

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-18-0240

Applicant: Donna Melby

Agent: Srour and Associates

Location: 33 7th Street, Hermosa Beach, Los Angeles County
(APN: 4187-015-041)

Project Description: Demolition of 1,803 sq. ft. duplex, and construction of a 30-ft. high, 2-story, 3,631 sq. ft. single-family residence, with a basement, roof deck, an attached 2-car garage, and one guest parking space adjacent to the garage. An attached 291 sq. ft. Junior Accessory Dwelling Unit (JADU) will be incorporated on the lower level, with an exterior entrance separate from the main entrance and an interior entrance from the basement.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to demolish a 1,803 square-foot duplex, and construct a 30-foot high, 2-story, 3,631 square-foot single-family residence with a basement and attached 2-car garage. The project also includes an attached 291 square-foot junior accessory dwelling unit (JADU) on the basement level of the residence. The primary Coastal Act issues raised by the subject development are: 1) development that reduces the housing density in the area; 2) public right-of-way encroachments; 3) water quality; and 4) development of a basement in a flood-prone area.

The city of Hermosa Beach examines any Coastal Zone development that entails demolition or conversion of residential units that are not categorically exempt from the California Environmental

Quality Act (CEQA) as required under the California Government Code (§65588(d) pursuant to Section 65590 (The Mello Act)). The Mello Act is a statewide law which seeks to preserve housing for persons and families with low and moderate incomes in the Coastal Zone. The City of Hermosa Beach determined that the Mello Act does not apply to the proposed development under Government Code Section 65590(b)(3). This section states that cities with less than 50 aggregate acres of vacant, privately-owned, residentially zoned land are not subject to the affordable dwelling unit replacement requirement. According to the City's 2014 Existing Conditions Report in its General Plan, the City of Hermosa Beach contained 33 vacant parcels totaling 2.6 acres of land. Only a portion of these parcels are residentially zoned. Therefore, the City determined that the Mello Act requirements are not applicable to the subject property.

The proposed project involves the replacement of an existing duplex (a legal conforming use) with a single-family residence with a JADU in an area where the Commission has approved fourteen such similar types of development between 2005 and the present. The subject site is designated as Multiple-Family Residential (R-3) in its Zoning Code, which allows a maximum development of one unit per 1,250 square feet. The subject property has a lot size of 2,800 square feet, which means the City's current zoning regulations allow two residential units to be developed on the property. However, the applicant is proposing to develop a single-family residence with a JADU. While a JADU does offer an additional housing unit, it cannot be considered an independent housing unit because of the JADU's dependence on the single-family residence (i.e. it cannot be sold separately from the main residence). However, JADUs offer the advantage of providing a more affordable housing option to individuals or couples who may not be able to afford larger, independent units. Therefore, the staff recommends **Special Condition 7**, which requires the applicant and all successors to maintain the JADU onsite, thus maintaining two units on-site to mitigate for the loss of one housing unit.

The applicant has indicated a desire to use the right-of-way encroachment area located directly in front of the project site. The encroachment area is under a separate lease agreement, and is subject to review, approval, and revocation by the City of Hermosa Beach Public Works Department. The applicant has not provided a final plan for the encroachment area. To ensure that the applicant maintains its encroachment permit with the City, which is revocable by the City of Hermosa Beach Public Works Department, staff recommends **Special Conditions 4 and 5**, laying out the applicant's rights and obligations related to the encroachment. Special Condition 4 would require, prior to issuance of the permit, the applicant to submit an encroachment plan to be reviewed and approved by the Executive Director and to submit proof of enrollment in the City's encroachment program. In addition, Special Condition 5 would require the applicant to acknowledge the City's right to revoke the encroachment permit for any future improvements to the public right-of-way.

During construction and post construction, the proposed project has potential for adverse impacts to water quality and marine resources. Therefore, as a result, two special conditions are recommended to address and minimize impacts to water quality and marine resources as follows: **Special Condition No. 1** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris; and **Special Condition No. 2** requires the applicant to adhere to the drainage and run-off control plan received on March 28, 2018, showing that roof and surface runoff will be captured with area drains and an on-site drainage system that ultimately directs to an existing storm drain main along Beach Drive.

The proposed project includes construction of a basement. A Preliminary Soils Investigation report and a supplemental letter indicate that temporary dewatering is required for the construction of the

basement. During the construction phase, the basement is proposed to be dewatered using wells that will be dewatered with electric dewatering pumps. The pumped water will be directed into a storage tank staged at street elevation, and will be filtered and directed into the city sewer system. The basement will be designed to prevent groundwater from entering the basement after construction; therefore, a permanent dewatering plan will not be utilized for the residence after construction. Given that the project is in an extremely flood-prone area, staff recommends **Special Condition 3**, which requires a final dewatering plan prior to issuance of a coastal development permit. In addition, this condition would require the applicant to provide evidence that the appropriate permits have been obtained from the corresponding agencies.

Any potential changes to the proposed project may result in adverse impacts to coastal resources. To ensure that development on the site does not occur which could potentially result in adverse impacts to coastal processes, staff recommends **Special Condition No. 6**, which informs the applicant that future development at the site requires an amendment to Coastal Development Permit No. 5-18-0240 or a new coastal development permit.

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, staff recommends **Special Condition 8**, 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.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

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

[Exhibit No. 2 – Project Plans](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-18-0240 pursuant to the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

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

II. STANDARD CONDITIONS:

This permit is granted subject to the following standard conditions:

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

III. SPECIAL CONDITIONS:

This permit is granted subject to the following special conditions:

1. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** 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 applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
 - G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
 - H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - J. The discharge of any hazardous materials into any receiving waters shall be prohibited;
 - K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
 - L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
 - M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

2. Water Quality and Drainage Plans.

The applicant shall conform to the drainage and run-off control plan received on March 28, 2018, showing that roof and surface runoff will be captured with area drains and an on-site drainage system that ultimately directs to an existing storm drain main along Beach Drive. The applicant shall incorporate Best Management Practices (BMPs) into the construction and post-construction phases of the subject development. The applicant has also stated that they shall also comply with the applicable water efficiency and conservation measures of the City's adopted CALGreen standards concerning irrigation systems, and efficient fixtures and appliances.

3. Final Dewatering Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final dewatering plan for the review and approval of the Executive Director. The final dewatering plan must contain approvals from the City of Hermosa Beach and other applicable agencies.

B. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall provide to the Executive Director a copy of a dewatering permit issued by Regional Water Quality Control Board, or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the Regional Water Quality Control Board. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

4. Encroachments

A. The Applicant proposes to utilize an approximately 300 square-foot encroachment area that extends approximately 30 feet along the width of the subject lot and approximately 10 feet into the public right of way. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant must submit an encroachment plan to be approved by the Executive Director. The encroachment plan shall comply with all City regulations regarding allowed encroachments in the public right-of-way.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall also submit evidence, for the review and approval of the Executive Director that the applicant has made the initial payment to the City's public access impact mitigation program (i.e. annual payment to City for encroachment.) The applicant and all other successors and assigns shall remain enrolled in the City's public access impact mitigation program (i.e. annual payment to City for encroachment) and make the recurring annual payment so long as the encroachment remains in place.

5. City's Right to Revoke Encroachment Permit. Approval of this coastal development permit shall not restrict the City's right and ability to revoke, without cause, the approved City encroachment permit in order to construct public access and recreation improvements within the public right-of-way.

6. Future Development. This permit only authorizes the development described in Coastal Development Permit No. 5-18-0240. The exemptions otherwise provided in Public Resources Code section 30610(b) shall not apply to any improvements to the development approved by Permit No. 5-18-0240. Accordingly, any future improvements to the structure authorized by this permit shall require an amendment to Permit No. 5-18-0240 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

7. Retention of Two Onsite Units. The development approved by Coastal Development Permit No. 5-18-0240 includes the demolition of a duplex and construction of a single-family residence with an attached 291 square-foot junior accessory dwelling unit (JADU). The applicant and all assigns/successors shall maintain the JADU as a separate unit. At no point may the JADU be incorporated into the single-family residence or reduced to less than the proposed 291 square-foot size without a coastal development permit amendment to Permit No. 5-18-0240.

8. 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 LOCATION

The applicant is proposing to demolish a 1,803 square-foot duplex, and construct a 30-foot high, 2-story, 3,631 square-foot single-family residence with a basement and attached 2-car garage. The project also includes an attached 291 square-foot junior accessory dwelling unit (JADU) on the basement level of the residence. The JADU will have a separate exterior entrance located on the west side of the single-family residence, as well as an interior entrance from the basement of the single-family residence. No landscaping is proposed as part of this project. The proposed project includes 838 cubic yards of cut and 197 cubic yards of fill, with 641 cubic yards being exported to a commercial excavation site located outside of the coastal zone.

The subject site is a 2,850 square-foot, rectangular-shaped residential lot located at 33 7th Street in the City of Hermosa Beach, Los Angeles County. A 30-foot high, 1,803 square-foot duplex, an attached 2-car garage, and a front patio are currently developed on the subject lot. The lot is

adjacent to 7th Street, an approximately 10-foot wide walk-street that extends from Hermosa Avenue westward to The Strand. The walk-street also provides public access to the beach ([Exhibit 1](#)). The site is approximately 180 feet inland of The Strand, a 26-foot long public walkway that provides lateral access across Hermosa Beach.

B. HAZARDS

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

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The project site is located less than 300 feet from the beach, and is therefore vulnerable to flooding and storm hazards. These hazard risks are exacerbated by sea-level rise that is expected to occur over the coming decades.

The State of California has undertaken significant research to understand how much sea-level rise to expect over this century and to anticipate the likely impacts of such sea-level rise. Two Ocean Protection Council (OPC) reports have updated the best available science, including the *Rising Seas in California: An Update on Sea-Level Rise Science*, released in April 2017 by a working group of OPC's Science Advisory team, and the *State of California Sea Level-Rise Guidance: 2018 Update*. The OPC's most recent projections in its statewide sea-level rise guidance is that in this area sea levels may rise between 1.8 and 5.3 feet by the year 2090, though there is a risk of much more significant sea-level rise depending on various uncertainties, including the dynamics of ice sheet loss. The projection is given in a range largely because researchers cannot know exactly how much greenhouse gases we will continue to emit over the coming decades – large-scale curtailment of greenhouse gas emissions would keep sea-level rise towards the lower end of the projections, while business as usual emissions scenarios would result in the higher end of the projections. Because the world has continued along the “business as usual” scenario (and data suggests temperatures and sea-level rise are tracking along the higher projections), OPC and the Natural Resources Agency have continued to recommend that we avoid relying on the lower projections in planning and decision-making processes.

The project site is not an ocean-fronting lot; therefore a wave uprush study was not submitted for the project. Although the project site is not susceptible to wave uprush or coastal erosion, the site is located in an area known to be vulnerable to coastal flooding. Commission staff has utilized the Our Coast, Our Future flood maps to analyze the project site's vulnerability to coastal flooding. The flood models show that the subject site is susceptible to flooding over the next 75 years under a minimum 4.9 foot sea-level rise scenario and an annual storm scenario. Should the applicant need to implement flood-protection measures on the property in the future, the applicant would need to submit an application for a coastal development permit for such

measures, as outlined in **Special Condition 6**. A more comprehensive strategy to address the flooding hazard in the low-lying beach areas in Hermosa Beach will be addressed in the Hermosa Beach LCP.

Therefore, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

C. DEVELOPMENT

Section 30250 of the Coastal Act states, in pertinent part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30251 of the Coastal Act states, in pertinent part:

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

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

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

...

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

evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.

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

Affordable Housing/Housing Density

The City of Hermosa Beach examines any Coastal Zone development that entails demolition or conversion of residential units that are not categorically exempt from the California Environmental Quality Act (CEQA) as required under the California Government Code (§65588(d) pursuant to Section 65590 (The Mello Act)). The Mello Act is a statewide law that seeks to preserve housing for persons and families with low and moderate incomes in the Coastal Zone. The City of Hermosa Beach determined that the Mello Act does not apply to any of the proposed development under Government Code Section 65590(b)(3). This section states, in relevant part:

(b) The conversion or demolition of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, shall not be authorized unless provision has been made for the replacement of those dwelling units with units for persons and families of low or moderate income. Replacement dwelling units shall be located within the same city or county as the dwelling units proposed to be converted or demolished. The replacement dwelling units shall be located on the site of the converted or demolished structure or elsewhere within the coastal zone if feasible, or, if location on the site or elsewhere within the coastal zone is not feasible, they shall be located within three miles of the coastal zone. The replacement dwelling units shall be provided and available for use within three years from the date upon which work commenced on the conversion or demolition of the residential dwelling unit. In the event that an existing residential dwelling unit is occupied by more than one person or family, the provisions of this subdivision shall apply if at least one such person or family, excluding any dependents thereof, is of low or moderate income.

...
The requirements of this subdivision for replacement dwelling units shall not apply to the following types of conversion or demolition unless the local government determines that replacement of all or any portion of the converted or demolished dwelling units is feasible, in which event replacement dwelling units shall be required:

...
(3) The conversion or demolition of a residential structure located within the jurisdiction of a local government which has within the area encompassing the coastal zone, and three miles inland therefrom, less than 50 acres, in aggregate, of land which is vacant, privately owned and available for residential use.

The City of Hermosa Beach implements the Mello Act within its coastal zone. According to the City's 2014 Existing Conditions Report in its General Plan, the City of Hermosa Beach

contained 33 vacant parcels totaling 2.6 acres of land. Only a portion of these parcels are residentially zoned. Therefore, the City determined that the Mello Act requirements are not applicable to the subject property.

Between 2005 and the present, the Commission has approved numerous projects in Hermosa Beach involving the replacement of duplexes with single family residences. The proposed project is a similar type of project, with the exception that a junior accessory dwelling unit (JADU) is being proposed within the single-family residence. The existing onsite structure is a duplex that complies with the current zoning regulations regarding lot size. The City of Hermosa Beach, which does not have a certified LCP, designates the subject site as Multiple-Family (R-3) in its Zoning Code with a current maximum development of 1 unit per 1,250 square feet. The subject property has a lot size of 2,850 square feet, which allows up to two units on the property by the City's zoning regulations. Although the lot is large enough to accommodate a duplex, the applicant has proposed to develop a single-family residence with a JADU.

Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) have been encouraged by the California Housing and Community Development department as a way to increase affordable housing options without significant changes to the existing housing stock. JADUs differ from ADUs in that they must be attached to an existing single-family residence, must be 500 square feet or smaller, and are not required to have provided parking. Typically, JADUs consist of bedrooms or master suites that are converted into separate units to be rented out. However, homeowners may choose to designate a portion of their single-family residence to convert into a JADU, provided that the JADU adheres to the size requirements.

The question raised by this project is whether or not the proposed single-family residence with a JADU still encourages affordable housing, given the loss of an existing two-unit housing structure. The existing duplex is proposed to be demolished and replaced with a single-family residence with an associated JADU. The proposed JADU is 291 square feet in size, with a self-contained kitchen, living quarters, bedroom, and bathroom ([Exhibit 2](#)). The unit has an external entrance from the west side of the single-family residence and one internal entrance from the basement of the residence. No parking is proposed for the JADU because the Housing and Community Development Department prohibits local governments from imposing parking requirements as a condition to approve JADUs if the accessory unit meets certain requirements.

Although the JADU has been designed to function separately from the single-family residence, the JADU is dependent on the single-family residence to serve as a housing unit. The JADU shares utility lines (power, water) with the single-family residence. The JADU also cannot be sold separately from the single-family residence. This differs from a duplex, where the units can have separate utility connections and can be rented or sold independently from one another.

While it is true that JADUs are not independent housing units, JADUs do provide additional housing units in areas that are impacted by the housing shortage. JADUs are typically more affordable to rent because of their smaller size. With a living area less than 500 square feet, JADUs may not attract families, but are ideal for individuals or couples who may not otherwise be able to afford to rent out larger units. Overall, JADUs do accommodate individuals other than the residents of the single-family residence, and should therefore be considered to be additional living units.

Because the proposed JADU has an internal entrance, it is possible that the accessory unit may eventually be used in conjunction with a single-family use. For instance, the JADU may be used as a guest flat for visitors of the property owners. In this case, there would only be one available housing unit, and there would be a missed opportunity to provide additional housing units. In order to ensure that two housing units are maintained onsite, the Commission imposes **Special Conditions 7 and 8**, which require the applicant to maintain the proposed JADU as a separate unit and to not incorporate it into the rest of the single family residence and to record a deed restriction against the property that provides future owners with notice of all of the conditions of this permit, including the requirement to maintain the JADU as a separate unit.

As conditioned, the project will maintain two units onsite and will furthermore provide an affordable housing opportunity for a student, individual, or couple who may not otherwise be able to afford to rent out a larger duplex unit.

The subject site is located in a dense, residentially-zoned area where numerous residential opportunities are available. Grocery stores, shops, restaurants, and entertainment facilities are located within ½ a mile of the subject property. In addition, the public beach is located adjacent to the public walkway fronting the subject site. Therefore, the project is located in an area that can accommodate it, will be consistent with the character of the area, and will not have cumulative adverse impacts to coastal resources. In addition, the location of the subject site in close proximity to these nearby amenities minimizes vehicle miles traveled and energy consumption.

More broadly, planning for concentration of development and encouragement of affordable housing can be done through a City's Local Coastal Program, but is more difficult to do in a meaningful way on a project-by-project basis. Here, Hermosa Beach does not currently have a certified LCP. The Commission certified a Land Use Plan for Hermosa Beach in April 1982, but an Implementation Plan (IP) has not yet been finalized.

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

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

The Statement of Philosophy is followed by several policies and programs to accomplish the goal of establishing and maintaining a diverse housing stock. Because an LCP has not been finalized, this presents an opportunity for the City of Hermosa Beach to develop an IP that will address affordable housing and housing density in the context of an LCP.

Community Character

The site is located in a Multiple-Family Residential (R-3) zone, which permits uses in the single and two-family residential zones, as well as multiple residential dwelling units. The R-3 zone

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also restricts structure height to 30 feet. The proposed residence meets the height limit and setback requirements for the R-3 zone as established in the Hermosa Beach LUP.

The walk street along which the project site is located is developed with single-family and multi-family residences ranging in size from 971 square feet to 6,352 square feet. The residences are primarily 2-story and 3-story, 30 foot-high structures ([Exhibit 1](#)). The proposed 30 foot-high, 2-story, 3,631 square-foot single-family residence is of a similar mass and scale to other properties in the project vicinity. Therefore, the proposed project is compatible with the community character of the area.

As proposed and conditioned, the project is consistent with Sections 30250, 30251, and 30604 of the Coastal Act.

D. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

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

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

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

The project site is located adjacent to the 7th Street walk-street, which serves as a pedestrian coastal access walkway between Hermosa Avenue and The Strand. As the project plans illustrate, the residence is set back 3 feet from the property line facing the walk-street. The current residence also has a right-of-way encroachment onto the walk-street. The City of Hermosa Beach administers the encroachment permit program in this area. The applicant plans to utilize the encroachment area, but has not submitted encroachment plans at this time. Therefore, the Commission imposes **Special Condition 4**, requiring the applicant to submit proof of enrollment in the City's encroachment permit program prior to issuance of the coastal development permit. In addition, the Commission imposes **Special Condition 5**, which retains the City's right to revoke an encroachment permit should it need to make improvements to the public open space recreation area or relocate the public right-of-way.

Parking

The development proposes three on-site parking spaces that will not impact public beach parking in the project vicinity. Two spaces will be provided inside the 2-car private garage, and one uncovered guest parking space will be provided adjacent to the garage. All parking spaces will be accessed through the 8th Court residential alley, a road not available for public parking. According to the California Housing and Community Development Department, parking is not required for a JADU if it can be demonstrated that the JADU is located within one half mile of a public transit system. In this case, a bus stop is located 486 feet (a two minute walk) from the project site on the intersection of Hermosa Ave. and 6th Street. The two bus lines served by this station are the Commuter Express 438 line and the Beach Cities Transit 109 line. The Commuter Express 438 serves to connect the coastal South Bay area to Downtown Los Angeles. The Beach Cities Regional Transport 109 connects the three “Beach Cities (Redondo Beach, Hermosa Beach, and Manhattan Beach)” to El Segundo and LAX.

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 to Sections 30210, 30211, and 30212 of the Coastal Act.

E. WATER QUALITY

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

Section 30232 of the Coastal Act states:

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

1. Construction Impacts to Water Quality

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

The proposed project includes construction of a basement. The applicant has submitted a Preliminary Soils Investigation report in conjunction with the proposed excavation activities for the basement. The report indicates that the groundwater level occurs nine feet below grade. The project plans show that the bottom of the proposed basement hits the water table. This is supported by additional findings in the soils report that state “[t]emporary dewatering of excavations may also be required during site grading depending on the depth of excavations. Permanent dewatering systems around the basement level may also be indicated.” A supplementary letter from Geosoils, Inc. was submitted on June 15, 2018 to further detail a dewatering plan for the project.

During the construction phase, the basement is proposed to be dewatered using a Venetian Well system. Wells will be placed inside and outside the building footprint to collect groundwater. The wells will be dewatered with electric dewatering pumps, and will be directed into a storage tank staged at street elevation. The tank will be metered for outfall. The water meter will be provided by the City of Hermosa Beach. All site water will be filtered and will be directed into the city sewer system. The basement will be designed to prevent groundwater from entering the basement after construction through the use of external sealant and dense concrete. Therefore, permanent dewatering will not be utilized for the residence after construction.

Given that the project is in an extremely flood-prone area and that construction will take place very close to if not within the water table, excess water is likely to need to be disposed of during construction activities. Improper treatment and disposal of such water could have adverse impacts on coastal resources, therefore a final dewatering plan should be prepared in advance of the intended construction to ensure proper handling of water encountered during construction. Thus, the Commission imposes Special Condition 3, which requires a final dewatering plan prior to issuance of a coastal development permit. In addition, the applicant must provide evidence that the appropriate permits have been obtained from the corresponding agencies.

2. Post-Construction Impacts to Water Quality

The proposed project will result in new development that could contribute to water quality impacts. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize the cumulative adverse impacts on water quality resulting from incremental increases in impervious surfaces associated with new development in the coastal zone. In order to deal with these 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. The project includes a system to manage and increase on-site percolation of runoff, including downspouts that are connected to a perimeter surface drain system, which is in turn connected to an infiltration structure. A sump system will pump overflow to the adjacent alley and public storm drain system. Permeable pavers are incorporated throughout the front and side yards to capture surface runoff. Best management practices will also be incorporated throughout the course of construction. To ensure that the applicant complies with the submitted drainage plan, the Commission imposes **Special Condition 2**.

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

F. DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition 8** 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 notice of the restrictions and/or obligations imposed on the use and enjoyment of the land, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

G. LOCAL COASTAL PROGRAM

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

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

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

In this case, the City of Hermosa Beach is the lead agency and the Commission is a responsible agency for the purposes of CEQA. The proposed project involves the demolition of a housing unit, which would ordinarily not be categorically exempt and be subject to the Mello Act. However, as stated above, the City concluded that the project was not subject to Mello Act requirements. Therefore, the City of Hermosa Beach determined that the proposed development is exempt under Section 15303(a), which exempts construction of a single-family residence in a residential zone from CEQA requirements. As a responsible agency under CEQA, the Commission has determined that the proposed project, as conditioned, is consistent with the marine resources, water quality, hazards and public access policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A

Substantive File Documents: City of Hermosa Beach Certified Land Use Plan; City of Hermosa Beach Approval-in-Concept, dated March 15, 2018; Coastal Development Permit Application File No. 5-18-0240; Preliminary Soils Investigation, 33 7th Street, Hermosa Beach, CA dated November 4, 2016.