

CALIFORNIA COASTAL COMMISSION

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



W18f

Filed: 12/30/20
180th Day: 06/28/21
Staff: V. Lee-LB
Staff Report: 03/25/21
Hearing Date: 04/14/21

STAFF REPORT: REGULAR CALENDAR

Application No.: 5-20-0650

Applicant: Barry Smith

Agent: Srour and Associates

Location: 24 3rd Street, City of Hermosa Beach, Los Angeles County (APN: 4188-007-009)

Project Description: Demolish an existing 2,024 sq. ft., 2-story triplex, and construct a 3,241 sq. ft., 3-story duplex with a 313 sq. ft. attached accessory dwelling unit (ADU) and an attached 4-car garage.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to demolish an existing two-story, 2,024 sq. ft. triplex, and construct a 30-ft. high, three-story, 3,241 sq. ft. duplex and an attached 4-car garage ([Exhibit 2](#)). The proposed duplex includes two full units and an attached 313 sq. ft. accessory dwelling unit (ADU) with a full kitchen, a bathroom with a window, and a bedroom. Non-invasive, drought tolerant landscaping is proposed for the project. Twenty cubic yards of grading is proposed to be exported outside the Coastal Zone. The project site is well-served by public transportation.

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

The primary issues raised by this project concern the potential for the project site to be impacted by coastal flooding resulting from sea level rise over the coming decades, and the cumulative effects of loss of housing density as a result of demolition of the existing triplex and construction of a duplex.

Although the project site is not located within the first line of development adjacent to the ocean, the site is within a large, low-lying coastal area that is vulnerable to flooding if 5.7 feet of sea level rise occurs under a 100-year storm scenario. Because the proposed duplex and ADU constitutes new development, the residence is not entitled to shoreline protection under Section 30235 of the Coastal Act. Therefore, staff recommends the Commission impose **Special Condition 4** and **Special Condition 7**, requiring the applicant to acknowledge that no shoreline protective device may be constructed to protect the new duplex and ADU, even if it is threatened by coastal hazards in the future, and assume the risks of developing in an inherently hazardous area. In further consideration of the hazardous project location, **Special Condition 8** requires an amendment to this permit, or an additional CDP, for any future development on the site that would otherwise be exempt from permit conditions. As proposed by the applicant and conditioned by the Commission, the project can be found to be consistent with Section 30253 of the Coastal Act.

As proposed, the project would eliminate two 860 sq. ft. units and one 304 sq. ft. unit and construct a 3,241 sq. ft. duplex (Unit A size 1,936 sq. ft and Unit B size 992 sq. ft.) that includes a 313 sq. ft. ADU. The Coastal Act encourages the concentration of new development in already developed areas that can accommodate it in order to avoid cumulative impacts to coastal resources and minimize vehicle miles traveled (PRC 30250 and 30253(d)). These policies reflect an over-arching acknowledgment that concentrated and well-planned residential development supports the long-term preservation of coastal resources.

The project must be viewed in the context of broader housing trends in the coastal zone as well as the significant housing crisis throughout the State. Evidence before the Commission establishes that the project is not an isolated case; rather, since 2014 the Commission has approved at least 42 projects that converted multi-family developments to single-family residences in Hermosa Beach (for a total loss of 48 residential units) ([Exhibit 4](#)). In recent actions, the Commission has expressed concern with similar projects and the cumulative loss of housing density and has in the past strongly encouraged the construction of accessory dwelling units to mitigate for demolished units. At the same time, however, the Commission has questioned whether ADUs adequately mitigate for the loss of housing density that results from demolition of duplexes and other multi-family developments.

On the subject site, however, a triplex would not be consistent with the certified LUP. The project site is designated in the certified LUP as a high-density residential lot (26-40 DU/AC), which corresponds to the R-3 zone in the City's uncertified zoning code. The Residential Zone Requirements in the certified LUP state that a minimum of 950 square feet is required for each dwelling unit on an R-3 lot. The project site has a lot size of 2,846 square feet, which allows only two units to be developed on the lot under the LUP. Although the certified LUP limits development on high density properties with lot sizes under 2,850 sq. ft. to duplexes, it does not preclude ADUs from being developed in conjunction with a new or existing duplex. Furthermore, the City's ADU ordinance (which is not a part of the certified LUP) allows for construction of a JADU and ADU on the subject site, consistent with statewide ADU laws. In addition, the proposed ADU (313 sq. ft.) is larger than one of the triplex units it is replacing (304 sq. ft.). In this case, mitigation for the loss of one residential unit by including the construction of an ADU is a compromise approach because there is no other option for the property owner to redevelop the site and the aging residential structure while maintaining the same number of housing units, consistent with both the LUP and the uncertified Zoning Code. In order to ensure that the proposed ADU will be maintained for the life of the development, staff recommends the Commission impose **Special Condition 1** (submittal of revised final plan that removes the interior door between the ADU and the primary residences), **Special Condition 2** (retention of a duplex and an ADU on-site), **Special Condition 3** (no short term rentals), and **Special Condition 9** (deed restriction).

Commission staff recommends that the Commission **APPROVE** coastal development permit application 5-20-0650 with **nine** special conditions. The motion and resolution can be found on **Page 5**.

TABLE OF CONTENTS

MOTION AND RESOLUTION.....5

STANDARD CONDITIONS.....5

SPECIAL CONDITIONS6

FINDINGS AND DECLARATIONS 10

 A. Project Description and Background 10

 B. Development..... 10

 C. Coastal Hazards 18

 D. Public Access..... 21

 E. Water Quality 22

 F. Deed Restriction..... 23

 G. Local Coastal Program 24

 H. California Environmental Quality Act..... 24

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS.....25

EXHIBITS

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

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – CoSMoS Pictures](#)

[Exhibit 4 – Commission Approvals of Density Reduction Projects in Hermosa Beach](#)

[Since 2014](#)

MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 5-20-0650 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. 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 Commissioners present.

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project 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.

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 applicants or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicants to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS

1. **Revised Final Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two sets of final revised project plans that have been reviewed and approved by the City of Hermosa Beach. The final revised plans shall conform with the preliminary plans submitted to the Commission and prepared by Tomaro Architecture dated 10/15/2020, except that it shall be modified as required below.

- a) The plan shall not include the interior ingress and egress (door) between the ADU and the primary residence.

The applicants shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. **Retention of a Duplex and Junior Accessory Dwelling Unit On-Site.** The development approved by Coastal Development Permit No. 5-20-0650 is for construction of a duplex with a 313 square foot accessory dwelling unit (ADU). The applicant and all assigns/successors shall maintain the ADU as a separate residential unit. At no point may the ADU be incorporated into the primary residence or converted to a non-residential use. Ingress and egress (doors) between the ADU and the primary residence are prohibited.
3. **No Short-Term Rentals.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant and all assigns/successors agree to prohibit short-term rental (less than 30 days) of the approved ADU for the life of the development.
4. **Waiver of Rights to Future Shoreline Protective Device.**
 - A. By acceptance of this permit, the applicant/landowners agree, on behalf of themselves and any successors and assigns, that no new shoreline protective device(s) shall be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-20-0650 including, but not limited to, the residence, garage, balcony, patio, deck, and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, sea level rise, or any other coastal hazards in the future. By acceptance of this permit, the applicant/landowners hereby waive, on behalf of themselves and all successors

and assigns, any rights to construct such devices that may exist under applicable law.

- B.** By acceptance of this Permit, the applicant further agrees, on behalf of themselves and any successors and assigns, that the landowner is required to remove the development authorized by the permit, including, but not limited to, the residence, garage, balcony, patio, deck, and any other future improvements, if the City or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to coastal hazards and that there are no measures that could make the structures suitable for habitation or use without the use of bluff or shoreline protective devices.
- C.** In the event that portions of the development fall to the beach or are submerged before they are removed, the landowner(s) shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site and relocated any salvageable portions of the development inland. Such removal shall require a coastal development permit.

5. Water Quality, Drainage and Landscaping Plans.

A. The applicant shall undertake development in accordance with the drainage and run-off control plan received by the Commission on December 3, 2020 showing that roof and surface runoff will be captured by an on-site drainage system that connects to the municipal storm drain system. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. The applicants shall incorporate Best Management Practices (BMPs) into the construction and post-construction phases of the subject development.

B. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. 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, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
- D.** Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- E.** All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- F.** The applicants shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- G.** Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- H.** All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- I.** Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- J.** The discharge of any hazardous materials into any receiving waters shall be prohibited;
- K.** Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;

- L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
 - M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- 7. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, storm conditions, liquefaction, flooding, and sea level rise; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; (v) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable; (vi) that the boundary between public land (tidelands) and private land may shift with rising seas, the structure may eventually be located on public trust lands, and the development approval does not permit encroachment onto public trust land; (vii) any future encroachment must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain, and any future encroachment would also be subject to the State Lands Commission's (or other trustee agency's) leasing approval; and (viii) that the structure may be required to be removed or relocated and the site restored if it becomes unsafe or if removal is required pursuant to the Coastal Act.
- 8. Future Development.** This permit is only for the development described in CDP No. 5-20-0650. Pursuant to Title 14 of the California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development governed by CDP No. 5-20-0650. Accordingly, any future improvements to the residence, garage, decks, and any other future improvements including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code Section 30610(d) and Title 14 of the California Code of Regulations Sections 13252(a)-(b), shall require an amendment to CDP No. 5-20-0650 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government.
- 9. 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 applicants have 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.

FINDINGS AND DECLARATIONS

A. Project Description and Background

The applicant is proposing to demolish an existing 2,024 sq. ft., 2-story triplex and construct a 3,241 sq. ft., 3-story duplex with an attached 4-car garage ([Exhibit 2](#)). The proposed residence includes an attached 313 sq. ft. accessory dwelling unit (ADU) with a full kitchen, a bathroom with a window, and a bedroom. Non-invasive, drought tolerant landscaping is proposed for the project. Twenty cubic yards of grading is proposed to be exported outside the Coastal Zone.

The project site is a 2,846 sq. ft., rectangular-shaped lot located at 24 3rd Street, City of Hermosa Beach, Los Angeles County ([Exhibit 1](#)). The lot is sited 150 ft. inland from the beach in an urbanized area characterized by a mix of 1 to 3-story single-family and multi-family residential developments. The project site is designated in the certified LUP as a High-Density Residential lot, which corresponds to the R-3 zone in the City's uncertified zoning code. Pursuant to the LUP, the R-3 zone allows multiple dwellings, and requires a minimum lot area of 950 sq. ft. for every dwelling unit. The proposed development (a duplex with an attached ADU) is a permitted use within the R-3 zone. There are no public coastal views within the vicinity of the project site, so the project will not adversely impact coastal views.

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

(d) Minimize energy consumption and vehicle miles traveled”

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 30251 requires new development to protect public views to and along the beach and other coastal areas; minimize landform alteration; and be designed consistent with the character of the surrounding area. Section 30253 requires that new development must minimize energy consumption and vehicle miles traveled. These policies together encourage “smart” growth by locating new development in appropriate areas that minimizes impacts on coastal resources and discourages residential sprawl in more rural or sparsely populated areas that are not adequately developed to support new residential development and where coastal resources could be threatened. Although the Coastal Act does not authorize the Commission to regulate or require affordable housing, Section 30604(f) directs the Commission to encourage low- and moderate-income housing opportunities.

The certified LUP identifies the preservation of existing housing stock as an important objective. Furthermore, the LUP also states the need to continue the *current* mix of low, moderate, and high housing densities (refer to LUP Sections IV.B and IV.C above). After certification of the LUP, 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.

Housing Trends in Hermosa Beach

There is an apparent trend of development in Hermosa Beach of converting multi-family residential developments into single-family homes. The Commission approved at least 42 projects since 2014 that converted multi-family units to single-family residences (a total loss of 48 residential units) ([Exhibit 4](#)). The Commission’s approval of projects that would reduce housing density typically relied on Chapter 3 policies or certified LUP policies relating to the project sites; however, many decisions did not look at the cumulative impacts of loss of housing density in coastal areas or the importance of concentrating development in areas capable of supporting it for purposes of protecting coastal resources on a broader scale. In response to California’s persisting housing crisis, however, the Commission has become increasingly concerned about the cumulative impacts of development trends that reduce housing density and increase development pressure in other, potentially sensitive or hazardous areas in the coastal zone.¹

The Certified LUP’s Density Limits

¹ Refer to the staff report for CDP Application No. 5-18-0380 (S.M. Star, LLC)

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

HIGH DENSITY: 26 to 40 dwelling units per net acre. Uses in this category would be mostly apartment buildings, which would be required to meet carefully designed standards for building coverage, setbacks, open space and parking. Small lots within the area will result in lower densities in part, existing high densities will be compensated for by these small lots, medium density – spot developments. It is intended that all future development in this area shall fall within the specified density range.

The LUP high-density designation corresponds to the R-3 zone in the City’s uncertified zoning code. The certified LUP also includes the following development standards regarding the minimum lot area per dwelling unit for residential parcels based on the zoning designation:

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

The current development of the site is consistent with the High-Density LUP designation in that three residential units are currently available on site. The certified LUP defines high-density development as consisting mostly of apartment buildings and lower densities in small lots. However, the existing triplex is inconsistent with the certified LUP’s minimum lot area per dwelling unit development standards (found in Appendix G of the certified LUP): in the R-3 zone, the project lot size (2,846 sq. ft) can accommodate up to two on-site residential units, because it does not exceed the minimum lot size of 2,850 sq. ft.² Therefore, the existing triplex is a nonconforming structure under the certified LUP.

² 950 sq. ft. * 3 = 2,850 sq. ft. of lot area required for 3 dwelling units

Application to this Project

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.

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 mile 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 200 ft. (an approximately one-minute walk) from a bus stop on the intersection of Hermosa Avenue and 2nd Street. This bus stop is served by the Beach Cities Transit line 109, which connects the three “Beach Cities (Redondo Beach, Hermosa Beach, and Manhattan Beach)” to El Segundo and LAX, and Los Angeles Metro line 130, which connects Redondo Beach to the Harbor Gateway Transit Center in Cerritos. Thus, the project site is in an already densely developed area that contains a multi-modal transit system that connects to the greater Los Angeles region.

Although this project would result in a loss of one residential unit, mitigated to some extent by the proposed ADU, discussed more fully below, the cumulative effect of the loss of residential housing 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 (and, potentially, production of 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. Although the project site does raise concerns regarding the cumulative loss of housing density in Hermosa Beach, in this case, the certified LUP allows only two units on the project site.

Housing Density and ADU/JADUs

The existing triplex is a nonconforming structure under the certified LUP that has provided two units since 1954; therefore, the re-development of a duplex would result in the loss of one existing residential unit. In previous projects, the Commission has encouraged the development of an accessory dwelling unit (ADU) as a means to mitigate for lost residential units. In the high-density residential, or R-3 zone, the development of an ADU in conjunction with a duplex on the project site would be consistent with the certified LUP³. In addition, an ADU proposed on the project site appears consistent with recent updates to statewide ADU laws that took effect January 1, 2020, as well as the City's uncertified ADU ordinance adopted on January 14, 2020 (Urgency Ordinance No.20-1403-U).⁴

On January 1, 2020, new housing laws went into effect that seek to address the statewide housing crisis by encouraging the maintenance of existing multifamily residential density (SB330) and provision of additional accessory dwelling units (Government Code §§ 65852.2, 65852.22). The Housing Crisis Act, in particular, prohibits local governments from approving residential projects that would demolish more "dwelling units" than are created by the project (no net loss). The Housing Crisis Act does not apply to the Commission or modify the Coastal Act. Nevertheless, it appears that the City has taken the position that an ADU satisfies the no net loss requirement of the Housing Crisis Act. The Commission continually receives applications in Hermosa Beach that are submitted after the implementation of the Housing Crisis Act and that propose a reduction in housing density mitigated with ADUs. Therefore, it appears that the housing trend in Hermosa identified above is likely to continue, as the City's approval of recent projects suggests that it will not deny projects, such as this one, that demolish triplexes and construct duplexes, even for applications submitted after January 1, 2020.

In response to the new state ADU laws, the applicant has proposed to incorporate an attached 313 sq. ft. ADU located on the lowest level of the residence ([Exhibit 2](#)). The ADU is consistent with the state and local government development standards for ADUs, and in this case would serve as a mitigation measure for the lost residential unit because the subject lot cannot be redeveloped with a triplex under the certified LUP.

Although the Commission has previously approved similar projects that have relied on ADUs/JADUs as adequate mitigation for housing density reduction, this often was due to the fact that the subject multi-family structure was non-conforming as to certified LUP

³ The certified LUP does not preclude ADUs/JADUs from being constructed in conjunction with a new or existing residence.

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

requirements. However, in light of a persisting lack of housing supply across the state (particularly in the coastal zone), it has become apparent that replacement of a full housing unit with an ADU/JADU may not always adequately mitigate for impacts of loss of housing density in the Coastal Zone; instead, this has frequently been a compromise solution when maintaining multiple residential units on-site was not consistent with the certified LUP. Although ADUs are typically designed to function separately from the single-family residence, the ADU is dependent on the duplex to serve as a housing unit. The ADU shares utility lines (power, water) with the duplex. This differs from a triplex, where the units can have separate utility connections. In addition, the Commission does not have the authority to require that an ADU/JADU be rented out for the life of the structure, and, due to their size, ADUs are more easily left vacant or used by the residents of the primary single-family residence, rather than rented out. Therefore, there is no guarantee that an ADU will be used or rented as a third unit. In this case, the applicant is proposing an attached 313 sq. ft. ADU that would be located on the first floor of the residence. Although the proposed ADU would have a separate exterior entrance (pursuant to the State's ADU requirements), the ADU could be incorporated into the primary residence, and still could be used by the homeowner.

As explained above, the Coastal Act encourages the protection of housing opportunities for individuals of low and moderate incomes (PRC 30604), as well as the concentration of development in already developed areas that can accommodate it (PRC 30250) and the minimization of vehicle miles traveled (PRC 30253(e)). The certified LUP (which is not the standard of review, but provides guidance) limits development on this lot to a duplex, but does not preclude ADUs from being developed in conjunction with a new or existing single-family residence. In addition, the City passed a new ADU ordinance on January 14, 2020 (Urgency Ordinance No. 20-1403-U), which amended the City's previous ADU ordinance to be consistent with the state laws that went into effect on January 1, 2020. The City's ADU ordinance allows for construction of an attached ADU with a proposed duplex, as is proposed here. In addition, the proposed 313 sq. ft. ADU is bigger in size than one of the existing triplex units, which is 304 sq. ft.

Therefore, while the project may contribute somewhat to the cumulative loss of housing density in Hermosa, construction of a duplex with an ADU, as has been proposed by the applicant, may be the best option for minimizing cumulative loss of housing density in a way that is consistent with the certified LUP.

The existing duplex was constructed in 1954. Although the applicant has not provided information indicating that the duplex is uninhabitable, the 67-year old structure is reaching its anticipated 75-year life span of residential structures and would likely need to be redeveloped in the near future. Under both the certified LUP and the City's uncertified zoning code, another triplex or similar three-unit structure cannot be developed on the project site. Therefore, any redevelopment on this site would eventually result in the loss of a residential unit. In this case, the proposed 313 sq. ft. ADU is a feasible mitigation option to offset the loss of one residential unit. The proposed ADU is consistent with state and local laws and has been designed in a manner that renders the ADU more likely to be rented out. The ADU has been sited on the lowest level of the residence and features a separate exterior entry (pursuant to the

State's ADU requirements), as well as a defined living area, dining/kitchen area, and restroom area. The ADU design resembles a studio apartment and can be a reasonable accommodation for an individual or a couple. However, the applicant has proposed an interior ingress and egress (door) between the ADU and the primary residence. Enabling access through an interior door between the primary residence and the ADU increases the likelihood that the ADU will not be rented out and instead would be used by the residents of the primary residences, a risk that is more pronounced than if the applicant had proposed a detached ADU. To address this concern, staff recommends **Special Condition 1**, requiring the applicant to submit revised final plans without the interior ingress and egress between the ADU and the primary residence of the interior door, providing access to the ADU only through an external ingress and egress. In order to further ensure that the proposed ADU is not incorporated into the primary unit or used as a non-residential use in the future, **Special Condition 2** imposes the retention of the ADU as a separate residence for the life of the development and prohibition of ingress or egress (doors) between the ADU and the primary residences. The Hermosa Beach ADU ordinance prohibits short term rental of ADUs (Ref: Urgency Ordinance No. 20-1403-U). **Special Condition 3** is included to memorialize this City requirement and to further mitigate the loss of housing density on the subject site. 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 9** requiring that the property owner record a deed restriction against the property, referencing all of the Special Conditions of this permit.

Thus, recognizing that ADUs are not tantamount to a full residential unit and may not provide the same benefits of a full residential unit in terms of maintaining housing density consistent with Chapter 3 policies, the Commission nevertheless approves the proposed project with an attached ADU because there are no other options available under the certified LUP for maintaining three units on-site. In this case, the development of a duplex with an ADU will adequately mitigate the loss of one residential unit that would result from redeveloping the project site, and is consistent with the certified LUP and Chapter 3 of the Coastal Act.

Community Character

In order to better understand the character of the neighborhood, Commission staff conducted a survey of residential properties surrounding the project site to identify single-family and multi-family residences. The survey area encompassed the lots bounded by 4th Street to the north, 2nd Street to the south, The Strand to the west, and Hermosa Avenue to the east. Of the total of 29 lots that were included in the survey area, 12 lots featured single family residences, 13 lots featured duplexes or 2-unit condominiums, 2 lots featured triplexes, and 2 lots featured quadraplexes. The residential structures ranged from 1,015 sq. ft. to 5,354 sq. ft. in size, with the average structure totaling approximately 2,795 sq. ft.

The results of the community character analysis indicate that the surrounding lots are currently developed with about 60% multi-family residences (consisting of between 2-4 units) and about 40% single-family residences. Given the fairly even split of single-

family residences to multi-family residences in this area, a new duplex would not have an adverse impact on the community character of the area. Maintaining three units (including the ADU) on site is consistent with the certified LUP goal to protect the current diversified mix of housing. As a duplex with an ADU on a 2,846 sq. ft. lot, the proposed development is consistent with the certified LUP, which allows for a maximum of two units on the site.

As mentioned above, the project will contribute to the cumulative loss of housing density in Hermosa Beach. However, in this case, the construction of a duplex with an ADU is a compromise approach to minimize cumulative loss of housing density while remaining consistent with the certified LUP, the Coastal Act, and the City's uncertified Zoning Code.

As proposed by the applicants and conditioned by the Commission, the project can be found to be consistent with Sections 30250, 30251, and 30253 of the Coastal Act pertaining to new development and community character.

C. Coastal 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.”

Section 30253 of the Coastal Act requires that new development minimize risks to life and property in hazardous areas, including areas subject to flooding. New development must also not significantly contribute to erosion or destruction of the site or surrounding area or require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The proposed project raises potential hazards concerns related to the project site's location in a low-lying area that is inherently vulnerable to flooding. Thus, potential hazards issues that must be addressed include the potential for flooding and storm hazards associated with locating development in an area that is currently vulnerable to flooding. These hazards may be exacerbated by the sea level rise that is expected to occur over the coming decades.

Sea level has been rising for many years. Several different approaches have been used to analyze the global tide gauge records in order to assess the spatial and temporal variations, and these efforts have yielded sea level rise rates ranging from about 1.2 mm/year to 1.7 mm/year (about 0.5 to 0.7 inches/decade) for the 20th century, but since 1990 the rate has more than doubled, and the rate of sea level rise continues to

accelerate. Since the advent of satellite altimetry in 1993, measurements of absolute sea level from space indicate an average global rate of sea level rise of 3.4 mm/year or 1.3 inches/decade – more than twice the average rate over the 20th century and greater than any time over the past one thousand years. Recent observations of sea level along parts of the California coast have shown some anomalous trends; however, there is unequivocal evidence that the climate is warming, and such warming is expected to cause sea levels to rise at an accelerating rate throughout this century.

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. 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.” The most recent projections in the statewide sea level rise guidance indicate that sea levels in this area may rise between 3.3 feet and 6.8 feet by the year 2100 (Santa Monica Tide Gauge), though there is a risk of 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) as well as the inherent uncertainty regarding the exact rate of future sea level rise, the Ocean Protection Council and the Natural Resources Agency have continued to recommend that we avoid relying on the lower projections in planning and decision-making processes.

As our understanding of sea level rise continues to evolve, it is possible that sea level rise projections will continue to change as well (as evidenced by the recent updates to best available science). While uncertainty will remain with regard to exactly how much sea levels will rise and when, the direction of sea level change is clear, and it is critical to continue to assess sea level rise vulnerabilities when planning for future development. Importantly, maintaining a precautionary approach that considers high or even extreme sea level rise rates and includes planning for future adaptation will help ensure that decisions are made that will result in a resilient coastal California.

On the California coast, the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore in many locations, which will result in increased flooding, erosion, and storm impacts to coastal areas. Along much of the California coast, the bottom depth controls the nearshore wave heights, with bigger waves occurring in deeper water. Since wave energy increases with the square of the wave height, a small increase in wave height can cause a significant increase in wave

energy and wave damage. Combined with the physical increase in water elevation, a small rise in sea level can expose previously protected back shore development to increased wave action, and those areas that are already exposed to wave action will be exposed more frequently, with higher wave forces. Structures that are adequate for current storm conditions may not provide as much protection in the future.

Although the project site is not located within the first line of development adjacent to the ocean, the site is within a large, low-lying coastal area that is particularly vulnerable to flooding. This vulnerability is further exacerbated with sea level rise and increased storm surge activity.

The Coastal Commission, in line with statewide guidance, generally advocates for a precautionary approach to sea level rise adaptation planning, which stems from the overall importance of keeping development safe from coastal hazards and protecting coastal resources, consistent with the Coastal Act. It also derives from the fact that the costs and consequences associated with inadvertently underestimating SLR hazards could be quite high. As explained in the State of California Sea Level Rise Guidance written by the Ocean Protection Council (OPC), the “risk aversion scenario” is a principle of SLR risk analysis that is used to account for variable risk tolerance for different types of development by establishing SLR probability thresholds for varying degrees of risk aversion. For example, a critical infrastructure asset, such as a hospital, should be analyzed with high risk aversion, and would use a more precautionary range of probabilities of amounts of SLR, while a parking lot or a bike path could be analyzed with lower risk aversion. In this case, the risk aversion scenario recommended by both the Commission and OPC Guidance for residential projects is “medium-high,” as it represents a scenario that is relatively high within the range of possible future SLR scenarios and is therefore appropriately precautionary. In other words, the statewide SLR guidance recommends use of the relatively high projection of SLR associated with the medium-high risk aversion scenario, even though it has a lower probability (1-in-200 chance), because of the high consequences to precious coastal resources, valuable development, and life and safety that would occur if SLR were underestimated, and the recognition that many of these impacts cannot be undone once they have occurred.

According to CoSMoS sea level rise models, the project site is susceptible to flooding if 5.7 feet of sea level rise occurs under 100-year storm scenario, which could happen before the anticipated end of the structure’s 75 year expected life ([Exhibit 3](#)). Because the project is located inland of the first line of homes and the bay, it is not expected to be subject to wave action. But flooding may occur during the life of the development with 5.7 feet of sea level rise under a 100-year storm scenario, which may affect the home and the surrounding streets and utilities.

Because the proposed duplex constitutes new development, the residences are not entitled to shoreline protection under Section 30235 of the Coastal Act. Therefore, the Commission imposes conditions to ensure that the applicant develops the project to adapt to sea level rise, waives the right to future shoreline protection, and assumes the risks of the development. **Special Condition 4** requires the applicant to acknowledge that no shoreline protective device may ever be constructed to protect the new duplex,

even if it is threatened by coastal hazards in the future. **Special Condition 7** requires the applicant to assume the risks of developing a new duplex in an inherently hazardous area. Furthermore, any potential changes to the proposed project may result in adverse impacts to coastal resources. In further consideration of the hazardous project location, **Special Condition 8** requires an amendment to Coastal Development Permit (CDP) No. 5-20-0650, or an additional CDP, for any future development on the site that would otherwise be exempt from permit conditions. As proposed by the applicant and conditioned by the Commission, the project can be found to be consistent with Section 30253 of the Coastal Act pertaining to hazards.

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 subject site is located approximately 150 ft. inland of the public beach, in a built-out residential neighborhood in Hermosa Beach ([Exhibit 1](#)). The project includes a four-car garage consistent with the City's parking requirement, plus one guest parking space in the driveway. The parking spaces would be accessed through 3rd Court, and the project does not propose any curb cuts, so the project would not adversely impact on-street parking spaces. The proposed project also adheres to the height and setback requirements set forth in the certified LUP and received encroachment permit from the City to the public right-of-way along 3rd Street, consistent with the neighboring developments on 3rd Street.

Therefore, as proposed, the 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, and will not prejudice the City's ability to prepare a local coastal program.

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.”

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. In order to avoid adverse construction-related impacts upon marine resources, the Commission imposes **Special Condition 6**, which outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicant to remove all debris resulting from construction activities within 24 hours of completion of the project. In addition, all

construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

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 deal with these post construction water quality impacts, the applicants have submitted a drainage and runoff control plan that minimizes impacts to water quality the proposed project may have after construction. The Commission imposes **Special Condition 5**, which ensures that the project conforms to the drainage and run-off control plan received on December 3, 2020. The plan includes a drainage system to manage and increase on-site percolation of runoff, including downspouts, trench drains, catch basins, and ecorain tanks to capture and filter runoff and direct excess waterflow to the public storm drains located along 3rd Street and 3rd Court.

The applicant has submitted a landscaping plan that consists of non-invasive, drought tolerant vegetation. While the proposed landscaping consists of non-invasive and drought tolerant plants, future landscaping may not consist of such plants. For water conservation, any plants in the landscape plan should only be drought tolerant to minimize the use of water (and preferably native to coastal Los Angeles County). In order to make sure that any onsite landscaping minimizes the use of water and the spread of invasive vegetation, the Commission imposes **Special Condition 5**, which imposes landscape controls that require that all vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

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 9**, which requires 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 LUP for Hermosa Beach was effectively certified on April 21, 1982; however, because Hermosa Beach does not have a certified LCP, the Coastal Act is the standard of review for this project.

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

H. California Environmental Quality Act

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(b) of CEQA. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment, either individually or cumulatively with other past, present, or reasonably foreseeable probable future projects. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Coastal Development Permit Application No. 5-20-0650 and associated file documents.
- City of Hermosa Beach Certified Land Use Plan, Certified by the Commission on April 21, 1982.
- Sea Level Rise Policy Guidance, Original Guidance – August 12, 2015
- Sea Level Rise Science Update – November 7, 2018
- State of California Sea-Level Rise Guidance – 2018 Update