

CALIFORNIA COASTAL COMMISSION

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Hearing Date: 05/13/21

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-20-0652

Applicant: Triwest Development, LLC (attn. Blake Overland)

Agent: Srour and Associates

Location: 231 26th Street, Hermosa Beach, Los Angeles County (APN: 4181-024-008)

Project Description: Demolish existing one-story, 996 sq. ft. single-family residence, and construct a new three-story, 30-ft. high, 4,002 sq. ft. single-family residence with attached two-car garage and one guest parking space adjacent to the garage.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to demolish a one-story, 996 sq. ft. single-family residence and construct a three-story, 30-ft. tall, 4,002 sq. ft. single-family residence. The residence would include an attached, 461 sq. ft., two-car garage, 824 sq. ft. of decks, and non-invasive, drought tolerant landscaping. The project would require 290 cu. yd. of grading, all of which would consist of cut that would be transported to a site outside of the coastal zone.

The project is consistent with the development, public access, and community character policies of the Coastal Act. Although the proposed 30-ft. tall residence does not impact public coastal views in the area, it is inconsistent with the certified LUP, which restricts the height of single-family residences in the R-2 zone to 25 ft. (multi-family residences are allowed a maximum height of 30 ft.). The City has interpreted the 30-ft. height limit to apply to all structures in the R-2 zone, but this interpretation has of recent been disputed by Commission staff. In order to prevent long-term inconsistencies when an LCP is eventually prepared, the City should process a LUP amendment to update the height limit policies. Until then, the Commission will need to review each project that is not consistent with the LUP's current height limit policies on a case-by-case basis to ensure that public coastal views will not be degraded.

In this case, the Commission finds that the project would not adversely impact coastal views. Therefore, Commission staff recommends that the Commission **APPROVE** coastal development permit application 5-20-0652 with one special condition requiring the applicant to submit the filing fees for a full CDP as opposed to a De Minimis Waiver. The motion is on Page 4 of the staff report.

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APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**ERROR! BOOKMARK NOT DEFINED.**

EXHIBITS

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

[Exhibit 2 – Project Plans](#)

MOTION AND RESOLUTION

Motion:

I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a YES vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the 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 applicant 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 applicant to bind

all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS

1. **Remainder of Fees.** PRIOR TO ISSUANCE of this coastal development permit, the applicant shall pay the balance of the application fee for this development, which equals \$6,350.

FINDINGS AND DECLARATIONS

A. Project Description and Background

The applicant is proposing to demolish a one-story, 996 sq. ft. single-family residence and construct a three-story, 30-ft. tall, 4,002 sq. ft. single-family residence. The residence would include an attached, 461 sq. ft., two-car garage, 824 sq. ft. of decks, and non-invasive, drought tolerant landscaping. The project would require 290 cu. yd. of grading, all of which would consist of cut that would be transported to a site outside of the coastal zone ([Exhibit 2](#)).

The project is located in a highly urbanized neighborhood that is approximately 0.1 mi. inland from the beach and landward of the first public road parallel to the sea. The project site consists of a 2,479 sq. ft. rectangular lot that is developed with a 996 sq. ft. single-family residence ([Exhibit 1](#)). The lot is zoned R-2, which corresponds to the Medium-Density zone in the City of Hermosa Beach's Land Use Plan (LUP). The R-2 zone permits single-family residences, and two detached or attached residential units to be developed on its lots.

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, with the certified LUP used as guidance.

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 30252 requires that new development maintain public access to the coast by providing adequate parking facilities. 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 to minimize impacts on coastal resources and to discourage residential sprawl into more rural or sparsely populated areas that are not adequately developed to support new residential development and where coastal resources could be threatened.

The current residence was constructed in 1914, prior to passage of the Coastal Act. The project proposes to replace a single-family residence with another single-family residence and would not result in the loss of existing residential units onsite. The proposed project is consistent with Section 30250 and Section 30253 in that the project adequately concentrates development in an area that can accommodate it and minimizes vehicle miles traveled. The project site is located in a densely developed residential area that is located approximately a half mile from grocery stores, shops, restaurants, and entertainment facilities that are easily accessed by public transportation, foot, and bicycle.

The proposed project includes three onsite parking spaces that would be accessed through the 27th Court alleyway at the rear of the residence, which does not provide public street parking. No curb cuts would be proposed on 26th street; thus, the proposed project would not impact public street parking in the area.

Section 30251 requires new development to be compatible with the surrounding character and to protect public coastal views. The structures located within two blocks of the project site consist of a mix of single-family residences and duplexes that are up to 30-ft. tall and range in size from 842 sq. ft. to over 3,500 sq. ft. The proposed residence, at 4,005 sq. ft. and 30-ft. high, would be of a similar height, mass, and scale to the surrounding residences. Therefore, the project would be consistent with the character of the surrounding area.

The certified LUP, which is not the standard of review but provides guidance, protects coastal views through building height policies. Section 4.C. of the Certified LUP (Coastal Development/Design) states:

Existing Policies & Program

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

Program: Zoning and building codes limit the height of all structures, depending on zone. The maximum height in each residential R-1, R-2, and R-3 zones are 25 ft., 30ft., and 35 ft. respectively. The maximum height in the City is 45 ft. or three stories and is in the commercial zone. (See Appendix G, Table XIII.)

Appendix G, Table XIII states:

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
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The project site is located in the R-2, or Medium Density zone. As referenced above, the certified LUP states that the maximum height limit for structures in the R-2 zone is 30 feet. Appendix G, Table XIII specifies that single-family residences in the R-2 zone must be built to R-1 standards, which limit building height to 25 feet. The City has typically interpreted the 30-ft height limit in the R-2 zone to apply to all structures, regardless of whether the structure is a multi-family structure or a single-family residence. In previous Commission actions, the Commission generally deferred to the City’s height limit determination for its local approval. However, upon closer review of the LUP policies, particularly Appendix G (which is referenced in the building height policy), staff has determined that the 25-foot height limit would apply for single-family residences in the R-2 zone. Thus, the proposed project- a 30-ft. tall single-family residence in the R-2 zone- would not be consistent with the LUP’s height limit policies. However, the project site is located landward of the first public road in an area that does not provide public coastal views. Based on staff’s review of the project, the 30-ft. high single-family residence, would not adversely impact public coastal views in the area.

Although the Commission finds that a 30-ft. high single-family residence would not adversely impact coastal views in this case (and likely other similar cases); it is imprudent to continually disregard the LUP’s current policy of restricting single-family residences in the R-2 zone to 25 ft. This could cause consistency conflicts when the City eventually prepares an LCP. Furthermore, a continual inconsistency with the LUP height limit policies precludes projects with otherwise no impacts to coastal resources from the possibility of receiving a standard or De Minimis Waiver. The best way to address this inconsistency is for the City to submit an amendment to their certified LUP to update their height limit policies. In the meantime, the Commission will need to review projects that are not consistent with the LUP’s height limit policies on a case-by-case basis to ensure that projects do not adversely impact public coastal views. The subject application was submitted with only the fee for a De Minimis Waiver (\$635). However, the fee for a Coastal Development Permit for a detached residence (1,501 to 5,000 sq. ft.) is \$ 5,715. In addition, the fee for grading quantities between 101 to 1,000 cubic yards is \$1,270. Thus, the balance due on this application is \$6,350). Therefore, the Commission imposes **Special Condition 1**, which requires the applicant to submit the fees for a full CDP (as opposed to a De Minimis Waiver) before a CDP can be issued for this project.

B. Development

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The project provides adequate parking based on the Commission’s typically applied standards. Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

C. Public Access

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Marine Resources and Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed, incorporates design features to minimize the effect of construction and post construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. Local Coastal Program (LCP)

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 Coastal Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for Hermosa Beach was effectively certified on April 21, 1982. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. 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.

F. 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).)

The preceding findings of this staff report are incorporated herein by reference. No public comments regarding potential significant adverse environmental effects of the project were received by the Commission prior to preparation of the staff report. There are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as submitted, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.