

**CALIFORNIA COASTAL COMMISSION**

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Filed: 12/2/04  
49th Day: 1/20/05  
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Staff: RCT-LB  
Staff Report: January 20, 2005  
Hearing Date: February 16-18, 2004  
Commission Action:

**TH 15f****RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-04-455**APPLICANT:** Rafi Girgis**PROJECT LOCATION:** 6537 Esplanade St., Playa del Rey, City and County of Los Angeles**PROJECT DESCRIPTION:** Demolition of a two-story, single-family residence and construction of a 2,739 square foot, 42'4" high, three-story single family residence.

|                         |                    |
|-------------------------|--------------------|
| Lot Area:               | 2,169 square feet  |
| Building Coverage:      | 924 square feet    |
| Pavement Coverage:      | 585 square feet    |
| Landscape Coverage:     | 660 square feet    |
| Parking Spaces:         | 2                  |
| Zoning:                 | R3-1               |
| Plan Designation:       | Medium Residential |
| Ht above frontage road: | 42' 4"             |

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission grant a coastal development permit for the proposed development with no Special Conditions.

**LOCAL APPROVAL:** City of Los Angeles Approval In Concept #ZA 2004-7369

**SUBSTANTIVE FILE DOCUMENTS:** 1) Coastal Development Permit 5-98-335  
2) Coastal Development Permit 5-98-334  
3) Coastal Development Permit 5-99-039  
4) Coastal Development Permit 5-99-038

**STAFF RECOMMENDATION OF APPROVAL:****Motion:**

I move that the Commission approve CDP No. 5-04-455 pursuant to the staff recommendation.

Staff Recommends a **YES** vote. Passage of this motion will result in approval in the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**I. Approval with Conditions**

The Commission hereby **approves** a permit, subject to the conditions below, for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

**II. 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 this permit is reported to the Commission. 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 permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **III. Findings and Declarations**

The Commission hereby finds and declares:

#### **A. Project Description and History**

The applicant proposes to demolish an existing single-family residence and construct a three-story, 42' 4" high, 2,739 square foot, single-family residence (See Exhibits). The subject property is located in the Esplanade sub-community of the Del Rey Lagoon planning area in the City of Los Angeles. Esplanade fronts the subject property and separates the property from Del Rey Lagoon. Both vehicles and pedestrians utilize Esplanade.

#### **B. Community Character/Visual Quality**

Section 3025I of the Coastal Act states:

*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 the surrounding areas, and, where feasible, to restore and enhance the visual quality in visually degraded areas.*

This area of Playa del Rey consists of one to four level single and multi-family homes and apartments. The pattern of development is a mixture of older and recycling construction, with some newer development. Most lots are developed with duplexes, as it was originally subdivided.

While the Commission has consistently conditioned development on beach fronting lots in Playa del Rey to 37 feet, local zoning allows up to 45 feet. Along the inland side of the Esplanade, where development is set into a low hill, the Commission has approved development with height limits ranging from 40 to 45 feet, in locations where the surrounding, existing development is higher than 37 feet. The City of Los Angeles and the Coastal Commission have approved a limited number of coastal development permits in this immediate area, almost all of which came after the City's submitted LCP in 1981. The Commission has approved developments between 30 feet and 45 feet in the Esplanade area of Playa del Rey. In certain cases (5-99-038, 5-97-400, 5-87-344, 5-86-169) projects were submitted with proposed height limits from 30 to 37 feet. Other projects (5-98-334, 5-98-335) were conditioned to reduce the height of the proposed development to 37 feet because of the impacts to community character. Finally, certain developments (5-91-053, 5-90-216, 5-85-421) were approved by the Commission with proposed heights between 37 and 45 feet.

The proposed single-family residence will be approximately 42' 4" in height as measured from the centerline of the frontage road. The lot immediately adjacent to the subject site on the north consists of a two-story, approximately 37 foot high, single-family residence, approved in

2004 (5-04-314W). The property to the east and inland of the subject site consists of an approximately 50 foot high, 3-unit triplex, built in 1971. The property to the south of the subject site consists of a two-story, approximately 40 foot high single-family residence which also seems to have been constructed prior to the Coastal Act. While the proposed structure is two feet higher than the development to the south and five feet higher than the development to the north, on other lots on this block of the Esplanade and directly inland (two to six lots away), the average height for the area is 41 feet (as shown in table below). Based on the character of the surrounding development, the height of the proposed structure is consistent with the general height of the area.

| Address            | Permit #  | Height    | Year            |
|--------------------|-----------|-----------|-----------------|
| 6517 S. Esplanade  | 5-01-201  | 40 feet   | 2001            |
| 6525 S. Esplanade  | N/A       | 40 feet   | Pre-Coastal Act |
| 6533 S. Esplanade  | 5-04-314W | 37 feet   | 2004            |
| 6532 Vista Del Mar | N/A       | 38 ½ feet | Pre-Coastal Act |
| 6536 Vista Del Mar | N/A       | 50 feet   | Pre-Coastal Act |
| 6601 Esplanade     | N/A       | 40 feet   | Pre-Coastal Act |

The Del Rey Lagoon and the Lagoon Park front South Esplanade. This is a predominately passive recreational park separated from the beach by three blocks of residential and commercial development. The park is used for walking, bird watching and occasionally boating (such as kayaks and small sailboats). The project site is separated from the lagoon and lagoon park by South Esplanade, a vehicular roadway. The height of proposed project will not impact the visual quality of the Del Rey Lagoon or Lagoon Park and is consistent with the surrounding community.

Therefore, the Commission finds that, as proposed, the design of the residence will not adversely effect the visual quality and community character in the Esplanade area of Playa del Rey.

### **C. Public Access/Recreation**

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 proposed project is located across the street from Del Rey Lagoon and Lagoon Park. The lagoon is located between the beach and the Esplanade. The proposed demolition of the existing single-family residence and construction of a new single-family residence will not impact public access to the beach or to the Lagoon Park. The proposed project will also not impact the continued use of the recreational facilities of the park. Therefore, the Commission finds that the proposed project is consistent with Section 30211 and the relevant recreation policies of the Coastal Act.

**D. Water Quality**

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.*

The Del Rey Lagoon is connected to Ballona creek by a series of tidal gates. The lagoon is also a drainage area for the Ballona Wetlands. The project site is across South Esplanade (a vehicular roadway) from the lagoon. There is approximately 660 square feet of landscaping on the site, most of which is located in the rear yard. The remainder of the landscaping is located along the north-side yard.

Roof drainage will be taken from roof gutters to drains, which direct runoff to the landscaped areas of the property. Therefore, the proposed project minimizes impacts to the Del Rey Lagoon by maintaining permeable surfaces in the rear and side yards and is found consistent with Section 30231 of the Coastal Act.

**D. Local Coastal Program**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act:

- (a) *Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.*

The City of Los Angeles does not have a certified Local Coastal Program for the Playa del Rey area. The City of Los Angeles submitted its Local Coastal Program in March 1981. In March 1981, the City of Los Angeles submitted a draft Local Coastal Program (LCP) for

Commission approval. Commission staff recommended denial of the total LCP as submitted and conditional certification of the total LCP with conditions. At its December 18, 1981 hearing, the Commission denied the City's LCP submittal. Therefore, the standard of review for this planning area is the Chapter Three policies of the Coastal Act. The City has not planned the submittal of a revised LCP. As conditioned, to address the visual quality, sensitive habitat, and access and recreational issues, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

**E. California Environmental Quality Act**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, 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 that the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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3

MAP

SEE

4

5

6

7

MARINA  
DEL REYFISHERMAN'S VILLAGE  
SHARPE & HARBOR PATROL  
COAST GUARD STATION

90094

PLAYA DEL REY

MANCHESTER

WESTCHESTER

PERSHING

VISTA DEL MAR

WATERVIEW

VISTA SANDPIPER

DEL

MAR

DOCKWEILER

STATE

BEACH

COASTAL COMMISSION

EXHIBIT #

PAGE

OF

90068

JEFFERSON

BLVD

LINCOLN

CABRERA

MATINGS AN

VERAGUA

81ST ST

82ND ST

83RD ST

84TH ST

85TH ST

86TH ST

87TH ST

88TH ST

89TH ST

90TH ST

91ST ST

92ND ST

93RD ST

94TH ST

95TH ST

96TH ST

97TH ST

98TH ST

99TH ST

100TH ST

101ST ST

102ND ST

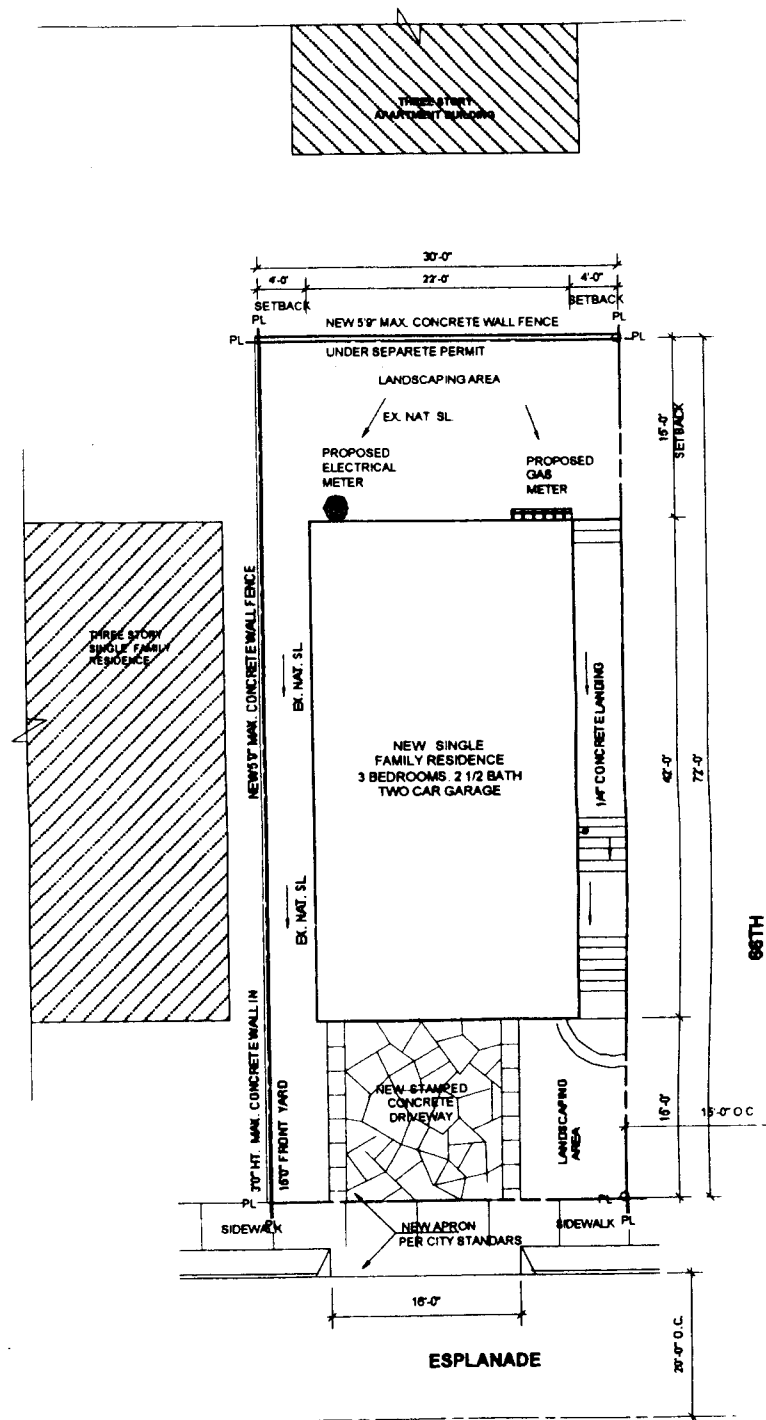
103RD ST

104TH ST









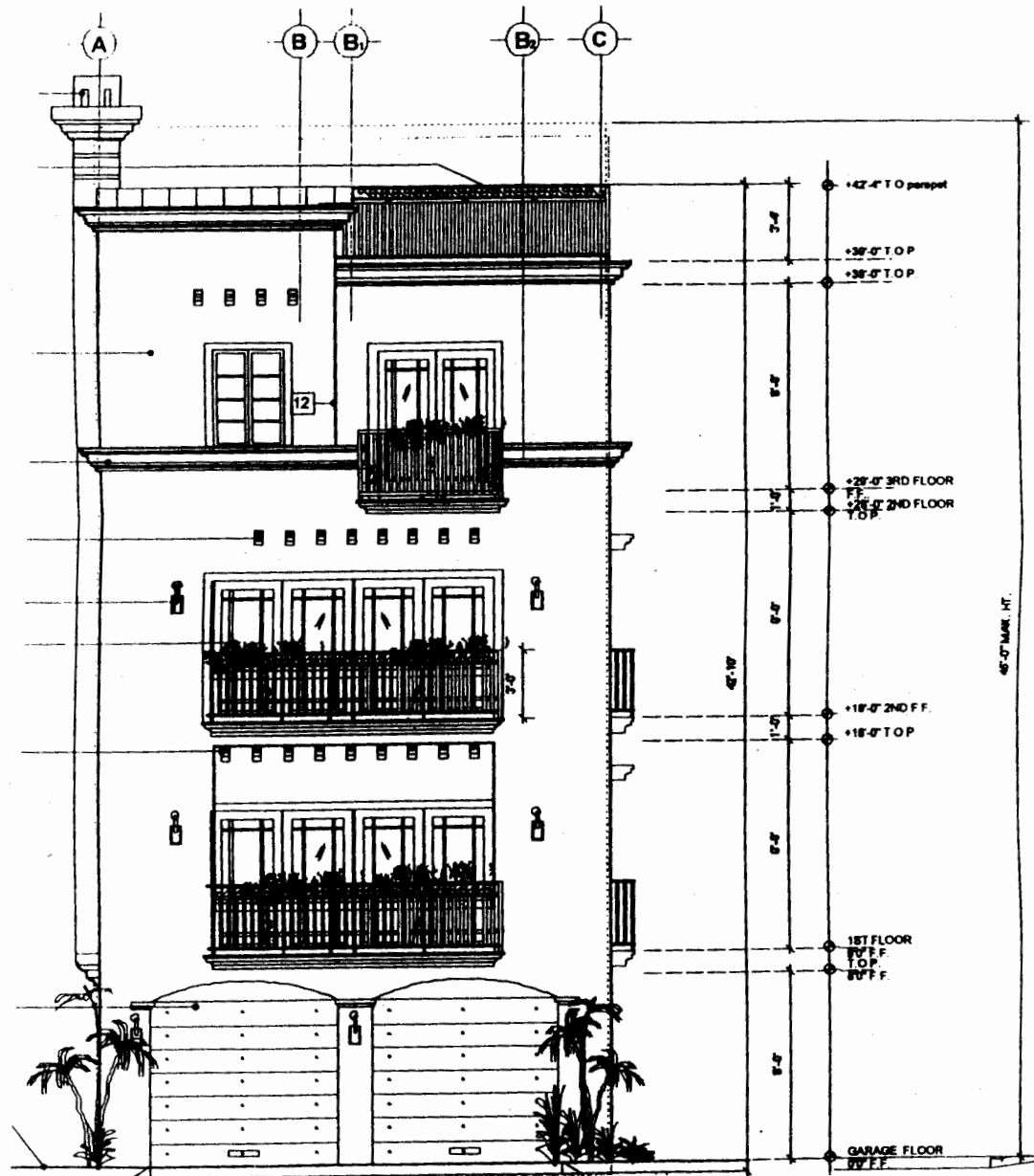
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EXHIBIT # **3**

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PLOT PLAN

SCALE 1/8"=1'-0"



EAST ELEVATION  
SCALE 1/4"=1'-0"

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EXHIBIT # 4  
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