

CALIFORNIA COASTAL COMMISSION

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F16c

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-21-0608

Applicant: Donald and Michelle Popkes Family Trust

Agent: Peter Audelo / Srour and Associates

Location: 1822 Palm Dr., Hermosa Beach, Los Angeles County
(APN: 4183-009-017)

Project Description: Demolish existing two-story, 955 square-foot single-family residence with an attached one-car garage, the retaining wall on the east side of the property, and a portion of the accessory structure that straddles the property line and construct a new approximately 30-foot-high, 2,143 square foot, three-story over basement single-family residence with roof deck, 409 square-foot attached 2-car garage with one guest parking space in the driveway, and new retaining wall in the rear yard.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The applicant proposes to demolish an existing two-story, 955 square-foot single-family residence with an attached one-car garage, the retaining wall on the east side of the property, and a portion of the accessory structure that straddles the property line and construct a new approximately 30-foot-high, three-story over basement, 2,143 square-

foot single-family residence with a roof deck, attached 409 square-foot 2-car attached garage with one additional parking space in the driveway and new retaining wall in the rear yard. The project site is a 1,290 square-foot lot designated R2 (two-family residential) by the City's certified LUP. Currently, a retaining wall and an approximate 280 square-foot¹ pre-Coastal Act accessory structure overlap approximately 2.5 feet² over the shared rear property line with the property to the east, 1825 Manhattan Avenue, and onto the subject property. The proposed project requires 250 cubic yards of grading, all of which would consist of cut that would be transported to a site outside of the coastal zone.

The project is consistent with the development, public access, and community character policies of the Coastal Act. Although the proposed 30-foot-tall residence would not impact public coastal views in the area, it is inconsistent with the certified LUP, which restricts the height of single-family residences in the R-2 zone to twenty-five feet (multi-family residences are allowed a maximum height of thirty feet). The City has interpreted the 30-foot height limit to apply to all structures in the R-2 zone, but this interpretation has been disputed by Commission staff. Furthermore, 300 square-feet of open space is proposed, which is inconsistent with the certified LUP, which requires a minimum of 400 square feet of qualified open space for single-family residences in the R-2 zone (only 300 square feet of open space is required for multi-family residences). The City has interpreted the 300 square feet open space requirement to apply to all structures in the R-2 zone. In this case, there is no coastal resource basis to require an additional 100 square feet of open space. To prevent long-term inconsistencies when an LCP is eventually prepared, the City should process a LUP amendment to update the height limit and open spaces policies. Until then, the Commission will need to review projects that are not consistent with the LUP's current height limit and open space policies on a case-by-case basis to ensure coastal resources will not be impacted.

There is a retaining wall and accessory structure that straddle the property line between 1822 Palm Drive and 1825 Manhattan Avenue. The applicant's plans originally submitted to the Commission did not include a site survey or demolition plans of the retaining wall or accessory structure straddling the property line. However, the applicant intends to remove only the portions of the existing retaining wall and accessory structure on the applicant's property in order to be compliant with the five-foot rear yard setback required by the City and the certified LUP. However, to demolish the portion of the retaining wall and accessory structure that are beyond the boundary of the applicant's property, authorization is needed from the adjacent property owner. Therefore, staff recommends **Special Condition 1** which requires the applicant to submit final revised plans reviewed and approved by the City of Hermosa Beach for either the full or partial demolition of the retaining wall and accessory structure as well as a written authorization from the adjacent property owner at 1825 Manhattan Avenue if demolishing portions of the structure beyond the applicant's property line. **Special Condition 1** also requires any components of the retaining wall or accessory structure

¹ Measurement calculated using Google Maps.

² As estimated by the adjacent property owner.

that will remain in place be specifically marked on the plans as development excluded from this approval and that no coastal development permit has been approved or issued to demolish the remaining portion of the retaining wall or accessory structure.

To ensure consistency with Chapter 3 of the Coastal Act, Commission staff recommends four (4) special conditions: 1) Submittal of Revised Final Plans, 2) Drainage Plans, 3) Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris, and 4) Conformance with Approved Final Plans and Geotechnical Recommendations. As thus conditioned, Commission staff recommends that the Commission find the project consistent with Chapter 3 of the Coastal Act and **APPROVE** coastal development permit application 5-21-0608. The motion is on Page 5 of the staff report.

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EXHIBITS

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

[Exhibit 2 – Project Plans](#)

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MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. 5-21-0608 pursuant to the staff recommendation.

Staff recommends a **YES** vote. 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 the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, two (2) full-size sets of revised final plans that have been reviewed and approved by the City of Hermosa Beach, which demonstrate either:

A. The demolition of the portion of the retaining wall and accessory structure that straddle the property between 1822 Palm Drive and 1825 Manhattan Avenue that lie on the applicant's property. The applicant shall mark the portion of the retaining wall and accessory structure on the neighboring property that will not be demolished with the following statement: "This portion of the retaining wall and accessory structure on the plans is not a part of the approval, and no coastal development permit has been approved or issued to demolish this portion of the structures."

OR

B. The demolition of any or all of the retaining wall and accessory structure that straddle the property line between 1822 Palm Drive and 1825 Manhattan Avenue that lies outside of 1822 Palm Drive, and the authorization from the property owner at 1825 Manhattan Avenue for such demolition.

Any proposed changes to the approved revised final plans shall be reported to the Executive Director. No changes to the approved revised final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Drainage Plans.

A. The applicant shall undertake development in accordance with the drainage plan received by Commission staff on October 12, 2021, showing that roof and surface runoff will be captured by downspouts, area drains, a sump pit for the basement subdrain and a biofiltration system, which are directed to the public right-of way and storm drain.

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.** 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 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) Conformance with Approved Final Plans and Geotechnical Recommendations.

All final design and construction plans, including grading and drainage plans, shall be consistent with all recommendations contained in the Additional Recommendations for Proposed Three-Story Single Family Residence with Basement, prepared by C.Y. Geotech, Inc. dated June 24, 2022; the Geotechnical Engineering Investigation, Propose Three-Story Single Family Residence, prepared by C.Y. Geotech, Inc. dated September 30, 2019; and Infiltration Test for Proposed Infiltration System, proposed Three-Story Single Family Residence, prepared by C.Y. Geotech, Inc. dated October 5, 2020.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required for any proposed minor deviations.

FINDINGS AND DECLARATIONS

A. Project Description and Background

The applicant proposes to demolish an existing two-story, 955 square-foot single-family residence with an attached one-car garage, and construct a 30-foot-high, three-story over basement, 2,143 square-foot single-family residence with a roof deck, an attached 409 square-foot two-car attached garage with one additional parking space in the driveway, and new retaining walls in the rear yard (**Exhibit 2**). Currently, a retaining wall and an approximately 280 square-foot³ accessory structure, built circa 1952⁴, extend from the adjacent property at 1825 Manhattan Avenue onto the applicant's property by approximately 2.5 feet⁵ (**Exhibit 3**). The applicant proposes to remove the portions of the retaining wall and accessory structure that extend onto the applicant's property. The applicant also proposes approximately 250 cubic yards of grading, all of which would consist of cut that would be transported to a site outside of the coastal zone.

The project site is in a highly urbanized neighborhood and is approximately 700 feet inland from the beach and landward of the first public road parallel to the sea. The

³ Measurement calculated using Google Maps.

⁴ As estimated by the adjacent property owner.

⁵ As estimated by the adjacent property owner.

project site consists of a 1,290 square foot lot and is zoned R-2, which corresponds to the Medium-Density zone in the City of Hermosa Beach's Land Use Plan (LUP). The R-2 zone permits single-family residences and two detached or attached residential units to be developed on such lots.

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. 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:

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.

Density

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 to minimize impacts on coastal resources and to discourage residential sprawl into more rural or sparsely populated areas that are not adequately developed to support new residential development and where coastal resources could be threatened.

The current residence was constructed in 1920, prior to passage of the Coastal Act and its predecessor, the California Coastal Zone Conservation Act. The project proposes to replace a single-family residence with another single-family residence and would not result in the loss of existing residential units onsite.

The project site is in a densely developed residential area and is located approximately a half mile from grocery stores, shops, restaurants, and entertainment facilities that are easily accessed by public transportation, foot, and bicycle. Thus, the proposed project is consistent with Sections 30250 and 30253 as the project adequately concentrates development in an area that can accommodate it and minimizes vehicle miles traveled.

Development Standards

The certified LUP, which is not the standard of review but provides guidance, protects coastal views through building height policies. Section 4.C. of the Certified LUP (Coastal Development/Design) states:

Existing Policies & Program

Policy: That the City should restrict building height to protect overview and viewshed qualities and to preserve the City’s existing low-rise profile.

Program: Zoning and building codes limit the height of all structures, depending on zone. The maximum height in each residential R-1, R-2, and R-3 zones are 25 ft., 30ft., and 35 ft. respectively. The maximum height in the City is 45 ft. or three stories and is in the commercial zone. (See Appendix G, Table XIII.)

Appendix G, Table XIII states:

Zone	Uses	Lot Area per Dwelling Unit
R-1	Single family dwellings, accessory building	1 lot/1 dwelling unit
R-2 R-2B	Single-family dwellings built to R-1 standards; duplexes; condominiums. (For lots less than 30 ft. wide, only a single-family residence)	1,200 square ft./1 dwelling unit
R-3	Multiple Dwellings (For lots less than 2,400 square ft., only a single-family residence)	950 square ft./1 dwelling unit.
R-P	Residential use- develop to R-3 requirements Professional use- subject to Conditional Use Permit	Same as R-3

The project site is in the R-2, or Medium Density zone. Section 4.C of the certified LUP states that the maximum height limit for structures in the R-2 zone is 30 feet. The City has typically interpreted the 30-foot height limit in the R-2 zone to apply to all structures, regardless of whether the structure is a multi-family structure or a single-family residence. However, Appendix G, Table XIII specifies that single-family residences in the R-2 zone must be built to R-1 standards, which limit building height to 25 feet. Thus, the proposed project- a 30-foot tall single-family residence in the R-2 zone- would not be consistent with the LUP's height limit policies. However, the project site is located landward of the first public road in an area that does not provide public coastal views. Based on staff's review of the project, the 30-foot-high single-family residence would not adversely impact public coastal views in the area.

Appendix G, Table XIII also establishes open space requirements for each residential zone.

Appendix G, Table XIII states:

Zone	Uses	Usable Open Space
R-1	Single family dwellings, accessory building	400 square ft. Min. dimension of 10'
R-2 R-2B	Single-family dwellings built to R-1 standards; duplexes; condominiums. (For lots less than 30 ft. wide, only a single-family residence)	300 square ft. per d.u. [dwelling unit] Min. dimension of 7'
R-3	Multiple Dwellings (For lots less than 2,400 square ft., only a single-family residence)	As required on Zoning Map
R-P	Residential use- develop to R-3 requirements Professional use- subject to Conditional Use Permit	As required on Zoning Map

According to the certified LUP Appendix G, Table XIII, the open space requirement for structures in the R-2 zone is 300 square feet. However, Table XIII specifies that single-family residences in the R-2 zone must be built to R-1 standards, which increase the

open space requirement to 400 square feet. The City has typically interpreted both the height and open space requirements of the R-2 zone to apply to all structures, regardless of whether the structure is a multi-family structure or a single-family residence, and has only required 300 square feet of open space in the R-2 zone. Again, staff has determined that the 400 square feet open space requirement would apply to single-family residences in the R-2 zone under the certified LUP. Thus, the proposed single-family residence with 300 square feet of qualified open space in the R-2 zone would not be consistent with the LUP's open space requirement. However, here, there is no coastal resource basis to require the additional 100 square feet of open space. Furthermore, an additional 58 square feet of the roof deck was not included in the open space calculations by the City,⁶ which could be considered additional useable outdoor space. Based on staff's review of the project, the reduced amount of open space would not adversely impact coastal resources in the area. Lastly, the proposed single-family residence meets all other open space standards such as setbacks and lot coverage.

It is imprudent of the City to continually disregard the LUP's current policy of restricting single-family residences in the R-2 zone to a height of 25 feet and an open space requirement of 400 square feet. This could cause conflicts when the City eventually prepares an LCP. The best way to address this inconsistency is for the City to submit an amendment to their certified LUP to update their height and open space policies. In the meantime, the Commission will need to review projects that are not consistent with the LUP's height limit and open space policies on a case-by-case basis to ensure that such projects do not adversely impact coastal resources.

Structures Straddling the Property Line

As previously described, the 1,290 square-foot lot is developed with a two-story 955 square-foot single-family residence with an attached one-car garage, as well as a retaining wall and accessory structure in the rear yard. The retaining wall and accessory structure straddle the property line between 1822 Palm Drive and 1825 Manhattan Avenue.⁷ The accessory structure is used as a laundry room by the adjacent property owner.

The applicant's plans originally submitted to the Commission did not include a site survey or demolition plans of the retaining wall or accessory structure straddling the property line. However, the applicant has modified the project description to remove the retaining wall on the east side of the property and the portion of the accessory structure on the applicant's property in order to be compliant with the five-foot rear yard setback required by the City and the certified LUP. Should the applicant proceed with the

⁶ The City limits open space on roof decks to a maximum of 100 square feet with a minimum dimension of seven feet by seven feet.

⁷ The analysis here is based upon the resource protection policies of the Coastal Act. The Commission takes no position on whether the structure itself is owned by the applicant or the adjacent property owner or both, or on whether the applicant has a right, based on general property law principles or any law other than the Coastal Act, to demolish all or a portion of it.

demolition of any portion or all of the retaining wall and accessory structure that lie beyond the applicant's property line, authorization would be needed from the adjacent property owner.⁸ Therefore, the Commission imposes **Special Condition 1** requiring the applicant to submit final revised plans reviewed and approved by the City of Hermosa Beach for either the full or partial demolition of the retaining wall and accessory structure as well as authorization from the adjacent property owner at 1825 Manhattan Avenue for any work to be performed beyond the applicant's property line. **Special Condition 1** also requires any components of the retaining wall or accessory structure that will remain in place be specifically marked on the plans as development excluded from this approval and that no coastal development permit has been approved or issued to demolish the portion of the retaining wall or accessory structure.

Additionally, the adjacent property owner is concerned that the proposed project could potentially damage their residential structure and disrupt utility services (e.g., water and sewer). The applicant's geotechnical report dated June 24, 2022 by C.Y. Geotech, Inc., recommends that the project design include a "soldier pile shoring system to stabilize high temporary excavations and to protect adjacent property from temporary excavations" as well as a program for monitoring of temporary excavation, including a pre-construction survey of adjacent facilities. To stabilize and protect the adjacent property, the Commission imposes **Special Condition 4** requiring the applicant to follow the recommendations provided by C.Y. Geotech, Inc.

Community Character

The surrounding area is characterized by a mix of single-family and multi-family residences of two to three stories in height and sizes ranging from 572 square feet to 10,432 square feet. The proposed development of a three-story 2,143 square foot single-family residence at 1822 Palm Drive would be compatible with the character and scale of the surrounding area.

Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30253 of the Coastal Act.

C. 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.

⁸ Coastal Act section 30601.5

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.

Certified LUP Policy 3.C.1, in relevant part:

Policy: That the City should not allow the elimination of existing on-street parking or off-street parking spaces within the coastal zone. Future residential and commercial construction should provide the actual parking necessary to meet the demand generated.

Program: ...Two on-site parking spaces are required for each residence that is constructed, with an additional guest space provided per every three units constructed...

The subject site is located approximately 700 feet inland of the public beach and landward of the first public roadway, in a built-out residential neighborhood in Hermosa Beach (**Exhibit 1**). The proposed project includes construction of a 409 square-foot attached two-car garage plus one additional guest parking space in the driveway. On-site parking is accessed through the alley, Palm Drive, which does not provide public street parking.

The purpose of on-site parking requirements in the certified LUP is to prevent impacts to public access to the coast. The proposed three parking spaces meets the LUP requirement of a total of two off-street parking spaces for a single-family residence. In addition, the proposed development would not remove any existing on-street parking. Therefore, the proposed parking for the single-family residence would not impact public's ability to access the coast.

As proposed, the Commission finds that proposed development will not have any new adverse impacts on access to and along the coast or nearby recreational facilities and, thus, conforms to Sections 30210 and 30211 of the Coastal Act.

D. 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.

The applicant proposes a three-story home with a habitable basement to an approximate depth of eight feet below grade. The design of the home also includes seventeen soldier piles approximately twenty feet below grade. Staff analyzed the project site's vulnerability to sea level rise impacts using USGS Coastal Storm Modeling System (CoSMoS) data through Our Coast, Our Future, a mapping tool developed by Point Blue Conservation Science and USGS Pacific Coastal and Marine Science Center.⁹ The CoSMoS model, under a worst case scenario of 6.6-foot sea level rise (the closest available option that was within the determined sea level range) and a 100-year storm scenario, revealed that the project site is not anticipated to be within a low-lying flood prone area and will not experience a rising groundwater table.¹⁰ As a result, the proposed basement and the soldier piles are not anticipated to intersect with groundwater levels at present or over the lifespan of the development.

Therefore, the Commission finds that the proposed development is consistent with Section 30253 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,

⁹ Projected flood exposure data are from the USGS Coastal Storm Modeling System (CoSMoS v3.0; Barnard et al. 2018), accessed via the Our Coast Our Future web platform (Point Blue Conservation Science and USGS 2022). <https://ourcoastourfuture.org/hazard-map/>.

¹⁰ While the CoSMoS groundwater model presents options for subsurface coastal geology and does not include local factors such as pumping or changes in groundwater recharge, it functions as a screening tool to identify areas that may experience increasing groundwater hazards with sea level rise.

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 inhibit light penetration and reduce habitat quality and foraging success for avian and marine species. 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 applicants to remove 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.

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. To address water quality impacts the proposed project may have post construction, the applicant submitted a drainage and runoff control plan that includes area drains, downspouts, a sump pit for the basement subdrain and a biofiltration system, which are directed to the public right-of way and storm drain.

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, sediment and erosion control

measures, and for the use of post construction best management practices to minimize the project's adverse impact on coastal waters to maintain the biological productivity and the quality of coastal waters. The Commission imposes **Special Condition 2**, which ensures that the project conforms to the drainage and run-off control plan received on October 12, 2021. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230, 30231 and 30232 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

F. Local Coastal Program (LCP)

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 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. 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

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act ("CEQA"). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that 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. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect, individual or 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. 5-21-0608 and associated file documents.