

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Filed: 6/28/05
49th Day: 8/16/05
180th Day: 12/25/05
Staff: AJP-LB
Staff Report: 7/19/05
Hearing Date: 8/9-12/05
Commission Action:

Tu 5d.**RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-05-247**APPLICANT:** Los Angeles County Department of Public Works**PROJECT LOCATION:** Hermosa Beach, near terminus of 6th Street, Hermosa Beach**PROJECT DESCRIPTION:** Construct lateral outlet junction for existing storm drain with two 30-inch pipes with reinforced concrete headwall, approximately 65 feet landward of existing outlet that will be sealed. Construction will begin after September 5, 2005 and last for approximately two weeks.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed development with special conditions regarding storage of construction equipment and material and assumption of risk.

I. STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

MOTION: *I move that the Commission approve 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 permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California 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 alternative 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 term or 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. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

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

- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction related materials, sediment or contaminants associated with construction activity or release of sewage, shall be implemented prior to the onset of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project.
- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed at a debris disposal site outside the coastal zone.

2. Assumption of Risk

A. By acceptance of this permit, the applicants acknowledge and agree: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to construct a lateral outlet junction for existing storm drain, that terminates on the beach, with two 30-inch High Density Polyethylene Pipe pipes with reinforced concrete headwall, approximately 65 feet landward of the existing outlet that will be sealed. The new lateral outlet will extend approximately 20 feet north of the existing line. The new headwall will measure approximately 10 feet wide by 10 feet tall. Approximately 5-6 feet of the headwall will be located below grade (sand level). The existing drain outlet will be sealed with grouted brick. Construction will begin on or immediately after September 5, 2005, and take approximately two weeks to complete. Best Management Practices will be implemented during construction and all demolition and construction debris resulting from the proposed project will be disposed of at an appropriate location outside the coastal zone.

The County states that the project is necessary due to the current location of the outlet and insufficient elevation to flush out sand deposits. Sand deposits plug the outlet and cause localized flooding upstream in the adjacent residential area during winter months. According to the County, the project is a test project that they will monitor for a three-year period. If the project resolves the flooding issue, then the existing line downstream from the new lateral will be removed. If the new lateral does not resolve the flooding issue, then new alternatives will be explored. This project application does not include the removal of the existing line or any future alternative, and a separate Coastal Development Permit will be required for the removal of the line or for an alternative drainage system.

The proposed project is located on the beach in the City of Hermosa Beach, west of the terminus of 6th Street and approximately 320 feet west of the pedestrian and bicycle promenade.

The beach in this area is approximately 400 feet wide. Construction will be limited to the area surrounding the existing storm drain and new lateral outlet. The applicant has a storm drain and maintenance easement from the adjacent street across the beach to the drain outlet on the beach. Construction of the proposed project will involve the use of heavy machinery on the beach within the easement area. The equipment includes possibly a loader/bulldozer and utility trucks. No construction will occur in the water. The staging area will be located in an area approximately 1,000 feet north of the project site, and just south of the pier, that is currently used for construction staging.

The applicant's biologist conducted a biological survey, on June 7, 2005, of the project area and determined that there are no sensitive species in the area, including the Least Tern and Snowy Plover. The Department of Fish and Game (DFG) reviewed the report and concurred that the project will not have any impacts to sensitive species. Furthermore, DFG indicated

that with the proposed start date of after September 5, the project would not have any impact to the California grunion and any potential spawning area.

The existing storm drain is not currently outfitting with a low flow diversion to reduce polluted runoff during summer flows. The County has indicated that this line does not produce high enough flow rates to require a diversion line. At this time the County is focusing on lines determined to have high pollution levels by the Regional Water Quality Control Board and installing low flow diversion lines on those lines.

B. Access

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.

C. Development

The Coastal Act recognizes that certain types of development, such as the proposed project, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property. As such, the Commission finds that due to the unforeseen possibility of storm waves, surges, and erosion, the applicant shall assume these risks as a condition of approval. Therefore, Special Condition No. 2 requires the applicant to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. The applicant's assumption of risk will demonstrate that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development.

D. 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, 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.

E. 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 City of Hermosa Beach has a certified Land Use Plan. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, 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 of the Coastal Act.

F. California Environmental Quality Act.

There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



Site

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

LOS ANGELES AREA

SCALE

0 1 2 3 4 5 6 7 8 9 MILES

RECEIVED

South Coast Region

CALIFORNIA COASTAL COMMISSION

HUNTINGTON BI

EXHIBIT NO. 2

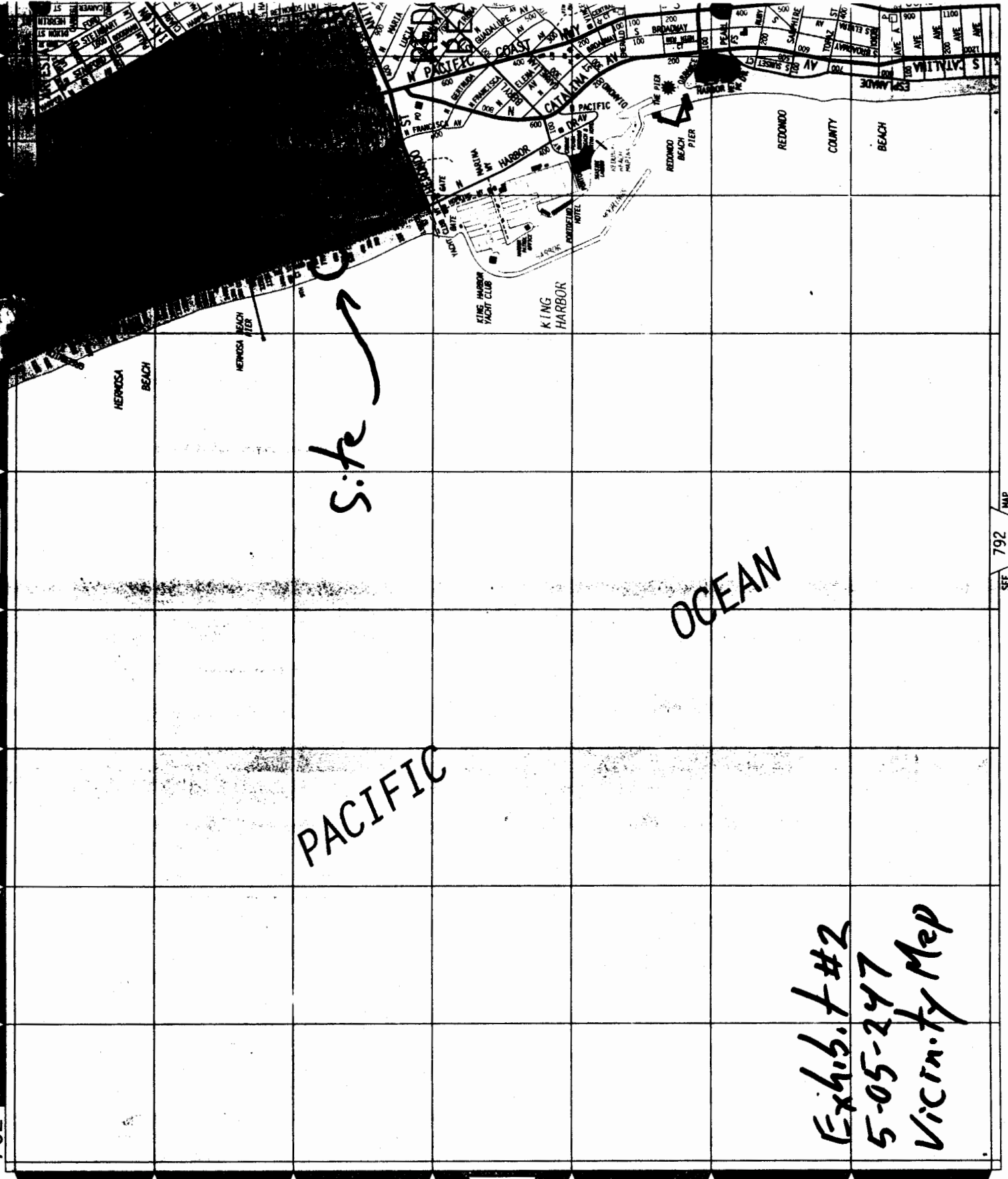
APPLICATION NO. 5-05-247

Regional Map

California Coastal Commission

SEE 732 MAP

762



SEE 792 MAP

SEE V1 MAP

Exhibit #2
 5-05-247
 Vicinity Map

County of Los Angeles: Rick Auerbach, Assessor

4188	4	P.A. 4188-4	TRA 4340	REVISED 07/21/05 10:00:00 14 2004/02/11/00000001-11	SEARCHING
------	---	----------------	-------------	---	-----------

2004



Project Location

PG 1

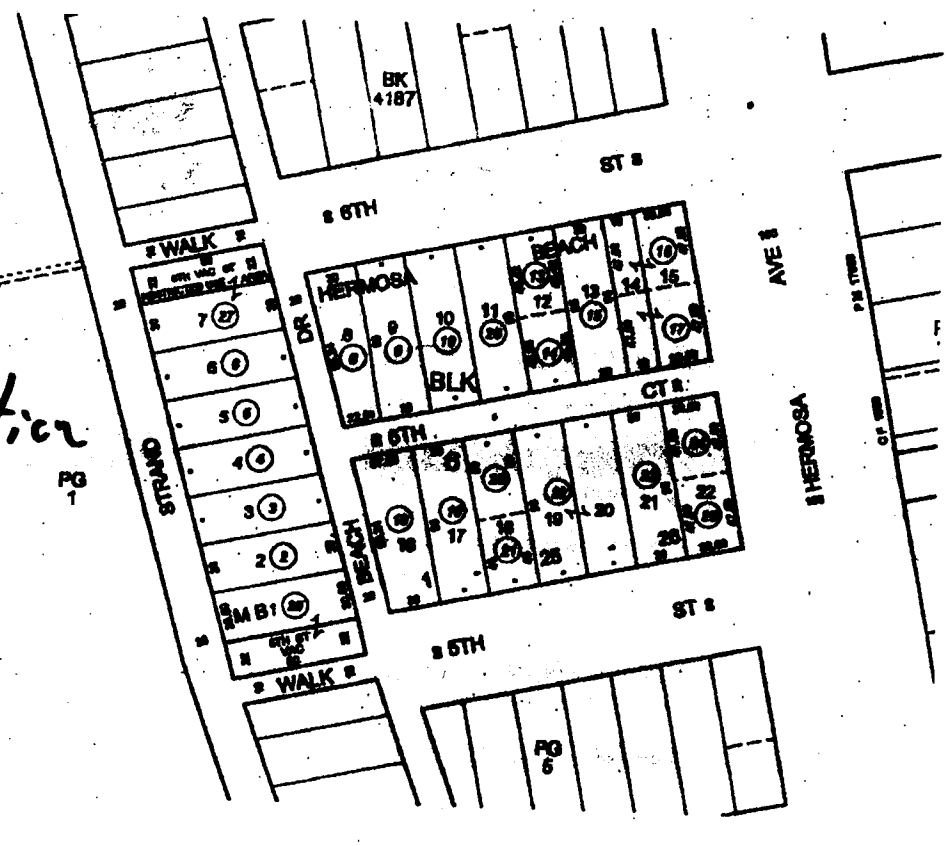
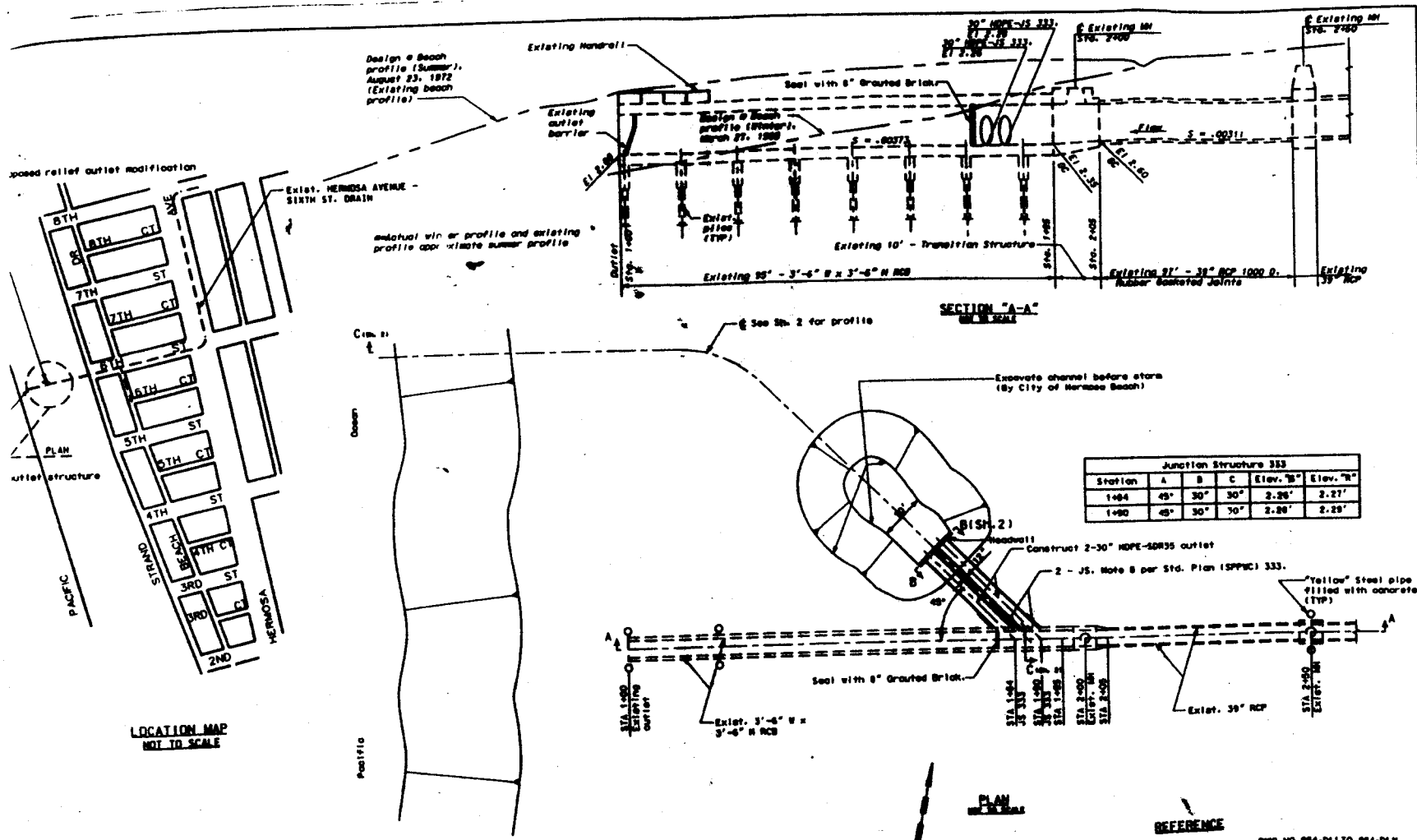


EXHIBIT NO. 3
Application Number 5-05-247
Parcel Map
California Coastal Commission



Junction Structure 333					
Station	A	B	C	Elev. "B"	Elev. "C"
1+84	45'	30'	30'	2.26'	2.27'
1+90	45'	30'	30'	2.26'	2.28'

REFERENCE
HERMOSA AVENUE - SIXTH ST. DRAIN..... DWG. NO. 064-D11 TO 064-D11

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
HERMOSA AVENUE - SIXTH ST. DRAIN
OCEAN OUTLET MODIFICATIONS

PLAN AND SECTION
JOB NUMBER: 5-05-247
SHEET 1 OF 2

EXHIBIT NO. 4

Application Number
5-05-247

Site Plan, Section

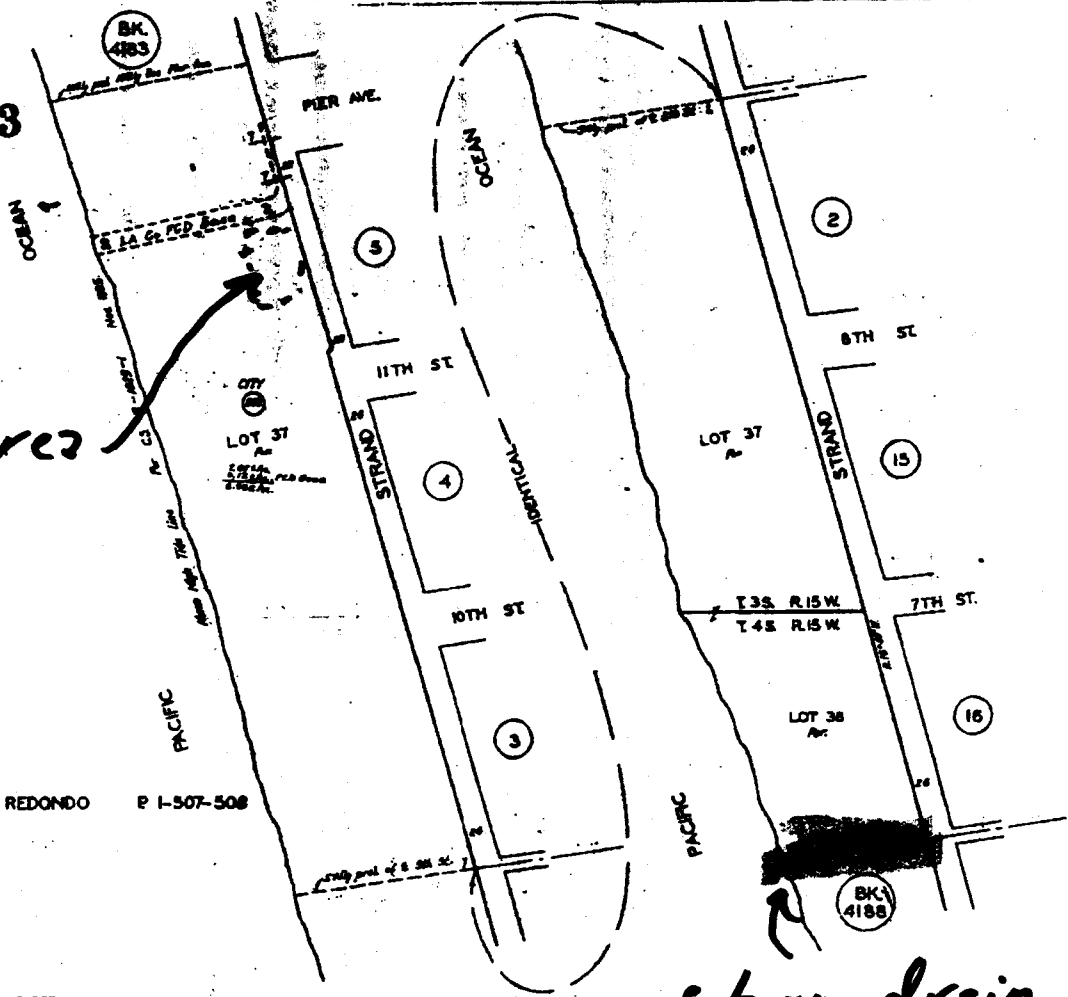
California Coastal Commission

County of Los Angeles: Rick Auerbach, Assessor

4187 | 1
SCALE 1" = 100'

120617
120617.08.04

2003
Staging Area



RANCHO SAUSAL REDONDO P 1-507-508

CODE
4340

FOR PREV. ASSMNT SEE:
4187 - 1
4188 - 1

EXHIBIT NO.	C
Application Number	5-05-247
	<i>Staging Area</i>
California Coastal Commission	

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.