

**CITY OF REDONDO BEACH
APPLICATION FOR APPEAL
TO THE CITY COUNCIL**

RE: Case No. 2025-0074
(case number and name)

Address/Location of Subject Property 401-417 S. Pacific Coast Highway
(if applicable)

Decision-making body that made the decision which is the subject of the appeal:

- Planning Commission
- Harbor Commission
- Preservation Commission
- Planning Director
- Board of Appeals/Uniform Code

DEC 22 2025 PM 2:18
REC'D CITY CLERKS OFF.

Date of decision: December 18, 2025 Appealing: Approval Denial

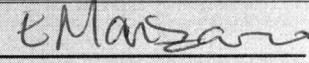
Name of Appellant Wal2Wal Inc./ Redondo Seaside Living LLC (Attn: Ben Agarwal)
(type or print)

Address of Appellant 2701 190th Street, STE 201, Redondo Beach, CA 90278

Telephone Number of Appellant (310) 877-8934

Email Address of Appellant benagarwal@gmail.com

Signature  
Wal2Wal Inc. Redondo Seaside Living LLC

Appeal Fee Paid \$ <u>500</u>	Date <u>12/22/2025</u>	For office use only:	Received by <u></u>
Notice to: City Council _____ City Manager _____ City Attorney _____ Planning Department _____			
Harbor Department _____			
Other _____			

**RETURN TO:
Office of the City Clerk
415 Diamond Street
Redondo Beach, CA 90277
(310) 318-0656**

- The following list provides a brief overview of some of the City's Municipal Code Appeals (to City Council) by topic area. This is not intended to be an exhaustive list. Potential appellants are advised to review the Municipal Code Sections to determine applicability of these sections and for additional appeal procedures and appeal content requirements.

For example, California Environmental Quality Act (CEQA) Appeal Procedures are contained within Redondo Beach Municipal Code, Title 10, Chapter 3, Section 10-3.901. CEQA Appeals (1) must be filed within ten [10] days of the decision-making body's action and contain specific information described in 10-3.901, (2) require the appellant to notify the project applicant of the appeal within ten [10] days of the City's action by certified mail (and provide the City a copy of the mail receipt), (3) require appellants to file any additional documentation (such as presentations) with the City Clerk no later than seven [7] days before the public hearing, and (4) require appellant to mail a copy of any additional documentation (such as presentations) to the applicant no later than seven [7] days before the public hearing by certified mail (and provide the City a copy of the mail receipt at the public hearing).

Redondo Beach Municipal Code Section	General Topic Area for Appeal
RBMC § 3-14.04	Encroachment permits
RBMC § 3-7.1906	Temporary Street Closure
RBMC § 4-11.146	Oil Wells-Notices to Comply
RBMC § 4-15.07	Registration of Canvassers, Solicitors, itinerant Merchants, Salesmen, and Peddlers
RBMC § 4-17.12	Amusement and Entertainment Permits
RBMC § 4-18.11	Removal of Abandoned, Wrecked, Dismantled, or Inoperative Vehicles from Private or Public Property
RBMC § 4-26.09	Bingo Games for Charitable purposes-Appeals of revocations to the Council
RBMC § 5-2.206	Weeds, Rubbish, and Stagnant Water
RBMC § 8-2.10	Uniform Transient Occupancy Tax
RBMC § 10-1.506	Subdivisions
RBMC §§ 10-1.906(a), 10-1.1011	Subdivisions
RBMC § 10-2.2500(g)	Administrative Design Review
RBMC § 10-2.2502(g)	Planning Commission Design Review
RBMC § 10-2.2504(f)	Zoning Amendments
RBMC § 10-2.2505(f)	General Plan and Specific Plan amendments
RBMC § 10-2.2506(g)	Conditional Use Permits
RBMC § 10-2.2507(f)	Administrative Use Permits
RBMC § 10-2.2508(l)	Modifications
RBMC § 10-2.2510(g)	Variances
RBMC § 10-2.2514(i)	Planned Development Review
RBMC § 10-2.2520(f)	Temporary Use Permits
RBMC § 10-3.901	California Environmental Quality Act
RBMC § 10-4.601	Certificate of Appropriateness by the Preservation Commission
RBMC § 10-5.2500(g)	Administrative Design Review [Coastal Zone]
RBMC § 10-5.2502(g)	Planning Commission Design Review [Coastal Zone]
RBMC § 10-5.2504(f)	Zoning Amendments [Coastal Zone]
RBMC § 10-5.2505(f)	General Plan and Specific Plan amendments [Coastal Zone]
RBMC § 10-5.2506(g)	Conditional Use Permits [Coastal Zone]
RBMC § 10-5.2507(f)	Administrative Use Permits [Coastal Zone]
RBMC § 10-5.2508(l)	Modifications [Coastal Zone]
RBMC § 10-5.2510(g)	Variances [Coastal Zone]
RBMC § 10-5.2514(i)	Planned Development Review [Coastal Zone]
RBMC § 10-5.2520(f)	Temporary Use Permits [Coastal Zone]
RBMC § 10-5.2222	Coastal Development Permit
RBMC § 11-2.10(d)	Public Utilities
RBMC § 11-3.608(b)	Cable TV-Liquidated damages
RBMC § 1-4.01	General Appeal Procedures* only applicable if there are no specific appeal procedures provided for the challenged action.
RBMC § 2-9.712	General Appeal Procedures [Harbor Commission]* only applicable if there are no specific appeal procedures provided for the challenged action.



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VIA HAND DELIVERY

December 22, 2025

City of Redondo Beach
Attn: City Clerk
415 Diamond Street
Redondo Beach, CA 90277

Re: Appeal to City Council of December 18, 2025 Planning Commission Action on Case No. 2025-0074, Relating to 401-417 South Pacific Coast Highway (APNs 7508012013, 7508012012, 7508012011, 7508012010, 7508012009)

Dear City Clerk:

We represent Wal2Wal Inc. and Redondo Seaside Living (together, “the Applicant”) in connection with the above referenced project. This letter specifies the grounds for the Applicant’s appeal of the December 18, 2025 action by the Planning Commission memorialized in Resolution No. 2025-12-PCR-13 (the “Resolution”).¹ The adoption of the Resolution was a blatant violation of state housing laws that will subject the City to significant liability, should it not be overturned on appeal.

The Applicant appeals the entirety of the Planning Commission’s action on December 18, 2025, including, without limitation:

- Denial of a concession to decrease the required commercial parking from 68 spaces to 44 spaces;
- Denial of a deviation from “overlap (shared) parking requirements”;

¹ The Resolution is entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DENYING A REQUEST FOR A CONCESSION UNDER STATE DENSITY BONUS LAW RELATED TO REDUCED COMMERCIAL PARKING, AND THEREFORE, DENYING THE REQUEST FOR A COASTAL DEVELOPMENT PERMIT PURSUANT TO GOVERNMENT CODE § 65912.124(e) FOR A MIXED-USE RESIDENTIAL CONDOMINIUM PROJECT WITH 49 UNITS, 5 OF WHICH WOULD BE AFFORDABLE TO VERY LOW INCOME & 3 OF WHICH WOULD BE AFFORDABLE TO MODERATE-INCOME HOUSEHOLDS, 4 STORIES AND 45 FEET IN HEIGHT, WITH 17,000 SQUARE FEET OF COMMERCIAL USES ON THE GROUND FLOOR, AND 2 FLOORS OF SUBTERRANEAN PARKING WITH 105 PARKING SPACES, LOCATED ON FIVE PARCELS (7508012013, 7508012012, 7508012011, 7508012010, 7508012009) WITHIN A COMMERCIAL ZONE (C-2) AT 401-417 S. PACIFIC COAST HIGHWAY (CASE NO. 2025-0074).” At the time of drafting this Appeal, Applicant has not been provided a final, signed copy of the Resolution. Applicant reserves its right to file additional grounds for appeal based on a final Resolution.

- A determination that the Project is inconsistent with the Local Coastal Program and denial of the requested Coastal Development Permit (CDP) for the construction of a 49-unit multi-family mixed-use residential development project at 401-417 S. Pacific Coast Highway; and
- A determination that the City's action is statutorily exempt from assessment under Pub. Res. Code § 21080(b)(5) and Cal. Code Regs, Title 14, § 15270(a).

State law (Gov. Code § 65912.120 *et seq.* ["AB 2011/2243"]) requires the City to ministerially approve the Project. The City appears to have acted on the Resolution pursuant to the processes for approval of a Coastal Development Permit pursuant to Redondo Beach Municipal Code (RBMC) § 10-5.2218, meaning that it is subject to appeal within 10 days of the decision. This would typically mean that the appeal is due on December 28, 2025. However, City Hall will be closed starting on December 23, 2025 and reopening January 2, 2026. Though the Applicant is submitting its appeal and paying the fee on December 22, 2025, pursuant to 10-5-2222(b), this appeal is not actually due until January 2, 2026. As such, the Applicant reserves the right to supplement the grounds for this appeal until 5:00 pm on January 2, 2026.²

To the extent that this is an appeal pursuant to 10-5.2222³, this letter provides the basis for challenging the findings and determination of the Planning Commission, including, but not limited to, why its erroneous determination that the Project is inconsistent with the Local Coastal Program and state law are improper.

1. The City Violated AB 2011/2243

The City's violated AB 2011/2243 by denying the incentives and denying the CDP. AB 2011/2243 overtly allows development of housing development projects in the Coastal Zone, even if those projects seek deviations from an adopted local coastal program ("LCP") through the grant of incentives. The City violated the law by ignoring these provisions, effectively doing an end run around the statutory language.

Gov. Code § 65912.124(f)(1) states that an project shall be eligible for a "density bonus, incentives or concessions, waiver or reductions of development standards, and parking ratios pursuant to Section 65915..." Gov. Code § 65912.124(e) notes that the City "shall approve a coastal development permit if it determines **that the development is consistent with all objective standards** of the local government's certified local coastal program." (Emphasis added.) Consistency is analyzed **after the density bonus, incentives and waivers are considered**. Specifically, Gov. Code § 65912.124(f)(4) states that the "receipt of any density bonus, concession, incentive, waiver or reduction of development standards, and parking ratios to which the applicant is entitled under Section 65915 **shall not constitute**

² Applicant also reserves its right to submit additional information supporting its grounds for this Appeal prior to the City Council hearing, including its right to respond to any staff reports, public comments, or other information.

³ This appeal is also properly brought under RBMC § 10-5.2107 (denial of affordable housing benefit in the Coastal Zone), RBMC § 10-5.2502 (denial of application for design review in the Coastal Zone), RBMC § 10-5.2506 (denial of application for conditional use permit in the Coastal Zone), and RBMC § 10-1.906 (denial of application for a tentative map).

a basis to find the project inconsistent with the local coastal program.” (Emphasis added). In other words, use of the State Density Bonus Law – either by taking advantage of the parking standard in that law or by use of an incentive or waiver to reduce the required parking – means that the Project would be consistent with the City’s LCP. The Resolution ignores this language, finding that the Project violates the LCP because it provides 44 parking spaces instead of 68 parking spaces. This finding violates the law.

As discussed below, the City tries to make an end run around the statute by claiming that the denial of the Project is based on an inconsistency with state law. However, AB 2243 amended AB 2011 and overtly allows projects to deviate from LCP requirements in the Coastal Zone. Because the Project is consistent with the LCP, it is also consistent with the Coastal Act. The City’s attempt to subvert the statute by characterizing the finding as being a State Density Bonus finding and ignoring AB 2011/2243 is contrary to the very purpose of AB 2243 and is in error.

Indeed, the City’s denial of the commercial parking incentive completely eviscerates the purpose of AB 2243, which extended use of AB 2011 to the Coastal Zone and clarified that only the LCP objective standards apply (not the Coastal Act standards). To allow the City to use the Coastal Act to supersede AB 2243 would result in AB 2243 having no meaning. It is circular reasoning and means an applicant could never request a density bonus incentive or waiver (though expressly permitted) for fear of violating the Coastal Act.

The City also violated AB 2011/2243 by effectively subjecting the Project to a discretionary review by the Planning Commission. Gov. Code § 65912.120 states that a “housing development **shall** be a use by right and that [it] **shall** be subject to a streamlined ministerial review pursuant to Section 65912.124” if the project meets the qualifying criteria. (Emphasis added.) The City admits that the Project meets the qualifying criteria. The fact that the CDP is needed does not convert the CDP to a discretionary process nor mean that a hearing should have been held. “A ministerial duty is an obligation to perform a specific act in a manner prescribed by law whenever a given state of facts exists, without regard to any personal judgment as to the propriety of the act.” (*People v. Picklesimer* (2010) 48 Cal. 4th 330, 340.) The Planning Commission did far more than analyze whether the Project met the objective standards; it imposed non-objective standards relating to coastal access, public safety, pedestrian access, and vehicular conflicts (none of which have objective standards) to deny the Project⁴. These actions violated the law.

2. Denial of the Incentives Violated the State Density Bonus Law (Gov. Code §65915)

a. The Resolution Lacks Substantial Evidence to Deny the Incentive for Reduction of Commercial Parking

The Planning Commission erred when it denied the incentives as a means to deny the CDP. Section 3 of the Resolution lacks evidence, much less substantial evidence, supporting denial of the concession to reduce commercial parking from 68 spaces to 44 spaces. The denial in the Resolution is premised on two grounds: that it would be contrary to state law and that it would result in a “specific adverse impact upon public health and safety.” Neither finding is supported by substantial evidence. Section 3 of the Resolution merely states that it would “decrease access to the Coast for the general

⁴ When available, a hearing transcript will demonstrate this point.

public and be contrary to state law.” That bare finding is not based on any facts in the record; it is based on pure speculation from the Planning Commission, which speculation does not rise to the level of substantial evidence. Therefore, the City’s denial of the commercial parking incentive violates the requirements of Gov. Code § 65915(d)(1).

Moreover, the Planning Commission’s discussion made it clear that the basis for denial of the commercial parking incentive was also based on a perceived lack of parking study or additional information about parking. Pursuant to Gov. Code (a)(3)(D)(III), had the City wanted additional information on any incentive, it was obligated to request that information when the City deemed the application complete on November 4, 2025. As such, it cannot use a perceived lack of information on the overlap parking requirement as a grounds for denial.

In fact, the Project enhances access to the coast by providing 49 units within the Coastal Zone (the Site is currently vacant). Importantly, the Project includes 5 very low-income units and 3 moderate income units. According to Zillow, the average home price in zip code 90277 (where the Site is located) is over \$1.6 million, far out of reach for low- and moderate-income families. Thus, the Project will increase equitable access for households who might otherwise not be able to live in the Coastal Zone.

Section 3 of the Resolution also states that the commercial parking reduction would “result in a significant impact to public safety based on the impact of the project on safe ingress and egress for emergency vehicles from Fire Station No. 1” and that the Project would “result in pedestrian and vehicular traffic conflicts as a result of the configuration of the driveway on Pearl Street.” Again, these bare conclusions are based on pure speculation and lack any support, thereby violating the requirements of Gov. Code § 65915(d)(1).

Moreover, Section 3 does not identify a “specific adverse impact” within the meaning of Gov. Code § 65589.5(d)(2), which defines that term as a “significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.” The City did not identify any standard, policy or condition (much less an objective one) when it made its finding. Instead, it relied on baseless, lay opinion from Planning Commissioners about their perceptions, which opinions do not satisfy the exacting standard of the law.

b. The Resolution Lacks Proper Findings Related to the Overlap Parking Requirement

Section 4 of the Resolution fails to comply with Gov. Code § 65915(d)(1) with respect to the overlap parking requirement. In Section 4, the City found that the overlap parking concession does not result in actual and identifiable cost reductions to provide for affordable housing costs. As “evidence”, Section 4 claims that the “applicant has not provided any evidence indicating that the study would result in cost reductions related to the provision of affordable housing.” However, it is the City’s burden, not the applicant’s burden, to provide substantial evidence related to cost reductions. Specifically, 65915(d)(1) states that the city shall grant a requested concession, unless it makes a written finding based on substantial evidence, that the concession would not result in cost reductions to provide for affordable housing costs. The City violated the law when it reversed the burden of proof (i.e. asking the

Applicant to prove the cost reduction). Moreover, pursuant to Gov. Code (a)(3)(D)(III), had the City wanted additional information on any incentive, it was obligated to request that information when the City deemed the application complete on November 4, 2025. As such, it cannot use a perceived lack of information on the overlap parking requirement as a grounds for denial.

The incentive would allow the Project to implement its own shared parking plan that is supported by operational controls, smart-parking technologies, and time-of-day management—provides adequate commercial and residential parking while significantly reducing unnecessary parking construction. By implementing its own shared parking plan, the Project would avoid the need to build additional parking spaces in a deeper parking garage, which garage would significantly increase the cost of the Project. That would result in increased costs for the affordable housing units. Indeed, the study itself, would involve expenditure of money that could otherwise be used for affordable housing costs. The requested incentive therefore reduces actual and identifiable costs, and supports the feasibility of the affordable housing component.

The manner in which the City framed this incentive (which was not requested to or agreed to by the Applicant) is also improper. The parking utilization study is supposed to be a condition of approval for the Project, not a predicate for approval. (See RBMC § 10-5.1706(d).)

3. The City Violated the Housing Accountability Act (Gov. Code § 65589.5 [“HAA”])

The Resolution constitutes an unlawful denial of the Project as defined by Gov. Code § 65589.5(h)(6) because the Planning Commission voted to deny the CDP based on denial of the incentives, and the CDP is one of the entitlements necessary for issuance of a building permit. The City violated the HAA in multiple respects:

- The City’s denial of the Project is a disapproval of a “housing development for very low, low-, or moderate-income households”⁵ because the Project includes five units of very low-income housing and three units of moderate-income housing. Denial of the Project will prevent these low- and moderate-income units from being built at the Property. Yet, in denying the Project, the City did not make any of the requisite findings in Gov. Code § 65589.5(d), or, to the extent the Resolution was an attempt to make a subsection (d) finding, none of the findings were based on the preponderance of the evidence in the record. This was a violation of the HAA.
- With regard to Gov. Code § 65589.5(d)(2), as discussed above, the City failed to make a finding, based on the preponderance of the evidence, that the Project would have a specific, adverse impact on public health and safety, and that there is no feasible method to satisfactorily mitigate or avoid the impact without rendering the

⁵ Pursuant to 65589.5(h)(3)(A) “Housing for very low, low-, or moderate-income households’ means housing for lower income households, mixed income households, or moderate income households.” (3)(C) further states that the definition of “housing for mixed-income households” includes projects in which at least 10 percent of the total units are dedicated to very low-income households. Here, 15% of the total units are dedicated to very low-income households.

development unaffordable to low- and moderate-income households or rendering the development financially infeasible.

- With regard to Gov. Code § 65589.5(d)(3), the City did not make findings based on a preponderance of the evidence demonstrating that the denial was required to comply with a specific state law and that there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households. Indeed, the City made NO findings related to feasibility.
- Furthermore, the City cannot make the finding in Gov. Code § 65589.5(d)(5). The City deemed the application for the Project complete on November 5, 2025, as noted in the City's own staff report. However, pursuant to *New Commune DTLA LLC v. City of Redondo Beach* (Case No. B336042) as of that date, the City did not have a compliant housing element. Indeed, because the City did not have a compliant housing element, the Project was not required to comply with any objective standards, thereby making the City's denial violative of the HAA.
- The City's denial of the Project also violates Gov. Code § 65589.5(f)(1) because the City is ignoring the deviation in commercial parking to be granted through the density bonus incentive. The HAA only allows the City to impose objective standards on the Project⁶; however, such objective standards must take into account incentives, waivers, and reduction of development standards and parking ratios pursuant to the State Density Bonus Law (Gov. Code § 65915). As discussed in further detail above, the City improperly denied the reduction of commercial parking incentive. That reduction, itself, makes the project consistent with the objective parking standards. Denial on the basis that the Project does not contain 68 commercial parking spaces, therefore, is unlawful.
- Similarly, the City violated Gov. Code § 65589.5(j)(1). The Project complies with the objective standards related to commercial parking⁷, as modified by the density bonus incentive for reduced parking. Yet, in denying the Project, the City did not make the requisite findings set forth in that section that require finding that the project would have a "specific, adverse impact upon public health or safety" and that there was no feasible method to satisfactorily mitigate or avoid the impact other than disapproval.
- In the alternative, the City violated the HAA by failing to make the findings in (d)(6). Specifically, the City failed to make findings that the project is not a builder's remedy project within the meaning of Gov. Code 65589.5(h)(11). In fact, the Project does qualify as a builder's remedy project because it provides five very-low income units and three moderate income units, the City did have not a compliant housing element as of October 10, 2025, and the Project density is 64 du/acre, which is less than three times

⁶ Though, as discussed herein, because of the City's non-compliance with State Housing Law, the City cannot impose even these objective standards.

⁷ Though, as discussed herein, because of the City's non-compliance with State Housing Law, the City cannot impose even these objective standards.

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the density permitted by state law (namely, the density permitted by AB 2011) (30 du x 3 = 90 du/acre). Therefore, the City erred in denying the Project.

We request that the City hold a public hearing on this appeal. For all of the reasons set forth herein, we respectfully request that the City Council grant this appeal.

Sincerely,

Elisa Paster

Elisa Paster
Managing Partner
of RAND PASTER & NELSON, LLP

Cc: Marc Wiener, AICP, Community Development Director
Sean Scully, Planning Manager
Steve Giang, Senior Planner