

## CALIFORNIA COASTAL COMMISSION

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



# W5a

Filed: 2/01/10  
49th Day: 3/21/10  
180th Day: 7/31/10  
Staff: Al Padilla-LB  
Staff Report: 2/12/10  
Hearing Date: 3/10-12/10  
Commission Action:

### STAFF REPORT: CONSENT CALENDAR

**APPLICATION NUMBER:** 5-09-221

**APPLICANT:** Mr. & Mrs. Mark Appel

**PROJECT LOCATION:** #3 66<sup>th</sup> Avenue, Playa Del Rey, City of Los Angeles (Los Angeles County)

**DESCRIPTION:** Addition of 900 square feet of interior space, 391 square foot roof deck, elevator penthouse, and remodel existing 3 story, 3,497 square foot single-family residence. Maximum final height of structure will be 37 feet above existing grade.

Lot Area	2,550 square feet
Building Coverage	1,752 square feet
Landscape Coverage	29 square feet
Parking Spaces	3
Zoning	R-3-1
Planning Designation	Multiple-Family Residential
Ht above final grade	37 feet

**LOCAL APPROVALS RECEIVED:** City of Los Angeles Approval-in-Concept dated August 27, 2009

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### SUMMARY OF STAFF RECOMMENDATION:

Commission staff is recommending **APPROVAL** of the proposed project with three (3) Special Conditions regarding: 1) future improvements; 2) assumption of risk; and 3) a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

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**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:****I.     APPROVAL WITH CONDITIONS**

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

**II.    STANDARD CONDITIONS:**

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. Future Development**

- A. This permit is only for the development described in coastal development permit No. 5-09-221. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(b) shall not apply to the development governed by the coastal development permit No. 5-09-221. Accordingly, any future improvements to the structure authorized by this permit, shall require an amendment to Permit No. 5-09-189 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

#### **2. Assumption of Risk, Waiver of Liability and Indemnity**

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding and wave uprush; (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.

#### **3. Deed Restriction**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner 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 applicant is proposing to remodel an existing 3,497 square foot three-story single-family residence and add approximately 900 square feet, 391 roof deck with trellis, and elevator penthouse. The height of the remodeled residence will be 37 feet from existing grade to the top of the trellis and elevator penthouse. The new addition will be located on the inland portion of the existing residence, approximately 45 feet from the most seaward edge of the existing structure. The single family residence will provide three parking spaces within the attached garage.

The proposed project site is a 2,550 square foot lot developed with a two-story residential single-family residence, with attached garage. The lot is zoned R3-1 (Medium Residential). The project site is a beach fronting lot located at 3 66<sup>th</sup> Avenue, Playa del Rey, in the City of Los Angeles. The property abuts Ocean Front Walk which is the City's 12-foot wide dedicated right-of-way. The lot is located north of Culver Boulevard and south of Ballona Creek. The subject lot is located within a row of beach fronting residentially developed lots consisting of single and multi-family structures. Vertical access to the beach is available adjacent to and to the south along the unimproved terminus of 66<sup>th</sup> Avenue.

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.

Oceanfront Walk's pedestrian 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 either 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 along the rear of their property. In this case, the applicant is proposing an addition to an existing structure and the proposed development

does not encroach beyond the property line and is consistent with the City's rear yard setback requirements. However, there are existing landscape and patio improvements within the City's right-of-way which, in this case, were granted by the City through a revocable encroachment permit issued in 1974. These encroachments are similar to other properties along this beach front and will be required to be removed by the City if the City decides in the future to improve the walkway to create a contiguous public pedestrian walkway. The proposed addition is located along the front the property and will not affect the rear (seaward) portion of the property where the existing encroachments are located.

The beach area in front of the property is a broad beach, approximately 500 feet in width. Due to the width of the beach and the location of the jetty for the entrance channel located to the north, properties along this area of beach area are generally protected from storm wave impacts and have not required shoreline protective devices.

## **B. 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 (Special Condition No. 1) and to require that the landowner and any successor-in-interest assume the risk (Special Condition No. 2) 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.

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

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site may potentially result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition (Special Condition No. 1) be imposed. As conditioned the development conforms with Chapter 3 policies of the Coastal Act.

## **D. 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.

**E. Public Access/Parking**

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 proposed, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**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 (Special Condition No. 3) 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**

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications 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 which the activity may have on the environment.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the

proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Google maps Address <sup>3</sup> 5 66th Ave  
Los Angeles, CA 90293

Get Google Maps on your phone



Text the word "GMAPS" to 466453

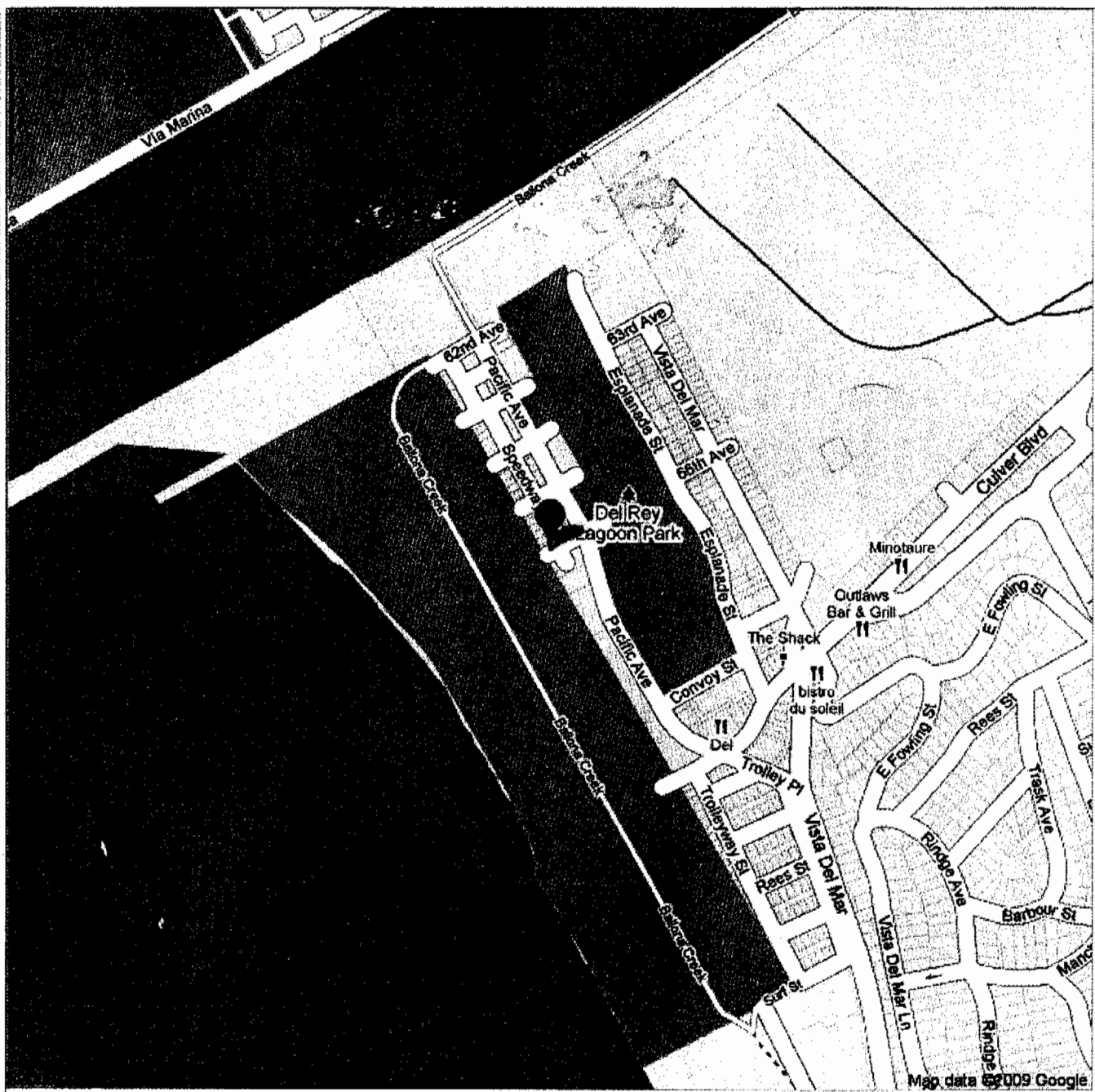


EXHIBIT NO.

**1**

Application Number

**5-09-221**

**Vicinity Map**

California Coastal Commission

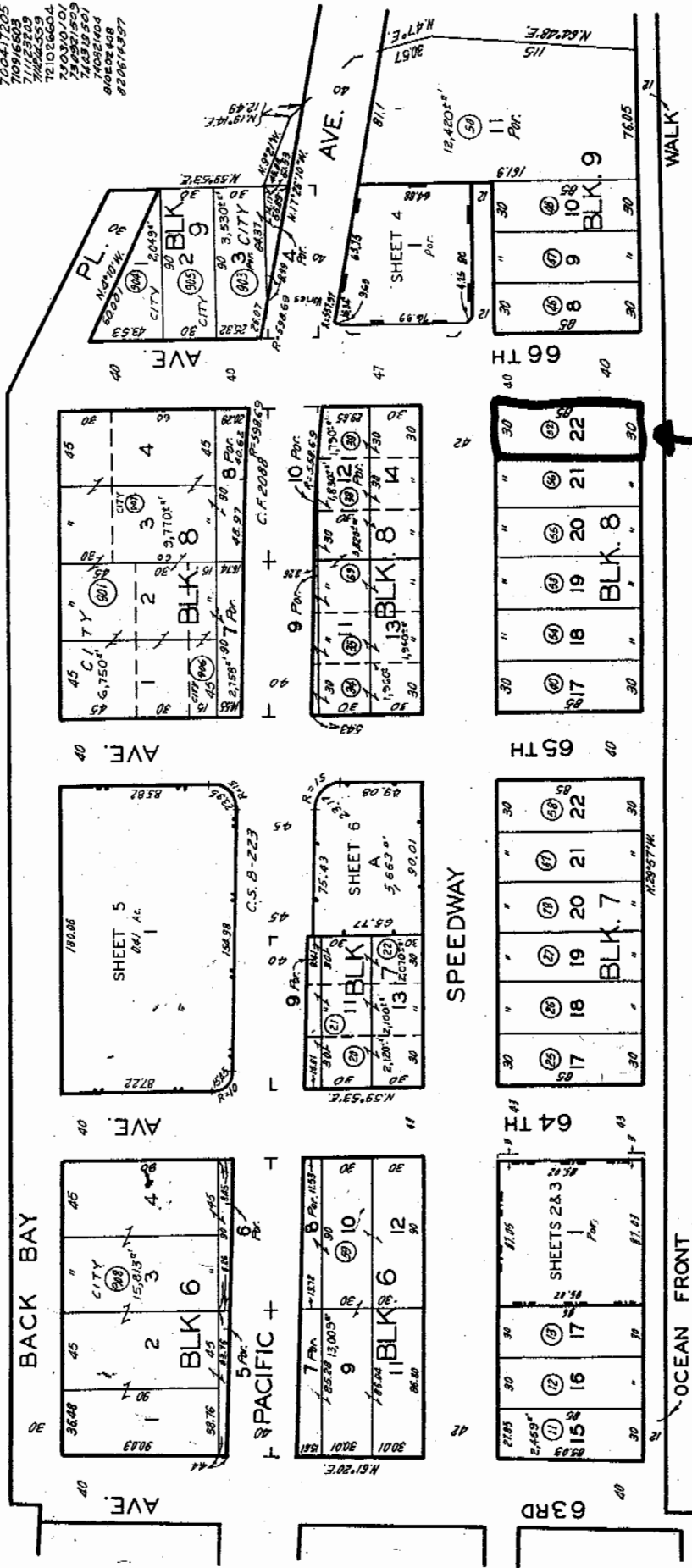


1996

## CONDOMINIUM

TRACT NO. 48319

M. B. 1191-42 - 43

[illegible]

# Site location

A PORTION OF  
PLAYA DEL REY TOWNSITE

**M.B. 7-130**

CONDOMINIUM  
PARCEL MAP

CONDOMINIUM  
TRACT NO. 29884

COMDOMINUM  
TRACT NO. 26913

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.

**EXHIBIT NO. 7**

**Application Number**

5-09-221

Perce / Map

California Coastal Commission

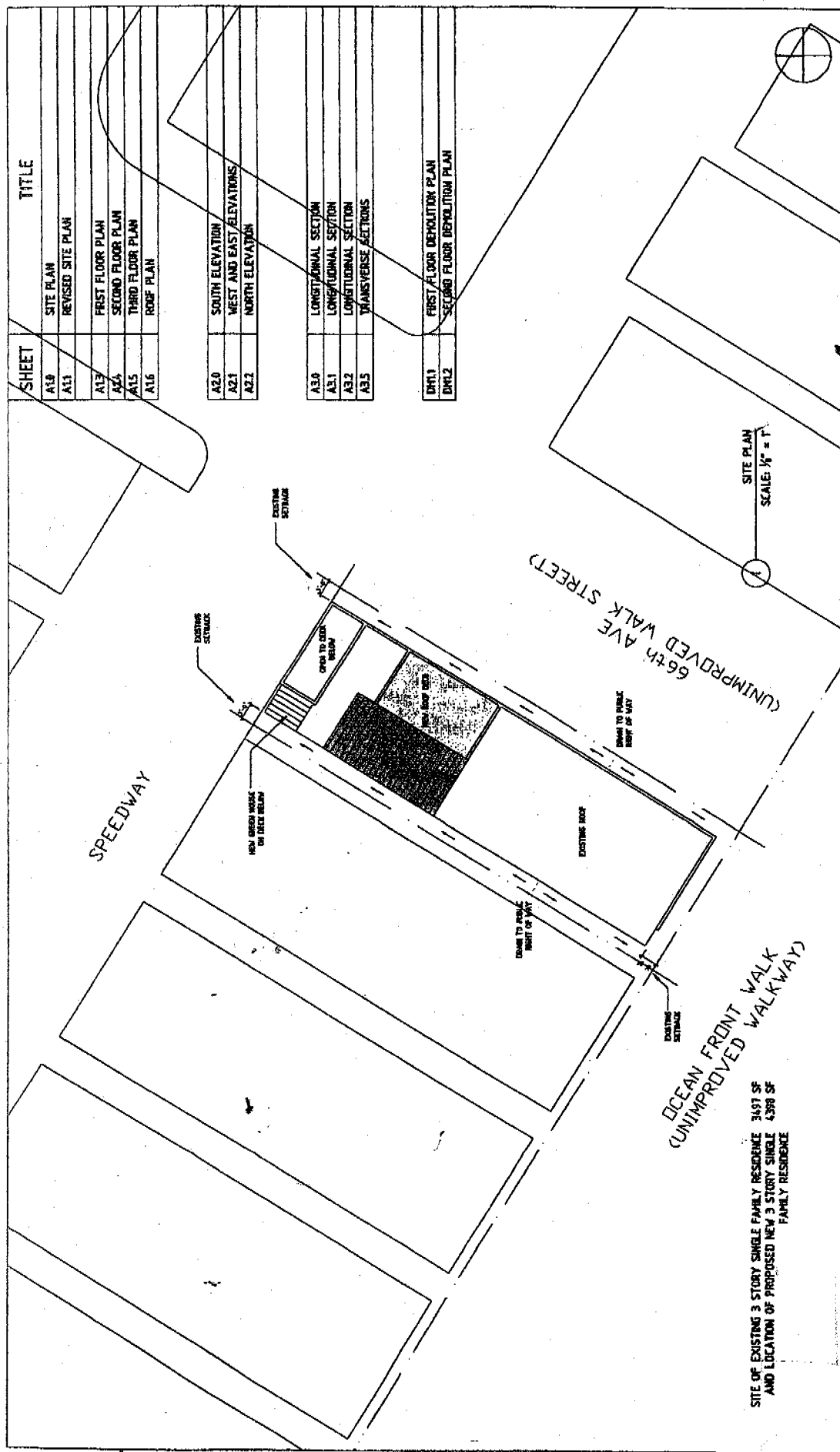
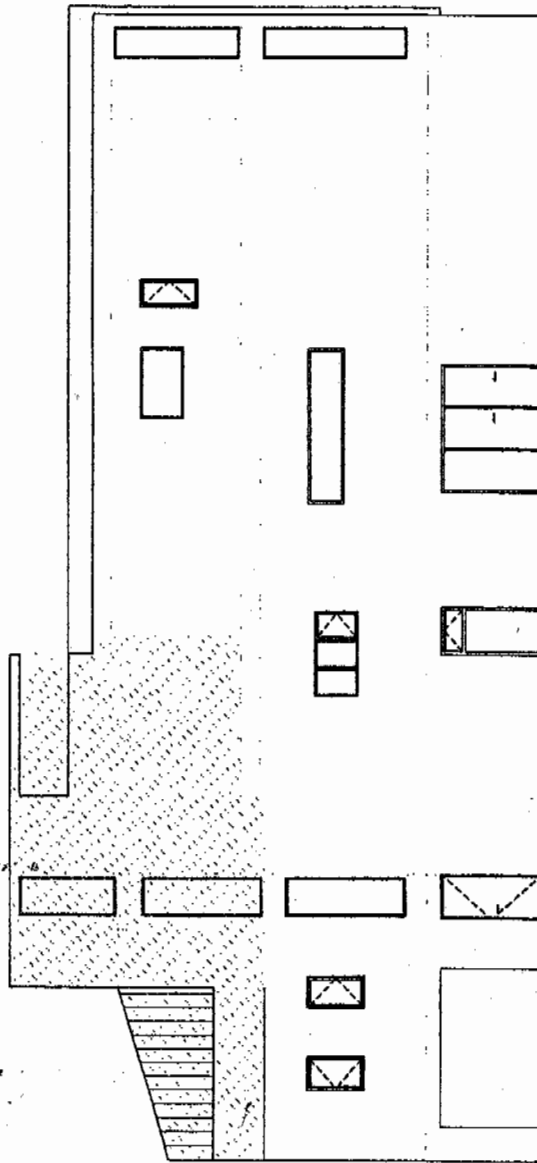


EXHIBIT NO. 3
Application Number
5-09-221
Site Plan
California Coastal Commission

<p><b>APPEL HOUSE</b>  #3 66th Ave  Playa del Rey, CA 90293</p>	<p><b>LEGEND:</b></p>		<p>DATE</p>	<p>AMENDMENT:</p>	<p>REV:</p>	<p>TITLE</p>	<p>SHEET NUMBER</p>
	<p><b>SITE PLAN</b></p>						
							<p>SCALE: 3/8" = 1'</p>
							<p>DATE: 12.29.2009</p>
							<p>FILE NAME:</p>
							<p>A1.1</p>

TOP OF ROOF	EL. 31.4'
TOP OF PARAPET	EL. 31.4'
TOP OF ROOF	EL. 31.4'
TOP OF ROOF DECK	EL. 31.4'
THIRD FLOOR	EL. 29.4'
SECOND FLOOR	EL. 27.4'
FIRST FLOOR	EL. 25.4'



1 NORTH ELEVATION  
SCALE: 1/4" = 1'

EXHIBIT NO. 4

Application Number

5-09-221

Elevation

California Coastal Commission

APPEL HOUSE  
#3 66th Ave  
Playa del Rey, CA 90293

LEGEND:

DATE:

APPROVED:

REV:

TITLE:

NORTH ELEVATION

SHEET NUMBER

1/4" = 1'

DATE: 12.29.2009

FILE NAME:

A2.2