

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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# TH 4c

Filed: 10/7/09  
49th Day: 11/25/09  
180th Day: 4/05/10  
Staff: A. Padilla-LB  
Staff Report: 12/17/09  
Hearing Date: 1/14-15/10  
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-09-192

**APPLICANT:** City of Hermosa Beach

**PROJECT LOCATION:** On the beach at the intersections of The Strand & 2<sup>nd</sup> Street, 14<sup>th</sup> Street, and 22<sup>nd</sup> Street, in the City of Hermosa Beach.

**PROJECT DESCRIPTION:** Demolition of three 630 square foot, 8 foot high, semi-below grade public beach restrooms with three new 499 square foot, 8 foot high, semi-below grade public restrooms, with outdoor shower, walkway, and relandscaping. The restrooms will be located in the same general locations as the existing.

**LOCAL APPROVALS RECEIVED:** City Planning Commission approval, Planned Development Permit/Precise Development Plan 09-6.

**SUBSTANTIVE FILE DOCUMENTS:** City of Hermosa Beach Certified Land Use Plan, 1981.

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**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of the proposed development with special conditions regarding: 1) future changes; 2) no future shoreline protective devise; 3) assumption of Risk; 4) final approval from Los Angeles Regional Water Quality Control Board; and 5) Landscaping plans. As conditioned the project is consistent with all applicable Sections of the Coastal Act.

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## **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 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. Future Changes

With the acceptance of this permit, the applicant acknowledges that any change in the proposed project as described in this permit, including but not limited to, the change in size or location, shall be submitted to the Executive Director to determine if an amendment to the permit is legally required.

#### 2. No Future Bluff or Shoreline Protective Device

**A.** By acceptance of this Permit, the applicant agrees, on behalf of itself (or himself or herself, as applicable) 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. **5-09-192** including, but not limited to, foundation, infrastructure, walkways or landscaping, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself (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, including foundation, infrastructure, and walkways, 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. Assumption of Risk, Waiver of Liability and Indemnity Agreement

**A.** By acceptance of this permit, the applicant, City Hermosa Beach, acknowledges and agrees (i) that the site may be subject to hazards from wave and tidal action; (ii) to assume the risks to the, City of Hermosa Beach, 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; (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; and (v) to include a provision in any subsequent lease of such property requiring the lessee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the terms of subsection A of the prior condition.

**B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the City of Hermosa Beach, as 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.

#### **4. Regional Water Quality Control Board Approval**

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**, the permittee shall provide to the Executive Director a copy of the final approval issued by the Los Angeles Regional Water Quality Control Board, or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the Board. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is required.

#### **5. Landscape Plan**

**A.** Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, a landscaping plan. The plan shall be prepared by a licensed landscape architect. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent areas, all landscaping shall consist of native and/or drought tolerant non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council (formerly known as the California Exotic Pest Plant Council), or as may be identified from time to time by the State of California shall be utilized on the property. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. All plants employed on the site shall be drought tolerant (low water use) plants identified by U.C. Davis and the Water Resources Board.

**B.** The permittee shall undertake development in accordance with the final plans approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

#### **IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

##### **A. Project Description and Location**

The City of Hermosa Beach is proposing to replace three separate 8 foot high, 630 square foot restroom facilities by demolishing the facilities and replacing them with three new 8 foot high, 499 square foot ADA accessible restrooms in the same location. An outdoor shower will be replaced at each location, and the existing concrete walkway leading from The Strand to the facilities will be reconstructed with a synthetic wood walkway, with an approximately 250 square foot concrete pad adjacent to The Strand for transitional access off The Strand and for bicycle racks. The facilities will include new underground sewage holding tanks, manholes and pumps to convey wastewater via the existing sewer lines, and downcast exterior security lighting.

The existing approximately 1,500 square foot landscaped planters at each location, consisting of four to five palms and ground cover, will be replaced with an approximately 300 square foot planter at each location and will contain the same number of non-invasive palms at each location, and include other non-invasive drought tolerant vegetation.

The existing and proposed facilities are located seaward of The Strand and on the sandy beach near 2<sup>nd</sup> Street, 14<sup>th</sup> Street, and 22<sup>nd</sup> Street, in the City of Hermosa Beach. The existing restrooms include separate male and female facilities within each building and are not ADA compliant. Each building is located approximately 90 to 109 feet seaward of The Strand. The existing buildings are approximately 8 feet in height with the floor of each building set approximately 4 feet below sand level. The roofs of two of the buildings have fencing along the roof to prevent people from climbing on top. The third building, the fencing has been partially removed due to disrepair.

The new facilities will be smaller in size than the existing and provide 7 enclosed stalls that open to the outside at each location. The facilities will be 8 feet in height and will continue to be semi-below grade (sand level) with approximately 4 feet below grade and 4 feet above to maintain a low profile and to reduce the bulk of the building above grade and minimize the visual obstruction from the landside areas, such as from The Strand. Because of the low profile and low heights of the existing roofs, people have continued to climb onto the roofs despite the fencing. Therefore, according to the City, the new design will allow people to access the roofs and a 42 inch post and cable fence will be installed along the front (landside) and the two sides of the buildings for safety reasons. The post and cable was selected to minimize public view obstruction from the landside areas and to allow views through the fence.

Portable toilet facilities will be temporarily installed in the general vicinity of the existing facilities during construction.

**B. Access**

The proposed project will enhance beach access by providing new and easily accessible beach facilities that support beach activities. Therefore, the proposed development will not have any adverse impact on public access to the coast or to nearby recreational facilities. Thus, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**C. Shoreline Hazards**

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future can not be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to prohibit construction of protective devices (such as a seawall) in the future; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

**D. Water Quality**

The proposed project as a whole is designed to improve water quality issues that were present with the existing facilities. The new facilities will eliminate standing water, odor, and health issues by improving runoff and drainage at each site. During construction Best Management Practices will be incorporated consistent with the City's water quality and construction requirements. As proposed the project will be designed to comply with the Los Angeles Regional Water Quality Control Board water quality standards. Therefore, the Commission finds that the proposed development, as conditioned, will conform 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. Biological Resources**

The planting of invasive plants will significantly increase the number of seeds being deposited in the area which could create problems with any eradication efforts due to the increase number of seedlings that could germinate throughout the area, and surrounding areas. Therefore, non-invasive planting is required. Furthermore, to reduce water consumption, drought tolerant species should be used. Therefore, as a special condition of the permit the applicant shall submit a landscape plan that consists of drought tolerant, non-invasive plants. Therefore, the Commission finds that the proposed development, as conditioned, will conform with Sections 30230 and 30231.

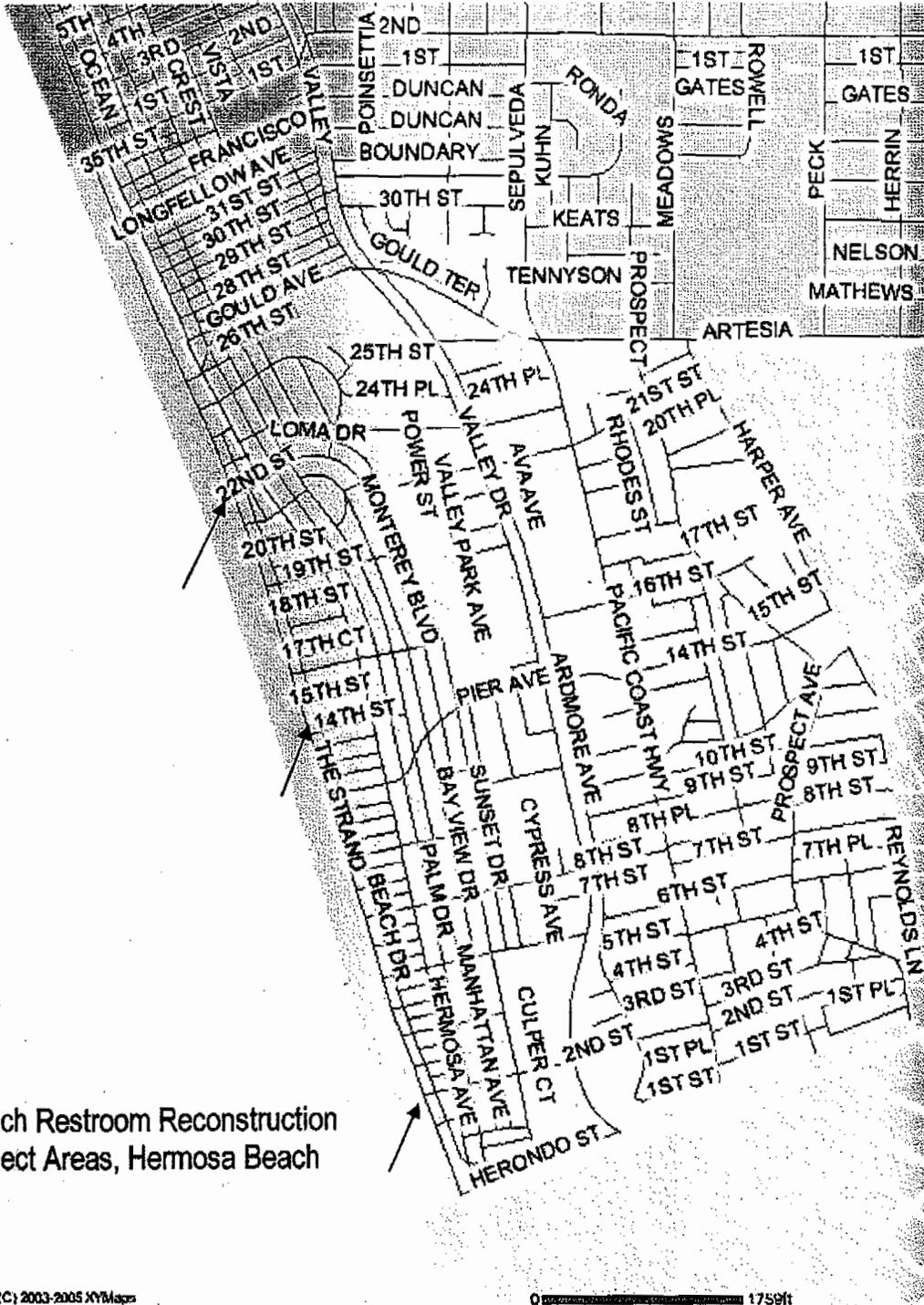
**F. Local Coastal Program**

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 proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project 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.

**G. 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.

ATTACHMENT 2



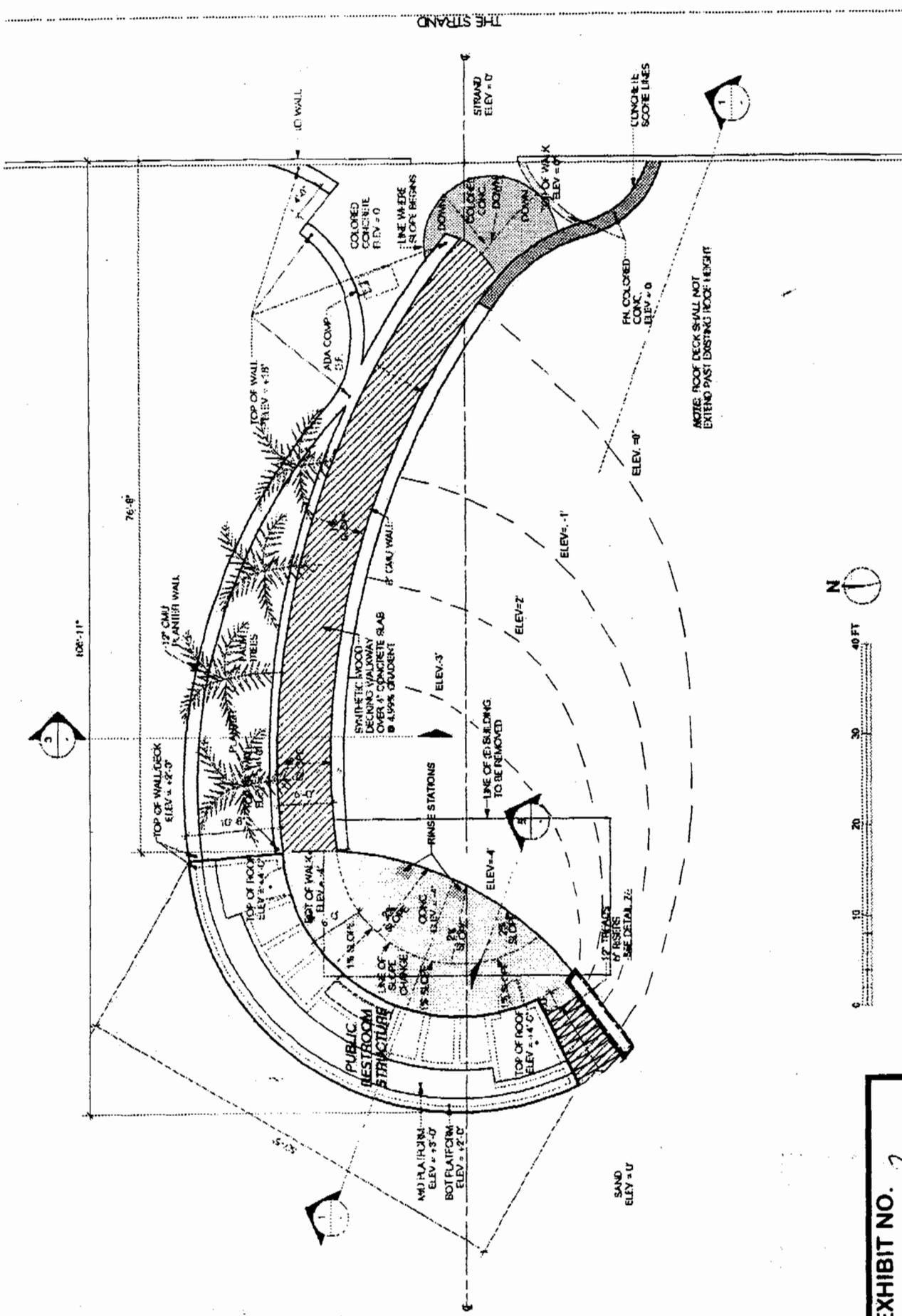
Beach Restroom Reconstruction  
Project Areas, Hermosa Beach



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0 175ft

EXHIBIT NO.	<i>1</i>
Application Number	<i>5-09-192</i>
Vicinity Map	
California Coastal Commission	



<b>EXHIBIT NO.</b> 2
<b>Application Number</b> 5-09-192
<i>Proposed Site Plan</i>
California Coastal Commission



City of Hermosa Beach

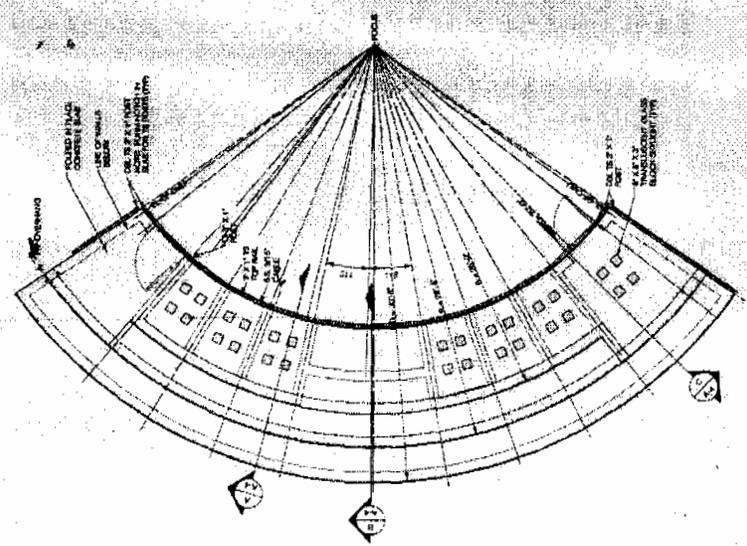
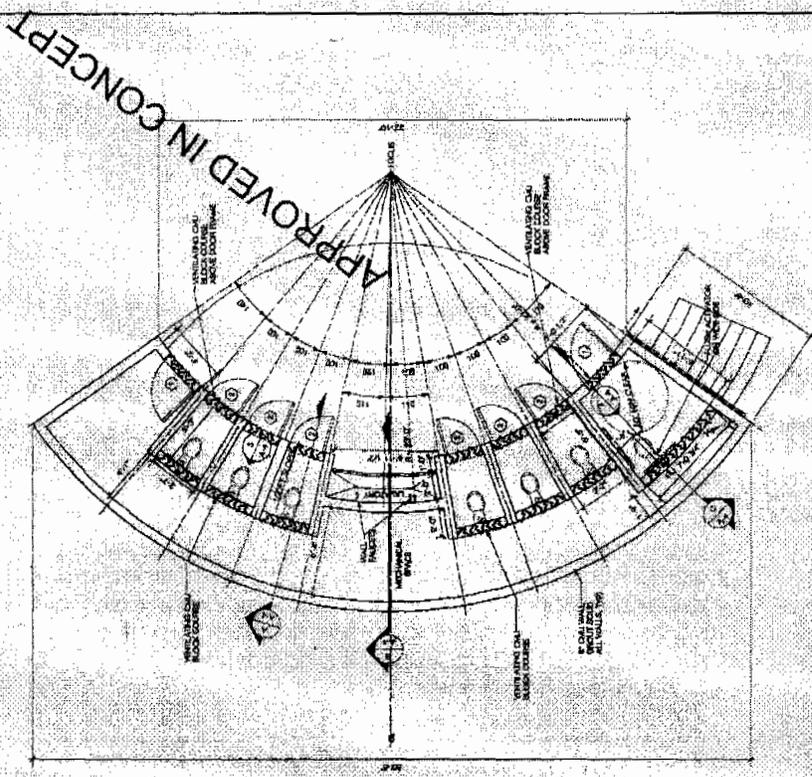
BEACH RESTROOMS

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DATE: [Date]

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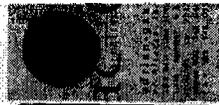
A-2

Architect's name and address



SCALE: 1/4" = 1'-0" BUILDING FLOOR PLAN ROOF PLAN

<b>EXHIBIT NO.</b> 3
<b>Application Number</b> 5-09-192
<b>Floor Plan</b>
California Coastal Commission



City of Hermosa Beach

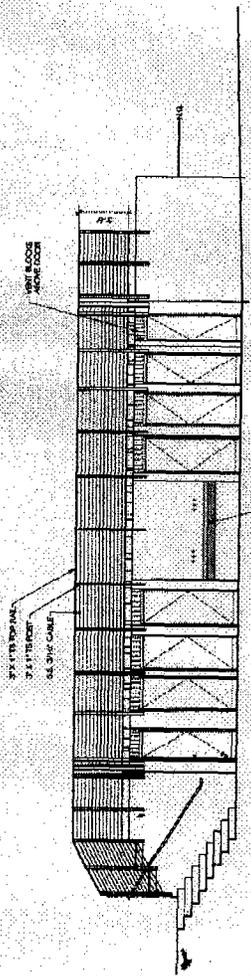
BEACH RESTROOMS

Revision Date: 1/14/10  
Revision Date: 1/14/10  
Drawn by: JCA  
Date: 1/14/10  
As Noted  
Project: 10072000  
Architect: JCA

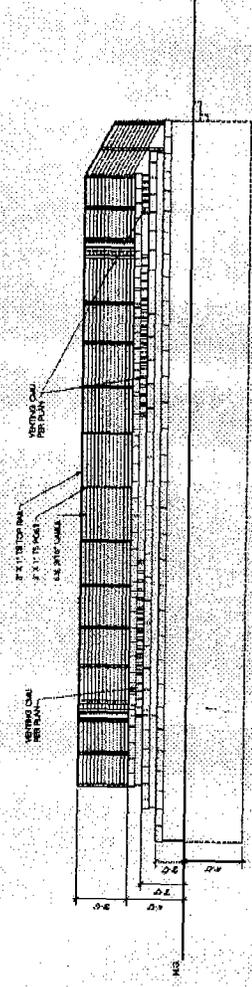
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A-3

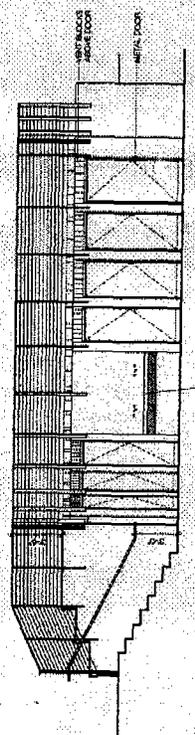
APPROVED IN CONCEPT



EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

EXHIBIT NO.	4
Application Number	5-09-192
	Elevations
	California Coastal Commission



City of Hermosa  
Beach

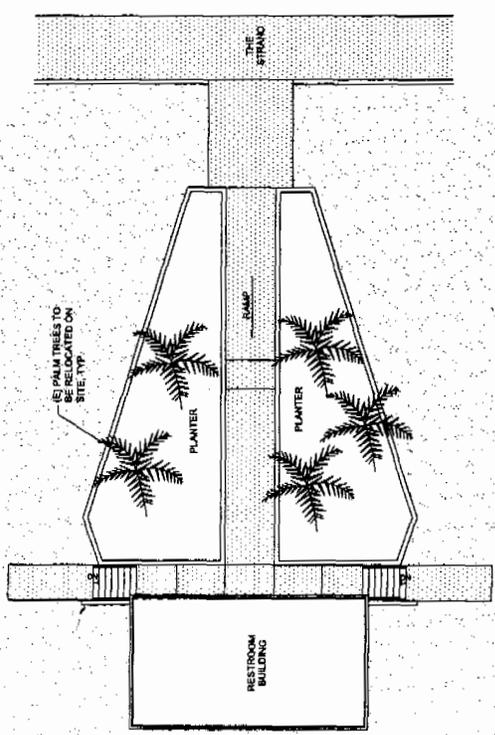
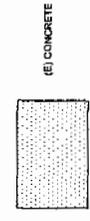
BEACH  
RESTROOMS

Revision Date: NA  
Revision Date: NA  
Drawn by: NA  
Date: 01/18/2008  
Job Number: 08-008

EXISTING SITE  
PLAN

A0.1

APPROVED IN CONCEPT



LEGEND

EXISTING SITE PLAN

<b>EXHIBIT NO.</b>	5
<b>Application Number</b>	5-09-192
	Existing Site Plan
	Typical
	California Coastal Commission

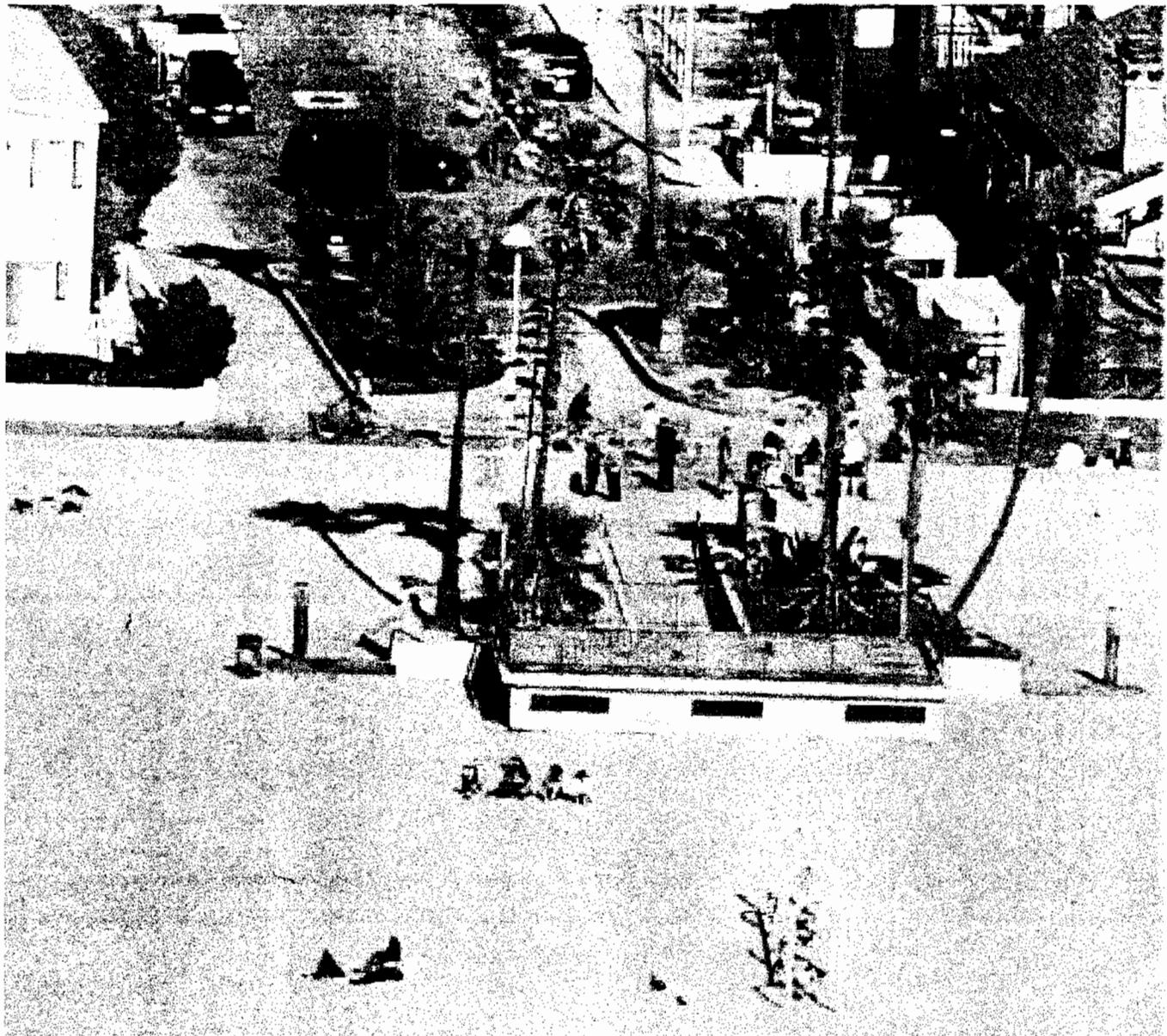


EXHIBIT NO. 6

Application Number

5-09-192

Photograph of  
Existing Building

California Coastal Commission