CALIFORNIA COASTAL COMMISSION

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Th5a

Filed:	7/2/16
180th Day:	12/29/16
Staff:	Z. Rehm-LB
Staff Report:	8/18/16
Hearing Date:	9/8/16

STAFF REPORT: CONSENT CALENDAR

Application No.:	5-16-0341	
Applicant:	Jarrod Dogan	
Agent:	Rick Lopez	
Location:	2426 The Strand, Hermosa Beach, Los Angeles County (APN 4188-002-037)	
Project Description:	Excavate existing non-habitable basement an additional two feet to create additional 493 sq. ft. of habitable area within existing 3,169 sq. ft. duplex and construct new landscape, hardscape, and drainage improvements.	
Staff Recommendation:	Approval with conditions.	

SUMMARY OF STAFF RECOMMENDATION

The applicant requests a permit to improve an existing duplex on a beachfront lot. The primary Coastal Act issues raised by the application are: 1) beachfront development that could be subject to natural hazards such as wave attack and flooding caused by high tides, severe storms, and sea level rise; 2) shoreline protection; 3) public right-of-way encroachments; and 4) water quality.

Commission staff recommends **approval** of Coastal Development Permit Application 5-16-0341 with seven special conditions regarding: 1) final drainage and landscape plans; 2) no dewatering infrastructure on public beach; 3) deviation from approved encroachments; 4) City's right to revoke encroachment permit; 5) waiver of liability and indemnity; 6) no future shoreline protective device; and 7) recordation of a deed restriction against the property, referencing all of the special conditions subject to the approved permit.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map Exhibit 2 – Proposed Plans

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. Final Drainage and Landscape Plans.

- A. PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two sets of Final Drainage and Landscape Plans, which shall be in substantial conformance with the site plan, drainage plan, and landscape plans received on April 15, 2016, showing roof drainage and runoff from all impervious areas directed to landscaped areas, infiltration/retention pits, and permeable surfaces. Vegetated landscaped areas shall only 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.
- B. If using potable water for irrigation, the project shall use water-conserving emitters (e.g. microspray) and drip irrigation. Use of weather-based irrigation controllers and reclaimed water for irrigation is encouraged.
- C. The applicant shall incorporate Best Management Practices (BMPs) into the construction and post-construction phases of the subject development. The proposed plans also comply with the state of California's CalGreen Standards.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

2. Dewatering Requires a Permit.

Should dewatering be necessary to construct the approved basement, the permittee shall immediately notify the Executive Director of the need for dewatering and shall submit a dewatering plan for the review and written approval of the Executive Director. Dewatering on the public beach or The Strand is not authorized by this permit and any proposal to install dewatering infrastructure (temporary or permanent) on the public beach or The Strand shall require an amendment to this permit. Should the dewatering plan propose discharge into the stormdrain system or the sewer system, the permittee shall immediately report the proposed action to the Executive Director for review and written approval, and shall obtain all required permits from the City of Hermosa Beach, the Regional Water Quality Control Board, and the local Sanitation District.

3. Deviation from Approved Encroachments.

- A. An approximately 180 square foot patio, which extends approximately six feet into the public right-of-way for approximately 30 feet along the width of the seaward property line, is the only development within the Hermosa Beach Oceanfront Encroachment Area authorized by Coastal Development Permit 5-16-0341. The Hermosa Beach Oceanfront Encroachment Area extends approximately six feet into the public right-of-way from the seaward property line at 2426 The Strand, as generally depicted in Exhibit 2 of the staff report dated 8/18/16. No new development in the Hermosa Beach Oceanfront Encroachment Area or the public right-of-way identified as The Strand, including additional improvements, repairs, and maintenance, shall occur unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit evidence, for the review and approval of the Executive Director that the applicant has made the initial payment to the City's public access impact mitigation program (i.e. annual payment to City for encroachment.) The applicant and all other successors and assigns shall remain enrolled in the City's public access impact mitigation program (i.e. annual payment to City for encroachment) and make the recurring annual payment so long as the encroachment remains in place.

4. City's Right to Revoke Encroachment Permit.

Approval of this coastal development permit shall not restrict the City's right and ability to revoke, without cause, the approved City encroachment permit in order to construct public access and recreation improvements within the public right-of-way.

5. 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.

6. No Future Shoreline Protective Device(s).

A. By acceptance of this permit, the applicant agrees, on behalf of itself 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. 5-16-0341 including, but not limited to, the habitable area within the basement of the home, the

foundation system, the 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 itself 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.

7. Deed Restriction.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director, for review and written 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 DESCRIPTION AND LOCATION

The applicant requests a permit to excavate the basement and underpin the foundation of the primary residential unit within a duplex constructed in 1925 to create an additional 493 square feet of habitable floor area and construct landscaping and hardscape within an encroachment area adjacent to a public right-of-way. There are two structures on the subject property: the primary residential unit on the seaward side adjacent to The Strand pedestrian and bicycle path, and a detached two-car garage with a one bedroom apartment above adjacent to Hermosa Avenue. The site is a relatively flat 5,440 square foot beachfront lot located within a developed urban residential area within the city of Hermosa Beach, between the first public road and the sea (**Exhibit 1**). The Strand is used by both residents and visitors for recreational purposes such as

walking, jogging, biking, etc., as well as for access to the shoreline. The Strand extends for approximately four miles, from 45th Street (the border between El Segundo and Manhattan Beach) to Herondo Street (the border between Hermosa Beach and Redondo Beach). The nearest vertical access point to the beach is 25th Street, approximately 80 feet north of the subject site.

The parcel is zoned Low Density Residential (R-1), with a height restriction of 30 feet, which the existing structures do not conform to. The height of the primary residential unit where the excavated basement is proposed is approximately 32 feet and will not be affected by the proposed development. The existing second unit is non-conforming because only one residential unit is permissible under the zoning code and the certified Land Use Plan for Hermosa Beach, and because no additional parking is provided for the second unit; however, the both units were constructed prior to passage and implementation of the Coastal Act and the proposed development will have no effect on the second unit or on the two-car garage.

The proposed development will not affect the garage or the second unit – it will add more floor area to the primary residential unit. In order to convert the existing non-habitable basement to a habitable portion of the primary residential unit, the applicant proposes to excavate additional two feet below the existing approximately six-foot, six-inch deep basement to lower the finished floor elevation and establish a ceiling height conforming to the building code standard of 8-feet, three-inches (Exhibit 2). The applicant also proposes to underpin the foundation with new retaining walls at the sides, as well as shallow footings and grade beams to support the structure. The entire basement is proposed within the existing footprint of the structure and will be within the applicant's property lines. 493 square feet of graded material will be removed during excavation and disposed of outside the coastal zone.

The applicant's Geotechnical Engineering Investigation (NorCal Engineering, June 13, 2016) indicates that groundwater was encountered at a depth of 11 feet below ground surface during exploratory boring activities. The associated report indicates "it should be noted that fluctuations with groundwater for the nearby beachfront property will be associated with low and high tides." The applicant has submitted a response to the Geotechnical Engineering Investigation indicating that the proposed basement excavation and foundation underpinning is not expected to reach the water table and is not expected to require dewatering. If dewatering is required, the applicant has agreed to develop a dewatering plan and immediately report that plan to the Executive Director. To ensure that dewatering activities do not adversely affect water quality or public access along The Strand and the public beach, the Commission imposes Special Condition 2 requiring the permittee to immediately notify the Executive Director of any need for dewatering and to submit a dewatering plan for the review and written approval of the Executive Director. Dewatering on the public beach or The Strand is not authorized by this permit and any proposal to install dewatering infrastructure (temporary or permanent) on the public beach or The Strand shall require an amendment to this permit. Should the dewatering plan propose discharge into the stormdrain system or the sewer system, the permittee shall obtain all required permits from the City of Hermosa Beach, the Regional Water Quality Control Board, and the local Sanitation District. Dewatering via the stormdrain system or sewer system, subject to a dewatering plan approved by the Regional Water Quality Control Board and the local Sanitation District, would be consistent with previous Commission-approved projects in Hermosa Beach and would not require a permit amendment.

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The applicant has chosen not to complete a coastal hazards analysis fully considering potential effects of high tides, severe storms, and sea level rise on the proposed basement. The applicant's Geotechnical Engineering Investigation declares that the proposed foundation system will mitigate the effects of seismic induced settlements and liquefaction, but does not comment on the potential for high tides, severe storms, and sea level rise to adversely affect the foundation system or the structure. Hazards analyses for other beachfront homes in Hermosa Beach¹ have considered a potential scenario with the highest recorded tide in history (8.3 feet NAVD88), plus wave action associated with a 100 year storm, plus 4.75 feet of sea level ruse based on the high scenario identified in the California Coastal Commission's Sea Level Rise Policy Guidance document (the National Research Council's 2012 report on Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future). In such a scenario, the wide beach and The Strand have been identified as adequate to prevent severe flooding of beachfront homes within a 75 year project design life. The applicant's Geotechnical Engineering Investigation has indicated that the groundwater table will be affected by changes in tides and previous geotechnical investigations and hazards analyses for oceanfront parcels along The Strand have indicated that the groundwater table will be affected by sea level rise. Given that the applicant has chosen to implement the project on a beachfront lot despite risks from liquefaction, wave attack, erosion, sea level rise, and storm flooding, the applicant must assume the risks and agree that the property cannot be protected from natural hazards in the future. Therefore, the Commission imposes Special Condition 5 requiring the applicant to assume the risks and Special Condition 6 requiring that no future shoreline protective device shall ever be constructed and the development shall be removed in the event that the project site becomes vulnerable to wave runup and overtopping or damages the public beach.

The project site has an existing at grade patio (approximately 6 feet x 30 feet) with concrete planters and landscaping that currently encroaches into the public right-of-way at the seaward side of the property. The area of the patio encroachment is currently privately developed and is used in tandem with the portion of the patio that is located entirely within the private property. The encroachment area is under a separate lease agreement, and is subject to review, approval, and revocation by the City of Hermosa Beach Public Works Department. The proposed relandscaping and new hardscape with 42-inch high wall in the encroachment area will not restrict public access along The Strand pedestrian and bicycle path and is consistent with previously issued coastal development permits in the area. To ensure that the applicant maintains their encroachment permit with the City, which is revocable by the City of Hermosa Beach Public Works Department, the Commission imposes **Special Condition 3** and **Special Condition 4** regarding the applicant's rights and obligations related to the encroachment.

The project also includes a new drainage system to manage and increase on-site percolation of runoff, including gutters and downspouts directed to permeable surfaces. In addition, an infiltration pit will be constructed at the tank at the southwest side of the property and overflow will be directed to the public storm drain system. To further preserve and enhance water quality, best management practices will be incorporated throughout the course of construction. To ensure that the development is carried out consistent with the proposed landscape and drainage plan, which will enhance water quality, the Commission imposes **Special Condition 1**.

¹ Coastal Hazard and Wave Runup Study for 58 The Strand, Hermosa Beach (CDP Application No. 5-16-0503), dated May 22, 2016, prepared by Geosoils, Inc.

B. PUBLIC ACCESS

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.

C. NATURAL 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 an appropriate set-back from the water; 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.

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, 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. 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.

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

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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 (LUP) for Hermosa Beach was effectively certified on April 21, 1982; however, because there is not certified LCP for Hermosa Beach, the Coastal Act is the standard of review.

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.

G. 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

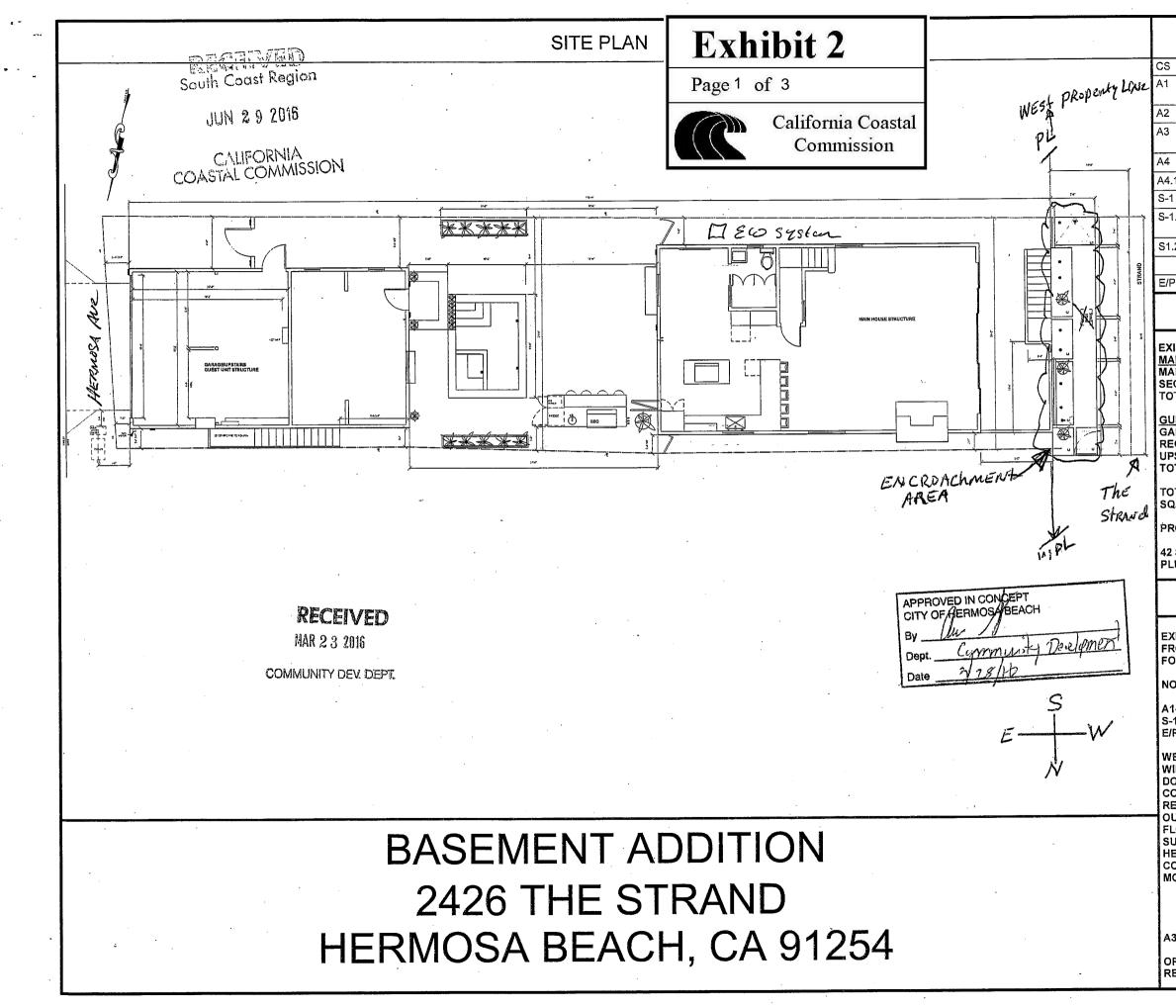
- 1. Hermosa Beach certified Land Use Plan (April 21, 1982)
- 2. Coastal Hazard and Wave Runup Study for 58 The Strand, Hermosa Beach (CDP Application No. 5-16-0503), dated May 22, 2016, prepared by Geosoils, Inc.

Vicinity Map: 2426 The Strand, Hermosa Beach





Photo credit: Bing Maps



SHEET REFERENCE	AP
BASEMENT EXISTING AND PROPOSED ADDITION	
PLOORPLAN BASEMENT INTERIOR ELEVATIONS	Franke Fowler An Interior Design Studio
B PROPOSED INTERIOR CROSS SECTION OF STAIRS	3235 Buckingham Road Glendale, CA 91206 Office: 818.662.9559
EXISTING EXTERIOR ELEVATIONS	
4.1 PROPOSED EXTERIOR ELEVATIONS	
1 FOUNDATION & 2ND FLOOR FRAMING PLAN	
1.1 FOUNDATION & 2ND FLOOR FRAMING PLAN	REVISIONS DATE APPD.
1.2 SECTION & RETAINING WALL DETAILS	
P ELECTRICAL & PLUMBING PLAN	
PROPERTY PROFILE	
XISTING SQ. FT.]
<u>AIN HOUSE</u> AIN FLOOR SQ FT: 997	
ECOND FLOOR SQ FT: 1006	
OTAL SQ FT OF MAIN HOUSE: 2,003	
<u>UEST HOUSE STRUCTURE</u> ARAGE: 381 SQ FT	
EC RM: 269 SQ FT	
PSTAIRS APT: 516 SQ FT OTAL SQ FT GUEST HOUSE STRUCTURE: 1,166	
	z
OTAL OF BOTH EXISTING STRUCTURES EXISTING Q. FT. 3,169	/ASPE <e< td=""></e<>
ROPOSED ADDITION: 493 SQ FT	VN VKE
2 SQ. FT. OF WINDOW VENTILATION 8.5% LUS HEATING & AIR CONDITIONING	N BY:FRANKE/A ED BY:FRANKE 3-23-16 :AS SHOWN
SCOPE OF WORK	DRAWN BY:FRANKE/ASPEN CHECKED BY:FRANKE DATE:3-23-16 SCALE:AS SHOWN
XISTING BASEMENT- INCREASING CEILING HEIGHT ROM 6'-6" TO 8'-3" BY UNDERPINNING EXISTING	
OUNDATION, EXCEPT AT UTILITY ROOMS	91254
·	N
.1-A2 SHEETS -1-S-2 SHEETS /P SHEET	DOGAN RESIDENCE 2426 THE STRAND, HERMOSA BEACH, CA. 91254 BASEMENT ADDITION COVERSHEET
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DOORS CONCRETE FLOORS	
RECESSED LED CAN, QTY. 36	
DUTLETS, QTY. 19 ELOURESCENT LIGHTS, QTY. 3	
SUMP & EJECTION PUMP SYSTEM	AS AS
IEATING & COOLING IN BASEMENT	DOGAN RESIDENCE BASEMENT A COVERSI
IOVE CONDENSERS	Ь Г Г Г
TANKLESS WATER HEATER ELECTRICAL PANELS	~SHEET~
A3 SHEET	CS
DPEN WALL AT MAIN LEVEL AND ADD RAILING RECONSTRUCT BASEMENT STAIRCASE	

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