

**CALIFORNIA COASTAL COMMISSION**

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# W7c

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Hearing Date:	11/13/2024

## STAFF REPORT: CONSENT CALENDAR

<b>Application No.:</b>	<b>5-24-0486</b>
<b>Applicant:</b>	<b>123 West Pomona, LLC</b>
<b>Agent:</b>	Srouer and Associates
<b>Location:</b>	247 Manhattan Ave, Hermosa Beach, Los Angeles County (APN 4188-008-012)
<b>Project Description:</b>	Convert a portion of one existing garage into a 349 sq. ft. one bedroom Accessory Dwelling Unit (ADU).
<b>Staff Recommendation:</b>	Approval with conditions

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### SUMMARY OF STAFF RECOMMENDATION:

The applicants request a permit for the conversion of an existing attached garage into a 349 sq. ft. Accessory Dwelling Unit (ADU). The project site is located on a developed 3,016 square-foot lot located 550 ft inland of the beach, in an urbanized residential neighborhood. Existing development on the site is a detached duplex; each unit has an attached garage. One of the garages onsite would be converted into an ADU.

The lot is designated High Density (HD) by the City's certified Land Use Plan and the proposed project conforms to the permitted use for the HD zone but would reduce the available onsite parking from the five spaces required for a duplex to three spaces, rendering it nonconforming even without requiring parking for the ADU.

Staff is recommending **approval** of the proposed coastal development permit with **(6)** special conditions. The special conditions would: **1)** require access to the remaining garage to all units and restore the curb fronting the converted ; **2)** Retain the number of units onsite; **3)** Construction BMPs; and **4)** a deed restriction recorded against the property, imposing all of the Special Conditions contained in this staff report as restrictions on the property.

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## APPENDICES

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## EXHIBITS

Exhibit 1 - Vicinity Map

Exhibit 2 - Site Plan

Exhibit 3 – CoSMoS Projections

Exhibit 4 – Available Nearby Transit

## I. MOTION AND RESOLUTION

### Motion:

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

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

### Resolution:

*The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS:

This permit is granted subject to the following 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 permittee 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 of 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 permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS:

This permit is granted subject to the following 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 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 "Convert Existing Garage to ADU," by Zhang Yuan NI, dated May, 2023, except that they shall be modified to reflect the following:
  - A. Entrance to the remaining garage that can be utilized by all units. All units shall have vehicular and separate pedestrian ingress/egress access to the garage, which shall provide shared parking for both units in perpetuity. A minimum of three (3) parking spaces shall be provided onsite, and both units.
  - B. Removal of the curb cut fronting the garage conversion on Manhattan Ave. and restoration of the curb.

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. Retention of Three Units On-Site.

- A. The development approved by Coastal Development Permit No. 5-24-0486 is for construction of an Accessory Dwelling Unit to a duplex. The permittee and all assigns/successors shall maintain at least three 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.

#### 3. 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 applicant 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.

4. **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 have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit, as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit, shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

## **IV. FINDINGS AND DECLARATIONS:**

### **A. PROJECT LOCATION & DESCRIPTION**

The subject site is an inland lot located within a developed urban residential area approximately 0.6 miles South of the Hermosa Beach Pier (**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. The R-3 zone allows multiple family residences to be developed. The lot currently has a detached duplex each with an attached two-car garage. The larger of the existing units, facing Manhattan Ave, was built in 1933 and is 1,552 sq. ft. The smaller existing unit, facing Palms Dr, alley was built in 1963 and is a 528 sq. ft. The project site is well-served by public transportation and other amenities and is located inland of the beach in an area somewhat sheltered from coastal hazards (Exhibit 3).

The applicant is proposing to convert an approximately 400 sq. ft. 2-car garage facing Manhattan Ave. into a 349 sq. ft. ADU, eliminating two of the five existing parking spaces (**Exhibit 2**). The Hermosa Beach LUP requires 2 parking spaces per unit (plus a guest space for every three units). The removal of two parking spaces would thus reduce the number of spaces available for the duplex from five to three<sup>1</sup>, below conformity with the certified LUP. There are no local or state laws requiring additional parking for ADUs. However, the proximity to the beach from this location and already restricted parking availability in Hermosa Beach could potentially impact public access in the area. When private residential parking needs are not accommodated onsite, it can lead to increased use of on-street parking and thereby reduce the availability of on-street parking to the general public. This could potentially affect public coastal access to The Strand and beach which are about 550 ft. from the project site.

### **Parking**

The project location is well served by transit options for visitors and residents. There are a number of public parking lots in the City of Hermosa Beach. The closest to the project site are the Herondo St parking lot which is an eight-minute walk South and Parking Lot A is a 12 minute walk North. Both lots provide beach parking to the public. The site is in close proximity to three transit options, 0.6 mi from line 232, 0.1 mi from Line 13 and 109, which operate all week, and Commuter Express Route 438 which operates only on weekdays (Exhibit 4). These transit lines connect with Metro rail at Union Station, Artesia, and Aviation/LAX. While well connected to transit, none of these stops are considered high quality transit stops as the frequency of buses can be as long as 30-50 minutes depending on the day of the week.

The property has two existing garage structures, each attached to one of the duplex units, one fronting Manhattan Avenue with two spaces and one with three spaces on Palm Dr. The existing garage proposed for conversion would no longer be used for parking after the

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<sup>1</sup> The plans incorrectly show two parking spaces in the garage off of Palm Dr. It appears that there are actually 3 spaces in that garage.

ADU is built, as the unit would replace the two existing spaces. The curb cut in front of the garage on Manhattan Ave will not be needed for vehicles to access the garage. Keeping the curb cut where it is no longer needed effectively creates a private parking space on the street that only the residents would know is no longer needed. If removed, the curb would provide one additional street parking space for the public. Thus, **Special Condition 1** requires the applicant to submit revised plans that remove the Manhattan Ave. curb cut and restore the curb to allow for public on-street parking. Access to remaining garage with three parking spots is only currently accessible from the unit above it. Therefore, in order to grant access to the unit above the garage proposed to be converted, **Special Condition 1** also requires the applicant to submit revised final plans that add an ingress and egress (door) to the remaining garage that is accessible by all units.

The proposed ADU is designed as an independent unit with its own kitchen, bathroom, and private entrance. The current entrance to the unit above in the garage is closed off from the ADU in the proposed plans (Exhibit 2). The reduction of parking granted with the approval of this CDP is to accommodate the construction of an ADU. To ensure that at no point can the space be incorporated to another unit as an addition, **Special Condition 3** requires the applicant to retain all three units on site with no ingress or egress (door) between the units.

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, **Special Condition 4** requires the property owners to record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property.

## **B. PUBLIC ACCESS**

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214 of the Coastal Act.

## **C. 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 a condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive notice of the restrictions and/or obligations imposed on the use and enjoyment of the land, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

## **D LOCAL COASTAL PROGRAM (LCP)**

Coastal Act Section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the

proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan (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 Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

## **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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. On January 11, 2024, the City of Hermosa Beach determined that the proposed development is exempt under Section 15303(6), which exempts construction of a single-family residence in a residential zone from CEQA requirements. 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. 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. 5-24-0486 and associated file documents.