

CALIFORNIA COASTAL COMMISSION

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F19a

**A-5-MNB-20-0020 & A-5-MNB-20-0041
De Novo Rehearing**

June 10, 2022

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June 2, 2022

BY EMAIL

Mandy Revell
California Coastal Commission
301 E. Ocean Blvd., Suite 300
Long Beach, California 90802-4830

Re: CDP Application Nos. A-5-MNB-20-0020 & A-5-MNB-20-0041
Response to Staff Report on Demolition as ordered by the Superior Court

Dear Mandy:

I am writing on behalf of Corinna Cotsen, the Applicant for CDP Application Nos. A-5-MNB-20-0020 and A-5-MNB-20-0041 (the “CDP”). The Commission staff report recommends that the Commission deny the CDP even when limited to the demolition of the existing structures at 1312 and 1316 The Strand. Manhattan Beach building records identify the structure located at 1312 The Strand as having been built in 1948 and the structure at 1316 The Strand as having been built in 1955.

Both structures are old and have exhausted their useful life and usefulness to the Applicant/owner. The triplex at 1312 The Strand is vacant and has been vacant since 2020. The owner has no intention to rent out any of the units which will be 75 years old in a few months. The useful life for a residence normally applied by the Commission is 75 years. The single family residence at 1316 The Strand has been in the Applicant’s family since 1954. The Applicant was denied a permit to merge the two lots so the Applicant may seek to build a new home at 1316 The Strand in the future.

Neither the 1312 or the 1316 structure has any historical or intrinsic architectural value. When an owner wishes to remove improvements on their property which are at the end of a useful life, then the owner makes retaining the structure not feasible as it cannot be accomplished

in a reasonable time taking into account economic, environmental, social, and technological factors. Absent something about the structure which gives value to its retention, other than the Commission's clear interest in compelling the future construction of multifamily units which the owner does not choose to construct, the Commission should not deny the Applicant's right to remove the existing improvements.

The Commission decision to deny CDP A-5-MNB-20-0020 and A-5-MNB-20-0041 was upheld by the Superior Court only on the grounds that the proposed future structure was found inconsistent community character and the Commission had the discretion to find it inconsistent with community character even when the structure met all of the objective standards contained in the Implementation Plan of the LCP. All of the housing market impacts which were found by the Commission to be a basis to deny the CDP were rejected by the Court.

But what the Applicant might do in the future is not before the Commission. The Court's judgment was to consider denial of a CDP to demolish the structures. The Commission may wish that it could treat the application as for the entire project that had been denied, but the Court limited the Commission's review to demolition.

There is no provision of the certified Manhattan Beach LCP which prohibits the demolition of any structure. All of the community character policies which the Staff Report cites on pages 8 and 9 apply to new structures and can be enforced on any future CDP application for the development of either 1312 The Strand or 1316 The Strand.

Regulation Section 13053.4 provides no basis to deny the demolition of the structures. There are no proposed functionally related developments which the applicant proposes to perform that would be the subject of a single permit application. It is not necessary for the Applicant to amend its CDP Application as provided in Regulation Section 13072 which the Applicant has a right to do. Such an amendment is unnecessary as the Court has already limited the review by the Commission to the demolition of the structures, the denial of which was not supported by any findings previously made and is not supported by the proposed findings.

The Commission has moved from regulating the uses to which property may be put to be consistent with Chapter 3 policies to mandating the uses to which property may be put. This is a material change from regulation to compulsion based not on Manhattan Beach LCP policies but on extrinsic housing policies which the Commission has chosen to apply outside of the LCP.

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The clear reason for the denial is that the Commission wishes to hold the improvements at 1312 The Strand hostage to compel the owners to comply with laws that were not in effect when the CDP application was made and which the Court ruled the Commission could not apply. The Applicant asks to be given the freedom to remove the improvements on her own property while recognizing that any new structure will be subject to the Manhattan Beach LCP and the appeal jurisdiction of the Commission.

Sincerely,

Sherman L. Stacey

SHERMAN L. STACEY

SLS:ck

cc: (by email)
Corinna Cotsen
Lee Rosenbaum
Kim Rible