

CALIFORNIA COASTAL COMMISSION

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 Commission Action:



CP

Item TU 7j**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-01-186 **RECORD PACKET COPY**

APPLICANT: Demetrius Doukoullos

AGENT: Srour and Associates

PROJECT LOCATION: 600 The Strand, City of Hermosa Beach, Los Angeles Co.

PROJECT DESCRIPTION: Demolition of an existing 8,176 square foot single-family residence, and construction of a three-level, 30-foot high, 7,850 square foot single-family residence with five enclosed parking spaces on a 4,820 square foot R3-zoned lot.

Lot Area	4,820 square feet
Building Coverage	3,133 square feet
Pavement Coverage	1,205 square feet
Landscape Coverage	482 square feet
Parking Spaces	5
Zoning	R3
Plan Designation	High Density Residential (HD)
Ht above final grade	30 feet

SUBSTANTIVE FILE DOCUMENTS:

1. City of Hermosa Beach Land Use Plan, certified 4/21/82.
2. City of Hermosa Beach Approval in Concept, 5/14/01.
3. Coastal Development Permits 5-00-059 (Danner), 5-00-086 (Wells), 5-00-114 (Heuer) and 5-00-271 (Darcy).
4. *Wave Run-up Study, 600 The Strand, Hermosa Beach, CA* prepared by Skelly Engineering, April 2001.
5. Los Angeles County Superior Court Judgement, Allen vs. City of Hermosa Beach, Case No. YC016526.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with special conditions requiring, among other things, recordation of an "Assumption of Risk" deed restriction and a "No Future Protective Device" deed restriction. The major issue of this staff report concerns beachfront development that could be affected by flooding during strong storm events. The applicant agrees with the staff recommendation.

STAFF RECOMMENDATION:

The 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 with special conditions Coastal Development Permit 5-01-186 per the staff recommendation as set forth below."

Staff recommends a **YES** vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: 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 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. 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. 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 subject property approved pursuant to Coastal Development Permit No. 5-01-186, including future improvements, in the event that the property is threatened with damage or destruction from waves, erosion, 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) 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.

3. Height

No portion of the proposed structure shall exceed thirty feet (30') in elevation above the existing grade except for chimneys, ducts, and ventilation shafts which are limited to 35 feet.

4. Residential Density and Parking

The permitted use of the approved structure is a single family residence. A minimum of three parking spaces shall be provided and maintained on the site to serve the approved single-family residence. Any proposed change in the number of units or change in use shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project is located at 600 The Strand within the City of Hermosa Beach, Los Angeles County (Exhibit #1). The project site, which is a double beachfront lot situated between the first public road and the sea, is located six blocks south of the Hermosa Beach Pier within an existing urban residential area. The Strand is an improved non-vehicular public right-of-way that separates the residential development from the public beach (Exhibit #2). Local residents and visitors use The Strand for recreation (walking, jogging, biking, etc.) and access to and along to the beach and shoreline. The Strand extends for approximately ten miles, from 45th Street (the border between El Segundo and Manhattan Beach) to Herondo Street (the border between Hermosa Beach and Redondo Beach).

There is an approximately four hundred foot wide sandy beach situated between the subject property and the mean high tide line of the Pacific Ocean. Vertical public access to this beach is available to pedestrians via the public right-of-way (6th Street) which abuts The Strand where the proposed project is located (Exhibit #2). The portion of 6th Street which abuts the project site is a walk street closed to vehicular access. The proposed project includes landscaping, patios and walkways on part of the former 6th Street right-of-way which is owned by the applicant (in addition to the double lot where the proposed residence is situated). A 1995 Los Angeles County Superior Court judgement ruled that the City owns only the middle sixteen feet of several of the walk street rights-of-way which abut The Strand, including 6th Street [See Exhibit #7: Allen vs. City of Hermosa Beach, Case No. YC016526]. The court

found that the remainders of the rights-of-way (that is, all except for the sixteen-foot wide public walk streets) are owned by the abutting landowners. Thus, no transfer of title or other, similar action is necessary to perfect the applicant's rights, vis-à-vis the City, to the once-disputed area. The Commission's legal department confirmed that the City Planning Department shares this perspective on the impact of the court's judgment (See Exhibit #8).

A three-story, 8,176 square foot single family residence built c.1980 currently occupies the project site (Exhibit #3). The applicant proposes to demolish the existing residence and construct a new, slightly smaller house on the property. The proposed three-level (including basement) single family residence would be thirty feet high, and would contain 7,850 square feet of living area plus a roof deck, and five enclosed parking spaces on the ground floor (basement). The proposed one-car and four-car garages would both be accessed from Beach Drive, the first public road inland of the sea (Exhibit #4). Private patios, walkways, planters and part of a fountain are proposed as improvements to the portion of the owner's property that abuts the 6th Street public accessway [See Exhibit #7: Allen vs. City of Hermosa Beach, Los Angeles County Superior Court Case No. YC016526].

B. Previous Commission Actions in Project Area

The Commission has recently reviewed the potential for wave attack and beach erosion when considering new development and residential renovation projects on beachfront lots in Orange and southern Los Angeles Counties, even when the proposed development is located in established neighborhoods with wide sandy beaches. The reason for this is that with sea level rise, areas that were historically only rarely subject to inundation may experience increasing erosion and wave damage in the future.

In response to this concern, the Commission has required applicants in these areas to investigate the likelihood of wave attack. Because areas on the shoreline may experience wave attack with changing conditions, the Commission has imposed special conditions requiring the recordation of an "Assumption of Risk" deed restriction. Since shoreline protective devices can hasten shoreline erosion and sand loss, the Commission has also required developers of beachfront structures to record a deed restriction agreeing not to install a shoreline protective device (sea wall or revetment) in the future. Recent projects similar to the currently proposed development in Hermosa Beach include Coastal Development Permits 5-00-059 (Danner), 5-00-086 (Wells), 5-00-114 (Heuer) and 5-00-271 (Darcy). Projects throughout Hermosa Beach are used for comparative purposes in the current situation because of the consistent site characteristics, including the wide sandy beach and an improved public right-of way between the subject site and the mean high tide line.

C. Hazards

The proposed project is on a parcel of beachfront property located at the southern portion of Hermosa Beach, which is at the southern end of the Santa Monica Littoral Cell. The lot is fronted by The Strand, an improved non-vehicular coastal right-of-way which runs adjacent and parallel to a wide sandy beach. This approximately four hundred foot wide sandy beach

presently provides homes and other structures in the area a measure of protection from wave run-up and flooding hazards, however beach erosion is seasonal and is subject to extreme storm events that may expose the proposed development to wave run-up and subsequent flood damage.

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 Run up and Flooding Hazards

Section 30253(1) states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Since any development on a beachfront site may be subject to flooding and wave attack, the Commission requires wave run-up studies for beachfront development to assess the potential hazard from wave attack, flooding and erosion. Commission staff has consistently requested that the wave run-up, flooding, and erosion hazard analyses anticipate wave and sea level conditions (and associated wave run-up, flooding, and erosion hazards) through the life of the development. For a 75 to 100 year structural life, that would be taking the 1982/83 storm conditions (or 1988 conditions) and adding in two to three feet of sea level rise. The purpose of this analysis is to determine how high any future storm damage may be so the hazards can be anticipated and so that mitigation measures can be incorporated into the project design.

The applicant provided a Wave Run-up Study for the subject property, as the Commission consistently requires for shoreline development. The Wave Run-up Study was prepared by Skelly Engineering and is dated April, 2001. Based on the conclusion of the Wave Run-up

Study done for the property, the proposed development is not anticipated to be subject to hazards from flooding and wave run-up during the life of the development.

The report by Skelly Engineering states that the shoreline in front of the project site has experienced some erosion despite efforts to control the movement of sand. The rate of shoreline erosion is estimated to be on the order of one foot per year. The report concludes that the sandy beach west of The Strand, which is normally over 350-feet wide, provides more than adequate protection to the property. Additionally, the King Harbor breakwater, located south of the site, acts as a littoral barrier which helps to stabilize the shoreline in front of the subject property. However, the report also states that the sandy beach in this area is subject to seasonal erosion due to extreme storm events which can erode the beach back to near The Strand.

According to the consultant, the subject site is on shoreline located at the southern end of the Santa Monica Littoral Cell. The Wave Run up Study states:

"A littoral cell is a coastal compartment that contains a complete cycle of littoral sedimentation including sources, transport pathways and sediment sinks. The Santa Monica Littoral Cell extends from Point Dume to Palos Verdes Point, a distance of 40 miles. Most of the shoreline in this littoral cell has been essentially stabilized by man. The local beaches were primarily made by man through nourishment as a result of major shoreline civil works projects (Hyperion Treatment Plant, Marina Del Rey, King Harbor, etc.). The up-coast and down-coast movement of sand along the shoreline is mostly controlled by groins, breakwaters and jetties and is generally to the south. A major sink for the beach sands is the Redondo Submarine Canyon located at the entrance to King Harbor."

"Despite efforts to control the movement of sand along the shoreline, the shoreline is currently experiencing some erosion. The rate is estimated to be on the order of 1 foot per year. The wide sandy beach in front of the Strand and this property is normally over 350 feet wide and provides more than adequate protection for the property. The King Harbor breakwater acts as a littoral barrier which helps to stabilize the shoreline in front of the subject property. Over the vast majority of the time, wave run-up will not reach the strand or the property. However, the beach in this area is subject to seasonal erosion due to extreme event storm events which can erode the beach back to near The Strand."

There is currently a wide sandy beach in front of the proposed development. In addition, the existing development was not adversely affected by the severe storm activities which occurred during the El Niño winter of 1982-83 and the "400-year" wave event of January 18, 1988. Since the proposed development is no further seaward of existing development, which has escaped storm damage during severe storm events, the proposed development is not anticipated to be subject to wave hazard related damage. Nonetheless, any development on a beachfront site may be subject to future flooding and wave attack as coastal conditions (such as sand supply and sea level) change.

The wave run up report concludes the following:

"In conclusion, wave run up and overtopping will not impact the 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 run up 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."

The Commission's Senior Coastal Engineer reviewed Wave Run up Studies for several similar projects on The Strand in Hermosa Beach. Based on the information provided and other correspondence, the Senior Coastal Engineer concurred with the conclusion of the Wave Run up Studies for projects in the immediate area that the sites along The Strand are not subject to hazards from flooding and wave run up (See Page #1: Substantive File Documents). Therefore, the proposed development can be allowed under Section 30253 of the Coastal Act, which requires new development to "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..."

Although the applicant's report indicates that the site is safe for development at this time, 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 in April, 2001 does not preclude wave run up 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 and 1988, resulting in future wave and flood damage to the proposed development.

Given that the applicant has chosen to implement the project despite potential risks from wave attack, erosion, or flooding, the applicant must assume the risks. Therefore, the Commission imposes Special Condition One for an "Assumption of Risk" agreement. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards. In addition, the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity from liability, through the requirement that a deed restriction be recorded. As conditioned, the Commission finds the proposed project is consistent with Section 30253 of the Coastal Act.

No Future Shoreline Protective Device

The Coastal Act limits construction of protective devices because they have a variety of negative impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach. Under Coastal Act Section 30235, a shoreline

protective structure must be approved if: (1) there is an existing principal structure in imminent danger from erosion; (2) shoreline altering construction is required to protect the existing threatened structure; and (3) the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply.

The Commission has generally interpreted Section 30235 to require the Commission to approve shoreline protection for development only for existing principal structures. The construction of a shoreline protective device to protect new development would not be required by Section 30235 of the Coastal Act. The proposed project involves the construction of a new single-family residence. In addition, allowing the construction of a shoreline protective device to protect new development would conflict with Section 30251 of the Coastal Act, which states that permitted development shall minimize the alteration of natural land forms, including beaches which would be subject to increased erosion from such a device.

In the case of the current project, the applicant does not propose the construction of any shoreline protective device to protect the proposed development. It is not possible to completely predict what conditions the proposed structure may be subject to in the future. Consequently, it is conceivable the proposed structure may be subject to wave run up hazards that could lead to a request for a protective device.

Shoreline protective devices can result in a number of adverse effects on the dynamic shoreline system and the public's beach ownership interests. First, shoreline protective devices can cause changes in the shoreline profile, particularly changes in the slope of the profile resulting from a reduced beach berm width. This may alter the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on public property.

The second effect of a shoreline protective device on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. A loss of area between the mean high water line and the actual water is a significant adverse impact on public access to the beach.

Third, shoreline protective devices such as revetments and bulkheads cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a public beach. As set forth earlier in this discussion, Hermosa Beach is currently characterized as having a wide sandy beach. However, the width of the beach can vary, as demonstrated by severe storm events. The Commission notes that if a seasonal eroded beach condition occurs with greater frequency due to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate. The Commission also notes that many studies performed on both oscillating and eroding beaches have concluded that loss of beach occurs on both types of beaches where a shoreline protective device exists.

Fourth, if not sited in a landward location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave energy. Finally, revetments, bulkheads, and seawalls interfere directly with public access by their occupation of beach area that will not only be unavailable during high tide and severe storm events, but also potentially throughout the winter season.

Section 30253(2) of the Coastal Act states that new development shall neither create nor contribute to erosion or geologic instability of the project site or surrounding area. Therefore, if the proposed structure requires a protective device in the future it would be inconsistent with Section 30253 of the Coastal Act because such devices contribute to beach erosion.

In addition, the construction of a shoreline protective device to protect new development would also conflict with Section 30251 of the Coastal Act. Section 30251 states that permitted development shall minimize the alteration of natural landforms, including sandy beach areas, which would be subject to increased erosion from shoreline protective devices. The development is not subject to wave run up and flooding. Based on the information provided by the applicant, no mitigation measures, such as a seawall, are anticipated to be needed in the future. The coastal processes and physical conditions are such at this site that the project is not expected to engender the need for a seawall to protect the proposed development. There currently is a wide sandy beach in front of the proposed development that provides substantial protection from wave activity.

To further ensure that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act, and to ensure that the proposed project does not result in future adverse effects to coastal processes, the Commission imposes Special Condition Two. Special Condition Two requires the applicant to record a deed restriction that would prohibit the applicant, or future landowner, from constructing a shoreline protective device for the purpose of protecting any of the development proposed as part of this application. This condition is necessary because it is impossible to completely predict what conditions the proposed structure may be subject to in the future.

The Commission has required deed restrictions that prohibit construction of shoreline protective devices for new development on beachfront lots throughout southern Los Angeles County and Orange County. The "No Future Shoreline Protective Device" condition is consistent with prior Commission actions for development along Hermosa Beach. For instance, the Commission approved Coastal Development Permits 5-00-059 (Danner), 5-00-086 (Wells) and 5-00-114 (Heuer) with the "No Future Shoreline Protective Device" condition.

By receiving recordation of a deed restriction agreeing that no shoreline protective devices shall ever be constructed to protect the development approved by this permit, the Commission makes it clear that its approval is based on the understanding the house will be safe from potential wave run up and flooding damage. Based on Special Condition Two, the Commission also requires that the applicant remove the structure if any government agency has ordered that the structure be removed due to wave run up and flooding hazards. In addition, in the event that portions of the development are destroyed on 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.

As conditioned, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act, which requires that permitted development shall minimize the alteration of natural land forms, and Section 30253, which requires that geologic and flood hazards be minimized, and that stability and structural integrity be assured.

Conclusion

The Commission finds that hazards potentially exist from wave run up and flooding at the subject site. Therefore, to ensure that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act and to ensure that the proposed project does not result in future adverse effects to coastal processes, Special Conditions One and Two require the applicant to record "Assumption of Risk" and "No Future Shoreline Protective Device" deed restrictions on the deeds for the subject property. The applicant agrees with the staff recommendation and accepts the conditions. As conditioned, the Commission finds that the proposed project is consistent with Coastal Act Sections 30251 and 30253.

D. Community Character and 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 walking, jogging, biking and inline skating. The Commission and the City have found that the moderate heights enhance the recreational experience. At the south end of the beach, the majority of structures do not exceed thirty feet in height. Allowing building heights above the thirty-foot limit would negatively impact coastal views and the character of the surrounding community. In order to protect community character and visual quality, Special Condition Three limits the development to a maximum of thirty feet above the existing grade interpolated by the City of Hermosa Beach Planning Department. Chimneys, ducts, and ventilation shafts are limited to 35 feet. The thirty-foot height limit, with the additional five-foot allowance for rooftop amenities, is consistent with the general height of existing development in the area.

The proposed project has a roof height of thirty feet above the existing grade (Exhibit #5). Therefore, the proposed single-family residence complies with the thirty-foot height limit and previous Commission approvals in the area. The scenic and visual qualities of the area will not be negatively impacted by the proposed structure. In order to ensure that the proposed project is constructed as approved, the approval is conditioned to limit the roof height to thirty

feet. No portion of the structure shall exceed thirty feet in elevation except for chimneys, ducts, and ventilation shafts which are limited to 35 feet. Only as conditioned is the proposed project consistent with the Coastal Act's visual resource policies.

E. Public Access and Recreation

Section 30220 requires the protection of coastal areas suitable for recreation.. The side yard area of the proposed house is located on the northern portion of the walk street end of 6th Street, a coastal view corridor and public accessway (Exhibit #4). The applicant has provided a deed for the subject property (Lot Nos. 1, 2 and portion of 6th Street) which reflects that this portion of 6th Street (22 feet) is part of the applicant's property (a side yard) pursuant to a 1995 court judgement [See Exhibit #7: Allen vs. City of Hermosa Beach, Los Angeles County Superior Court Case No. YC016526]. The court judgement preserves a sixteen-foot wide right-of-way in the center of 6th Street for public access (Exhibit #7, p.8).

A coastal development permit is usually required for any vacation of public land that leads to the beach or shoreline, but in this case the Commission finds that a coastal development permit is not required because the Los Angeles County Superior Court determined that the property was not owned by the City, therefore no vacation of public land has occurred.

The applicant proposed to replace the existing private development located in the side yard area (abutting 6th Street) with new patios, walkways, planters and part of a fountain (Exhibits #3&4). Throughout most of Hermosa Beach, limited types of private improvements (i.e., patios, low walls, landscaping and walkways) are permitted to encroach onto the walk streets as long as a sixteen-foot wide accessway remains open for public use. Walls and other structures are limited in height to thirty inches above grade in the side yard areas abutting the walk streets.

In this case the proposed development does not encroach into the sixteen-foot wide right-of-way in the center of 6th Street. Therefore, public access to The Strand and the beach will not be adversely affected by the proposed improvements, and the proposed project is consistent with the public access and recreation policies of the Coastal Act.

F. 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 Four to protect the quality of that recreational experience. The Commission has consistently found that a direct relationship exists 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 this phenomenon 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 assure the development has adequate parking for the applicant's proposed single family residence, Special Condition Four is imposed to provide a minimum of three on-site parking spaces. Three parking spaces are an adequate parking supply for the proposed single family residence.

In this case, however, the proposed project provides a four-car garage and in addition a separate one-car garage in the ground floor (basement) of the structure (Exhibit #4). This is in excess of the required parking for a single family residence. The local zoning for the area permits duplexes. The zoning code would allow two units per lot, so the applicant could have proposed a total of four units for the double lot. However, the local zoning code would require six parking spaces for a duplex and twelve for four units.

The proposed project provides an adequate parking supply for the proposed single family residence, but as conditioned the conversion of the proposed structure to a duplex would require a coastal development permit and alterations to the structure to provide another parking space. 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 use as a single family dwelling and to maintain no fewer than three on-site parking spaces, is the proposed project consistent with Section 30252 of the Coastal Act.

G. 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 certified. The City submitted a final draft of its zoning and implementation ordinances (LIP) and a revision to their LUP in 2000, but these have not yet been certified. 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 3 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).

H. California Environmental Quality Act (CEQA)

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, that 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.



PACIFIC

Site
600 The
Strand

5-01-186

OCEAN

RECEIVED
MAY 18 2001

CALIFORNIA
COASTAL COMMISSION

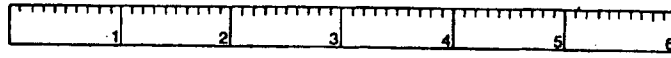
North

COASTAL COMMISSION
5-01-186

EXHIBIT # 1
PAGE 1 OF 1

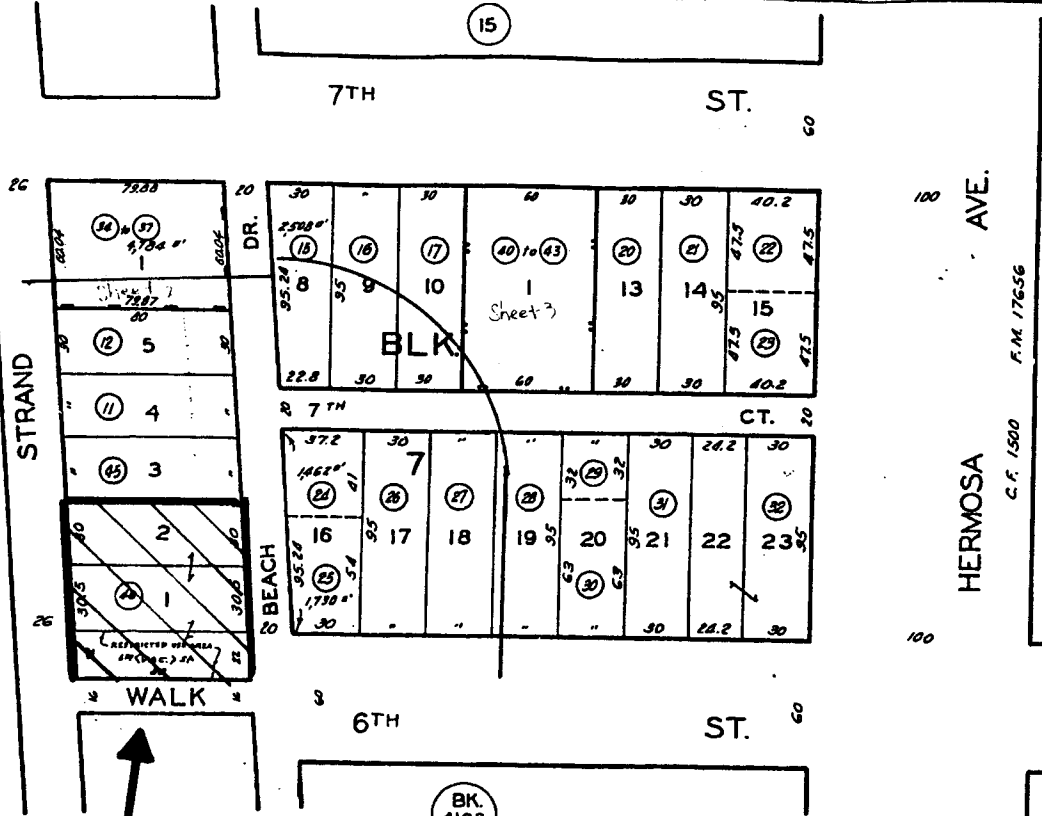
4187 16 SHEET 1
SCALE 1" = 50'

1998



SCALE IN 1/10 OF AN INCH

Beach
N
Z



B1041001 7700/5203 7712/2146 2000/2002

Lots 1 & 2
Site

HERMOSA BEACH
M.B. 1-25-26
CONDOMINIUM TRACT NO. 26359
M.B. 879-95-96
CONDOMINIUM PARCEL MAP
P.M. 124-74-75

BK. 4188

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MAY 18 2001
CALIFORNIA COASTAL COMMISSION

5-01-186

JUL 03 1997

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

COASTAL COMMISSION
EXHIBIT # 2
PAGE 1 OF 1

1 CORNER.
DUCED.

10'

SET L&T RCE 11284
ON PROPERTY CORNER

N 16°30'00"W 270.86'

EBOX
 TEL BOX

THE STRAND

EXISTING RESIDENCE

To be demolished

WOOD DECK

WOOD DECK

CORNER,
ED.

FIRE PIT

PLANTER

PLANTER

LAWN

LAWN

PLANTER

FD L&T

Walk Street -
6TH STREET

Beach



COASTAL COMMISSION

5-01-186

EXHIBIT # 3

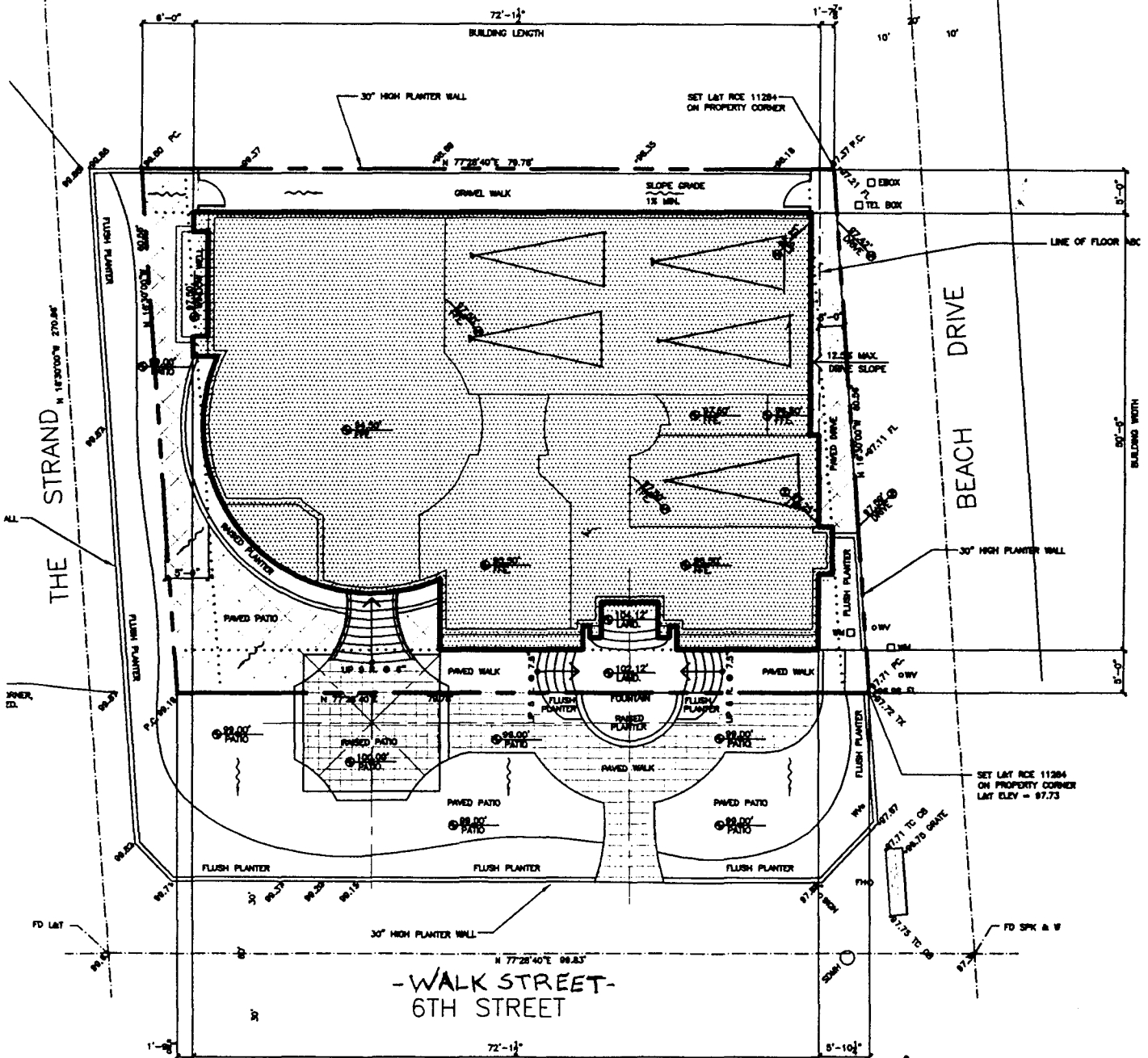
PAGE 1 OF 1

7TH STREET

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CALIFORNIA COASTAL COMMISSION



600 THE STRAND

Proposed SITE PLAN

COASTAL COMMISSION

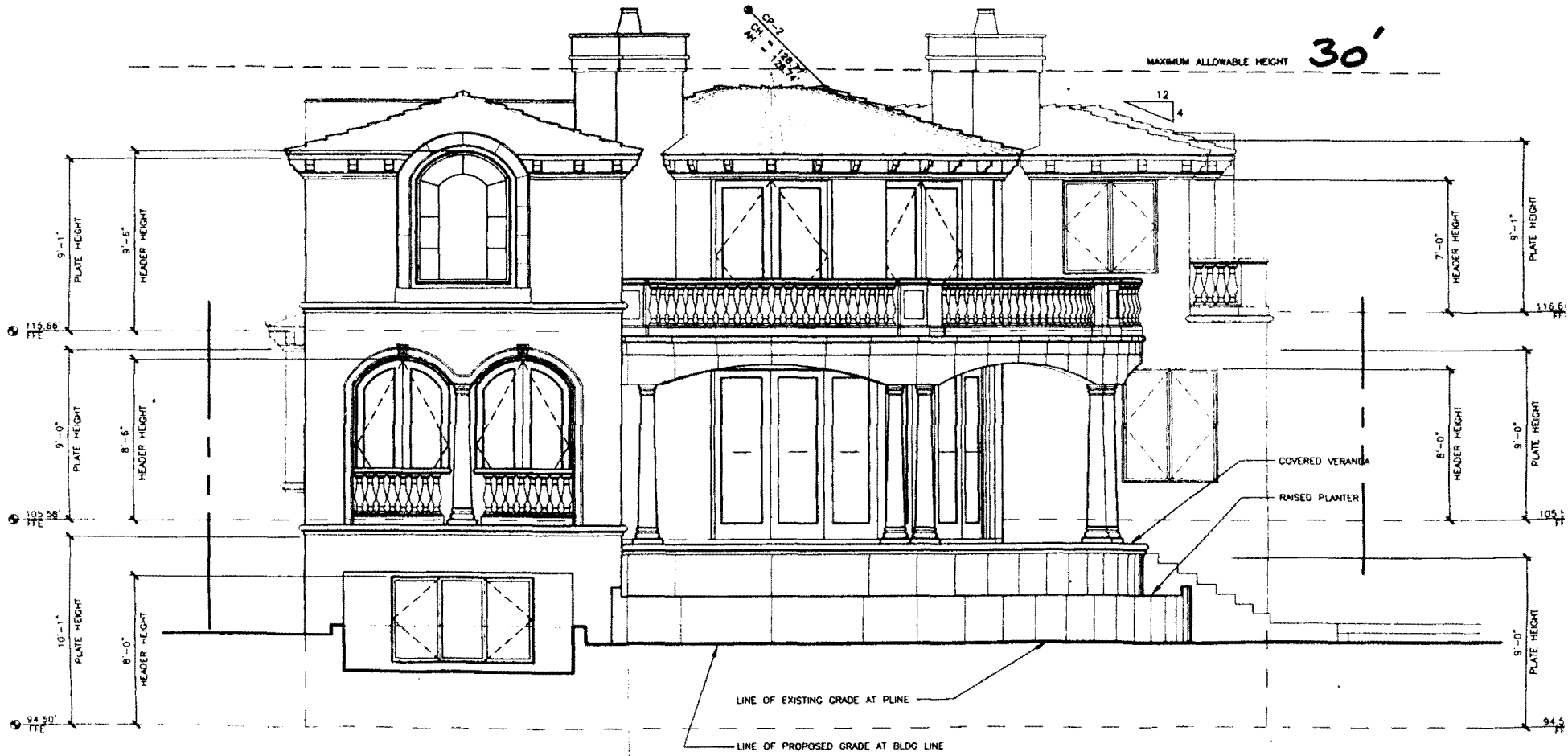
5-01-186

EXHIBIT # 4

PAGE 1 OF 1

Beach





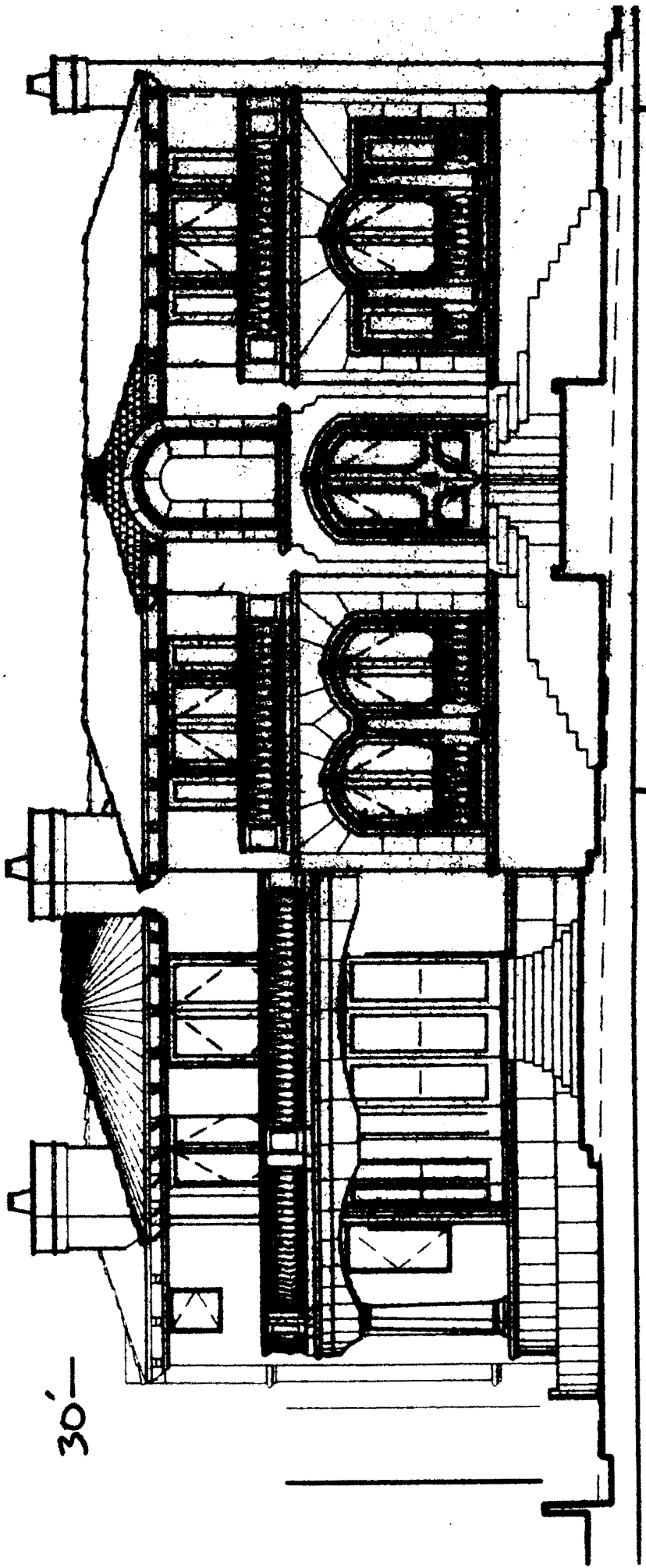
West (Beach) Elevation

COASTAL COMMISSION

5-01-186

EXHIBIT # 5

PAGE 1 OF 1



30'

COASTAL COMMISSION

6-01-186

EXHIBIT # 6

PAGE 1 OF 1

South (6th Street) Elevation

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South Coast Region

JUN 18 2001

ORIGINAL FILED

CALIFORNIA
COASTAL COMMISSION

DEC 15 1995

LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

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THOMAS P. ALLEN, et al.,)	Case No. YC016526
)	
Petitioners and Plaintiffs,)	
)	
vs.)	
)	
CITY OF HERMOSA BEACH,)	
)	
Respondent and Defendant.)	Trial Date: None

JUDGMENT

COASTAL COMMISSION
5-01-186

EXHIBIT # 7
PAGE 1 OF 8

1 This Judgment is entered pursuant to stipulation by and between
2 Plaintiffs and Petitioners Thomas P. Allen; Judy Allen; Irwin Cooper, Trustee of the
3 Irwin Cooper Trust dated March 6, 1986; James O. Gierlich and Jane A. Gierlich,
4 Trustees of the Gierlich Revocable Family Trust dated September 4, 1985; Darrell
5 Greenwald, Thelma B. Greenwald; Richard M. Greenwald, Kurt Hay and Northern
6 Trust Bank of California, N.A., Co-Successor Trustees of the Shirley Hay Living
7 Trust dated June 15, 1983; Alfred James and Viola M. James, as Trustees of the Alfred
8 and Viola M. James 1990 Family Trust (established by document dated August 1,
9 1990); The Jesuit Community at Loyola University, a Corporation; Thomas Michael
10 Kelsey, Janis Suzette Settle, and Christopher Steven Kelsey, Co-Trustees of the Trust
11 Indenture dated March 5, 1991 between Virginia Zella Kelsey, Janis Suzette Settle,
12 and Christopher Steven Kelsey, Trustees as to an undivided 1/2 interest and
13 between Verne Burt Kelsey, Settlor, and Thomas Michael Kelsey, Janis Suzette
14 Settle, and Christopher Steven Kelsey, Trustees, as to an undivided 1/2 interest;
15 Peter Lauritson; Kristine Lauritson; Robert S. Leff, Trustee under Declaration of
16 Trust dated March 26, 1982; Robert S. Leff, Trustee for the Robert S. Leff Trust dated
17 February 23, 1990; Simon J. Mani for the Simon Mani Family Trust dated February
18 11, 1991; Jacqueline S. Marks, Trustee for the Jacqueline Marks Trust dated
19 September 6, 1989; Sheila Donahue Miller; Ed L. Nash; Lynn M. Parker; Raymond L.
20 Quigley; Diana L. Quigley; Frank Ross and Elizabeth Ross, Trustees of the Ross
21 Family Trust dated July 16, 1987; Sandy Saemann; Susan Graham Saemann; David
22 T. Schumacher and Margaret Christine Schumacher, Trustees of the David and
23 Margaret Schumacher Family Trust dated October 1, 1988; Charles W. Sheldon and
24 Diane F. Sheldon, Trustees of the Sheldon Family Trust dated August 31, 1988;
25 Caroline R. Short, Successor Trustee of the Fenton O. Short Living Trust dated
26 October 29, 1984; James John Trino and John James Trino, Co-Trustees of the
27 Madeline Trino Trust dated December 5, 1989; Ann Elliott Viets a/k/a/ Ann Estelle
28 Elliott; Charles Walker; Gloria Walker; and Roger T. Wright, Trustee of the Frances

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Elaine Wright Residential Trust dated June 8, 1990 (referred to collectively as "Property Owners") and Defendant and Respondent, the City of Hermosa Beach (the City).

The parties have waived findings of fact and conclusions of law.

IT IS ORDERED, ADJUDGED, AND DECREED as follows:

1. Each Property Owner owns, free and clear of any interest of the City, the 22-foot-wide side yards (the "Side Yards") which abut each of their homes and which are adjacent to sixteen-foot-wide public walk streets (the "Walk Streets"). Exhibit 1, attached to and incorporated into this Judgment, is a legal description of each of the Property Owners' homes and a map depicting each Side Yard.

2. Because the Property Owners own the Side Yards, Ordinance No. 93-1084, adopted by the City on March 23, 1993, does not apply to the Property Owners other than an abutter's right of access.

3. The City owns the "Walk Streets" described in Exhibit 2, attached to and incorporated into this Judgment, free and clear of any interest of the Property Owners.

COASTAL COMMISSION
5-01-106

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4. The Side Yards shall be subject to the following conditions about their use, development, and maintenance:

- a. Parking is permitted in the Side Yards up to but not beyond 40 feet west of Beach Drive, and, except for occasional deliveries, is limited to passenger vehicles and non-commercial pick-up trucks. Storage of vehicles is not permitted.
- b. Vehicular access to Side Yard parking areas shall only be from Beach Drive.
- c. A permanent barrier between 24 and 36 inches high will be continuously maintained in good condition at the west end of the 40-foot parking area.
- d. Improvements within Side Yards will be limited to paving, landscaping, barbecue pits, decorative walls, and the like. No other structure of any kind is permitted in the Side Yards.

5. In addition to remedies which already exist, the conditions described in paragraph 4 shall be enforceable by the City in the following manner if the City believes a violation has occurred:

- a. The City shall issue a written notice to the Property Owner of the alleged violation(s) of the conditions

COASTAL COMMISSIO

EXHIBIT # 7
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This written notice shall contain a description of the specific action the City believes is necessary to correct the violation.

b. The written notice shall be mailed by first class mail to the property address unless the Property Owner has previously given the City in writing another address to which such notices should be delivered. The written notice shall give the Property Owner 10 business days from the mailing of the notice to correct the alleged violation or to request a hearing before the City Manager to contest the existence of a violation.

c. If the Property Owner timely requests a hearing before the City Manager, the hearing shall be held within 10 business days of the request.

d. If the Property Owner fails to correct the violation or to request a hearing within 10 business days from the date the violation notice is postmarked, or if the City Manager determines after a hearing that the violation as outlined in the notice exists:

1. no parking shall be permitted in the Side Yard until the violation has been corrected; and

COASTAL COMMISSION
5-01-186

EXHIBIT # 7
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2. the City shall be entitled to enter the property and correct the condition at the Property Owner's expense. If the Property Owner fails or refuses to reimburse the City its full cost of correction of the condition, the City shall be entitled to record in the Office of the County Recorder a statement of the amount due, which will thereafter constitute a lien on the property. The lien will continue in full force and effect until the entire amount, together with interest at the legal rate accruing from the date of completion of the work of correction, is paid in full. The City may bring an appropriate action in a court of competent jurisdiction to foreclose any such lien. In addition, the City shall be entitled to cause the amount due, together with interest as stated above, to be charged to the Property Owner as a special assessment on the next regular property tax bill in accordance with the laws of the State of California. All laws applicable to the levy, collection, and enforcement of City and County taxes are hereby made applicable to the collection of these charges.

COASTAL COMMISSION
5-01-186
EXHIBIT # 7
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6. The Side Yard areas will not be included in calculations of each property's lot size for purposes of lot coverage and density with regard to development of the properties.

7. Unless the Property Owners agree otherwise, the only conditions that will apply to the use of their Side Yards are as contained in this Judgment.

8. This Judgment shall be recorded in the Office of the Los Angeles County Recorder. The terms of this Judgment shall run with the land and shall be enforceable by and binding upon successors-in-interest to Property Owners' homes as those homes are legally described in Exhibit 1.

9. Each of the parties shall bear its own costs and attorneys' fees in this action.

Dated: DEC 15 1995, 1995

JUDGE WILLIAM C. BEVERLY, JR.
Judge of the Superior Court

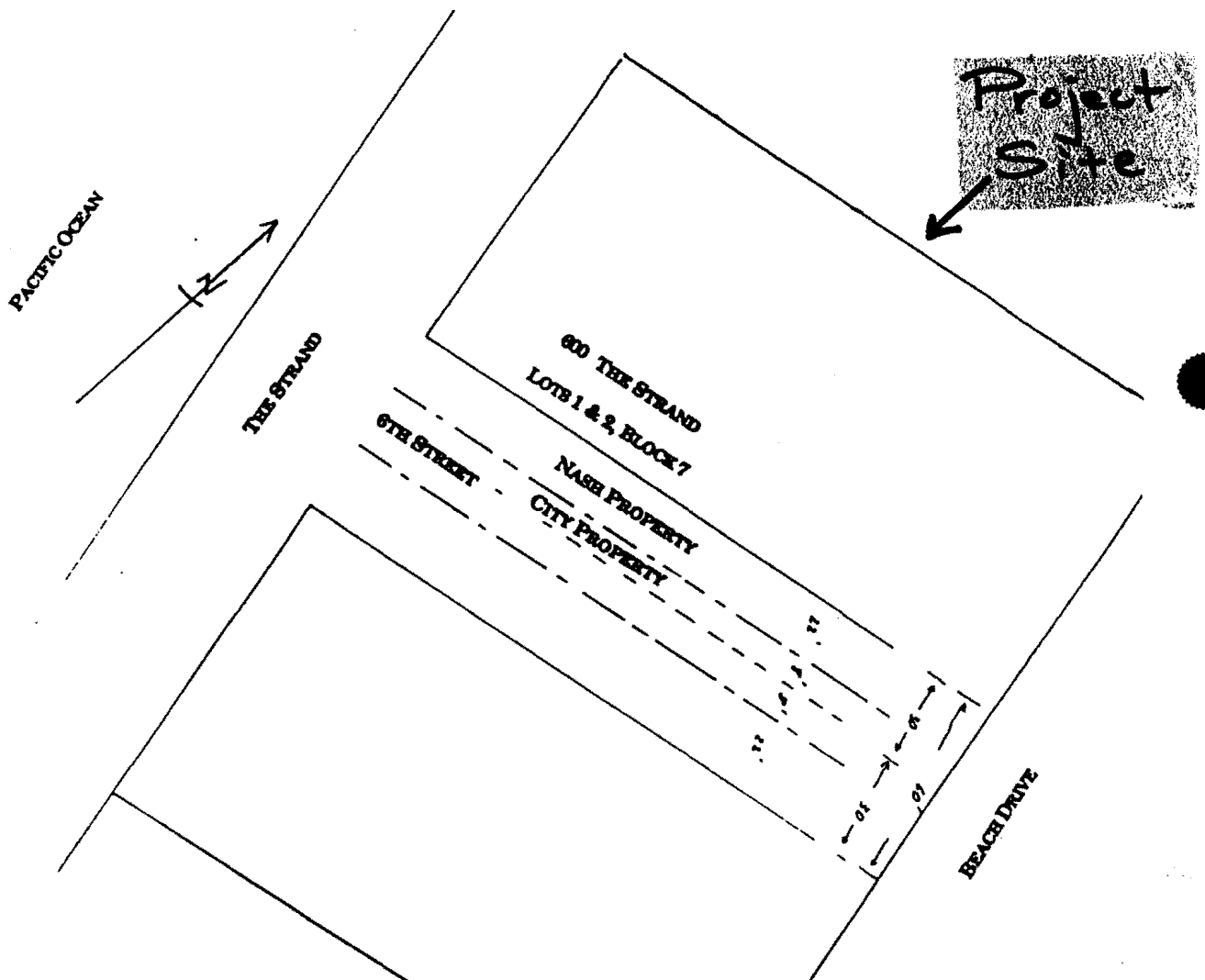
COASTAL COMMISSION
5-01-186
EXHIBIT # 7
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16. NASH PROPERTY
600 THE STRAND

LEGAL DESCRIPTION OF SIDE YARD

The northerly 22 feet of the northerly one-half of 6th Street, adjacent to Lots 1 and 2 in Block 7 of Hermosa Beach, in the City of Hermosa Beach, County of Los Angeles, State of California, as per map recorded in Book 1 pages 25 and 26 of maps, in the office of the County Recorder of said county.

MAP DEPICTING SIDE YARD AT 600 THE STRAND



COASTAL COMMISSION
5-01-186

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PAGE 8 OF 8

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



July 12, 2001

Michael Schubach
City of Hermosa Beach
Civic Center
1315 Valley Drive
Hermosa Beach, CA 90254-3885

Re: Coastal Development Permit Application No. R-5-01-186, 600 The Strand

Dear Mr. Schubach,

I have received the documents you forwarded to Pam Emerson, in the Long Beach District office of the California Coastal Commission, on June 14, 2001. Principal among those documents is a copy of the judgment filed in *Allen v. City of Hermosa Beach*, Los Angeles Superior Court Case No. YC016526, on Dec. 15, 1995 (the "Judgment"). This letter is intended to confirm our understanding of how the City of Hermosa Beach (the "City") views the Judgment, so that the Commission can act accordingly in its review of the application for the above-referenced coastal development permit (the "Application").

The Application involves a proposal by a Mr. Dukoulous to install flush planters, paved patios, paved walks, and a 30-inch high planter wall in the "Side Yard" area, as described in the Judgment, adjoining his property. We see no legal conflict between the proposal as set forth in the Application and the court's order.

Moreover, it is my understanding that the Judgment was never appealed and that City considers it to be the controlling authority governing the property rights addressed within it. I further understand that, based on the Judgment, the City's position with respect to this pending application and the ownership interest of Mr. Dukoulous is that the "Side Yard" does presently belong to Mr. Dukoulous, free and clear of any interest of the City. Thus, the Commission intends to treat the application accordingly.

Please contact me as soon as possible if this does not reflect your understanding in any way. Please feel free to contact me at the number provided above if you have any questions. Thank you for your assistance.

Sincerely,

ALEX N. HELPERIN
Staff Counsel
California Coastal Commission

cc: Pam Emerson
Charles Posner
Ralph Faust

COASTAL COMMISSION

5-01-186

EXHIBIT # 8

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