

**CALIFORNIA COASTAL COMMISSION**

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**W5e**

Filed: October 6, 2005  
49th Day: November 24, 2005  
180th Day: April 4, 2006  
Staff: RT-LB  
Staff Report: November 23, 2005  
Hearing Date: December 14-16, 2005  
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-05-336

**APPLICANT:** Delphi Properties 1722 Strand, LLC

**AGENT:** Elizabeth Srour

**PROJECT LOCATION:** 3001 & 3003 The Strand, City of Hermosa Beach, Los Angeles Co.

**PROJECT DESCRIPTION:** Demolition of an existing duplex, lot line adjustment and construction of 2 new two-story over basement level single-family residences (5,931 and 6,000 square-feet in size).

**SUMMARY OF STAFF RECOMMENDATION:**

The applicant is proposing demolition and construction of a new beach fronting single-family residence. The major issue with this beachfront development is that it could be affected by wave attack and flooding during strong storm events.

Commission staff is recommending **APPROVAL** of the proposed project with **Five (5) Special Conditions** regarding: **1)** assumption of risk; **2)** no future shoreline protective device; **3)** additional approvals for any future development; **4)** conformance with the submitted drainage and run-off control plan; **5)** a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

**SUBSTANTIVE FILE DOCUMENTS:** Coastal Hazard and Wave Runup Study, 3001-3003 The Strand, Hermosa Beach, CA prepared by GeoSoils Inc. dated August, 2005.

**LOCAL APPROVALS RECEIVED:** City of Hermosa Beach Approval-in-Concept dated August 18, 2005.

**LIST OF EXHIBITS**

1. Location Map
2. Assessor's Parcel Map
3. Site Plan
4. Elevations

**STAFF RECOMMENDATION:**

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

**MOTION:**

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

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

**RESOLUTION:**

**I. 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. 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, 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 flooding and wave uprush; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

2. **No Future Shoreline Protective Device**

- A(1) By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-05-336 including, but not limited to, the residences, garages, foundations, and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- A(2) 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 residences, garages, foundations, and any other future improvements 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. **Future Development**

- A. This permit is only for the development described in coastal development permit No. 5-05-336. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the development governed by the coastal development permit No. 5-05-336. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 5-05-336 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

**4. Drainage and Run-Off Control Plan**

The applicants shall conform with the drainage and run-off control plan received on September 2, 2005 showing roof drainage and runoff from all impervious areas directed to vegetated/landscaped areas. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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

**IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

**A. PROJECT DESCRIPTION**

The subject site is located at 3001 & 3003 The Strand, within the City of Hermosa Beach, Los Angeles County (see Exhibit #1). This beachfront site is located between the first public road and the sea and located on the inland side of The Strand, an improved public right-of way that separates the residential development from the public beach (see Exhibit #2). The Strand is used by both residents and visitors for recreational purposes (walking, jogging, biking, etc.) and to access 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). The project is located within an existing urban residential area, located approximately ¾ mile north of the Hermosa Beach Pier. There is an approximately 400-foot wide sandy beach between the subject property and the mean high tide line. Vertical public access to this beach is available to pedestrians via public right-of-way at the western end of 30<sup>th</sup> Place, which is approximately 45 feet to the south (see Exhibit #2).

The applicant is proposing demolition of an existing duplex and construction of two new two-story over basement level single-family residences (see Exhibits #3 & #4). The existing duplex currently straddles 2 ½ lots. A lot line adjustment is proposed to create two separate equal sized lots for the two proposed residences. As a result of the lot line adjustment, each lot would measure approximately 37.5 feet wide by approximately 106 feet deep (see Exhibit #2).

The 25' high residence at 3001 The Strand will have 5,931 square feet of living space, a 575 square foot 3 car garage and one open guest parking space on a 4,018 square foot lot. The 25' high residence and 3003 The Strand will have 6,000 square feet of living space, a 622 square foot 3 car garage and one open guest parking space on a 3,949 square foot lot.

The proposed project conforms to the proposed LUP 25-foot height limit for R-1 zoned, single-family residences and conforms to the setback limits for front and side yards. The required front yard setback is 10 percent of lot depth and no less than 5 feet and the required side yard setback is 10 percent of lot width and no greater than 5'. For both proposed residences, the applicant proposes a 10-foot front yard setback (lot depths are approximately 106 feet), a 3-foot rear yard setback and a 3'9" side yard setback (lot widths are approximately 37.5 feet).

Grading will consist of 745 cubic yards of cut and 32 cubic yards of fill for the proposed residence at 3001 The Strand, 753 cubic yards of cut and 56 cubic yards of fill for the proposed residence at 3003 The Strand, resulting in 713 and 697 cubic yards of export respectively, which will be transported to a Redondo Beach commercial disposal site. No encroachment into City property is proposed.

## **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 applicant to assume the risk of development. To ensure that future landowners are aware of the conditions of this coastal development permit, we are imposing Special Condition 5, which requires recordation of a 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 (seawall or revetment) in the future.

Recent projects similar to the currently proposed development in Hermosa Beach include Coastal Development Permits 5-02-201 (McSorley), 5-01-488 (Biche), 5-01-186 (Doukoullos), 5-00-451 (Scott), 5-00-446 (Campbell), 5-00-271 (Darcy) and 5-04-485 (Slaven). 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**

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.

**D. DEVELOPMENT**

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

**E. PUBLIC ACCESS**

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.

**F. WATER QUALITY**

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.

**G. 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.

**H. LOCAL COASTAL PROGRAM**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3.

The Commission conditionally certified the City of Hermosa Beach Land Use Plan on August 19, 1981. The Land Use Plan (LUP) was effectively certified 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. The amendment and Implementation ordinance was scheduled for public hearing and Commission action at the October 8, 2001 meeting, but the City withdrew. Therefore, these have not been certified and the standard of review for development in Hermosa Beach is still the Coastal Act.

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.

**I. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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.