

CALIFORNIA COASTAL COMMISSION

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**Th6d**

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Staff:	A. Spencer LB
Staff Report:	03/22/2018
Hearing Date:	04/12/2018

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-18-0008

Applicant: Maryellen Herringer

Agent: Srour and Associates

Location: 916 The Strand, Hermosa Beach, Los Angeles County
(APN: 4187003003)

Project Description: Demolish paved concrete flooring and a 6 foot high site wall and construct a 30-ft. high, 3-story, 3,425 sq. ft., single-family residence with attached 2-car garage and one guest parking space adjacent to the garage on a vacant lot. Drought tolerant, non-invasive landscaping is included with the project. Drainage plans include use of area drains and onsite filtration system to direct runoff to the storm drain along Beach Drive, as well as use of landscaped yards and permeable pavers to absorb additional runoff.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The applicant requests a permit to construct a new single family residence on a beachfront lot. The primary Coastal Act issues raised by the subject development are: 1) beachfront development that could be subject to natural hazards such as wave attack and flooding; 2) shoreline protection; 3) public right-of-way encroachments; and 4) water quality.

Staff recommends **APPROVAL** of Coastal Development Permit Application 5-18-0008, with eight special conditions regarding: 1) water quality, drainage and landscaping plans; 2) encroachments; 3) City's right to revoke encroachment permit; 4) waiver of liability and indemnity; 5) adherence to seaward setback; 6) future development; 7) waiver of any right to construct a future shoreline protective device; and 8) a deed restriction recorded against the property, imposing all of the Special Conditions contained in this staff report as restrictions on the property.

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 December 4, 2017, showing that roof and surface runoff will be captured with area drains and an on-site drainage system that ultimately directs to an existing storm drain main along Beach Drive. 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. The applicant shall incorporate Best Management Practices (BMPs) into the construction and post-construction phases of the subject development. The applicant has also stated that they shall also comply with the applicable water efficiency and conservation measures of the City's adopted CALGreen standards concerning irrigation systems, and efficient fixtures and appliances.

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. Encroachments

A. An approximately 180 square-foot patio and landscaped area, which extends approximately 6 feet into the public right-of-way, for approximately 30 feet along the width of the seaward property line, is the only development allowed by this Coastal Development Permit (5-18-0008) in the City of Hermosa Beach Oceanfront Encroachment Area at 916 The Strand, as shown in [Exhibit 2](#). Any development in the Oceanfront public right-of-way, including additional improvements, repairs, and maintenance, cannot occur without an amendment to this coastal development permit or a new coastal development permit from the Coastal Commission, unless the Executive Director determines through written confirmation that no amendment or new permit is legally required.

B. The applicant has provided information showing an enrollment and initial payment in the City of Hermosa Beach's public access impact mitigation program (i.e. annual payment to City for encroachment). The applicant(s) and all other successors and assigns must 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.

3. **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.

4. 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.

5. Minimum Seaward Setbacks. The rear (seaward) setback of the structure shall not be less than 5 feet from the property line on the ground floor, and no less than 3 feet from the property line on the second and third floors. This shall apply to all habitable areas, non-habitable areas, and foundation of the structure except for ground level patios.

6. Future Development. This permit only authorizes the development described in Coastal Development Permit No. 5-18-0008. The exemptions otherwise provided in Public Resources Code section 30610(b) shall not apply to any improvements to the development approved by Permit No. 5-18-0008. Accordingly, any future improvements to the structure authorized by this permit shall require an amendment to Permit No. 5-18-0008 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

7. Waiver of Rights to Future Shoreline Protective Device

By acceptance of this permit, the applicant acknowledges that this project constitutes new development under the Coastal Act, and is therefore not entitled to a shoreline protective device under Section 30235 of the Coastal Act. Thus, by acceptance of this permit, the applicant hereby waives any rights to construct such devices that may exist under applicable law. The applicant further agrees, on behalf of herself and all successors and assigns, that the landowner(s) shall remove the development authorized by this permit, including the residence, garage, foundations, permitted encroachments, and patio if (a) any government agency has ordered that the structures are not to be occupied due to coastal hazards, or if any public agency requires the structures to be removed; (b) essential services to the site can no longer feasibly be maintained (e.g., utilities, roads); (c) the development is no longer located on private property due to the migration of the public trust boundary; (d) removal is required pursuant to LCP policies for sea-level rise adaptation planning; or (e) the development would require a shoreline protective device that is inconsistent with the coastal resource protection policies of the Coastal Act or certified LCP to prevent a-d 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.

8. Deed Restriction. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, 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 DESCRIPTION AND LOCATION

The applicant is proposing to demolish paved concrete flooring and a 6 foot high site wall on a vacant lot, and construct a 30-foot high, three-story, 3,425 square-foot single-family residence with a ground-level patio and a 340 square-foot, two-car garage ([Exhibits 2 and 3](#)). The site is located in a Medium Density Residential (R-2B) zone, which restricts structure height to 30 ft., and the proposed single-family residence adheres to this designation and is consistent with past Commission permit actions. Some landscaping is proposed utilizing native or non-native drought tolerant plants. Proposed grading includes 37 cubic yards of cut and 12 cubic yards of fill.

The subject site is a vacant lot located at 916 The Strand in the City of Hermosa Beach, Los Angeles County ([Exhibit 1](#)). Although the lot contains no structures, it has been improved with paved concrete, one approximately 6 foot high concrete wall that bisects the lot, and one 36 inch high wall that abuts The Strand. The site is a beachfront lot located within a developed urban residential area approximately 0.3 miles south of the Hermosa Beach Pier, between the first public road and the sea. The lot size is approximately 2,392 square feet in an area located on the inland side of The Strand – an improved 20 foot wide 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 such as walking, jogging, biking, etc., as well as for access to 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 nearest vertical public access to the beach is available via the public right-of-way at the western end of 9th Street, located approximately 82 feet north of the site.

A majority of The Strand is developed with single-family and multi-family residences ranging in size from 2,400 square feet to 3,700 square feet. The residences in the immediate area surrounding the project site are 3-story, 30 foot-high structures. The proposed 30 foot-high, 3,425 square foot single-family residence is of a similar mass and scale to other properties in the project vicinity. Therefore, the proposed project is compatible with the community character of the area.

The project site is located on an oceanfront lot, and is therefore vulnerable to erosion, flooding, wave runup, and storm hazards. These hazard risks are exacerbated in consideration of sea-level rise that is expected to occur over the coming decades. In this geographic area, the main concerns raised by beach fronting development are impacts to public access and recreation, and whether hazardous conditions might eventually lead to a request to build a shoreline protection device to protect the proposed development.

The Coastal Act discourages shoreline protection devices because they generally cause adverse impacts to coastal resources and can constrain the ability of the shoreline to respond to dynamic coastal processes. As a sandy beach erodes, the shoreline will generally migrate landward toward the structure, resulting in a reduction and/or loss of public beach area with no increase of the landward extent of the beach. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines, which narrows the beach area available for public access. Shoreline protective devices also result in a progressive loss of sand because shore material is not available to nourish the nearshore sand bar. The lack of an effective sand bar can allow such high wave energy on the shoreline that materials may be lost offshore, where it is no longer available to nourish the beach. This also affects public access through a loss of beach area. Shoreline protection devices such as revetments, seawalls, and bulkheads cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches. Such a protective structure is often placed on public land rather than on the private property it is intended to protect, resulting in a physical loss of beach area formerly available to the general public. In general, shoreline protection devices are not attractive, can detract from a natural beach experience, and adversely impact public views. Shoreline protective devices, by their very nature, tend to conflict with various LCP and Chapter 3 policies because shoreline structures can have a variety of adverse impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach.

Because shoreline protection devices, such as seawalls, revetments, and groins, can create adverse impacts on coastal processes, Coastal Act Section 30253 specifically prohibits development that could "...create [or] contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." However, Section 30235 of the Coastal Act recognizes that *existing* development may be protected by shoreline protective devices subject to certain conditions. This limitation is particularly important when considering new development, such as in this case, because if it is known that a new development may need shoreline protection in the future, it would be unlikely that such development could be found to be consistent with Section 30253 of the Coastal Act. Therefore, the Commission's action on this project must consider the effects of wave uprush, flooding, and storm events (with sea-level rise considerations) on public access and recreation.

Sea-level Rise

Sea-level has been rising for many years. Several different approaches have been used to analyze the global tide gauge records in order to assess the spatial and temporal variations, and these efforts have yielded sea-level rise rates ranging from about 1.2 mm/year to 1.7 mm/year (about 0.5 to 0.7 inches/decade) for the 20th century, but since 1990 the rate has more than doubled, and the rate of sea-level rise continues to accelerate. Since the advent of satellite altimetry in 1993,

measurements of absolute sea-level from space indicate an average global rate of sea-level rise of 3.4 mm/year or 1.3 inches/decade – more than twice the average rate over the 20th century and greater than any time over the past one thousand years.¹ Recent observations of sea-level along parts of the California coast have shown some anomalous trends; however, there is unequivocal evidence that the climate is warming, and such warming is expected to cause sea-levels to rise at an accelerating rate throughout this century.

The State of California has undertaken significant research to understand how much sea-level rise to expect over this century and to anticipate the likely impacts of such sea-level rise. In 2013, the Ocean Protection Council adopted the National Research Council (NRC) report, “Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past Present and Future”, as best available science for the State of California, and recommended in its 2013 State Sea-Level Rise Guidance that state agencies and others use these projections in their planning processes (the Coastal Commission also adopted the NRC report as best available science its 2015 Sea-level Rise Policy Guidance). This report estimates that sea-levels could rise between 1.5 and 5.5 feet by the year 2100² for areas south of Cape Mendocino. This projection is given in a range largely because researchers cannot know exactly how much greenhouse gases we will continue to emit over the coming decades – large-scale curtailment of greenhouse gas emissions would keep sea-level rise towards the lower end of the projections, while business as usual emissions scenarios would result in the higher end of the projections. Because the world has continued along the “business as usual” scenario (and data suggests temperatures and sea-level rise are tracking along the higher projections), OPC and the Natural Resources Agency have continued to recommend that we avoid relying on the lower projections in planning and decision-making processes.

The NRC report also noted that there are additional sources of uncertainty that could result in rates of sea-level rise that are outside the projected ranges. One major source of uncertainty is related to the dynamics of ice sheet loss, and this topic has continued to be extensively researched since the NRC report came out. This more recent research informed the April 2017 “Rising Seas in California: An Update on Sea-Level Rise Science” report³, which is being incorporated into OPC’s 2018 update to the State Sea-Level Rise Guidance. The updated projections in the Rising Seas report suggest sea-levels could rise between 1.6 and 6.9 feet by 2100, depending on greenhouse gas emissions. The updated science report also includes an extreme scenario (termed the “H++” scenario) of 10.2 feet of sea-level rise by 2100 based on recent modelling efforts that look at possible sea-level rise associated with rapid ice sheet loss. As our understanding of sea-level rise continues to evolve, it is possible that sea-level rise projections will continue to change as well (as evidenced by the recent updates to best available science). While uncertainty will remain with regard to exactly how much sea-levels will rise and when, the direction of sea-level change is clear and it is critical to continue to assess sea-level rise vulnerabilities when planning for future development. Importantly, maintaining a precautionary approach that considers high or even extreme sea-level rise rates and includes planning for future adaptation will help ensure that decisions are made that will result in a resilient coastal California.

¹ <http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf>

² National Research Council (NRC). 2012. Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future. Report by the Committee on Sea Level Rise in California, Oregon, and Washington. National Academies Press, Washington, DC. 250 pp. <http://www.nap.edu/catalog/13389/sea-level-rise-for-the-coasts-of-california-oregonand-washington>.

³ Griggs, G, Árvai, J, Cayan, D, DeConto, R, Fox, J, Fricker, HA, Kopp, RE, Tebaldi, C, Whiteman, EA (California Ocean Protection Council Science Advisory Team Working Group). Rising Seas in California: An Update on Sea-Level Rise Science. California Ocean Science Trust, April 2017.

On the California coast the effect of a rise in sea-level will be the landward migration of the intersection of the ocean with the shore, which will result in increased flooding, erosion, and storm impacts to coastal areas. On a relatively flat beach, with a slope of 40:1, a simple geometric model of the coast indicated that every centimeter of sea-level rise will result in a 40 cm landward movement of the ocean/beach interface. For fixed structures on the shoreline, such as a seawall, an increase in sea-level will increase the inundation of the structure. More of the structure will be inundated or underwater than is inundated now and the portions of the structure that are now underwater part of the time will be underwater more frequently. Accompanying this rise in sea-level will be an increase in wave heights and wave energy. Along much of the California coast, the bottom depth controls the nearshore wave heights, with bigger waves occurring in deeper water. Since wave energy increases with the square of the wave height, a small increase in wave height can cause a significant increase in wave energy and wave damage. Combined with the physical increase in water elevation, a small rise in sea-level can expose previously protected back shore development to increased wave action, and those areas that are already exposed to wave action will be exposed more frequently, with higher wave forces. Structures that are adequate for current storm conditions may not provide as much protection in the future.

The City of Hermosa Beach completed an initial sea-level rise vulnerability assessment in 2014.⁴ The report indicates that the City's shoreline is highly vulnerable to change due to the very soft substrate (sand dunes) that were built upon, and the reduced influx of sediment to the littoral cell. The report also indicates that Hermosa Beach has gained significant beach width due to past sand replenishment projects, including replenishment needed to protect Los Angeles' Hyperion Sewage Treatment Plant, and that the structures protecting King Harbor in Redondo Beach, just to the south, serve as a sediment trap that benefits Hermosa's beach area. The report concludes on page 18 that:

To the extent future coastal erosion increases as a result of sea-level rise and related changes in sediment dynamics, and if future beach replenishment is not maintained, Hermosa Beach should expect a reduction of the protective beach buffer in front of the city. As a result, future flooding and storm surge could have a more destructive and farther-inland reaching impact than if the beach remains stable. In the absence of having [such] a detailed engineering study, the estimates of inland flooding under the higher sea-level rise scenario used here thus may not fully capture the extent of potential risks to the city.

In addition, in addressing the impacts of shoreline protection, the report states on page 61:

... Given the currently human-made wide beach, the question of additional shoreline protection has not been a priority issue in Hermosa Beach. However, virtually the entire shoreline is fronted by the Strand – the bike- and walkway that marks the hardened boundary between the beach and residential/commercial development of the city proper. The Strand serves effectively as a low seawall along the full length of the city, set back from the shoreline and fronted by the beach. If beach erosion were to continue unabated as a result of accelerated sea-level rise, it would eventually lead to a situation where the water's edge would be at the base of the Strand seawall. Missing the beach buffer, the

⁴ Ekstrom, J, Moser, S. Vulnerability and Adaptation to Sea Level Rise: An Assessment for the City of Hermosa Beach, September 2014.

waves – particularly storm waves – would eventually undercut the seawall and damage the Strand.

Therefore, there is a high degree of uncertainty regarding future impacts of sea-level rise within the City and at the project site, which is adjacent to the Strand, not only caused by the uncertainty of global sea-level rise projections, but also by uncertainty related to the long-term effectiveness and feasibility of sand replenishment,⁵ as well as the potential for changes in coastal management approaches within the littoral cell, which could significantly impact sediment transport in the area. Future impacts from sea-level rise may include not only increased hazards at the project site, but also loss of public beach area within the City. These impacts will be further evaluated and addressed in the City's LCP planning process, which is currently underway, with the benefit of two LCP grants from the Commission.

Application to this Project

The applicant has submitted a Coastal Hazard and Wave Runup Study dated September 14, 2017 prepared by Geosoils, Inc. of Carlsbad, CA for this property. The study concludes that because there is a wide sandy beach (approximately 475 feet wide) between the subject property and the Pacific Ocean, wave runup and overtopping will not significantly impact this site over the life of the proposed improvements. The report finds that this holds true even for an estimated sea-level rise ranging from 1.25 feet to 4.5 feet. As mentioned previously, however, the current sea-level rise projections have a level of uncertainty as beaches are dynamic areas and our understanding of climate change and sea-level rise is constantly evolving. Therefore, the proposed new development, as a beachfront property, may be threatened by sea-level rise at some point in the future and require a shoreline protection device, if the rate of erosion and wave uprush accelerates faster than projected or if there are changes in the frequency or effectiveness of beach nourishment activities or changes to sediment management in the area. In any case, new development is not entitled to shoreline protection under the Coastal Act and the Commission would not likely approve this project if it required a shoreline protection device now or at some point in the future. The applicant must therefore acknowledge that the project, as new development, is not entitled to shoreline protection and she must waive any right to construct a shoreline protective device for the property in the future that may exist under applicable law, as outlined in **Special Condition 7**. Further, the landowner must remove the development if (a) any government agency has ordered that the structures are not to be occupied due to coastal hazards, or if any public agency requires the structures to be removed; (b) essential services to the site can no longer feasibly be maintained (e.g., utilities, roads); (c) the development is no longer located on private property due to the migration of the public trust boundary; (d) removal is required pursuant to LCP policies for sea-level rise adaptation planning; or (e) the development would require a shoreline protective device to prevent a-d above that is inconsistent with the coastal resource protection policies of the Coastal Act or certified LCP. **Special Condition 7** requires that if any of the proposed development becomes threatened by coastal hazards in the future, even though information presented by the applicant's engineer today finds that that is not expected, then the threatened development may need to be removed. This condition recognizes that the applicant's consultant has found that the site is currently expected to be safe, while also recognizing that predictions of the future of sea-level rise, flooding, and their impacts in Hermosa Beach, cannot be made with certainty. Thus **Special Condition 6** ensures that the risks

⁵ As sea level rises, there will be larger demand for limited beach-suitable sediment, and increased waves and flooding will lead to more frequent and severe erosion events, thereby increasing costs and reducing the effectiveness of nourishment efforts.

of property damage or loss arising from sea-level rise or other changed circumstances are borne by the applicant enjoying the benefits of her private new development, and not the public.

Commission staff has reviewed the submitted coastal hazards analysis and has utilized the Our Coast, Our Future flood maps to analyze the project site's vulnerability to coastal hazards. The model projects that beach erosion and wave uprush events will not significantly impact the proposed development given the current width of the public beach. However, the flood maps also show that the subject site is vulnerable to flooding over the next 75 years under a minimum 3.3 foot sea-level rise under a 20 year storm scenario. Should the applicant need to implement flood-protection measures on the property in the future, she would need to submit an application for a coastal development permit for such measures. A more comprehensive strategy to address the flooding hazard in the low-lying beach areas in Hermosa Beach will be addressed in the Hermosa Beach LCP. Given that the applicant has chosen to implement the project on a beachfront lot despite potential risks from wave attack, erosion, sea-level rise, and flooding, the applicant must assume the risks and waive the rights to a shoreline protective device. Therefore, the Commission imposes **Special Condition 4**.

The first floor of the proposed development is set back 5 feet from the seaward property line and the upper floors are setback 3 feet from the seaward property line, which is consistent with the Hermosa Beach setback requirements. Although Hermosa Beach's setback requirements are not the standard of review for this permit, they provide guidance regarding the project's consistency with Coastal Act Chapter 3 public access policies. Given the width of the beach, and the additional setback for the property, there is an adequate setback to protect the structure from any future sea-level rise. There is also adequate room for adaptive measures (i.e. sandbags, barriers) on the property in the event that wave uprush does reach the property within the life of the structure without impacting public access. To ensure that the required setback is maintained, the Commission imposes **Special Condition 5**, requiring that the structure adheres to a minimum 5 foot setback from the seaward property line.

The project site has an approximately 180 square-foot portion of paved concrete that currently encroaches six feet 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 applicant is proposing to add landscaping, private patio area, and a new 36" wall in the encroachment area. The proposed encroachment is consistent with previously issued coastal development permits in the area, and does not currently impact public access. However, with sea-level rise or an increased use of the Strand, the City may require a widening of the public walkway, and further require that the applicant and all successors/assigns remove the encroachment in order to accommodate the change to the Strand. To ensure that the applicant maintains her encroachment permit with the City, which is revocable by the City of Hermosa Beach Public Works Department, the Commission imposes **Special Conditions 2 and 3** regarding the applicant's rights and obligations related to the encroachment.

The project includes a system to manage and increase on-site percolation of runoff, including area drains and an onsite filtration system, which directs runoff flow to a storm drain located on Beach Avenue. In addition, landscaped areas along a portion of the north side yard and the full length of the Strand-adjacent yard will work to capture storm runoff. Best management practices will

also be incorporated throughout the course of construction. To ensure that the project conforms to the drainage and run-off control plan received on December 4, 2017, the Commission imposes **Special Condition 1**.

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 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; require the property owner to waive any rights to construct a shoreline protective device that may exist under applicable law; 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.

C. DEVELOPMENT

The development is located in 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 development condition be imposed. As conditioned the development conforms to the Chapter 3 policies of the Coastal Act.

D. 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 to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. WATER QUALITY

The proposed development has a potential for 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, one or more of the following: the appropriate management of equipment and construction materials, construction-phase erosion control measures, reduction in 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 to 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.

F. 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 a 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, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

G. 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 (LUP) for Hermosa Beach was effectively certified on April 21, 1982; however, because Hermosa Beach does not have a certified LCP, 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. 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 (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 Certified Land Use Plan; City of Hermosa Beach Approval-in-Concept, dated December 21, 2017; Coastal Development Permit Application File No. 5-18-0008; Coastal Hazard and Wave Runup Study, 916 The Strand, Hermosa Beach, June 21, 2017 prepared by Geosoils, Inc. of Carlsbad, California