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STAFF REPORT: REGULAR CALENDAR

Application No.:	**5-25-0742**
Applicants:	**Lucky 8's, LLC**
Agent:	Srour & Associates
Location:	2464 Hermosa Ave, Hermosa Beach, Los Angeles County (APN: 4183-011-011)
Project Description:	Demolish an existing 20.3ft. high, 2,169 sq. ft. triplex with detached three-car garage and construct a 30ft. high, three-story over partial basement, 5,513 sq. ft. structure, consisting of a 4,119 sq. ft. single family residence, a 600 sq. ft. and a 794 sq. ft. ADU, with a 547 sq. ft. three-car garage and one open parking space, and grading (934 cy of cut and 0 cy of fill). The project includes encroachments into the public right of way.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicants are proposing to demolish an existing 2,169 sq. ft. three-unit building built in 1953, consisting of three units of 600 sq. ft., 784 sq. ft., and 785 sq. ft., with an attached three-car garage, and to construct a new 30 ft.-high, three-story structure over partial basement with a 4,119 sq. ft. main residence, a 600 sq. ft. accessory dwelling unit (ADU), and a 794 sq. ft. ADU with a 547 sq. ft. three-car garage and one uncovered parking space. The applicant proposes modifications in the 648 sq. ft. encroachment area along the north side of the lot that conform with the encroachment program

standards pursuant to a City-operated encroachment program. Non-invasive, drought tolerant landscaping is proposed for the project. The applicants are also proposing 934 cu. yd. of cut to be exported outside of the coastal zone. The project site is well-served by public transportation and other amenities and is located approximately 270 ft inland of the beach in an area sheltered from coastal hazards. The lot is designated Medium Density Residential in the certified Land Use Plan and zoned R-2, Two Family Residential in the uncertified zoning code.

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 concerns raised by this project are the inconsistency between the City's zoning code and the certified LUP with regard to the allowable density and the public access impacts that may be caused by the retained encroachment in the public right of way.

The Coastal Act encourages the concentration of new development in already developed areas that can accommodate it and minimize vehicle miles traveled (Coastal Act sections 30250 and 30253(d)). As the Commission has consistently found, these policies reflect an overarching acknowledgment that concentrated and well-planned residential development supports the long-term preservation of coastal resources, such as ESHA, public coastal views and access, in less developed areas. 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 coordinated with the applicants for minor revisions to the proposed project and is recommending several special conditions.

Due to the lot size, under the uncertified zoning code, the maximum number of units that could be constructed is one; under the LUP, the subject lot size is sufficient to construct a duplex. Thus, while the City designated this lot multifamily, the density limits in the zoning code conflict with that designation for lots of this size. Commission staff, City staff, and the applicants have been in communication about these circumstances and the conflict between the City's uncertified zoning code and certified LUP, and the applicants agreed to revise plans to further ensure three separate units are retained on the site, each with equal access to the garage. **Special Condition 1** requires conformance with the final revised plans submitted to the Commission, which must remove the separate entrance to the single-family residence from the garage, incorporate three separate utility systems on the site, remove the stairs in the encroachment area, and receive in concept approval from the City of Hermosa Beach. **Special Condition 2** further requires that a minimum of four parking spaces shall be provided onsite, and that all units have vehicular access and separate pedestrian ingress/egress access to the garage, which shall provide shared parking for all units in perpetuity. In sum and as conditioned, the three proposed residential units will essentially function as a triplex, rather than a single-family residence with two ADUs.

Special Condition 3 requires monitoring of the use of the three units to further understand if the two ADUs function as separate units.

With regard to public access, the project site is located adjacent to 25th Street, which serves as a pedestrian coastal access walkway one block inland of the beach. The project proposes to maintain a private encroachment into the City's right-of-way located directly in front of the project site on 25th Street, approximately 80.6 ft. long and 8 ft. wide along the north property line, covering approximately 648 sq. ft., and improve it with new development that would include hardscaping, a concrete walkway, and a new 42 in.-high perimeter wall. The applicants have applied for an encroachment permit with the City but have not received the permit at this time. **Special Condition 4** requires, prior to issuance of the permit, the applicants to submit proof of enrollment in the City's encroachment program. To ensure that the development within the right-of-way is controlled by an encroachment permit with the City, which is revocable by the City of Hermosa Beach Public Works Department, staff recommends **Special Condition 5**, which requires the applicants to acknowledge the City's right to revoke the encroachment permit.

Special Condition 6 requires that the permittee undertake development in compliance with specific mitigation measures to protect archaeological resources, including tribal cultural resources, and to ensure that appropriate tribal monitoring occurs prior to and during ground-disturbing activities. During construction, the proposed project, which is in close proximity to the beach, has the potential for adverse impacts to water quality and marine resources. Therefore, staff recommends the Commission impose **Special Condition 7,** which provides standards for the safe storage of construction materials. In order to ensure these conditions are enforced, **Special Condition 8** requires a deed restriction to ensure that any future owners are aware of the conditions of this approval.

Staff recommends the Commission find that the project, as proposed by the applicants and further conditioned by the Commission, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, Commission staff recommends that the Commission **APPROVE** coastal development permit application 5-25-0742 with eight special conditions. The motion and resolution can be found on Page 5.

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MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 5-25-0742 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. Submittal of Revised Final 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 the following revised final plans, that have been reviewed and approved by the City of Hermosa Beach, modified as required below.

1. Architectural plans that conform with the plans submitted to the Commission, titled "Heller Residence," by Tomaro Architecture, dated August 16, 2024, except that they shall be modified as required below:
    a. Separate utility meters for each unit for all proposed utility services.
    b. Removal of stairs in the encroachment area.
    c. Removal of direct access to the main residence from the garage.
2. Civil plans that conforms with the plans submitted to the Commission, titled "2464 Hermosa Avenue, New Residence, Civil Plans" by Peru Consultants, Inc dated 02/23/2024, except that they shall be modified as required below:
    a. Separate utility meters for each unit for all proposed utility services.
    b. Removal of stairs in the encroachment area.
    c. Removal of direct access to the main residence from the garage.

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 Three Units On-Site.

A. The development approved by Coastal Development Permit No. 5-25-0742 is for construction of three residential units, a 4,119 sq. ft. single family residence, a 600 sq. ft. and a 794 sq. ft. Accessory Dwelling unit. The

permittees and all assigns/successors shall maintain a minimum of 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 any of the residential units are prohibited.

B. A minimum of four (4) parking spaces shall be provided onsite, and all units shall have vehicular and shared pedestrian ingress/egress access to the garage, which shall provide shared parking for three units in perpetuity.

3. **Annual Rental Monitoring.** Not more than one year after construction of the residence, the permittee shall provide a report that details the rental advertising, revenue generated, and use description (e.g., use of all three units by same family, use by three separate households, short-term rental, etc.) for review and monitoring by the Commission's Executive Director. This report shall be submitted once annually (no later than December 31st of each year) for the next ten (10) years unless each unit is held in separate ownership.

4. **Encroachment Permit.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for review and written approval of the Executive Director, the following:

A. The approved Encroachment Permit from the City of Hermosa Beach.

B. If the encroachment permit is not granted by the City of Hermosa Beach, revised final plans are required which remove all proposed development from the public right of way and adjust drainage as necessary.

5. **City's Right to Revoke Encroachment Permit.** Approval of this coastal development permit shall not restrict the City's right and ability to revoke, without cause, the approved City encroachment permit in order to construct public access and recreation improvements within the public right-of-way.

6. **Protection of Archaeological and Tribal Cultural Resources.** The permittee shall undertake development in compliance with the following mitigation measures to protect archaeological, including tribal cultural resources:

A. AT LEAST ONE MONTH PRIOR TO COMMENCEMENT OF ANY GROUND-DISTURBING CONSTRUCTION ACTIVITIES, the permittee shall (i) notify in writing, email, and/or phone calls, as necessary, the representatives of Gabrieleño-affiliated Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list for the area; (ii) invite all affiliated Tribal representatives on that list to be present and to monitor ground-disturbing activities; and (iii) arrange for any invited Tribal representative that requests to monitor and a qualified archaeologist to be present to observe project activities with the potential to impact archaeological and/or tribal cultural resources. A qualified archaeologist means an individual who meets the Secretary of the Interior's Professional Standards for an Archaeological Principal Investigator and/or is listed as Registered Professional Archaeologist. The professional archaeologist (s) shall have experience monitoring for

archaeological resources of the local area during excavation projects, be competent to identify significant resource types, and be aware of recommended procedures for the inadvertent discovery of archaeological resources and human remains. Evidence of written notification shall be made available to the Executive Director upon request.

B. If an area of archaeological or tribal cultural resources is discovered during ground-disturbing activities, all construction shall cease and shall not recommence except as provided in subsection (D) hereof, and the permittee shall retain a qualified archaeologist and/or a tribal cultural resource specialist(s) qualified to analyze the significance of the find. The specialist(s) shall immediately notify the affiliated Tribes on the NAHC list. The methods of protection of Tribal Cultural Resources shall be developed in consultation with the Gabrieleño-affiliated Native American Tribes listed on the NAHC list. If there is disagreement regarding the method(s) of protection of resources, the methods that are most protective of coastal resources shall be selected. Significance testing may be carried out for tribal cultural resource finds only if acceptable to the affected Native American Tribe(s), in accordance with a Significance Testing Plan. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area that includes a reasonable buffer zone recommended by the monitor(s). Project activities may continue outside of the exclusion zone.

C. Should human remains be discovered on-site during the course of the project, immediately after such discovery, the on-site archaeologist and Native American monitor(s) shall notify the County Coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. An "exclusion zone" shall be established around the discovery area. If the county coroner determines that the human remains are those of a Native American, the coroner shall contact the NAHC within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate in the Identification process pursuant to Public Resources Code Section 5097.98. The permittee shall comply with the requirements of Section 5097.98 and work with the MLD person(s) to preserve the remains in place, move the remains elsewhere onsite, relinquish the remains to the descendants for treatment, or determine other culturally appropriate treatment. Within five (5) calendar days of notification to NAHC, the permittee shall notify the Coastal Commission's Executive Director of the discovery of human remains and identify any changes to the proposed development or mitigation measures that may be needed related to the inadvertent discovery. The Executive Director shall maintain confidentiality regarding the presence of human remains on the project site. The Executive Director shall determine whether the identified changes are de minimis in nature and scope.

D. A permittee seeking to recommence construction within an exclusion zone (excluding the discovery of human remains, which shall follow Section 5097.98 as noted in (C) above), following discovery of the archaeological resources

shall submit a Supplementary Archaeological Plan (SAP) prepared by the project archaeologist in consultation with the Gabrieleño-affiliated Native American Tribes listed on the NAHC list for the review and written approval of the Executive Director. If the Executive Director approves the SAP and determines that the SAP's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director in writing. If the Executive Director approves the SAP but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

7. **Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris.** The permittees 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.

8. **Deed Restriction.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicants 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.

FINDINGS AND DECLARATIONS

A. Project Description and Background

The applicant proposes demolishing an existing approximately 20-ft. high triplex-comprised of 600 sq. ft., 784 sq. ft., and 785 sq. ft. units and an attached three-car garage, and constructing a 30 ft.-high, three-story, 5,513 sq. ft. residential structure over partial basement with a 547 sq. ft. three-car garage and one uncovered parking space.

The proposed residential structure would contain a 4,119 sq. ft. single-family residence, one attached 600 sq. ft. ADU, and one attached 794 sq. ft. ADU **(Exhibit 2)**. Non-invasive, drought tolerant landscaping is proposed for the project. The proposed grading for the project would consist of 934 cu. yd. of cut, which would be exported outside the coastal zone, and no fill. The project site is well-served by public transportation and other amenities and is located approximately 270 ft. inland of the beach and is not located in an area subject to coastal hazards **(Exhibit 1 & 3)**. Other proposed on-site improvements include walkways in the side yards, new planters on the north and west sides of the lot, drought-tolerant landscaping, 3.5-ft.-tall retaining walls in the front and side yards, and an 18-inch-deep waterfall/fountain on the north side of the house. Off-site improvements will include a new curb, gutter, and sidewalk on Hermosa Avenue, and new pavement at the rear of the property on Palm Drive. A new sewer lateral will be installed, and utilities will be underground. Additionally, pavers will be installed and a 3.5-ft.-high wall will be constructed around the perimeter of an existing 648 sq. ft. encroachment area along the north side of the lot.

The subject site is a 3,082 sq. ft. trapezoidal-shaped lot located in a built-out residential neighborhood in Hermosa Beach. The lot is designated Medium Density Residential in the certified LUP and zoned R-2, Two Family Residential, in the uncertified zoning code. The existing triplex was constructed circa 1953, prior to passage of the California Coastal Act of 1976. The majority of the project site's surrounding parcels accommodate two to three-story single-family and multi-family homes.

The Commission certified the City's LUP in 1982. However, the City does not yet have a certified Implementation Plan, and, thus, no 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 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 to be visually compatible with the character of surrounding areas. Section 30253 requires that new development 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 into more rural or sparsely populated areas that are not adequately developed to support new residential development and where coastal resources could be threatened.[1]

To implement the Chapter 3 policies, 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 (LUP Sections IV.B and IV.C, above). The Commission has become increasingly concerned about the cumulative impacts of development trends that reduce housing units in

[1] Findings 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.

existing developed areas able to accommodate it and increase development pressure in other, potentially sensitive, or hazardous areas in the coastal zone.[2]

The LUP's Density Limits

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

Pursuant to the certified LUP minimum lot area per dwelling unit development standards (found in Appendix G of the certified LUP), the subject 3,082 sq. ft. subject site can accommodate two residential units because each unit requires a minimum of 1,200 sq. ft. of lot area. However, in conflict with the LUP, the City's uncertified zoning code would not allow the development of more than one unit on this 3,082 sq. ft. lot, as it requires 1,750 sq. ft. of lot area per dwelling unit in the R-2 zone, and would result in only one unit on site.[3]

In light of the City's uncertified zoning code restriction that prohibits a triplex on the site, the applicants obtained approval from the City for a single-family residence with two attached accessory dwelling units designed to be in parity with the existing units and function independently. In addition, due to recent state laws, including no net loss provisions of the Housing Crisis Act, the Commission works to harmonize these laws with Chapter 3 of the Coastal Act in order to address the current affordable housing crisis where coastal resources will not be adversely impacted. The applicants expressed a desire to rent at least one of the proposed ADUs on the property.

The proposed ground-floor units, which are partially subterranean, are 600 and 794 sq. ft. The units maintain the size of the smallest existing, 600 sq. ft., unit and add 10 sq. ft. to the existing 784 sq. ft. unit. Each unit has a private entrance, at the front and side of the structure, windows to the outside, one bedroom and full bathroom, as well as their own kitchen and living area (**Exhibit 2**). The single-family residence is 4,119 sq. ft. and has three bedrooms, a gym, lounge, game room, roof deck, second floor deck, living room, kitchen, and five and a half bathrooms. This residence can be accessed through its own front entrance, or through a staircase or elevator accessed through the south

[2] Findings for CDP No. 5-20-0541 (South Bay Land Management and Development Company, LLC); CDP No. 5-20-0650 (Smith); CDP No. 5-21-0756 (Lloyd).

[3] This conflict in the zoning code leads to more than half of R2 multifamily zoning being limited to one unit due to lot sizes.

yard. All of the units can equally access the garage and shared laundry room through a door on the side yard adjacent to another residential lot.

In Hermosa Beach, the typical pattern of development for multifamily structures is for one of the units to be significantly larger than others. Thus, allowing the replacement units to also be of different sizes maintains the mix of housing opportunities in an already developed area, consistent with Coastal Act section 30250. Overall multifamily housing uses less energy per unit, and maintaining this density in an area that can accommodate it limits the need for longer trips to work or groceries if development is pushed further away from such resources, thus, minimizing vehicle miles traveled In order to implement the applicants' proposal to retain three separate dwelling units, the Commission imposes **Special Condition 1**, which requires the permittees to undertake the development in conformance with revised final plans submitted to the Commission incorporating separate utility meters for all three units. Additionally, **Special Condition 2** requires that three units be retained on site in perpetuity with equal access to on-site parking and independent ingress and egress to the units. **Special Condition 3** requires annual monitoring reports to be submitted to the Executive Director that document the advertising, revenue, and use of the two units to ensure the development is used in compliance with the subject permit.

Visual Resources

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 30251 requires new development to protect public views to and along the beach and other coastal areas; minimize landform alteration; and be visually compatible with the character of surrounding areas. The certified LUP states that the maximum height limit for structures in the R-2 zone is 30 ft. Appendix G, Table XIII specifies that single-family residences in the R-2 zone must be built to R-1 standards, which limits building height to 25 ft. 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 some past actions, the Commission 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-ft. height limit does apply to single-family residences in the R-2 and R-2B zone.[4] This height limitation is applied in order to be

[4] Findings for CDP No. 5-20-0687 (347 29th Street HB, LLC)

visually compatible with the character of the surrounding area and to protect public views to the ocean. In this case, visual simulations showed that no public views to the ocean would be further impacted by the additional five ft. height. Thus, the 30-ft. high structure would not adversely impact public coastal views in the area and is visually compatible with the character of the surrounding area.

The Commission also imposes **Special Condition 1** to ensure that City approvals are obtained. 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 8**, requiring that the property owners record a deed restriction against the property, referencing all the Special Conditions of this permit.

Thus, as conditioned by the Commission, the proposed project can be found to be consistent with Sections 30250, 30251, and 30253 of the Coastal Act and the LUP policies pertaining to new development.

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.

The project site is located landward of the first public road parallel to the sea, between Hermosa Ave. and Palm Dr., and between 25th St and 24th St. to the north and south (**Exhibit 1**). The 25th Street public thoroughfare provides pedestrian and vehicular coastal access to the beach and terminates at The Strand. The street on the rear of the property is Palm Drive; a small narrow alley intended for local vehicle traffic and to access garages in the rear of properties along Hermosa Ave. On 25th Street homeowners have developed, and used as patio areas, approximately 8 ft.-wide portions of the right-of-way under the City-operated encroachment permit program. As mentioned above, the applicants are requesting to maintain the use of an encroachment area along 25th Street, approximately 8-ft. wide and 80 ft. long and approximately 648 sq. ft., within a portion of public right-of-way under the City's encroachment permit program. The encroachment permit program is not part of the City's certified LUP. In the

City's right-of-way, the applicants are proposing grading, hardscaping, a concrete walkway, and placing a 42 in.-tall wall and gate. The proposed improvement in the City's right-of-way can be removed if it becomes necessary to do so in the future. The one-time encroachment permit fee was $1,448.00 plus an additional processing fee of $101.36 for a total of $1,549.33, and the applicants have provided evidence of payment to the encroachment permit program in 2025.

In 2021, staff received additional information on the use of the fees that are paid into the current encroachment program. According to the City, the fees are used for covering staff time for engineers to review, process, and approve the encroachment permit application (including plan check, plan check revisions, and an inspection of the encroachment area). The City has confirmed that no portion of the fee funds public access benefits to mitigate for the loss of public land. The Coastal Act's emphasis on public access strongly discourages policies and programs that grant certain private individuals exclusive use of public lands, particularly when coastal beaches and beach-adjacent recreation areas are expected to diminish considerably over time as a result of sea level rise. Individually and cumulatively, private encroachments into the City's right-of-way in beach front areas have the potential to make it more difficult to relocate public accessways landward in the future, if it becomes necessary to do so due to sea level rise. Additionally, encroachment into public rights-of-way privatizes such areas and can create a sense that the public is not welcome in the areas adjacent to such encroachments. Therefore, based on the information received from City about the program, staff determined that the fee is currently not proportionate to the value of exclusive private use of the public lands, and since the fee does not go towards any public benefit, the private use of the public land is not properly mitigated by the encroachment permit fee. Commission staff and City staff continue to engage in conversations about planning for the future of encroachments in a way that is beneficial for public improvements.

Notwithstanding the information above, it is apparent that a predominant line of development has been established over several decades, which incorporates the use of the approximate 8-ft. wide encroachment into the public right-of-way on the streets to and along the coast. Staff has started to coordinate with the City on redeveloping its encroachment permit program to sufficiently address and mitigate public access impacts that have occurred through the utilization of these encroachment areas. While a redeveloped program could take several forms, one meaningful approach could include instituting a higher annual fee (as opposed to only a small one-time payment), which could go into a dedicated funding source to be used for public access improvements in the City's coastal zone. At this time, there is no finalized plan for a redeveloped encroachment permit program.

In this particular case, the subject site is neither on The Strand, immediately adjacent to the public beach, or a walk-street, which all terminate at The Strand. While this project raises less concerns about public access through development of the encroachment area, Special Conditions are necessary to ensure development of the encroachment area is limited. Thus, the Commission imposes **Special Conditions 4 and 5**, laying out

the applicants' rights and obligations related to the encroachment. **Special Condition 4** requires, prior to issuance of the permit, that the applicants submit proof of enrollment in the City's encroachment program. **Special Condition 5** acknowledges the City's right to revoke its encroachment permit to construct public improvements within the City's right-of-way.

As discussed in the Development Findings above, the purpose of on-site parking requirements in the certified LUP is to prevent impacts on public access to the coast. The proposed parking configuration for the three residential units, which increases the existing number of parking spots onsite by one, would not have an adverse impact on the public's ability to access the coast. To further reduce the chance of the residents parking off-site and using public parking spaces, **Special Condition 2** requires that a minimum of four parking spaces be provided onsite and that all units have vehicular and separate ingress/egress access to the garage, which shall provide shared parking for all units in perpetuity. As conditioned, the Commission finds that proposed development will not have any new adverse impacts on public access to and along the coast or nearby recreational facilities and, thus, conforms to Sections 30210 and 30211 of the Coastal Act.

D. Tribal and Cultural Resources

Coastal Act Section 30244 states:

> Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The Commission recognizes that the entirety of the State's coastal zone was originally indigenous territory that continues to have cultural significance to Native American tribes. The larger project area is located within the ancestral settlements of the Gabrieleño-Tongva peoples, which are considered sacred to numerous tribes with territorial, ancestral, and/or cultural ties to the area. In accordance with the Commission's Tribal Consultation procedures, on December 12, 2025, Commission staff initiated consultation with all tribes on the NAHC contact list. Commission staff informed tribes of the proposed development including the partial basement. Representatives of the Gabrieleño Band of Mission Indians - Kizh Nation responded and requested consultation and suggested that there is potential for tribal cultural resources to be found at this site and recommended that a Native American monitor be present during ground disturbance.

Accordingly, **Special Condition 6** requires Native American monitoring during grading, to avoid impacts to archeological and tribal cultural resources. The project, as conditioned, is in conformance with Section 30244 of the Coastal Act.

E. 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 on 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 7**, 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 on 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 applicants have 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 downspouts, catch basins, biofiltration, and sump pump basins, 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. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230, 30231, and 30232 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

F. 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 8**, which requires that the property owners 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.

G. Local Coastal Program

The LUP for Hermosa Beach was effectively certified on April 21, 1982; however, because Hermosa Beach does not have a certified Implementation Plan, it does not have a certified LCP. Coastal Act Section 30604(a) provides 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.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Therefore, 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.

H. California Environmental Quality Act

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).) 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.

In this case, the City of Hermosa Beach is the lead agency, and the City determined that the proposed development is exempt under Title 14 of the California Code of Regulations, section 15303.

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, individual or cumulative, 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. 5-25-0742 and associated file documents.
- City of Hermosa Beach Certified Land Use Plan.
- Staff research on density conflicts between Certified Land Use and Uncertified Zoning Code.