

**CALIFORNIA COASTAL COMMISSION**

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# Th12a

A-5-MNB-20-0020 & A-5-MNB-20-0041 (CORINNA  
COTSEN 1991 TRUST)  
OCTOBER 8, 2020

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California Coastal Commission  
c/o South Coast District  
301 E. Ocean Blvd., Suite 300  
Long Beach, CA 90802

Re: Appeal Nos. A-5-MND-20-0020 & A-5-MNB-20-0041  
1312 and 1316 The Strand, Manhattan Beach  
Meeting Date: October 8, 2020 (Th12a)  
No Substantial Issue

Dear Honorable Commissioners:

This office represents the Corinna Cotsen 1991 Trust<sup>1</sup> (“Cotsen”), the owner of property located at 1312 and 1316 The Strand in Manhattan Beach. Our client sought and obtained a local coastal development permit from the City of Manhattan Beach (the “City”) that authorizes the demolition of an existing single family residence and triplex, a lot merger, and the construction of a new single-family residence (the “Project”). The Project meets every single standard set forth in the City’s certified Local Coastal Program. The appeal by Commissioners Escalante and Wilson (“Appellants”) raises no substantial issue.

A. **THE PROJECT IS CONSISTENT WITH THE CERTIFIED LCP**

The City’s Land Use Plan (“LUP”) was certified by the Coastal Commission in June 1981 and its Local Coastal Program (“LCP”) was certified in May 1994. The City has issued coastal development permits since that time. This Project, like others before it, is for a single family home in the City’s RH zone. Not only is it consistent with the City’s certified zoning, but it also meets or exceeds all of the LCP’s requirements with respect to floor area, height, and open space.

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<sup>1</sup> Appeal No. A-5-MNB-20-0020 named Coral Courts, LLC as the Applicant. Coral Courts, LLC joins in this letter.

The substantial issue determination is limited solely to the issue of whether the local approval conforms with the LCP and the public access policies of the Coastal Act. The certified LCP contains specific policies to protect community character and visual resources in the City's residential neighborhoods, consistent with the provisions of Section 30251 of the Coastal Act. The LCP is the Coastal Commission's certified manner in which to evaluate community character. The City's Zoning Code, which is part of the certified LCP, includes building regulations that limit the scale of new development in the Coastal Zone. All development approved within the City's Coastal Zone, including the proposed Project, must comply with the policies and implementing ordinances set forth in the certified Manhattan Beach LCP.

POLICY II.B.1: The proposed structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the LCP-Implementation Plan.

POLICY II.B.2: The proposed structure is consistent with the residential bulk control as established by the development standards of the LCP-Implementation Plan.

POLICY II.B.3: The proposed structure is consistent with the 30' coastal zone residential height limit as required by the LCP-Implementation Plan.

The above-stated LCP policies are implemented by the City's certified Implementation Plan and adhere to Chapter 2 §A.12.030, which establishes property development standards (Ch.2 §A.12.030). Corresponding Section 10.12.030 of the City's Zoning Code (Property Development Regulations: RS, RM, and RH Districts) reflects the applicable height, floor area and open space requirements that apply to the Project, which is on an RH-zoned lot:

When comparing the City-approved Project plans against the standards contained in the certified LCP, there is no evidence of non-compliance. The proposed single-family residence conforms to the certified LCP's floor area, height, and open space requirements. The merged lots total 6,287 square feet in size. The maximum amount of buildable floor area allowed by the certified LCP is 1.7 times the lot area (10,688 square feet [6,287 x 1.7]). The local coastal development permit approved a 9,911 square foot structure, 7.3% less than the allowable regulations. The proposed single-family residence also conforms to the open space requirement pursuant to Section 10.12.030(M) of the certified LCP. The proposed project provides 1,663 square feet of usable open space area, which is 11.8% more than the 1,486 square feet required. The proposed Project also complies with the LCP's maximum height requirements. The LCP provides a 30' height limit (and 3 stories) and the subject home's maximum height is 29' 5/8". Finally, the proposed Project also meets all the LCP's setback requirements.

In sum, the proposed structure is visually compatible with the scale and character of the surrounding neighborhood, where many other similar-sized single and multi-family dwellings exist. The appeal is not supported by any evidence of the Project's non-conformance with the LCP. Therefore, the Commission must find that no substantial issue exists with respect to the City's approval of Local Coastal Development Permit No. 19-21 because the locally approved Project conforms to the City of Manhattan Beach's certified LCP and the public access policies of the Coastal Act.

**B. THE APPEAL FAILS TO ALLEGE NONCONFORMANCE WITH SPECIFIC LCP PROVISIONS**

The Project's consistency with the LCP is further highlighted by the fact that the Staff Report does not contain one allegation of nonconformance with any specific LCP provision. Instead, the focus of the appeal is on the Commission's recent position regarding a loss of housing units, reduction of "density potential" with the merger of two lots, and inconsistency with the alleged "intent" of the RH land use designation. The associated Staff Report, however, concedes that SB 330 (the "Housing Crisis Act") does not apply to the Project because the application was deemed complete prior to the effective date of that ordinance. The Staff Report also acknowledges that the Commission-certified LCP "currently lacks robust policies that would explicitly prohibit the loss of residential units..."

Furthermore, the Staff Report describes the City's RH zoning as if it were a requirement, rather than an option, to build the maximum density permitted. When in fact, the LCP allows owners of property located in the RH zone a range of permitted uses, one of which is a single family home (regardless of whether it sits on one lot or two). Until the time the LCP is updated, the Project raises no substantial issue because what is proposed is completely consistent with the LCP's land use and zoning laws that exist today. In all, the appeal does not refer to a single LCP provision with which the Project does not comply.

**C. THE STAFF REPORT DOES NOT CITE TO A SINGLE PRIOR DECISION OF THE COMMISSION IN SUPPORT OF THE APPEAL**

Also, noticeably absent from the Staff Report is a single citation to a prior decision of the Coastal Commission in support of the appeal. Instead, the Staff Report makes generalized arguments that are based on new statewide housing policies, while at the same time conceding that those specific laws enacted to prevent loss of housing units do not apply nor are they contained in the certified LCP. Furthermore, the Staff Report does not reference a single prior Coastal Commission decision to support the claims that the LCP was intended to maintain density.

**D. THE PROJECT IS EXEMPT FROM SB 330**

The Project application was deemed complete by the City in October 2019, prior to the January 1, 2020 effective date of SB 330. If applicable, SB 330 would require that the Project not result in a net loss of housing units. However, the Staff Report concedes that "the new state law does not apply to this project" and that, furthermore, "the Housing Crisis Act does not amend the Coastal Act and is not the standard of review for the subject property." As such, it is uncontested that the Project is exempt from SB 330 and that, therefore, the "no net loss" of dwelling units does not apply.

The Appellants' objections do not rise to the standard of finding that a substantial issue exists as to the Project's conformity with the certified LCP. As such, we respectfully request that the Coastal Commission determine that no substantial issue exists and that the Commission deny the Appeal.

Thank you for your consideration of this matter.

Sincerely,

GAINES & STACEY LLP

*Sherman L. Stacey*

By

SHERMAN L. STACEY

cc: by email  
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