

**CALIFORNIA COASTAL COMMISSION**

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# W6b

Filed:	7/17/2013
180th Day:	1/12/2014
Staff:	JDA-LB
Staff Report:	9/19/2013
Hearing Date:	10/9/2013

## STAFF REPORT: CONSENT CALENDAR

<b>Application No.:</b>	<b>5-13-0342</b>
<b>Applicant:</b>	<b>JCC Strand 136, LLC</b>
<b>Agent:</b>	Gregory Delgado
<b>Location:</b>	136 The Strand, Hermosa Beach, Los Angeles County (APN 4188-006-029)
<b>Project Description:</b>	Demolition of the existing single family residence and construct a new 30 ft. high, 5,595 sq ft single family residence on a beachfront lot.
<b>Staff Recommendation:</b>	Approval with conditions

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### SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing the demolition of an existing single family residence and the construction of a new single family residence. The major issue of this staff report concerns wave hazards.

Staff is recommending **approval** of the proposed coastal development permit with **five (5)** special conditions. The special conditions would: **1)** require conformance with the submitted landscaping and drainage and runoff control plans; **2)** require that the applicant assume the risk of development; **3)** require a Coastal Development Permit for future development; **4)** require the applicant to agree to no future shoreline protective device; and **5)** require a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

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## I. MOTION AND RESOLUTION

### Motion:

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

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

### Resolution:

*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:

This permit is granted subject to the following 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 on which the Commission voted on the application. 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 of 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:

This permit is granted subject to the following special conditions:

1. **Water Quality, Drainage and Landscaping Plans.**

A. The applicant shall conform to the drainage and run-off control plan received on July 17, 2013 showing roof drainage and runoff directed to landscaped areas, pervious pavement, and infiltration pit. Vegetated landscaped areas shall primarily consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. 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. The applicant shall incorporate Best Management Practices (BMPs) into the construction and post-construction phases of the subject development.

B. The permittee shall undertake development in accordance with the approved final landscaping and drainage plans. 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 legally required.

2. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding, sea level rise, erosion 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.
3. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-13-0342. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(b) shall not apply to the development governed by the coastal development permit No. 5-13-0342. Accordingly, any future improvements to the structure authorized by this permit shall require an amendment to Permit No. 5-13-0342 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

**4. No Future Shoreline Protective Device**

A. By acceptance of this permit, the applicant agrees, on behalf of himself and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-13-0342 including, but not limited to, the residence, garage, foundations, and patio, and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, sea level rise, storm conditions or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of himself 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 himself and all successors and assigns, that the landowner(s) shall remove the development authorized by this permit, including the residence, garage, foundations, and patio if any government agency has ordered that the structure is 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(s) 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.

**5. Deed Restriction. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT**

PERMIT (5-13-0342), the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit, as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit, shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

**IV. FINDINGS AND DECLARATIONS:****A. PROJECT LOCATION & DESCRIPTION**

The proposed development consists of the demolition of the existing single family residence, and construction of a new, 30 foot high, 5,595 sq. ft. single family residence. The proposed residence will have three stories with a basement. The project includes 750 cubic yards of cut, which will be exported to a commercial dump site located outside of the Coastal Zone. On-site parking for the proposed single family residence will be provided by two covered parking spaces. The subject site is located at 136 The Strand, within the City of Hermosa Beach, Los Angeles County. The site is a

relatively level beachfront lot located between the first public road and the sea. This 2,387 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. The Strand is used by both residents and visitors for recreational purposes (walking, jogging, biking, etc.) and to access the shoreline. The Strand 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 is located within an existing urban residential area, located near the southern boundary of the City, about 0.5 miles south of the Hermosa Beach Pier. There is an approximately 500-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 2<sup>nd</sup> Street, located approximately 60 feet to the north of the subject property, (Exhibit No. 1).

The applicant provided a Wave Uprush Study for the subject property, as is consistently required by the Commission for shoreline development in southern Los Angeles County and Orange County. The Wave Uprush Study was prepared by Geosoils, Inc. and is dated July 16, 2013. The analysis describes the subject beach as a stable beach and concludes that the proposed development exists landward of the storm wave uprush limit, and therefore will not require any seawall or other shoreline protective device.

The Commission has typically required new residences located along The Strand to incorporate measures designed to infiltrate runoff on-site wherever possible, to minimize the impacts of the project to coastal waters. Special Condition 1 requires the applicant to conform to the proposed drainage plan to direct roof runoff to pervious pavement and landscaped areas prior to discharge to the public storm drain system.

The City has reviewed the proposed project and found it consistent with local zoning requirements, as evidenced by their Approval-In-Concept, dated May 28, 2013. The proposed project conforms to the certified LUP 30-foot height limit for R-3 zoned, high density residential, and conforms to the setback limits for front, rear and side yards.

## **B. PUBLIC ACCESS**

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

## **C. RECREATION**

The proposed development, as submitted, does not interfere with public recreational use of coastal resources and conforms with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

## **D. WATER QUALITY**

The proposed development has a potential to increase the volume and intensity of runoff from the site and impact coastal water quality. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post construction activities on the marine environment. These design features include, but are not limited to, the appropriate

management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

#### **E. DEVELOPMENT**

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

#### **F. HAZARDS**

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

#### **G. DEED RESTRICTION**

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

## **H. LOCAL COASTAL PROGRAM**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for Hermosa Beach was effectively certified on April 21, 1982, however, as stated, the Coastal Act is the standard of review for this project. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area.

## **I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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.

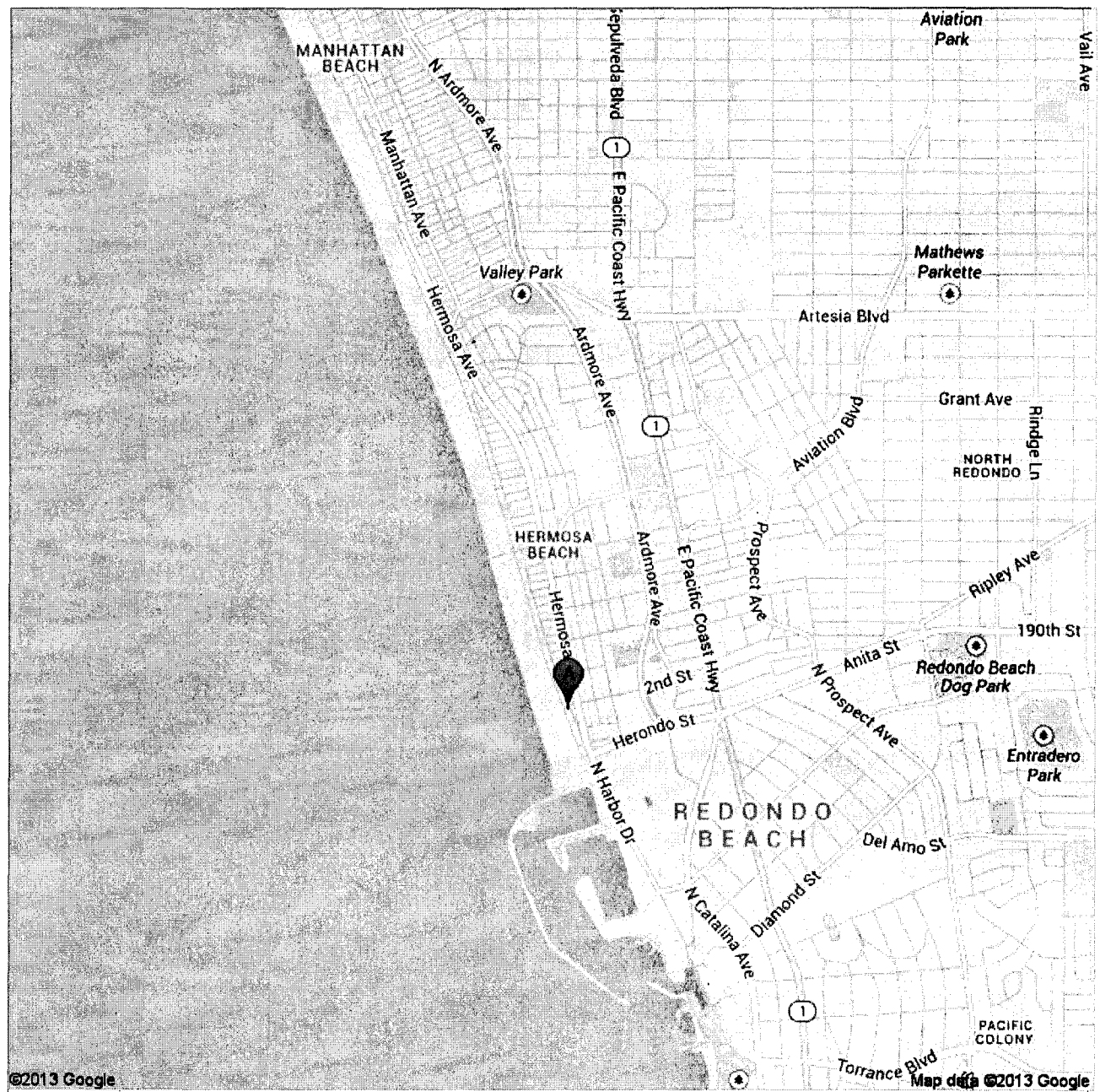
## **Appendix A - Substantive File Documents**

- City of Hermosa Beach Approval-In-Concept, dated May 28, 2013
- Wave Uprush Study by Geosoils, Inc. dated July 16, 2013





Address **136 The Strand**  
**Hermosa Beach, CA 90254**

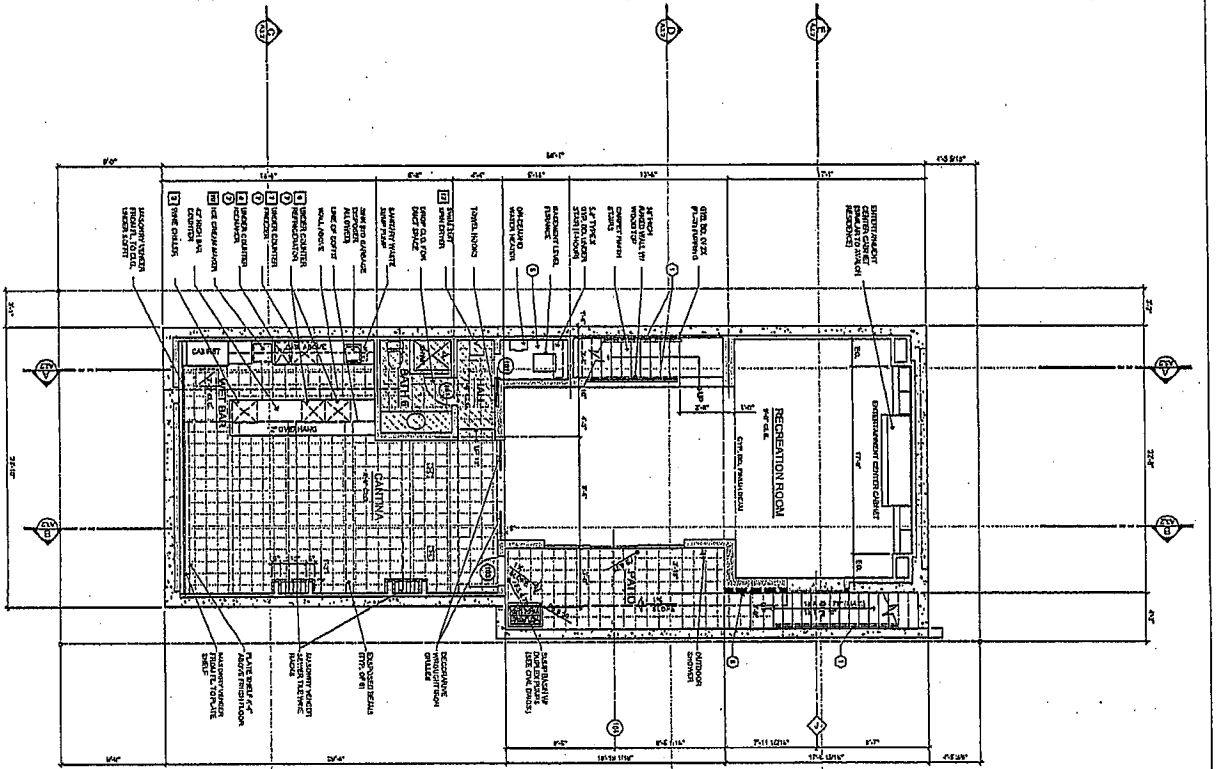


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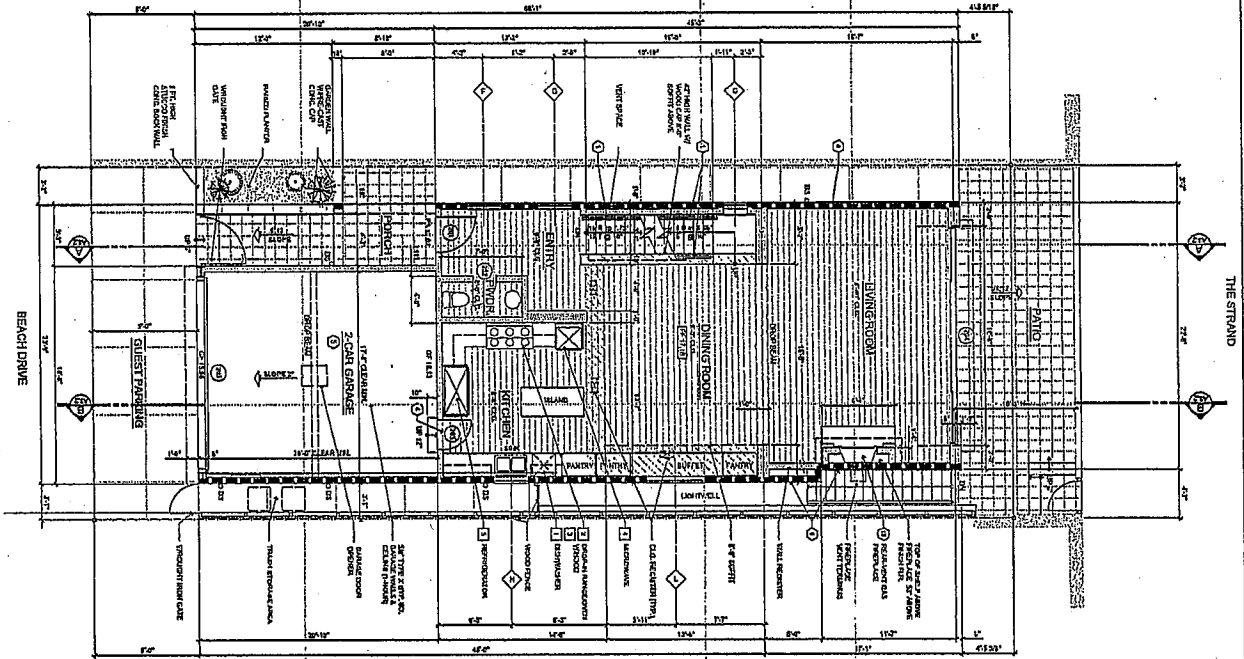
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EXHIBIT # 1

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**BASMENT LEVEL FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



**LOWER LEVEL FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

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SEE DRAWING A1.1 FOR  
FLOOR PLAN NOTES

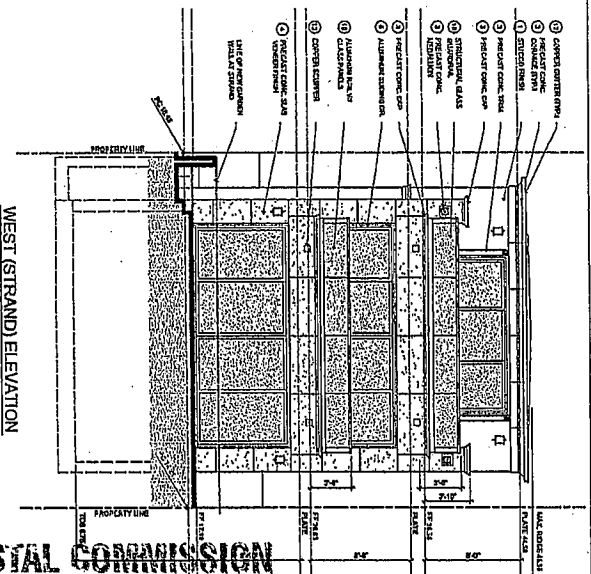
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**BASMENT FLOOR PLAN  
LOWER FLOOR PLAN**

HERMOSA BEACH, CA  
92644

**136 THE STRAND  
HERMOSA BEACH**

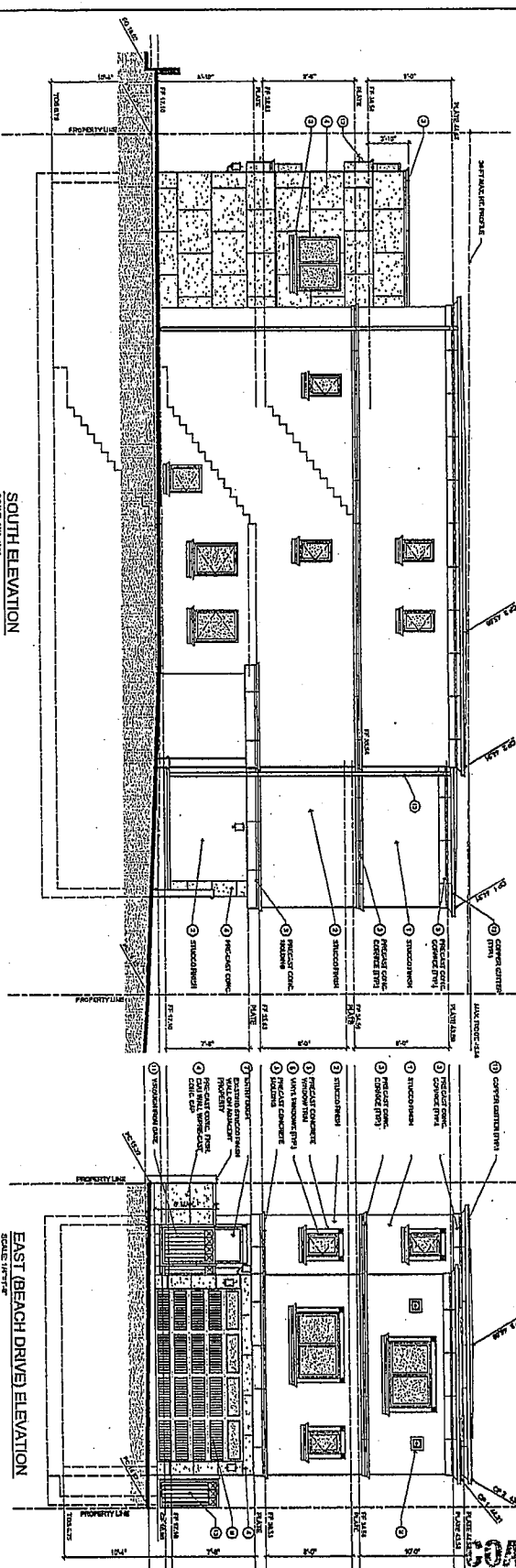




WEST (STRAND) ELEVATION  
SCALE: 1/4"=1'-0"

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**SOUTH ELEVATION**

**EAST (BEACH DRIVE) ELEVATION**

EXTERIOR MATERIALS & COLORS			
1	W/ALUMINUM PANEL FRAMES	19	WHITE GREENING
2	ALUMINUM PANEL FRAMES	20	SOFT GREENING
3	WOODEN PANEL FRAMES	21	SOFT GREENING
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JUNE 12, 2013  
JOB NO. 121281  
SHEET NUMBER  
A3.1  
OF

**136 THE STRAND  
HERMOSA BEACH**

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