

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

**W7b****ADDENDUM**

November 7, 2007

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM W7b**, COASTAL COMMISSION PERMIT APPLICATION  
**#5-07-306 (Shaw)** FOR THE COMMISSION MEETING OF **November 14, 2007**.

**Changes to Staff Report**

Commission staff recommends modifications and additions to the Section III (Special Conditions) of the staff report for clarification purposes. Deleted language is in strike through and new language to be added is shown in **bold, underlined italic**, as shown below:

Page 6 – Modify Section III, Special Conditions, as follows:

**5. Lot Merger**

~~PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT~~, the applicant shall provide evidence, for the review and approval of the Executive Director, that the properties identified as Lots 11, 12, 13 and 14, in Exhibit #3 of the staff report, dated December 7, 2007, have been legally merged into one parcel pursuant to applicable State and Local statutes. The merged lots shall be held as one parcel of land for all purposes including, but not limited to, sale, conveyance, development, taxation, or encumbrance.

After the document implementing the merger is recorded, the applicant shall provide a copy of the document to the Los Angeles County Assessor's office and request that the assessor's office revise its records and maps to reflect the merger of the parcels.

**By acceptance of this permit, the applicant agrees, on behalf of himself and all successors and assigns with respect to the subject property, that: (1) All portions of the properties identified as Lots 11, 12, 13 and 14, in Exhibit #3 of the staff report, shall be recombined and unified, and shall henceforth be considered and treated as a single parcel of land for all purposes, including but not limited to sale, conveyance, lease, development, taxation or encumbrance; and (2) the single parcel created thereby shall not be divided, and none of the parcels existing at the time of this permit approval shall be alienated from each other or from any portion of the combined and unified parcel hereby created.**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, and after the document implementing the recombination and unification is recorded, the applicant shall provide a copy of the document to the Los Angeles County assessor's office and request that the assessor's office revise its records and maps to reflect the recombination and unification of the parcels.**

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**W7b****ADDENDUM**

October 31, 2007

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM W7b**, COASTAL COMMISSION PERMIT APPLICATION  
**#5-07-306 (Shaw)** FOR THE COMMISSION MEETING OF **November 14, 2007**.

**Changes to Staff Report**

Commission staff recommends modifications and additions to Section III (Special Conditions) of the staff report for clarification purposes. Deleted language is in strike through and new language to be added is shown in **bold, underlined italic**, as shown below:

Page 3 – Modify Section III, Special Conditions, as follows:

**1. Parking Plan**

The applicant shall conform to the submitted Parking Plan agreed to by the City of Hermosa Beach (Planning Commission resolution 06-1). A minimum of 38 parking spaces shall be provided and maintained on the site to serve the approved ~~44,580~~ **20,649** square-foot ~~commercial condominium building~~ **multi-use manufacturing building** complex. Any proposed change in the number of parking spaces, square footage of the commercial development, or change in use shall be submitted to the Executive Director. No such change shall occur without a Commission amendment to this permit unless the Executive Director determines that no amendment is legally necessary, pursuant to the requirements of the Coastal Act and the California Code of Regulations.

**CALIFORNIA COASTAL COMMISSION**

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200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



Filed: October 5, 2007  
49th Day: November 23, 2007  
180th Day: April 2, 2008  
Staff: Gabriel Buhr-LB  
Staff Report: October 17, 2007  
Hearing Date: November 14 – 16, 2007  
Commission Action:

**W7b****STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-07-306

**APPLICANT:** David B. Shaw

**AGENT:** Cheryl Vargo

**PROJECT LOCATION:** 601 Cypress Avenue, City of Hermosa Beach (Los Angeles County)

**DESCRIPTION:** Construction of a two-story over basement level, 30-foot high, 20,649 square foot multi-use manufacturing building with 38 on-site parking spaces on a 12,001 square foot, M-1 zoned lot. The proposed project also includes a lot line merger.

Lot Area	12,001 square feet
Building Coverage	10,091 square feet
Pavement Coverage	781 square feet
Landscape Coverage	1,129 square feet
Parking Spaces	38
Zoning	M-1 (Light Manufacturing)
Planning Designation	Industrial
Ht above final grade	30 feet

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**SUMMARY OF STAFF RECOMMENDATION:**

The applicant is proposing construction of a new multi-use manufacturing building. The major issues with this development involve ensuring that adequate parking is available on-site and managing potential effects it may have on water quality.

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with **Six (6) special conditions** addressing: **1)** parking plan; **2)** storage of construction materials and mechanized equipment and removal of construction debris; **3)** submittal of a water quality management plan; **4)** future development; **5)** legal merger of the four lots; and **6)** a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Hermosa Beach Land Use Plan, certified 4/21/82.
2. City of Hermosa Beach City Council P.C. Resolution No. 06-1.

**LOCAL APPROVALS RECEIVED:** City of Hermosa Beach Approval-in-Concept dated August 28, 2007.

**LIST OF EXHIBITS**

1. Location Map
  2. Assessor's Parcel Map
  3. Lot Line Plan
  4. Site Plan
  5. Elevations
- 

**STAFF RECOMMENDATION:**

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

**MOTION:**     *I move that the Commission approve 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 permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

**RESOLUTION:**

**I. APPROVAL WITH CONDITIONS**

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

## II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. 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 permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. SPECIAL CONDITIONS

### 1. Parking Plan

The applicant shall conform to the submitted Parking Plan agreed to by the City of Hermosa Beach (Planning Commission resolution 06-1). A minimum of 38 parking spaces shall be provided and maintained on the site to serve the approved 14,580 square-foot commercial condominium building complex. Any proposed change in the number of parking spaces, square footage of the commercial development, or change in use shall be submitted to the Executive Director. No such change shall occur without a Commission amendment to this permit unless the Executive Director determines that no amendment is legally necessary, pursuant to the requirements of the Coastal Act and the California Code of Regulations.

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

The permittee shall comply with the following construction-related requirements:

- Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity;

- No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain
- All trash and debris shall be disposed in the proper trash or recycling receptacle at the end of every construction day.
- Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. 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;
- Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
- The discharge of any hazardous materials into any receiving waters shall be prohibited;
- A pre-construction meeting shall be held for all personnel to review procedural and BMP/GHP guidelines;
- All BMPs shall be maintained in a functional condition throughout the duration of the project.
- Debris shall be disposed 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.

### **3. Water Quality Management Plan**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a revised Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

#### **Water Quality Goals**

- Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.
- Appropriate structural and non-structural BMPs shall be designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site.
- Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- Runoff from all roofs and parking areas shall be collected and directed through a system structural BMPs of vegetated areas and/or gravel filter strips or other

vegetated or media filter devices. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.

### **Parking Lot**

- The WQMP shall provide for the treatment of runoff from parking lots using appropriate structural and non-structural BMPs. At a minimum this must include a bioswale and/or filter designed specifically to minimize vehicular contaminants (oil, grease, automotive fluids, heavy metals), sediments, and floatables and particulate debris.
  - The applicant shall regularly sweep the parking lot at a minimum on a weekly basis, in order to prevent dispersal of pollutants that might collect on those surfaces.
  - Trench drains shall be installed and properly maintained at both the top and bottom of the ramp to the basement parking/storage area to prevent tracking of sediment and debris out of the project site.
  - The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used;
  - The applicant shall not spray down or wash down the parking lot unless the water used is directed through the sanitary sewer system or a filtered drain.
  - All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15<sup>th</sup> each year; (2) during each month between October 15<sup>th</sup> and April 15<sup>th</sup> of each year and, (3) at least twice during the dry season.
  - Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner;
  - It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification.
- B.** 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 (<http://www.CNPS.org/>), the California Invasive Plant Council (<http://www.cal-ipc.org/>), 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.



- C. The permittee shall undertake development in accordance with the final plan. Any proposed changes to the final plan shall be reported to the Executive Director. No changes to the final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

#### 4. **Future Development**

This permit is only for the development described in coastal development permit No. 5-07-306. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the development governed by the coastal development permit No. 5-07-306. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to changes in number of on-site parking spaces, change of building use, and repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 5-07-306 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

#### 5. **Lot Merger**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide evidence, for the review and approval of the Executive Director, that the properties identified as Lots 11, 12, 13 and 14, in Exhibit #3 of the staff report, dated December 7, 2007, have been legally merged into one parcel pursuant to applicable State and Local statutes. The merged lots shall be held as one parcel of land for all purposes including, but not limited to, sale, conveyance, development, taxation, or encumbrance.

After the document implementing the merger is recorded, the applicant shall provide a copy of the document to the Los Angeles County Assessor's office and request that the assessor's office revise its records and maps to reflect the merger of the parcels.

#### 6. **Deed Restriction**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner 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:**

The Commission hereby finds and declares:

##### **A. Project Description and Location**

The subject site is located at 601 Cypress Avenue, within the City of Hermosa Beach, Los Angeles County (Exhibit #1). The site is currently a vacant lot that has been used Shaw Concrete and Block for sand, gravel and materials storage. The current use is not in conformance with allowed uses for the described lots. The subject site is located within a small node along the inland border of the coastal zone that is designated as Industrial in the City's certified Land Use Plan, and is zoned Light Manufacturing (M-1) by the City. Allowable uses within this zone include manufacturing, warehousing, wholesale distribution and administrative offices associated with the aforementioned uses.

The 12,001 square foot lot is located on the northwest corner of the intersection of Cypress Avenue and 6<sup>th</sup> Street. The site is directly adjacent to light manufacturing and industrial uses along its northern, eastern and southern borders, and residential uses border the western edge of the property (Exhibit #2).

The applicant proposes to construct a three-story (over basement level), 30-foot high, 20,649 square-foot multi-use manufacturing building. The proposed project would include 5 manufacturing units with appurtenant offices situated on the second and third floors of the building; each office/manufacturing unit has an attached garage with four parking spaces. The basement and first floor would provide an additional 18 parking spaces and would also host a materials and sediment storage area for Shaw Concrete and Block. The office units comprise 8,289 square feet (40% of project), while the associated parking and storage areas account for the remaining 12,360 of development. Grading to accommodate the basement parking will consist of 2,630 cubic yards of cut. A lot line merger consisting of merging four single existing lots into a single parcel of land is also part of the proposed project (Exhibit #3).

The applicant is proposing water quality improvements as part of the proposed project as described in the proposed WQMP, consisting of rooftop and surface drainage directed to permeable areas. Any vegetated landscaped areas located on site shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (<http://www.CNPS.org/>) in their publications.

Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the

California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

**B. Community Character/Visual Quality**

The proposed three-story multi-use manufacturing building is compatible with the character and scale of surrounding development located within the small industrial node located along the inland border of the coastal zone in the southern portion of the City of Hermosa Beach. The Commission has recently approved other development for manufacturing and storage in the vicinity (CDP No. 5-03-226 and CDP No. 5-03-261). The proposed project as designed, and conditioned by the City, will have minimal impact on the residential uses located along the western border of the subject site.

Currently the subject site is used for the storage of sand, gravel and other materials by Shaw Concrete and Block. This current unpermitted use has negative impacts on the visual character of the area, as well as potential air and water quality impacts. The proposed project would move this storage inside an approved and conditioned structure designed to minimize these impacts on the surrounding area.

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, and has been designed to assure structural integrity. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250 and 30251 of the Coastal Act.

**D. Public Access/Parking**

In the South Bay, the cities of Manhattan Beach, Hermosa Beach and Redondo Beach provide limited on-street parking and limited public transportation options. The downtown beach pier area in Hermosa Beach is a major visitor destination for recreational purposes. The amount of public access to the beach is, in practice, therefore largely limited by the amount of on-street parking. For this reason, the Commission has generally required that development in near-beach areas provide all of its parking on-site, rather than reducing parking requirements by the presumed number of on-street parking spaces available.

Based on the current parking standard in the LUP, which requires 4 spaces per 1,000 square feet of office or retail space, the proposed development requires 34 parking spaces. The parking calculation is based on gross aggregate floor space for the office use. The applicant is proposing a supply of 12 parking spaces available in a subterranean parking structure, and an additional 6 accessible parking spots located adjacent to the building on the ground floor level, and 20 parking spots located in attached garages for the five upper level office units accounting for a project total of 38 provided parking spaces.

In order not to interfere with beach parking, the Commission has imposed **Special Condition #1**, which requires the applicant to provide and maintain a minimum of 34 on-site parking spaces for the proposed development and requires an amendment to this permit for any change in the number of parking spaces, square footage of the office uses or change in use of the proposed building complex.

The Commission also imposes **Special Condition #4**, which limits the uses and development for the proposed project and requires an amendment to this permit or a new coastal development

permit for any changes to the development, including, but not limited to land use, or intensification of use.

As conditioned, the proposed development will not have any new adverse impacts on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 and 30252(4) of the Coastal Act.

#### **E. Water Quality**

The proposed development will result in urban runoff entering the storm water system. Pollutants such as sediments or toxic substances such as grease, motor oil, heavy metals, pesticides and fertilizers are often contained within urban runoff entering the storm water system. In this case, the site drains a new parking lot, sediment and material storage areas, paved walkways and landscaped areas. Therefore, the primary post-construction water quality concerns associated with the proposed project include sediments, grease, motor oil, heavy metals, pesticides and fertilizer.

The proposed development would result in the discharge of storm water into the storm water conveyance system. As such, the amount of pollutants carried through the system would increase proportionally. Therefore, the project has the potential to affect the water quality of the coastal waters in Hermosa Beach.

The proposed multi-use manufacturing building is new development, which affords an opportunity to improve water quality. 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. Reductions in the amount of pollutants in the existing runoff would be one step to begin to reduce cumulative adverse impacts to coastal water quality. The proposed project drains a new 18-space parking area, paved storage areas, paved walkways and landscaped areas. As such, appropriate measures must be taken to assure that adverse affects on water quality are minimized.

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Due to this, the Commission has imposed **Special Condition #2**, which requires the applicant to comply with construction-related requirements related to storage of construction materials, mechanized equipment and removal of construction debris, and **Special Condition #3**, which requires the applicant to submit water quality management plan prior to issuance of the permit.

Other sources of polluted runoff could include runoff from the large amount of impervious surface in the proposed project and over-watering, which sometimes occurs from installation of landscaping with a high water demand. Plants with a high-water demand are typically not well-suited to the Mediterranean climate of southern California, and therefore often require intense fertilization and application of pesticides/herbicides as a maintenance regime, in addition to regular irrigation. Thus, this type of landscaping can add pollutants to both dry weather and stormwater runoff. Therefore, the use of drought tolerant plants or low-maintenance landscaping is a preferred alternative.

The term “drought tolerant” is equivalent to the terms “low water use” and “ultra low water use” as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in

California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 and is available for review at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>. The applicant has submitted a landscaping plan. Commission staff reviewed the submitted landscaping plan for drought tolerant vegetation and determined that the majority of the proposed plants are drought tolerant.

Invasive plants can invade an area and displace native plants, impeding restoration and preservation efforts. Seed dispersal can occur via water transport and drainage, wind, and via avian and mammalian species. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org>) and California Native Plant Society ([www.CNPS.org](http://www.CNPS.org)) in their publications. Commission staff reviewed the submitted landscaping plan and determined that the plan does contain one invasive species of limited concern, *Schinus molle* (Peruvian peppertree).

Therefore the Commission has imposed **Special Condition #3** requiring the applicant to comply with the submitted landscaping plan. The plan requires the applicant to plant non-invasive, drought tolerant vegetation on the site. Non-invasive, drought tolerant plants are used because they require little to no watering once they are established (1-3 years), they have deep root systems that tend to stabilize the soil, and are spreading plants that tend to minimize erosion impacts of rain and water run-off.

As conditioned, the Commission finds that the proposed development conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

**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 one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

**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 Commission conditionally certified the City of Hermosa Beach Land Use Plan on August 19, 1981. The Land Use Plan (LUP) was effectively certified with suggested modifications on April 21, 1982. The modifications were accepted and the LUP is certified. The City submitted a final draft of its zoning and implementation ordinances (LIP) and a revision to their LUP in 2000. The amendment and Implementation ordinance was scheduled for public hearing and Commission

action at the October 8, 2001 meeting, but the City withdrew. Therefore, these have not been certified and the standard of review for development in Hermosa Beach is still the Coastal Act.

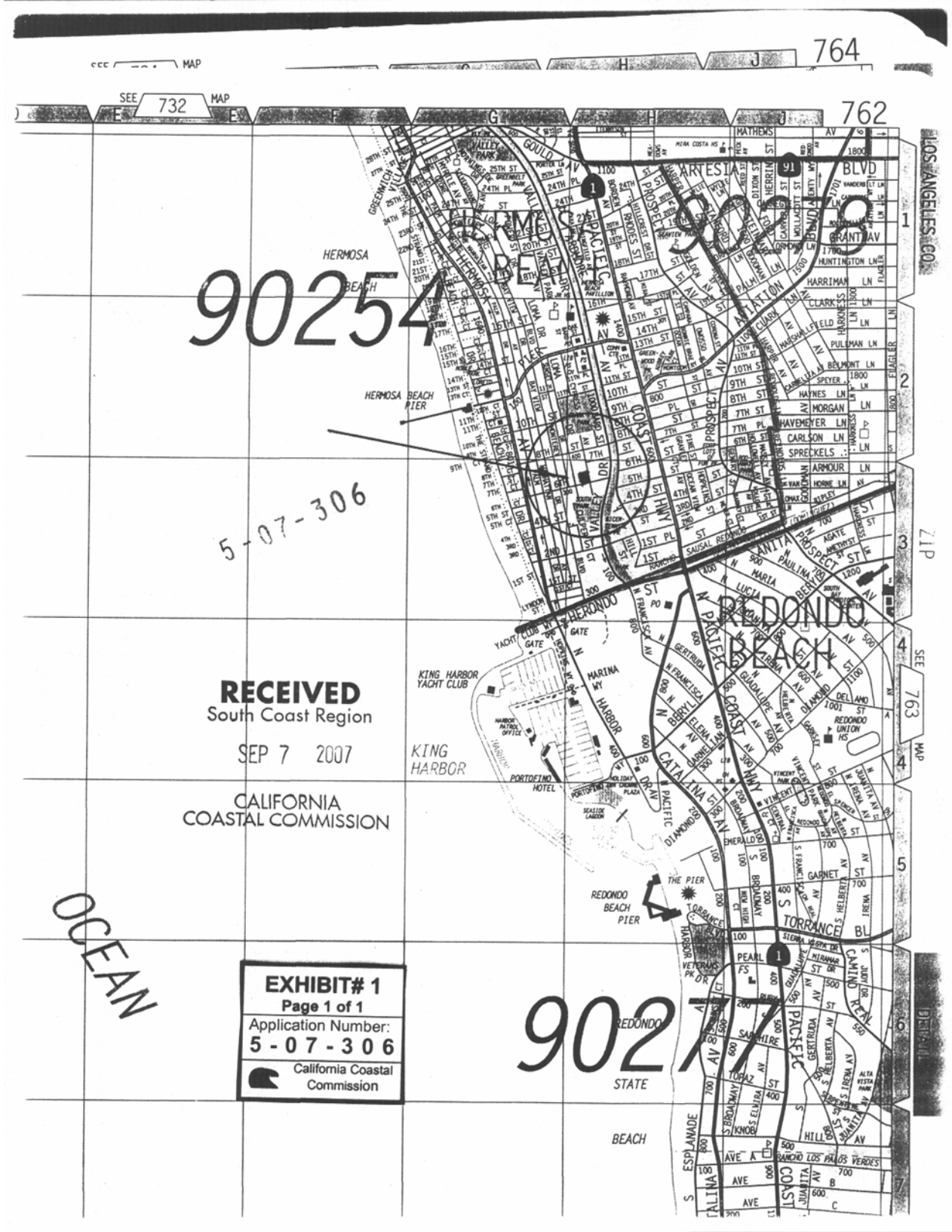
As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

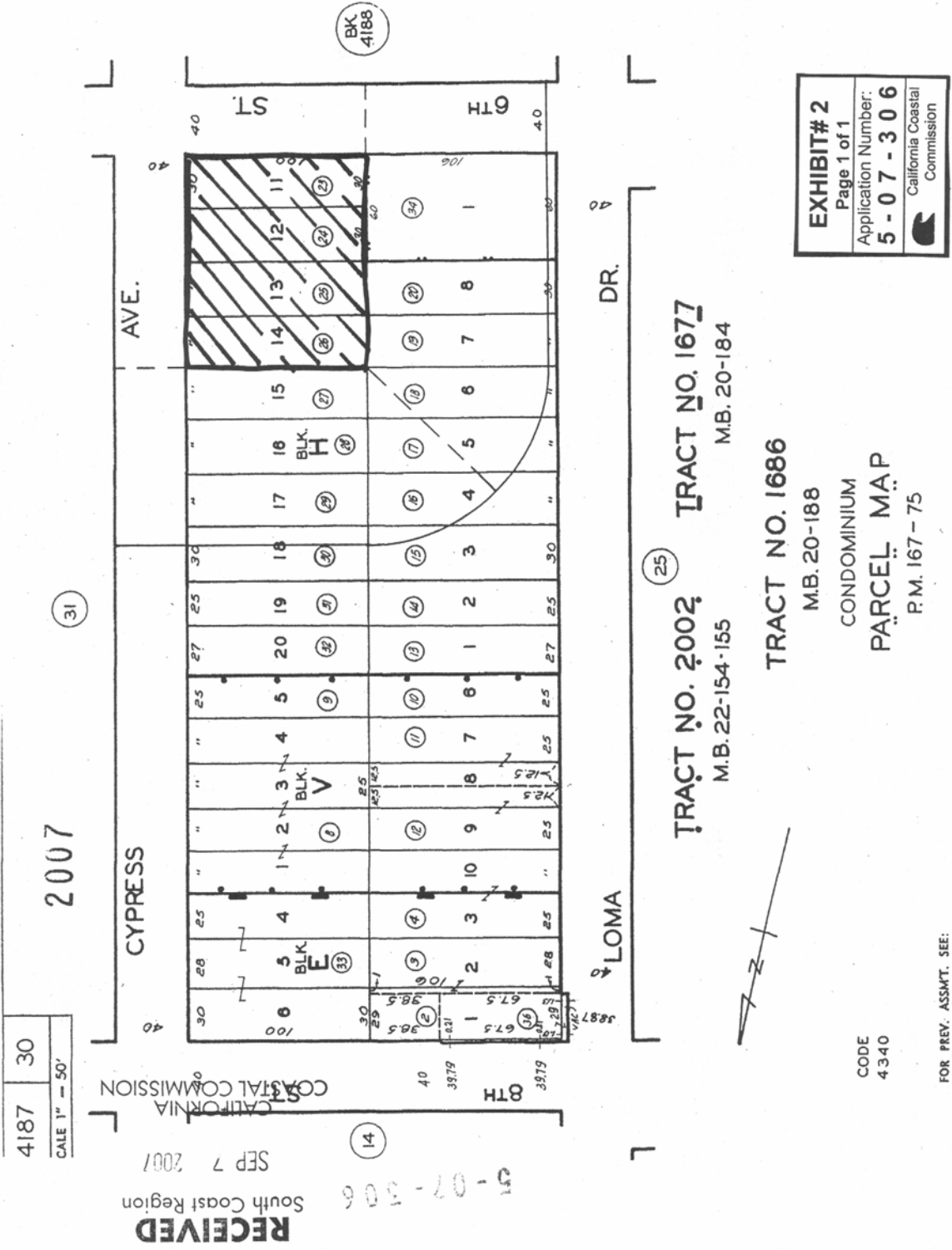
#### **H. California Environmental Quality Act**

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned 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 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.

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.

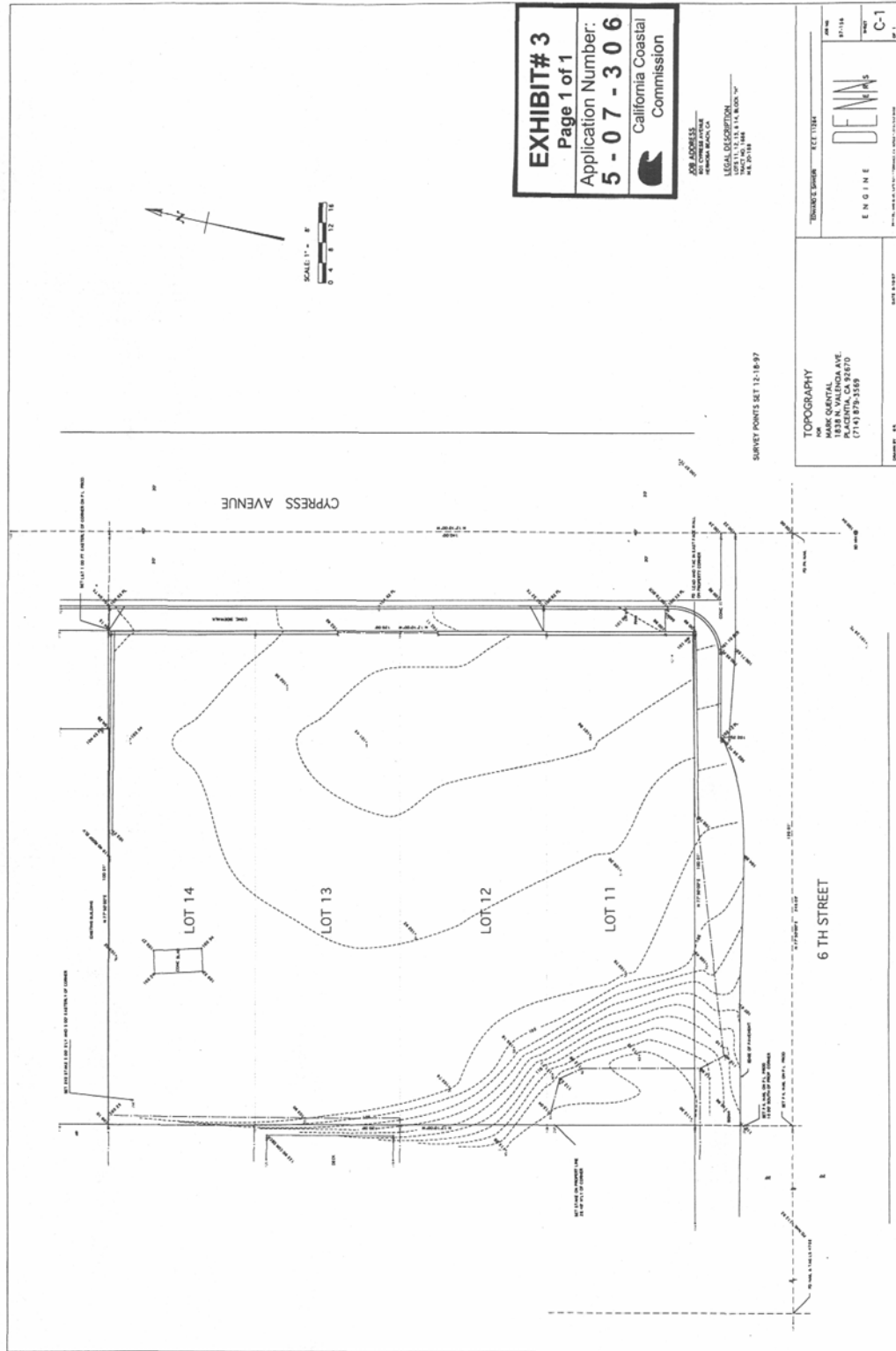
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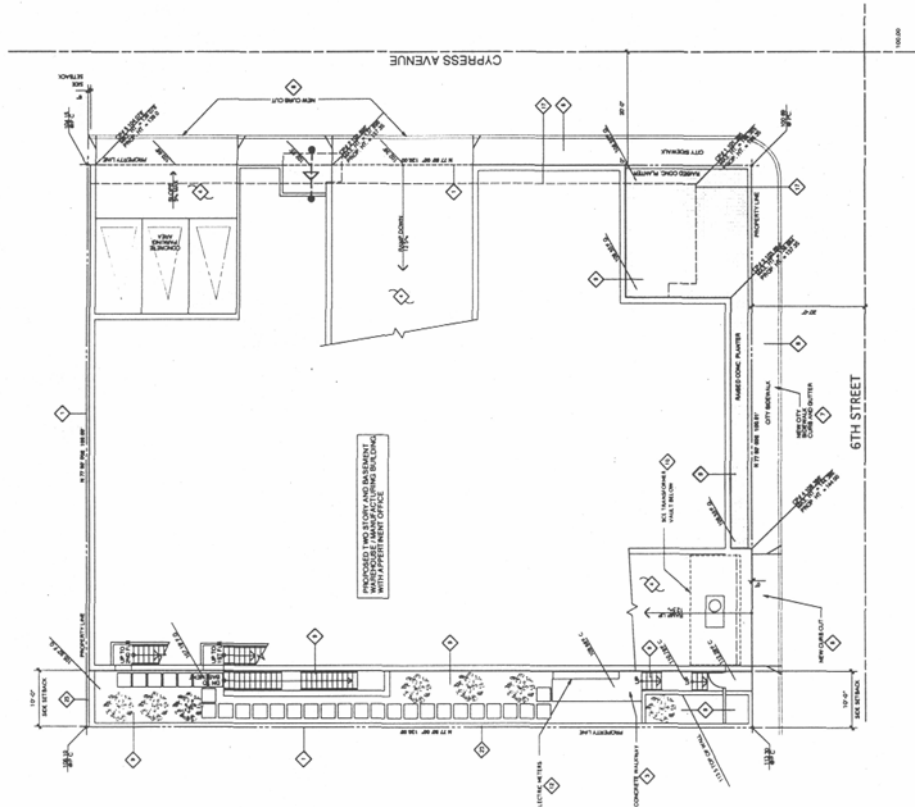
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**Application Number:**  
**5 - 07 - 306**

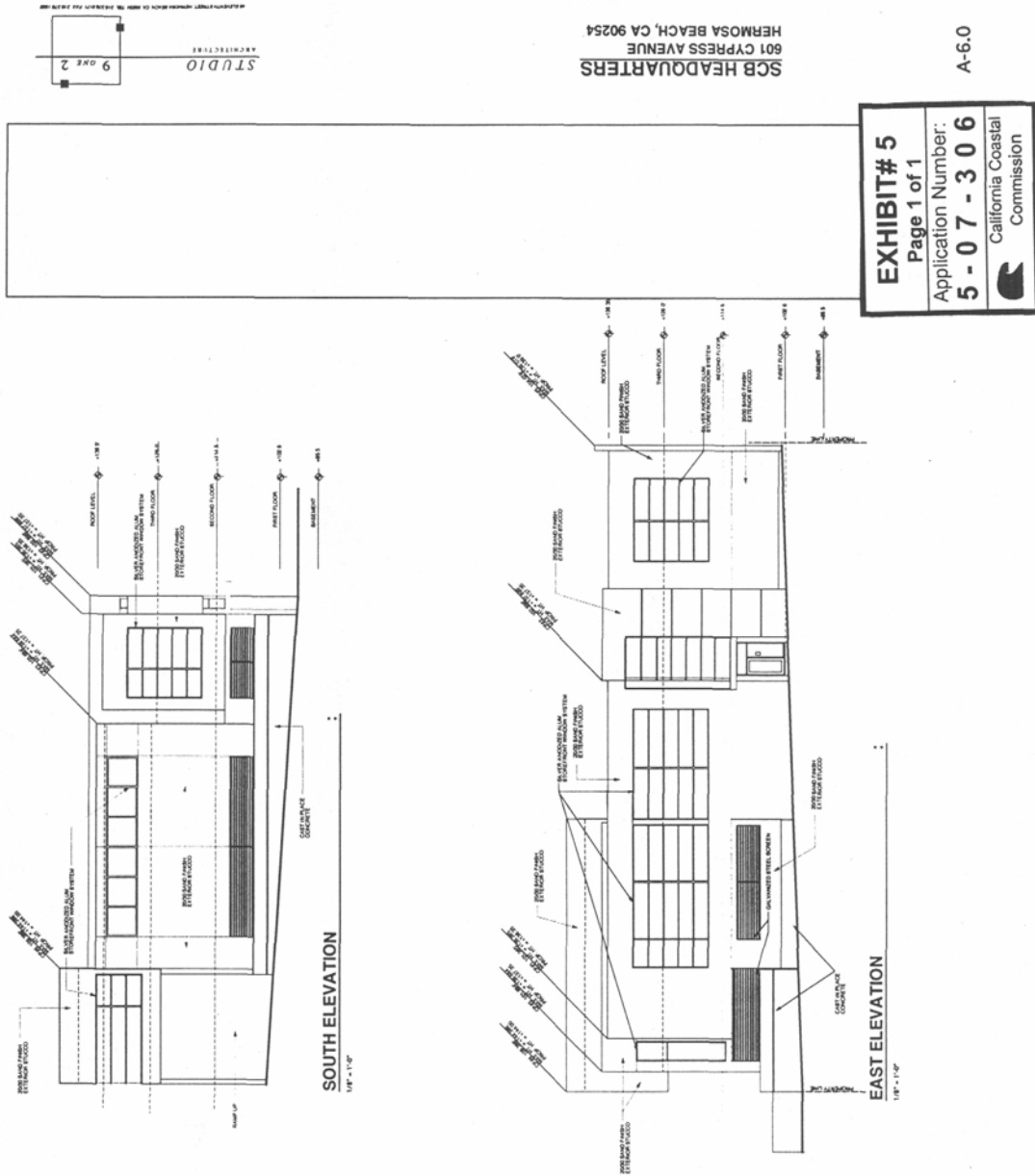
**California Coastal  
Commission**

A1.0

**SITE PLAN**  
1/8" = 1'-0"



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