

**CALIFORNIA COASTAL COMMISSION**

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**RECORD PACKET COPY**

Filed: 8/8/00  
49th Day: 9/26/00  
180th Day: 2/4/01  
Staff: AM-LB A/L  
Staff Report: 8/15/00  
Hearing Date: Sept. 12-15, 2000  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-00-271

**APPLICANT:** Shawn and Susan Darcy

**AGENT:** L.A. Young and Associates

**PROJECT LOCATION:** 502 The Strand, City of Hermosa Beach, Los Angeles County.

**PROJECT DESCRIPTION:** Demolition of a garage and separate living unit that is unattached to the existing home, demolition of the rear exterior wall of the existing single family home (17% of the total exterior wall area of the existing sfh), and construction of an additional 30-foot high, 1,260.8 square foot, two levels of living area over a 497.24 square foot two-car garage that will be connected to the existing four floor, 34-foot high 3,126 square foot single family home; and 365 square foot addition to the top floor of the existing residence.

Lot Area	2,440 square feet
Building Coverage	1,240 square feet
Pavement Coverage	1,200 square feet
Landscape Coverage	0 square feet
Parking Spaces	3
Zoning	R-3
Plan Designation	High Density Residential
Ht above final grade	30 feet

**LOCAL APPROVAL:** City of Hermosa Beach, Approval in Concept, 6/28/2000.

## **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to assumption-of-risk deed restriction, building height, and parking. The applicant agrees with the staff recommendation.

### **STAFF RECOMMENDATION:**

The staff recommends that the Commission approve the following resolution with special conditions.

### **Motion:**

I move that the Commission approve CDP No. 5-00-271 pursuant to the staff recommendation.

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

### **I. Approval with Conditions**

The Commission hereby **grants**, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

### **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. Assumption of Risk

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to wave up-rush and flooding; (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.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restriction on development. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Height

No portion of the proposed new development shall exceed 30 feet in elevation above the existing grade.

3. Parking

A minimum of three parking spaces shall be provided and maintained on the site to serve the approved single family residence.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to demolish the existing garage and separate living unit that is unattached to the existing single family home. The applicant also proposes to demolish the rear exterior wall of the existing single family home, which is 17% of the total exterior wall area of the home (670 square feet) and construct a 30-foot high, 1,260.8 square foot, two levels of living area over a 497.24 square foot two-car garage that will be connected to the existing four floor, 34-foot high 3,126 square foot single family home (See Exhibits). Also proposed is the addition of 365 square feet of livable space to the top floor of the existing residence. The remodeled single family home will be 4,794 square feet. The 2,440 square foot lot is located on the inland side of The Strand, an improved public pedestrian right-of-way that separates the residential development from the public beach (Exhibit #1). The Strand is used by both residents and visitors for recreation activities and access to the shoreline. It extends for approximately 10 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) (Exhibit #2). On-site parking for the proposed single family residence will be provided by a two-car garage located on the ground floor and an open guest parking space on the driveway apron, with vehicular access from Beach Drive (Exhibit #3). Adjacent to the subject property is the 5<sup>th</sup> Street right-of-way. Also, 6<sup>th</sup> Street, situated approximately 200 feet north of the subject site, has been improved as a pedestrian only beach access way (Exhibit #4).

B. HAZARDS

Section 30253 of the Coastal Act states, in part:

*New development shall:*

(1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

- (2) *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.*

Section 30251 of the Coastal Act states that:

*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.*

#### **Wave Up-rush and Flooding Hazards**

The subject property is located at the southern portion of Hermosa Beach. The lot is fronted by The Strand, a coastal walkway adjacent to a wide, sandy beach (approximately 350 feet wide). The width of the beach provides this area a measure of protection from wave hazards, however beach erosion is seasonal and is subject to extreme storm events that may expose the project to wave up-rush and subsequent wave damage.

The especially heavy wave action generated during the 1982-83 El Nino winter storms and again in 1988 caused extensive beach erosion throughout Southern California. In both years Hermosa Beach was significantly eroded but wave action and water did not reach the subject property.

The applicant has submitted a wave run-up analysis study dated August 2000, prepared by Skelly Engineering. The analysis examined the impact of wave run-up and flooding upon the subject site. The report determined that the subject site is located on a wide sandy beach. The study looked at the effect of large wave and flooding events such as those which occurred in January 1983 and January 1988. The report concluded that the subject property would not be subject to wave run-up under extreme design conditions (Exhibit #5). Also, the rate of shoreline erosion was found to be one foot per year, which would not reduce the width of the beach less than 250 feet over a 100-year period. "250 foot width of beach is recognized by coastal engineers as a sufficiently wide enough beach to provide back-shore protection" (Wave Run-Up Study, page 7). The conclusions were based on the 350-foot width of the beach, the presence of an existing 32 inch wall on the western side of The Strand, the small rate of beach erosion, past

extreme storm events, and the presence of a sand berm that the City provides each winter (Exhibit #5).

Beach areas are dynamic environments, which may be subject to unforeseen changes. Such changes may affect beach processes, including sand regimes. The mechanisms of sand replenishment are complex and may change over time, especially as beach process altering structures, such as jetties, are modified, either through damage or deliberate design. Therefore, the presence of a wide sandy beach at this time does not preclude wave up-rush damage and flooding from occurring at the subject site in the future. The width of the beach may change, perhaps in combination with a strong storm event like those which occurred in 1983, 1988 and 1998, resulting in future wave and flood damage to the proposed development.

The subject site may be subject to significant wave hazards if conditions change. Therefore, Special Condition #1 requires the recordation of an assumption-of-risk deed restriction by the applicant. With this standard waiver of liability condition, the applicant is notified that the lot and improvements are located in an area that is potentially subject to flooding and wave run-up hazards that could damage the applicant's property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. In addition, the condition insures that future owners and lessors of the property will be informed of the risks and the Commission's immunity of liability.

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restriction on development. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

As conditioned, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act which requires that geologic and flood hazards be minimized, and that stability and structural integrity be assured.

#### **B. Community Character/Visual Quality**

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....*

This section of The Strand includes one, two, and three floor single family residences and some older duplexes. The Strand is a heavily used pedestrian path used for biking and strolling. The moderate heights have been found by the Commission and the City to enhance the recreational experience. The majority of these structures do not exceed 30 feet in height. Allowing building heights above the 30-foot limit would serve to negatively impact coastal views and the character of the surrounding community. In order to protect community character and visual quality, Special Condition #2 limits the development at a maximum of 30 feet above the existing grade. This height is consistent with the general height of the area.

The existing single family home that will remain has a maximum roof height of 34 feet above the centerline of the frontage right-of-way. This home was built prior to the Coastal Act and, therefore, was not regulated under the existing standards. The proposed addition has a roof height of 30 feet above the existing grade (Exhibit #6-7). Therefore, the proposed single family residence complies with the 30-foot height limit in the City of Hermosa Beach proposed revision to the Certified LCP and previous Commission approvals. The scenic and visual qualities of the area will not be negatively impacted.

In order to ensure that the proposed project is constructed as approved, the approval is conditioned to limit the roof height of the new development to 30 feet. No portion of the new structure shall exceed 30 feet in elevation above the existing grade unless approved by an amendment to this coastal development permit. Only as conditioned is the proposed project consistent with the Coastal Act's visual resource policies.

#### **C. Public Access/Parking**

As described above, The Strand and the adjacent beaches are a public recreational resource. The walkways provide an urban recreational experience popular throughout the Los Angeles area. The Commission has imposed Special Condition #3 to protect the quality of that recreational experience. The Commission has consistently found that a direct relationship exist between residential density, the provision of adequate parking, and the availability of public access to the coast.

Section 30252 of the Coastal Act states, in part:

*The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities....*

Many of the older developments in Hermosa Beach do not provide adequate on-site parking. As a result, many residents and guests park on the surrounding streets, where there is a parking shortage, and has negatively impacted public access to the beach. Visitors to the beach use these streets for parking. Residents of the area and their guests are using the small amount of parking that may be available for the general public on the surrounding streets.

To mitigate this problem, Special Condition #3 is imposed to provide for three onsite parking spaces. In this case, the proposed project provides a two-car garage and a nine-foot rear setback for guest parking on the driveway apron (Exhibit #3). Therefore, the proposed project provides an adequate parking supply for the proposed single family residence. The proposed project is consistent with prior Commission decisions for Hermosa Beach that required two parking spaces per residential unit and provisions for guest parking. The Commission finds that only as conditioned to maintain the proposed three on-site parking spaces, is the proposed project consistent with section 30252 of the Coastal Act.

**D. Local Coastal Program**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (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 August 20, 1981 the Commission staff denied the City of Hermosa Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications on April 21, 1982. The modifications were accepted and the LUP is fully certified. The City has prepared a final draft of its zoning and implementation ordinances (LIP) and a revision to their LUP. Therefore the standard of review for development in Hermosa Beach is still the Coastal Act.

The proposed development as conditioned is consistent with the public access, recreation, and community character policies of Chapter Three of the Coastal Act. The proposed development as conditioned by the City and the Commission addresses the LUP's concern with respect to the scale of development and the preservation of street parking for public use. The development is consistent with the parking management, density, and land use provisions of the certified LUP and its proposed revisions. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program



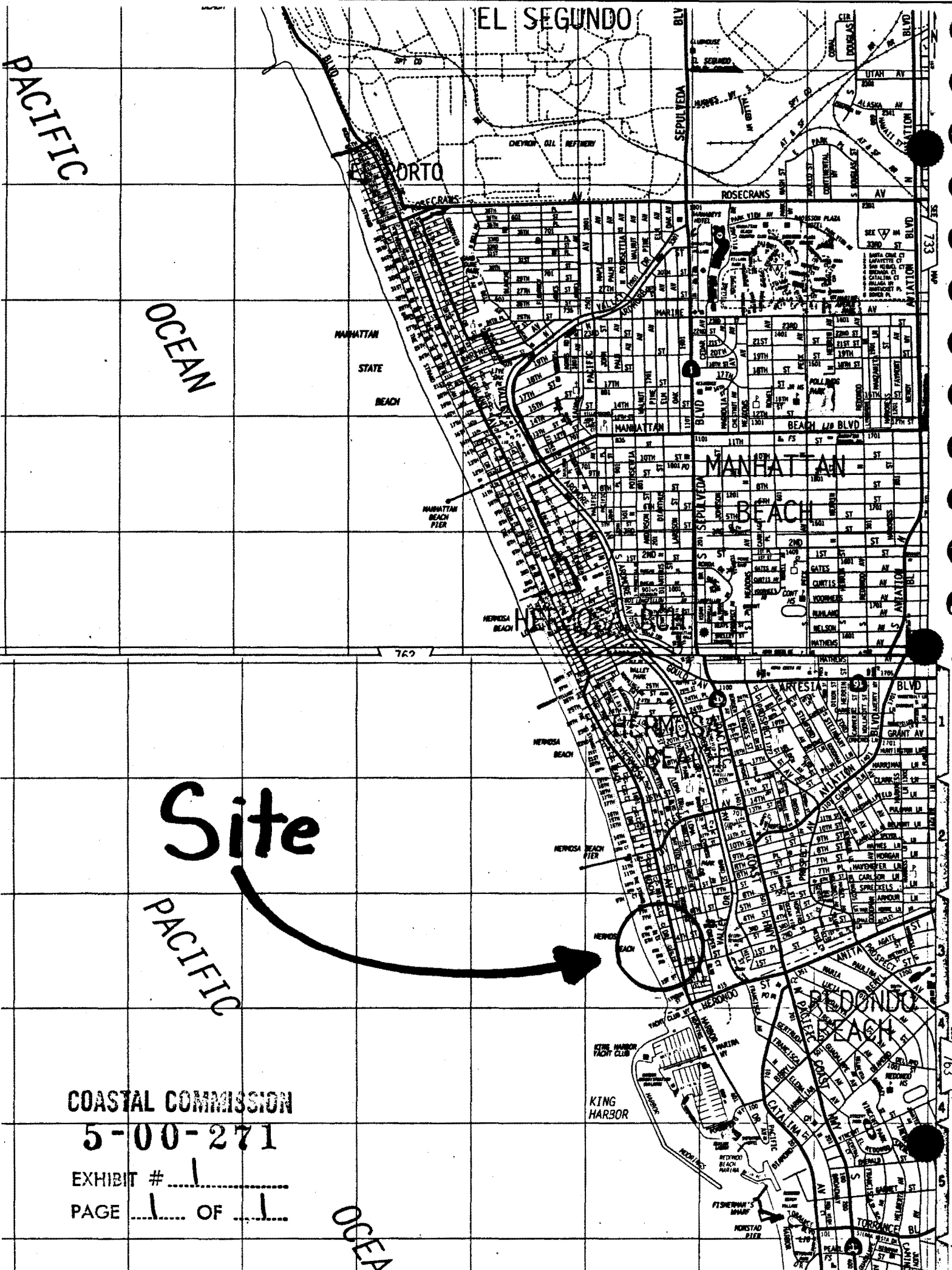
consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

**E. California Environmental Quality Act**

Section 13096 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 that the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/am



Site

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EXHIBIT # 1

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45th St.

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Length of  
The Strand

PACIFIC

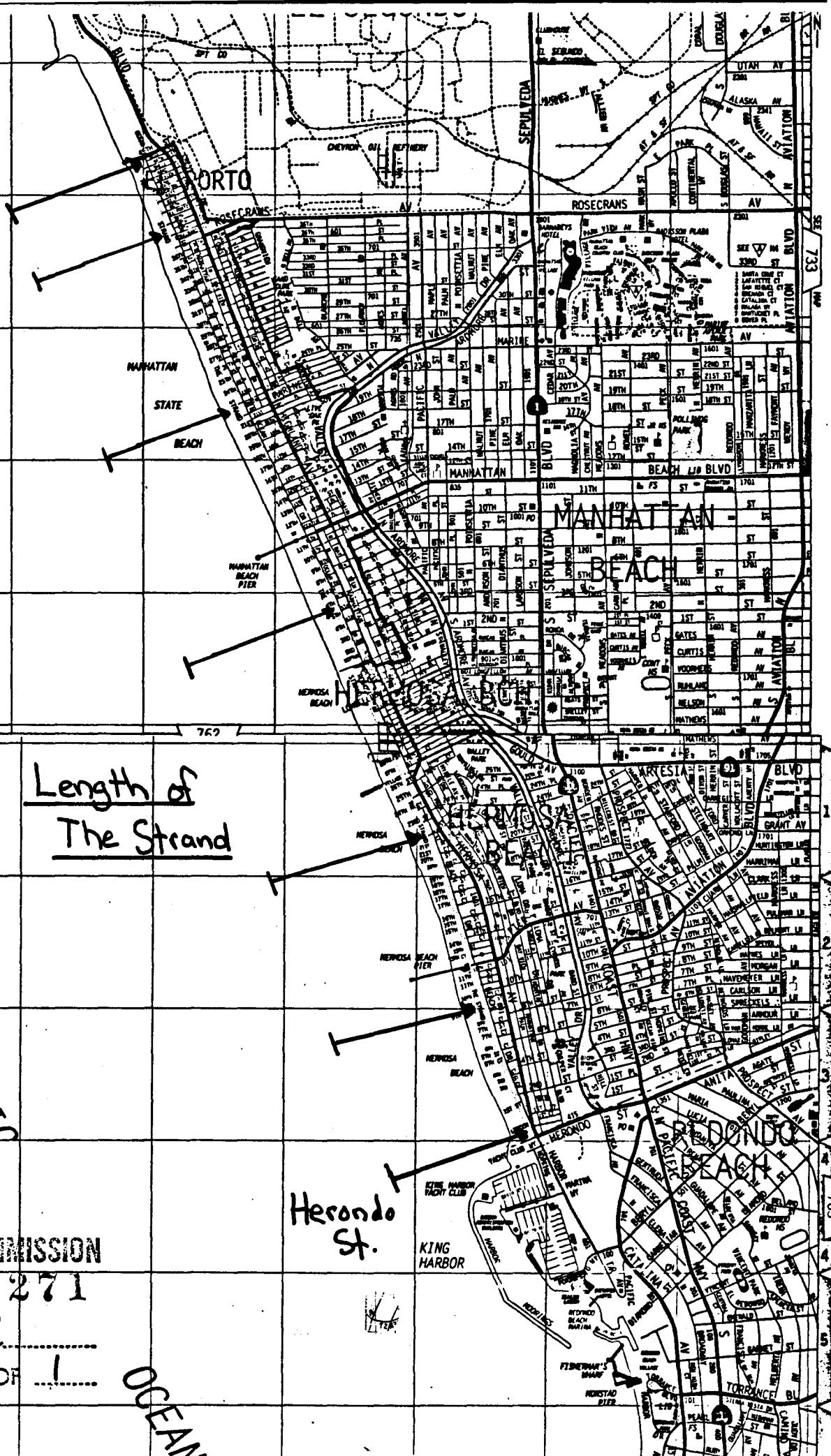
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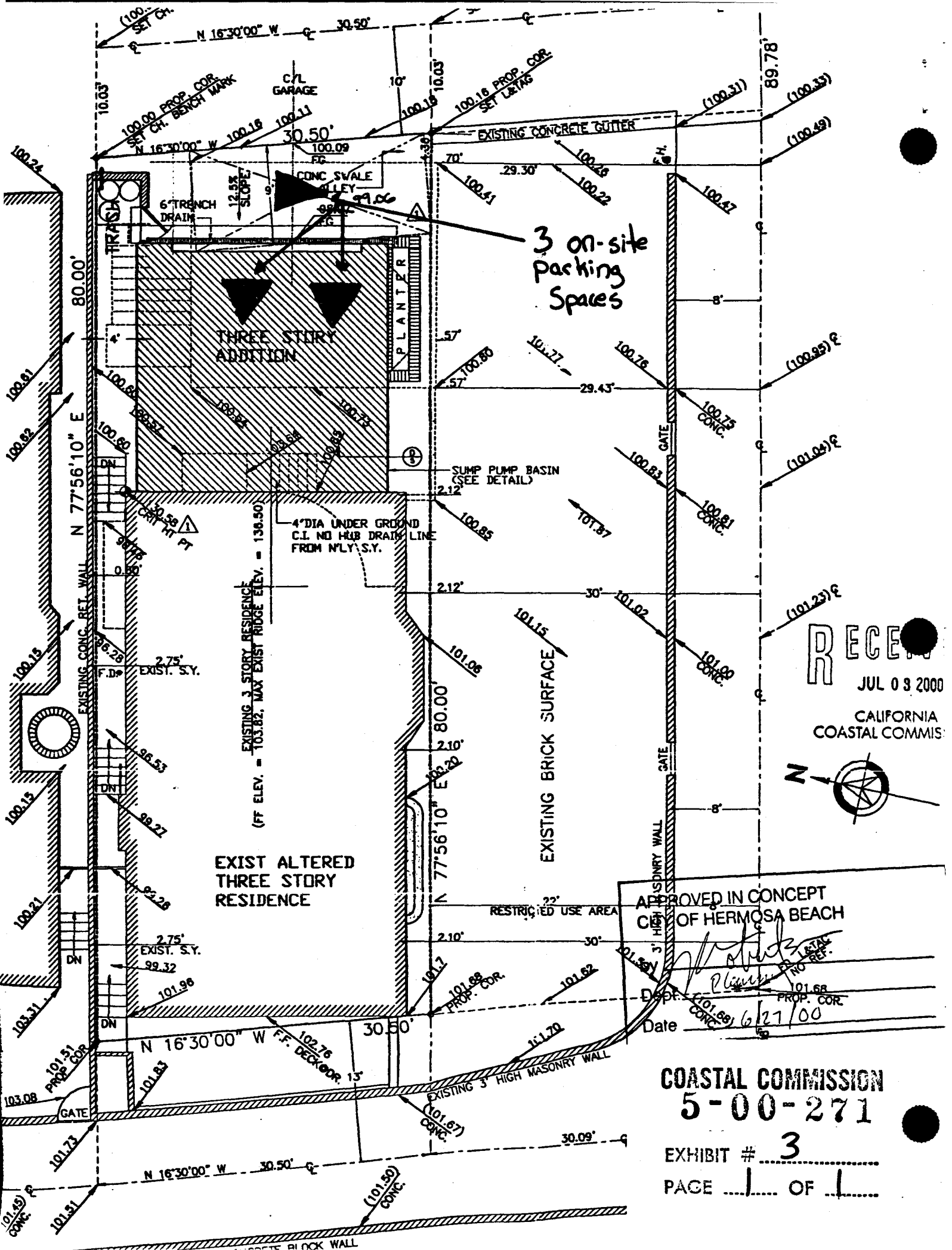
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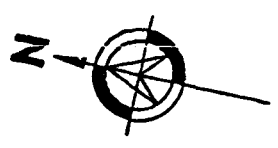
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APPROVED IN CONCEPT  
CITY OF HERMOSA BEACH  
*[Signature]*  
Date 6/27/00

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EXHIBIT # 3  
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1998

BK.  
4187

6TH

ST.

Coastal  
Access

STRAND

Project  
Site

Coastal  
Access

CODE  
4340

HERMOSA BEACH

M.B. 1-25-26

FOR PREV. ASSMT. SEE: 4188-4

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EXHIBIT # 4

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AVE.

HERMOSA

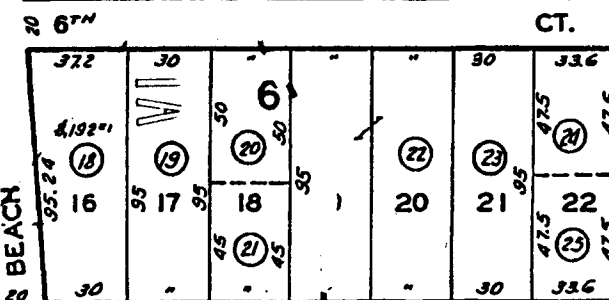
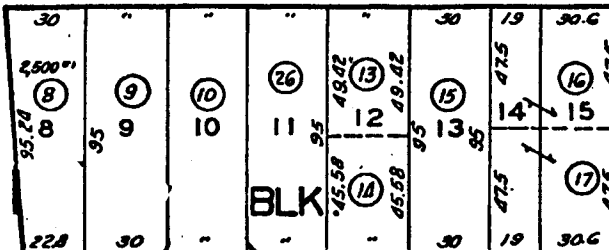
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DR.



The calculated overtopping rate for the eroded beach conditions a relatively small  $1.9 \text{ ft}^3/\text{s-ft}$ . The overtopping waters may not reach the seaward side of The Strand under the extreme design conditions. The Strand is at about elevation +10.5' MSL and has a 32 inch high wall on the seaward side. Photograph 1, taken on January 19, 1988 the day after the "400 year" wave event, shows the eroded beach in front of the property. However, the beach did not erode back to The Strand. In addition, the photograph shows the sand berm that the City of Hermosa Beach builds each winter to protect The Strand. Photograph 2, taken January 9, 1999, shows what could be described as the normal beach width (about 400 feet). A review of aerial photographs over the last 20 years shows a very wide beach even though the photos were taken in the winter and spring when the beach is seasonally the narrowest.

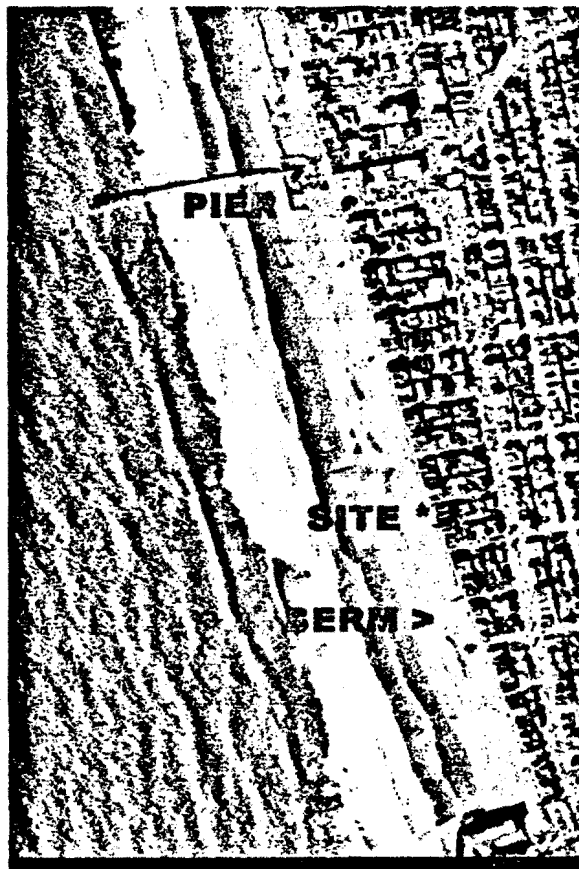


Photo 1. Site after January 18, 1988 storm waves.

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619 S. VULCAN AVE, #214B, ENCINITAS CA 92024 PHONE

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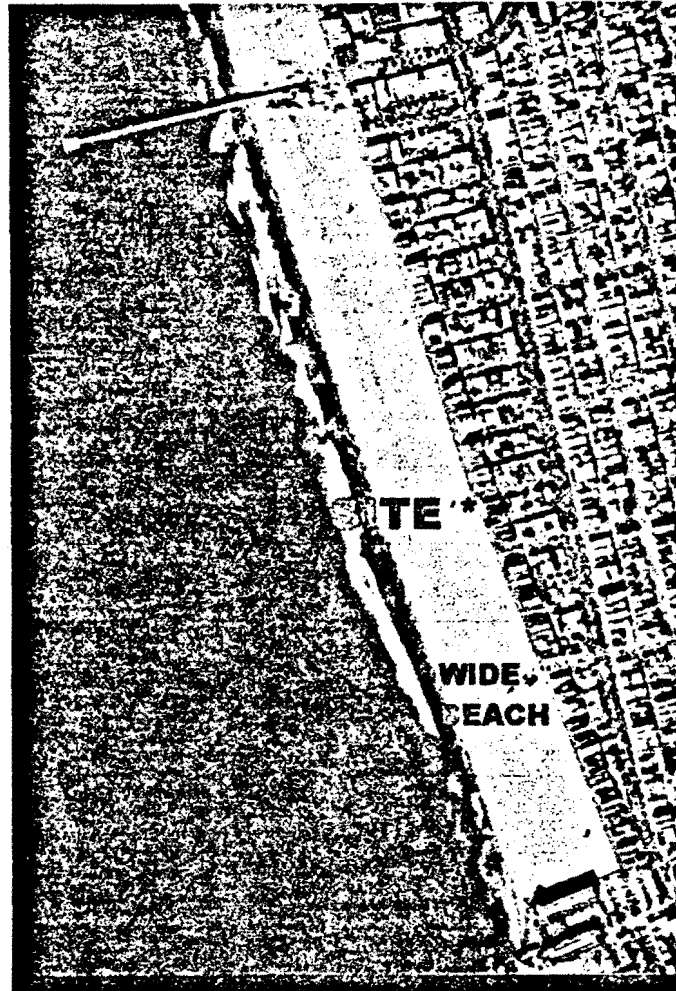


Photo 2. Aerial photograph taken January 9, 1999 showing normal beach width conditions.

## VI. CONCLUSIONS AND RECOMMENDATIONS

Prediction of runup and overtopping on a beach during extreme storm events is a very complex problem. The flow rates presented here represent what is defined as flow which is sustained by continuous volume flow, even though it will actually occur with the cycle of the waves. The calculations made herein use state of the art methods, yet they are based on several simplifying assumptions (see Chapter 7 of SPM). There are several facts that indicate that wave runup and overtopping should not adversely impact the property over the life of the structure.

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EXHIBIT # 5

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- There is a very wide (> 350feet) sandy beach in front of the property 99.9% of the time.
- The City of Hermosa Beach builds a sand berm in the winter which provides protection to The Strand.
- A review of aerial photographs over the last two decades shows little overall shoreline retreat in general and a wide sand beach even at times when the beach is seasonally at its narrowest.
- The shoreline erosion rate is small and over the life of the structure should not reduce the beach to less than 250 in nominal wide. (250 width of beach is recognized by coastal engineers as a sufficiently wide enough beach to provide back-shore protection)
- The property has not been subject to significant wave runup attack in the past.
- The presence of the 32 inch high wall on the western side of The Strand will prevent wave overtopping from reaching the property.
- If the wall and The Strand fail from extreme waves, which is very unlikely, there is a 32 inch high brick wall on the western property line of the site that will prevent wave overtopping from impacting the property. In addition, the finished first floor elevation is about 3 feet above the outside grade so water will flow past the structure back to the alley drainage area.

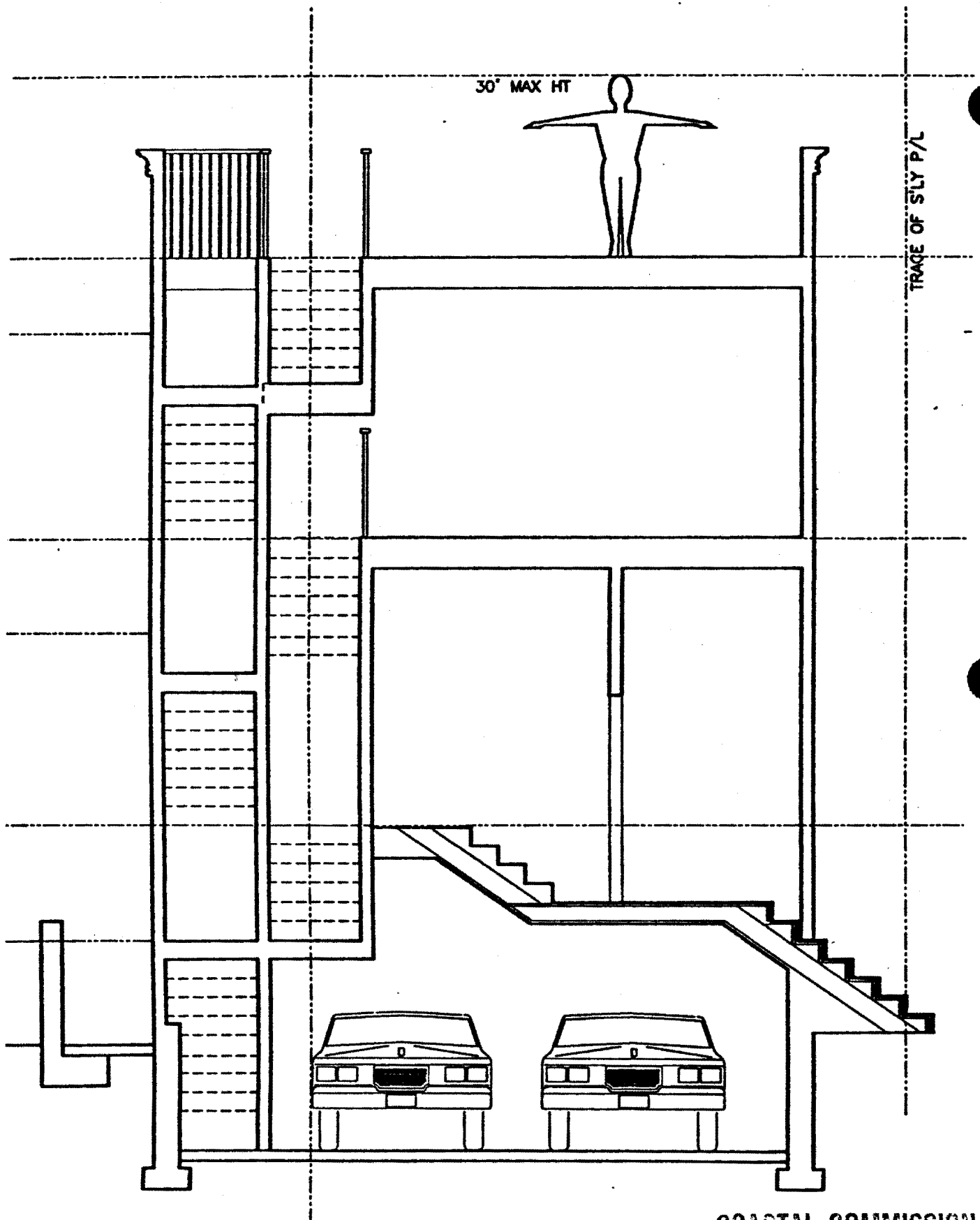
In conclusion, wave runup and overtopping will not significantly impact this property over the life of the proposed improvement. The proposed development and existing development will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area. There are no recommendations necessary for wave runup protection. The proposed project minimizes risks from flooding. However, the property is relatively low-lying and proper site drainage and drainage control will be necessary.

## **VII. CERTIFICATION**

This report is prepared in accordance with accepted standards of engineering practice, based on the site conditions, the materials observed and historical data







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EXHIBIT # 7

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