

CALIFORNIA COASTAL COMMISSION

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W14b

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-20-0541

Applicant: South Bay Land Management and Development Company, LLC

Agent: Srour and Associates

Location: 908 & 910 Manhattan Avenue, Hermosa Beach, Los Angeles County (APN: 4187-008-032)

Project Description: 1) Demolish a duplex and triplex (five total units) at 908 and 910 Manhattan Avenue and untie the lots; 2) construct a 3,716 sq. ft. single-family residence with an attached 650 sq. ft. ADU at 908 Manhattan Avenue; 3) construct a 2,946 sq. ft. single-family residence with an attached 488 sq. ft. JADU and a detached 345 sq. ft. ADU at 910 Manhattan Avenue. Each single-family residence would also have an attached 420 sq. ft. two-car garage with one additional uncovered on-site parking space for a total of three parking spaces each.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing the following development: 1) demolish a duplex and a triplex at 908 and 910 Manhattan Avenue; 2) untie the 908 Manhattan Avenue and 910 Manhattan Avenue lots; 3) construct a 30-ft. tall, three-story, 3,716 sq. ft. single-family residence with an attached 650 sq. ft. ADU at 908 Manhattan Avenue; and 3) construct a 2,946 sq. ft., three-level single-family residence with an attached 488 sq. ft. JADU and a detached 345 sq. ft. ADU at 910 Manhattan Avenue. Each single-family residence would include an attached two-car garage and one uncovered guest parking space (**Exhibit 2**). Non-invasive, low-water use, drought tolerant landscaping is proposed for the project. Approximately 790 cu. yds. of grading (780 cu. yd. cut and 10 cu. yd. fill) is proposed and will be exported to a location outside the coastal zone. The project site consists of two rectangular-shaped, approximately 2,500 sq. ft. lots located approximately 800 ft. inland of the beach and landward of the first public road parallel to the sea in an urbanized neighborhood. The duplex contains one 561 sq. ft. unit and one 557 sq. ft. unit. The triplex contains two 472 sq. ft. units and one 435 sq. ft. unit. The project site's surrounding parcels contain a mix of two to three-story single family and multi-family residences (**Exhibit 1**).

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 issue raised by this project concerns the cumulative effects of loss of housing density as a result of demolition of the existing duplex and triplex and construction of two single-family residences on two lots in a manner that is inconsistent with the City's certified LUP and Sections 30250 and 30253 of the Coastal Act. As proposed, the project would eliminate three residential units, mitigated to some extent with two ADUs and one JADU. The Coastal Act encourages the concentration of new development in already developed areas that can accommodate it 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 6**). 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.

The current development of the site is consistent with the High-Density LUP designation in that five residential units are currently available on the two tied lots. The certified LUP defines high-density development as consisting mostly of apartment buildings and lower density structures on small lots. The duplex and triplex that are currently on-site are consistent with the minimum lot area per dwelling unit development standards found in Appendix G of the certified LUP: in the R-3 zone, the LUP requires 950 sq. ft. of lot area per dwelling unit. Thus, the two tied subject lots (totaling 4,991 sq. ft. in size) can accommodate up to five on-site residential units. The proposed single-family residences for the two subject lots once they are untied are also consistent with the LUP's zoning designation.

However, the City's current Zoning Code (which has not been reviewed or certified by the Commission) requires a minimum of 1,320 sq. ft. of lot area per dwelling unit in the R-3 zone, which prohibits the development of a multi-family residence on either of the 2,500 sq. ft. lots. Therefore, denying this application due to the loss of density could make it difficult for the applicant to get a project approved by the City because they cannot maintain the existing density allowed under the certified LUP while complying with the City's uncertified Zoning Code. While the zoning code is not the Commission's standard of review for the project, in this case there is a compromise approach that allows the retention of five units through the approval of two single-family residences with a total of three ADUs. This compromise approach would allow the aging structures (which have exceeded their projected lifespan) to be redeveloped while mitigating the proposed reduction of housing density on the subject site.

The certified LUP does not preclude ADUs from being developed in conjunction with a new or existing single-family residence, and the City's ADU ordinance (which is not a part of the certified LUP) also allows for construction of a maximum of one ADU and one JADU on the subject lots, consistent with statewide ADU laws. Therefore, in this case, mitigation for the loss of three residential units by including the construction of an three ADUs is a compromise approach to allow the property owner to redevelop the site and the 98 year old residential structures while maintaining the same number of housing units, consistent with both the certified LUP and the uncertified Zoning Code.

In this case, the applicant has proposed to mitigate the proposed reduction of three residential units that would be lost through the replacement of a duplex and a triplex with single-family residences by constructing three ADUs. The proposed single-family residence at 908 Manhattan Avenue includes a 650 sq. ft. attached ADU located on the basement floor of the residence to mitigate for the loss of the 557 sq. ft. duplex unit. This ADU has been designed to function as a one-bedroom rental unit, with a separate exterior entrance, living room, kitchen, separate bathroom, and enclosed bedroom. Although this unit is located within the basement, the unit includes several transom windows to provide the living space with natural air and light. At 650 sq. ft., the proposed ADU would be larger than either of the duplex units (which are 561 sq. ft. and 557 sq. ft. respectively).

The proposed single-family residence at 910 Manhattan Avenue includes a 488 sq. ft. attached JADU on the first floor of the residence and a 345 sq. ft. detached ADU. The

488 sq. ft. attached JADU has been designed as a one-bedroom rental, with a separate exterior entrance, living room, kitchen, separate bathroom, and enclosed bedroom. The detached ADU has been designed as a studio unit, with a kitchenette, living area, separate bathroom, and a lofted sleeping area. The 488 sq. ft. attached JADU is larger than any of the existing triplex units (472 sq. ft., 472 sq. ft., and 457 sq. ft., respectively), but the proposed 347 sq. ft. detached ADU would be approximately 100 ft. smaller than the smallest of the exiting triplex units. The applicant has cited two constraining factors that prevent the detached ADU from being made larger. First, the City's ADU ordinance (which has not been certified by the Commission) limits the height of ADUs at 16 ft. Second, the City's building code requires a minimum distance between primary and accessory structures on a single lot.

As explained above, each of the subject lots is approximately 2,500 sq. ft. in size, which can only accommodate two units under the certified LUP. However, the City's uncertified zoning code further restricts the development potential of these lots to one residential unit per lot. Even if the applicant were to redevelop the two lots with duplexes consistent with the LUP standards, there would still be a net loss of one residential unit. In this case, the applicant has strived to maintain five units on the two subject lots through the use of ADUs and JADUs. Two of the three accessory units would be larger than the existing residential units, but all three units have been designed to be reasonably rented out to an individual or couple. Therefore, the Commission imposes special conditions requiring the applicant to maintain two single-family residences and three ADUs on the two lots and prohibiting ingress or egress (doors) between the ADUs and the primary residences. To ensure that any prospective future owners of the properties are made aware of the applicability of the conditions of this permit, the Commission imposes a special condition requiring that the property owners record a deed restriction against the property, incorporating all of the special conditions of this permit.

Therefore, Commission staff recommends that the Commission **APPROVE** coastal development permit application 5-20-0541 with five special conditions requiring the applicant to: 1) submit final revised plans showing local approval of the proposed ADUs, 2) maintain two single-family residences and three ADUs (for a total of five units between the two lots); 3) adhere to the submitted drainage and landscaping plans; 4) follow construction best management practices to prevent polluted runoff from entering coastal waters; and 5) record a deed restriction to memorialize all of the special conditions. The motion and resolution can be found on Page 6 of the staff report.

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EXHIBITS

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

[Exhibit 2 – Project Plans- 908 Manhattan Avenue](#)

[Exhibit 3 – Project Plans- 910 Manhattan Avenue](#)

[Exhibit 4 – Proposed ADUs](#)

[Exhibit 5 – Community Character Analysis](#)

[Exhibit 6 – Commission Approvals of Density Reduction Projects in Hermosa Beach Since 2014](#)

Motion and Resolution

Motion:

I move that the Commission approve Coastal Development Permit 5-20-0541 subject to conditions set forth in the staff recommendation specified below.

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. 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.

I. 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.

II. SPECIAL CONDITIONS

1. Final Revised Plans.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two full-size sets of revised final plans that incorporate the proposed accessory dwelling units (ADU) into the design of the single-family residences. The applicant shall provide evidence that the plans have been reviewed and approved by the City of Hermosa Beach.

B. All revised plans shall be prepared and certified by a licensed professional or professionals as applicable (e.g., architect, surveyor, geotechnical engineer), based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission's approval and with the recommendations of any required technical reports.

C. The permittee 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 Single-Family Residences and Accessory Dwelling Units On Two Lots. The development approved by Coastal Development Permit No. 5-20-0541 is for construction of a single-family residence with a 650 sq. ft. accessory dwelling unit (ADU) at 908 Manhattan Avenue, and a single-family residence with a 445 sq. ft. attached JADU and a 345 sq. ft. detached ADU at 910 Manhattan Avenue. The applicant and all assigns/successors shall maintain the single-family residences and ADUs as separate residential units on their corresponding lots. At no point may the ADU be incorporated into the single-family residence or converted to a non-residential use. Ingress and egress (doors) between the attached ADUs and the primary residences are prohibited.

3. Water Quality, Drainage and Landscaping Plans.

A. The permittee shall undertake development in accordance with the drainage and run-off control plan dated October 7, 2020 showing that roof and surface runoff will be captured with a trench drain and 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.
- 4. Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:
- A.** No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
 - B.** No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
 - C.** Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
 - D.** Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
 - E.** All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
 - F.** The 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 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.
- 5. Deed Restriction.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcels 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 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.

III. FINDINGS AND DECLARATIONS

A. Project Description and Background

The applicant is proposing the following development: 1) demolition of a duplex and a triplex at 908 and 910 Manhattan Avenue; 2) untie the 908 Manhattan Avenue and 910 Manhattan Avenue lots; 3) construct a 30-ft. tall, three-story, 3,716 sq. ft. single-family residence with a 650 sq. ft. attached ADU at 908 Manhattan Avenue; and 3) construct a three-level, 30-ft. tall, 2,946 sq. ft. single-family residence with an attached 488 sq. ft. attached JADU and a detached 345 sq. ft. ADU at 910 Manhattan Avenue. Each single-family residence would include an attached 420 sq. ft. two-car garage and one additional uncovered guest parking space for a total of three parking spaces each [\(Exhibits 2-3\)](#). Non-invasive, low-water use, drought tolerant landscaping is proposed for the project. Approximately 790 cu. yds. of grading (780 cu. yd. cut and 10 cu. yd. fill) is proposed, and the cut material will be exported to a location outside the coastal zone.

The project site consists of two rectangular-shaped, approximately 2,500 sq. ft. lots located approximately 800 ft. inland of the beach and landward of the first public road parallel to the sea in an urbanized neighborhood. A duplex and a triplex have been constructed across the two lots, tying them together for assessment purposes according to the applicant. The two-story duplex contains one 561 sq. ft. unit and one 557 sq. ft. unit. The two-story triplex contains two 472 sq. ft. units and one 435 sq. ft. unit. The project site's surrounding parcels contain a mix of two to three-story single family and multi-family residences ([Exhibit 1](#)). 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 High Density, or R-3, zone allows multiple dwellings, and requires a minimum lot area of 950 sq. ft. for every dwelling unit. The proposed development (one single-family residence on each lot with attached and detached ADUs) is a permitted use within the R-3 zone.

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.

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. As applicable here, 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 the 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 6](#)). The Commission's approval of projects that would reduce housing density typically relied on Chapter 3 policies or certified LUP policies relating to the specific project sites. 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 LUP's Density Limits

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:

¹ Refer to the staff report for CDP Application No. 5-20-0530 (Stabler and English)

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 five residential units are currently available on the two tied lots. The certified LUP defines high-density development as consisting mostly of apartment buildings and lower density structures on small lots. The duplex and triplex that are currently on-site are consistent 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 two tied subject lots (totaling 4,991 sq. ft. in size) can accommodate up to five on-site residential units. In addition, the proposed single-family residences proposed for the two subject lots once they are untied are also consistent with the LUP’s R-3 designation.

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 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 0.1 mi. (an approximately two-minute walk) from the Hermosa Avenue/10th Street Bus Stop. This bus stop is served by the Beach Cities Transit 109 line, which connects the three “Beach Cities (Redondo Beach, Hermosa Beach, and Manhattan Beach)” to El Segundo and LAX. The project site is also located 0.1 mi. (an approximately two-minute walk) from the Commuter Express 438-line bus stop, which connects the South Bay Area to Downtown Los Angeles. 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. The project site is well-served by public transportation and other amenities and is not located in an area that is subject to coastal hazards.

Although this project would result in a loss of three residential units, mitigated to some extent by the proposed ADUs, 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), and in areas that are not appropriate for concentrated development, such as areas with sensitive coastal resources and/or those vulnerable to coastal hazards and sea level rise. As the recent changes to State housing laws demonstrate, given the existing housing shortages throughout the state, there is tremendous economic and political pressure to develop more housing opportunities; therefore, in the coastal zone, it is important to maintain density in already developed and appropriate areas to ensure protection of coastal resources.

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 is located in an area that would be appropriate for maintaining housing density and does raise concerns regarding the cumulative loss of housing density in Hermosa Beach, this case is complicated by the provisions of the City’s uncertified Zoning Code that prohibit the development of multi-family residences on the 2,500 sq. ft. lots, as the Zoning Code requires 1,320 sq. ft. of lot area per dwelling unit in R-3 zone. While the uncertified zoning code is not the standard of review, if the Commission were to approve a residential development on this parcel that was denser than that allowed by the City’s zoning code, the applicant may not receive a local approval to construct the development due to the conflict with the zoning code. The Commission must implement the Coastal Act, despite any inconsistencies with the uncertified zoning code, but there is a compromise approach available here that would allow the development to go forward in this case. Thus, the Commission can approve the project with ADUs as a compromise to mitigate the cumulative loss of housing density in Hermosa Beach.

Housing Density and ADUs

In previous projects, the Commission has encouraged the development of accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs) to mitigate for lost residential units. In the high-density residential, or R-3 zone, the development of an ADU and/or JADU in conjunction with the single-family residences on the subject lots would be consistent with the certified LUP.² In addition, though not controlling, the development of ADUs for each residence 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).³

On January 1, 2020, new housing laws went into effect that seek to address the statewide housing crisis by encouraging the maintenance of existing multi-family residential density (SB330) and provision of additional accessory dwelling units (Government Code §§ 65852.2, 65852.22). The Housing Crisis Act 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 subject project was submitted to the City after January 1, 2020.

From a Coastal Act perspective, ADUs raise concerns as to whether density will, in fact, be maintained in a manner consistent with Coastal Act development policies. Although ADUs are typically designed to function separately from the associated single-family residence, the ADU is inherently dependent on the single-family residence to serve as a housing unit. In most cases, ADUs share utility lines (power, water) with the associated single-family residence and cannot be sold separately from the primary residence, except in specific situations not applicable to this project. This differs from a duplex, where the units can have separate utility connections and could be sold independently from one another, if converted to a condominium. In addition, it is more difficult to enforce the continuous provision of an ADU as a separate unit compared to a duplex. In addition, due to their size, ADUs are more easily left vacant or used by the residents of the primary single-family residence, rather than used as long-term rentals.

² The certified LUP does not preclude ADUS/JADUs from being constructed in conjunction with a new or existing single-family residence.

³ 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 applicants 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.

In this case, the applicant has proposed to mitigate the proposed reduction of three residential units that would be lost through the replacement of the duplex and triplex with single-family residences by constructing three ADUs ([Exhibit 4](#)). The single-family residence at 908 Manhattan Avenue includes a 650 sq. ft. attached ADU located on the basement floor of the residence to mitigate for the loss of a 557 sq. ft. duplex unit. This ADU has been designed to function as a one-bedroom rental unit, with a separate exterior entrance, living room, kitchen, separate bathroom, and enclosed bedroom. Although this unit is located within the basement, the unit includes several transom windows to provide the living space with natural air and light. At 650 sq. ft., the proposed ADU would be larger than either of the duplex units (which are 561 sq. ft. and 557 sq. ft. respectively).

The proposed single-family residence at 910 Manhattan Avenue includes an attached 488 sq. ft. JADU on the first floor of the residence and a detached 345 sq. ft. ADU. The 488 sq. ft. JADU has been designed as a one-bedroom rental, with a separate exterior entrance, living room, kitchen, separate bathroom, and enclosed bedroom. The detached ADU has been designed as a studio unit, with a kitchenette, living area, separate bathroom, and a lofted sleeping area. The 488 sq. ft. JADU is larger than any of the existing triplex units (472 sq. ft., 472 sq. ft., and 457 sq. ft., respectively), but the proposed 347 sq. ft. detached ADU would be approximately 100 ft. smaller than the smallest of the existing triplex units. The applicant has cited two factors that limit the detached ADU from . First, the City's ADU ordinance (which has not been certified by the Commission) limits the height of ADUs at 16 ft. Second, the City's building code requires a minimum 8-ft. distance between structures on a single lot.

As explained above, each of the subject lots is approximately 2,500 sq. ft. in size, which can only accommodate two units under the certified LUP. However, the City's uncertified zoning code further restricts the development potential of these lots to one residential unit per lot. Even if the applicant were to redevelop the two lots with duplexes consistent with the LUP standards, there would still be a net loss of one unit. In this case, the applicant has strived to maintain five units on the two subject lots through the use of ADUs and JADUs. Two of the three accessory units would be larger than the existing residential units, and all three units have been designed to be reasonably rented out to an individual or couple. To ensure the project is developed as proposed, the Commission imposes **Special Conditions 1, 2 and 5**. **Special Condition 1** requires the applicant to submit final revised plans demonstrating that the proposed ADU designs have been approved by the City of Hermosa Beach. **Special Condition 2** requires the applicant to retain the single-family residences and the associated ADUs as separate units and prohibits ingress or egress (doors) between an ADU and a primary residence. 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 5**, requiring the property owners record a deed restriction against the property, referencing all of the conditions of this permit.

As explained above, the Coastal Act encourages 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) does not preclude ADUs from being developed in conjunction with a new or existing single-family residence. The project will contribute somewhat to the cumulative loss of housing density in Hermosa Beach, although the impact will be mitigated by the proposed ADUs. The construction of two single-family residence with three ADUs is a reasonable approach in this case, given the local zoning requirements, to minimize cumulative loss of housing density consistent with the certified LUP and the Coastal Act while allowing development that is also consistent with the local zoning code.

Community Character

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 ([Exhibit 5](#)). Of the total of 41 residential lots that were included in the survey area, 18 lots featured single family residences, 12 lots featured duplexes and 11 lots featured multi-family residences (3 units or more).

The results of the community character analysis indicate that the surrounding lots are currently developed with about 29% duplexes, 27% multi-family residences (consisting of between 3-5 units) and 44% single-family residences. Given the fairly even distribution between of single-family residences, duplexes, and multi-family residences in this area, two new single-family residences with ADUs would be consistent with the community character of the area. Maintaining five units on site is consistent with the certified LUP goal to protect the current diversified mix of housing.

As proposed by the applicant 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. 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 waters via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity and quality 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 ability of foraging avian and marine species to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, the Commission imposes **Special Condition 4**, 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, shall be covered and enclosed on all sides, and stored as far away from storm drain inlets 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 applicant has 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 3**, which ensures that the project conforms to the drainage and run-off control plan dated October 7, 2020. The plan includes a drainage system to manage and increase on-site percolation of runoff, including gutters, downspouts, trench drains, catch basins, and sump pump basins, which are directed to the public right-of way and storm drain.

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 be native to coastal Los Angeles County). In order to ensure that any onsite landscaping minimizes the use of water and the spread of invasive vegetation, **Special Condition 5** 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.

D. 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 5**, which requires that the property owner record a deed restriction against the property, referencing all 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 obligations imposed on the use and enjoyment of the land.

E. 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. The Commission finds that 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 the Commission’s administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (“CEQA”). The findings above are incorporated herein by reference. Under Section 15251(c) of Title 14 of the California Code of Regulations, the Commission’s CDP regulatory process has been certified as the functional equivalent to the CEQA process.

Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment. The proposed project as conditioned herein incorporates measures necessary to avoid any significant environmental effects, individual and cumulative, and there are no less environmentally damaging feasible alternatives or mitigation measures. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified possible impacts, is consistent with CEQA and the policies of the Coastal Act.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

Coastal Development Permit Application No. 5-20-0541 and associated file documents.

City of Hermosa Beach Certified Land Use Plan (LUP)