

CALIFORNIA COASTAL COMMISSION

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**Th23d**

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-19-0357

Applicants: Joe and Kim Foley

Agent: Alberto Juarez

Location: 519 8th Street, Hermosa Beach, Los Angeles County
(APN: 4187-014-049)

Project Description: Demolish two-story, 1,184 sq. ft. duplex, and construct a 30-ft. high, three-story, 3,234 sq. ft. single-family residence on a 2,232 sq. ft. lot.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant requests a coastal development permit (CDP) to demolish a two-story, 1,184 sq. ft. duplex and to construct a 30-ft. high, three-story, single-family residence on an inland lot, resulting in the loss of one residential unit. The standard of review is Chapter 3 of the Coastal Act, with the certified land use plan (LUP) providing guidance. The primary issue raised by this project relates to the potential cumulative loss of housing density in a developed coastal area that is relatively safe from sea level rise and is appropriate for more dense development.

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).

While the project would result in the loss of one housing unit, the project is consistent with the certified LUP housing density standards. The project site is zoned R-3 (Multiple-Family Residential), and is located in an area identified as high density by the LUP. The R-3 zone allows both multi-unit and single-family developments. However, the City's certified LUP provides that lots in the R-3 zone that are less than 2,400 sq. ft. may only be developed with a single-family residence. The subject property has a lot size of 2,232 sq. ft. Thus, consistent with the certified LUP, new development on the lot should be limited to a single-family residence.

In addition, approval of the project is unlikely to have adverse cumulative impacts to coastal resources. While there is an overall trend in Hermosa Beach of converting duplexes and multi-family structures to single-family residences, this lot is relatively unique in being a small lot in an area designated for high density development. Thus, even assuming all such lots in the coastal zone that contained multi-family structures were converted to single-family residences, this would result in the loss of 16 units, or less than 1% of housing stock in the coastal zone.

Although the project will result in a loss of density, which is an important issue, the project is consistent with the certified LUP, as well as Sections 30250 and 30253 of the Coastal Act.

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

[Exhibit No. 2 – Project Plans](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-19-0357 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 of 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.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) full size sets of revised landscaping plans, which shall include and be consistent with the following:

- A. 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 a two-story, 1,184 sq. ft. duplex (which was constructed in 1954), and to construct a 30-ft. high, three-story, 3,234 sq. ft. single-family residence with a roof deck, and an 896 sq. ft. two-car attached garage (comprising the first level of the residence) on a 2,232 sq. ft. lot ([Exhibit 2](#)). The project site is located in an urbanized neighborhood 0.3 mile inland from the beach ([Exhibit 1](#)). The site is located in a Multiple-Family Residential (R-3) zone, which allows single-family residences, attached and/or detached multiple dwelling units, and multiple family dwellings. The LUP’s land use designation for the project site is high-density residential, which allows single-family residences and multiple dwellings. Proposed grading includes 100 cu. yd. of cut to be exported outside of the coastal zone.

The Commission certified the City’s LUP in April, 1982 which was subsequently accepted by the City Council. 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 as a whole was not approved as part of the LUP. Subsequent to the Commission’s approval of the LUP, the City updated their local zoning code, which was not reviewed or certified by the Commission for consistency with the Coastal Act, and portions of it are no

longer consistent with the certified LUP. The Chapter 3 policies of the Coastal Act constitute the standard of review for this permit application, but the certified LUP should be 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. Section 30253 requires new development to 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.

Housing Density and Concentrating Development

The certified LUP defines high-density development as follows:

HIGH DENSITY: 26-40 dwelling units per net acre. Uses in this category would be mostly apartment buildings, which would be required to meet carefully designed standards for building coverage, setbacks, open space and parking. Small lots within the area will result in lower densities in part, existing high densities will be compensated for by these small lots, medium density-spot developments. It is intended that all future development in this area shall fall within the specified density range.

The certified LUP also includes the following development standards regarding the minimum lot area per dwelling unit for residential parcels:

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 sq. ft./1 dwelling unit
R-3	Multiple Dwellings (For lots less than 2,400 sq. ft., only a single-family residence)	950 sq. 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 located in an area designated in the LUP as High-Density Residential Zone. On R-3 zoned properties within this area, the Residential Zone Requirements in the LUP allow a maximum development of one unit per 950 sq. ft., but the LUP further states that only a single-family residence may be constructed on R-3 zoned lots less than 2,400 sq. ft.¹ The 2,232 sq. ft.

¹ The City of Hermosa Beach disagrees with staff’s interpretation of Appendix G of the certified LUP (shown in the table on Page 8). The City points out that a local zoning code ordinance was passed in 1986, which changed the minimum lot size standards in the R-3 zone from 950 sq. ft. per dwelling unit to 1,750 sq. ft. per dwelling unit. However, the 1986 zoning code ordinance has not been reviewed or certified by the Commission at this time.

lot is currently developed with a non-conforming 1,141 sq. ft. duplex (**Exhibit 3**). While the existing duplex is consistent with the High- Density Residential Zone designation, it is not consistent with the minimum lot size requirements for more than one unit.

The LUP for Hermosa Beach also 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...

In the certified LUP, lots with the R-3 designation are considered high density land use areas. The LUP states the following in relation to the High Density areas: “...*Small lots within the area will result in lower densities in part, existing high densities will be compensated for by these small lots, medium density – spot developments...*” As stated above, the development standards of the certified LUP restrict development of the site to a single-family residence because of the small size of the lot (2,232 sq. ft.), even though the lot is zoned to allow multi-family development and is located in a High Density area. However, the City’s certified LUP suggests that small lots in the High Density area were intended to have lower densities to off-set higher densities in other areas—thus, the LUP contemplated a mix of both single-family residences and multi-family buildings in the High Density area. Therefore, in this case, the construction of a new single-family residence in place of the duplex is consistent with the development standards of the certified LUP which, as noted, has been certified by the Commission to be consistent with the Coastal Act.

This project is one of a number of similar projects that have come before the Commission in Hermosa Beach involving demolition of a duplex or multi-unit structure and construction of a single-family residence. Commission staff has previously identified a general trend in Hermosa Beach of loss of housing density throughout the coastal zone, and cumulative impacts to coastal resources could be a concern if the Commission were to approve this project. Here, Commission staff analyzed housing data from LandVision, a real estate mapping tool. According to LandVision, there are 284 lots zoned R-3 within the Hermosa Beach Coastal Zone (a total of 1,002 residential units). Of the 284 lots, 11 lots are currently developed with two or more units, and are less than 2,400 sq. ft. in size. Of these 11 properties, nine are developed with duplexes, one is developed with a quadraplex, and one is developed with a five-unit residential structure. If the LUP standards were to be followed, 16 units stand to be lost if all 11 lots were redeveloped with single-family residences (approximately 1.5 percent of the housing stock within the R-3 zone). It is unclear how many R-3 zoned lots were developed with single-family residences prior to the Coastal Act and how many lots have been redeveloped over time, and more research is needed to quantify the potential cumulative impacts. Nevertheless, it appears there are a small number of lots that are similarly situated to this one and even approval of single-family residences on all such lots would not be expected to have a significant impact on housing stock in the coastal zone. In any event, the proposed replacement of a duplex with a single-family residence is consistent with the certified LUP. Thus, the risk of cumulative impacts to coastal resources as a result of approving this project is not significant.

Options for maintaining two units at the project site include denial of the project (which would result in the maintenance of a duplex that does not conform to the certified LUP) or approving the project on the condition that the applicant construct an accessory dwelling unit (ADU). However, the project is consistent with the certified LUP and, therefore, Chapter 3 of the Coastal Act, so denying the permit application is not recommended. In addition, although ADUs are allowed by the certified LUP, the City approved an ADU ordinance in 2018 that prohibits the construction of ADUs and/or JADUs on lots less than 4,000 sq. ft. The City's ADU ordinance has not been submitted to the Commission for review and/or approval for consistency with the Coastal Act and is therefore not a standard of review for any coastal development permit. Nevertheless, in prior Commission action on a similar project in Hermosa Beach, approved by the Commission at the September 2019 Commission meeting (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.² 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.

In summary, a single-family residence on the site, with or without an ADU, is consistent with the LUP and approval of the demolition of a duplex and construction of a single-family residence at this location is unlikely to have adverse cumulative impacts to coastal resources. Therefore, the project is consistent with Sections 30250 and 30253 of the Coastal Act.

Affordable Housing

The project also 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. However, Section 30604(f) of the Coastal Act directs the Commission to *encourage* low and moderate income housing opportunities in the Coastal Zone. It is difficult to predict exactly how the loss of one housing unit at this location would impact housing costs in Hermosa Beach; however, in general, smaller units within multi-family structures are usually more affordable than larger units and single-family residences.³

To address the affordable housing and density issue more broadly, planning for concentration of development and encouragement of affordable housing should be pursued through a city's Local Coastal Program (LCP), as it is more difficult to do in a meaningful way on a project-by-project

² 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).

³ The City found that the project site is not subject to the Mello Act pursuant to Government Code 65590(b). This provision of the Mello Act states that the requirement to replace residential units does not apply in cities which have less than 50 aggregate acres of land that is vacant, privately owned, and zoned for residential use up to three miles inland. The City's 2014 Existing Conditions Report states that the City of Hermosa Beach only had 33 vacant parcels totaling 2.6 acres of vacant land, and that only a portion of these parcels are zoned residential. Therefore, the City concluded that the Mello Act would not apply to this project. However, the City did not make a determination as to whether the existing duplex provided affordable housing.

basis. Here, Hermosa Beach does not currently have a certified LCP. The Commission certified a Land Use Plan (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. This update must not only provide clear policies to protect the existing housing stock, but must also reconcile discrepancies between the previously certified LUP and subsequent uncertified documents which have created challenges in evaluating development projects for consistency with the Coastal Act. In this case, however, the replacement of a duplex with a single-family residence will not prejudice the ability for Hermosa Beach to develop an LCP that is consistent with the Coastal Act because the lot size is too small to accommodate any additional units under the certified LUP and there are low, medium, and high density residential zones throughout the Coastal Zone that will continue to maintain a diverse housing stock. Furthermore, the project does not result in a significant loss in affordable housing.

Community Character

Section 30251 provides that new development shall be in keeping with the character of the surrounding area. This corresponds closely with Section 30250, which provides that new development shall be sited in areas that can accommodate it. In order to better understand the character of the neighborhood, Commission staff analyzed 35 properties surrounding the project site to determine whether the properties contained single-family residences or multi-family residences. The analysis found that 20 out of the 35 units contained two residential units (either duplexes or two-unit condominium structures) on site. Eleven of the lots contained single-family residences, all of which were constructed prior to the Legislature's adoption of the Coastal Act and are located on lots greater than 2,400 sq. ft. in size. The remaining four lots contained three or more residential units. Overall, the surrounding neighborhood contains a mix of single-family and multi-family residences that are two and three stories tall. The proposed three-story, single-family residence is of a similar mass and scale to the surrounding residences, and will not result in a significant change to the overall makeup of the neighborhood. Therefore, the proposed development is consistent with Section 30251 of the Coastal Act with regard to community character.

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.

The development proposes three on-site parking spaces which will be accessed from 8th Street. Two spaces will be located in the garage and one off-street space will be located between 31st Place and the garage. 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 Longfellow Avenue. 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 and 30211 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.

The applicant has submitted an erosion control plan to minimize erosion impacts during construction. Best management practices will also be incorporated throughout the course of construction. 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 a stormwater planter located on the west side of the property. Surface runoff will be directed toward area drains and trench drains that connect to an onsite catch basin. Excess runoff will be directed toward the dual pump system before being directed to the 8th Street storm drain.

For water conservation, any plants in the landscape plan shall be primarily drought tolerant to minimize the use of water (and preferably native to coastal Los Angeles County). The applicant's landscaping plan mostly consists of low water use plants. However, the plans also indicate the use of Big Red Kangaroo Paw and Berkeley Sedge, which are classified as medium water use. **Special Condition 2** requires that the applicant provide revised landscaping plans that all proposed landscaping is drought tolerant and 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.

APPENDIX A

Substantive File Documents:

- City of Hermosa Beach Certified Land Use Plan
- City of Hermosa Beach Approval-in-Concept, dated April 25, 2019