

CALIFORNIA COASTAL COMMISSION

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 Hearing Date: March 16-18, 2005
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-04-485

APPLICANT: Mary-Gene Slaven

AGENT: Srour and Associates, Attn: Elizabeth Srour

PROJECT LOCATION: 3409 The Strand, City of Hermosa Beach, Los Angeles Co.

PROJECT DESCRIPTION: Demolition of a single-family residence and construction of a two-story plus roof deck (over basement level), 25-foot high, 2,298 square-foot single-family residence, with three on-site parking spaces, on a 1,662 square-foot R1-zoned beachfront lot.

Lot Area	1,662 square feet
Building Coverage	896 square feet
Pavement Coverage	703 square feet
Landscape Coverage	63 square feet
Parking Spaces	3
Zoning	R1
Plan Designation	Low Density Residential (LD)
Ht above existing grade	25 feet

SUBSTANTIVE FILE DOCUMENTS:

1. City of Hermosa Beach Land Use Plan, certified 4/21/82.
2. City of Hermosa Beach Approval in Concept, 11/22/04.
3. Coastal Development Permits 5-02-201 (McSorley), 5-01-488 (Biche), 5-01-186 (Doukoullos), 5-00-451 (Scott), 5-00-446 (Campbell) and 5-00-271 (Darcy).
4. *Wave Run-up Study, 3409 The Strand, Hermosa Beach, CA* prepared by Skelly Engineering, November 2004.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with special conditions addressing risk of development, no future protective device, height, residential density and parking; also requiring agency approval, conformance to drainage and landscaping plans and conformance with geotechnical recommendations. 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:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-04-485 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

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. 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 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. 5-04-485 including, but not limited to the residence, garage, and foundations 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 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 residence, 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 twenty-five feet (25') in elevation above the 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

The applicant shall conform with the drainage and run-off control plan received on December 28, 2004, describing roof drainage and runoff from all impervious areas directed to a sump pump and/or landscaped yard areas. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. 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.

7. Conformance of Plans to Recommendations and Requirements

- A. All final design and construction plans shall meet or exceed all recommendations and requirements contained in the Coastal Hazard and Wave Runup Study prepared by Skelly Engineering dated November 2004 and the requirements of the City of Hermosa Beach, Department of Building and Safety, to the extent that they are consistent with the conditions imposed by the Commission.
- B. The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment of this coastal development permit unless the Executive Director determines that no amendment is required

8. Regional Water Quality Control Board Approval

This coastal development permit does not approve any dewatering to an offsite location. If dewatering is necessary, the applicant shall obtain review and approval from the Regional Water Quality Control Board. Any dewatering to an offsite location requires an amendment to this coastal development permit or a new coastal development permit.

9. 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 residential 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 residential 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 3409 The Strand within the City of Hermosa Beach, Los Angeles County (see Exhibit #1). The site is a beachfront lot located between the first public road and the sea. The 1,662 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 (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 45th 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 one 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 34th Place, which is approximately 60 feet to the south, and a stairway at the western end of 35th Street, which is located approximately 270 feet to the north (see Exhibit #2).

The applicant is proposing demolition of an existing single-family residence and construction of a two-story plus roof deck (over basement level), 25-foot high (above existing grade), single-family residence with 2,298 square feet of living space (see Exhibit

#4). On-site parking for the proposed single-family residence will be provided with a 396 square-foot, two-car garage and an open guest parking space adjacent to the garage, with vehicular access from Hermosa Avenue. The applicant proposes to construct the residence and guest parking space on a 1,662 square-foot, R-1 zoned lot in Hermosa Beach. 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 minimum is 10 percent of lot depth (no less than 5 feet) and the required side yard setback minimum is 10 percent of lot width (no need to be greater than 5'). The applicant proposes a 6.75-foot front yard setback (lot depth is 66.48 feet), a 9-foot rear yard setback and 3-foot side yard setbacks (lot width is 25 feet). Grading is proposed and will consist of 267 cubic yards of cut and 12 cubic yards of fill, resulting in 255 cubic yards of export, 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 7, 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) 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 northern portion of Hermosa Beach. The lot is fronted by The Strand, an improved non-vehicular coastal right-of-way that runs adjacent and parallel to a wide sandy beach. This approximately 400-foot wide sandy beach presently provides homes and other structures in the area a measure of protection from wave runup and flooding hazards, however beach erosion is seasonal and is

subject to extreme storm events that may expose the proposed development to wave runup 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 in part:

... Permitted development shall be sited and designed ... to minimize the alteration of natural land forms, ...

Wave Runup 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 has consistently required wave runup studies for beachfront development to assess the potential hazard from wave attack, flooding and erosion. Commission staff has consistently requested that the wave runup, flooding, and erosion hazard analyses anticipate wave and sea level conditions (and associated wave runup, 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 2 to 3 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 Coastal Hazard and Wave Runup Study for the subject property. The Coastal Hazard and Wave Runup Study was prepared by Skelly Engineering and is dated November 2004. Based on the conclusion of this study done for the property, the proposed development is not anticipated to be subject to hazards from flooding and wave runup during the life of the development and complies with the Commission's analysis requirements.

The shoreline in this area has experienced some erosion despite efforts to control the movement of sand along the shoreline. The wide sandy beach west of The Strand, which is normally over 350 feet wide, provides more than adequate protection for the property.

According to the consultant, the subject site is on shoreline located at the southern end of the Santa Monica Littoral Cell. The Coastal Hazard and Wave Runup 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.

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 Coastal Hazard and Wave Runup Study concludes the following:

"Wave runup and overtopping will not significantly impact this property over the life of the proposed structure. There are no recommendations necessary for wave runup protection.

The conclusion of the submitted wave runup study is similar to the conclusions of other wave runup studies done for projects along The Strand in Hermosa Beach. Based on the information from other projects in the area, the Commission concurred with the conclusion of the studies that the sites were not subject to hazards from flooding and wave runup. The proposed development, therefore, 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 November 2004 does not preclude wave runup 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, Special Condition 7 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 runup 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 runup 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 and Seven 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 5-02-201 (McSorley) 5-01-488 (Biche), 5-01-186 (Doukoullos), 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 it's approval is based on the understanding the residence will be safe from potential wave runup 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 runup 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 runup 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 assume the risks of development and to not install any future shoreline protective devices during the lifespan of the development. As conditioned, the Commission finds that the proposed project is consistent with Coastal Act Sections 30251 and 30253.

D. Community Character / Visual Quality

Section 30251 of the Coastal Act states in part:

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. The majority of these structures do not exceed 25 feet in height. Allowing building heights above the 25-foot limit would serve to negatively impact coastal views and the character of the surrounding community. In order to protect community character and visual quality, Special Condition 3 limits the development at a maximum of 25 feet above grade as interpolated by the City of Hermosa Beach Planning Department. This height is consistent with the general height of the area.

The proposed project has a roof height of 25 feet above grade as interpolated by the City of Hermosa Beach Planning Department. Therefore, the proposed single-family residence complies with the 25-foot height limit in the City of Hermosa Beach proposed and certified LUP and previous Commission approvals. 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 25 feet. No portion of the structure shall exceed 25 feet in elevation above grade as interpolated by the City of Hermosa Beach Planning Department unless approved by an amendment to this coastal development permit. Only as conditioned, is the proposed project consistent with the Coastal Act's visual resource policies.

E. 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 4 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 or providing substitute means of serving the development with public transportation....

Many of the older developments in Hermosa Beach do not provide adequate on-site parking. The City of Hermosa Beach offers some public transportation but it is not enough to offset the amount of inadequate parking that still exists. As a result, many residents and guests park on the surrounding streets, where there is a parking shortage, and this practice has had a negative impact on public access to the beach. Visitors to the beach who arrive by car 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 owners' uses, Special Condition 4 is imposed to provide for three on-site parking spaces. In this case, the proposed project provides a two-car garage and an on-site guest parking space. Therefore, the proposed project provides an adequate parking supply for the proposed single family residence. The proposed project is consistent with prior Commission decisions for Hermosa Beach that required two parking spaces per residential unit and provisions for guest parking. The Commission finds that, only as conditioned to maintain the proposed three on-site parking spaces, is the proposed project consistent with Section 30252 of the Coastal Act.

F. Construction and Post Construction BMPs

Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

On December 28, 2004, the applicant submitted a grading, drainage and erosion control plan to include construction and post-construction BMPs for review by Coastal Commission staff (see Exhibit #3). The post construction plan includes conducting roof water run-off through gutters and downspouts to the northwest corner of the property where a sump pump will be located and designed to capture sheet-flow and roof run-off. The sump will contain a permeable material such as gravel and perforated lining. In addition, the landscaped yard area is located adjacent to the building on the westerly elevation, which will also capture storm run-off.

The project consists of a complete demolition and rebuild therefore affords an opportunity to improve water quality. After reviewing the drainage and erosion control plans, staff concurs that the BMPs that have been incorporated into the proposed project are adequate in meeting the needs of the Commission in protecting water quality resources.

Pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. This pollutant laden water leaves the residential site, enters the storm drain system and is ultimately discharged to coastal waters without treatment. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sub lethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

In order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of the proposed Best Management Practices which are designed to control the volume, velocity and pollutant load of storm water leaving the developed site. However, critical to the successful function of post-construction structural BMPs in removing pollutants in storm water to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from a storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs). Therefore, the Commission requires the conformance to grading, drainage and erosion control plans submitted on December 28, 2004. These selected post-construction structural BMPs were sized based on design criteria specified in Special Condition 6, and the Commission finds this will ensure that the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

In addition, in order to ensure that construction and materials are managed in a manner, which avoids impacts to coastal waters, the Commission imposes Special Condition 5. Special Condition 5 requires that construction materials, debris, or waste be placed or stored where it will not enter storm drains or be subject to tidal erosion and dispersion; removal of debris within 24 hours of completion of construction; implementation of Best

Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed such that construction debris and sediment are properly contained and secured on site and to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. The Commission requires the conformance to construction BMP's as submitted on December 28, 2004 (see Exhibit #3).

Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan and to comply with construction phase BMPs, is consistent with Section 30231 of the Coastal Act.

G. Conformance of Plans to Recommendations and Requirements

Recommendations regarding the grading and construction of the single-family residence with a basement level have been provided in information submitted by the applicants. Adherence to the recommendations and requirements contained in this information and named by the City of Hermosa Beach Department of Building and Safety is necessary to ensure assure the stability of the permitted development. As conditioned, the development will assure stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way requires the construction of protective devices that would substantially alter natural landforms. Therefore, adherence to the recommendations and requirements, to the extent that they are consistent with the conditions imposed by the Commission, is necessary to ensure that the developments are consistent with Section 30253 of the Coastal Act.

Special Condition 7 requires the applicants to conform to the recommendations in the Coastal Hazard and Wave Runup Study prepared by Skelly Engineering dated November 2004 and to the requirements of the City of Hermosa Beach, Department of Building and Safety, to the extent that they are consistent with the conditions imposed by the Commission.

H. 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.

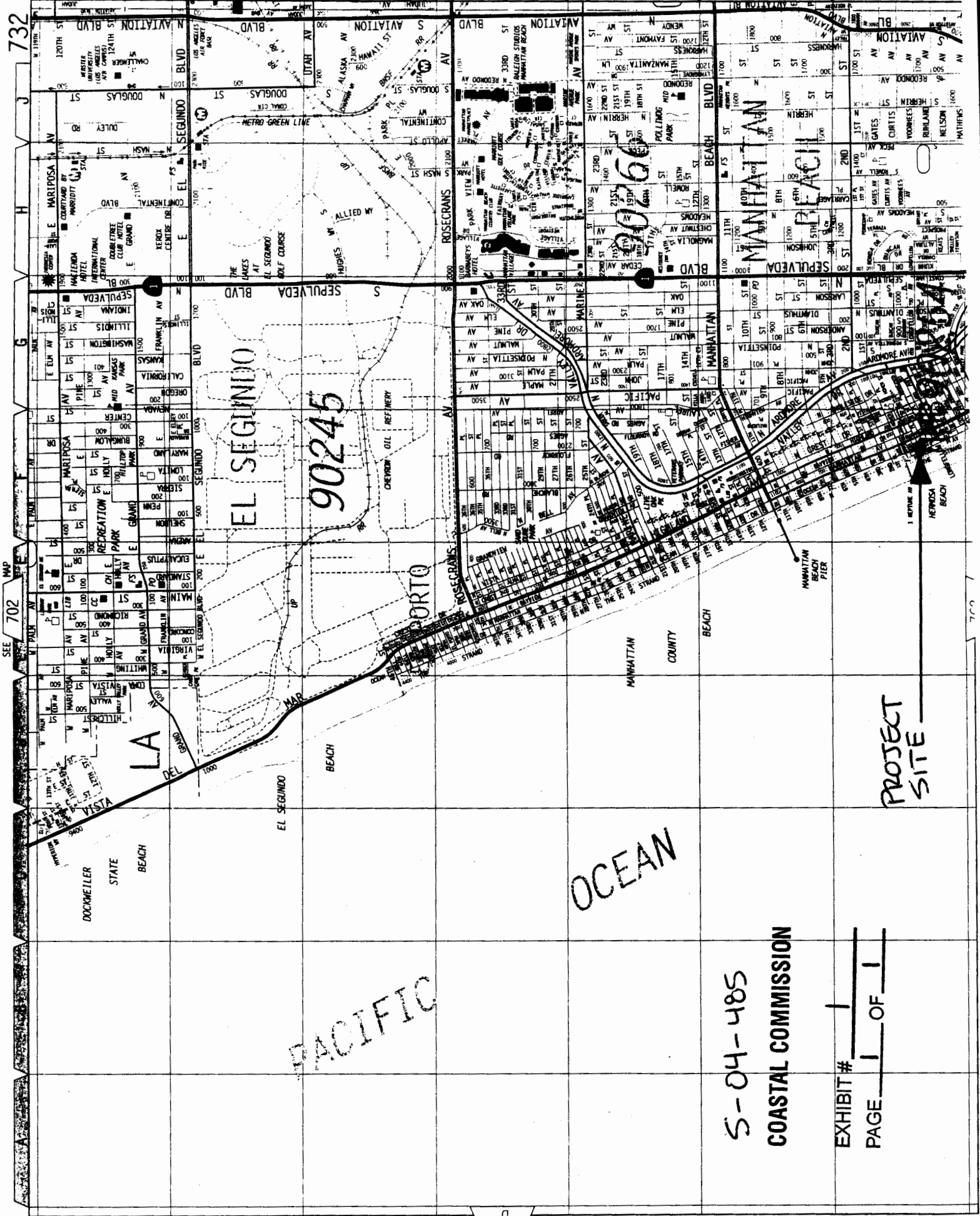
The Commission conditionally certified the City of Hermosa Beach Land Use Plan on August 19, 1981. The Land Use Plan (LUP) was effectively certified with suggested modifications on April 21, 1982. The modifications were accepted and the LUP is certified. The City submitted a final draft of its zoning 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.

The proposed development as conditioned is consistent with the public access, recreation, community character, marine resource and hazard policies of Chapter 3 of the Coastal Act. The proposed development as conditioned by 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).

I. 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.



SEE MAP 702

732

PACIFIC

OCEAN

S-04-485
 COASTAL COMMISSION

EXHIBIT # 1
 PAGE 1 OF 1

PROJECT SITE

3409 THE STRAND

4181 34
SCALE 1" = 50'

Revised
8-5-59
10-30-60

COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 1

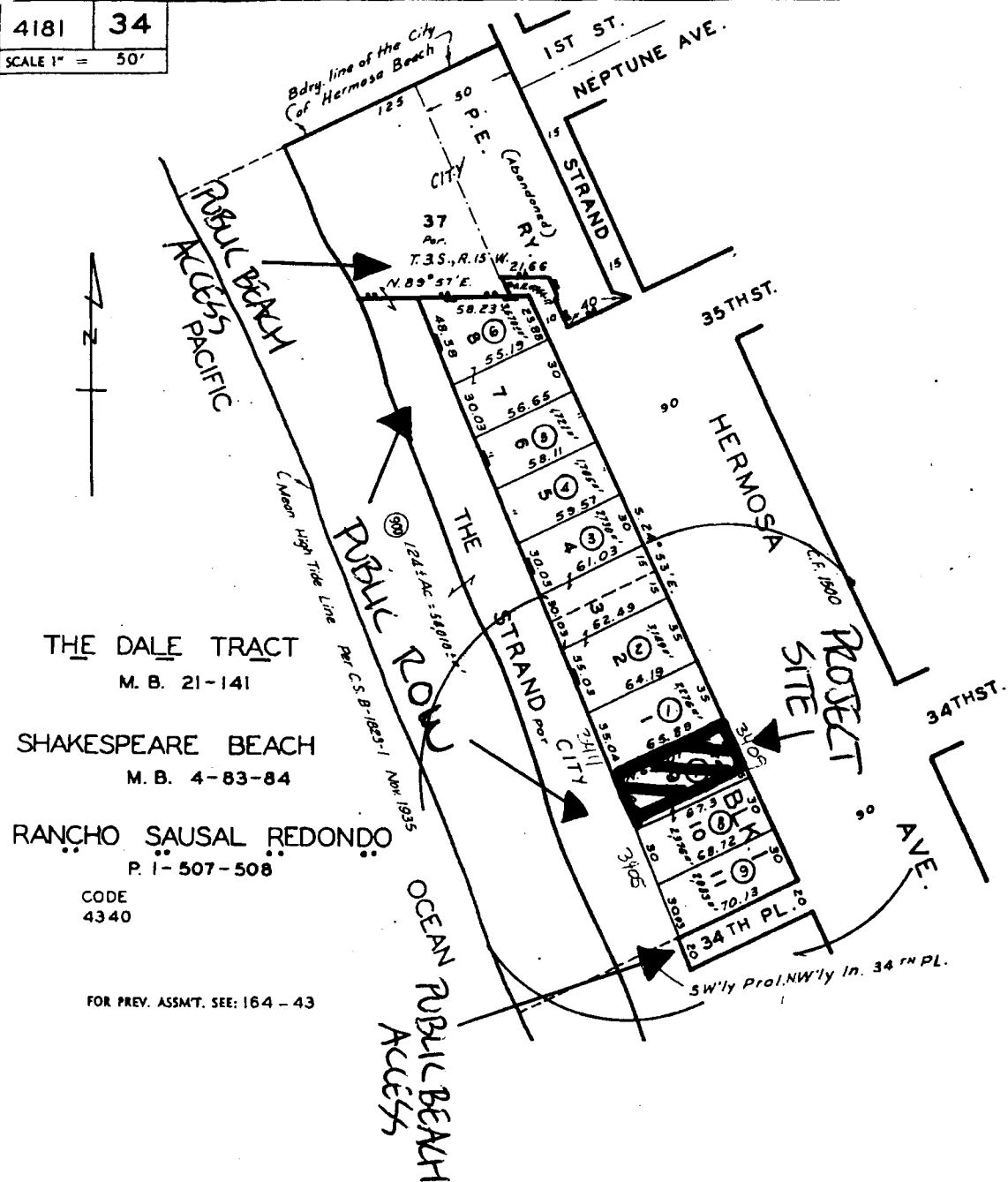
04-185

DEC 28 2004

RECEIVED
South Coast Region

CALIFORNIA
COASTAL COMMISSION

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.



THE DALE TRACT
M. B. 21-141

SHAKESPEARE BEACH
M. B. 4-83-84

RANCHO SAUSAL REDONDO
P. 1-507-508

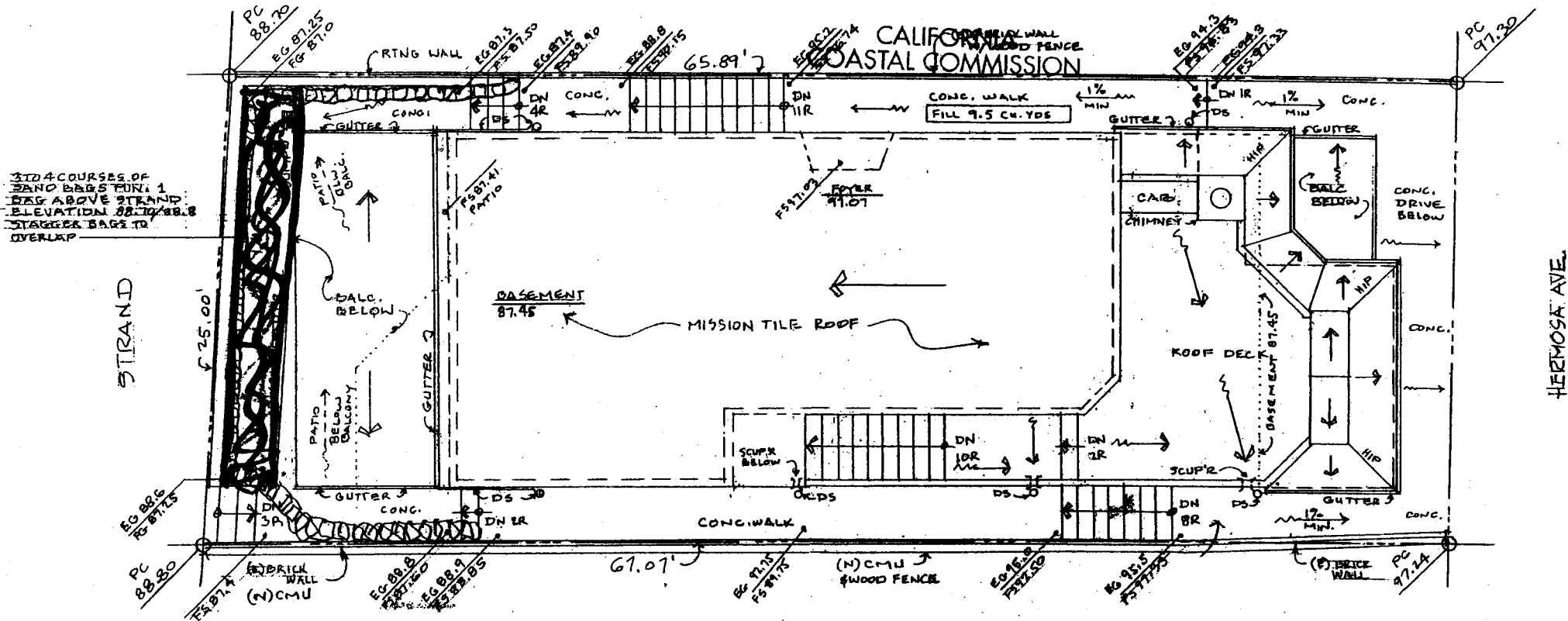
CODE
4340

FOR PREV. ASSMT. SEE: 164-43

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South Coast Region

5-04-485

DEC 28 2004



3 TO 4 COURSES OF
BAND BARS TYP. 1
BAR ABOVE STRAND
ELEVATION 88.00/88.8
STAGGER BARS TO
OVERLAP

STRAND

HERMOSA AVE.

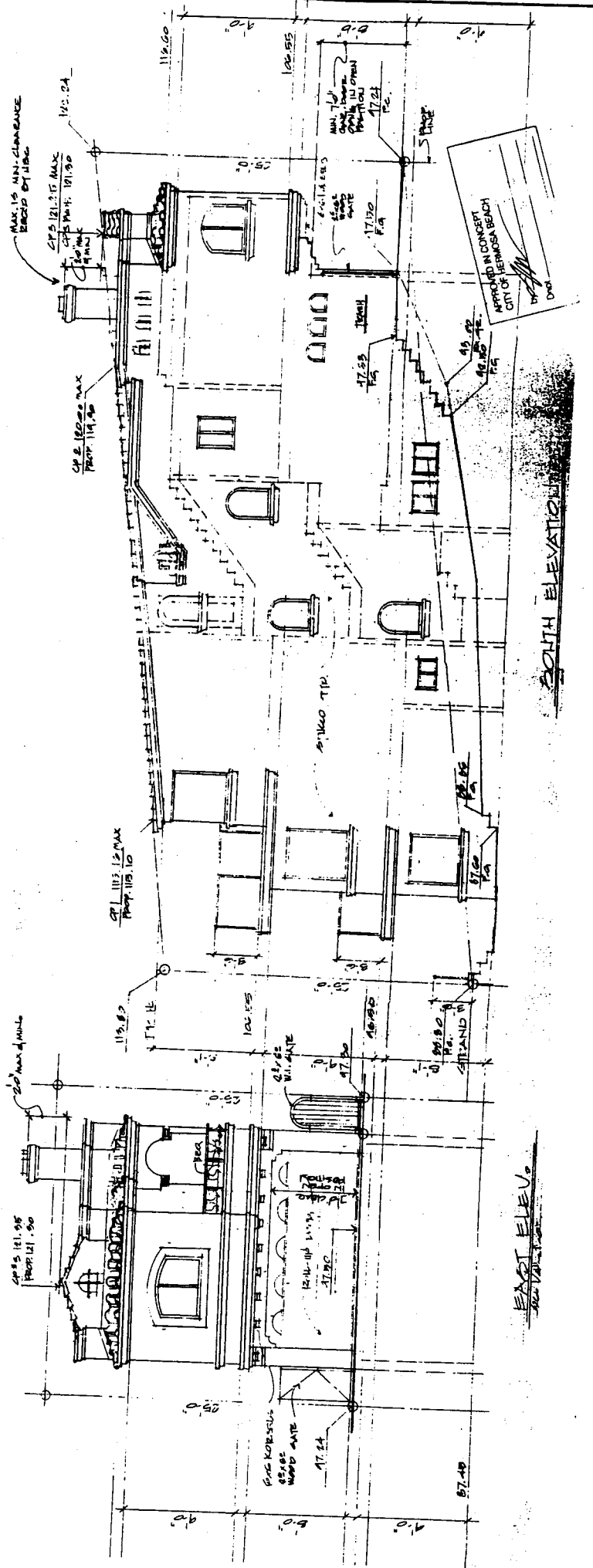
SITE PLAN
3409 THE STRAND (aka 3409 HERMOSA AVENUE)
GRADING / DRAINAGE & EROSION CONTROL PLAN
SC: 1/8" = 1'-0"

COASTAL COMMISSION

EXHIBIT # 3
PAGE 1 OF 1

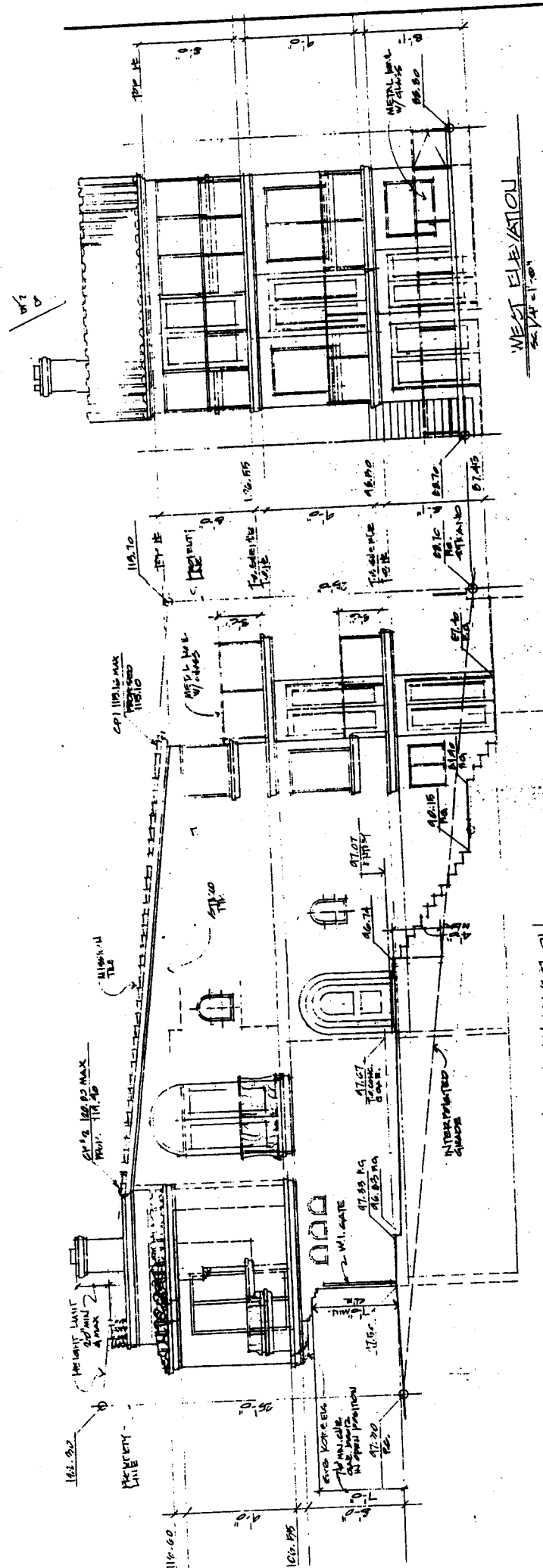
RESIDENCE FOR:	PLANNING & DESIGN
MARY GENE SLAVEN	JEN BARTOSIK 310.617.9566
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HERMOSA BEACH, CA 90254	MANHATTAN BEACH, CA 90266





S-04-485
 COASTAL COMMISSION

EXHIBIT # 4
 PAGE 1 OF 2



S-04-485
COASTAL COMMISSION

EXHIBIT # 4
PAGE 2 OF 2