

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



# Fr 3b

Filed: 4/27/09  
49th Day: 6/15/09  
180th Day: 10/24/09  
Staff: Al Padilla-LB  
Staff Report: 7/21/09  
Hearing Date: 8/12-14/09  
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-09-081

**APPLICANT:** Joseph Casale & Liz Davidson

**PROJECT LOCATION:** 6209 Ocean Front Walk, Playa del Rey

**PROJECT DESCRIPTION:** Demolition of a single-family residence and construction of a four story, 37 foot high, 6,866 square foot single-family residence, with swimming pool on roof level, and subterranean three car garage.

Lot Area: 3,562 square feet  
Building Coverage: 2,125 square feet  
Zoning: R3-1 (Medium Residential)  
Ht above final grade: 37 feet

**LOCAL APPROVALS RECEIVED:** ZA 2009-882-AIC

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**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of the proposed development with special conditions regarding: 1) assumption of risk; 2) no future shoreline protective device; 3) future improvements; and 4) recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report.

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## **I. STAFF RECOMMENDATION**

Staff recommends that the Commission adopt the following resolution to APPROVE the coastal development permit application:

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

Staff recommends a YES vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

### **RESOLUTION TO APPROVE THE PERMIT:**

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

## **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. SPECIAL CONDITIONS

#### 1. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves or flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

#### 2. No Future Shoreline Protective Device

A. By acceptance of this Permit, the applicant agrees, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-09-081 including, but not limited to, the residence, foundations, decks, or driveway, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

B. By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including the house, garage, foundations, decks, or driveway, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

### 3. **No Future Improvements Restriction**

This permit is only for the development described in coastal development permit No. **5-09-081**. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, shall require an amendment to Permit No. **5-09-081** from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

### 4. **Deed Restriction**

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

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

The Commission hereby finds and declares:

### A. **Project Description and Location**

The proposed project involves the demolition of a single-family residence and construction of a four-story, 37 foot high, as measured from frontage road, 6,866 square foot single-family residence with roof level swimming pool, and subterranean three car garage.

All roof run-off will be directed through gutters and downspouts to a filtered site drainage system and discharged along rear yard permeable concrete driveway. Landscaped area run-off will be absorbed within grade and be equipped with filtered overflow devices directing overflow run-off to rear yard permeable concrete driveway. Runoff from hardscaped areas will be collected with filtered area drains and directed to rear yard permeable concrete driveway. Runoff from hardscaped areas with elevations lower than the adjacent street (Speedway) will be directed to filtered drainage basin with sump-pump

directing run-off to rear yard permeable concrete driveway. Overflow will be directed to public storm drain system along Speedway.

The proposed project site is a 3,562 square foot lot developed with a two-story residential single-family residence, with attached garage. The project site is a beach fronting lot located at 6209 Ocean Front Walk, Playa del Rey, in the City of Los Angeles. The lot is located north of Culver Boulevard and south of Ballona Creek. The lot is zoned R3-1 (Medium Residential). The subject lot is located within a row of beach fronting residentially developed lots consisting of single and multi-family structures.

The Commission has consistently required that development along Oceanfront Walk to extend no higher than 37 feet, as measured from the frontage road. The proposed project will be consistent with the 37 foot height limit and will be consistent with the scale of surrounding buildings.

In this location, the City of Los Angeles allows development, including habitable structures, up to 1 foot of the rear (seaward side) property line. The existing structure will be demolished and the proposed structure will be constructed with a one foot setback. Existing structures in the immediate area have similar rear yard setbacks.

There is a 12-foot wide public right-of-way for a pedestrian walkway abutting the rear (seaward side) property lines on all properties along the beach in this location. The walkway is not constructed across all lots and is intermittent in its construction along this stretch of beach between Culver Boulevard and Ballona Creek. For new development along Oceanfront Walk the Commission has consistently required that applicants keep development out of the right-of-way in order to ensure that the area will be available in the future for the development of a public walkway, or has allowed the applicants to construct the walkway. In this case, the applicant's development does not encroach beyond their property line and is consistent with the City's rear yard setback requirements and the portion of the walkway within the right-of-way will be left unimproved.

Vertical access to the beach is available approximately 80 feet to the north along 62<sup>nd</sup> Street and approximately 120 feet to the south along 63<sup>rd</sup> Street.

## **B. Access**

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

## **C. Development**

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to

minimize risks to life and property, the development has been conditioned to require a future improvements condition and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

#### **D. Hazard**

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future can not be allowed due to the adverse impacts such devices have upon public access, visual resources and shoreline processes. To minimize the projects impact on shoreline process, and to minimize risks to life and property the development has been conditioned to: require an appropriate set-back from the water, prohibit construction of protective devices (such as a seawall) in the future, for landscaping which is limited to primarily native and non-invasive drought tolerant plants and require that the applicant and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

#### **E. Water Quality**

The proposed development does not significantly alter the existing residential structure. Existing drainage is directed to area drains that drain to the street. The proposed addition will not significantly increase site runoff. Therefore, the Commission finds that the proposed development conforms with Sections 30230 and 30231 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 one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, 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**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity

with Chapter 3. The City of Los Angeles has neither a certified LCP nor a certified Land Use Plan for the Playa de Rey planning area. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, 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 of the Coastal Act.

#### **H. California Environmental Quality Act.**

There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

6209 Ocean Front Walk, Playa del Rey, CA 90293

**RECEIVED**  
South Coast Region

APR 27 2008

CALIFORNIA  
COASTAL COMMISSION

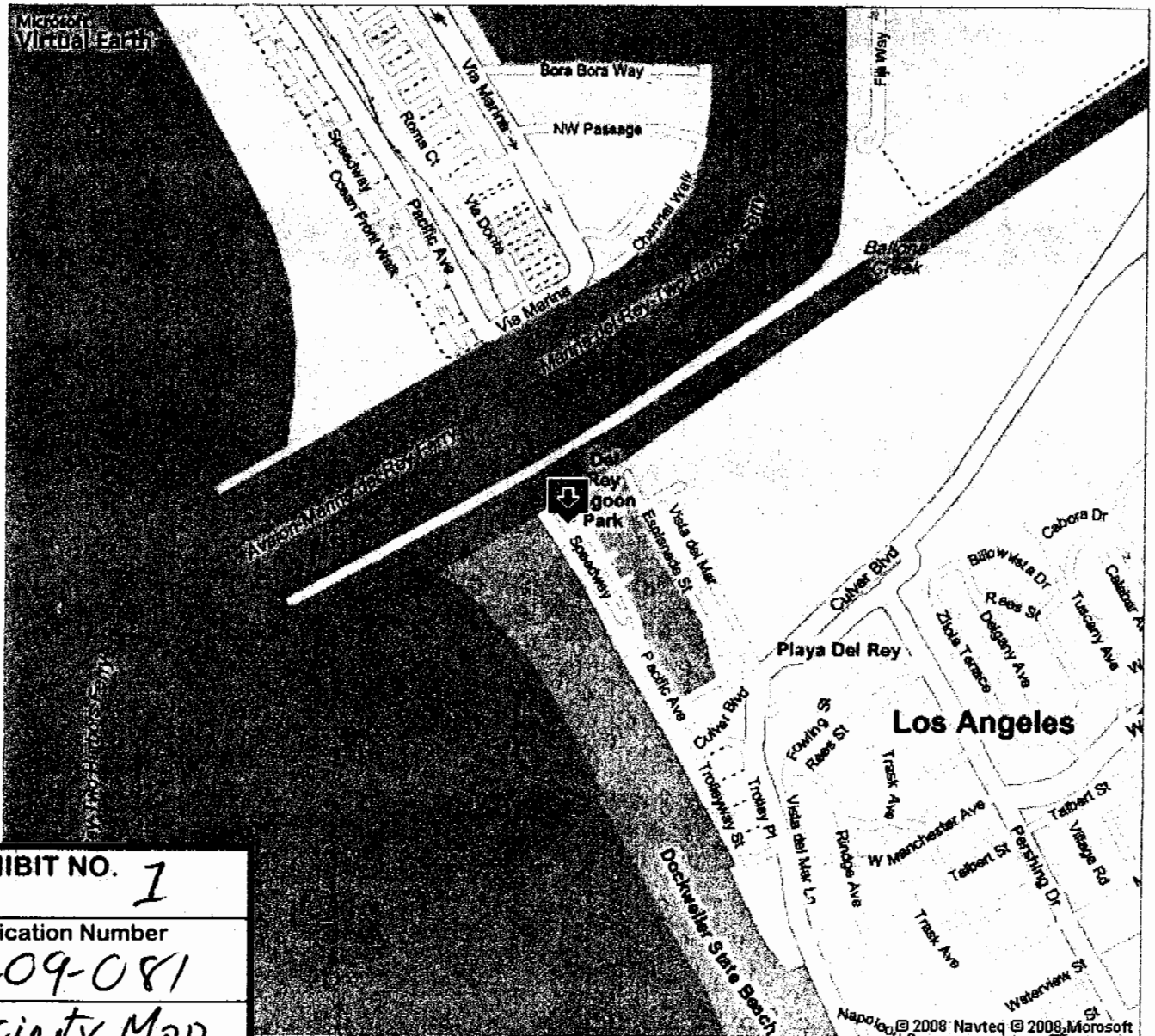
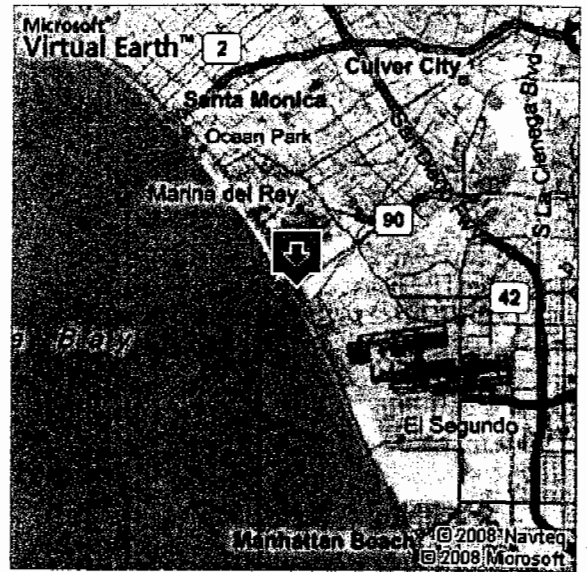
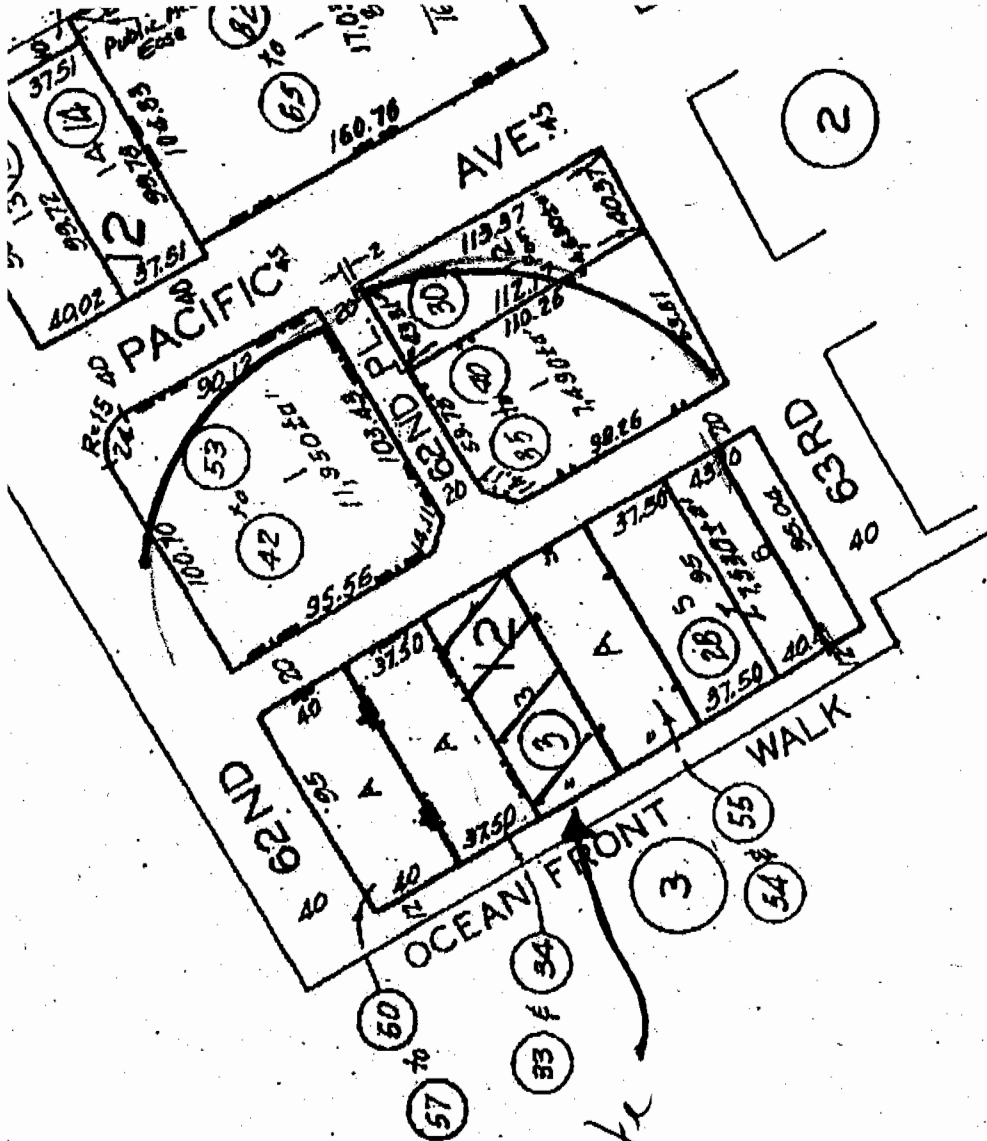


EXHIBIT NO. <i>1</i>
Application Number <i>5-09-081</i>
<i>Vicinity Map</i>
California Coastal Commission





*Project Site*

CONDOMINIUM  
 PARCEL MAP P.M. 175 - 16 - 1  
 CONDOMINIUM  
 TRACT NO. 26624 M.B. 873 -  
 DEL REY BEACH M.B. 6 - 18  
 TRACT NO. 25613 M.B. 700 - 16 -

CODE  
67

FOR PREV. ASSMT. SEE:  
5721-526

EXHIBIT NO. <u>2</u>
Application Number <u>5-09-081</u>
<u>Parcel Map</u>
California Coastal Commission

**SITE PLAN KEYNOTES**

1. ALL SHORING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA SHORING AND SHIELDING MANUAL, 1989 EDITION, PUBLISHED BY THE SHORING AND SHIELDING INSTITUTE.
2. ALL SHORING SHALL BE DESIGNED BY A LICENSED PROFESSIONAL ENGINEER.
3. ALL SHORING SHALL BE DESIGNED FOR THE FULL DESIGN LOADS SPECIFIED IN THE PERMITS AND SHALL BE INSTALLED IN ACCORDANCE WITH THE DESIGN DRAWINGS.
4. ALL SHORING SHALL BE INSTALLED IN ACCORDANCE WITH THE DESIGN DRAWINGS AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
5. ALL SHORING SHALL BE REMOVED IMMEDIATELY UPON COMPLETION OF THE CONSTRUCTION WORK.
6. ALL SHORING SHALL BE INSTALLED IN ACCORDANCE WITH THE DESIGN DRAWINGS AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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**SHORING NOTES**

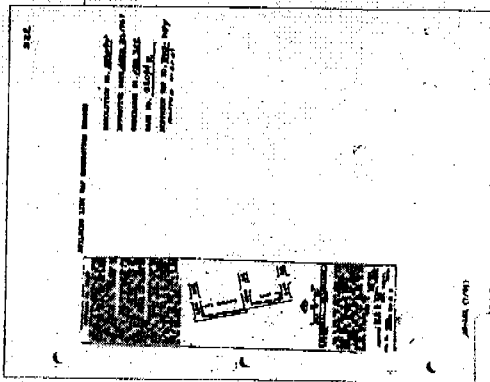
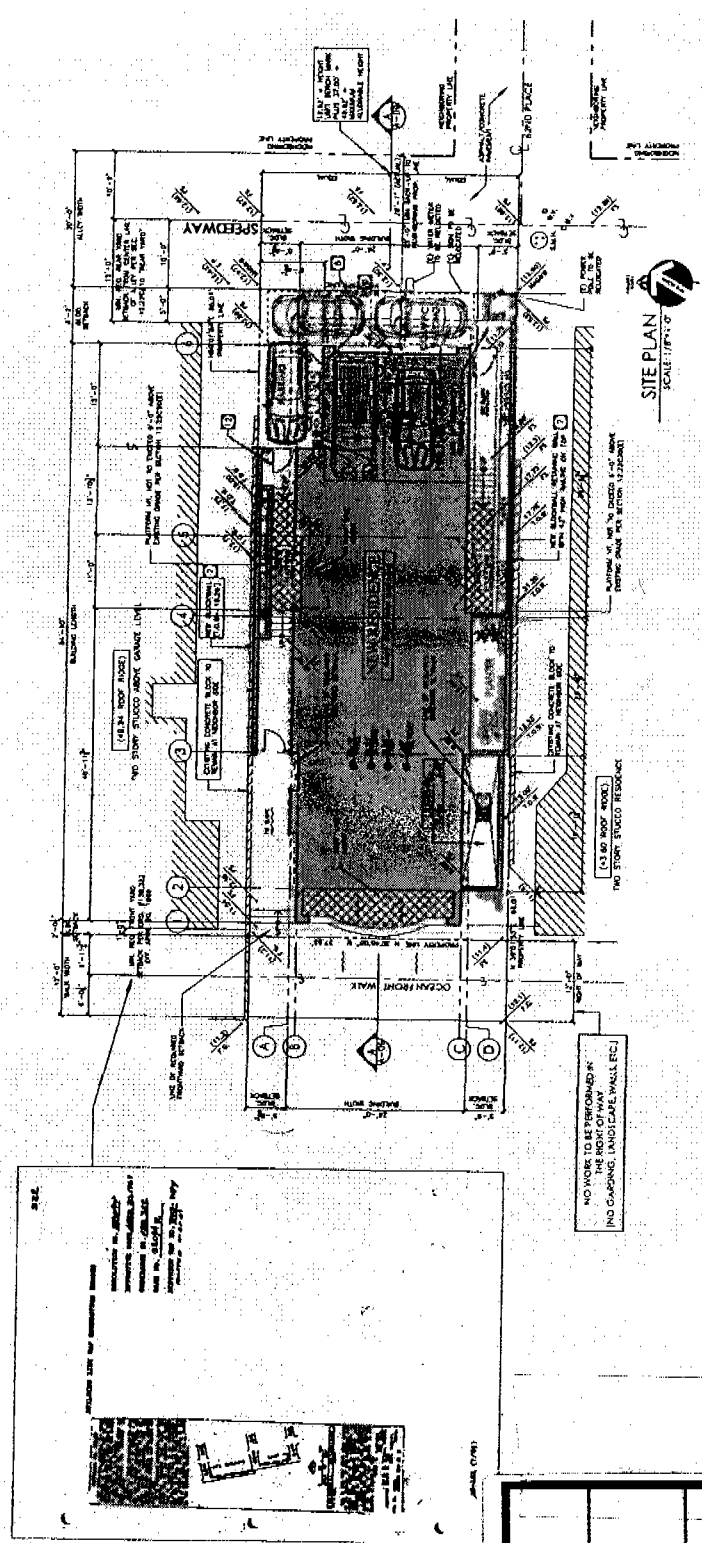
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20. ALL SHORING SHALL BE REMOVED IMMEDIATELY UPON COMPLETION OF THE CONSTRUCTION WORK.

**TOMARCO ARCHITECTURE INCORPORATED**  
 1001 Sixth Street  
 Suite No. 100  
 Manhattan Beach,  
 California 90266  
 Tel: 310.318.8089  
 Fax: 310.318.9400  
 www.tomarco.com  
 info@tomarco.com

**DANIEL W. CASALE RESIDENCE**  
 8833 OCEAN FRONT WALK  
 PLAYA DEL REY  
 CA 90233

**SITE PLAN**

A-02



**EXHIBIT NO. 3**  
 Application Number  
 5-09-081  
 Site Plan  
 California Coastal Commission

**TOMARO**  
ARCHITECTURE  
INCORPORATED

1001 Sixth Street  
State No. 100

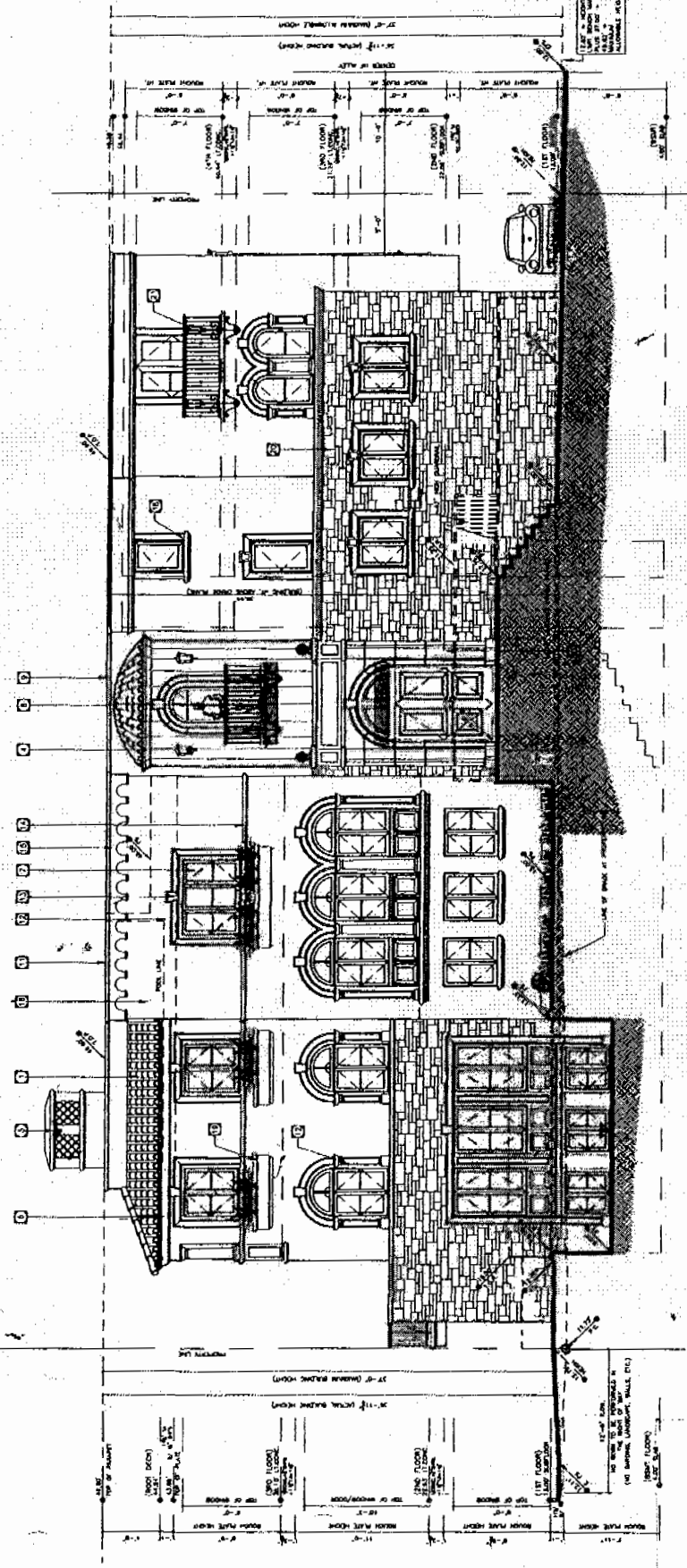
Manhattan Beach,  
California 90266

Tel: 310.318.8089  
Fax: 310.318.9400

www.tomaro.com  
info@tomaro.com

**DAVIDSON CASHE**  
RESIDENCE  
8881 OCEAN FRONT BLVD  
PLAYA DEL REY  
CA 90293

**ELEVATION**



**SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"

**SCHEDULE**

1	ROOFING	AS SHOWN ON DRAWING
2	WALLS	AS SHOWN ON DRAWING
3	DOORS	AS SHOWN ON DRAWING
4	WINDOWS	AS SHOWN ON DRAWING
5	TRIM	AS SHOWN ON DRAWING
6	CEILING	AS SHOWN ON DRAWING
7	FLOORING	AS SHOWN ON DRAWING
8	PAINT	AS SHOWN ON DRAWING
9	MECHANICAL	AS SHOWN ON DRAWING
10	ELECTRICAL	AS SHOWN ON DRAWING
11	PLUMBING	AS SHOWN ON DRAWING
12	IRONWORK	AS SHOWN ON DRAWING
13	GLASS	AS SHOWN ON DRAWING
14	STONE	AS SHOWN ON DRAWING
15	CONCRETE	AS SHOWN ON DRAWING
16	FOUNDATION	AS SHOWN ON DRAWING
17	LANDSCAPE	AS SHOWN ON DRAWING
18	EXTERIOR LIGHTING	AS SHOWN ON DRAWING
19	EXTERIOR FINISHES	AS SHOWN ON DRAWING
20	EXTERIOR ACCESSORIES	AS SHOWN ON DRAWING

**EXHIBIT NO. 4**

Application Number  
**5-09-081**

*Elevation*

California Coastal Commission

**CONSTRUCTION NOTES**

1. ALL WORK IS TO BE ACCORDING TO THE REQUIREMENTS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
2. ALL WORK IS TO BE ACCORDING TO THE REQUIREMENTS OF THE CALIFORNIA ELECTRICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.
3. ALL WORK IS TO BE ACCORDING TO THE REQUIREMENTS OF THE CALIFORNIA MECHANICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.
4. ALL WORK IS TO BE ACCORDING TO THE REQUIREMENTS OF THE CALIFORNIA PLUMBING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
5. ALL WORK IS TO BE ACCORDING TO THE REQUIREMENTS OF THE CALIFORNIA FIRE CODE AND ALL APPLICABLE LOCAL ORDINANCES.
6. ALL WORK IS TO BE ACCORDING TO THE REQUIREMENTS OF THE CALIFORNIA SAFETY CODE AND ALL APPLICABLE LOCAL ORDINANCES.
7. ALL WORK IS TO BE ACCORDING TO THE REQUIREMENTS OF THE CALIFORNIA HEALTH CODE AND ALL APPLICABLE LOCAL ORDINANCES.
8. ALL WORK IS TO BE ACCORDING TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.
9. ALL WORK IS TO BE ACCORDING TO THE REQUIREMENTS OF THE CALIFORNIA LAND USE CODE AND ALL APPLICABLE LOCAL ORDINANCES.
10. ALL WORK IS TO BE ACCORDING TO THE REQUIREMENTS OF THE CALIFORNIA HISTORIC PRESERVATION CODE AND ALL APPLICABLE LOCAL ORDINANCES.

11. PROVIDE A POOL DECK WITH A 2" MINIMUM SLOPE TO THE POOL.
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29. PROVIDE A POOL DECK WITH A 2" MINIMUM SLOPE TO THE POOL.
30. PROVIDE A POOL DECK WITH A 2" MINIMUM SLOPE TO THE POOL.

- INSULATION SCHEDULE:**
- 1. 1/2" GYPSUM BOARD
  - 2. 1/2" GYPSUM BOARD
  - 3. 1/2" GYPSUM BOARD
  - 4. 1/2" GYPSUM BOARD
  - 5. 1/2" GYPSUM BOARD
  - 6. 1/2" GYPSUM BOARD
  - 7. 1/2" GYPSUM BOARD
  - 8. 1/2" GYPSUM BOARD
  - 9. 1/2" GYPSUM BOARD
  - 10. 1/2" GYPSUM BOARD

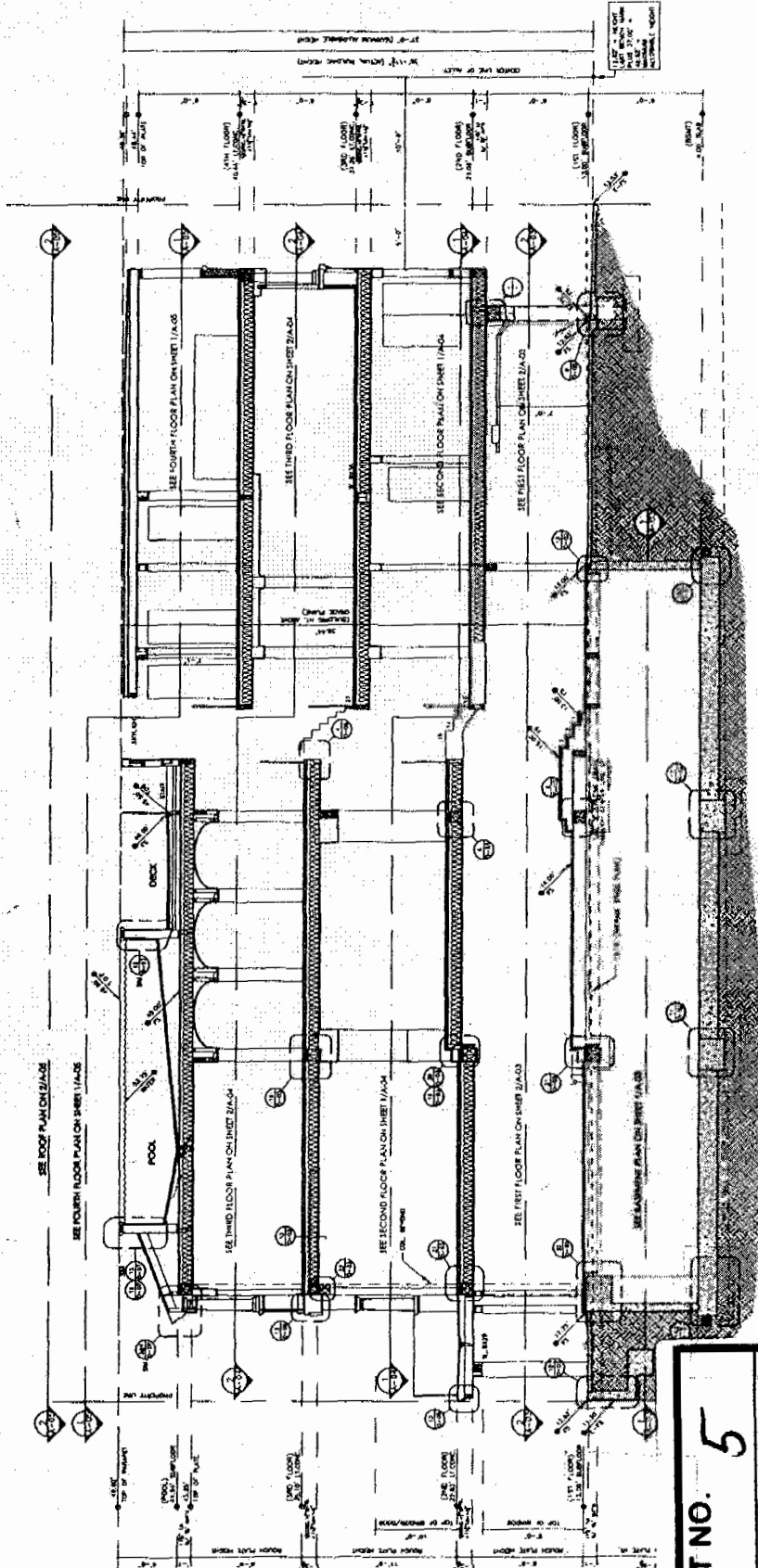
FOR THE COMPLETE SET OF DRAWINGS, SEE THE PROJECT ARCHITECTURE INCORPORATED 1001 Sixth Street Suite No. 100 Manhattan Beach, California 90266 Tel: 310.318.8089 Fax: 310.318.9400 www.tomaroad.com info@tomaroad.com

**TOMAROAD ARCHITECTURE INCORPORATED**

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**DAVIDSON CASSE RESIDENCE**  
6811 OCEAN FRONT WALK  
PLAYA DEL REY  
CA 90293

**BUILDING SECTION**



SECTION-A  
SCALE 1/4" = 1'-0"

**EXHIBIT NO. 5**

Application Number  
**5-09-081**

**Cross-Section**

California Coastal Commission