

CALIFORNIA COASTAL COMMISSION

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Filed: 7/25/03
49th Day: 9/12/03
180th Day: 1/21/04
Staff: MS-LB
Staff Report: September 17, 2003
Hearing Date: October 7, 2003
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-03-305 **RECORD PACKET COPY**

APPLICANT: Michael Mulligan & Joseph Schwartz

AGENT: Subtec, Attn: Cheryl Vargo

PROJECT LOCATION: 100 The Strand, City of Hermosa Beach, Los Angeles Co.

PROJECT DESCRIPTION: Demolition of an existing single family residence and construction of a 3,929 square-foot, 30-foot high, three-story with a roof deck, single-family residence with three on-site parking spaces on a 2,397 square-foot R3-zoned beachfront lot.

Lot Area	2,937 square feet
Building Coverage	1,558 square feet
Pavement Coverage	689 square feet
Landscape Coverage	150 square feet
Parking Spaces	3
Zoning	R-3
Plan Designation	High Density Residential (HD)
Ht above existing 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, 7/10/03.
3. Coastal Development Permits 5-02-190 (Keppler), 5-03-203 (Obradovich Corp) and 5-03-204 (Obradovich Corp).
4. Wave Runup Study, 100 The Strand, Hermosa Beach, CA prepared by Skelly Engineering dated July 2003.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with special conditions addressing hazards, marine resources, community character and public access. The major issue of this staff report concerns beachfront development that could be affected by flooding during strong storm events.

STAFF RECOMMENDATION:

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

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

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

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, Waiver of Liability and Indemnity**
 - A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from 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.

2. No Future Shoreline Protective Device

- A. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. **5-03-305** including, but not limited to a 3,929 square-foot, 30-foot high, three-story, single-family residence with three on-site parking spaces in the event that the development 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 itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- B. By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including (the house, garage, and foundations), if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

3. Height

No portion of the roof of the proposed structure shall exceed thirty (30) feet in elevation above existing grade.

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.

5. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity;

- (b) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to tidal erosion and dispersion;
- (c) All trash and debris shall be disposed in the proper trash or recycling receptacle at the end of every construction day.
- (d) Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- (e) Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
- (f) The discharge of any hazardous materials into any receiving waters shall be prohibited;
- (g) A pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines;
- (h) All BMPs shall be maintained in a functional condition throughout the duration of the project.
- (i) Debris shall be disposed at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is required.

6. Drainage and Polluted Runoff Control Plan

- A) **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director a drainage and runoff control plan, including supporting calculations, which indicate that drainage and polluted runoff controls shall incorporate structural and non-structural Best Management Practices (BMPs) designed to minimize the volume, velocity and pollutant load of storm water and other runoff leaving the developed site. The plans shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with the geologists' recommendations. All design and construction plans, including but not limited to grading plans, foundation plans, site plans, floor plans, elevation plans, roof plans, landscape and hardscape plans shall be consistent with the final drainage and runoff control plan. In addition to the specifications above, the plans shall be in substantial conformance the following requirements:
- (1) Selected BMPs (or suites of BMPs) shall be designed to treat or infiltrate storm water from each runoff event.
 - (2) Design elements, which will serve to reduce directly connected impervious area and maintain permeable space within the development shall be incorporated where feasible. Options include the use of alternative design features such as concrete grid driveways and/or pavers/stepping stones for walkways, and porous material for or near walkways and driveways;
 - (3) Runoff from all roofs, parking areas, driveways and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices, where feasible. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage

system shall also be designed to convey and discharge excess runoff from the building site to the street in a non-erosive manner.

- (4) The plan shall include provisions for maintaining the drainage and filtration systems, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

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

7. **Deed Restriction**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indication 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 (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and 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 applicant's entire parcel or parcels. 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 the permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. **Findings and Declarations**

The Commission hereby finds and declares:

A. **Project Description**

The subject site is located at 100 The Strand within the City of Hermosa Beach, Los Angeles County (Exhibit 1). The site is a relatively level beachfront lot located between the first public road and the sea. The 2,397 square-foot lot is located on the inland side of The Strand, an improved

public right-of-way that separates the residential development from the public beach (Exhibit 2). The Strand is used by both residents and visitors for recreation activities (walking, jogging, biking, etc.) and access to the shoreline. Vertical public access to this beach is available to pedestrians via public right-of-way at the western ends of 1st Street immediately adjacent to the site (south) and 2nd Street (196 feet north) (Exhibit 2). There is an approximately 350-foot wide sandy beach between the subject property and the mean high tide line.

The applicant is proposing demolition of an existing residence and construction of a three-story with roof deck, 30-foot high (above existing grade) single family residence with approximately 3,549 square feet of living space (Exhibit 3). On-site parking for the proposed single family residence will be provided with a 380 square-foot, two-car garage and an open guest parking space, with vehicular access from Beach Drive (Exhibit 3). The applicant proposes to construct the residence and guest parking space on a 2,397 square-foot R3 zoned lot in Hermosa Beach. No grading is proposed. As part of the application, the applicant submitted a landscaping and drainage plan to include post-construction BMPs for review by Coastal Commission staff.

The applicant provided a 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 Wave Runup Study was prepared by Skelly Engineering and is dated July 2003.

B. Hazards

Development adjacent to the ocean is inherently hazardous. Development, which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: require an appropriate set-back from the water; 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.

C. Community Character / Visual Quality

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

D. Public Access/Parking

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

E. Construction and Post Construction BMPs

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

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

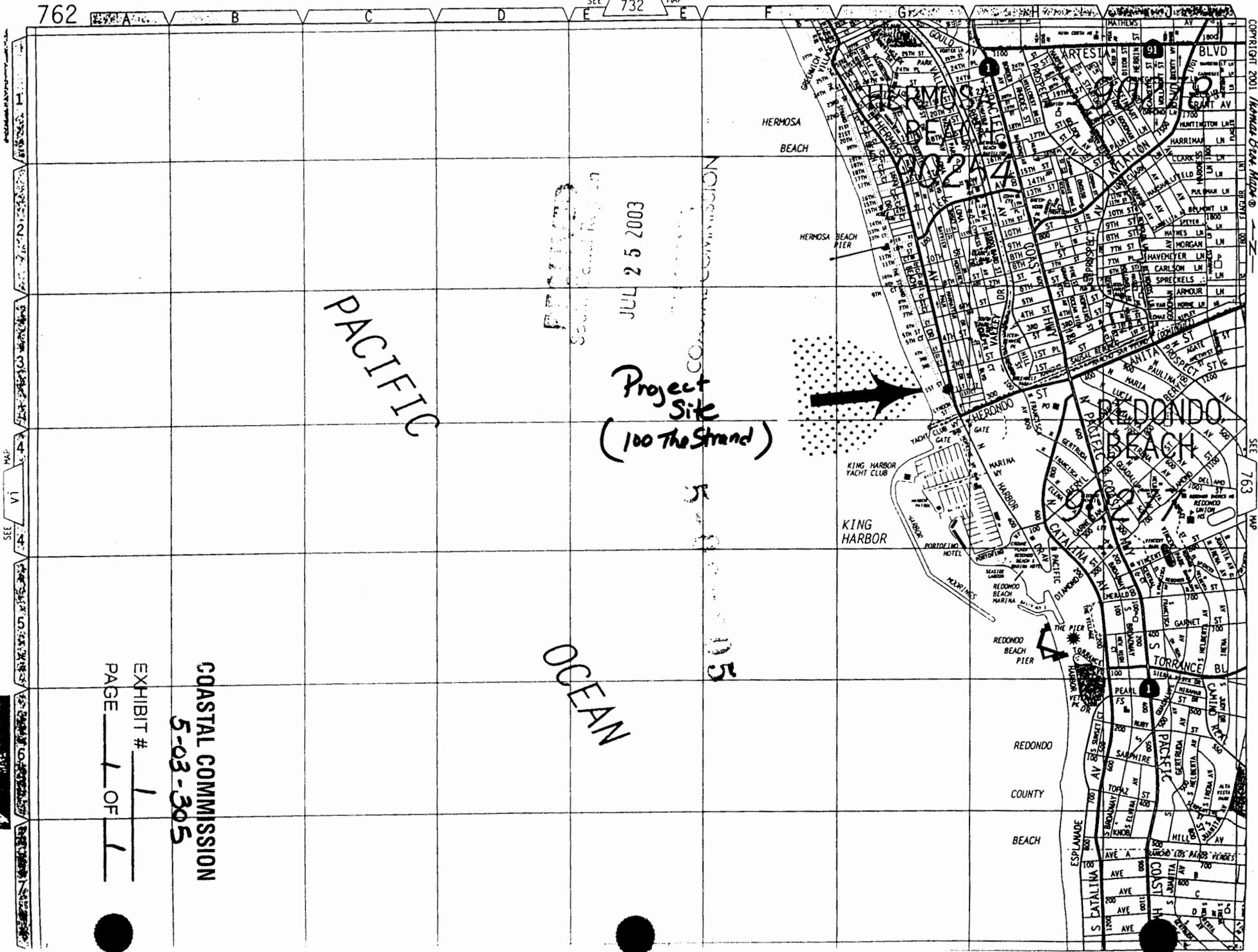
H. California Environmental Quality Act (CEQA)

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.

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SEE 732 MAP

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PACIFIC

Project Site
(100 The Strand)

JUL 25 2003

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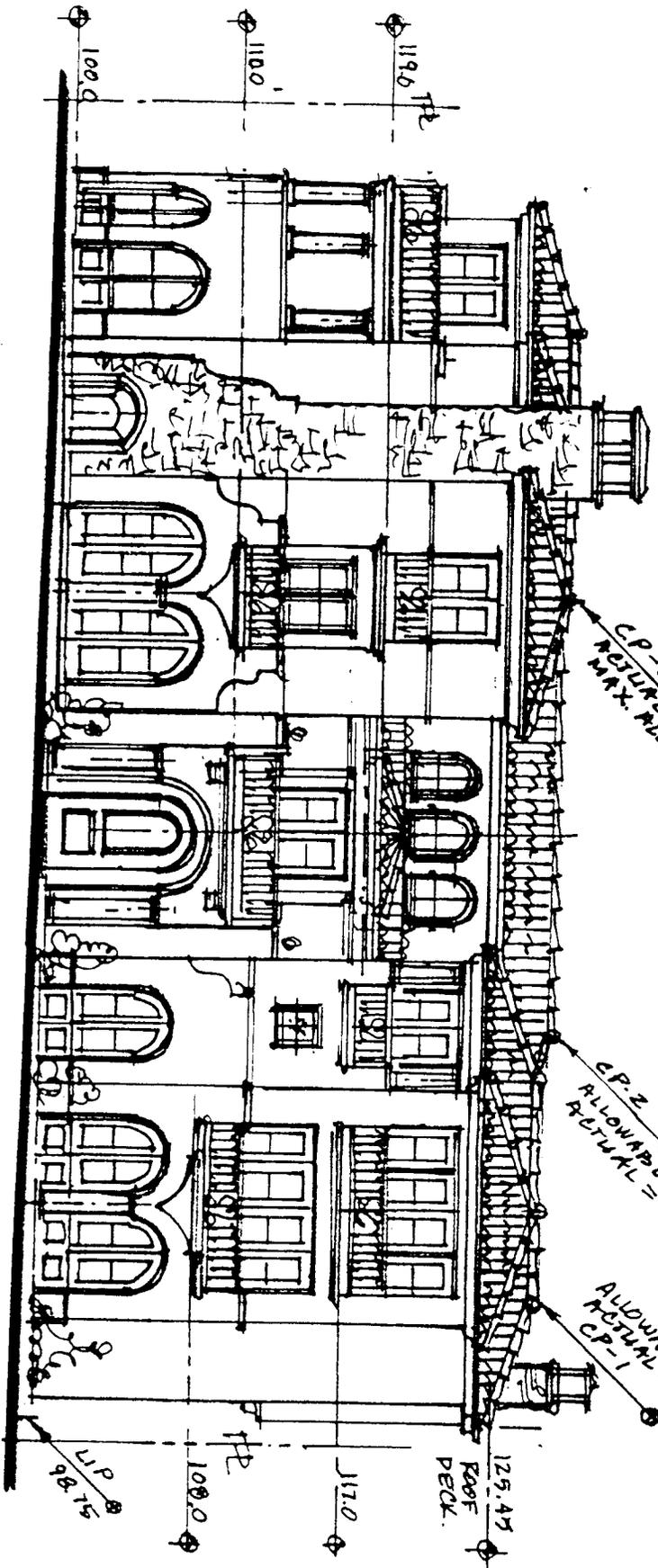
OCEAN

SEE 763 MAP

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 5-03-305
 EXHIBIT # 1
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SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



RECEIVED
South Carolina
JUL 25 2003

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CP-3
ALLOWABLE = 129.4
ACTUAL = 129.43'

CP-2
ALLOWABLE = 128.9
ACTUAL = 128.75'

ALLOWABLE = 128.5
ACTUAL = 128.59'

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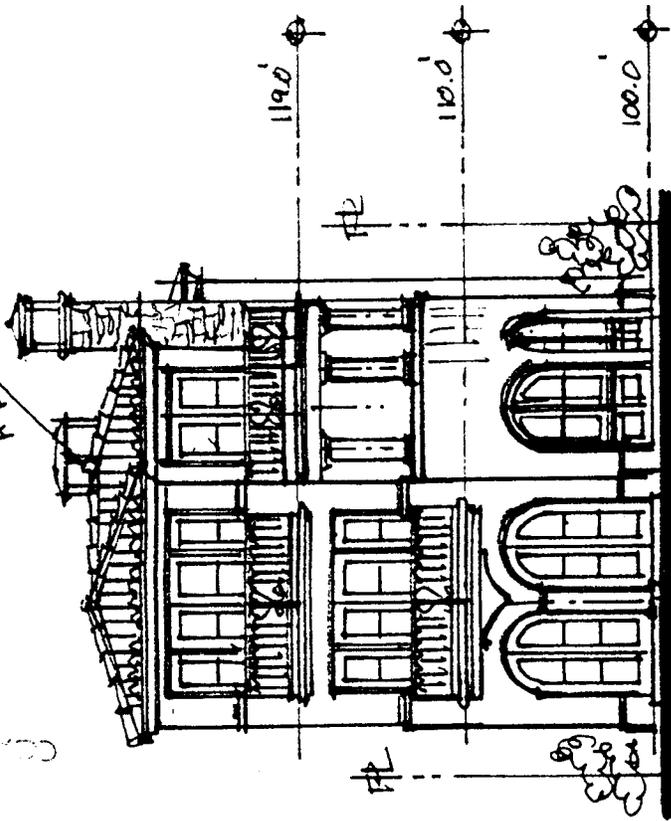
EXHIBIT # 3

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WEST ELEVATION

SCALE: 1/8" = 1'-0"

The Strand



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2017.04.03

PROJECT

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EXHIBIT # 3

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