

CALIFORNIA COASTAL COMMISSION

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W17a

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-19-0955

Applicant: David Lesman

Agent: Srour and Associates

Location: 3435 Hermosa Avenue, Hermosa Beach, Los Angeles County (APN: 4181-034-004)

Project Description: Demolish existing two-story, 25-foot high, 925 square-foot detached duplex. Construct a new 25-foot high, two-story (over two-level basement), 2,849 square-foot single-family residence with an attached 389 square-foot two-car garage and one parking space adjacent to the garage.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to demolish a 925 square-foot pre-coastal duplex and to construct a 2,849 sq. ft., two-level single-family residence with a ground-level patio, a two-level basement, and an attached 389 square-foot two-car garage. The upper basement level is 1051 square feet and located only partially below-grade, while the subbasement level is 726 square feet and located entirely below grade ([Exhibit 2](#)). Non-invasive, drought tolerant landscaping is proposed for the project. Proposed grading includes 547 cubic yards of cut.

The Commission certified the City's LUP in 1982. However, the City does not yet have a certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal Act constitute the standard of review for the project, with the certified LUP used as guidance.

The project raises hazards concerns under section 30253 of the Coastal Act because it involves development in a low-lying area that is vulnerable to flooding, which may be exacerbated by sea level rise due to the site's oceanfront location. Although the residence is expected to be safe from coastal hazards over the anticipated life of the proposed structure, the project includes construction of a two-level basement, including an entirely below grade sub-basement that is likely to be impacted by flooding. Given the project's location in a hazardous, flood-prone area, where basement flooding could impact groundwater and endanger human life and property, Commission staff recommends approval of the project with **Special Condition 1** requiring removal the sub-basement, thus avoiding and minimizing construction of new development in a hazardous location while allowing the applicant to maintain a single-family residence and partial basement. In addition, due to the inherent risks associated with oceanfront development, the Commission imposes **Special Condition 3**, requiring the applicant to waive any rights to shoreline protection, as well as **Special Condition 6**, requiring the applicant to assume the risks of development in an inherently hazardous area.

As proposed, the project would eliminate one residential unit. The Coastal Act policies direct the Commission to encourage affordable housing (PRC 30604), and to concentrate new development in already developed areas that are able to accommodate it and which minimize vehicle miles traveled (PRC 30250 and 30253(e)). In previous projects, the Commission has required the development of an additional residential unit, or accessory dwelling unit (ADU)/junior accessory dwelling unit (JADU) as a means to mitigate for a lost residential unit. Although the certified LUP limits development on R-1 zoned properties to single-family residences, it does not preclude ADUs from being developed in conjunction with a new or existing single-family residence. In previous applications, applicants did not have the opportunity to mitigate the loss of residential units with ADUs because the City's ADU ordinance restricted the ability to develop ADUs/JADUs to lots that were larger than 4,000 square feet and zoned single-family residential. However, as of January 1, 2020, the City's ADU ordinance is not consistent with the state's new ADU law, which does not allow local governments to impose minimum lot size requirements on the construction of ADUs. Therefore, local zoning does not appear to prevent the applicant from constructing an ADU.

Under the new laws, local governments are now required to maintain housing density when reviewing housing development projects in the coastal zone. However, in light of evidence indicating a long-standing trend in Hermosa Beach of loss of housing density resulting from the demolition of duplexes and other multi-family structures and construction of single-family residences, it is important to mitigate the loss of residential density on the subject site, consistent with Coastal Act requirements. Therefore, the Commission imposes **Special Condition 1**, which require the applicant to design an

ADU/JADU that is consistent with state and local laws, and submit final revised plans with the ADU/JADU for the review and approval by the Commission's Executive Director. Furthermore, **Special Condition 2** requires that the ADU/JADU be maintained as a separate unit for the life of the development.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 5-19-0955, with nine special conditions. The motion and resolution can be found on Page 5.

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EXHIBITS

[Exhibit 1 – Vicinity Map and Project Site](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – CoSMoS Analysis](#)

[Exhibit 4 – Photo of Culvert](#)

[Exhibit 5 – Photo of Existing Development](#)

[Exhibit 6 – City of Hermosa Beach ADU Development Standards](#)

MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 5-19-0955 as set forth in the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project 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. 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.

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 applicant 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 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS

1. Submittal of Revised Final Plans.

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, two full-size sets of the following revised final plans, modified as required below.

1. The applicant shall remove the subbasement level of the residence, which is located completely below grade.
2. The applicant shall incorporate an accessory dwelling unit (ADU)/junior accessory dwelling unit (JADU) into the design of the single-family residence.

B. All revised plans shall be prepared and certified by a licensed professional or professionals as applicable (e.g., architect, surveyor, geotechnical engineer), based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission's approval and with the recommendations of any required technical reports

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

2. **Retention of Two Onsite Units.** The development approved by Coastal Development Permit No. 5-19-0955 is for construction of a single-family residence with an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU). The applicant and all assigns/successors shall maintain the ADU as a separate residential unit. At no point may the ADU or JADU be incorporated into the single-family residence or converted to a non-residential use.

3. **Waiver of Rights to Future Shoreline Protective Device.** By acceptance of this permit, the applicant acknowledges that this permit 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, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under applicable law. 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, 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. .

4. Water Quality, Drainage and Landscaping Plans.

A. The applicant shall undertake development in accordance with the drainage and run-off control plan received by Commission staff on August 16, 2019 showing that roof and surface runoff will be captured with a trench drain and an on-site drainage system that connects to the municipal storm drain system. 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 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. 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.

5. Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris. The permittee shall comply with the following construction-related requirements:

A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;

B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;

- C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
 - D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
 - E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
 - F. The applicants shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
 - G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
 - H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - J. The discharge of any hazardous materials into any receiving waters shall be prohibited;
 - K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
 - L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
 - M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
6. **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.

7. **Minimum Seaward Setbacks.** The rear (seaward) setback of the structure shall not be less than 5 feet from the property line. This shall apply to all habitable areas, non-habitable areas, and foundation of the structure except for ground level patios.
8. **Future Development.** This permit is only for the development described in coastal development permit (CDP) No. 5-19-0955. Pursuant to Title 14 California Code of Regulations (CCR) Section 13250(b)(6), the exemptions that would otherwise be provided in Public Resources Code (PRC) Section 30610(a) shall not apply to the development governed by CDP No. 5-19-0955. Accordingly, any future improvements to this structure authorized by this permit shall require an amendment to CDP No. 5-19-0955 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government. In addition thereto, an amendment to CDP No. 5-19-0955 from the Commission or an additional CDP from the Commission or from the applicable certified local government shall be required for any repair or maintenance identified as requiring a permit pursuant to PRC Section 30610(d) and Title 14 CCR Sections 13252(a)-(b).
9. **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.

FINDINGS AND DECLARATIONS

A. Project Description and Background

The applicant is proposing to demolish a 925 square-foot pre-coastal duplex (constructed circa 1924) and to construct a 25-foot high (above the interpolated grade line), 2,849 sq. ft., two-level single-family residence with a ground-level patio, a two-level basement, and an attached 389 square-foot, two-car garage (a total of four stories). The proposed upper basement level is 1051 square feet and located only partially below-grade, while the lower basement level is 726 square feet and located entirely below grade ([Exhibit 2](#)). Non-invasive, drought tolerant landscaping is proposed for the project. Proposed grading includes 547 cubic yards of cut.

The subject site is a beachfront lot located within a developed urban residential area approximately 1.15 miles north of the Hermosa Beach Pier ([Exhibit 1](#)). The project site is designated in the certified LUP as a low-density residential lot, and is zoned Low Density Residential (R-1). The R-1 zone allows single-family residences and accessory structures such as garages, pools/spas, and patio covers. The subject lot is 1,772 square feet in size and is located adjacent to The Strand – an improved 26-foot wide public right-of-way that separates the residential development from the public beach.

The Commission certified the City's LUP in 1982. However, the City does not yet have a certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal Act constitute the standard of review for the project, with the certified LUP used as guidance.

B. Hazards

Section 30253 of the Coastal Act states, in pertinent part:

“New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor 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.”

Section 30253 of the Coastal Act requires that new development minimize risks to life and property in hazardous areas, including areas subject to flooding. New development must also not significantly contribute to erosion or destruction of the site or surrounding area, or require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The proposed project raises potential hazards concerns related to the project site's location on an oceanfront lot, as well its location in a low-lying area that is inherently vulnerable to flooding. Thus, potential hazards issues

that must be addressed include the potential for erosion, flooding, wave runup, and storm hazards associated with oceanfront development, as well as the risks of locating development in an area that is currently vulnerable to flooding. Both of these hazards concerns may be exacerbated by sea level rise that is expected to occur over the coming decades. These hazards issues are discussed more fully below.

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. On November 7, 2018, the Commission adopted a science update to its Sea level Rise Policy Guidance. This document provides interpretive guidelines to ensure that projects are designed and built in a way that minimizes sea level rise risks to the development and avoids related impacts to coastal resources, consistent with Coastal Act Section 30253. These guidelines state, “to comply with Coastal Act Section 30253 or the equivalent LCP section, projects will need to be planned, located, designed, and engineered for the changing water levels and associated impacts that might occur over the life of the development.” The most recent projections in the statewide sea level rise guidance indicate that sea levels in this area may rise between 5.5 feet and 6.8 feet by the year 2100, though there is a risk of much more significant sea level rise depending on various uncertainties, including the dynamics of ice sheet loss.² The 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

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

² This range of sea level rise reflects the low emissions scenario and high emissions scenario for a site located within the Santa Monica NOAA tide gauge and a medium-high risk aversion. According to the updated OPC guidance, the medium-high risk aversion scenario should be used when determining a residential structure’s vulnerability to sea level rise hazards.

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), the Ocean Protection Council and the Natural Resources Agency have continued to recommend that we avoid relying on the lower projections in planning and decision-making processes.

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.

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. 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 2014.³ 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

³ Ekstrom, J, Moser, S. Vulnerability and Adaptation to Sea Level Rise: An Assessment for the City of Hermosa Beach, September 2014.

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.”

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,⁴ 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.

Coastal Hazards and Shoreline Protection

The Coastal Act strongly discourages shoreline protective devices to protect oceanfront development because such structures 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, under natural conditions, will have less horizontal distance between the mean low water and mean high water lines, which narrows the beach sandy 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 sand materials may be lost offshore, where it is no longer available to nourish the beach. This also affects public access through a loss of sandy 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 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 scenic public views. Shoreline protective devices can also prevent the natural inland migration of public lands (whether submerged lands, tidelands, or public state lands) in areas where they are not adjacent to adjudicated property lines. Shoreline protective devices, by their very nature, tend to conflict with Chapter 3 policies because shoreline structures can have a variety of adverse impacts

⁴ 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.

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 requires that new development minimize risk to life and property in areas of high flood hazards and 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," including the natural shoreline and seacliffs. 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.

For this project, the applicant has submitted a Coastal Hazard and Wave Runup Study dated July 8, 2019 prepared by Geosoils, Inc. for the subject project. The study concludes that because there is a wide sandy beach (approximately 410 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 6 feet. However, as stated above, the most recent projections in the statewide sea level rise guidance indicate that sea levels in this area may rise between 5.5 and 6.8 feet by the year 2100, and 6.8 feet of sea level rise was not analyzed in the applicant's hazards analysis. In addition, these 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 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, which has been the general trend in sea level rise.

In order to analyze the project site for sea level rise impacts, staff first followed the methodology outlined in the OPC's 2018 Sea level Rise document to establish a projected sea level range for the new development. The 2018 OPC guidance uses NOAA tide gauges, a projected project lifespan, and risk aversion scenario to estimate a sea level rise range. The sea level rise analysis assumed a 75-year projected lifespan for the project, consistent with the Commission's Sea level Rise Policy Guidance for residential development. According to the 2018 OPC update, the projected sea level rise range for the project site is tied to the Santa Monica NOAA Tide Gauge. This tide gauge estimates a range between 5.5 and 6.8 feet of sea level rise by 2100 (which falls within the 75-year projected lifespan for the project). With regard to the risk-aversion scenario, both the Commission's Sea level Rise Policy Guidance and the OPC documents recommend a medium-high risk scenario for residential developments.

Under a 75-year projected lifespan, a medium-high risk scenario, and the project's location within the Santa Monica NOAA tide gauge, staff estimated 6.8 feet of sea level rise within the project vicinity.

Using the sea level rise estimates listed above, staff used CoSMoS to analyze the project site's vulnerability to sea level rise impacts. Staff ran the CoSMoS model using a 6.6-foot sea level rise scenario (the closest available option that was within the determined sea level range) and a 100-year storm scenario to represent the worst-case scenario. Under an estimated 6.6-foot sea level rise and 100-year storm scenario, the project site is not anticipated to be subject to coastal erosion or wave uprush; however, as discussed, coastal areas are dynamic environments and it is difficult to predict with certainty how any particular project site will be impacted.

In addition, the site is susceptible to coastal flooding under OPC sea level rise projections. The projected flooding is likely due to the presence of a drainage culvert seaward of and adjacent to the project site ([Exhibit 4](#)). This projected flooding appears to only affect some properties along the northern end of the Strand (including the project site), as shown on [Exhibit 3](#), the projected flooding does not extend throughout the whole beach-fronting Strand area. The presence of the culvert indicates that the flooding hazard might not be a direct result of coastal processes, but rather inland water flow that travels through the culvert. However, the CoSMoS models show that the flooding originating at the culvert is exacerbated with sea level rise.

The project, which includes the demolition of an existing duplex and construction of a single-family residence, constitutes new development. As such, the new single-family residence is not entitled to shoreline protection and the Commission imposes **Special Condition 3** to confirm that the applicant is not entitled to shoreline protection for the development approved by this permit and to waive rights to future shoreline protection. The hazards analysis provided by the applicants' coastal engineering consultant maintains that, even with expected future sea level rise, the proposed development is not expected to be threatened by coastal hazards and is not expected to need shoreline protection over the life of the development. However, given the dynamic nature of coastal beaches, as well as the long-term uncertainty of sea level rise models, it is important that the risks of developing on this beachfront lot are borne by the applicant who will benefit from the private development, and not the public. In addition, the proposed development is located in an area where dynamic and unpredictable coastal hazards exist that could adversely impact the development should the applicant's predictions of flooding and sea level rise prove to be inaccurate. Therefore, the Commission also imposes **Special Condition 6**, which requires the applicants to assume the risk of development.

Basements and Hazards

The proposed project includes the construction of a two-level habitable basement on an oceanfront lot in Hermosa Beach. In general, and depending on the location, basement development can raise a number of coastal resource protection issues, and can be highly problematic in flood-prone and/or ocean-fronting areas. Future sea level rise and

its associated hazards (e.g., erosion, flooding, inundation, rise in groundwater table, etc.) may exacerbate these Coastal Act concerns. For one, basements can function as shoreline protective devices, which in general are not permitted for new development under section 30253(b) of the Coastal Act, either at the time of project approval or at any point in the future. Erosion and shoreline change will likely accelerate with sea level rise, which could cause basements on low-lying shoreline lots to daylight and potentially function as shoreline protective devices by guarding the residence from coastal erosion at the expense of public beaches, much like a seawall. Additionally, much like an actual seawall, a basement that becomes exposed as a result of erosion caused by increased wave uprush could harm coastal resources that lie between the basement and the sea—such as the beach or other coastal habitats— as rising seas flood the area and increase erosion rates by reflecting wave energy. These coastal processes could potentially adversely affect public access, beach width, shoreline sand supply, visual resources, or environmentally sensitive habitat areas. In this respect, constructing new basements on oceanfront properties could conflict with section 30253 which provides that that new development “shall not contribute to erosion, geologic instability, or the destruction of the site or surrounding area,” as well as other resource protection policies of Chapter 3.

Proposed basements can raise hazards concerns, particularly in flood prone areas, because they often are designed to house electrical and mechanical components and/or household chemical storage that could compromise human safety and coastal resources. Storage of hazardous materials and common household products in basements could present coastal resource and public safety issues if flooding occurs. For example, a flooded basement containing paints, bleach, cleaning materials, etc., may release harmful toxins into the water and/or impact water quality, surrounding coastal habitats and species, as well as human health. In addition, locating critical mechanical and electrical equipment in basements could also present important human health and safety concerns (e.g., electrocution, interruption in public infrastructure services) if flooded. In this case, the applicant is proposing to locate a mechanical crawl space, an elevator, and a mechanical vault in the subbasement floor ([Exhibit 2](#)). Should the subbasement flood, the electrical systems would become compromised and pose significant risk to human life.

Basements can also complicate the removal of the associated structure, and are difficult to remove themselves, if removal is necessary to minimize risks to life and property in a hazardous area. In cases where sea level rise may impact development in the future, the Commission has in the past imposed conditions requiring removal, relocation, or elevation of structures at a specified future time. This ensures that the development will appropriately minimize risks to life and property pursuant to Coastal Act Section 30253 and protect coastal resources consistent with other Coastal Act provisions. However, basements could make compliance with such conditions more difficult and/or result in greater impacts to coastal resources. The impacts associated with removing substantial subsurface development could be inconsistent with the Section 30253 requirement that new development “shall not contribute to erosion, geologic instability, or the destruction of the site or surrounding area,” and that projects should be sited and designed to avoid those impacts.

In this case, the project site is located on a beach-fronting lot, and is set back approximately 400 feet from the mean high tide line. The applicant proposes to construct two levels of basement, including a sub-basement area that would be located ten feet below ground and very slightly above the water table. According to the applicant's coastal hazards analysis, the project site is currently vulnerable to flooding from a nearby culvert, which may be exacerbated by sea level rise. As discussed below in Section D of the staff report, the proposed basement will be constructed at the water table, which creates a risk of impacts to groundwater if flooding occurs. Although the applicant's hazards analysis indicates that the project site is not likely to become subject to wave uprush or ocean-related flooding over the projected 75 year life of the structure, given the currently vulnerable and flood-prone location of the project site, construction of a below-grade basement at this location involves risks to life and property that ideally would be avoided and, if unavoidable, minimized. Here, as the primary hazards concern relates to the proposed sub-basement area, the project could be redesigned to remove the sub-basement, which would still allow for construction of the proposed single-family residence and partial basement while minimizing risks to life and property in an area subject to flooding hazards.

In the past, the Commission has conditioned projects involving the construction of basements to minimize flooding impacts (i.e. through dewatering plans and final plans that incorporate basement waterproofing). In these cases, the project sites were located in areas that were determined as "reasonably safe from coastal hazards." However, the Commission is not required to condition projects to be consistent with the Coastal Act. In the case of basements, the Commission is not required to condition a basement approval to be consistent with Section 30253 if the basement is being proposed in a hazardous area (as is the case here). In addition, beaches are inherently dynamic environments, and climate science is always evolving to keep up with the ever-changing conditions along and adjacent to the shoreline. Today's coastal models (which do not identify this particular project site as inherently hazardous) may be found later to have underestimated the vulnerability of the project site to sea level rise impacts. The inherent risks and uncertainties associated with development adjacent to coastlines weighs in favor of modifying the proposed project to avoid the flood hazard by removing the sub-basement.

In short, the proposed construction of a basement as part of the proposed residence in a flood prone area does not minimize risks to life and property in a hazardous area and may contribute significantly to destruction of the site and surrounding area as a result of anticipated flooding of the basement. As the development can be modified to avoid the hazard entirely, while still allowing the applicant a substantial new single-family residence and partial basement, the Commission imposes **Special Condition 1**, requiring the applicant to submit final revised plans to remove the "subbasement level" that is located entirely below grade.

Only as proposed and conditioned can the project be found to be consistent with Section 30253 with regard to coastal hazards.

C. Development

Section 30250 of the Coastal Act states, in pertinent part:

“(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.”

Section 30251 of the Coastal Act states, in pertinent part:

“The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.”

Section 30253 of the Coastal Act states, in pertinent part:

“New development shall do all of the following:

(d) Minimize energy consumption and vehicle miles traveled”

Section 30604 of the Coastal Act states, in pertinent part:

“Coastal development permit; issuance prior to certification of the local coastal program; finding that development in conformity with public access and public recreation policies; housing opportunities for low and moderate income persons

...

(f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density

permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.

(g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.”

Coastal Act Section 30250 provides that new residential development shall be located in or in close proximity to existing developed areas that are able to accommodate it, or in other areas with adequate public services and where it will not have significant, cumulative adverse effects on coastal resources. Section 30251 requires new development to protect public views to and along the beach and other coastal areas; minimize landform alteration; and be designed consistent with the character of the surrounding area. Section 30253 requires that new development must minimize energy consumption and vehicle miles traveled. These policies together encourage “smart” growth by locating new development in appropriate areas that minimizes impacts on coastal resources and discourages residential sprawl in more rural or sparsely populated areas that are not adequately developed to support new residential development and where coastal resources could be threatened. Although the Coastal Act does not authorize the Commission to regulate or require affordable housing, Section 30604(f) directs the Commission to encourage low- and moderate-income housing opportunities.

The project site is a 1,772 square-foot beach-fronting lot that is zoned R-1 (Single-Family Residential) and is located in a highly urbanized area at the northern end of Hermosa Beach. The project site is located 1.15 miles north of the Hermosa Beach Pier (around which the main commercial hub of the city is located), and is readily accessible from the project site by car, public transit, and by bicycle. The proposed development (a single-family residence) is consistent with the zoning designation in the area. Furthermore, the area in which the project site is located is appropriate to maintain density, in keeping with Section 30250 of the Coastal Act.

As proposed, the project would eliminate one residential unit. Between 2005 and the present, the Commission has approved numerous projects in Hermosa Beach along the Strand and in residential areas adjacent to The Strand involving the replacement of duplexes or triplexes with single-family residences. The proposed project is a similar type of project, and therefore raises an issue as to whether the proposed single-family residence complies with Coastal Act policies relating to new development and housing density, and cumulative impacts to coastal resources as a result of the broader trend in development in Hermosa to reduce housing density. The existing structure is a legally nonconforming duplex that, as described below, does not comply with current LUP and zoning regulations regarding the development of multi-unit structures onsite.

Although the project site is zoned R-1, the character of the surrounding area is actually comprised of a mix of single-family and multi-family residences. Of the 33 structures observed along Hermosa Avenue between Longfellow Avenue and 35th Street, 14 (42%) were multi-family residences and 19 (58%) were single-family residences. Given the almost even split between single-family and multi-family development, the conversion of even one multi-family structure to a single-family structure could set a precedent and

Although the City of Hermosa Beach does not have a certified LCP, it does have a Land Use Plan (LUP) that was certified by the Commission in 1982 and provides guidance as to whether the proposed project complies with Chapter 3 of the Coastal Act. The LUP designates the project site as Single-Family Residential (R-1) in the certified LUP with a maximum development of 1 unit per lot. The Residential Zone Requirements in the LUP state that an R-1 zoned lot may *only* be developed with a single-family residence. The subject property has a lot size of 1,772 square feet, which allows one unit on the property under the LUP's Residential Zone Requirements. Similarly, the current Hermosa Beach Zoning Code (which has **not** been certified by the Commission), has a maximum development standard of 1 unit per lot for R-1 zoned lots, which would also only allow one residential unit to be developed on the project site. The current duplex was constructed in 1927, before zoning standards were developed for the area. Thus, the duplex is a legally nonconforming structure, and can only be re-developed with a single-family residence.

Although the existing duplex is a nonconforming structure, the fact remains that two units have been maintained onsite since the duplex was constructed. The re-development of a single-family residence would result in the loss of one existing residential unit. In previous projects, the Commission has encouraged the development of an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) as a means to mitigate for lost residential units. In this case, the development of an ADU/JADU on the project site would not be inconsistent with the certified LUP.

As of January 1, 2020, new State ADU/JADU laws went into effect that changed local governments' authority relating to regulation of ADU/JADUs with the goal of increasing statewide availability of smaller, more affordable housing units, which aligns with the aforementioned Coastal Act policies. Similarly, SB 330 (Skinner), which also took effect January 1, 2020, enacted the Housing Crisis Act of 2019 with the goal of increasing housing stock. The Housing Crisis Act prohibits a city or county from approving a housing development that will require the demolition of occupied or vacant residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished (no net loss). However, the subject application is not subject to the requirements of SB 330 because it was filed before January 1, 2020. Furthermore, while Coastal Act Sections 30250 and 30253 align with SB 330's goals, the Housing Crisis Act does not apply to the Commission and does not modify the Coastal Act or the standard of review for this project.

Nevertheless, as explained above, the Coastal Act encourages the protection of housing opportunities for individuals of low and moderate incomes (PRC 30604), as well

as the concentration of development in already developed areas that can accommodate it (PRC 30250) and the minimization of vehicle miles traveled (PRC 30253(e)). The certified LUP (which is not the standard of review, but provides guidance) limits development on R-1 zoned properties to single-family residences, but does not preclude ADUs from being developed in conjunction with a new or existing single-family residence. In previous applications in Hermosa Beach, the City of Hermosa Beach's uncertified ADU ordinance restricted ADUs/JADUs to lots that were larger than 4,000 sq. feet and zoned single-family residential. Under the City's ADU ordinance, the applicant for this project would not have been permitted to develop an ADU. However, as of January 1, 2020, the City's ADU ordinance, which is not consistent with the new ADU law because it includes a minimum lot size requirement, is deemed "null and void" under the new ADU law (Government Code § 65852.2(a)(4)). At this time, the City has not updated its ADU ordinance or issued updated guidance on ADUs; therefore, the new state ADU laws apply within the City of Hermosa Beach. Furthermore, the City's uncertified ADU ordinance, previously considered by the Commission with respect to similar projects in Hermosa Beach, does not prevent the applicant from constructing an ADU as part of this project.

In response to the new state ADU laws, the applicant revised the project description to incorporate an attached ADU located on the second level of the residence ([Exhibit 2](#)). However, the City has informed the applicant that the current design cannot be approved as a separate ADU because the proposed ADU includes an elevator that exits directly to an exterior door, which would not comply with building safety standards. In order to mitigate the loss of residential density on the subject site, consistent with Coastal Act requirements, the applicant must maintain two residential units. Commission staff has communicated with the applicant regarding a new ADU design. According to the applicant, the only feasible ADU design that City could approve would be in the subbasement floor, which Commission is prohibiting pursuant to **Special Condition 1** (refer to the hazards section above). The Commission does not design projects for applicants. However, given the available information, it appears likely that the applicant could design an ADU that is approvable at the local level without requiring it to be located in the basement. [Exhibit 6](#) lists the City's development standards for ADUs. According to the standards, an exterior entrance is required for a new ADU; however, an additional internal connection to the primary unit may also be provided. For this project, the applicant could work with the city to retain the ADU on the second floor with an exterior doorway (accessible through a staircase). In order to provide an ADA accessible option, the ADU could include an internal connection to the primary residence that allows access to the elevator located within the primary unit. This option should not be considered as a prescribed or only option for the ADU design; the applicant may elect to consider alternative designs that accomplish the same objectives, consistent with the Coastal Act policies.

In any case, a final ADU design has not been submitted to the Commission at this time. Therefore, the Commission imposes **Special Condition 1**, which requires the applicant to design an ADU/JADU that is consistent with state and local laws, and submit final revised plans with the ADU/JADU for the review and approval by the Commission's

Executive Director. Furthermore, **Special Condition 2** requires that the ADU/JADU be maintained as a separate unit for the life of the development.

As proposed by the applicant and conditioned by the Commission, the project can be found to be consistent with Sections 30250, 30251, and 30604 of the Coastal Act pertaining to new development, community character and encouragement of affordable housing.

D. Public Access

Section 30210 of the Coastal Act states:

“In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.”

Section 30211 of the Coastal Act states:

“Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.”

Section 30212 of the Coastal Act states, in pertinent part:

“(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

[...]

(2) adequate access exists nearby, ...”

The project site is located adjacent to The Strand, an approximately 20-foot wide public lateral walkway ([Exhibit 4](#)). 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). Approximately 20 feet of The Strand is developed with a paved multi-use path used by both residents and visitors for recreational purposes such as walking, jogging, biking, etc., as well as for access to the shoreline. Portions of The Strand contain approximately 5-6 feet of private encroachments that have been developed by adjacent homeowners pursuant to the City's encroachment permit program. However, the project site does not have an encroachment area abutting The Strand. The nearest vertical public access to the beach is available via the public right-of-way at the western end of 35th Street, located 122 feet north of the site.

As the project plans illustrate, the proposed single-family residence is set back 5 feet 11 inches from the walkway. If the proposed development were constructed with a zero foot setback from the property line, it would be immediately adjacent to the public right-of-way and there would be no space for a private patio on the private property. The proposed project is consistent with the City's minimum five foot minimum setback from the seaward property line and is consistent with past commission action that imposes conditions for a minimum setback from public beaches and public rights-of-way. Furthermore, the 5 foot setback area will allow the homeowner to perform repair and maintenance activities on the residence from private property, without blocking public beach access across The Strand. In order to ensure consistency with the public access requirements of the Coastal Act, the Commission imposes **Special Condition 7**. This condition requires the structure to maintain a minimum 5 foot setback from the seaward property line on the ground floor and a minimum three foot setback from the property line on the second level. As conditioned, the project will not adversely impact the public's ability to recreate to and along The Strand. The development also proposes three on-site parking spaces, consistent with the parking requirements found in the certified LUP. Therefore, the project will not impact public beach parking in the project vicinity.

The project has been designed and conditioned to be consistent with the relevant Coastal Act Chapter 3 policies. However, the project's location adjacent to the beach may cause adverse impacts to coastal views and public access. Section 13250 of the Title 14 California Code of Regulations (CCR) states that internal floor area additions that are less than 10 percent of the current structure's floor area, and height increases of less than 10 percent of the current structure's height, are exempt from permit requirements, given that the structure is between the beach and the first public access road parallel to the beach. However, for the residences adjacent to The Strand, even minimal increases in height or floor area have the potential to impact public beach access routes or close off view corridors from public viewing areas. Therefore, the Commission imposes **Special Condition 9**, requiring the applicant to submit a new CDP application or amendment application for any future improvements, even those improvements that would normally be exempt from permit requirements under Section 13250 of the Title 14 CCR.

As proposed and 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, 30211, and 30212 of the Coastal Act.

E. Water Quality

Section 30230 of the Coastal Act states:

"Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will

maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.”

Section 30231 of the Coastal Act states:

“The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.”

Section 30232 of the Coastal Act states:

“Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.”

Construction Impacts to Water Quality

The above policies of the Coastal Act require protection of marine resources, including the protection of coastal waters by controlling runoff and preventing spillage of hazardous materials.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species’ ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, the Commission imposes **Special Condition 3**, which outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicant to remove any and all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

The proposed project includes construction of a two-level basement. The applicant has submitted a Preliminary Soils Investigation report in conjunction with the proposed excavation activities for the basement. The report indicates that the groundwater level occurs 11 feet below grade. The project plans show that the bottom of the proposed subbasement is approximately at the water table. During the construction phase, the proposed subbasement would be dewatered using a filter and pump dewatering system.

All site water is proposed to be filtered and directed into the city sewer system, and no water is proposed to be discharged into the storm drains or onto the public beach. The proposed basement has been designed to prevent groundwater from entering the basement after construction through the construction of a mat slab foundation. The applicant asserts that dewatering would not be necessary for the residence after construction, but has nevertheless proposed to monitor the basement monthly for two years to determine if there are changes to the water table that would require changes to the basement foundation system. Regardless, as discussed in the Hazards section of this staff report, construction of the proposed lower level, entirely subterranean basement is not appropriate at the project site directly adjacent to the beach. Furthermore, the proposed dewatering plan does not account for changes to the groundwater level overtime that could occur with sea level rise. Should the groundwater level rise with rising sea levels, the basement would be subject to flooding and would require permanent dewatering. It is not known if the basement would be impacted by rising groundwater levels over the life of the development, but as stated earlier, the Commission is not required to approve a basement that is being proposed in an inherently hazardous area. Therefore, as conditioned, the lower level of the basement is prohibited and the bottom of the proposed structure would be located approximately 9.4 feet above the water table.

Post-Construction Impacts to Water Quality

The proposed project has the potential to adversely impact the water quality of the nearby Pacific Ocean. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development. In order to deal with these post construction water quality impacts, the applicant has submitted a drainage and runoff control plan that minimizes impacts to water quality the proposed project may have after construction. Roof runoff will be collected in roof gutters and will be directed down roof downspouts that connect to an underground drainage system. The underground drainage system transfers the water to the Filterra oil/grit separator that will also retain required stormwater volume. From there, the runoff is filtered through a Modular Wetland system, which is then discharged to a sump pump station before being directed to the Beach Avenue storm drain. Deck drains and trench drains along the side and front of the residence will direct surface runoff to the underground drainage system described above.

The applicant has stated that landscaping will consist of California native and water wise landscaping. While the proposed landscaping consists of non-invasive and drought tolerant plants, future landscaping may not consists of such plants. For water conservation, any plants in the landscape plan should only be drought tolerant to minimize the use of water (and preferably native to coastal Los Angeles County). In order to make sure that any onsite landscaping minimizes the use of water and the spread of invasive vegetation, the Commission imposes **Special Condition 4**, which imposes landscape controls that require that all vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

Thus, as conditioned, the Commission finds that the proposed project is consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

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 **Special Condition 10**, which requires 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 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

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by findings showing the approval, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).)

In this case, the City of Hermosa Beach is the lead agency and the Commission is a responsible agency for the purposes of CEQA. The City of Hermosa Beach determined that the proposed development is exempt under Section 15303(a), which exempts construction of a single-family residence in a residential zone from CEQA requirements.

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

- Coastal Development Permit Application No. 5-19-0955 and associated file documents.
- City of Hermosa Beach Certified Land Use Plan.