

CALIFORNIA COASTAL COMMISSION

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**W23a**

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-18-0994

Applicant: Skylar Properties, LLC

Agent: Srour and Associates

Location: 55 18th Street, Hermosa Beach, Los Angeles County
 (APN: 4181-029-009)

Project Description: Demolition of a detached two-story duplex totaling 2,591 sq. ft., and construct a 30-ft. high, 3-story, 4,393 sq. ft. single-family residence with an attached 2-car garage and roof deck.

Staff Recommendation: Denial

SUMMARY OF STAFF RECOMMENDATION

The applicant requests a coastal development permit (CDP) to demolish a detached duplex and construct a new single-family residence on a 2,849 sq. ft. lot. The standard of review for this project is Chapter 3 of the Coastal Act, and the Hermosa Beach Land Use Plan (LUP), which was certified by the Commission in 1982, is used as guidance. The proposed project raises potential Coastal Act issues related to loss of existing housing density (one residential unit would be lost).

Coastal Act Section 30250 provides that new residential development shall be located in or in close proximity to existing developed areas that are able to accommodate it, or in other areas with adequate public services and where it will not have significant, cumulative adverse effects on coastal resources. Section 30253 requires new development to minimize energy consumption and vehicle miles traveled. These policies together encourage “smart” growth by locating new development in appropriate areas that minimizes impacts on coastal resources and discourages

residential sprawl in more rural or sparsely populated areas that are not adequately developed to support new residential development and where coastal resources could be threatened. Although the Coastal Act does not authorize the Commission to regulate or require affordable housing, Section 30604(f) directs the Commission to encourage low- and moderate-income housing opportunities.

LUP Sections IV.B and IV.C contain broad goals and policies regarding the maintenance of existing housing stock. Section IV.B highlights the primary goal of maintaining the existing housing stock, while Section IV.C contains policies to continue the existing mix of low, medium, and high density areas. In addition, Section IV.C policies state that the zoning code (the relevant portion of which was adopted into the certified LUP as Appendix G) shall define the building standards for the different residential zones. The project site is located in an area designated as medium-density residential zone on a lot designated Limited Multiple-Family Residential (R-2B) by the City's certified LUP. The certified LUP allows single-family and two-family residences in areas that fall within the medium density zone. In addition, the certified development standards in the LUP allow one residential unit per 1,200 sq. ft. of lot area, which would permit two residential units on the 2,849 sq. ft. lot. The project site is located in a developed area characterized by duplexes and multi-family residences that has adequate public services and access to public transportation (thereby minimizing traffic and related impacts), and is relatively safe from sea-level rise for the foreseeable future; therefore, it is appropriate and desirable to concentrate, and at the very least, maintain housing density at this location, consistent with Sections 30250 and 30253 of the Coastal Act.

The City implemented a zoning code update in 1986, after the City's LUP was certified by the Commission, which increased the minimum lot area required per residential unit from 1,200 sq. ft. to 1,750 sq. ft. in the R-2B zone. The applicant contends that the City's current zoning code prevents the construction of more than one unit on the subject site. The discrepancy between the City's zoning code and the certified LUP should be addressed through an LUP amendment. However, the City has not yet applied for one and the Commission has not been provided with an opportunity to review the change in the City's zoning code for consistency with the Coastal Act. Therefore, with regard to approving or denying a CDP for the proposed project, the Coastal Act remains the standard of review and the City's *certified* LUP, which has been reviewed for consistency with the Coastal Act and approved by the Commission, is used as guidance, not the City's uncertified zoning code.

In addition, the City approved an Accessory Dwelling Unit (ADU) ordinance in 2018 that prohibits the construction of ADUs or Junior ADUs (JADUs) on residentially-zoned lots less than 4,000 sq. ft. The City's lot size requirement—which, again, has not been certified and is not the standard of review for this CDP application—severely restricts opportunities to construct an ADU or a JADU on residential lots within the City's coastal zone, and poses a potential problem regarding the maintenance of existing coastal zone housing stock. In this case, the applicant applied to the City for approval of a JADU in conjunction with the proposed single-family residence. The City denied the JADU proposal because the proposal was inconsistent with the uncertified ADU ordinance.

In this case, the proposed project is not consistent with Sections 30250 and 30253 of the Coastal Act because the project, when viewed cumulatively with other similar projects in the area, does not concentrate development in appropriate areas that can accommodate it, and could result in cumulative adverse effects to coastal resources. The certified LUP policies, to maintain existing

housing stock and diversified housing options, support and are consistent with the priority in Chapter 3 of the Coastal Act to concentrate development in appropriate areas. Furthermore, there are feasible alternatives- such as constructing a new duplex or constructing a single-family residence with an ADU- that would maintain two residential units and be consistent with the Coastal Act and the certified LUP. Overall, the City used uncertified polices (the local zoning code) to determine that a duplex is not appropriate development on the subject lot, which contradicts the certified LUP; therefore, the project could prejudice the City's ability to develop an LCP that is consistent with the Coastal Act. Accordingly, staff recommends that the Commission deny the proposed project.

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APPENDICES

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EXHIBITS

[Exhibit 1 – Vicinity Map and Project Location](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – Appendix G of the City of Hermosa Beach Certified LUP](#)

[Exhibit 4 – Current City of Hermosa Beach Zoning Code Standards for R-2B Zone](#)

[Exhibit 5 – City of Hermosa Beach ADU Ordinance \(2018\)](#)

[Exhibit 6 – Community Character Analysis As Submitted By Applicant](#)

[Exhibit 7 – City of Hermosa Beach’s Response to Applicant’s JADU Proposal](#)

[Exhibit 8 – Encroachment Area](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. 5-18-0994 for the development proposed by the applicant.

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit 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 denies a coastal development permit for the proposed development on the grounds that the development will not conform with the policies of Chapter 3 of the Coastal Act, and will 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 would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The applicant is proposing to demolish a detached two-story, 2,591 sq. ft. duplex and to construct a 30-ft. high, three-story, 4,393 sq. ft. single-family residence with a roof deck, and an attached two-car garage on a 2,849 sq. ft. lot ([Exhibit 2](#)). Proposed grading includes 200 cu. yd. of cut, all of which would be transported outside of the coastal zone. The proposed project was approved in concept by the City of Hermosa Beach on December 10, 2018.

The site is located approximately 350 ft. inland of the beach at 55 18th Street in the City of Hermosa Beach, between the first public road and the sea and north of the Hermosa Beach Pier ([Exhibit 1](#)). The area in which the project site is located is designated Medium Density Residential by the certified LUP. The subject lot is designated R-2B (Limited Multiple Family Residential) by the City's certified LUP.

The Commission certified the City's LUP in 1982. However, the City does not yet have a certified Local Coastal Program (LCP). At the time of its approval, the LUP was generally consistent with the City's zoning code. Portions of the zoning code at that time- including the Minimum Lot Size per Dwelling Unit development standards- were incorporated into the certified LUP as appendices. However, the zoning code as a whole was not approved as part of the LUP.

In 1986, after the Commission certified the City's LUP, the City implemented a zoning code update, which increased the minimum lot area per unit from 1,200 sq. ft. to 1,750 sq. ft. in the R-2B zone. The current zoning code, including the minimum lot area per unit standard, has not been reviewed or certified by the Commission for consistency with the Coastal Act, it is therefore, not a standard of review for the purposes of approving or denying a CDP application.

In addition, the City approved an ADU ordinance in 2018 that prohibits the construction of ADUs or Junior ADUs (JADUs) on lots less than 4,000 sq. ft. and limits ADUs to lots zoned for residential use, with the exception of the mobile home park zone ([Exhibit 5](#)). The minimum lot size requirement severely restricts opportunities to construct an ADU or a JADU on residential lots within the City's coastal zone. This poses a potential problem regarding the maintenance of existing coastal zone housing stock. If the City does prevent the redevelopment of existing duplexes on R-2B-zoned lots due to the City's current minimum lot size requirements (which have not been certified by the Commission), many of the lots within the City's coastal zone area would not have the option to develop even a small JADU within a single-family residence to mitigate the loss of an existing housing unit. Nevertheless, similar to the City's current zoning code, the ADU ordinance has not been certified by the Commission. It is not the standard of review and should not be used to determine a project's consistency with the Coastal Act for the purposes of approving or denying a CDP application.

Because the City does not have a certified LCP, the Chapter 3 policies of the Coastal Act are the standard of review for CDP applications, with the certified LUP used as guidance.

B. DEVELOPMENT

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

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

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

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

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

New development shall do all of the following:

- (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.*
- (d) Minimize energy consumption and vehicle miles traveled*

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

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

- (f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.*
- (g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.*

LUP Section IV.B states:

Goals and Objectives

- 1. To preserve the City's existing diversified mix of age and income groups.*
- 2. To preserve the City's existing diversified neighborhoods.*
- 3. To promote and encourage the conservation, rehabilitation, and maintenance of the City's existing housing stock.*

LUP Section IV.C.1 states, in relevant part:

Policy: To continue the current mix of low, moderate, and high housing densities.

Program: The Land Use Element of the General Plan shall continue to define low, medium, and high density residential areas within the City. (See Appendix I.)

Program: The Zoning Code shall continue to define the different building standards for each of the residential zones.

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

The standard of review for this CDP application is the Chapter 3 policies of the Coastal Act and the City’s certified LUP is used as guidance. It should also be noted that the City’s current zoning code is not included in the certified LUP and has not been reviewed or certified by the Commission for consistency with the Coastal Act, and is therefore not the standard of review to determine the proposed project’s consistency with the Coastal Act with regard to approving or denying a CDP.

Housing Density and Concentrating Development

The certified LUP defines medium-density development as follows:

MEDIUM DENSITY: 14 to 25 dwelling units per net acre. This category would consist mostly of two-family homes and single-family homes on small lots, including garden apartments, and townhouses. It is intended that any future development in this area shall fall within the specified density range.

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

Zone	Uses	Lot Area per Dwelling Unit
R-1	Single family dwellings, accessory building	1 lot/1 dwelling unit
R-2 R-2B	Single-family dwellings built to R-1 standards; duplexes; condominiums. (For lots less than 30 ft. wide, only a single-family residence)	1,200 sq. ft./1 dwelling unit
R-3	Multiple Dwellings (For lots less than 2,400 sq. ft., only a single-family residence)	950 sq. ft./1 dwelling unit.
R-P	Residential use- develop to R-3 requirements Professional use- subject to Conditional Use Permit	Same as R-3

As mentioned, the project site consists of a rectangular, 2,849 sq. ft. lot that is zoned R-2B (Limited Multiple-Family Residential), which is currently developed with a detached duplex totaling 2,591 sq. ft. in size. The site is located in an area that is designated in the certified LUP as a Medium-Density Residential Zone. The current development of the site is consistent with the Medium Density Residential Zone designation in that two residential units are currently available on site. The duplex also complies with the certified LUP's minimum lot area per dwelling unit development standards: with a lot size of 2,849 sq. ft. and a minimum lot area per density of one unit per 1,200 sq. ft. in the R-2B zone, the project site can accommodate up to two on-site residential units ([Exhibit 3](#)).

The certified LUP identifies the preservation of existing housing stock as an important objective. Furthermore, the LUP also states the need to continue the *current* mix of low, moderate, and high housing densities (refer to LUP Sections IV.B and IV.C above). After the LUP certification, however, the City made changes to their local planning documents that appear to be reducing, rather than preserving, existing housing stock in the coastal zone by restricting opportunities to construct duplexes and other multi-family residences, which is inconsistent with the certified LUP. Indeed, there is an apparent trend of development in Hermosa Beach of converting multi-family residential developments into single-family homes. The Commission approved 31 projects within the last five years that converted multi-family units to single-family residences (a total loss of 36 residential units).¹ The Commission's approval of projects that would reduce housing density typically relied on Chapter 3 policies or certified LUP policies relating to the project sites; however, many decisions did not look at the cumulative impacts of loss of housing density in coastal areas or the importance of concentrating development in areas capable of supporting it for purposes of protecting coastal resources on a broader scale. In response to California's persisting housing crisis, however, the Commission has become increasingly concerned about the cumulative impacts of development trends that reduce housing density and increase development pressure in other, potentially sensitive or hazardous areas in the coastal zone.²

Section 30250 of the Coastal Act requires new development to be sited in existing developed areas where it can be accommodated without adverse cumulative impacts to coastal resources. Section 30253(d) requires new development to minimize energy consumption and vehicle miles traveled. Concentrating development in existing developed areas provides more opportunities for people to live near places they work and recreate, such as the beach, and, thereby, reduces impacts to coastal resources. Impacts to roads and vehicle miles traveled would be reduced by having a more intense stock of housing located closer to employment and recreational opportunities within the coastal zone. Also, by having a higher density in an existing developed area, more people are placed in a shared location encouraging the utility of public transit service, which further aids in reducing the number of cars on streets, thus reducing impacts to coastal resources and public access. Siting dense development in urbanized areas reduces urban sprawl, and furthermore reduces the pressure to extend development into adjacent undeveloped areas, which may contain sensitive coastal resources, such as the nearby Santa Monica Mountains.

¹ Refer to [Appendix A](#)

² Refer to the staff report for CDP Application No. 5-18-0380 (S.M. Star, LLC)

Maintaining the existing housing density or even increasing the housing density in areas with a public multi-modal transit system will help to reduce greenhouse gases that contribute to climate change and sea level rise. The project 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 mi. of the subject property, and can easily be accessed by walking, taking local buses, or by bicycle. In terms of regional public transit, the project site is located approximately 100 ft. (an approximately two minute walk) from a bus stop on the intersection of Hermosa Avenue and 6th Street. This bus stop is served by the Beach Cities Transit 109 line, which connects the three “Beach Cities (Redondo Beach, Hermosa Beach, and Manhattan Beach)” to El Segundo and LAX. The project site is also located 0.1 mi. (an approximately 3 minute walk) from the closest Commuter Express 438 bus stop, located at the intersection of Hermosa Avenue and 10th Street. The Commuter Express 438 Bus connects the South Bay Area to Downtown Los Angeles. Thus, the project site is located in an area that is appropriate to maintain density because it is located in an already densely developed area that contains a multi-modal transit system that connects to the greater Los Angeles region.

Although the reduction of density is rather minimal in this case specifically (the project would result in a lot of one unit), the cumulative effect of reduced densities in areas able to accommodate such density could unwittingly lead to increased pressure to develop housing in other areas that do not have adequate public transit and/or public services in the long run, thereby increasing reliance on automobiles resulting in the production of more greenhouse gases.

Thus, the LUP policies to protect existing housing stock in Hermosa Beach support and are consistent with the Coastal Act policies encouraging concentrating development in areas that can accommodate more dense development. In this case, the certified LUP allows up to two units on the project site and the area in which the site is located is an existing developed area where duplexes and other multi-family residences are common and is well-served by public transportation and other amenities. In addition, this project does not appear to be an isolated case; the pattern of development in Hermosa Beach involving conversion of duplexes and other multi-family residences to single-family homes means that the potential impacts to coastal resources from reducing housing density at this location, and in an area that is well-able to support it, are likely much more significant. Therefore, although this project involves only loss of one housing unit, the proposed project, when viewed cumulatively with other similar projects in the area, is not consistent with Sections 30250 and 30253 of the Coastal Act or with the Section IV.C policies of the certified LUP.

Coastal Hazards

Concentrating residential development in appropriate areas also has cumulative benefits for hazard avoidance policies in Section 30253 of the Coastal Act, which states that new development shall minimize risks to life and property in flood hazard areas, and assure stability and structural integrity and not require the construction of protective devices that substantially alter natural landforms. Maintaining housing density in areas predicted not to be subject to coastal flooding as a result of sea level rise, such as the subject site, reduces the possibility of hazards and increases the probability of assuring the stability and structural integrity of such development. On a broader scale, the overall practice of maintaining density in locations at reduced risks from sea level rise will have the net effect of maintaining housing stock that is

relatively safe from hazards and will relieve long-term development pressure in unsafe areas, thus carrying out the hazard policies of Section 30253 on a community-scale.

Additionally, maintaining development in areas that are less likely to be affected by coastal hazards facilitates the protection of coastal resources. As sea levels rise, beaches trapped between the rising seas and the first line of development could be threatened. Often, the first line of development impedes the ability of the beach to naturally migrate inland over time and reduces the sources of sand supply created by erosion that contribute to beach accretion. This process is commonly referred to as “coastal squeeze,” and leads to the narrowing and eventual loss of beaches and other shoreline habitats.

The loss of beach area from coastal squeeze represents a loss of many coastal resources protected by the Coastal Act, including public access, recreational opportunities and associated economic benefits, habitats and marine resources, scenic and visual qualities of coastal communities. Coastal squeeze also presents challenges for carrying out the public trust doctrine, and presents a significant environmental justice issue if the general public loses its ability to access the shore. By maintaining density in safe locations, development pressure along the shoreline could be lessened, making the implementation of solutions to coastal squeeze (i.e., adaptation planning to relocate development to less vulnerable locations inland) more feasible in the long term. It would also increase the likelihood of successful preservation of coastal resources associated with the beach, consistent with Sections 30210, 30220, 30240(b), 30251 of the Coastal Act, and uphold statewide and local goals relating to environmental justice, consistent with Section 30013 of the Coastal Act. Therefore, in sum, the preservation of density at the location of this subject CDP Application could help prevent land use pressures that exacerbate sea level rise impacts and the loss of coastal resources.

The project site is located between the sea and the first public road (approximately 350 ft. inland from the beach) in a developed residential neighborhood north of the Hermosa Beach Pier. Because the project site is not located at the first line of development adjacent to the beach, a coastal hazards survey was not submitted for the proposed project. Nevertheless, Commission staff utilized the USGS Coastal Storm Modeling System (CoSMoS) and guidance from the Commission’s Sea-Level Rise policy document and the 2018 Ocean Protection Council (OPC)’s Sea-Level Rise document to analyze the project site’s vulnerability to coastal hazards, including coastal flooding, wave uprush, and erosion.

On November 7, 2018, the Commission adopted a science update to its Sea-Level Rise Policy Guidance. This document provides interpretive guidelines to ensure that projects are designed and built in a way that minimizes sea-level rise risks to the development and avoids related impacts to coastal resources, consistent with Coastal Act Section 30253. These guidelines state, “to comply with Coastal Act Section 30253 or the equivalent LCP section, projects will need to be planned, located, designed, and engineered for the changing water levels and associated impacts that might occur over the life of the development.”

In order to analyze the project site for sea level rise impacts, staff first followed the methodology outlined in the OPC’s 2018 Sea-Level Rise document to establish a projected sea level range for the new development. The 2018 OPC guidance uses NOAA tide gauges, a projected project lifespan, and risk aversion scenario to estimate a sea level rise range. The sea level rise analysis

assumed a 75-year projected lifespan for the project, consistent with the Commission's Sea-Level Rise Policy Guidance for residential development. According to the 2018 OPC update, the projected sea level rise range for the project site is tied to the Santa Monica NOAA Tide Gauge. This tide gauge estimates a range between 5.5 and 6.8 ft. of sea level rise by 2100 (which falls within the 75-year projected lifespan for the project). With regard to the risk-aversion scenario, both the Commission's Sea-Level Rise Policy Guidance and the OPC documents recommend a medium-high risk scenario for residential developments. Under a 75-year projected lifespan, a medium-high risk scenario, and the project's location within the Santa Monica NOAA tide gauge, staff estimated 6.8 ft. of sea level rise within the project vicinity.

Using the sea level rise estimates listed above, staff used CoSMoS to analyze the project site's vulnerability to sea level rise impacts. Staff ran the CoSMoS model using a 6.6 ft. sea level rise scenario (the closest available option that was within the determined sea level range) and a 100-year storm scenario to represent the worst-case scenario. Under an estimated 6.6 ft. sea level rise and 100-yr. storm scenario, the project site is not anticipated to be subject to inundation due to coastal flooding or wave uprush. In addition, the project site is not anticipated to be subject to coastal erosion due to the project's location inland of the beach. Therefore, the project site is predicted to be relatively safe from coastal hazards, especially compared to ocean-fronting development. Because the project site is not anticipated to be adversely impacted by sea level rise impacts, the Commission finds that it is appropriate to maintain housing density (i.e. a duplex) at the project site, consistent with Coastal Act Section 30253.

Community Character

In order to better understand the character of the neighborhood, the applicant submitted an analysis of 48 residential properties within a two-block radius of the project site (i.e. between 17th Street and 20th Court) to identify single-family and multi-family residences ([Exhibit 6](#)). The analysis found that 11 of the 48 properties surrounding the project site contain single-family residences, 33 of the properties contain two to four on-site residential units, and four properties contain 5 or more residential units. Thirty of the surveyed properties have lot sizes of approximately 2,800 sq. ft. (similar in size to the project site), which would allow up to two residential on-site units under the certified LUP.

The block in which the project site is located consists of 24 residential lots. Of the 24 lots, four lots (16% of the lots on the block) are developed with single-family residences. The single-family residences are all pre-coastal structures. Although a few single-family residences exist, the block primarily consists of multi-family structures (most of which contain between two and four onsite units).

The results of the community character analysis indicate that the surrounding neighborhood is largely characterized by medium-density residences (between 2-4 residential units), which is consistent with the projected pattern of development in the R-2B zone. Although the construction of a new single-family residence on the project site would not necessarily be inconsistent with the community character of the area, the character of the neighborhood is clearly defined by a majority of multi-family residences, with only a handful of single-family residences. A duplex, such as the detached one currently on the project site, is appropriate development in this location and consistent with Section 30251 of the Coastal Act because it is consistent with the certified

LUP and compatible with the character of the surrounding area. Overall, the multi-family character of the neighborhood supports the maintenance of existing housing units, consistent with Coastal Act Sections 30250 and 30253 with regard to siting development in areas that can accommodate it.

Affordable Housing

The project may also raise potential issues regarding affordable housing. Here, the standard of review is Chapter 3 of the Coastal Act, which does not authorize the Commission to regulate or require affordable housing. That authority was removed from the Coastal Act by the Legislature, and a separate statute, the Mello Act (Government Code Section 65590), establishes requirements for affordable housing in the coastal zone that apply to local governments, not the Commission. However, Section 30604(f) of the Coastal Act, directs the Commission to *encourage* low and moderate income housing opportunities in the coastal zone. It is difficult to predict exactly how housing affordability in Hermosa Beach would be impacted by approval of the proposed project, however, the loss of housing supply on a broader scale is generally associated with increases in housing costs. Denying the project, as recommended by staff, would not be inconsistent with direction in the Coastal Act to encourage affordable housing opportunities. However, long-term planning for concentration of development and encouragement of affordable housing should be done through a City's LCP, as it is more difficult to do in a meaningful way on a project-by-project basis. This issue is further discussed below.

Conclusion

In this case, the proposed project is not consistent with Sections 30250 and 30253 of the Coastal Act because the project, when viewed cumulatively with other similar projects in the area, does not concentrate development in appropriate areas that can accommodate the existing housing density. The neighborhood in which the project site is located is designated in the certified LUP as a Medium-Density Residential Zone, and is largely made up of multi-family residences that contain between two to four residential units per lot. The project site is well-served by public transportation and other amenities, and is not located in an area that is subject to coastal hazards. The certified LUP identifies the maintenance of the existing housing stock as a primary goal, and further contains minimum lot size per dwelling unit development standards that allow two units on the subject site. The City, however, made changes to the zoning code (including the minimum lot size per dwelling unit standards) that were not reviewed or certified by the Commission for consistency with the Coastal Act. Under the City's current uncertified zoning code, only one unit could be developed on the site. However the standard of review for a CDP is the Coastal Act and the certified LUP is used as guidance, not the City's uncertified zoning code. For similar reasons, approval of the project would frustrate policies in the certified LUP designed to maintain existing housing stock and diversified housing options. Therefore, the project could prejudice the ability for the City of Hermosa Beach to develop an LCP that is consistent with the Coastal Act. For the reasons stated above, the Commission denies the proposed project.

C. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

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

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

The project site is located approximately 350 ft. inland from the beach between the sea and the first public road parallel to the sea. The development proposes three on-site parking spaces, all of which would be accessed from the alley on 19th Court. Two spaces would be located in a garage and one off-street space would be located adjacent to the garage. Nineteenth Court currently prohibits public parking; therefore, the proposed project would not impact public beach parking in the project vicinity.

The project site is located adjacent to the 18th Street walk-street, which stretches from Hermosa Boulevard on the eastern edge to The Strand on the western edge, and serves as a pedestrian coastal access walkway ([Exhibit 8](#)). The project plans indicate that the proposed single-family residence would be set back five ft. from the front property line. The residence also plans to utilize an approximately 670 sq. ft. encroachment area that extends into the public right-of-way. The City of Hermosa Beach administers an encroachment permit program that allows residents to encroach into the public walk-way with a special encroachment permit. The applicant has provided evidence demonstrating a proof of enrollment in the City's encroachment permit program. The encroachment area is intended to be used as an open-space patio, with no permanent structures proposed to be erected within the area. The encroachment area does not extend onto the public walk-street. Overall, the proposed residence would observe a five-ft. setback from the front property line and an additional 22 ft., 5-in. setback from the public right of way. The setback would be sufficient to provide a visible differentiation between the public walkway and private development, which would alleviate user conflicts in the area. Therefore, the proposed development would not have any new adverse impacts on public access to the coast or to nearby recreational facilities.

As proposed, the development conforms to Sections 30210, 30211, and 30212 of the Coastal Act. However, the proposed development is not consistent with the development policies found in Chapter 3 of the Coastal Act (as discussed above). Therefore, the project as proposed by the applicant must be denied.

D. WATER QUALITY

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

Section 30232 of the Coastal Act states:

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

Construction Impacts to Water Quality

The above policies of the Coastal Act require protection of marine resources, including the protection of coastal waters by controlling runoff and preventing spillage of hazardous materials. Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column.

Post-Construction Impacts to Water Quality

The proposed project has the potential to adversely impact the water quality of the nearby Pacific Ocean. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from incremental increases in impervious

surface associated with additional development. In order to address post construction water quality impacts, the applicant has submitted a drainage and runoff control plan that minimizes impacts to water quality the proposed project may have after construction. Roof and surface runoff will be collected in roof gutters and a drainage system that is connected to an infiltration system designed to facilitate filtering and natural percolation. Overflow will be collected in a sump pump and directed to the public storm drain system. Surface runoff is also proposed to be captured in landscaped yards and permeable pavers that are to be located throughout the rear, front and side yards of the residence.

For water conservation, any plants in the landscape plan shall be primarily drought tolerant to minimize the use of water (and preferably native to coastal Los Angeles County). The applicant has stated that landscaping will consist of low water use plants.

The Commission finds that the proposed project is consistent with Sections 30230, 30231 and 30232 of the Coastal Act regarding protection of marine resources and water quality. However, the Commission finds that the project, as proposed by the applicant, is inconsistent with the development policies found in Chapter 3 of the Coastal Act (as discussed above). Therefore, the project should be denied.

E. LOCAL COASTAL PROGRAM

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

At the time of its approval, the LUP was generally consistent with the City’s zoning code. Portions of the zoning code at that time- including the Minimum Lot Size per Dwelling Unit development standards- were incorporated into the certified LUP as appendices. However, the zoning code as a whole was not approved as part of the LUP. Subsequent to the Commission’s approval of the LUP, the City has undertaken numerous updates to their local zoning code and portions of it are no longer consistent with the LUP. The City’s zoning code is not the standard of review for development in the City’s coastal zone that requires a CDP. The Chapter 3 policies of the Coastal Act are the standard of review, and the *certified* LUP is used as guidance.

The Commission-certified LUP for Hermosa Beach emphasizes the need to protect its housing stock and to maintain diversity in housing options. The LUP “Statement of Philosophy” with 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 (Section IV.C) to accomplish the goal of establishing and maintaining a diverse housing stock. The LUP identifies the intent of the Land Use Element of the LUP to establish low, medium, and high density residential zones, and identifies the zoning code to enforce building standards for each of the zones.

The subject site is designated as Limited Multiple-Family Residential (R-2B) in both the City’s certified LUP and the City’s zoning code. R-2B zoned properties allow for single-family and two-family residences. Here, the LUP provides guidance as to a proposed project’s consistency with Chapter 3 of the Coastal Act. On R-2B zoned properties, the Residential Zone Requirements in the LUP (found in Appendix G) allow residential development at a rate of one unit per 1,200 sq. ft. ([Exhibit 3](#)). The LUP further states that *only* a single-family residence may be constructed on R-2B zoned lots that are *less* than 30 ft. in width. The certified LUP does not prohibit construction of an ADU on residential lots. The project site has a lot size of 2,849 sq. ft. with a width of 30 ft. Thus, under the certified LUP’s Residential Zone requirements, up to two residential units may be developed on the project site. The applicant contends that the minimum lot area per unit regulations in the City’s current zoning code prevent the construction of more than one unit on the subject site ([Exhibit 4](#)). However, *this zoning code update conflicts with the certified LUP, has not been reviewed or certified by the Commission for consistency with the Coastal Act, and does not constitute the standard of review for this permit*³. Because the current zoning code has not been certified by the Commission, it is not a standard of review for a project’s consistency with the Coastal Act and should not be relied on for the purposes of approving or denying a CDP application.

Similarly, the City’s 2018 ADU/JADU is uncertified and is inconsistent with Sections IV.B and IV.C with regard to maintaining existing housing density. As stated earlier, the minimum lot size requirement severely restricts opportunities to construct an ADU or a JADU on residential lots within the City’s coastal zone. According to the City’s available data, 363 lots within the coastal zone are at least 4,000 sq. ft. in size and could accommodate an ADU or JADU. This constitutes approximately 23 percent of the total City lots that meet the minimum lot size requirements to develop an ADU/JADU. The City has not verified the total number of residential lots located within the coastal zone, therefore, at this time, it is not possible to determine the percentage of residential lots within the coastal zone that meet the minimum lot size to develop an ADU/JADU. However, the data does indicate that a majority of the lots that could be developed with an ADU/JADU under the City’s ordinance are located *outside* of the coastal zone. This poses a potential problem regarding the maintenance of existing coastal zone housing stock. If the City does prevent the redevelopment of existing duplexes on R-2B-zoned lots due to the City’s current minimum lot size requirements (which have not been certified by the Commission), many of the lots would not have the option to develop even a small JADU within a single-family residence to mitigate the loss of an existing housing unit. Nevertheless, similar to the City’s current zoning code, *the ADU ordinance has not been certified by the Commission for consistency with the Coastal Act*. Therefore, it is not a standard of review and should not be used to determine a project’s consistency with the Coastal Act for the purposes of approving or denying a CDP application.

³ There is no record of an LUP amendment application ever being submitted for a change to the zoning code.

These uncertified documents contradict the certified LUP policies, in particular the LUP's residential development standards (i.e. the minimum lot size per dwelling unit standards). In addition, the uncertified documents essentially force redevelopment that reduces the existing housing stock. In order to reconcile the discrepancies between the City's certified LUP and the City's uncertified zoning code, the City should submit a comprehensive LUP amendment. If the City does not elect to submit an LUP amendment to address the inconsistency between the residential development standards found in the certified LUP and the City's zoning code, the City should not apply the uncertified zoning code policies to prohibit development in the coastal zone that has otherwise been found to be consistent with the Coastal Act.

Long-term planning for concentration of development and encouragement of housing density and affordable housing should be done comprehensively through a City's LCP, as it is more difficult to do in a meaningful way on a project-by-project basis. However, until an LCP is developed that addresses the above-mentioned issues, the Commission must evaluate each project on a case-by-case basis to ensure that the project will not prejudice the ability for the City to develop an LCP that is consistent with the *Coastal Act*. In this case, the project, which proposes a reduction of existing residential units, is inconsistent with the certified LCP and could prejudice the ability for the City to develop an LCP that is consistent with the Coastal Act.

F. ALTERNATIVES

Denial of the proposed project will neither eliminate all economically beneficial or productive use of the applicant's property, nor unreasonably limit the owner's reasonable investment-backed expectations of significant economic value on the property. Alternatives to the proposed development exist. Among the possible alternative developments are the following (though this list is not intended to be, nor is it, comprehensive of all possible alternatives):

1. No project

The applicant could retain the existing detached duplex without structural renovations that would require a CDP. No changes to the existing site conditions would result from the "no project" alternative. The extent to which these units would be affordable is unclear, as the owner could choose to rent the units at market rate. However, if rented, the two units would provide more housing opportunities for more people as compared to one single-family residence. In addition, development would continue to be concentrated in an already developed area that is well-served by public transportation and public amenities and does not appear to be threatened by sea level rise, thus, avoiding adverse impacts to coastal resources.

Under Section 30612 of the Coastal Act, if the Commission denies a permit to demolish a structure, the Commission must find, based on a preponderance of the evidence, that retaining the structure is "feasible." The project, as proposed by the applicant, includes demolition of two detached residential units and construction of a new single-family residence.

The residences were constructed in 1979, after the Coastal Act was passed. Commission staff was not able to locate a CDP for the construction of the duplex, so the existing structures may be unpermitted. However, the existing structures are approximately 39-40 years old, which is within the anticipated life of a residential structure (structures are typically expected to last for 75 years). The applicant has not provided any information to indicate that that it would not be

feasible to retain the existing duplex . The project site is also not located in an inherently hazardous area (i.e. ocean-fronting; bluff-backing, nor does it appear that any local regulations require removal of the structure. Therefore, retention of the existing duplex is feasible, and the Commission is under no obligation to approve demolition of the existing structures based on the available information.

2. Construct a Duplex

Alternatively, the applicant could demolish the existing residences and construct a new duplex. This alternative would retain two residential units on site. As stated previously, the project site consists of a 2,849 sq. ft. lot that is located in the R-2B zone. Under the Minimum Lot size per Dwelling Unit standards found in Appendix G of the certified LUP, the project site could accommodate up to two residential units. Therefore, a new duplex would be an allowable use under the certified LUP and could be found to be consistent with the Chapter 3 Coastal Act policies.

Construction of a duplex on the subject lot is consistent with the Coastal Act and is a viable alternative to the proposed single-family residence. Whereas denying the construction of a duplex on the lot based on the City's uncertified development standards (within its uncertified zoning code) for lots designated R2-B is not consistent with the City's certified LUP (which has been reviewed by the Commission for consistency with the Coastal Act, hence its certification) and therefore, cannot be found consistent with the Coastal Act at this time. As explained above, under the City's revised standards, only one dwelling unit could be developed per 1,750 sq. ft. in the R-2B zone and, thus, only one residential unit could be developed on the project site. However, because the City's zoning code changes have not been reviewed or certified for consistency with the Coastal Act by the Commission, they are not the standard of review for this project for the purposes of obtaining a CDP. If the City wishes to modify requirements of the certified LUP, it must first obtain Commission approval of those changes in an update or amendment to the certified LUP. Therefore, based on the evidence currently before the Commission, construction of a duplex is a potential alternative to the proposed project.

3. Construct a Single-Family Residence with an ADU/JADU

Another potential alternative is construction of a single-family residence with a(n) ADU/JADU. Although ADUs cannot be considered as independent residential units, they offer additional housing units in areas that are impacted by the housing shortage. ADUs/JADUs are typically more affordable to rent because of their smaller size (JADUs in particular are no larger than 500 sq. ft. in size). These housing types are ideal for individuals or couples who may not otherwise be able to rent out larger units. Overall, ADUs and JADUs do accommodate individuals other than residents of the single-family residence, and can be considered as a mitigation measure to preserve the existing housing stock.

At the request of Commission staff, the applicant applied to the City for approval of a JADU in conjunction with the proposed single-family residence. The City denied the JADU proposal because the proposal was inconsistent with the City's uncertified 2018 ADU ordinance ([Exhibit 7](#)). The ordinance restricts the development of ADUs and JADUs to residential lots at least 4,000 sq. ft. in size. This lot size requirement—which, again, has not been certified and is not the standard of review for this CDP application—severely restricts opportunities to construct an

ADU or a JADU on residential lots within the City's coastal zone, and poses a potential problem regarding the maintenance of existing coastal zone housing stock. The City's ADU ordinance means that many R-2B lots that, pursuant to the certified LUP, would allow for duplexes or ADUs, would not have the option to develop even a small JADU within a single-family residence to mitigate the loss of an existing housing unit. However, similar to the City's uncertified zoning code changes, the City's ADU ordinance has not been reviewed or certified for consistency with the Coastal Act by the Commission and, as such, the ADU ordinance cannot be used to prohibit development that is otherwise consistent with the Coastal Act and the certified LUP. Therefore, under the *certified* LUP standards, the construction of a single-family residence with a(n) ADU/JADU is a feasible alternative.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

In this case, the City of Hermosa Beach is the lead agency and the Commission is a responsible agency for the purposes of CEQA. The City of Hermosa Beach determined that the proposed development is exempt under Section 15303(a), which exempts construction of a single-family residence in a residential zone from CEQA requirements.

As a responsible agency under CEQA, the Commission has determined that the proposed project, as conditioned, is not consistent with the development policies of the Coastal Act. As described above, the proposed project would have adverse environmental impacts. There are feasible alternatives or mitigation measures available, such as developing a new duplex on the site or by constructing a single-family residence with a Junior ADU. Therefore, the proposed project is not consistent with CEQA or the policies of the Coastal Act because feasible alternatives exist which would lessen significant adverse impacts that the proposed project would have on the environment. Therefore, the Commission denies the proposed project because of the availability of environmentally preferable alternatives.

In any event, CEQA does not apply to private projects that public agencies deny or disapprove. Pub. Res. Code § 21080(b)(5). Accordingly, because the Commission denied the proposed project, it is not required to adopt findings regarding mitigation measures or alternatives.

APPENDIX A – Commission Approvals of Housing Density Reduction Projects

Permit Number	Date Approved	Units Before Project	Units After Project	Net Unit Loss
5-18-0651	11/7/2018	3	1	-2
5-18-0949	3/6/2019	2	1	-1
5-18-0827	2/7/2019	2	1	-1
5-17-1005	7/11/2018	2	1	-1
5-17-0823-W	11/9/2017	2	1	-1
5-17-0822-W	10/27/2017	2	1	-1
5-17-0802-W	11/9/2017	2	1	-1
5-17-0691-W	10/12/2017	2	1	-1
5-17-0792	3/8/2018	2	1	-1
5-17-0285-W	6/7/2017	3	1	-2
5-17-0040-W	5/12/2017	2	1	-1
5-17-0100-W	5/12/2017	5	1	-4
5-17-0016-W	2/8/2017	1	0	-1
5-17-0030-W	2/8/2017	2	1	-1
5-16-0628-W	9/8/2016	2	1	-1
5-16-0153	7/14/2016	2	1	-1
5-15-1969-W	2/11/2016	2	1	-1
5-15-1799	4/14/2016	2	1	-1
5-15-1234-W	10/9/2015	2	1	-1
5-15-0968-W	9/15/2015	2	1	-1
5-15-0612-W	8/12/2015	2	1	-1
5-15-0552-W	8/12/2015	3	2	-1
5-15-0619-W	7/9/2015	2	1	-1
5-14-1687-W	11/18/2014	2	1	-1
5-14-1056-W	8/13/2014	2	1	-1
5-14-0528-W	4/11/2014	2	1	-1
5-14-0006-W	3/12/2014	3	1	-2
5-14-0002-W	3/12/2014	2	1	-1
5-13-1348-W	2/13/2014	2	1	-1
5-13-1239-W	2/13/2014	2	1	-1