

CALIFORNIA COASTAL COMMISSION

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**Th23b**

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-19-0195

Applicant: Michael Mileski

Agent: Srour and Associates

Location: 2410 Manhattan Avenue, Hermosa Beach, Los Angeles County
(APN: 4181-013-005)

Project Description: Demolition of two detached one- and two-story homes totaling 1,690 sq. ft. and construction of a three-story, 33-foot high, 5,058 sq. ft. single-family residence with a roof deck, basement, and attached 340 sq. ft. two-car garage.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant requests a permit to demolish two detached homes (a legal non-conforming use) on a single, inland lot and to construct a new single-family residence. The standard of review is Chapter 3 of the Coastal Act, and the proposed project raises potential Coastal Act issues related to loss of housing density (here, the loss of one unit) discouraged by Coastal Act Section 30250(a). The subject site is designated as Single-Family Residential (R-1) in the City's Zoning Code, which is not certified by the Coastal Commission. R-1 zoned properties only allow for single-family developments. The City's certified Land Use Plan (LUP), which is not the standard of review but can be used for guidance, provides that lots in the R-1 zone may only be developed with a single-family residence. The area of the subject lot is 3,002 sq. ft.

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 30253 requires new development to minimize energy consumption and vehicle miles traveled. These policies together encourage locating new development in appropriate areas that minimizes impacts on coastal resources and discourages residential sprawl in more rural or sparsely populated areas that are not adequately developed to support new residential development and where coastal resources could be threatened. In addition, the certified LUP identifies the preservation of existing housing stock as an important objective, and recognizes the need to continue the current mix of low, moderate, and high housing densities (refer to LUP Sections IV.B and IV.C above).

The subject site is located in a dense, residentially-zoned area. Although the project involves the loss of one housing unit, the project is consistent with the development standards of the certified LUP, which allow only single-family residences to be constructed on R-1 zoned lots. Thus, the project is consistent with Sections 30250 and 30253 of the Coastal Act because it is located in an already developed area that can accommodate it on a lot that the certified LUP designates as appropriate for single-family residences only; thus, the project is not expected to have cumulative adverse impacts to coastal resources. Accordingly, the proposed project is consistent with Coastal Act policies relating to locating new residential development in existing developed areas and minimizing energy consumption.

In addition, an option for maintaining density on this site (aside from a duplex) would be construction of an Accessory Dwelling Unit (ADU), which is permitted by the certified LUP. However, the City approved an ADU ordinance in 2018 in response to recent state legislation that requires all cities to allow ADUs. The City's ordinance is more restrictive than the state ADU laws (which would allow an ADU on any residentially zoned site developed with a single-family residence), because the City's ordinance limits ADUs to lots greater than 4,000 sq. ft. Thus, the City's ADU ordinance—which is not certified and is not the standard of review for this project—would not allow an ADU to be constructed with this single-family residence. In any event, an ADU is not proposed at this time.

During construction and post construction, the proposed project has the potential to impact water quality and marine resources. Therefore, two special conditions address and minimize impacts to water quality and marine resources as follows: **Special Condition No. 1** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris; and **Special Condition No. 2** imposes landscape controls that require that all vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

As conditioned, the project can be found consistent with the Coastal Act.

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EXHIBITS

[Exhibit No. 1 – Vicinity Map and Project Location](#)

[Exhibit No. 2 – Project Plans](#)

[Exhibit No. 3 – Site Photos](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-19-0195 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.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent 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

This permit is granted subject to the following special conditions:

1. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** By acceptance of this permit, the applicant agrees to 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 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 stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - J. The discharge of any hazardous materials into any receiving waters shall be prohibited;
 - K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
 - L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and

- M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

2. Water Quality, Drainage and Landscaping Plans.

- A. The applicant shall conform to the drainage and run-off control plan received on June 26, 2018, showing that roof and surface runoff will be captured with area drains and an on-site drainage system that ultimately directs to an existing storm drain main along Beach Drive. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a ‘noxious weed’ by the State of California or the U.S. Federal Government shall be utilized within the property. The applicant shall incorporate Best Management Practices (BMPs) into the construction and post-construction phases of the subject development. The applicant has also stated that they shall also comply with the applicable water efficiency and conservation measures of the City’s adopted CALGreen standards concerning irrigation systems, and efficient fixtures and appliances.
- B. The permittee shall undertake development in accordance with the approved final landscaping and drainage plans. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT DESCRIPTION AND LOCATION

The applicant is proposing to demolish two detached single-family residences on one lot that total 1,690 sq. ft. and to construct a 33-ft. high, three-story plus basement, 5,058 sq. ft. single-family residence with a roof deck, and a 340 sq. ft., two-car attached garage on a 3,003 sq. ft. lot ([Exhibit Nos. 1-3](#)). The site is located in a Single-Family Residential (R-1) zone, which only allows single-family residences. The LUP’s land use designation for the project site is low-density residential, which also only allows single-family residences. The development is consistent with the LUP development standards of the zone. A total of 601 sq. ft. of permeable landscaped area is proposed on the site. Proposed grading includes 705 cu. yd. of cut.

The Commission has certified the City’s LUP. However, the City does not yet have a certified implementation plan. At the time of its approval, the LUP was generally consistent with the City’s zoning code. However, the zoning code was not approved as part of the LUP. Subsequent to the Commission’s approval of the LUP, the City has undertaken numerous updates to their local zoning code and portions of it are no longer consistent with the LUP. The City’s zoning code is not the standard of review for coastal development permit applications in the City. The

Chapter 3 policies of the Coastal Act are the standard of review, 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, in pertinent part:

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

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

New development shall do all of the following:

(d) Minimize energy consumption and vehicle miles traveled

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

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

(f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site

in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.

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

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

The Commission has approved numerous projects in Hermosa Beach within close proximity to the subject site and involving the replacement of duplexes or triplexes with single-family residences. The proposed project is a similar type of project, and therefore raises potential issues as to whether the proposed single-family residence complies with Coastal Act policies relating to new development and housing density. However, the existing structures do not comply with requirements in the certified LUP regarding the number of units allowed on the site. In order to better understand the character of the neighborhood, the applicant undertook an analysis of the properties within a 100 ft. radius of the subject site to determine whether they contain single family residences or include multiple units. The analysis found that 20 of the identified 34 properties have single-family residences, while 14 of the properties have been developed with multi-unit structures. Thus, this neighborhood is largely characterized by single-family residences. Therefore, a single-family residence is appropriate development in this location and consistent with Section 30251 of the Coastal Act because it is visually compatible with the character of the surrounding area.

The subject site is designated as Single-Family Residential (R-1) in the City’s Zoning Code, which is not certified by the Coastal Commission. R-1 zoned properties only allow for single-family developments. Although the City of Hermosa Beach does not have a certified LCP, it does have a LUP that was certified by the Commission in 1982 and provides guidance as to whether the proposed project complies with Chapter 3 of the Coastal Act. On R-1 zoned properties, the Residential Zone Requirements in the LUP also only allow one dwelling unit per lot. Thus, under the certified LUP’s Residential Zone Requirements, construction of a new multi-unit development would not be allowed on the subject site.

In addition, the City approved an ADU ordinance in 2018 that prohibits the construction of ADUs on lots less than 4,000 sq. ft. and limits ADUs to lots zoned for residential use, with the exception of the mobile home park zone. The minimum lot size requirement may severely restrict opportunities to construct an ADU in the City’s Coastal Zone. Here, the ADU ordinance

would not allow construction of an ADU on the subject property because the lot is less than 4,000 sq. ft. *The ADU ordinance has not been certified by the Commission and is not the standard of review for this permit.* Thus, while the applicant could construct a single-family residence with an ADU on the site pursuant to state law, the ADU likely would not be permitted by the City as inconsistent with the City’s ADU ordinance (although whether the City could issue a variance to the ADU ordinance is unclear). In any event, an ADU is not proposed at this time. Nevertheless, in prior Commission action on a similar project in Hermosa Beach, approved by the Commission at the September 2019 Commission meeting (5-19-0137/Young), the Commission recognized the difficult position of project applicants attempting to comply with both the Coastal Act and the City’s uncertified ordinances, and did not require the project applicant to construct an ADU as a condition of approval.¹ As this project, unlike the project involved in Young, is consistent with the certified LUP, requiring construction of an ADU is not necessary here either.

The LUP for Hermosa Beach emphasizes the need to protect its housing stock and to maintain diversity in housing options. The LUP “Statement of Philosophy” in regard to coastal housing reads as follows:

The City of Hermosa Beach shall maintain its current housing environment. The City also recognizes the need to address certain housing policies which relate to the replacement and protection of existing housing, and the provision of new housing. These policies will be dealt with on a city wide basis...

The “Statement of Philosophy” is followed by several policies and programs to accomplish the goal of establishing and maintaining a diverse housing stock. The LUP identifies the intent of the Land Use Element of the LUP to establish low, medium, and high density residential zones, and to enforce building standards for each of the zones. The project site is located in the R-1 (single-family residential zone), which allows single-family residences only. In this case, the replacement of the two existing homes with a single-family residence is not expected to significantly affect the mix of housing stock in Hermosa Beach. Given that there are a large number of lots in the Coastal Zone where multi-family structures are allowed and encouraged by the certified LUP, it is reasonable to follow the City’s LUP housing density standards, which indicate that only single-family residences can be constructed on R1-zoned lots such as this one.

The subject site is located in a dense, commercial area where numerous residential opportunities are available. Grocery stores, shops, restaurants, and entertainment facilities are located within ½ a mile of the subject property, resulting in reduced vehicle miles traveled. In addition, the public beach is located within two blocks of the subject site. Accordingly, the proposed project is consistent with Coastal Act policies relating to locating new residential development in existing developed areas and minimizing energy consumption. Therefore, the project is located in an area that can accommodate it, will be consistent with the character of the area and the requirements of the certified LUP, and is not expected to have adverse cumulative adverse impacts to coastal resources.

¹ During the Commission’s September 2019 hearing, the Commission voted to approve the project with an additional special condition to design the residence in a manner that could accommodate an ADU should the homeowner decide to develop an ADU at some point in the future (with City approval).

The project raises potential issues regarding affordable housing. Here, the standard of review is Chapter 3 of the Coastal Act, which does not authorize the Commission to regulate or require affordable housing. That authority was removed from the Coastal Act by the Legislature, and a separate statute, the Mello Act (Government Code Section 65590), establishes requirements for affordable housing in the Coastal Zone that apply to local governments, not the Commission. Section 30604(f) of the Coastal Act, however, directs the Commission to *encourage* low and moderate income housing opportunities in the Coastal Zone. Approving a single-family residence on the subject property would not necessarily conflict with efforts to encourage more affordable housing in Hermosa Beach. While it is difficult to predict exactly how the loss of one unit at this location would impact affordability of housing in Hermosa Beach, smaller units are usually more affordable than larger units; however, here, it is unlikely that the current units offer affordable housing given their location.

Aside from an ADU, the only other option to maintain the existing density at the site would be to deny the proposed project and require the maintenance of legal nonconforming structures. However, the Commission certified the City's LUP policy which limits development on R-1 zoned lots in the in the Low Density Residential Area to a single-family residence only, so it is reasonable, and not inconsistent with Chapter 3 policies, to apply the LUP to this project and approve the proposed development.

More broadly, planning for concentration of development and encouragement of affordable housing can be done through a city's Local Coastal Program (LCP), as it is more difficult to do in a meaningful way on a project-by-project basis. Here, Hermosa Beach does not currently have a certified LCP. The Commission certified a LUP for Hermosa Beach in April 1982, but an Implementation Plan has not yet been finalized. Therefore, the City of Hermosa Beach has the opportunity to develop an LCP that can address housing density and affordable housing throughout the Coastal Zone. In this case, the replacement of the two homes with a single-family residence will not prejudice the ability for Hermosa Beach to develop a LCP that is consistent with the Coastal Act because the project is unlikely to have a significant impact on available affordable housing. Furthermore, there are low, medium, and high density residential zones throughout the Coastal Zone that will continue to maintain a diverse housing stock.

The project site is surrounded with other residential developments. Many of the residences in the immediate area surrounding the project site are two-story and three-story, 30-ft. high single-family and multi-unit structures. The proposed 33-ft. high, 5,058 sq. ft. single-family residence is of a similar mass and scale to other properties in the project vicinity. The project, as conditioned, is consistent 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.

Section 30211 of the Coastal Act states:

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

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

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: ...
(2) adequate access exists nearby, ...

The development proposes three on-site parking spaces which will be accessed from the existing garage access location on Ozone Court. Two spaces will be located in the garage and one off-street space will be located adjacent to the garage. Ozone court currently prohibits public parking. Therefore, the proposed project will not impact public beach parking in the project vicinity. The closest public coastal access point from the project site is approximately 600 ft. northwest of the subject lot at the terminus of 24th Street. As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as proposed, the development conforms to Sections 30210, 30211, and 30212 of the Coastal Act.

D. WATER QUALITY

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

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

Section 30232 of the Coastal Act states:

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

Construction Impacts to Water Quality

The above policies of the Coastal Act require protection of marine resources, including the protection of coastal waters by controlling runoff and preventing spillage of hazardous materials. Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, the Commission imposes **Special Condition No. 1**, which outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicant to remove any and all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

Post-Construction Impacts to Water Quality

The proposed project has the potential to adversely impact the water quality of the nearby Pacific Ocean. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development. In order to 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 runoff will be collected in roof gutters and will be directed down roof downspouts that connect to an underground drainage system. All hardscape runoff will also be directed towards the underground drainage system. The underground drainage system transfers the water to the 18 'Ecorain Tanks' that are designed to recharge the groundwater table through increased infiltration. Excess runoff will be directed toward the sump pump system before being directed to the Manhattan Avenue Street storm drain.

The applicant has stated that landscaping will consist of California native and water-wise landscaping. While the proposed landscaping consists of non-invasive and drought tolerant plants, future landscaping may not consist of such plants. For water conservation, any plants in the landscape plan should only be drought tolerant to minimize the use of water (and preferably native to coastal Los Angeles County).

In order to make sure that any onsite landscaping minimizes the use of water and the spread of invasive vegetation, the Commission imposes **Special Condition 2**, which imposes landscape controls that require that all vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

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

E. LOCAL COASTAL PROGRAM

Coastal Act Section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan (LUP) for Hermosa Beach was effectively certified on April 21, 1982; however, because Hermosa Beach does not have a certified LCP, the Coastal Act is the standard of review for this project.

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

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

In this case, the City of Hermosa Beach is the lead agency and the Commission is a responsible agency for the purposes of CEQA. The City of Hermosa Beach determined that the proposed development is exempt under Section 15303(a), which exempts construction of a single-family residence in a residential zone from CEQA requirements. As a responsible agency under CEQA, the Commission has determined that the proposed project, as conditioned, is consistent with the marine resources, water quality, hazards and public access policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

5-19-0195 (Mileski)

APPENDIX A

Substantive File Documents:

- City of Hermosa Beach Certified Land Use Plan
- City of Hermosa Beach Approval-in-Concept, dated December 27, 2018