

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Long Beach, CA 90802-4302  
(562) 590-5071



# Th10b

Filed:	8/31/2015
180th Day:	2/27/2014
Staff:	M. Revell- LB
Staff Report:	11/19/2015
Hearing Date:	12/10/2015

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 5-15-1322

**Applicant:** HB Strand Endeavor, LLC

**Agent:** Srour & Associates

**Location:** 1932-1942 The Strand, Hermosa Beach, Los Angeles County (APN 4182-006-029)

**Project Description:** Demolish a single family residence and detached garage on 2 lots, and construct a 30 foot high, 3,823 square foot, three-story, single family residence on one beachfront lot at 1932 The Strand, Hermosa Beach in Los Angeles County.

**Staff Recommendations:** Approval with conditions

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### SUMMARY OF STAFF RECOMMENDATION

HB Strand Endeavor, LLC requests a permit to demolish a single family residence and detached garage on two lots, and construct a new single family residence on one beachfront lot. The primary Coastal Act issues raised by the subject development are: 1) beachfront development that could be subject to natural hazards such as wave attack and flooding during strong storm events; and 2) water quality.

Staff recommends **APPROVAL** of Coastal Development Permit Application 5-15-1322, with **five SPECIAL CONDITIONS** regarding: 1) water quality, drainage and landscaping plans; 2) waiver of liability and indemnity; 3) future development; 4) no future shoreline protective device; and 5) deed restriction.

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the 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 of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

*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:

This permit is granted subject to the following 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 on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS:

This permit is granted subject to the following special conditions:

1. **Water Quality, Drainage and Landscaping Plans.**

A. The applicant shall conform to the drainage and run-off control plan received on July 30, 2015, showing roof drainage and runoff from all impervious areas directed to landscaped areas, infiltration/retention structure, or permeable concrete wherever possible. 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. The applicant shall incorporate Best Management Practices (BMPs) into the construction and post-construction phases of the subject development. The proposed plans also comply with the state of California's CalGreen Standards.

B. 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 legally 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. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-15-1322. 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. 5-15-1322. Accordingly, any future improvements to the structure authorized by this permit shall require an amendment to Permit No. 5-15-1322 from the Commission or shall require an

additional coastal development permit from the Commission or from the applicable certified local government.

**4. 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. 5-15-1322 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, and patio 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.

5. **Deed Restriction.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, 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:

### A. PROJECT DESCRIPTION

Demolish a single family residence and detached garage on 2 lots, and construct a 30 foot high, 3,823 square foot, three-story, single family residence on one 2,365 square foot beachfront lot. The subject property consists of two separate lots with the existing single family residence and detached garage crossing the common lot line (**Exhibit 2**). Both existing structures are to be demolished, which will effectively untie the two lots, resulting in two separate lots. The proposed development will take place on Lot 6, the southerly lot. The second lot will remain vacant and unimproved. The site is located in an R – 2B zone, which allows 30 ft. tall structures; the applicant is proposing a 30 ft. high single family residence, which is consistent with the zoning. The proposed residence will have three stories, an attached two-car garage and a guest parking space (**Exhibit 3**).

The site is located at 1932 The Strand, within the City of Hermosa Beach, in Los Angeles County. (**Exhibit 1**). The site is a beachfront lot located between the first public road and the sea. The 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 45<sup>th</sup> 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 a developed urban residential area, north of the Hermosa Beach Pier and south of Manhattan Beach Pier. There is an approximately 450 –ft. wide sandy beach between the subject property and the mean high tide line. Vertical public access to this beach is available to pedestrians via the public right-of-way on 20<sup>h</sup> Street at the northern border of the property. Due to its oceanfront location, the project site may be exposed to coastal hazards including wave run-up during a severe storm event, and sea-level rise. The Commission imposes **Special Condition 2**, whereby the applicant assumes the risk of developing in this potentially hazardous location. **Special condition 4** requires the applicant to agree not to build a shoreline protective device to protect the property from such hazards.

Best management practices will be employed during construction and include daily clean-up and disposal and/or recycling of construction debris, covering of all stock piles and construction materials, protection of any nearby storm drain structures from construction debris or materials, sandbagging of site to control surface water run-off and monitoring or construction personnel to insure a full understanding of environmental protection procedures. **Special Condition 1** ensures compliance with the proposed water quality, drainage, and landscaping plans.

The City has review the proposed project and found it consistent with local zoning requirements, as evidence by their Approval-In-Concept, dated July 9, 2015. The proposed project conforms to the certified LUP 30-ft height limit for R-2B zoned, low density residential, and conforms to the setback limits for the front, rear and side yards.

## **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 to increase the volume and intensity of runoff from the site and impact coastal water quality. The Commission has typically required new residences located along The Strand to incorporate measures designed to infiltrate runoff on-site wherever possible, to minimize the impacts of the project to coastal waters. The applicant has proposed to direct roof runoff to an infiltration/retention tank, landscaping areas, and permeable concrete prior to discharge to the public storm drain system. Therefore, 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. 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 & Wave Runup Study for the subject property, as is consistently required by the Commission for shoreline development in southern Los Angeles County and Orange County. The Coastal Hazard & Wave Uprush Study was prepared by Geosoils, Inc. and is dated June 25, 2015. The analysis describes the subject beach as a stable beach and concludes that "wave runup and overtopping will not significantly impact this site over the life of the proposed improvements."

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. 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 (CEQA)**

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.

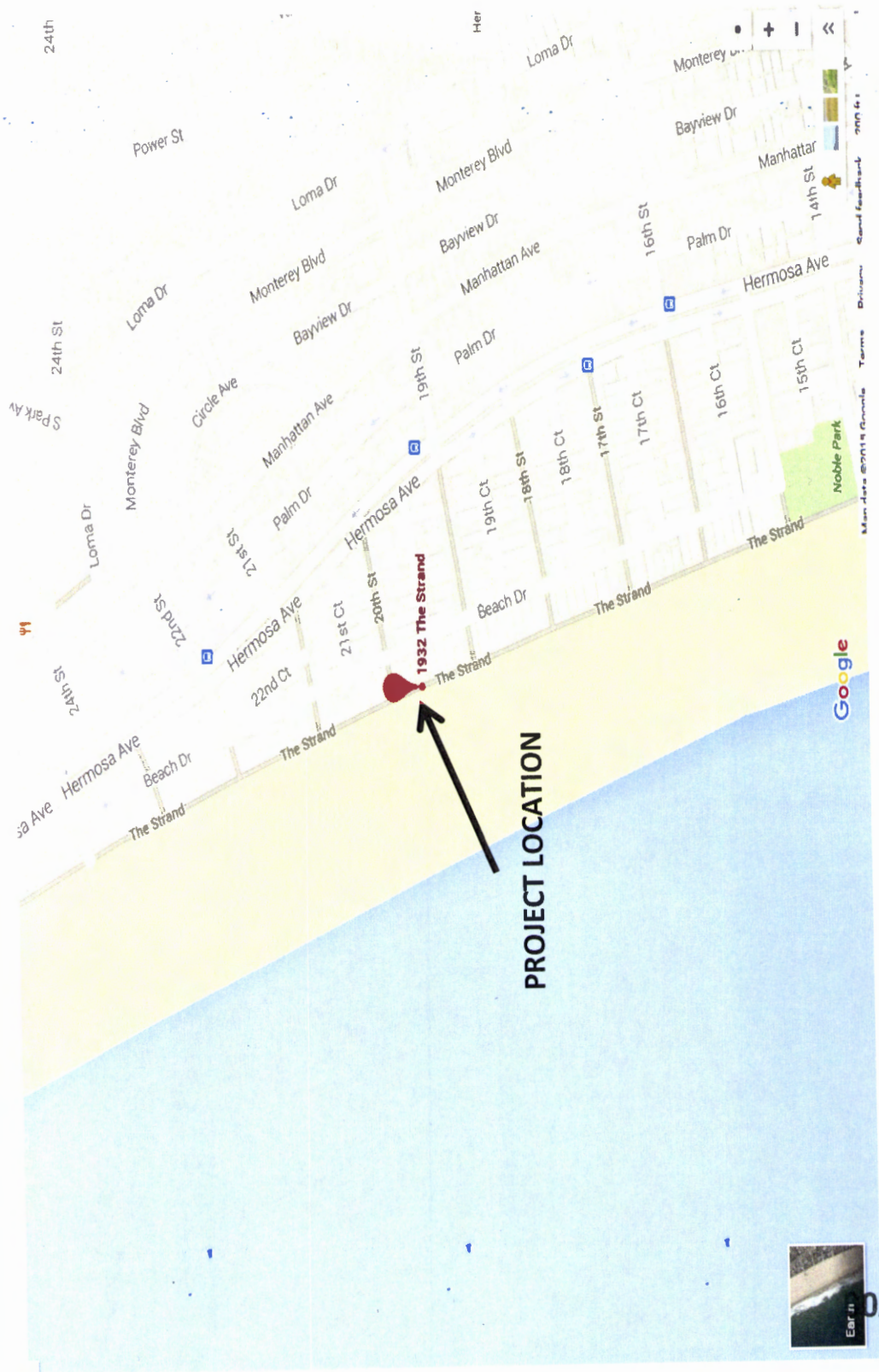
## **Appendix A - Substantive File Documents**

- City of Hermosa Beach Approval-in-Concept, dated July 9, 2015.
- Coastal Hazard & Wave Runup Study, dated June 25, 2015.

## **Exhibits**

- Exhibit 1 – Location Map
- Exhibit 2 – Parcel Map
- Exhibit 3 – Elevations
- Exhibit 4 – Site Drainage

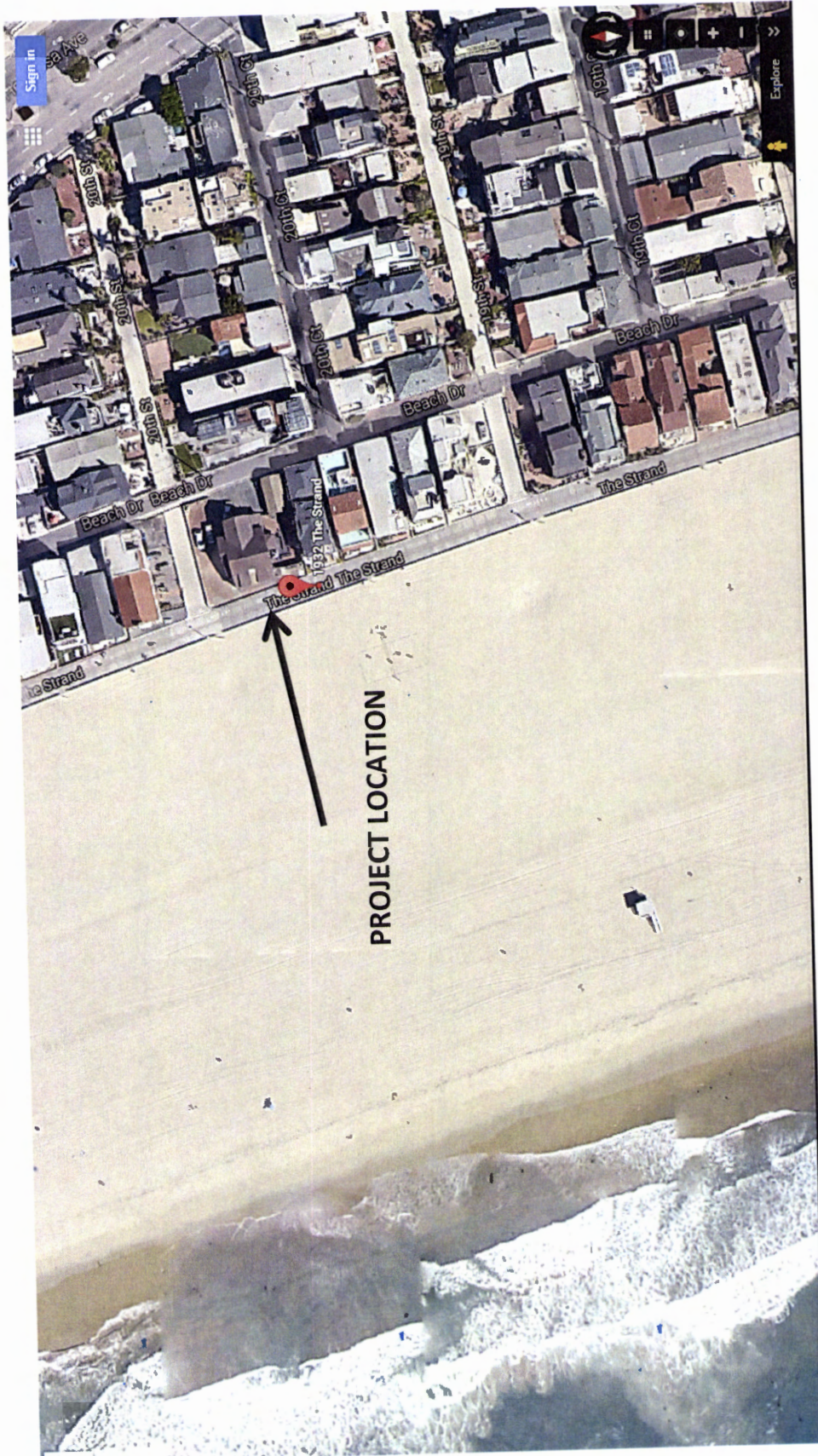




PROJECT LOCATION

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EXHIBIT # 1  
PAGE 1 OF 2



PROJECT LOCATION

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EXHIBIT # 1  
PAGE 2 OF 2

2008



MAPING AND GIS SERVICES SCALE 1"=50'

Project site



JUL 16 2007

COASTAL COMMISSION

EXHIBIT # 2  
PAGE 1 OF 1



ARCHITECTURE  
2617 N. SEPULVEDA  
MANHATTAN BEACH  
CALIFORNIA 90266  
TEL: 310-318-8089  
FAX: 310-318-9400  
WWW.TOMARO.COM

PROJECT  
**A NEW  
RESIDENCE**  
1932 THE STRAND  
HERMOSA BEACH  
C.A. 90254

STAMP

REVISIONS

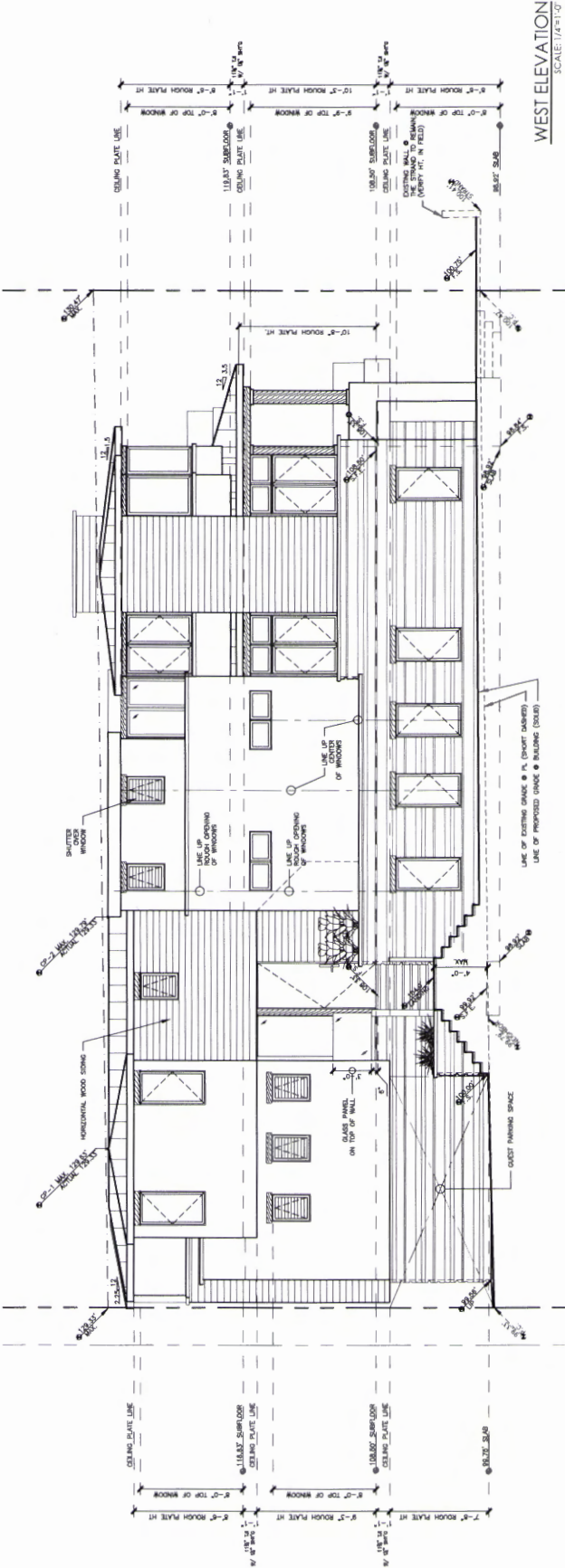
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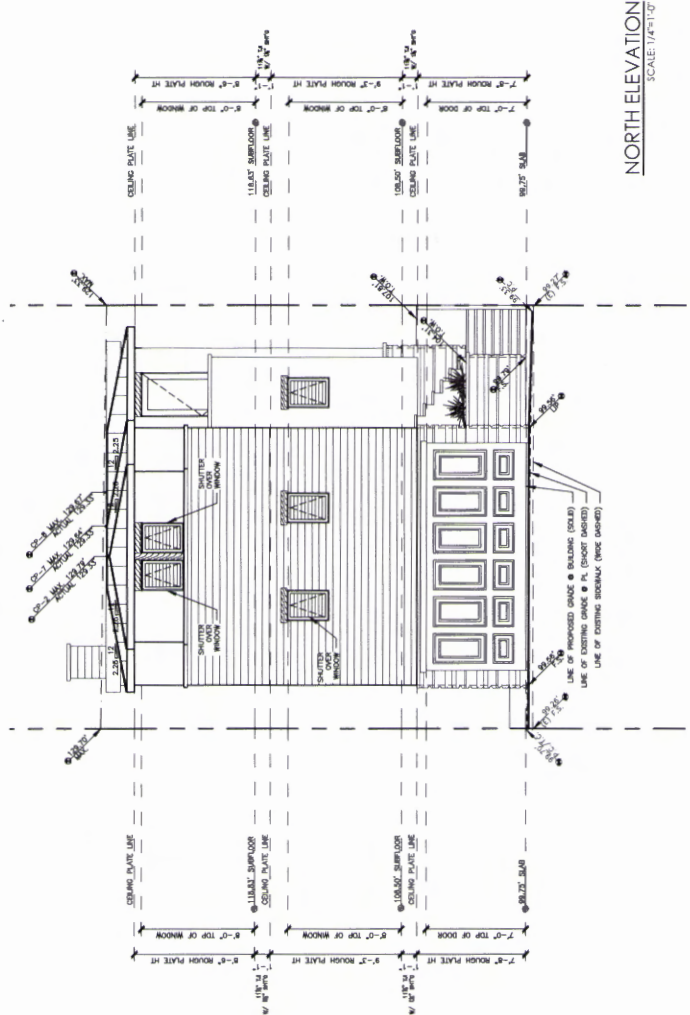
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ELEVATIONS

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ARCHITECTURE

SHEET NO.  
**A.05**



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



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

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EXHIBIT # 3  
PAGE 1 OF 2



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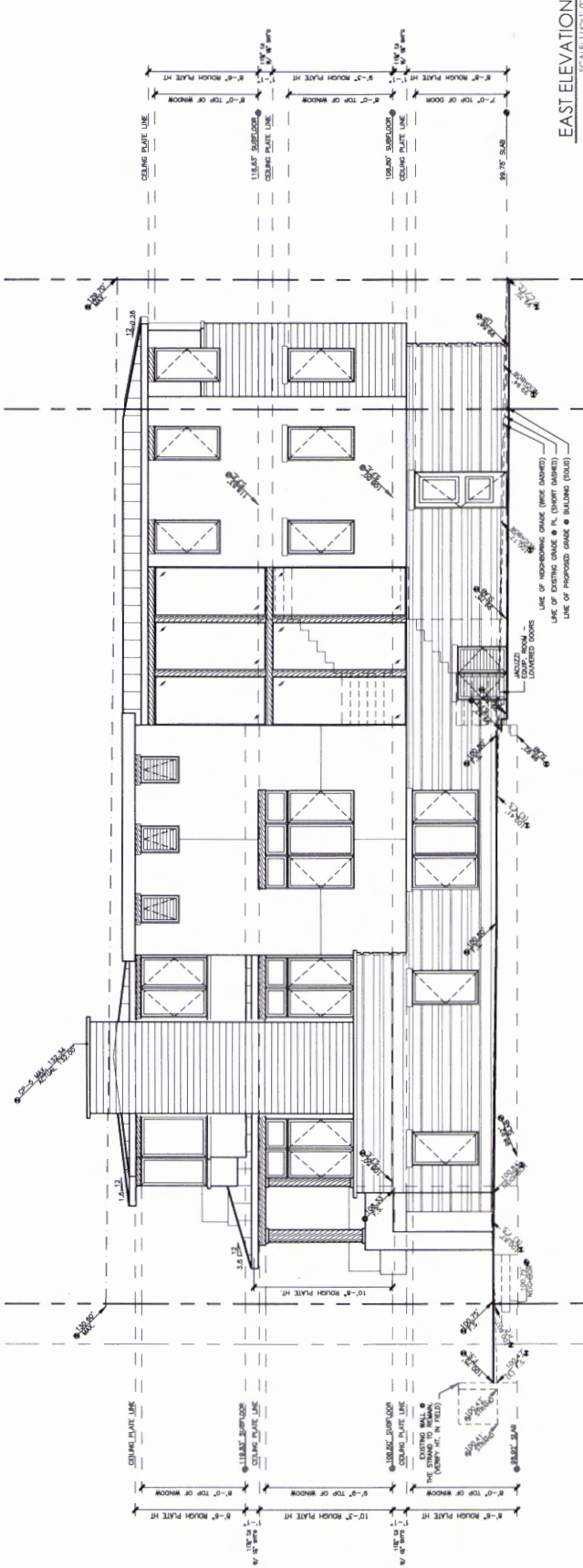
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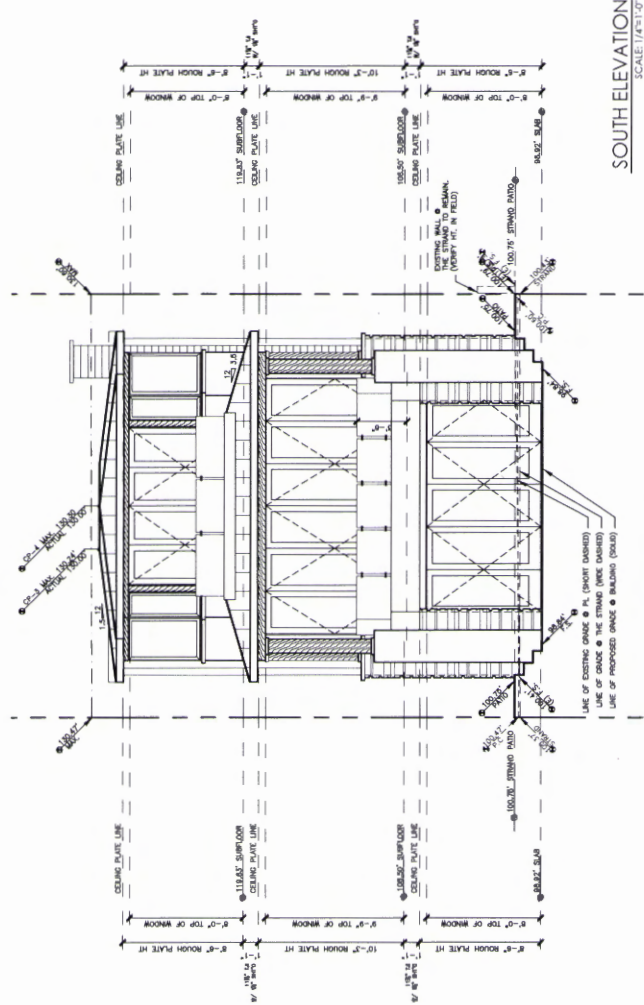
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SHEET NO.

**A.06**



**EAST ELEVATION**  
 SCALE: 1/4"=1'-0"



**SOUTH ELEVATION**  
 SCALE: 1/4"=1'-0"

**COASTAL COMMISSION**

EXHIBIT # 3  
 PAGE 2 OF 2



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**PROJECT**  
**A NEW**  
**RESIDENCE**  
 1932 THE STRAND  
 HERMOSA BEACH  
 CA 90254

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**PROJECT NO.**  
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**DRAWING**  
**DRAINAGE PLAN**

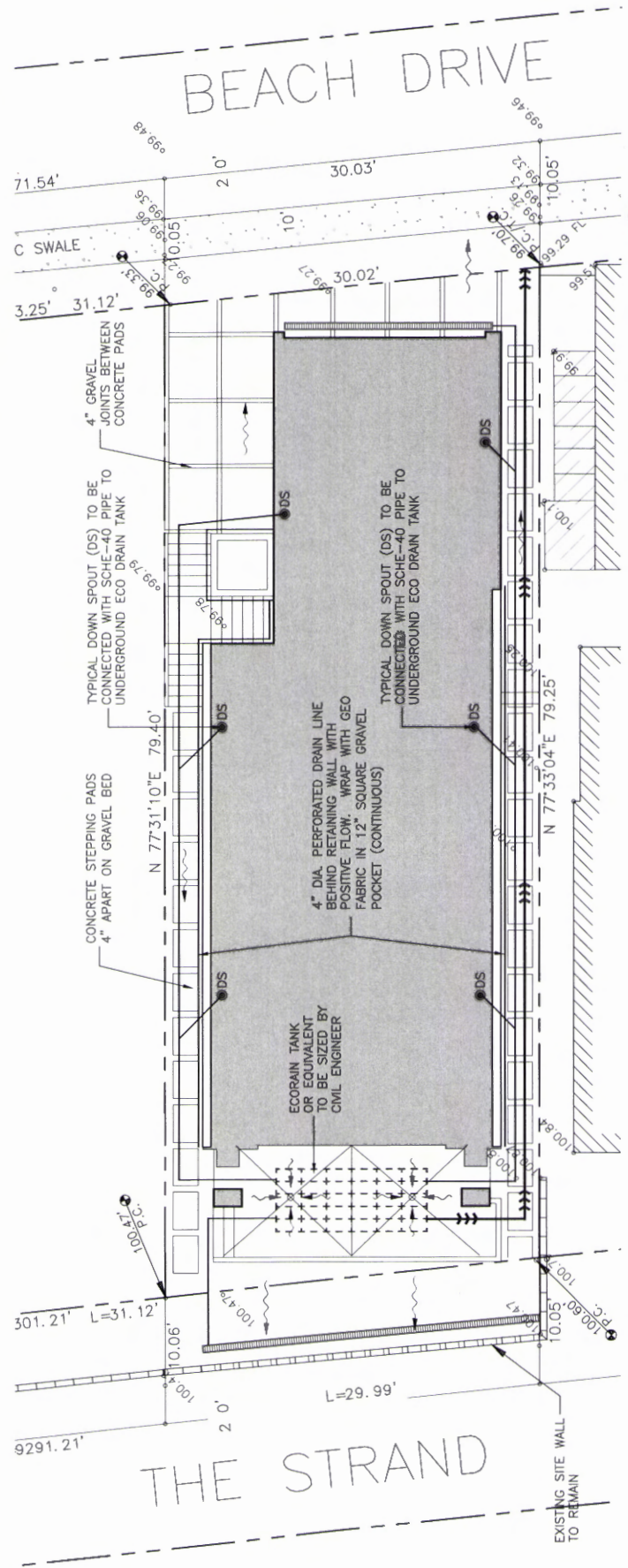
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**SHEET NO.**  
**C.02**

**OCEAN, LAKE AND RIVER POLLUTION PREVENTION**

- IT IS UP TO US... RAIN WATER OR URBAN RUN OFF... MAKES WITH POLLUTANTS INCLUDING OIL AND OTHER AUTOMOTIVE FLUIDS... PRACTICES (BMP'S) WILL INSURE A CLEANER OCEAN AND CITY
- 1. GENERAL BUSINESS PRACTICES
  - A. KEEP MATERIALS OUT OF THE BIN, STORE THEM UNDER PROTECTED FROM RAINFALL, RUNOFF AND THE WIND.
  - B. SCHEDULE EXCAVATION AND GRADING WORK FOR DRY WEATHER.
  - C. DEVELOP AND IMPLEMENT EROSION AND SEDIMENT CONTROL PLANS FOR EXCAVATIONS.
  - D. EQUIPMENT MAINTENANCE
    - A. COVER CATCH BASINS AND MAINTENANCE HOLES WHEN APPLYING SEAL COAT, SLURRY SEAL, TOO SEAL, ETC.
    - B. USE CHECK DAMS, DITCHES OR BERMS TO DIVERT RUNOFF AROUND EXCAVATIONS.
    - C. MAINTAIN DRAINAGE DRAINAGE FROM EXPOSED EXCAVATION. CONCRETE, ASPHALT OR SIMILAR TREATMENTS INTO A STREET, LEGALLY DISPOSE OF.
    - D. GUTTER OR STORM DRAIN, COLLECT AND RECYCLE, OR LEGALLY DISPOSE OF.
    - E. COLLECT AND RECYCLE EXCESS ASPHALT, DRIVE, OR SAND.
    - F. AVOID OVER-APPLICATION BY WATER TRUCKS FOR DUST CONTROL.
    - G. SPILLS
      - A. NEVER SCOUR DIRT, PAVEMENT OR SURFACES.
      - B. NEVER DISPOSE OF OIL, GREASE, ANTIFREEZE, WASHING FLUIDS, PAINTS, SOLVENTS, OR OTHER HAZARDOUS MATERIALS (AND/OR RADIOS), OR DRUGS AND PHARMACEUTICALS IN THE GROUND OR IN ANY DRAINAGE SYSTEM.
      - C. NEVER DISPOSE OF OIL, GREASE, ANTIFREEZE, WASHING FLUIDS, PAINTS, SOLVENTS, OR OTHER HAZARDOUS MATERIALS (AND/OR RADIOS), OR DRUGS AND PHARMACEUTICALS IN THE GROUND OR IN ANY DRAINAGE SYSTEM.
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- 2. EQUIPMENT MAINTENANCE
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- 3. ASPHALT AND CONCRETE REPAIRS
  - A. NEVER SCOUR DIRT, PAVEMENT OR SURFACES.
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- 4. ASPHALT AND CONCRETE DISPOSAL, OPTIONS
  - A. USE A CRUSHING COMPANY LIKE USAGE LISTED BELOW TO RECYCLE ASPHALT AND CONCRETE INTO PAVING MATERIALS FOR USE IN LANDFILL.
  - B. BLUE DIAMOND, SOUTH GATE, 800-300-8120
  - C. COPP CRUSHING, ANAKEM, TEMECULA, OHIO AND SANTA FE SPRINGS, 310-502-2141
  - D. R.J. MOBLE, SANTA ANA, 714-837-1590
- 5. DURING CONSTRUCTION
  - A. COVER CATCH BASINS AND MAINTENANCE HOLES WHEN APPLYING SEAL COAT, SLURRY SEAL, TOO SEAL, ETC.
  - B. USE CHECK DAMS, DITCHES OR BERMS TO DIVERT RUNOFF AROUND EXCAVATIONS.
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**COASTAL COMMISSION**  
 EXHIBIT # **4**  
 PAGE **1** OF **1**



**DRAINAGE PLAN**  
 SCALE: 1/8"=1'-0"