

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



W7a

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STAFF REPORT: CONSENT CALENDAR

Application No.: 5-21-0022

Applicant: Gary Lane

Agent: Maria Islas

Location: 413 25th Street, Hermosa Beach, Los Angeles County
(APN: 4182-028-009)

Project Description: Demolish existing two-story, 1,494 sq. ft. duplex with attached garage. Construct a new three-story, 25-ft. high, 3,828 sq. ft. single family residence with a roof deck, attached 659 sq. ft. accessory dwelling unit (ADU), attached 2-car garage and two guest spaces adjacent to the garage.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to demolish an existing two-story, 25-ft. high, 1,494 sq. ft. duplex, and construct a three-story, 30-ft. high, 3,828 sq. ft. single-family residence with a 501 sq. ft. roof deck, a 659 sq. ft. Accessory Dwelling Unit (ADU), an attached two-car garage, and two uncovered guest parking spaces. The project includes 1,256 cu. yd. of grading (1,246 cu. yd. of cut and 10 cu. yd. of fill) that would be transported to a site outside of the coastal zone. Landscaping for the project would consist only of drought-tolerant, low-water use, native, and non-invasive plantings.

The project site is located approximately 0.2 mi. inland from the beach not between the first public road and the sea in an urbanized neighborhood. The lot is currently developed with a two-story duplex that was constructed in 1923, before passage of the Coastal Act. The duplex contains a 1,000 sq. ft. unit and a 494 sq. ft. unit. Public coastal access is available from the project site via 25th Street. The project site is designated in the certified LUP as a Low-Density Residential lot, which corresponds to the R-1 zone in the City's uncertified zoning code. Pursuant to the LUP, the Low Density, or R-1, zone allows single-family residences to be developed. Thus, the construction of a single-family residence is an allowable use in the R-1 zone.

The Commission certified the City's LUP in 1982. However, the City does not yet have a certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal Act constitute the standard of review for the project, with the certified LUP used as guidance.

Coastal Act Section 30250 provides that new residential development shall be located in or in close proximity to existing developed areas that are able to accommodate it, or in other areas with adequate public services and where it will not have significant, cumulative adverse effects on coastal resources. Section 30251 requires new development to protect public views to and along the beach and other coastal areas; minimize landform alteration; and be designed consistent with the character of the surrounding area. Section 30253 requires that new development must minimize energy consumption and vehicle miles traveled.

The certified LUP identifies the preservation of existing housing stock as an important objective. Furthermore, the LUP also states the need to continue the *current* mix of low, moderate, and high housing densities. After certification of the LUP, however, there has been an apparent trend of development in Hermosa Beach of converting multi-family residential developments into single-family homes. The Commission's approval of projects that would reduce housing density typically relied on Chapter 3 policies or certified LUP policies relating to the project sites; however, many decisions did not look at the cumulative impacts of loss of housing density in coastal areas or the importance of concentrating development in areas capable of supporting it for purposes of protecting coastal resources on a broader scale. In response to California's persisting housing crisis, however, the Commission has become increasingly concerned about the cumulative impacts of development trends that reduce housing density and increase development pressure in other, potentially sensitive, or hazardous areas in the coastal zone.

The certified LUP defines low-density development as consisting primarily of single-family residences. The current development of the site is nonconforming with the Low-Density LUP designation in that two residential units are present on a site that should only accommodate one residential unit. Although the existing duplex is not consistent with the certified LUP requirements for development within the Low Density zone, the proposed single-family residence would be consistent with the certified LUP's low-

density designation and would bring the site into greater conformance with the certified LUP policies.

In this case, the applicant has proposed to mitigate the proposed reduction of one residential unit by constructing an attached 659 sq. ft. ADU located on the basement level of the residence that features a separate exterior entry (pursuant to the State's ADU requirements), a kitchen, a living room area, one full bedroom, and one full bathroom ([Exhibit 3](#)). Although the ADU is located below the grade of the proposed structure, the ADU would offer natural light and ventilation through the use of three 48-in. by 30-in. transom windows adjacent to the ADU living area, an additional window by the exterior entrance, and an egress/lightwell fixture adjacent to the ADU window to circulate sunlight and fresh air throughout the ADU. The ADU on the project site appears consistent with recent updates to statewide ADU laws that took effect January 1, 2020, as well as the City's uncertified ADU ordinance adopted on January 14, 2020 (Urgency Ordinance No.20-1403-U).

The Commission has recently raised concern as to whether density will actually be maintained in a manner consistent with Coastal Act development policies through the use of ADUs. Although ADUs are typically designed to function separately from the associated single-family residence, an ADU is inherently dependent on the single-family residence to serve as a housing unit. ADUs share utility lines (power, water) with the associated single-family residence and cannot be sold separately from the primary residence. This differs from a duplex, where the units can have separate utility connections and could be sold independently from one another, if converted to a condominium. In addition, it is more difficult to enforce the continuous provision of an ADU as compared to a duplex. The Commission, for instance, does not have the authority to require that an ADU be rented out for the life of the structure. In addition, due to their size, ADUs are more easily left vacant or used by the residents of the primary single-family residence, rather than rented out. However, in this case the ADU has been designed to function as a one-bedroom unit and can reasonably be rented out to an individual or a couple. Moreover, at 659 sq. ft., the proposed ADU would be larger than the smaller 474 sq. ft. duplex unit that currently exists onsite. Therefore, the Commission imposes **Special Conditions 1 and 4**. **Special Condition 1** requires the applicant to retain the single-family home and the attached ADU as separate units and prohibits ingress or egress (doors) between the ADU and the primary residence. 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 **Special Condition 4** which requires that the property owners record a deed restriction against the property, referencing all of the Special Conditions of this permit.

Therefore, Commission staff recommends that the Commission **APPROVE** coastal development permit application 5-21-0022 with four special conditions requiring the applicant to: 1) maintain the single-family residence and the ADU as two separate units; 2) adhere to the proposed landscaping and drainage plans to maintain water quality onsite; 3) adhere to construction best practices in order to prevent polluted runoff from

entering coastal waters; and 4) record a deed restriction to memorialize all of the special conditions. The motion can be found on Page 6 of the staff report.

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EXHIBITS

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

[Exhibit 2- Project Plans](#)

[Exhibit 3- ADU Site Plan](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Retention of a Single-Family Residence and Accessory Dwelling Unit On-Site.** The development approved by Coastal Development Permit No. 5-21-0022 is for construction of a single-family residence with a 659 square foot accessory dwelling unit (ADU). The applicants and all assigns/successors shall maintain the ADU as a separate residential unit. At no point may the ADU be incorporated into the single-family residence or converted to a non-residential use. Ingress and egress (doors) between the ADU and the primary residence are prohibited.
2. **Water Quality, Drainage and Landscaping Plans.**

A. The applicants shall undertake development in accordance with the drainage and run-off control plan received by Commission staff on January 11, 2021 showing that roof and surface runoff will be captured with a trench drain and an on-site drainage system that connects to the municipal storm drain system. 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 applicants shall incorporate Best Management Practices (BMPs) into the construction and post-construction phases of the subject development.

B. 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.

3. Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris. The permittee shall comply with the following construction-related requirements:

A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;

B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;

C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;

D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;

E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;

F. The applicants shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;

G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take

place unless the Executive Director determines that no amendment or new permit is legally required;

- H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - J. The discharge of any hazardous materials into any receiving waters 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.
4. **Deed Restriction.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit, as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit, shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The applicant is proposing to demolish an existing two-story, 25-ft. high, 1,494 sq. ft. duplex, and construct a three-story, 30-ft. high, 3,828 sq. ft. single-family residence with a 501 sq. ft. roof deck, a 659 sq. ft. ADU, an attached two-car garage, and two uncovered guest parking spaces. The project includes 1,256 cu. yd. of grading (1,246 cu. yd. of cut and 10 cu. yd. of fill) that would be transported to a site outside of the coastal zone. Landscaping for the project would consist only of drought-tolerant, low-water use, native, and non-invasive plantings ([Exhibit 2](#)).

The project site is located approximately 0.2 mi. inland from the beach not in between the first public road and the sea in an urbanized neighborhood. The lot is developed with a two-story duplex that was constructed in 1923, before passage of the Coastal Act. The duplex contains a 1,000 sq. ft. unit and a 494 sq. ft. unit. Public coastal access is available from the project site via 25th Street ([Exhibit 1](#)). The project site is designated in the certified LUP as a Low-Density Residential lot, which corresponds to the R-1 zone in the City's uncertified zoning code. Pursuant to the LUP, the Low Density, or R-1, zone allows single-family residences to be developed. Thus, the construction of a single-family residence is an allowable use in the R-1 zone.

The Commission certified the City's LUP in 1982. However, the City does not yet have a certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal Act constitute the standard of review for the project, with the certified LUP used as guidance.

B. 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 30251 requires new development to protect public views to and along the beach and other coastal areas; minimize landform alteration; and be designed consistent with the character of the surrounding area. Section 30253 requires that new development must minimize energy consumption and vehicle miles traveled. These policies together encourage "smart" growth by locating new development in appropriate areas 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 at this time, Section 30604(f) directs the Commission to encourage low- and moderate-income housing opportunities.

The certified LUP identifies the preservation of existing housing stock as an important objective. Furthermore, the LUP also states the need to continue the *current* mix of low,

moderate, and high housing densities. The Commission's approval of projects that would reduce housing density typically relied on Chapter 3 policies or certified LUP policies relating to the project sites; however, many decisions did not look at the cumulative impacts of loss of housing density in coastal areas or the importance of concentrating development in areas capable of supporting it for purposes of protecting coastal resources on a broader scale. In response to California's persisting housing crisis, however, the Commission has become increasingly concerned about the cumulative impacts of development trends that reduce housing density and increase development pressure in other, potentially sensitive, or hazardous areas in the coastal zone.¹

The project site is designated in the certified LUP as a low-density residential lot. The certified LUP defines low-density development as follows:

LOW DENSITY: 0 to 13 dwelling units per net acre. This density would consist mostly of single-family homes. Existing single-family homes on 50 x 100 -foot lots represent the predominate use and development in the area set aside for this density. The Low Density area also includes some small lots, some duplex sites and some multi-family sites. It is intended that any development of these sites in the future shall fall within the specified density range (minimum of 3,350 square feet of lot area per unit).

The LUP low-density designation corresponds to the R-1 zone in the City's uncertified zoning code. The certified LUP includes the following development standards regarding the minimum lot area per dwelling unit for residential parcels based on the zoning designation:

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

¹ Refer to the staff report for CDP Application No. 5-20-0530 (Stabler and English)

The certified LUP defines low-density development as consisting primarily of single-family residences. The current development of the site is nonconforming with the Low-Density LUP designation in that two residential units are present on a site that should only accommodate one residential unit. The existing duplex is not consistent with the certified LUP requirements for development within the Low Density zone. However, the proposed single-family residence would be consistent with the certified LUP's low-density designation and would bring the site into greater conformance with the certified LUP policies.

In previous projects, the Commission has encouraged the development of an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) to mitigate for lost residential units. In the low-density residential, or R-1 zone, the development of an ADU in conjunction with a single-family residence on the project site would be consistent with the certified LUP.² In addition, an ADU on the project site appears consistent with recent updates to statewide ADU laws that took effect January 1, 2020³, as well as the City's uncertified ADU ordinance adopted on January 14, 2020 (Urgency Ordinance No.20-1403-U).⁴ However, the Commission has recently raised concern as to whether density will actually be maintained in a manner consistent with Coastal Act development policies through the use of ADUs. Although ADUs are typically designed to function separately from the associated single-family residence, an ADU is inherently dependent on the single-family residence to serve as a housing unit. ADUs share utility lines (power, water) with the associated single-family residence and cannot be sold separately from the primary residence. This differs from a duplex, where the units can have separate utility connections and could be sold independently from one another, if converted to a condominium. In addition, it is more difficult to enforce the continuous provision of an ADU as compared to a duplex. The Commission, for instance, does not have the authority to require that an ADU be rented out for the life of the structure. In addition, due to their size, ADUs are more easily left vacant or used by the residents of the primary single-family residence, rather than rented out.

² The certified LUP does not preclude ADUs/JADUs from being constructed in conjunction with a new or existing single-family residence.

³ The Housing Crisis Act prohibits local governments from approving residential projects that would demolish more "dwelling units" than are created by the project (no net loss). The Housing Crisis Act does not apply to the Commission or modify the Coastal Act. Nevertheless, it appears that the City has taken the position that an ADU satisfies the no net loss requirement of the Housing Crisis Act. The subject project was submitted to the City after January 1, 2020.

⁴ In previous applications in Hermosa Beach, the City of Hermosa Beach's former uncertified ADU ordinance restricted ADUs/JADUs to lots that were larger than 4,000 sq. feet and zoned single-family residential. Under the City's former ADU ordinance, the applicants for this project would not have been permitted to develop an ADU. However, as of January 1, 2020, the City's former ADU ordinance, which was not consistent with the new ADU law because it included a minimum lot size requirement, was deemed "null and void" under the new state ADU law (Government Code § 65852.2(a)(4)). And, on January 14, 2020, the City adopted a new ADU ordinance consistent with the state ADU.

In this case, the applicant has proposed to mitigate the proposed reduction of one residential unit by constructing an attached 659 sq. ft. ADU located on the basement level of the residence that features a separate exterior entry (pursuant to the State's ADU requirements), a kitchen, a living room area, one full bedroom, and one full bathroom ([Exhibit 3](#)). Although the ADU is located below the grade of the proposed structure, the ADU would offer natural light and ventilation through the use of three 48-in. by 30-in. transom windows adjacent to the ADU living area, an additional window by the exterior entrance, and an egress/lightwell fixture adjacent to the ADU window to circulate sunlight and fresh air throughout the ADU. The ADU design has been designed to function as a one-bedroom unit and can reasonably be rented out to an individual or a couple. Moreover, at 659 sq. ft., the proposed ADU would be larger than the smaller 474 sq. ft. duplex unit that currently exists onsite. Therefore, the Commission imposes **Special Conditions 1 and 4**. **Special Condition 1** requires the applicant to retain the single-family home and the attached ADU as separate units and prohibits ingress or egress (doors) between the ADU and the primary residence. 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 **Special Condition 4** requires that the property owners record a deed restriction against the property, referencing all of the Special Conditions of this permit.

As explained above, the Coastal Act encourages the concentration of development in already developed areas that can accommodate it (PRC 30250) and the minimization of vehicle miles traveled (PRC 30253(e)). The certified LUP (which is not the standard of review but provides guidance) does not preclude ADUs from being developed in conjunction with a new or existing single-family residence. The project will contribute somewhat to the cumulative loss of housing density in Hermosa, although the impact will be mitigated by the proposed ADU. The construction of a single-family residence with an ADU is a reasonable compromise approach in this case, given the local zoning requirements, to minimize cumulative loss of housing density while remaining consistent with the certified LUP and the Coastal Act, and allow development that is also consistent with the local zoning code.

C. Public Access

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 conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft

bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. To avoid adverse construction-related impacts upon marine resources, the Commission imposes **Special Condition 3**, which outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicant to remove all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding untreated lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

The proposed project also has the potential to adversely impact the water quality of the nearby Pacific Ocean. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development. To address post-construction water quality impacts, the applicant has submitted a drainage and runoff control plan that minimizes impacts to water quality the proposed project may have after construction. Rooftop and surface runoff will be directed by gravity to Ecorain tanks located in the planter at the front of the property. An infiltration pit will be constructed to collect sheet flow from the site. Any additional flow will be redirected by an overflow pipe to a sump pit, and eventually the street, with two 3-in. diameter cast iron pipes. Gutters, downspouts and perforated pipes shall be inspected and cleaned prior to the start of the rainy season (November 1 to April 15). The Commission imposes **Special Condition 2** to ensure that the project conforms to the drainage and run-off control plan dated January 11, 2021.

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

E. Deed Restriction

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition 4** 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.

F. Local Coastal Program (LCP)

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

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LUP 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

Section 13096 of the Commission’s administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (“CEQA”). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment. The project as conditioned herein incorporates measures necessary to avoid any significant environmental effects under the Coastal Act, and there are no less environmentally damaging feasible alternatives or mitigation measures. Therefore, the proposed project is consistent with CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

Coastal Development Permit Application No. 5-21-0022 and associated file documents.