

February 4, 2003

**Honorable Mayor and Members of the
Hermosa Beach City Council**

**Regular Meeting of
February 25, 2003**

SUBJECT: REPORT ON LOCAL COASTAL PROGRAM STATUS AND RESUBMITTAL OF
LOCAL COASTAL PLAN AND IMPLEMENTATION PLAN.

Recommendation:

That the City Council:

1. Review the Draft Local Coastal Plan and Local Implementation Plan.
2. Approve the attached resolution, authorizing submittal of the draft documents as prepared or as amended by City Council.

Background:

The California Coastal Act requires that each city prepare a Local Coastal Program consisting of a Local Coastal Plan (LCP) and Local Implementation Plan (LIP) for approval by the California Coastal Commission in order to obtain local permit authority for projects within the coastal zone. On May 9, 2000 the City Council reviewed and approved the City's Local Coastal Plan and Implementation Plan for submittal to the Coastal Commission. The City has prepared four versions of the LCP; one preliminary draft and three final drafts. Each of the documents was reviewed and discussed at length with Commission staff, with the intent of resolving differences. However, after two and one-half years of meetings on these differences regarding the LCP, staff has determined that it is not possible to satisfactorily resolve them. Therefore, staff recommends that the Council review the documents, and authorize their submittal for Coastal Commission hearing without further modification. The City currently has a grant for preparing the LCP which will largely be completed with final submittal of these documents.

Analysis:

The City submitted three revised Local Coastal Programs to the Coastal Commission. Upon review of the latest revised draft document, the Commission staff made numerous additional changes which are described below:

2. Water Quality Ordinance Applied to the Coastal Zone. Coastal staff require changes to the City's storm water regulations and the entire storm water ordinance reproduced in the LIP. Coastal staff also want sections of the Coastal Act referenced in the LIP similar to the City of Malibu LCP.

The City's draft LCP and LIP already includes water quality requirements by reference to Chapter 8.44 of the City's Municipal Code. Staff believes that instead of reproducing them in their entirety in the coastal plan, they should be included by reference only. The City has a compliant water quality ordinance in the Municipal Code and it is redundant to place the entire water quality ordinance in the LIP. The City's water quality ordinance was recently amended to comply with the very stringent 2002 NPDES permit adopted by the Regional Water Quality Board. The ordinance does not need to be revised further by

the Coastal Commission. Furthermore, if all of the City's water quality ordinances are placed in the LCP, then every time the Regional Board amends the NPDES permit or the permit requires adoption of amendments to our ordinance, it will be necessary to engage in the time consuming task of also amending the LCP with public hearings at Planning Commission, City Council and the Coastal Commission. The City could be out of compliance with NPDES requirements due to the length of the review and hearing process. In addition, two-thirds of the City is not in the Coastal Zone and the City may have different and potentially conflicting requirements with two sets of water quality regulations applicable within and outside of the Coastal Zone.

3. Temporary Events in the Coastal Zone. Coastal staff wants the City to include a temporary events ordinance in the LIP and the requirement to issue a Coastal Development Permit for temporary events. The Commission staff want the policy amended and reproduced as part of the LIP. The Commission staff assert that the temporary events section in the LIP is inadequate and must clarify inconsistency between an 8 day guideline for events and the 14 day guideline in the Municipal Code and that the City must set a separate threshold for time sensitive events between Memorial Day and Labor Day with notification to the California Coastal Commission and the Los Angeles County.

The City's draft LIP includes reference to the City's current policy and a proposed Ordinance. The temporary events policy was recently approved by Council and a draft ordinance has been prepared for City Council approval. Furthermore, the City does not have special events which last over 8 days in the period between May to September and some events are outside of the Coastal Zone. The LIP provides that "The City Council shall adopt an annual calendar of major Temporary/Special Events on or before March 31 of every year." (Please see attached draft ordinance.)

4. Parking in the Coastal Zone. Coastal staff want the City to provide annual tracking for parking supply in the downtown to provide a count of all on-street and off-street parking.

The City does not need to identify all on-site and off-site parking in the downtown and the rest of the coastal zone relative to the LIP. The LIP provides for an in-lieu parking program up to 100 spaces. Upon issuance of 100 in lieu parking spaces, the City is required to construction new parking. There is no reason to annually count parking and provide this count to the Commission, since the City may simply identify the number of in-lieu parking spaces approved annually to comply with the 100 space threshold. The tracking of in-lieu approvals (though discretionary permits and the City's annual budget) is far easier than annually surveying all of the parking in the coastal zone.

5. Categorical Exclusions will not be accepted in the draft LCP and LIP. The Commission staff will not include a section in the LIP providing for exclusions from the requirement to obtain a coastal development permit for single family dwellings. Currently, single family development is exempt from the requirement for discretionary permits if the project is consistent with the requirements of the City's Municipal Code. Approximately one-half of the City is located in the Coastal Zone and approximately one-third of this area is

comprised of single family zoned property, which will be subject to discretionary review by the City if it is not excluded from coastal development permit requirements. The City has argued that this is an unreasonable burden on single family zoned property which is currently subject only to a waiver requirement for a coastal development permit. (ie. the owner must apply to Coastal Commission and the permit requirement is waived.) If the Commission recommendations are enacted, the City will be responsible for preparing a public notice and conducting a hearing for development on such property.

The City's original draft LIP provided for coastal development permit exclusions for single family development not located within the "appealable" area and was redrafted to include a reserved section in the plan for eventual inclusion of such exclusions. The Coastal staff rejected even the reference to a section in the LIP reserved for Categorical Exclusions. Commission staff have required that the City request such exclusions at a later date which they may or may not accept. Recently they have rejected categorical exclusions in the Manhattan Beach and the Redondo Beach LCPs.

Staff believes that the above requirements are unreasonable and that the LCP should be presented to the Coastal Commission as prepared without further revision. The City has participated in good faith and made many adjustments to accommodate Coastal staff. Ultimately, the decision regarding approval of the LCP resides with the Coastal Commission, not staff, and the document presented is consistent with the Coastal Act and appropriate.

Sol Blumenfeld, Director
Community Development Department

Concur:

Stephen R. Burrell,
City Manager

Attachments:

1. Draft Local Coastal Plan & Local Implementation Program
2. Correspondence from California Coastal Commission Staff
3. Resolution

H:/sb/coastalresponse

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

RESOLUTION 03-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA
BEACH, AMENDMING AND UPDATING THE CERTIFIED COASTAL LAND
USE PLAN AND SUBMITTING A LOCAL IMPLEMENTATION PROGRAM
THAT COMPRISE THE CITY'S LOCAL COASTAL PROGRAM**

The City Council of the City of Hermosa Beach does hereby resolve as follows:

Section 1. Portions of the City of Hermosa Beach are located within the Coastal Zone and subject to the requirements of the California Public Resources Code, Division 20, California Coastal Act of 1976, as amended:

Section 2. The City of Hermosa Beach desires to certify their Local Coastal Program, including Land Use Plan and Implementing Ordinance, and obtain the authority to issue Coastal Development Permits.

Section 3. The City Council, pursuant to applicable law, held a duly noticed hearing on February 25, 2003, to consider the proposed Local Coastal Program, including proposed amendments to the Certified Land Use Plan as recommended by the Planning Commission, Land Use Plan map amendments, and a proposed Local Implementation Program at which testimony and evidence, both written and oral, was presented to and considered by the Council.

Section 4. The Planning Commission, pursuant to applicable law, held a duly noticed hearing on March 21, and April 5, 2000, to consider the proposed Local Coastal Program, at which testimony and evidence, both written and oral, was presented to and considered by the Council.

Section 5. Based on the evidence considered at the public hearing, the City Council makes the following findings

1. The proposed Coastal Land Use Plan, as amended, has been prepared in accordance with the California Public Resources Code, Division 20, California Coastal Act of 1976, as amended, and is consistent with the provisions of said Act:

2. The City's Certified Coastal Land Use Plan, as amended, is consistent with the General Plan of the City and comprises the policy portion of the City's Local Coastal Program to be transmitted to the California Coastal Commission for certification;

3. The proposed Amendments to the Certified Land Use Plan are statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code Section 21080.9.

Section 6. Based on the foregoing, the City Council hereby amends the Certified Coastal Land Use Plan and authorizes submittal of the Local Implementation Program, to be submitted for consideration and certification by the California Coastal Commission as set forth in the following attachments, incorporated herein by reference:

1. Amendments to the Certified Land Use Plan Land Use Plan
2. Coastal Land Use Plan Amendment Areas Map and index
3. Local Implementation Program

PASSED, APPROVED, and ADOPTED this _____ of February, 2003

PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY

**CITY COUNCIL
FINAL**

CITY OF HERMOSA

BEACH:

**Draft Amendments to
the Certified Land Use
Plan**

Submitted to:

**Community Development Department
1315 Valley Drive
Hermosa Beach, CA 90254
310.318.0242
Fax 310.937.6235**

**CITY OF HERMOSA
BEACH
City Council and
Planning Commission**

**2ND CITY COUNCIL
SUBMITTAL 2/25/03**

INTRODUCTION

The following document presents the amendments to the City of Hermosa Beach Certified Land Use Plan as approved by the City Council. The amendments are necessary to update the L.U.P. and improve consistency with the California Coastal Act. The regulations to implement the policies of the LUP and the Coastal Act are contained within the Implementation Ordinance (separate cover).

TABLE OF CONTENTS

I. Local Coastal Program Preparation	2
II. Parking and Access Summary	2
III. Coastal Recreational Access	5
IV. Coastal Development and Design	6
V. Water Quality	8

I. Local Coastal Program Preparation

The Local Coastal Program incorporates the goals and policies of the Coastal Act into the City of Hermosa Beach's regulations. The Local Coastal Program identifies the location, type, densities and development standards for future development within the Coastal Zone. The Local Coastal Program is comprised of two documents:

- Land Use Plan (LUP). A portion of the City's General Plan and General Plan Map addressing the California Coastal Act.
- Implementing Ordinance. The portions of the City's development standards, operating procedures, Zoning Ordinance and maps that implement the requirements of the California Coastal Act.

This document is the Land Use Plan portion of the City's Local Coastal Program. The Land Use Plan was originally certified by the Coastal Commission in 1982. The Land Use Plan was updated when the Local Coastal Program, including the Implementing Ordinance, was certified by the Coastal Commission on ____ 2002.

The Local Coastal Program was certified by the Coastal Commission following a Citywide informational mailer, two public hearings with the Planning Commission and __ public hearings with the City Council.

The following are the Goals, Objectives, Policies and Programs that will guide the implementation of the Coastal Act in the City of Hermosa Beach. The Goals, Objectives, Policies and Programs are contained in three main categories: Parking and Access, Coastal Recreational Access, and Coastal Development and Design. Each category begins with a guiding Statement of Philosophy, followed by a set of broad Goals and Objectives, and finishes with a set of more detailed Policies and Programs. The Policies and Programs are divided into existing, measures that are currently employed by the City, and future policies and programs, measures that the City will employ when the ability and opportunity arise.

II. Parking and Access Summary

A. Statement of Philosophy

To preserve and increase where feasible, residential, commercial, and general public parking within the Coastal Zone.

B. Goals and objectives

1. To provide adequate residential parking
2. To maintain adequate parking space for visitors, shoppers, and beach-goers.
3. To facilitate easy access to work-related parking for merchants.
4. To maximize the safety and accessibility of parking while minimizing noise, traffic congestion and negative visual impacts.
5. To provide an equitable distribution and allocation of parking resources.

6. To recognize the unique parking needs of the pedestrian-oriented downtown business and visitor-serving area, which are less than a typical commercial area because of its proximity to a regional bike path and to high density residential areas, and to continue to explore and encourage new sources of parking, parking strategies, transit options, and alternative means of travel as alternatives to providing parking on-site for new development.

C. Policies and Programs

Hermosa's particular history of development is reflected in the following policies and programs. Policies have been divided into those policies that are now in force and currently supported by codes and ordinance and those policies that the City should consider for enactment.

1. Existing Policies and Programs

Policy: That the City shall discourage the elimination of existing on-street parking or off-street parking spaces within the coastal zone. Future residential and commercial construction should provide the actual parking necessary to meet the demand generated. In the pedestrian-oriented downtown commercial district alternatives to providing parking to meet increased demands for use should be allowed, to encourage alternatives to using motorized vehicles and to encourage improvement and enhancement of visitor-serving business activities.

Program: Current City Building Codes and the Zoning Ordinance support the current policy. The replacement of parking spaces, or other means deemed appropriate to reduce parking demand, is mandatory for all developments in which on-street parking spaces are eliminated or the total number of off-street parking spaces are reduced.

Policy: That the City should control congestion through the granting of parking permits through an allocation plan that reflects the actual need and supply.

Policy: Balance beach access and residential parking by continuing the seasonal preferential parking and remote beach parking programs within impacted residential areas near the beach.

Program: Continue to implement the preferential parking and remote beach parking program during the summer, pursuant to Coastal Development Permit 5-84-236, as amended, to provide beach access parking at parking meters and in "remote" but beach accessible parking lots, and to limit non-resident parking on designated residential streets as identified on the Preferential Parking District Boundary Map.

Program: Provide and maintain signs to direct beach-goers to beach access remote parking lots, and other beach access parking lots within the City.

Program: A minimum of 400 free public parking spaces will continue to be provided to beach visitors at the following locations:

- On the Greenbelt, between 8th and 11th Street, east side of Valley Drive
- Public lots near the Civic Center;
- West of Valley Drive adjacent to Valley Park

Policy: Maintain a supply of parking that balances long-term (beach user) and short-term (shoppers) parking in the downtown area to provide an adequate and flexible number of parking spaces to satisfy beach user and commercial demand.

Program: Public parking is provided in the North Pier parking structure, public parking lots, and on the street. The rates for parking at these downtown parking will continue to be flexibly structured, recognizing seasonal and locational demands, to encourage an efficient balance between beach users, visitor-serving commercial uses, and other commercial demand.

Program: The City has commissioned a study to develop a downtown parking plan.

Program: The City Council, acting as members of the Vehicle Parking District Commission, shall determine the best use of revenue funds for the downtown for the acquisition, construction of new parking facilities, and/or the maintenance and operation of existing parking facilities for the benefit of the area; for other improvements and enhancements including, but not limited to: street, landscaping, and pedestrian sidewalk improvements; public events; and the general promotion of business activities in the area.

Policy: The City shall establish parking requirements in the Downtown Enhancement District (DED) identical to the requirements set forth in other areas of the City's coastal zone. However in recognition of the unique parking needs and constraints in the downtown district, the City may explore the creation of and grant exceptions to the parking requirements such as, but not limited to, in-lieu fee programs, parking plans, the creation of remote parking lots with shuttle connections, reduced parking requirements, or shared parking programs.

Policy: Minimize parking impacts by encouraging a mix of visitor-serving and other commercial uses that balances peak and non-peak parking demand that occurs during the day and seasonally.

Program: In order to mitigate the impacts of increased parking demand that is created by new development, but is not compensated for by requiring additional parking spaces, the City Council shall provide an in-lieu fund transfer or an in-lieu fee as described in Section 17.44.190 of the Zoning Ordinance and Ordinance No. 80-643 and Resolutions Nos. 80-4307 and 99-6001 to an improvement fund earmarked specifically for creating parking, in an amount determined to be sufficient to off-set the increase in required parking spaces caused by the expansion, intensification, or new construction not provided on site. If the City Council determines that the private party is responsible for the in-lieu fee, the private party shall pay said fee.

Program: The City shall not accept a fee in lieu of providing on site parking unless the Community Development Director assures that sufficient parking exists to accommodate the parking demand of new development. The improvement fund to mitigate increased parking demand shall be geared to a threshold limit of increased parking demand. The threshold limit shall be established at 100 parking spaces and the City shall construct new parking upon reaching that threshold limit or the City shall not accept any fees in-lieu of parking beyond that threshold limit.

2. Future Policies

That the City should investigate and, where feasible, enact the following policies:

Policy: That the City should maximize the efficiency of and consider the possibility of lease or purchase of parking lots dispersed throughout the City and downtown enhancement district so as to minimize the impact on the parking demand to the City and its residents.

Policy: That the City should consider the reorientation of the City's current transportation service so as to provide transit service for visitors and residents according to their needs.

III. Coastal Recreational Access

A. Statement of Philosophy

Hermosa Beach shall maintain its current high level of recreational access to the coast and its recreational facilities and be consistent with maintaining the beach in its most natural state.

B. Goals and Objectives

1. Maximum access 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.
2. Low cost visitor recreational facilities will be maintained and encouraged where feasible.
3. The City shall protect its coastal resources for recreational activities.

C. Policies and Programs

Hermosa's particular history of development is reflected in the following policies and programs. Policies have been divided into those policies that are now in force and currently supported by codes and ordinance and those policies that the City should consider for enactment.

1. Existing Policies and Programs

Policy: That the City should restrict buildings and structures on the beach with regards to size and number consistent with current access, safety, and beach usage. Police/Lifeguard structures should be held to a minimum both in size and number consistent with good safety practices.

Program: The City presently has within its Beach Development Plan (adopted Jan. 4, 1972 and included as Appendix F) a restriction on the type and number of facilities that can be placed on the beach west of the Strand.

Policy: Vehicular traffic, including lifeguard trucks and police cars should be barred from the beach and the Strand except for emergencies and necessary cleaning and patrolling functions.

Policy: That existing access through regular streets and walk-streets that now give everyone excellent access to and from the beach shall continue. (See Appendix C, Page C-2, Figure 8).

Policy: Temporary events play a valuable visitor-serving role in the City by increasing public access to coastal resources. They attract thousands of people to the City that otherwise might not make the City their destination. Temporary events are regulated through a special event permit process to address public safety, transportation, parking, clean-up and other logistical and operational issues and to minimize the burden they impose on the City's infrastructure and residents. Temporary events do not have any permanent or significant impact on coastal resources, environmentally sensitive resources or rare or endangered species, nor do they detract from access to the vast stretches of coastline within the City

located outside the immediate area of the event. Hence, coastal development permits are not required for temporary events.

2. Future Policies and Programs

Policy: That the City should, in conjunction with the City of Manhattan Beach, create a continuous and seamless beachfront bicycle and pedestrian path between the two cities.

Policy: That the City should promote beach and recreational facilities related to commercial development by refining the commercial (C-2) zone to encourage commercial-recreational uses.

Policy: The City, where feasible, should construct parkettes and pedestrian spaces similar to the ones constructed at 13th, 14th and 15th Streets and Beach Drive.

Policy: That the parkettes and pedestrian spaces should be integrated with the east side of the Strand to provide rest areas with benches and that the placement of benches and other pedestrian amenities be distributed evenly along the Strand to avoid congestion points.

IV. Coastal Development and Design

A. Statement of Philosophy

Hermosa Beach is a densely developed, older community which is in transition and which is a coastal resource for the people of California.

B. Goals and Objectives

1. To develop a stable population which is suited to available land area and community resources.
2. To preserve and enhance public coastal areas.
3. To encourage historic preservation to maintain the eclectic character of Hermosa Beach's mixed architectural styles.
4. To continue to develop facilities that serve the needs of both coastal visitors and the City's residents.
5. To preserve and, where feasible, enhance the City's remaining open space.

C. Policies and Programs

Hermosa's particular history of development is reflected in the following policies and programs. Policies have been divided into those policies that are now in force and currently supported by codes and ordinance and those policies that the City should consider for enactment.

1. Existing Policies and Programs

Policy: Development in the Coastal Zone will be reviewed and permitted pursuant to the provisions of the Coastal Act and the policies and implementation programs of the City's Local Coastal Program.

Policy: That the City should restrict building height to protect public coastal and preserve the City's existing low-rise profile.

Program: Zoning and building codes limit the height of all structures depending on zone.

Policy: Establish residential condominium approval procedure that will encourage the development of units that will contribute to and are consistent with the evolving character of the City.

Program: The current condominium ordinance, which includes design and building permit review, are programs that support this policy.

Policy: That the zoning and general plan will be made consistent.

Program: The City began the process to resolve inconsistencies between the General Plan Land Use Map and the Zoning Map in 1981, and resolved the inconsistencies within the Coastal Zone by 1990.

Policy: The City should always encourage creativity in commercial, and residential development, allowing variety and flexibility, while maintaining high standards of design.

Program: The City will continue its current Precise Development Plan process to ensure flexibility and quality in all residential and commercial development.

Policy: The City should continue to maintain high standards of design for public works projects and public improvement programs, including the redevelopment of the streetscape at upper and lower Pier Avenue and Hermosa Avenue in the downtown area.

Program: The City will continue to utilize the City of Hermosa Beach Downtown Implementation Plan, dated October 1994, as a guideline for the design and development of the streetscape at upper and lower Pier Avenue and Hermosa Avenue.

Policy: Although the LUP proposed no additional construction of structures seaward of the mean high tide line, the City recognizes the need to maintain consistency with provisions required for shoreline structures in other jurisdictions.

Program: "Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed and constructed to minimize erosive impact on adjacent unprotected property and minimize encroachment on to the beach and shall indicate all area seaward of the seawall for lateral access for the public.

Policy: Encourage the preservation of the City's historical buildings and cultural heritage.

Program: In November 1998 the City conducted a survey of historic resources, adopted a historic preservation ordinance, and designated a historic landmark.

Policy: In order to encourage low and moderate income housing in the Coastal Zone; to carry out the objectives of the Housing Element in accordance with State Law; and to comply with Government Code Section 65915 the City provides for a density bonus and other incentives for the construction of low and moderate income housing projects.

Program: The City's Housing Element includes an incentive program to encourage the construction of low and moderate housing. Zoning Ordinance Section contains provisions pursuant to Government Code Section 65915 for density bonuses and other incentives to encourage development of low and moderate income housing

2. Future Policies and Programs

Policy: The Zoning Code will be examined to remove unnecessary impediments to the rehabilitation of existing commercial and residential structures.

Policy: Encourage visitor-serving commercial land uses within the downtown area.

Policy: That the City construct, where appropriate, landscaping along the east side of the Strand in order to improve the aesthetic appearance of the Strand.

Policy: The former Biltmore Site, known as Noble Park and North Pier Parking Structure, is a vital asset of the people of Hermosa Beach. This coastal site is public open space and beach public parking.

Program: The certified land use designations for the publicly owned property known as the Biltmore Site are as follows (Amended by vote of the people November 5, 1992).

1. The designation for the property specifically known as the Biltmore Site, known as Noble Park, is Restricted Open Space (O-S-2), to ensure its preservation and use as a public park.
2. The designation for that part of the Biltmore Site known as the North Pier Parking Structure is commercial/Public Beach Parking.

V. Water Quality

A. Statement of Philosophy

Hermosa Beach shall ensure the future health, safety and general welfare of the citizens of the City and the water quality of the receiving waters of the County of Los Angeles and surrounding coastal areas.

B. Goals and Objectives

1. Reduce pollutants in storm water discharges to the maximum extent practicable.
2. Regulate illicit connections and illicit discharges and thereby reduce the level of contamination of storm water and urban runoff into the City's stormwater system.
3. Regulate Non-Storm Water Discharges to the City's stormwater system.

C. Policies

Policy: Control storm water runoff and pollution that may cause or contribute to adverse impacts on recreational access to beaches, or to other coastal resources, such as sensitive habitat areas or coastal waters. All development in the coastal zone, public and private,

shall be in conformance with the storm water standards of the State of California as cited in section 8.44. of the Municipal Code, the Coastal Act, and the most recent standards of the Regional Water Quality Control Board with regards to storm water runoff (specifically, the Standard Urban Storm Water Mitigation Plan, issued March 8, 2000). New development or major rehabilitation projects will also be required to conform to any amendment to, or re-issuance of these State, Federal and Municipal standards.

F:b95/cd/lcp/lupfin4-02clean

*CITY COUNCIL
FINAL*

CITY OF HERMOSA

BEACH:

Implementing

Ordinance

Submitted to:

*Community Development Department
1315 Valley Drive
Hermosa Beach, CA 90254
310.318.0242
Fax 310.937.6235*

*CITY OF HERMOSA
BEACH
City Council and
Planning Commission*

*2ND CITY COUNCIL
SUBMITTAL 2/25/03*

INTRODUCTION

The following document presents the implementing ordinance portion of the City of Hermosa Beach Local Coastal Program as approved by the City Council. The proposed ordinance would apply to the portion of the City that is located within the Coastal Zone, except in the original jurisdiction of the Coastal Commission as provided in Section 17.37.060.

CHAPTER 17.37

COASTAL DEVELOPMENT OVERLAY ZONE

17.37.010	Purpose
17.37.020	Definitions
17.37.030	Permit Required
17.37.040	Exemptions and Categorical Exclusions
17.37.050	Coastal Development Permit Applications
17.37.060	Determination of Jurisdiction
17.37.070	Resolving Jurisdictional Determination Disputes
17.37.080	Coastal Development Permit Notice Requirements
17.37.090	Coastal Development Permit Public Hearings
17.37.100	Coastal Development Permit Approval or Denial Findings
17.37.110	Conditions of Approval
17.37.120	Notice of Action and Appeal Rights
17.37.130	Appeals
17.37.140	Expiration of Unused Permits
17.37.150	Amendments to Coastal Development Permit Permits
17.37.160	Reapplication
17.37.170	Revocation of Coastal Development Permits
17.37.180	Enforcement
17.37.190	Emergency Coastal Development Permits
17.37.200	Continuing Validity of Permit
17.37.210	Local Coastal Program Amendments
17.37.220	Encroachments
17.37.230	Downtown Implementation Plan
17.37.240	Water Quality
17.37.250	Temporary/Special Event Calendar
17.37.260	Parking and Coastal Access
17.37.300	Low to Moderate Income Housing Density Bonus

17.37.010 Purpose. The regulations of this Chapter shall apply in the Coastal Zone, as defined by the California Coastal Act and map prepared by the California Coastal Commission and zoned as Coastal Zone Overlay (-CZ) on the City's Zoning Map. The Coastal Development Permit is established to ensure that public or private development within the Coastal Zone conforms to the policies and programs of the California Coastal Act (Division 20 of the Public Resources Code) as amended, the City of Hermosa Beach Certified Local Coastal Program, the General Plan, Zoning Ordinance and any implementation programs.

17.37.020 Definitions

Definitions of terms not contained herein, shall be the same those terms are defined in Coastal Act.

"Appealable Development" means any development project that may be appealed to the Commission and is located within or constitutes any of the following:

- I. Approval of a development project located within any appealable area, as follows:

- a. All areas between the sea and first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance.
 - b. All areas within one hundred (100) feet of any wetland, estuary, or stream and all areas within three hundred (300) feet of the top of the seaward face of any coastal bluff.
2. Approval or denial of a development project that constitutes a major public works project or a major energy facility.
3. Approvals of developments that require an amendment to the City Zoning Ordinance or General Plan.

"Applicant" means the person, partnership, corporation, or state or local government agency applying for a Coastal Development Permit.

"Approving Authority" means a City officer, City Council, or commission approving a Coastal Development Permit.

"Coastal Commission" means the California Coastal Commission.

"Coastal Development Permit" means a permit issued by the City of Hermosa Beach, in accordance with the provisions of this chapter, approving development in the CZ Overlay District as being in conformance with the Local Coastal Program. A Coastal Development Permit includes all application materials, plans and conditions on which the approval is based.

"Coastal Policy Checklist" means a form prepared and completed by the Director as a guide for reviewing a Coastal Development Permit application for conformance with the Local Coastal Program. It shall list appropriate application information, all relevant Local Coastal Program policies, those policies with which the application does not comply, and recommended conditions, if any, which could be imposed to bring the application into compliance.

"Coastal Zone" means that portion of the Coastal Zone, as established by the Coastal Act of 1976 and as it may subsequently be amended, that lies within the City of Hermosa Beach, as indicated on a map on record with the Department of Community Development.

"Development" means on land, in or under water, the placement or erection of any solid material or any gaseous, liquid, solid or thermal waste or structure; discharge or disposal of any materials; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations.

"Director" means the City of Hermosa Beach Community Development Director.

"Emergency" means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services

"Local Coastal Program" means the City's land-use plans, Planning and Zoning Ordinances, zoning maps, and implementation actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

"Major Public Works Project" means:

1. A public works project that exceeds one hundred thousand dollars (\$100,000) in its estimated cost of construction with an automatic increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 301611 or 30624.
2. Notwithstanding the criteria in (1), "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the facilities.

"Other Permits and Approvals" means permits and approvals, other than a Coastal Development Permit, required by the City of Hermosa Beach Zoning or Municipal Code before a development may proceed.

"Overlay District" means a set of zoning requirements, described in the ordinance text and mapped, which is imposed in addition to the requirements of one or more underlying districts. Development in such districts must comply with the requirements of both the Overlay District and the underlying base zoning district and Area District.

"Pemittee" means the person, partnership, corporation or agency issued a Coastal Development Permit.

"Project" means any development as defined in this section.

"Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the Coastal Zone of vital interest and sensitivity. "Sensitive coastal resources areas" include the following:

1. Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in the coastal plan.
2. Areas possessing significant recreational value.
3. Highly scenic areas.
4. Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.
5. Special communities or neighborhoods which are significant visitor destination areas.

6. Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.
7. Areas where divisions of land could substantially impair or restrict coastal access.

“Temporary/Special Event” is an activity or use that does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis. A Temporary/Special Event involves the placement of non-permanent structures, such as film sets and equipment, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, which do not involve grading or landform alteration for installation, and/or exclusive use of a sandy beach, parkland, water, streets or parking area which is otherwise open and available for public use, except that the event may exclusively occupy a specific area needed to stage the event.

17.37.030 Permit Required

A. Coastal Development Permit Required. Any development in the Coastal Zone shall obtain a Coastal Development Permit, with the exception of projects identified in Section 30519 (b) of the Public Resources Code or a development specifically exempted by Section 17.37.040 this Division.

B. Determination of Exemption or Categorical Exclusion. A determination of whether a development is exempt or categorically excluded from the Coastal Development Permit requirements shall be made by the Director at the time an application is submitted for development within the Coastal Zone pursuant to Section 17.37.040. Any dispute arising from the Director's determination shall be resolved pursuant to the procedure described in Section 17.37.070.

C. Existing Coastal Development Permits or Applications in Process. The following shall apply to existing applications for Coastal Development Permits or existing Coastal Development Permits:

1. Development authorized by a permit issued by the California Coastal Commission shall remain under the jurisdiction of the Commission for the purposes of compliance, amendment, extension, reconsideration and revocation.
2. Any proposed development that the City preliminarily approved before effective certification of the Local Coastal Program and which has not been filed complete with the Commission, shall be re-submitted to the City through an application for a permit pursuant to the Local Coastal Program.
3. Any proposed development that the City preliminarily approved before effective certification of the Local Coastal Program and which has been filed complete with the Commission may, at the option of the applicant, remain with the Commission for review. Projects that elect to obtain a coastal permit from the Coastal Commission shall remain under the jurisdiction of the Commission as set forth in (1) above.
4. Upon effective certification of the Local Coastal Program, no applications for development within the certified area shall be accepted by the California Coastal Commission.

17.37.040 Exemptions and Categorical Exclusions

A. Exemptions. The provisions of this Chapter shall not apply to the following projects as long as all applicable zoning standards are satisfied and no discretionary zoning approvals are necessary:

1. Additions to existing single-family residences and ancillary structures such as garages, swimming pools, fences, storage sheds and landscaping with the exception of the following:
 - a. Development that involves a risk of adverse environmental effect pursuant to Section 13250, Title 14, of the California Code of Regulations.
 - b. Improvements to any structure in the appealable area when such improvements could result in any of the following:
 - (1) An increase of 10 percent or more of the internal floor area of existing structure(s) on the building site or an additional increase in floor area bringing the aggregate increase to 10 percent or more.
 - (2) The construction of an additional story or loft or increase in building height of more than 10 percent.
 - (3) The construction, placement or establishment of any significant detached structure such as a garage.
 - c. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff or stream, or in areas of natural vegetation designated by resolution of the Coastal Commission as a significant natural habitat.
2. The maintenance, alteration or addition to existing structures, other than a single-family residence or public works facilities, provided the project does not involve:
 - a. An adverse effects as specified in Section 13253, Title 14, of the California Code of Regulations.
 - b. Any improvement to a structure that changes the intensity of use or use of the structure.
 - c. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland or sand dune, or within 100 feet of the edge of a coastal bluff or stream or in areas of natural vegetation designated by resolution of the Coastal Commission as a significant natural habitat.
3. Repair or maintenance activities that do not result in an addition, enlargement or expansion unless classified as:
 - a. Repair or maintenance of a seawall revetment, breakwater, groin, culvert, outfall or similar shoreline work that involves:
 - (1) Substantial alteration of the foundation, including pilings and other surface and subsurface structures.
 - (2) The placement, whether temporary or permanent, of rip-rap, or artificial berms of sand, or any other form of solid material on a beach, or in coastal waters, streams, wetlands, estuaries, or on shoreline protective works.
 - (3) The replacement of twenty (20) percent or more of the materials of an existing structure with materials of a different kind.
 - (4) The presence, whether temporary or permanent, of mechanized construction equipment or materials on any sand area or bluff or within twenty (20) feet of coastal waters or streams.
 - b. The replacement of twenty (20) percent or more of a sea wall revetment, bluff retaining wall, breakwater, groin, or similar protective work under one ownership, unless destroyed by natural disaster.

4. The installation, testing, placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to the California Coastal Act; provided that the Director may require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources. All repair, maintenance and utility hook-ups shall be consistent with the provisions adopted by the California Coastal Commission.
5. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements; shall be for the same use as the destroyed structure, shall not exceed either the floor area, height or bulk of the destroyed structure by more than 10 percent; and, shall be sited in the same location on the affected property as the destroyed structure.
6. Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.
7. Any category of development determined by the Coastal Commission to have no potential for any significant impact on the environment, coastal resources or public access to the coast.
8. Temporary/Special Event.

A coastal development permit shall not be required for temporary/special events that qualify for Special Event Permits under Section 12.28.010 of the Municipal Code, as long as a Special Event permit is issued, pursuant to the procedures and requirements of that Section, addressing the following matters:

- a. Off-site parking and shuttle transportation is provided as appropriate for the size of the expected attendance.
- b. Availability of off-site parking and shuttle transportation, if required, is advertised widely to the public in advance of the event
- c. Conditions are imposed to assure that the area used for the event is cleaned and restored to its pre-event condition.
- d. The event, including set-up and breakdown/clean-up, does not exceed eight days in duration.

A master calendar of special events shall be approved before March 1 of every year and made available for public inspection upon request.

B. Categorical Exclusions. The provisions of this Chapter shall not apply to the following projects:

1. (RESERVED)
2. The City shall maintain a record of all permits issued for categorically excluded developments for public review. Each permit shall contain the name of applicant, location of project and a brief description of the project.
2. Notice for projects that are categorically excluded shall be provided to the Coastal Commission within five (5) working days.

17.37.050 Coastal Development Permit Applications

A. Application. Applications for a Coastal Development Permit shall be approved prior to issuance of building permits. A Coastal Development Permit application shall be made to the Community Development Department on forms provided by the same Department. The applicant shall state in the application how:

1. The proposed development conforms to the certified Local Coastal Program.
2. The proposed development, located between the nearest public road and the sea, is in conformity with the public access and public recreation policies of Chapter 3, Division 20 of the Public Resources Code.

B. Application Contents. Each coastal development permit application, in addition to application and plan submittal requirements for other City required entitlements, shall be accompanied by:

1. Filing fee, as established by resolution of the City Council;
2. Evidence that the applicant meets the following criteria:
 - a. Is the owner of the property involved; or
 - b. Has written permission of the owner or owners of the property to make such application; or
 - c. In the case of a public agency, is negotiating to acquire a portion of the property involved.
3. Description of the nature of the requested use, indicating the business, occupation or purpose for which such building, structure or improvement is to be erected, constructed, altered, enlarged, moved, occupied or used.
4. A location map showing the area to be developed in relation to nearby lots, streets, highways, and major natural features, such as the ocean, beaches, and other major landforms.
5. A site plan, drawn to scale, showing:
 - a. Existing and proposed property lines of the site to be developed, including all easements over or adjacent to the lot;
 - b. Existing and proposed topography;
 - c. All existing and proposed structures, roads, utility lines, signs, fence, accessways and other improvements;
 - d. Major natural and man-made landscape features, including location, type and size of any trees or other vegetation to be removed or planted.

6. Any additional information established **in the discretionary permit process applicable to the project and required by the Community Development Department**, within thirty (30) days of the coastal development permit application submittal necessary for evaluation of the proposed development.

B. Refusal of Acceptance of Application for Lack of information. The Director may reject, without a public hearing, an application for a Coastal Development Permit if such application does not contain the required information.

C. Concurrent Filing. A Coastal Development Permit shall be considered concurrently with any other discretionary permits or approvals required for the project by the City.

17.37.060 Determination of Jurisdiction

A. Determination. Prior to or at the time of an application for a Coastal Development Permit, the Director shall determine if the proposed project is located within an area that is:

1. An area where the California Coastal Commission continues to exercise Original Permit Jurisdiction, as defined in Section 30519 of the California Coastal Act, and the applicant must obtain a Coastal Development Permit directly from the Coastal Commission.
2. Appealable to the Coastal Commission and requires a Coastal Development Permit.
3. Non-appealable to the Coastal Commission and requires a Coastal Development Permit.
4. Categorically excluded or exempt and does not require a Coastal Development Permit.

17.37.070 Resolving Jurisdictional Determination Disputes

A. Dispute Procedure. Where a question as to the appropriate jurisdiction has arisen, the following procedures shall establish whether a development is exempt, categorically excluded, non-appealable or appealable:

1. The local government shall make its determination as to what type of development is being proposed (i.e. exempt, categorically excluded, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development.
2. If the determination of the local government is challenged, or if the local government wishes to have the Commission determine the appropriate designation, the local government shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion.
3. The Executive Director shall, within two (2) working days of the local government request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is exempt, categorically excluded, non-appealable or appealable.
4. Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the local government's determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Coastal Commission shall

schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the State) following the local government request.

17.37.080 Coastal Development Permit Notice Requirements

A. Notice of Hearing. The Director shall provide notice of a hearing for a Coastal Development Permit by first class mail at least 10 calendar days prior to the public hearing to the following:

1. The applicant.
2. Property owners and occupants of commercial and residential property located within a 100-foot radius (not including public right-of-ways) of the perimeter of the parcel of real property of record on which the development is proposed.
3. The California Coastal Commission, public agencies that have an interest in the project, newspaper of general circulation.
4. Any person who has requested to be noticed of such permit.

B. Contents of Coastal Development Permit Hearing Notice. In addition to the noticing required for public hearings in accordance with City Council policy, the notice for a Coastal Development Permit shall contain the following information:

1. A statement that the development is located within the Coastal Zone and is either Appealable or Non-Appealable to the Coastal Commission.
2. A statement of the public comment period.
3. The date of the filing of the application and the name of the applicant.
4. The file number assigned to the application.
5. A description of the development at its proposed location.
6. The date, time, and place at which the application will be heard.
7. A brief description of the general procedure concerning the conduct of hearing and local actions.
8. The procedure for local and Coastal Commission appeals, including any local fees required.

17.37.090 Coastal Development Permit Public Hearings

A. Hearing. The Planning Commission shall hold a public hearing to review and consider an application for a Coastal Development Permit.

B. Findings. All decisions on the Coastal Development Permit shall be accompanied by separate written findings, as specified in Section 17.37.100.

C. Continuation of Action. A public hearing for a Coastal Development Permit may be continued without new public notice to another day if continued to a date certain. If the public hearing is continued to a date uncertain, notice of the continued public hearing shall be provided in accordance with Section, 17.37.080.

17.37.100 Coastal Development Permit Approval or Denial Findings

A. Findings for Approval. An application for a Coastal Development Permit shall be approved when the evidence substantiates to the satisfaction of the approving authority the following findings:

1. The proposed development is in conformity with the Certified Local Coastal Program.
2. Any development, located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.
3. The proposed development conforms to the requirements of the California Environmental Quality Act (CEQA).

B. Findings for Denial. An application for a Coastal Development Permit shall be denied where the evidence fails to substantiate the basis for approval contained in Section 17.37.100 A.

17.37.110 Conditions of Approval

The City may impose conditions as necessary to ensure that the Coastal Development Permit conforms to the requirements of the Local Coastal Program. The landowner and applicant shall record with the Office of the Los Angeles County Recorder an affidavit accepting and agreeing to implement all conditions of permit approval, and binding all successors to said conditions of approval, and which shall run with the land.

17.37.120 Notice of Action and Appeal Rights

A. Notice of Final Action. Within seven (7) calendar days of final action on a Coastal Development Permit, the Director shall provide notice of such action by first class mail to the applicant, property owner, the Coastal Commission and to any person or agency who specifically requested notice of such decision by submitting a self-addressed stamped envelope to the Community Development Department.

B. Contents of Notice of Action. The notice of action shall contain the following information:

1. Project description.
2. Written findings for approval and conditions of approval (if any).
3. Appeal procedure and appeal period as specified in Section 17.37.130.

17.37.130 Appeals

A. Final Decision. A decision of the Planning Commission shall be considered the final decision of the City when all local appeal periods, specified below, have been exhausted, and the City Council has not initiated review and no appeal has been filed. Otherwise the City Council's decision shall be considered a final decision of the City.

B. Local Appeals

1. The City Council may initiate a review of the decision of the Planning Commission by any two votes of the City Council at its meeting next succeeding the Planning Commission action pursuant to Section 2.52.040. In the event the Council initiates such a review, the Planning Commission's decision will be

stayed until the Council completes its review hearing and takes final action on the Coastal Development Permit.

2. Within ten (10) days following the Council meeting that succeeds the Planning Commission action, an appeal in writing may be filed with the City Council by any person dissatisfied with the decision of the Planning Commission. The filing of such appeal within such time shall stay the effective date of the order of the Planning Commission until such time as the City Council has acted on the appeal.
3. Within forty (40) days of a review initiated by Council, or an appeal filed by a dissatisfied person, the City Council shall conduct a public hearing, which shall be noticed as required by Section 17.68.050.
1. The decision of the City Council, supported by findings as set forth in Section 17.37.100, shall be set forth in full in a resolution.
5. Within seven (7) calendar days of final action by the City Council on an appeal of a Coastal Development Permit, the Director shall provide notice of such action by first class mail to the applicant, property owner, the Coastal Commission and to any person or agency who specifically requested notice of such decision by submitting a self-addressed stamped envelope to the Community Development Department.

C. Appeals to the Coastal Commission

1. Exhaustion of Local Appeals. An appellant must exhaust all local appeals under the City's appeal procedure prior to filing an appeal to the Coastal Commission.
2. Non Appealable Jurisdiction: A decision for a development located in the non-appealable jurisdiction is not appealable unless the development:
 - a. Requires amendment to the Zoning Ordinance or General Plan.
 - b. Constitutes a major public works project or a major energy facility.
3. Appellants: A decision for a development located in the appealable jurisdiction or as described in 17.30.130 C2 above may be appealed by:
 - a. The applicant or aggrieved person who exhausted local appeals.
 - b. Any two members of the Coastal Commission.
4. Appeal Time Limit: All appeals must be filed with the Coastal Commission within ten (10) working days of the date of final local action on the Coastal Development Permit as defined in Section 13571(a), Title 14, of the California Code of Regulations.
2. Grounds for Appeal. The grounds for an appeal of a local decision on a development shall be limited to an allegation that the decision did not conform to the Certified Local Coastal Program, or the public access policies of the Coastal Act.
6. Effect of Appeal to the Coastal Commission. Upon receipt of a notice from the Executive Director of the Coastal Commission that an appeal has been filed the City shall refrain from issuing a building permit on the development, and the City's action on the development shall be stayed, pending Coastal Commission action on the appeal.

17.37.140 Expiration of Unused Permits

A. Permit Expiration. If development authorized by a Coastal Development Permit has not commenced within the specified time, or if no time is specified, within two years of the granting of the permit, the permit becomes null and void with the exception of the following:

1. In the case of a permit for a publicly owned use the development shall be deemed to have commenced, provided that the public agency accomplished the following:
 - a. Within one year of the approval date, the City either acquires the property involved or commences legal proceedings for its acquisition.
 - b. Immediately after the acquisition of, or the commencement of legal proceedings for the acquisition of the property, posts such property with signs, having an area of not less than 20 square feet nor more than 40 square feet in area indicating the agency and the purpose of which it is to be developed. One such sign shall be placed facing and located within 5 feet of each street, highway or parkway bordering the property. Where the property in question is not bounded by a street, highway or parkway, the agency shall erect one sign facing the street, highway or parkway nearest the property.
2. In the case of a Coastal Development Permit heard concurrently with any other discretionary permit, the Planning Commission and/or City Council shall specify time limits and extensions to be concurrent and consistent with those of the land division, variance or other permit.
3. Extension of Permit. The Planning Commission may extend a permit for a period of not to exceed one year, provided an application requesting such extension is filed prior to such expiration date. In the case of a non-profit corporation organized to provide low-income housing, the Planning Commission may grant an additional one-year extension, provided that an application requesting such extension is filed prior to the expiration of the first such extension.

B. Expiration Following Cessation of Use. A Coastal Development Permit granted by action of the Planning Commission or City Council shall automatically cease to be of any force and effect if the use for which such Coastal Development Permit was granted has ceased or has been suspended for a consecutive period of two or more years.

17.37.150 Amendments to Coastal Development Permits

A. Amendment Procedure. An amendment shall be accomplished in the same manner specified for initial approval of the Coastal Development Permit. All sections of this Chapter shall apply to permit amendments.

B. Application for Amendments. An amendment may be made to a Coastal Development Permit previously approved by the City by filing a written application with the Director. Such application shall contain a description of the proposed amendment, the reason for the amendment, together with maps, drawings or other material appropriate to the request. A filing fee, as required by Resolution of City Council, shall accompany a request for an amendment.

C. Rejection of Application for Amendment. An application for an amendment shall be rejected if it would lessen or void the effect of the original permit unless the applicant presents newly discovered material information which could not, with reasonable diligence, have been discovered and produced before the permit was granted.

D. Action on Amendments. For those Coastal Development Permit Amendment applications accepted, the Director shall determine whether the proposed amendment represents an immaterial or material change to the permit.

1. For amendment applications representing immaterial changes, the Director shall prepare and send a written notice as required by Section 17.37.120, including a statement informing persons of the opportunity to submit written objections to the Director within 10 days of the date the notices were mailed to persons within a 300 foot radius. The Director shall also mail notices to all persons who testified at a public hearing on the permit and who submitted written testimony on the permit and such other persons as the Director has reason to know may be interested in the application. If the Director receives no written objections within 10 days of mailing, the Director's determination shall be conclusive and the proposed amendment approved.
2. For amendment applications representing material changes, objections to determinations of immateriality, or amendments to conditions affecting coastal resource protection or coastal access, a Coastal Development Permit Amendment is required per 17.37.150. A. The Director shall mail notices in accordance with Section 17.37.080, and to all persons who testified at the public hearing on the permit, submitted written testimony on the permit, objected to the Director's determination of immateriality, or such persons as the Director has reason to know may be interested in the application.
3. The appropriate reviewing body shall review material changes and determine whether the proposed development and amendment are consistent with the California Coastal Act and the Certified Local Coastal Program.

17.37.160 Reapplication

A. Reapplication Limit. No application for a Coastal Development Permit that has been previously denied shall be filed earlier than one (1) year after the date such denial becomes effective, unless the request for reapplication reflects a major change in circumstances and specific permission has been granted by the Approving Authority.

17.37.170 Revocation of Coastal Development Permits

A. Grounds for Revocation. The City may initiate proceedings to revoke a Coastal Development Permit upon the receipt of evidence indicating that:

1. The applicant included inaccurate, erroneous and/or incomplete information, and if accurate and complete information had been provided, the Coastal Development Permit would not have been approved or different conditions of approval would have been imposed; or,
2. There was failure to comply with notice provisions of Section 17.37.080, where the views of the person(s) not notified were not otherwise made known to the City and could have caused the City to require additional or different conditions on a permit or deny an application.
3. The applicant is violating the conditions of approval, has been requested by the City to correct said violation, and has failed to correct a violation despite this request by the City.
4. The development is being operated in such a manner as to be a threat to public health and safety or is creating a nuisance.

B. Initiation of Revocation. The City may initiate proceedings to revoke a permit based on evidence submitted by any person constituting grounds for revocation as stated in sub-section A above. The Director shall review the stated grounds for revocation and, unless the request is patently frivolous and is without merit, or was filed without due diligence, shall initiate revocation proceedings.

C. Temporary Suspension. Where the Director determines that grounds exist for revocation of a Coastal Development Permit, the operation of the permit shall be reviewed and be automatically suspended if it is a threat to public health and safety. The Director shall advise the applicant in writing that any development undertaken during suspension of the permit may be in violation of the California Coastal Act.

D. Procedure for Revocation. The Director shall notify the permittee by mailing a copy of the request for revocation and a summary of the procedures contained in this section to the address shown in the permit application. The Planning Commission may, after a public hearing noticed and held in the manner prescribed in Sections 17.37.080 and 17.37.090, revoke or modify the permit.

17.37.180 Enforcement

In addition to the enforcement provisions contained in this ordinance, the provisions of the California Coastal Act contained in Chapter 9 of Division 20 of the Public Resources Code shall also apply with respect to violations and enforcement.

17.37.190 Emergency Coastal Development Permits

A. Emergency Permits. In the event of a verified emergency, a temporary emergency authorization to proceed with remedial measures may be given by the Director until such time as a full Coastal Development Permit application has been filed, as set forth in Sections 13136 through 13143, Title 14, of the California Code of Regulations.

The application to be reported at the time of emergency or within three (3) working days after the emergency shall include the following:

1. Nature of the emergency.
2. Cause of the emergency, insofar as this can be established.
3. Location of the emergency.
4. The remedial, protective, or preventive work required to deal with the emergency.
5. The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.

B. Immediate Emergency Action. In some instances it may be necessary to take immediate action to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or other emergency, before applications and procedures for obtaining a permit can be complied with in a timely manner. In such cases the requirements of obtaining a permit may be waived. The Executive Director of the Coastal Commission shall be notified of the type and location of the emergency action taken within three (3) days of the disaster or discovery of the danger, whichever occurs first. Within seven (7) days of taking such action, the Director shall send a written statement to the Coastal Commission of the reasons

why the action was taken and verify that the action complied with the expenditure limits set forth in Public Resources Code Section 3061.

C. Limitations. The Director shall not grant an Emergency Coastal Development Permit for any development that falls within an area in which the Coastal Commission retains direct permit review authority. In such areas, a request for an emergency authorization must be made to the Coastal Commission.

D. Public Noticing. The Director shall provide public notice of the proposed emergency action. The extent and type of the notice shall be determined on the basis of the nature of the emergency. If the nature of the emergency does not allow sufficient time for public notice to be given before the emergency work begins, the Director shall provide public notice of the action taken, or being taken, as soon as is practical. Public notice of the nature of the emergency and the remedial actions to be taken shall be posted on the site in a conspicuous place, mailed to all persons the Director has reason to know would be interested in such action and to the Coastal Commission.

E. Findings and Conditions. The Director may grant an Emergency Coastal Development Permit if it is found that:

1. An emergency exists that requires action more quickly than permitted by the procedures for a Coastal Development Permit and the work can and will be completed within thirty (30) days unless otherwise specified by the terms of the permit.
2. Public comment on the proposed emergency action has been reviewed, if time allows.
3. The work proposed is consistent with the requirements of the Certified Local Coastal Program.

F. Expiration of Emergency Permit. An Emergency Coastal Development Permit shall be valid for sixty (60) days from the date of issuance by the Director. Prior to expiration of the emergency permit, the permittee must submit a regular Coastal Development Permit application for the development even if only to remove the development undertaken pursuant to the emergency permit and restore the site to its previous condition.

G. Report to City Council and Coastal Commission. The Director shall report the granting of an emergency permit to the City Council at its next scheduled meeting. The report shall include a description of the nature of the emergency, the development involved and the person or entity undertaking the development. Copies of the report shall be available at the meeting and shall be mailed to the Coastal Commission and to all persons requesting such notification of local coastal development decisions.

17.37.200 Continuing Validity of Permit

A Coastal Development Permit that is valid and in effect, and was granted pursuant to the provisions of this chapter shall adhere to the land and continue to be valid upon change of ownership of the land or any existing building or structure on said land.

17.37.210 Local Coastal Program Amendments

The City Council may amend all or part of the Local Coastal Program, but the amendment will not take effect until it has been certified by the Commission. Any General Plan Element or Specific Plan or ordinance of the City that is applicable to the Coastal Zone must be reviewed and amended as necessary to make the General Plan Element or Specific Plan or ordinance consistent with the rest of the Local Coastal Program.

A. Initiation of Amendments to the Local Coastal Program. An amendment to the Local Coastal Program may be initiated by one of the following:

1. A resolution of intention initiated by the Planning Commission.
2. A resolution of intention initiated by the City Council directing the Planning Commission to initiate an amendment.
3. An application from a property owner or his/her authorized agent provided that such application involves the development or modification of property located within the area affected by such amendment.

B. Planning Commission Action on Amendments to the Local Coastal Program.

1. Upon receipt of a completed amendment application or duly adopted resolution of intention, a public hearing before the Planning Commission must be held and notice of such hearing given consistent with the Coastal Act and California Code of Regulations.
2. The Planning Commission must make a written recommendation on the proposed amendment whether to approve, approve in modified form, or disapprove.
3. Planning Commission action recommending that the proposed Local Coastal Program amendment be approved, or approved in modified form, must be considered for adoption by the City Council. Planning Commission action disapproving a proposed Local Coastal Program amendment may be appealed by any interested person, including a Commissioner or Council member, per Section 17.37.130.

C. City Council Action on Amendments to the Local Coastal Program. The recommendation of the Planning Commission to approve or deny a proposed Local Coastal Program Amendment, or the appeal from a decision by the Planning Commission shall be considered by the City Council. A public hearing on the amendment shall be conducted after first giving notice of the hearing pursuant to Section 17.37.080.

D. Fees. A fee for an amendment to the Local Coastal Program shall be established by a resolution of the City Council.

E. Coastal Commission Certification of Amendments to the Local Coastal Program. Any proposed Amendment to the Local Coastal Program shall not take effect until it has been certified by the Coastal Commission. Any amendment approved by the City shall be submitted to the Coastal Commission in accordance with Sections 30512 and 30513 of the Public Resources Code. An amendment to the certified Local Coastal Plan shall not become effective until the amendment is submitted pursuant to the requirements of Section 13551 of the California Code of Regulations and certified by the California Coastal Commission pursuant to Chapter 6, Article 2 of the California Coastal Act.

17.37.220 Encroachments

An encroachment is defined as any structure, object, use or landscaping owned by a private property owner that is proposed to be located on or over public property.

A. Encroachment Permits.

1. All encroachments shall be required to obtain an Encroachment Permit, as specified in Municipal Code Chapter 12.16, as well as any necessary Coastal Development Permits, as detailed in this section.
2. Any application for encroachment in the Coastal Zone shall be evaluated for conformance with the policies of the California Coastal Act and the Certified Land Use Plan.
3. Access in the Coastal Zone along public rights-of-way, such as paved sidewalks and walk streets, shall be protected. No permanent device, structure, use, object or landscaping preventing public access along paved sidewalks shall be permitted.

B. Outdoor Dining on Lower Pier Avenue.

1. Applications for outdoor dining on Pier Avenue between Pacific Coast Highway and the Strand shall be subject to Section 12.16, Encroachments, of the Municipal Code.
2. Notwithstanding the provisions of 17.37.220, A. above, applications for outdoor dining on Pier Avenue between Pacific Coast Highway and the Strand shall not require a Coastal Development Permit if approved under CDP No. 5-97-180 and outdoor dining complies with the provisions of Municipal Code Section 12.16.100.

17.37.230 Downtown Implementation Plan

The recommendations of the Hermosa Beach Downtown Implementation Plan, October 1994, regarding the revitalization of the Downtown area shall be utilized as guidelines in the design and improvement of streetscape and roadway improvements along portions of Hermosa Avenue (8th Street to 15th Street) and Pier Avenue (The Strand to the Greenbelt).

17.37.240 Water Quality

The City of Hermosa Beach has adopted an amended Stormwater and Urban Runoff Pollution Control Regulations Ordinance, as specified in Municipal Code Chapter 8.44 and is otherwise consistent with the NPDES permit. The requirements and standards of Chapter 8.44 shall be applicable in the Coastal Zone.

17.37.250 Temporary/Special Events Calendar

The City of Hermosa Beach City Council shall adopt an annual calendar of major Temporary/Special Events on or before March 31 of every year.

17.37.260 Parking and Coastal Access

- A. Off-Street Parking.** The City shall require off-street parking for all projects in the Coastal Zone consistent with the off-street parking requirements in Chapter 17.44 of the Municipal Code.
- B. Coastal Access Parking.** The City shall provide a minimum of 412 free public parking spaces for beach access pursuant to Coastal Development Permit 5-84-23, as amended.

17.37. 300 Low to Moderate Income Housing Density Bonus

A. Density Bonus Applications. In order to encourage the provision of affordable housing units, the City may grant incentives such as reduced parking, additional height or increased density consistent with the Section of the Zoning Ordinance, and Government Code Section 65915 provided that:

1. In the coastal zone, any housing development approved pursuant to Government Code Section 65915 shall be consistent, to the maximum extent feasible and in a manner most protective of coastal resources, with all otherwise applicable LUP policies and development standards.
2. When required under Government Code Section 65915, the City may provide a density bonus, as defined in Government Code Section 65915(f), that allows the density on a parcel to exceed the otherwise applicable density under the local coastal program. Before approving a density bonus under Government Code Section 65915, the City shall identify all means of accommodating the density bonus and consider the effects of such means on coastal resources. If the City identifies means of accommodating the density bonus that do not have an adverse effect on coastal resources, the City shall require that the density bonus be accommodated by those means. If, however, all potential means for accommodating the density bonus will have an adverse effect on coastal resources, the City shall require implementation of the means that are most protective of significant coastal resources.
3. In addition to a density bonus, when required under Government Code Section 65915, the City may provide one of the incentives identified in Government Code Section 65915(h). Before granting an incentive for a project in the coastal zone, the City shall identify all potential incentives and consider the effects of each incentive on coastal resources. If the City identifies an incentive that is consistent with the local coastal program or that will not have an adverse effect on coastal resources, the City must grant that incentive. If, however, all potential incentives will have an adverse effect on coastal resources, the incentive that is granted to satisfy the requirements of Government Code Section 65915 shall be the incentive that is most protective of significant coastal resources.