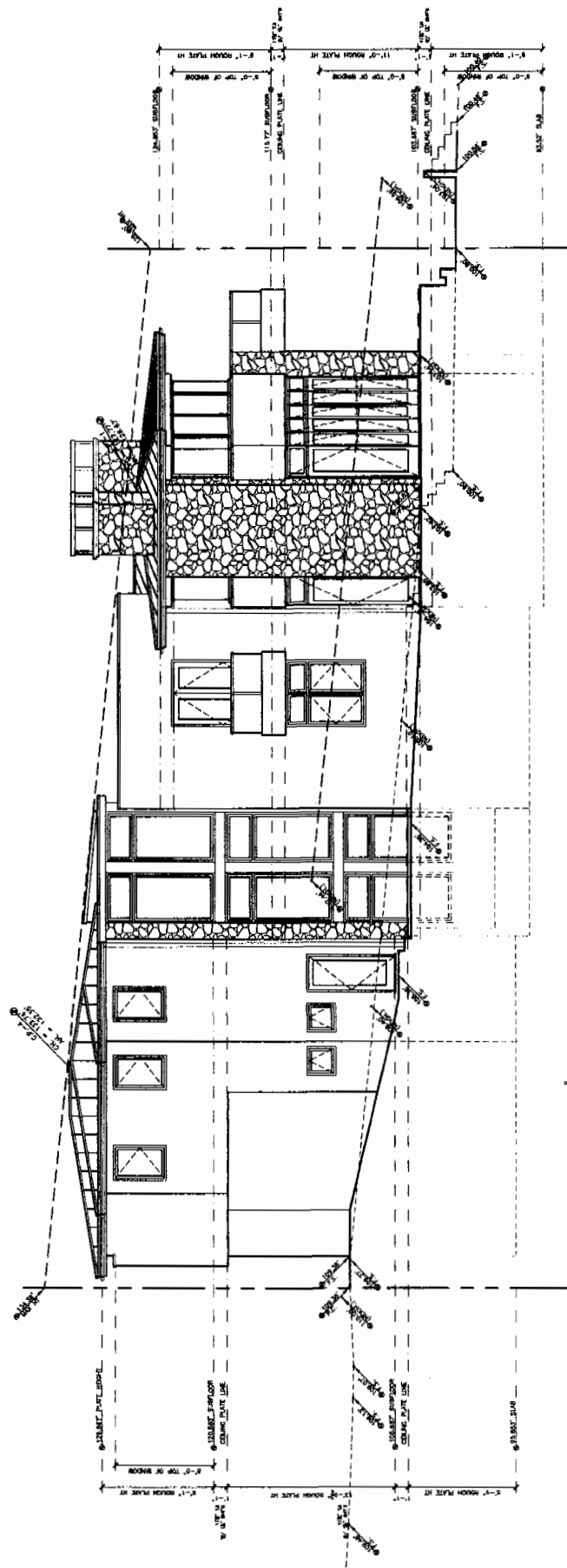
**A NEW
 RESIDENCE**
 2866 THE STRAND
 HERMOSA BEACH,
 CALIFORNIA 90254

DATE: 10/18
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 APPROVED BY: [Signature]
ELEVATIONS



WEST ELEVATION
 SCALE 1/4"=1'-0"

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



COASTAL COMMISSION

EXHIBIT # 3
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DATE: 10/18/17