CALIFORNIA COASTAL COMMISSION

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Filed: December 26, 2007
49th Day: February 13, 2008
180th Day: June 23, 2008
Staff: Gabriel Buhr-LB
Staff Report: January 17, 2008
Hearing Date: February 6-8, 2008

Commission Action:

Th3d

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-07-416

APPLICANT: City of Hermosa Beach, Department of Public Works

AGENT: Kathleen McGowan

PROJECT LOCATION: Pier Avenue at The Strand, City of Hermosa Beach

(Los Angeles County)

DESCRIPTION: Pilot phase of the Hermosa Strand Infiltration Trench Project funded

by a Clean Beaches Initiative Grant and designed to improve shoreline water quality conditions attributed to storm drain discharges during dry weather months. Project includes the installation of a 1,000 foot-long infiltration trench buried three to four feet below the sand directly seaward of The Strand cutoff wall, underground low flow diversion structure and associated pump well. A monitoring plan investigating project effects on ground water

elevation and bacteria levels is also included.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing the installation of diversion structure and infiltration trench to treat year-round dry weather flows from a storm drain. The major issue with this beachfront development is that it could impact water quality and beach access during construction.

Commission staff is recommending <u>APPROVAL</u> of the proposed project with <u>Eight</u> (8) <u>Special Conditions</u> regarding: 1) assumption of risk; 2) no future shoreline protective device; 3) additional approvals for any future development; 4) timing of construction; 5) staging of construction; 6) Storage of construction materials, mechanized equipment and removal of construction debris; 7) monitoring plan and submittal of Phase I monitoring report; and 8) removal of development if negative impacts are created.

SUBSTANTIVE FILE DOCUMENTS: City of Hermosa Beach Land Use Plan, certified April 21, 1982, City of Hermosa Beach City Council resolution No. 07-6567 and associated environmental negative declaration, City of Hermosa Beach Project Assessment and Evaluation Plan (PAEP) for Hermosa Strand Infiltration Trench, dated June 20, 2007.

LOCAL APPROVALS RECEIVED: City of Hermosa Beach Approval-in-Concept dated November 20, 2007.

LIST OF EXHIBITS

- 1. Location Map
- 2. Assessor's Parcel Map
- 3. Site and Design Plans
- 4. Area Photographs

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 <u>YES</u> 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:

I. APPROVAL WITH CONDITIONS

The Commission hereby <u>APPROVES</u> 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:

 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. <u>Expiration.</u> 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. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> 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. <u>Terms and Conditions Run with the Land.</u> 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. 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. 5-07-416 including, but not limited to, the infiltration trench, diversion structures and pump well, 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.

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, the infiltration trench, diversion structures and pump well, 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. <u>Future Development</u>

A. This permit is only for the development described in Coastal Development Permit No. 5-07-416. 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 this development governed by the Coastal Development Permit No. 5-07-416. Accordingly, any future improvements to the structures 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. 5-07-416 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government

4. Timing of Construction

A. Construction activities authorized pursuant to Coastal Development Permit No. 5-07-416 shall not obstruct public access to the beach during the peak use season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year. Construction shall take place during the off-peak season to the maximum extent possible. In the event that a closure on The Strand is required for construction purposes, such a closure shall only be permitted during non-holiday, mid-week periods to avoid beach access impacts.

5. Staging Area for Construction

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit a plan for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s) will avoid impacts to public access, to beach areas or to sensitive habitat areas.
 - 1. The plan shall demonstrate that:
 - (a) Construction equipment or activity shall not occur outside the staging or storage area
 - (b) Public parking areas shall not be used for staging or storage of equipment
 - (c) Beach areas and habitat areas shall not be used as staging or storage areas

- (d) The staging and storage area for construction of the project shall not obstruct vertical or lateral access to the beach.
- 2. The plan shall include, at a minimum, the following components:
- (a) A site plan that depicts:
 - Limits of the staging area(s)
 - (2) Construction corridor(s)
 - (3) Construction site
 - (4) Location of construction fencing and temporary job trailers, if any
- B. The permittee 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 to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. <u>Demolition/Construction Responsibilities and Debris Removal</u>

By acceptance of this permit, the applicant agrees that the proposed project shall be conducted in a manner that protects marine resources and water quality pursuant to the implementation of the following Best Management Practices (BMPs):

- A. No demolition/construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- B. Staging and storage of demolition/construction machinery and storage of debris shall occur landward of the beach, on impervious surfaces only.
- C. Any and all debris resulting from demolition/construction activities shall be removed from the shoreline and harbor area and disposed of as soon as possible.
- D. The permittee shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- E. Develop and implement spill prevention and control measures and ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The fueling station shall be located as far away as possible from the receiving waters and storm drain inlets as possible and shall not be located on or adjacent to the beach.
- F. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be disposed of into sanitary or storm sewer systems.

7. Monitoring Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit a final monitoring plan for the Phase I Monitoring Program for the review and approval of the Executive Director which details the proposed project monitoring plan including at a minimum the following information:
 - 1. A conceptual model of the water flow through the infiltration trench and to the ocean that shows how the monitoring plan is designed to evaluate the effectiveness of the proposed treatment system.
 - 2. Description of location, timing and frequency of samples collected as a part of the proposed plan, including baseline water quality samples prior to project installation.
 - 3. Description of the constituents to be analyzed from the collected samples, including their minimum detection limits.
 - 4. Methods for the sample collection process shall also be described; methods shall not involve the placement of permanent structures on the beach.
- B. The permittee shall provide the Commission with copies of the completed Phase I Interim Project Report to include results of the Phase I Monitoring Program that will at a minimum include a summary of conditions the project is meant to alleviate, its objectives and scope, a summary of the progress made during Phase I, an evaluation of the effectiveness of the project in reducing pollution and improving water quality conditions, and an evaluation of whether the project has accomplished the objectives set forth in the project goals.

8. Removal of Approved Development

If after the completion of the Phase I trial, and analysis of the Phase I Interim Project Report, and after review by the Executive Director it is determined that the installed technology has had a negative impact on the beach environment, and not accomplished the objectives set forth in the project goals, all development approved as a part of Coastal Development Permit No. 5-07-416 will be removed from the Coastal Zone and the beach returned to its prior condition.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The proposed project is an improvement to the Pier Avenue storm drain located where Pier Avenue and the Pier Plaza terminates at The Strand walkway (Exhibit #1). The Pier Plaza is the center of the commercial downtown district and consists of eating and drinking establishments, retail and business uses. 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 4 miles, from 45th Street (the border between El Segundo and Manhattan Beach) to Herondo Street (the border between Hermosa Beach and Redondo Beach). The proposed project would be almost entirely subterranean and located immediately seaward of the cutoff wall that supports the Strand except for an electrical cabinet installed directly seaward of the cutoff wall (Exhibit #2). There is an approximately 350-foot wide sandy beach between The Strand 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 Pier Avenue located directly north of the subject site, and public parking lots are available nearby at 11th and 13th Street.

The applicant is proposing to install Phase I of the Hermosa Strand Infiltration Project with the objective of eliminating shoreline water exceedances of bacteria standards for human body contact attributed to storm drain discharges during dry season periods. The project also is proposed to eliminate odor and vector problems associated with standing water in the storm drain resulting from sand plugs formed by wave action during dry weather periods.

The proposed project includes the installation of a 1000 linear-foot long infiltration trench located approximately three feet below grade and directly adjacent to the cutoff wall that supports The Strand. The modular units that comprise the trench would have a four foot width and a one foot depth. The trench would begin at the Pier Avenue storm drain and extend in a southerly direction paralleling the wall. The project also includes the installation of a diversion manhole and tide gate structure associated with the existing storm drain to divert low flow runoff. A pump well equipped with a trash basket and absorbent boom will also be installed adjacent to the diversion structure to receive and filter the runoff before sending the runoff to the adjoining infiltration trench. An above-ground electrical cabinet will be installed to control the pump.

The installed project would direct runoff during dry season period to the infiltration trench which will be constructed of prefabricated modular cells constructed out of non-woven, polypropylene geotextile filter fabric. After being diverted by the tide gate to the pump well, runoff would initially be filtered for large debris and hydrocarbons, then it would be sent along a discharge line, through a final desilting and filtration unit before it would finally be distributed into the infiltration trench. The modular units that comprise the infiltration trench possess a high percentage of void space allowing for runoff storage and slow percolation rates. Runoff would then leave the trench and additionally be filtered by the unsaturated native sand existing for another three to four feet below the trench before reaching the saline water table.

Phase I of the Hermosa Strand Infiltration Project also includes a comprehensive monitoring plan to evaluate whether the project is an effective method for treating indicator bacteria in urban runoff and also that the project does not cause growth of indicator bacteria in unsaturated native sands or present any other increased risks to public health. The monitoring plan will include

collecting baseline data prior to project installation and sample collection throughout and after the Phase I trial period scheduled to occur through one complete dry season. No permanent structures are required for any sample collection included as a part of the monitoring plan.

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 (**Special Conditions 1 and 2**) to: prohibit construction of protective devices (such as a seawall) in the future; and to require that the landowner 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

Section 30251 of the Coastal Act requires that the scenic and visual resources of coastal areas be considered and protected as a resource of public importance. In addition, public views to and along the ocean and scenic coastal areas shall be protected. With the exception of the electrical cabinet, all proposed development associated with the project will be located underground and will therefore not impact the visual character of the surrounding area. The electrical cabinet will be sited adjacent to an existing small wall that separates the beach sand from a lifeguard and beach maintenance parking area, and will have dimensions of 3.5 feet (height) x 1.5 feet (width) x 6 feet (length) which will result in a negligible impact to the character of The Strand and the surrounding beach area.

The development is located almost entirely underground and will not produce any impacts to coastal views or alter the surrounding community character. 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 Chapter 3 policies of the Coastal Act.

D. Public Access/Parking

Construction activities for the installation of the proposed project are restricted to not impact public access to the beach during peak beach use season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year (**Special Condition 4**). 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. Water Quality

Sections 30230, 30231 and 30232 of the Coastal Act require that marine resources be maintained, enhanced, and restored in a manner that will sustain the biological productivity of all species of marine organisms in coastal waters, and that the biological productivity and water quality of coastal waters be maintained and restored by controlling polluted runoff.

The proposed Hermosa Strand Infiltration Project is funded by a Clean Beaches Initiative (CBI) Grant from the State Water Resources Control Board. The CBI grant program was established with the goal to help local agencies, non-profit organizations, and public agencies implement projects that protect and restore California's coastal water quality. If the proposed project accomplishes its objectives, the result will produce decreased levels of indicator bacteria and improved water quality in the waters adjacent to the storm drain. Additionally the project seeks to reduce the amount of standing water present in the storm drain due to sand plugs formed by wave action during dry periods, this standing water often is responsible for malodor and vector problems.

Phase I of the Hermosa Strand Infiltration Project is designed to investigate the effectiveness of the proposed infiltration technology on the storm drain located at Pier Avenue, before installing similar devices in the other nine storm drains located within the City limits. In order to evaluate the positive and potential negative impacts of the proposed project on water quality and the surrounding beach sand, an associated monitoring program is attached to the project. The monitoring program will compare indicator bacteria levels in the ground water and unsaturated native sand collected during and at the end of the trial period (one dry season) and compare them to collected baseline samples. **Special Condition 7** requires that the applicant submit the proposed monitoring plan to the Executive Director for approval prior to issuance of the Coastal Development Permit and that the results of the completed monitoring program be submitted to the Executive Director for review. If after review of the monitoring program, it is determined that the proposed water quality improvements have in fact had a negative impact on the surrounding beach environment, then **Special Condition 8** requires complete removal of the development associated with the proposed project.

Construction activities may have an adverse effect on water quality in a number of ways. The storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, tide or wind would result in adverse impacts on the marine environment that would reduce the biological productivity of coastal waters. For example, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery not designed for use in the marine environment may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged to coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction related impacts upon marine resources, **Special Condition 5 and 6** outline construction related requirements to provide for the safe use and storage of construction materials and the safe disposal of construction debris.

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. 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. <u>Local Coastal Program</u>

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.

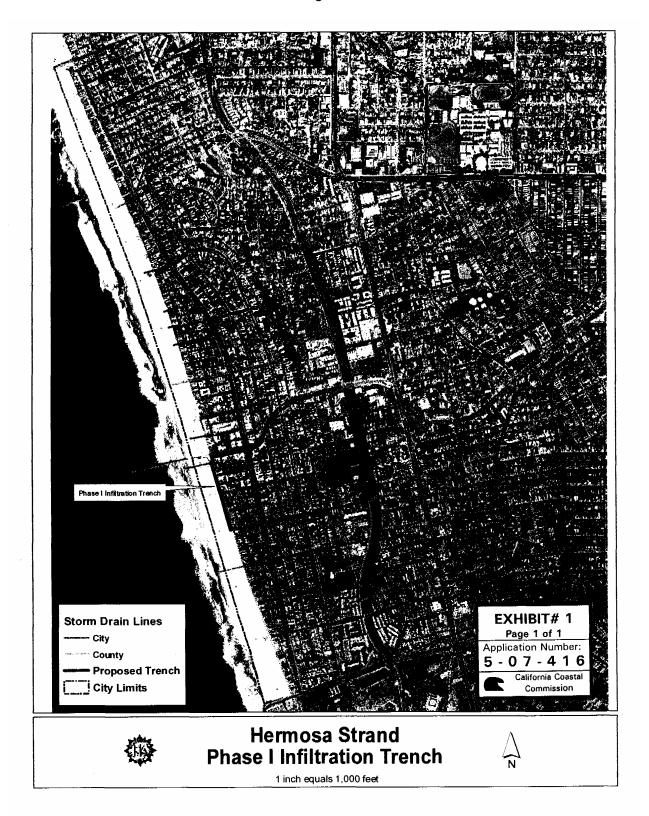
The Commission conditionally certified the City of Hermosa Beach Land Use Plan on August 19, 1981. The Land Use Plan (LUP) was effectively certified with suggested modifications on April 21, 1982. The modifications were accepted and the LUP is certified. The City submitted a final draft of its zoning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

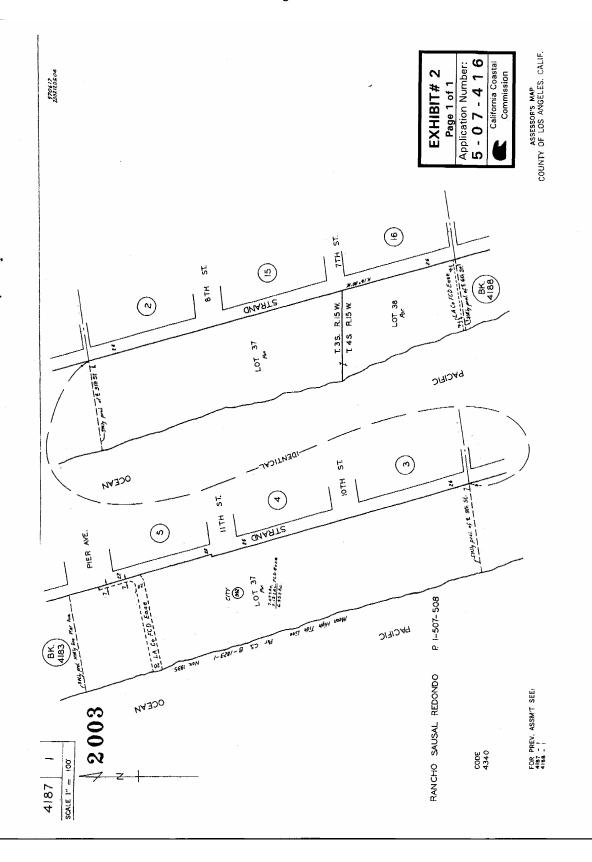
H. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications 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 which would substantially lessen any significant adverse effect which the activity may have on the environment.

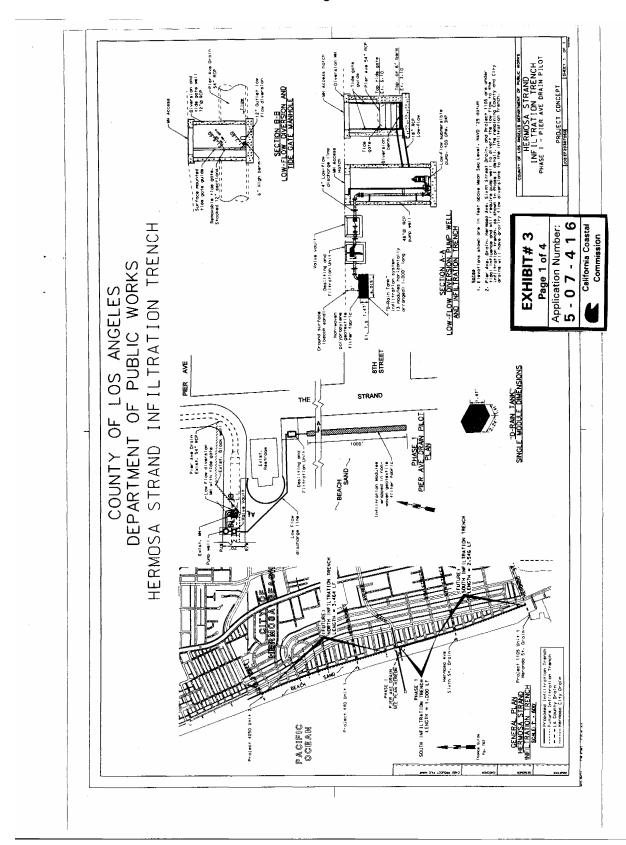
As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the 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.



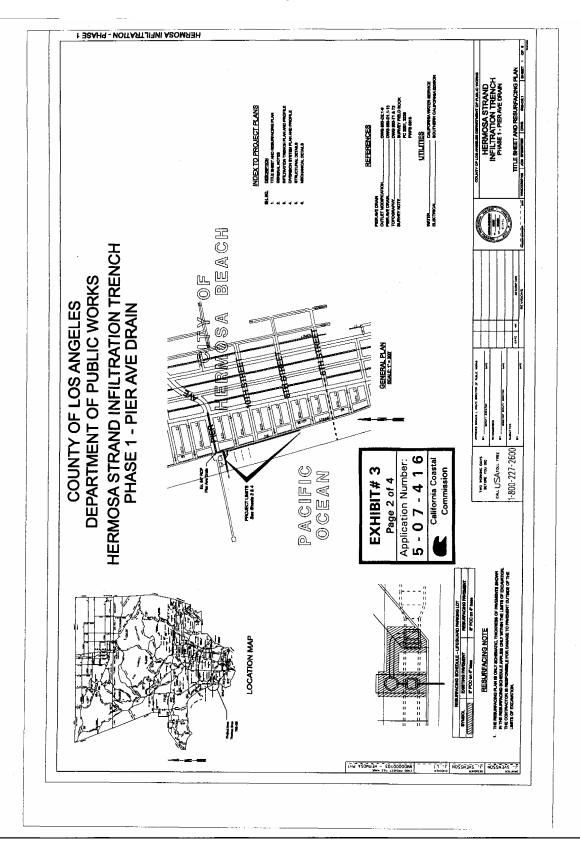
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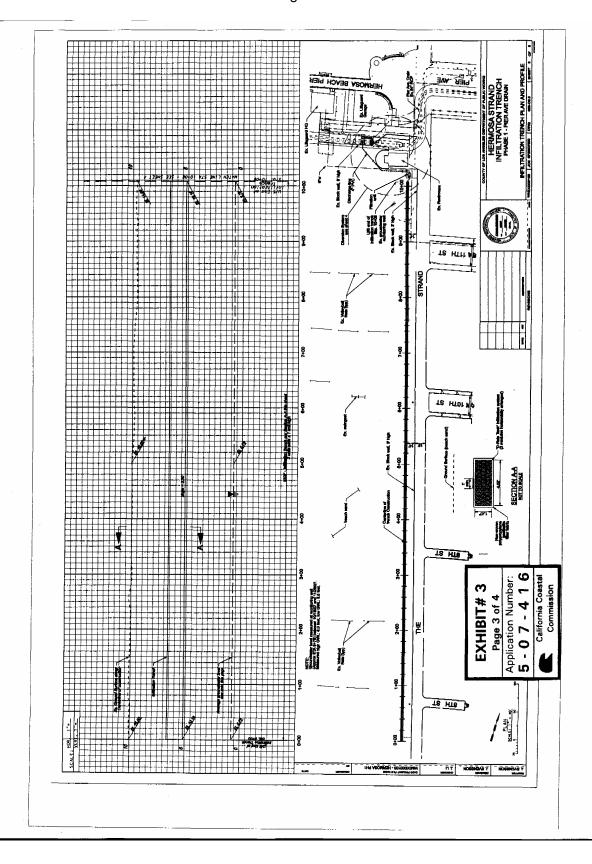
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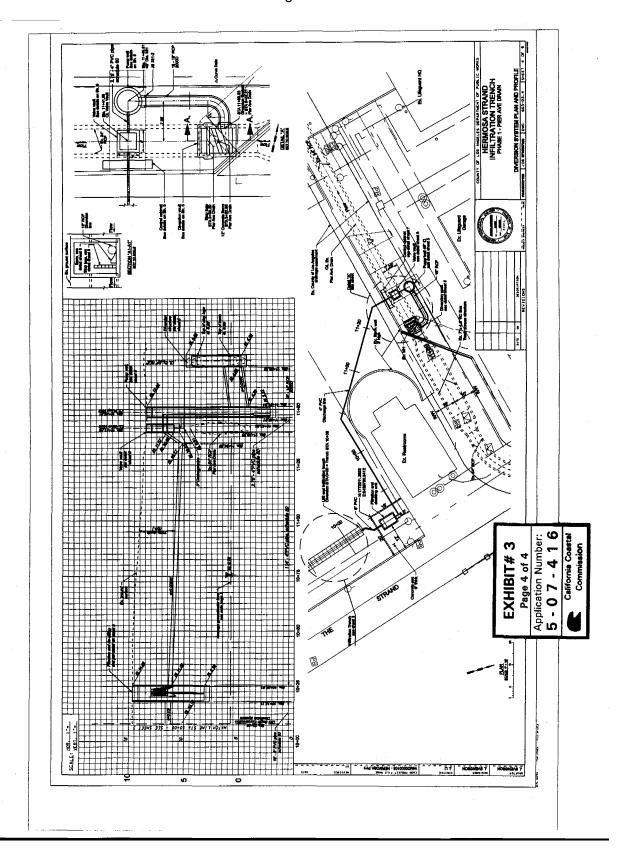
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