

**CALIFORNIA COASTAL COMMISSION**

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# W7d

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## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 5-21-0143

**Applicant:** The Rosen Family Trust

**Agent:** Srour and Associates, LLC

**Location:** 3033 The Strand, Hermosa Beach, Los Angeles County (APN: 4181-035-020)

**Project Description:** Demolish an existing three-story 25-ft. high, 4,046 sq. ft. single-family residence and construct a three-story, 25-ft high., 5,226 sq. ft. single-family residence with an approximately 10-ft. setback from the seaward property line, an attached two-car garage, and one exterior guest parking space on a beachfront lot.

**Staff Recommendation:** Approval with conditions.

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## SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to demolish an existing three-story, 25-ft. high, 4,046 sq. ft. single-family residence and construct a three-story, 25-ft. high, 5,226 sq. ft. single-family residence with an attached two-car garage and one guest parking space adjacent to the garage. The project also includes landscaping that incorporates low water use, noninvasive plantings, and 833 cu. ft. of grading (cut), which will be transported to a site outside of the coastal zone ([Exhibit 2](#)).

The project site is a 4,486 sq. ft. rectangular-shaped lot located adjacent to the public beach in a built out residential neighborhood in Hermosa Beach (the City). The majority of the project site's surrounding parcels accommodate 2 to 3-story single-family and multi-family residences ([Exhibit 1](#)). The project site is designated in the certified LUP as a Low-Density Residential lot, which corresponds to the R-1 zone in the City's uncertified zoning code. Pursuant to the LUP, the Low Density, or R-1, zone allows single-family residences to be developed. Thus, the construction of a single-family residence is an allowable use in the R-1 zone.

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 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 vulnerable to flooding. Thus, 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. These hazards concerns may be exacerbated by sea level rise that is expected to occur over the coming decades. 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, coastal flooding, 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. Therefore, the Commission imposes **Special Condition 1**, which requires the applicant to acknowledge that the development approved by this permit is not entitled to shoreline protection and to waive any rights to future shoreline protection. The Commission also imposes **Special Condition 4**, which requires the applicant to assume the risks of building in an area subject to coastal hazards.

The proposed structure has been designed with an approximately 10 ft. setback from the seaward property line on all three levels and 3 ft. from the side yard property lines. The setbacks are consistent with the certified LUP's setback requirements, and the proposed structure would not obstruct the public's ability to access and travel along The Strand. However, for the residences adjacent to The Strand, which are between the beach and the first public access road parallel to the beach, 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 Conditions 5 and 6**, which require the applicant to adhere to a minimum five-foot setback from the seaward property line for all habitable and non-habitable portions of the residence and require the applicant to submit a new CDP application or amendment application for any future improvements. Portions of The Strand contain approximately 5-6 ft.-wide private encroachments that have been developed by adjacent homeowners pursuant to the City's encroachment permit program. The project site does not currently contain an encroachment onto the Strand, and the applicant is not proposing development that would encroach onto The Strand beyond the property line.

As proposed by the applicant and conditioned by the Commission, the project can be found to be consistent with the Coastal Act Chapter 3 policies. Therefore, Commission staff recommends that the Commission **APPROVE** Coastal Development Permit No. 5-21-0143 with seven special conditions. The motion is on page 5.

## TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....	4
II. STANDARD CONDITIONS.....	4
III. SPECIAL CONDITIONS .....	4
IV. FINDINGS AND DECLARATIONS.....	8
A. Project Description and Background .....	8
B. Hazards.....	8
C. Public Access.....	11
D. Water Quality .....	12
E. Deed Restriction.....	13
F. Local Coastal Program (LCP).....	13
G. California Environmental Quality Act.....	14
APPENDIX A – SUBSTANTIVE FILE DOCUMENTS .....	14

## EXHIBITS

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

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – CoSMoS Analysis](#)

## 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 the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

## II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the 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.

## III. SPECIAL CONDITIONS

### 1. Waiver of Rights to Shoreline Protection

A. By acceptance of this permit, the applicant acknowledges that the development authorized by this permit – including the single-family residence, attached garage, foundations, and patio – 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.

B. By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that they are required to remove all or a portion of the development authorized by the permit, and restore the site, if:

- (1) the City or any other government agency with jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to damage or destruction from waves, flooding, erosion, or other hazards related to coastal processes, and that there are no feasible measures that could make the structures suitable for habitation or use without the use of shoreline protective devices;
- (2) essential services to the site (e.g., utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above;
- (3) removal is required pursuant to LCP policies for sea level rise adaptation planning; or
- (4) the development requires new and/or augmented shoreline protective devices that conflict with relevant LCP or Coastal Act policies.

In addition, the development approval does not permit encroachment onto public trust lands, and any future encroachment must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain. Any future encroachment would also be subject to the State Lands Commission's (or other designated trustee agency's) leasing approval.

## **2. Drainage Plans.**

A. The applicant shall undertake development in accordance with the drainage and run-off control plan received by Commission staff, dated February 26, 2021, showing that roof and surface runoff will be captured with downspouts and filtered catch basins, treated onsite with an infiltration system, and redirected to the municipal storm drain system.

B. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

## **3. Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris.**

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 applicant 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 stockpiles 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 is 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.

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 ft. from the property line. This shall apply to all habitable areas, non-habitable areas, and the foundation of the structure except for ground level patios.
6. **Future Development.** This permit is only for the development described in coastal development permit (CDP) No. 5-21-0143. 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. 5-21-0143. Accordingly, any future improvements to this structure authorized by this permit shall require an amendment to CDP No. 5-20-0143 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government. In addition, an amendment to CDP No. 5-21-0143 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).
7. **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 Background**

The applicant is proposing to demolish an existing three-story, 25-ft. high, 4,046 sq. ft. single-family residence and construct a three-story, 25, ft. high, 5,226 sq. ft. single-family residence with an attached two-car garage and one guest parking space adjacent to the garage. The proposed residence would be set back approximately 10 ft. from the seaward property line. The project also includes landscaping that incorporates low water use, noninvasive plantings and 833 cu. ft. of grading (cut), which will be transported to a site outside of the coastal zone ([Exhibit 2](#)).

The project site is a 4,486 sq. ft. rectangular-shaped lot located adjacent to the public beach in a built out residential neighborhood in Hermosa Beach. The majority of the project site's surrounding parcels accommodate 2 to 3-story single-family and multi-family residences ([Exhibit 1](#)). The project site is designated in the certified LUP as a Low-Density Residential lot, which corresponds to the R-1 zone in the City's uncertified zoning code. Pursuant to the LUP, the Low Density, or R-1, zone allows single-family residences to be developed. Thus, the construction of a single-family residence is an allowable use in the R-1 zone.

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 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 vulnerable to flooding. Thus, 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. These hazards concerns may be exacerbated by sea level rise that is expected to occur over the coming decades.

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 ft. and 6.8 ft. 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. 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 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 about 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.

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 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. Additionally, 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. In sum, shoreline protective devices, by their very nature, tend to conflict with 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 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.

The applicant provided a Coastal Hazards Analysis for this project dated February 26, 2021. The report concluded the project site was not vulnerable to coastal erosion, wave uprush, or coastal flooding under an estimated sea level rise range between 1.25 and 6.15 ft. Staff analyzed the project's susceptibility to coastal hazards by considering the conclusions of the applicant's coastal analysis and by conducting an independent analysis of the project site's susceptibility to coastal hazards. To conduct the independent analysis, staff 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 ft. 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 ft. 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-ft. 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-ft. sea level rise and 100-year storm scenario, the

project site is not anticipated to be subject to coastal flooding, coastal erosion or wave uprush; however, as discussed, the CoSMoS tool is based on a model simulation that may change as more accurate data is compiled and input into the model. The tool also does not account for all variables that could impact the extent and depth of coastal hazards. Moreover, coastal areas are dynamic environments and it is difficult to predict with certainty how any particular project site will be impacted ([Exhibit 3](#)).

Therefore, the proposed 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. The proposed development is not entitled to shoreline protection, and to confirm this the Commission imposes **Special Condition 1**, which requires the applicant to acknowledge that the development approved by this permit is not entitled to shoreline protection and to waive any rights to future shoreline protection. 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 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 4**, which requires the applicant to assume the risk of 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. Public Access**

The project site is located adjacent to The Strand, an approximately 20-ft. wide public lateral accessway 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 ([Exhibit 1](#)). The Strand extends for approximately four miles, from 45<sup>th</sup> Street (the border between El Segundo and Manhattan Beach) to Herondo Street (the border between Hermosa Beach and Redondo Beach). Portions of The Strand contain approximately 5-6 ft.-wide private encroachments that have been developed by adjacent homeowners pursuant to the City's encroachment permit program. The project site does not contain an encroachment onto the Strand, and the applicant is not proposing development that would encroach onto The Strand beyond the property line. In fact, the residence would be set back approximately 10 ft. from the seaward property lines on all levels of the proposed residence. Thus, the project will not adversely impact the public's ability to recreate to and along The Strand or the beach.

The project's location adjacent to the beach may cause adverse impacts to coastal views and public access. Section 13250 of Title 14 of the California Code of Regulations 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. However, for the residences adjacent to The Strand, which are between the beach and the first public access road parallel to the beach, 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. Moreover, as each residence encroaches closer to the Strand through even modest additions, the cumulative impact on coastal access (through a perceived privatization of the Strand) and public coastal views can increase overtime. As stated previously, the proposed residence would be 25 ft. high – consistent with the LUP's height requirements – and would be set back ten ft. from the seaward property line, well above the five ft. minimum setback requirement. In this case, the proposed project would not have cumulative impacts on public access or public coastal views. Nevertheless, the Commission imposes **Special Conditions 5 and 6**. **Special Condition 5** requires the applicant to adhere to a minimum five-foot seaward setback for all habitable and non-habitable portions of the residence, except for ground-level patios. **Special Condition 6** requires 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 14 CCR Section 13250.

As conditioned, the proposed development will not have any new adverse impact on public views or access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30251 of the Coastal Act.

#### **D. Water Quality**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. 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. 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 all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding untreated 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 also 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. To address 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 and surface runoff will be managed onsite using area drains and catch basins, and an onsite water infiltration system will treat runoff onsite and direct water flow to the municipal storm drain system. The Commission imposes **Special Condition 2** to ensure that the project conforms to the drainage and run-off control plan received on February 26, 2021.

The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, and for the use of post construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to maintain the biological productivity of coastal waters and to protect human health.

## **E. Deed Restriction**

To ensure that any prospective future owners of the property are made aware of the ongoing applicability of the conditions of this permit, the Commission imposes **Special Condition 7**, 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.

## **F. Local Coastal Program (LCP)**

The 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. Coastal Act Section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a CDP 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. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

## **G. California Environmental Quality Act**

In this case, the City of Hermosa Beach is the lead agency the purposes of CEQA. The City of Hermosa Beach determined that the proposed development is exempt under Section 15303(a) of Title 14 of the California Code of Regulations, which exempts construction of a single-family residence in a residential zone from CEQA requirements.

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)). The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. No public comments regarding potential significant adverse environmental effects of the project were received by the Commission prior to preparation of the staff report. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect, individual and cumulative, 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. 5-21-0143 and associated file documents.