

CALIFORNIA COASTAL COMMISSION

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W17a

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-21-0539

Applicant: Herculez Gomez

Agent: Hanson Bridgett LLP

Location: 245 30th Place & 247 29th Street, Hermosa Beach, Los Angeles County (APNs: 4181-021-014 & 015)

Project Description: Demolish two existing 728 sq. ft. and 1,292 sq. ft. single-family residences on two adjacent lots, merge the lots, and construct a new 3-story, 3,536 sq. ft. single-family residence with an attached two-car garage, a roof deck, and an attached 689 sq. ft. accessory dwelling unit (ADU).

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to demolish two existing 728 sq. ft. and 1,292 sq. ft. single-family residences on two adjacent project lots, merge the lots, and construct a new 3-story, 3,536 sq. ft. single-family residence with an attached two-car garage, and a roof deck ([Exhibit 2](#)). The proposed residence includes an attached 689 sq. ft. accessory dwelling unit (ADU) with a separate entry, multiple windows, one bedroom, one bathroom, a full kitchen, an eating area, and a living area on the first-floor level of the proposed structure. A total of 3 parking spaces are proposed, 2 in the garage and 1 on the driveway fronting the garage. Non-invasive, drought tolerant landscaping is

proposed for the project. The applicants are also proposing 223 cubic yards (223 cy cut) of grading to be exported outside the coastal zone. The project site is well-served by public transportation and other amenities and is not located in an area that is subject to coastal hazards.

The 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. 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 (Coastal Act sections 30250 and 30253(d)). As the Commission has consistently found, these policies reflect an over-arching acknowledgment that concentrated and well-planned residential development supports the long-term preservation of coastal resources. In addition, the certified LUP identifies the preservation of existing housing stock as an important objective and states the need to continue the current mix of low, moderate, and high housing densities (LUP Sections IV.B and IV.C). To address these impacts, the Commission staff is recommending several special conditions.

The existing two single-family residences are conforming structures under the certified LUP; The re-development of the project site with a single-family residence would result in the loss of one existing residential unit. 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, just over the past decade, there have been more than 40 projects that were previously approved that converted multi-family developments to single-family residences in Hermosa Beach. This has the cumulative effect of reducing density, inconsistent with the policies of Chapter 3 of the Coastal Act and the certified LUP.

Although the City's current uncertified Zoning Code, which is not the standard of review, would prohibit the development of a multi-family residence on this 2,850 sq. ft. lot, a duplex on the subject site would be consistent with the certified LUP. Further, Senate Bill 9 (SB 9), which went into effect on January 1, 2022, requires cities and counties to ministerially approve up to two residential units (i.e., a duplex) on a single-family residential lot except in specific enumerated circumstances. In addition, SB 9, while not the standard of review for the Commission, prohibits local governments from imposing objective zoning standards that would have the effect of physically precluding the construction of up to two units on a lot. Thus, Commission staff understands that, effective January 1, 2022, the City of Hermosa Beach is no longer able to enforce its current zoning code that prohibits a duplex on the site, as it constitutes an objective zoning standard that would have the effect of physically precluding the construction of up to two units. Therefore, the applicant now has an option to go back to the City for approval of a revised plan that proposes a duplex on the site, as opposed to the currently proposed single-family residence with an ADU.

In addition to retaining the number of residential units, maintaining parity between the existing units and the new units is necessary to provide a comparable housing opportunity. In Hermosa Beach, the typical pattern of development for existing duplexes is for one of the units to be significantly larger than the other. Thus, allowing the replacement units to also be of different sizes offers maintains the mix of housing opportunities identified as a goal of the LUP and additionally affords such opportunities to a broader spectrum of residents.. However, to prevent adverse impacts to housing opportunities in the Coastal Zone, it is necessary to ensure that neither of the new units are smaller than the smaller of the existing units. Therefore, **Special Condition 1** requires the applicant to submit revised final plans incorporating a duplex (2 full units) on the site and that the revised plans be reviewed and approved in concept by the Hermosa Beach planning department. **Special Condition 1** further requires that the smaller of the two units in the revised project shall be at least the size of the smaller unit existing onsite (728 sq. ft.) and that the two dwelling units in combined size not to exceed the currently proposed size of the structure (3,536 sq. ft.). Further, a minimum of 3 parking spaces shall be provided onsite, and both units shall have vehicular access and separate pedestrian ingress/egress access to the garage, which shall provide shared parking for both units in perpetuity.

Staff recommends the Commission find that the project, as proposed by the applicant and further conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, Commission staff recommends that the Commission **APPROVE** coastal development permit application 5-21-0539 with six special conditions. The motion and resolution can be found on Page 5.

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EXHIBITS

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

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – Community Character Analysis](#)

[Exhibit 4 – County of LA Assessor’s Map](#)

MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 5-21-0539 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. 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 ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and written approval of the Executive Director, two full-size sets of revised final plans, that have been reviewed and approved by the City of Hermosa Beach. The revised plans shall substantially conform with the plans submitted to the Commission, titled "Gomez Residence", by Tomaro Architecture, dated 6/29/21, except that they shall be modified to reflect the following:
 - A. The structure shall contain two primary dwelling units not to exceed 3,995 sq. ft (including garage) in combined size with the minimum size for the smaller unit to be no less than 728 sq. ft. in area
 - B. A minimum of three (3) parking spaces shall be provided onsite and both units shall have vehicular and separate pedestrian ingress/egress access to the garage, which shall provide shared parking for both units in perpetuity.

The permittee shall undertake development in conformance with the approved final revised plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

2. **Local Government Approval.** This action has no effect on conditions imposed by the City pursuant to an authority other than the Coastal Act. In the event of conflict between the terms and conditions imposed by the City and those of this coastal development permit, the terms and conditions of Coastal Development Permit 5-21-0539 shall prevail.
3. **Retention of Two Units On-Site.** The development approved by Coastal Development Permit No. 5-21-0539 is for construction of a duplex with the smaller unit at least 728 sq. ft. The permittee and all assigns/successors shall maintain the two separate units. At no point may one residential unit be incorporated into the other residential unit or converted to a non-residential use. Ingress and egress (doors) between the two residential units are prohibited.
4. **Drainage Plans.**
 - A. The applicant shall undertake development in accordance with the drainage and run-off control plan received by Commission staff, received by the Commission on July 21, 2021, showing that roof and surface runoff will be captured with downspouts, area drains, trench drains, and ecorain tanks, and redirected to the public right-of-way and municipal storm drain.

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

5. 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. 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 stockpiles 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 is 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.

- 6. 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 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 two existing 728 sq. ft. and 1,292 sq. ft. single-family residences on two adjacent project parcels, merge the lots, and construct a new 3-story, 3,536 sq. ft. single-family residence with an attached two-car garage, and a roof deck ([Exhibit 2](#)). The proposed residence includes an attached 689 sq. ft. accessory dwelling unit (ADU) with a separate entry, multiple windows, one bedroom, one bathroom, a full kitchen, an eating area, and a living area on the first-floor level of the proposed structure. A total of 3 parking spaces are proposed, 2 in the garage and 1 on the driveway fronting the garage. Non-invasive, drought tolerant landscaping is proposed for the project. The applicants are also proposing 223 cubic yards (223 cy of cut) of grading to be exported outside the coastal zone. The project site is well-served by public transportation and other amenities and is not located in an area that is subject to coastal hazards.

The subject site is a 2,415 sq. ft. rectangular-shaped lot located 700 ft. inland of the public beach in a built-out residential neighborhood in Hermosa Beach. The majority of the project site's surrounding parcels accommodate 2 to 3-story single family and multi-family homes ([Exhibit 1](#)). The project site is designated in the certified LUP as a Medium-Density Residential lot, which corresponds to the R-2 zone in the City's uncertified zoning code. Pursuant to the LUP, the R-2 zone would consist mostly of two-family homes and single-family homes on small lots, including garden apartments and townhouses, and requires a minimum lot area of 1,200 sq. ft. for every dwelling unit.

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.

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. As the Commission has found in prior actions, 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.¹

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). 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, the Commission has become increasingly concerned about the cumulative impacts of development trends that reduce housing

¹ Staff reports for CDP No. 5-07-014 (Haugh); CDP No. 5-07-085 (Homes); CDP Appeal No. A-5-MNB-20-0020/A-5-MNB-20-0041 (Corinna Cotsen 1991 Trust); CDP No. 5-20-0541 (South Bay Land Management and Development Company, LLC); CDP No. 5-20-0650 (Smith).

density and increase development pressure in other, potentially sensitive, or hazardous areas in the coastal zone.²

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

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

The LUP medium-density designation corresponds to the R-2 and R-2B zones in the City’s uncertified zoning code. The subject site is zoned R-2. 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 Medium-Density LUP designation in that two single-family residential units exist on the site. The certified LUP defines medium-density development as consisting mostly of two-family homes and single-family homes on small lots. The existing two single-family residences 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-2 zone, the project site can accommodate two on-site residential units, because it exceeds the minimum lot size of 2,400 sq. ft. Therefore, the existing duplex conforms to the certified LUP. Nevertheless, the City’s uncertified Zoning Code prohibits the development of a multi-

² Staff reports for CDP No. 5-20-0541 (South Bay Land Management and Development Company, LLC); CDP No. 5-20-0650 (Smith)

family residence on this 2,415 sq. ft. lot, as it requires 1,750 sq. ft. of lot area per dwelling unit in the R-2 zone.

In light of the City's uncertified zoning code restriction that prohibits a duplex on the site, the applicant has proposed to construct an attached 674 sq. ft. ADU located on the second level of the residence that features a separate exterior entry (pursuant to the State's ADU requirements), its own kitchen and dining area, one bathroom, multiple windows, and two bedrooms ([Exhibit 2](#)). As explained above, the existing duplex conforms to the certified LUP and has provided two independent units since 1923; therefore, re-development with a single-family residence would result in the loss of one existing residential unit. 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, just over the past decade, the Commission has approved more than 40 projects that converted multi-family developments to single-family residences in Hermosa Beach. This has the cumulative effect of reducing density, inconsistent with the above-referenced policies of Chapter 3 of the Coastal Act and the certified LUP.

In previous projects, the Commission has allowed the development of an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) to mitigate for lost residential units when no other feasible alternative existed³. However, the Commission has also found that ADUs are not the equivalent of a full unit that might be lost as a result of redevelopment.⁴ Although ADUs are typically designed as separate units from the associated single-family residence, an ADU is, by its nature, accessory to the primary residence and is inherently dependent on the single-family residence to serve as a housing unit. ADUs usually share utility lines (power, water) with the associated single-family residence and, except in very limited situations, inapplicable here, cannot be sold separately from the primary residence. This differs from a duplex, where the units are independent of each other, typically have separate utility connections and could potentially be sold independently from one another or held in separate ownership, if converted to condominiums. In addition, a duplex could potentially have at least one additional ADU, thereby increasing density. Further, due to their subordinate function, ADUs are more likely to be left vacant or used by the residents of the primary single-family residence, rather than rented out. If, as has been a pattern recently in Hermosa Beach, ADUs are a substitute for primary residential units but are unlikely to be used for housing, then the project, when viewed cumulatively with similar projects in Hermosa Beach, will not concentrate development in existing developed areas and instead will contribute to further urban sprawl, counter to Coastal Act policies designed to concentrate residential development to minimize impacts to coastal resources (sections 30250 and 30253).

³ Staff reports for CDP Application Nos. 5-20-0541 (South Bay Land Management and Development Company, LLC); CDP No. 5-20-0650 (Smith)

⁴ Staff report for CDP Application No. 5-21-0467 (Reinis)

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.

However, on September 16, 2021, Governor Newsom signed two additional housing laws, which took effect on January 1, 2022. Senate Bill 8 (SB 8) extends the expiration of the Housing Crisis Act from January 1, 2025 to January 1, 2030 and clarifies that the definition of “housing development project” in the Housing Crisis Act was intended to include development of single-family residences. Senate Bill 9 (SB 9) requires cities and counties to ministerially approve up to two residential units (i.e., a duplex) on a single-family residential lot except in specific enumerated circumstances (Government Code section 65852.21(a)). In addition, SB 9 prohibits local governments from imposing objective zoning standards that would have the effect of physically precluding the construction of up to two units on a lot (Government Code section 65852.21(b)). While not the Commission’s standard of review, these laws are intended to encourage new residential units in areas that have historically and/or currently limited the number of residential units that can be developed. Both laws have a “savings clause” as to the Coastal Act, so while local governments’ uncertified zoning codes would be subject to SB 9, these new housing laws do not override or supersede the provisions of the Coastal Act and certified Local Coastal Programs, except as to local hearing requirements for coastal development permit applications for projects subject to these laws.

Considering the above discussed SB 9, the Commission understands that, effective January 1, 2022, the City of Hermosa Beach is no longer able to enforce its current zoning code that prohibits a duplex on the site, as it constitutes an objective zoning standard that would have the effect of physically precluding the construction of up to two units. Therefore, the applicant now has an option to go back to the City, for approval of a revised plan that proposes a duplex on the site, as opposed to the currently proposed single-family residence with an ADU.

Therefore, the Commission imposes **Special Condition 1**, which requires the applicant to submit revised final plans incorporating a duplex (2 full units) on the site and that the revised plans be reviewed and approved in concept by the Hermosa Beach planning department. The larger of the two existing units at approximately 1,292 sq. ft. is 77% larger than the smaller unit at 728 sq. ft. Meanwhile, the proposed 2,847 sq. ft. single-family residence would be more than four times larger than the proposed 689 sq. ft. ADU. Construction of a 689 sq. ft. ADU in place of an existing 728 sq. ft. primary dwelling unit will contribute in some respects to a loss of housing density in Hermosa Beach. In addition to retaining the number of residential units, maintaining parity between the existing units and the new units is necessary to provide a comparable

housing opportunity. In Hermosa Beach, the typical pattern of development for existing duplexes is for one of the units to be significantly larger than the other. Thus, allowing the replacement units to also be of different sizes maintains the mix of housing opportunities identified as a goal of the LUP and additionally affords such opportunities to a broader spectrum of potential residents. However, to prevent adverse impacts to housing opportunities in the Coastal Zone, it is necessary to ensure that neither of the new units are smaller than the smaller of the existing units. Therefore, **Special Condition 1** requires the smaller of the two units in the revised project shall be at least the size of the smaller unit existing on site (728 sq. ft.). **Special Condition 1** further requires that the two dwelling units in combined size not to exceed the currently proposed size of the structure (3,995 sq. ft. including the garage).

With regard to parking, the certified LUP requires two on-site parking spaces for each residence that is constructed, which requires a total of 4 on-site parking spaces for a duplex. The purpose of on-site parking requirements is to prevent impacts to public access to the coast. Here the existing larger unit has a 1-car garage and the existing smaller unit does not provide parking, and the currently proposed project incorporates 3 parking spaces: a 2-car garage and one uncovered parking space in the driveway, resulting in an increase in on-site parking supply. Further, on-street parking in this area is already subject to residential parking permits, and the public can only park on-street for periods of 1 hour during the prime beach use summer months.⁵ Therefore, a total of 3 on-site parking spaces for the duplex would not significantly impact the public's ability to access the coast. To further reduce the chance of the second unit tenants parking on public street, **Special Condition 1** requires that a minimum of 3 parking spaces be provided onsite and that both units shall have vehicular and separate ingress/egress access to the garage, which shall provide shared parking for both units in perpetuity.

Regarding open space, the LUP requires 300 sq. ft. of open space per dwelling unit in the R-2 zone. For the applicant to propose a duplex on site, a total of 600 sq. ft. of open space is required, as opposed to 300 sq. ft. of required open space for a single-family residence. The currently proposed project (single-family residence with an ADU) proposes 306 sq. ft. of total qualifying open space. Thus, if the applicant were to propose a duplex with 306 sq. ft. of qualified open space in the R-2 zone, it would not be consistent with the LUP's open space requirement. Open space is typically required for water quality or visual resource purposes. However, in this case, the site is not located adjacent to a water body, and there is no requirement for onsite percolation. In

⁵ In 1982, the Commission approved a parking management plan, which has been in place for nearly 40 years. The parking management program has been revised various times since its original approval in 1982 (Ref: CDP Nos. 5-82-251, 5-82-251-A1, 5-84-236, 5-84-236-A1, 5-84-236-A2, 5-97-011). The residential parking program covers nearly the entirety of the City's Coastal Zone (an area bounded by both City boundaries on the north and south, the Strand (ocean front) on the west and Loma and Morningside Drives on the east) and provides for preferential parking by permit for residents who live within four blocks of the beach. In general, the parking program as approved most recently by the Commission, consists of preferential on-street parking for City residents between May 15 and September 15 from 10:00 AM to 10:00 PM every year, a maximum of 1 hour parking in preferential spaces for non-residents, and provision of free remote parking lots for visitor beach parking

addition, the site is located 700 ft. from the public beach and would not interfere with the public view to the beach. Thus, in this case, there will be no impacts to coastal resources associated with the open space requirement. The revised project, if proposed with the same building footprint as currently proposed, would also meet all other open space standards such as setbacks and lot coverage for a duplex on site. Therefore, the deficient amount of open space (294 sq. ft.) for a duplex would not adversely impact coastal resources in the area.

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), the Commission has determined that the 25-foot height limit would apply to single-family residences in the R-2 and R-2B zone.⁶ 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, if the proposed project were revised to a duplex rather than a single-family residence, per **Special Condition 1**, then the 30-ft. tall duplex would be consistent with the LUP's height limit. Furthermore, the project site is located landward of the first public road in an area that does not provide public coastal views. Thus, the 30-ft. high duplex (as revised by the Commission) would not adversely impact public coastal views in the area and would be consistent with the City's LUP. The Commission also imposes **Special Condition 2** to clarify that this action has no effect on conditions imposed by the City pursuant to an authority other than the Coastal Act. **Special Condition 3** imposes the retention of two dwelling units for the life of the development and prohibition of ingress or egress (doors) between the two residential units.

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. The survey area encompassed the lots bounded by 30th Street to the north, 29th Street to the south, Manhattan Avenue to the west, and Morningside Drive to the east. Of the 40 lots that were included in the survey area, 24 lots featured single family residences, and 16 lots featured multi-family residences. The residential structures ranged from 971 sq. ft. to 7,507 sq. ft. in size, with the average structure totaling approximately 2,510 sq. ft. ([Exhibit 3](#)). The proposed development, as revised by the Commission, of a 3,995 sq. ft. (including garage) duplex at 245 30th Place would be within the range of sizes of existing residences, and there are other homes larger in

⁶ Staff reports for CDP No. 5-20-0687 (347 29th Street HB, LLC)

size in the surrounding community. Therefore, as revised, the proposed project would be consistent with the character of the surrounding community.

The results of the community character analysis indicate that the surrounding lots are currently developed with about 54% multi-family residences (consisting of between 2-5 units) and about 46% single-family residences. Given the fairly even split of single-family residences to multi-family residences in this area, a new duplex (as revised by the Commission) would not have an adverse impact on the community character of the area. Maintaining two units on site is consistent with the certified LUP goal to protect the current diversified mix of housing. As a duplex on a 2,400 sq. ft. lot, the revised development is consistent with the certified LUP, which allows for a maximum of two units on the site.

Lot Legality

Based on the County of LA assessor's map, the project site consists of two half-lot parcels, and the applicant proposes a merger. The assessor parcel map shows a dotted line across the subject lot 15 ([Exhibit 4](#)). The lot was split into two by the conveyance of approximately one half (now APN 4181 021 014) by deed in 1922, and, since then, the parcels have historically been owned by different people and have separate assessor's parcel numbers (4181-021-014 & 015). " The City believes the two parcels are located within the same lot and does not require further lot line adjustment application as part of the current proposal. The applicant has requested that the County assign a single APN for the property. Although there is some uncertainty as to whether the project site consists of one or two legal lots, the lot consolidation and construction of a duplex would be consistent with the community character and maintain the existing density on the project site.

Therefore, the Commission finds that the merger of the lots and construction of a duplex, as conditioned, is consistent with Sections 30250, 30251, and 30253 of the Coastal Act pertaining to new development and community character.

C. Public Access

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the

use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

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

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

...
(2) adequate access exists nearby, ...

The subject site is located approximately 700 ft. inland of the public beach, in a built-out residential neighborhood in Hermosa Beach ([Exhibit 1](#)). The project includes a two-car garage consistent with the City's parking requirement, plus one guest parking space in the driveway. The parking spaces would be accessed through 30th Place, and the project does not propose any curb cuts, so the project would not adversely impact on-street parking spaces. The proposed project adheres to the setback requirements set forth in the certified LUP.

As discussed in section B above, the purpose of on-site parking requirements in the certified LUP is to prevent impacts to public access to the coast. Although the proposed project with 3 parking spaces (a 2-car garage and one uncovered parking space in the driveway) does not meet the LUP requirement of a total of 4 on-site parking spaces for a duplex, on-street parking in this area is already subject to residential parking permits, and the public can only park on-street for periods of 1 hour during the prime beach use summer months. Therefore, the proposed parking configuration for the duplex would not significantly impact public's ability to access the coast. To further reduce the chance of the second unit residents parking on public street, **Special Condition 1** requires that a minimum of 3 parking spaces be provided onsite and that both units shall have vehicular and separate ingress/egress access to the garage, which shall provide shared parking for both units in perpetuity.

As conditioned, the Commission finds that proposed development will not have any new adverse impacts on public views and access to and along the coast or nearby recreational facilities and, thus, conforms to Sections 30210, 30211, and 30212 of the Coastal Act.

D. Water Quality

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

Section 30232 of the Coastal Act states:

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

Construction Impacts to Water Quality

The above policies of the Coastal Act require protection of marine resources, including the protection of coastal waters by controlling runoff and preventing spillage of hazardous materials.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can inhibit light penetration and reduce habitat quality and foraging success for avian and marine species. To avoid adverse construction-related impacts upon marine resources, the Commission imposes **Special Condition 5**, 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 applicants 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. To address post construction water quality impacts, the applicant has submitted a drainage and runoff control plan that minimizes impacts to water quality the

proposed project may have after construction. The plan includes a drainage system to manage and increase on-site percolation of runoff, including area drains, trench drains, downspouts, and ecorain tanks, which are directed to the public right-of way and storm drain.

The development, as proposed and as conditioned, 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 using permeable surfaces, and for the use of post construction best management practices to minimize the project's adverse impact on coastal waters to maintain the biological productivity and the quality of coastal waters. The Commission imposes **Special Condition 4**, which ensures that the project conforms to the drainage and run-off control plan received on July 21, 2021. Therefore, the Commission finds that the proposed development, as conditioned, 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. 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 6**, which requires that the property owner record a deed restriction against the property, referencing all 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.

F. 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.

For the reasons described above, there is a potential prejudicial effect on the City's ability to prepare an LCP that is conformity with Chapter 3 that would result from the applicant's proposal to replace two single-family residences with a single-family residence with an ADU, due the cumulative loss of density in the City as the certified LUP's density designations and density maintenance policies are ignored. As conditioned, the proposed development honors and conforms to the certified LUP and 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.

G. 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(a), which exempts construction of a single-family residence or a duplex in a residential zone from CEQA requirements.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. 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. 5-21-0539 and associated file documents.