

CALIFORNIA COASTAL COMMISSION

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**RECORD PACKET COPY**

Filed: 7/27/01
 49th Day: 9/14/01
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 Staff: AM-LB **AM**
 Staff Report: 9/18/01
 Hearing Date: October 8, 2001
 Commission Action:

Mon-9d**STAFF REPORT: MATERIAL AMENDMENT****APPLICATION NUMBER:** 5-01-201-A1**APPLICANT:** Anthony Russo**AGENT:** Gregory Bloomfield**PROJECT LOCATION:** 6517 South Esplanade, Playa Del Rey, City and County of Los Angeles**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED (5-01-201):**

Addition of a 337 square foot fourth level and 167 square foot deck to an existing three-floor single family home, creating a four-floor, 40-foot high above frontage road, (38' 4" above finished grade), 2,332 square foot single family home.

DESCRIPTION OF AMENDMENT (5-01-201-A1):

Enclose a 46 square foot bay window extension and add 39 square feet to the rear of the fourth level addition, creating a 422 square foot, fourth level with a 126 square foot deck.

| | | |
|------------------------|-------------|-------------|
| Lot Area | 2,070 | square feet |
| Building Coverage | 997 | square feet |
| Pavement Coverage | 473 | square feet |
| Landscape Coverage | 600 | square feet |
| Parking Spaces | 2 | |
| Zoning | R3-1 | |
| Plan Designation | Residential | |
| Ht above frontage road | 40 feet | |

SUMMARY OF STAFF RECOMMENDATION

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

LOCAL APPROVAL: City of Los Angeles Approval In Concept #ZA 2001-2536

SUBSTANTIVE FILE DOCUMENTS: 1) Coastal Development Permit 5-01-201
2) Coastal Development Permit 5-98-335
3) Coastal Development Permit 5-98-334
4) Coastal Development Permit 5-99-039
5) Coastal Development Permit 5-99-038

PROCEDURAL NOTE

A. Coastal Development Permit Amendments

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The subject application is being forwarded to the Commission because objections were made at the August 7, 2001 Commission hearing to the Executive Director's determination of immateriality. Therefore, the proposed amendment is determined to be a material change and is required for the purposes of protecting coastal resources or coastal access.

I. **MOTION, STAFF RECOMMENDATION, AND RESOLUTION:**

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 5-01-201 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended 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

No Special Conditions

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and History

At its July 10, 2001 meeting, the Commission approved coastal development permit 5-01-201 for the construction of a 337 square foot fourth floor addition with a 167 square foot deck above the existing three-story single family home, creating a four-story, 40-foot high above frontage road, (38' 4" above the finished grade), 2,332 square foot single family home. On July 23, 2001, the applicant submitted the subject amendment request to enclose a 46 square foot bay window extension and add 39 square feet to the rear of the fourth level addition, creating a 422 square foot, fourth level with a 126 square foot deck (See Exhibits). The proposed project was placed on the August 2001 Coastal Commission Hearing agenda as an immaterial amendment.

Based on public opposition to the project and objection to the Executive Director's determination of immateriality, the Commission voted to remove the proposed immaterial amendment from the August 2001 Commission Hearing and rehear it as a material amendment. This staff report is in response to the public opposition and direction from the Commission to analyze the proposed project's impacts to coastal resources.

The subject property is located in the Esplanade subcommunity of the Del Rey Lagoon planning area in the City of Los Angeles (Exhibit #2). South Esplanade fronts the subject property and separates the property from Del Rey Lagoon (Exhibit #1). Both vehicles and pedestrians utilize South Esplanade. Residents and visitors alike use the Del Rey Lagoon for walking, bike riding, and other recreational activities. Del Rey Lagoon is also located three blocks inland of Dockweiler State Beach. Public parking lots and street parking surround the Lagoon area and beach.

In March 1981, the City of Los Angeles submitted a draft Local Coastal Program (LCP) for the Del Rey Lagoon Specific Plan area for Commission approval. This submittal included the subcommunities of Pacific Avenue, Del Rey Lagoon/Park, Esplanade, Beachfront, and Duplex areas. The subject property is located in the Esplanade Area subcommunity. The City's proposed LCP limited development in this subcommunity to 37 feet. It found that the existing development consisted of a mixture of older and recycling development with a median height of 25 feet with the tallest homes reaching 45 feet. The 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 acceptance of this permit amendment application, 5-01-201-A1, was based on the review and approval in concept (AIC 2001-2536) by the City of Los Angeles Planning Department (the City's discretionary action taken on the proposed project). Opponents to this project have stated that the AIC was issued in error because of City Ordinances that prohibit developments, such as the proposed amendment request to expand the previously approved fourth level addition without providing a four-foot side yard setback. The City of Los Angeles Planning Department has stated that their AIC is valid and that they do not believe an error was made. Therefore, the amendment application was accepted and staff is recommending approval of the proposed project based on the project's consistency with the Chapter Three policies of the Coastal Act. Approval of this permit does not, however, preclude the City of Los Angeles from taking a narrower interpretation of their Ordinances, which could prohibit the issuance of City of Los Angeles building permits.

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 two 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.

The City of Los Angeles and the Coastal Commission have approved a limited number of coastal development permits in this area, almost all of which came after the City's submitted LCP in 1981. 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. And, finally, the Commission approved certain developments (5-91-053, 5-90-216, and 5-85-421) with proposed heights between 37 and 45 feet.

The property to the north of the subject site consists of a four-level, approximately 47 to 50-foot high, four-unit condominium complex. The properties to the south of the subject site consist of a three-level, approximately 33-foot high residence and a four-level, approximately 45-foot high residence. A mixture of three and four level, 30 to 40-foot high single and multi-family homes are located further south of the project location, along S. Esplanade. The original permit, 5-01-201, was approved at the Commission's July 10, 2001 meeting. The approved addition to the existing single family home has a maximum height of approximately 40 feet above the frontage road (38' 4" above the finished grade). The Commission found that the height was consistent with the general height of the area.

The proposed amendment to permit 5-01-201 includes enclosing a 46 square foot bay window extension and adding 39 square feet to the rear of the fourth level addition. The project would increase the fourth level area by 85 square feet and reduce the deck area by the same amount. The height of the previously approved project, 5-01-201, would remain at 40 feet above the frontage road (38' 4" above finished grade) (Exhibit #4).

The Del Rey Lagoon and the Lagoon Park front South Esplanade (Exhibit #1). 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 proposed project does not exceed the height of the original permit approved in July 2001, 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. Public parking exists at the 62nd Street public parking area, the southern end of Back Bay Place, and the southern end of Esplanade. Public parking is also available on the public streets. Access to the beach and Lagoon are located at street ends and public sidewalks. The proposed addition to the previously approved fourth level addition 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 (Exhibit #1). The proposed project would expand the existing approved fourth level by 85 square feet but would not increase the footprint of the existing structure. The applicant has indicated that there is approximately 600 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 side yards. As proposed, there is no decrease in the permeable area.

Currently, roof drainage is taken from roof gutters to drains, which direct runoff to the street and into curb catch basins. The proposed project maintains the drainage route by new roof gutters into the existing drain outlets. There is no change in the drainage system. 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 Venice area. The City of Los Angeles submitted its Local Coastal Program in March 1981. The Commission denied the submitted LCP on December 18, 1981. 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 30104 (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.

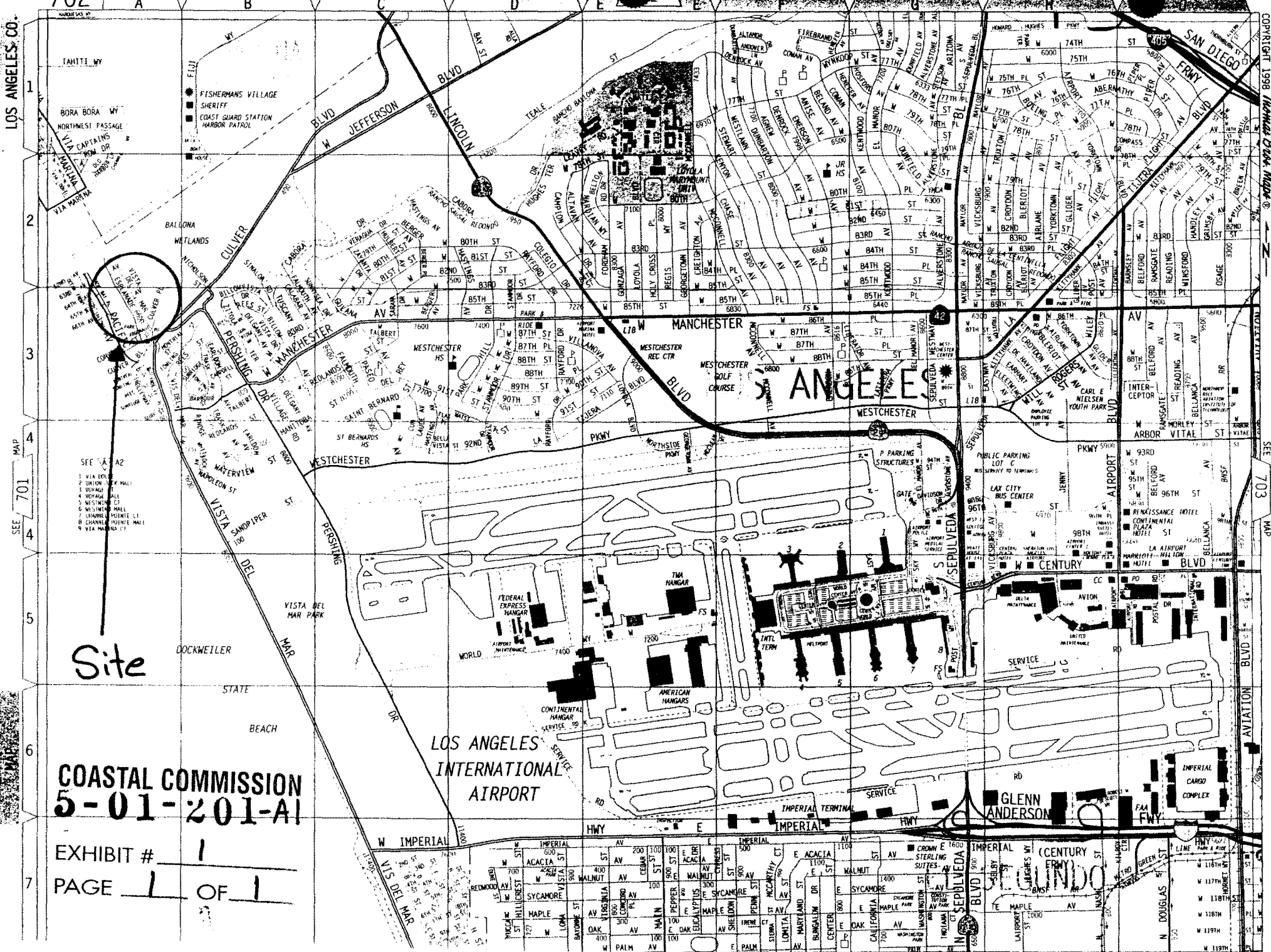
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LOS ANGELES CO.

702

SECTION MAP

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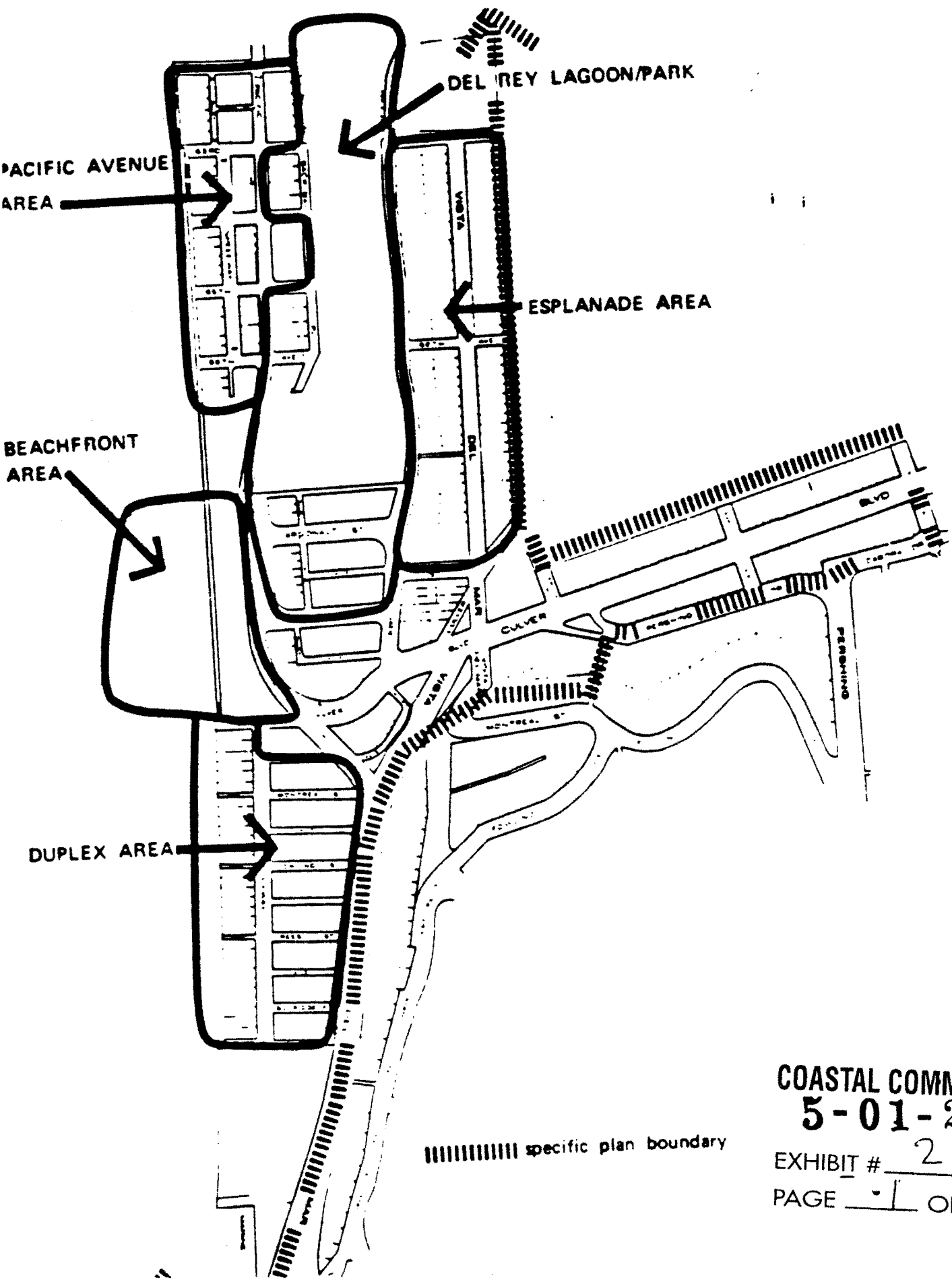


Site

COASTAL COMMISSION
5-01-201-A1

EXHIBIT # 1
PAGE 1 OF 1

SEE 703 MAP



COASTAL COMMISSION
 5-01-201-A/

EXHIBIT # 2
 PAGE 1 OF 1

| REVISION | DATE | BY |
|----------|---------|-------|
| SCH 1.0 | 2/15/01 | GB/AK |
| SCH 1.2 | 2/20/01 | AK/GB |
| DD 1.5 | 2/25/01 | AK/GB |
| DD 1.6 | 5/16/01 | AK/GB |
| DD 1.7 | 5/17/01 | AK/GB |
| DD 1.8 | 5/18/01 | AK/GB |
| DD 2.0 | 5/20/01 | AK/GB |
| DD 2.1 | 5/21/01 | AK/GB |
| DD 3.0 | 5/22/01 | AK/GB |
| DD 3.1 | 5/23/01 | AK/GB |
| DD 6.0 | 6/22/01 | GB |
| AC 9.0 | 7/20/01 | GB |

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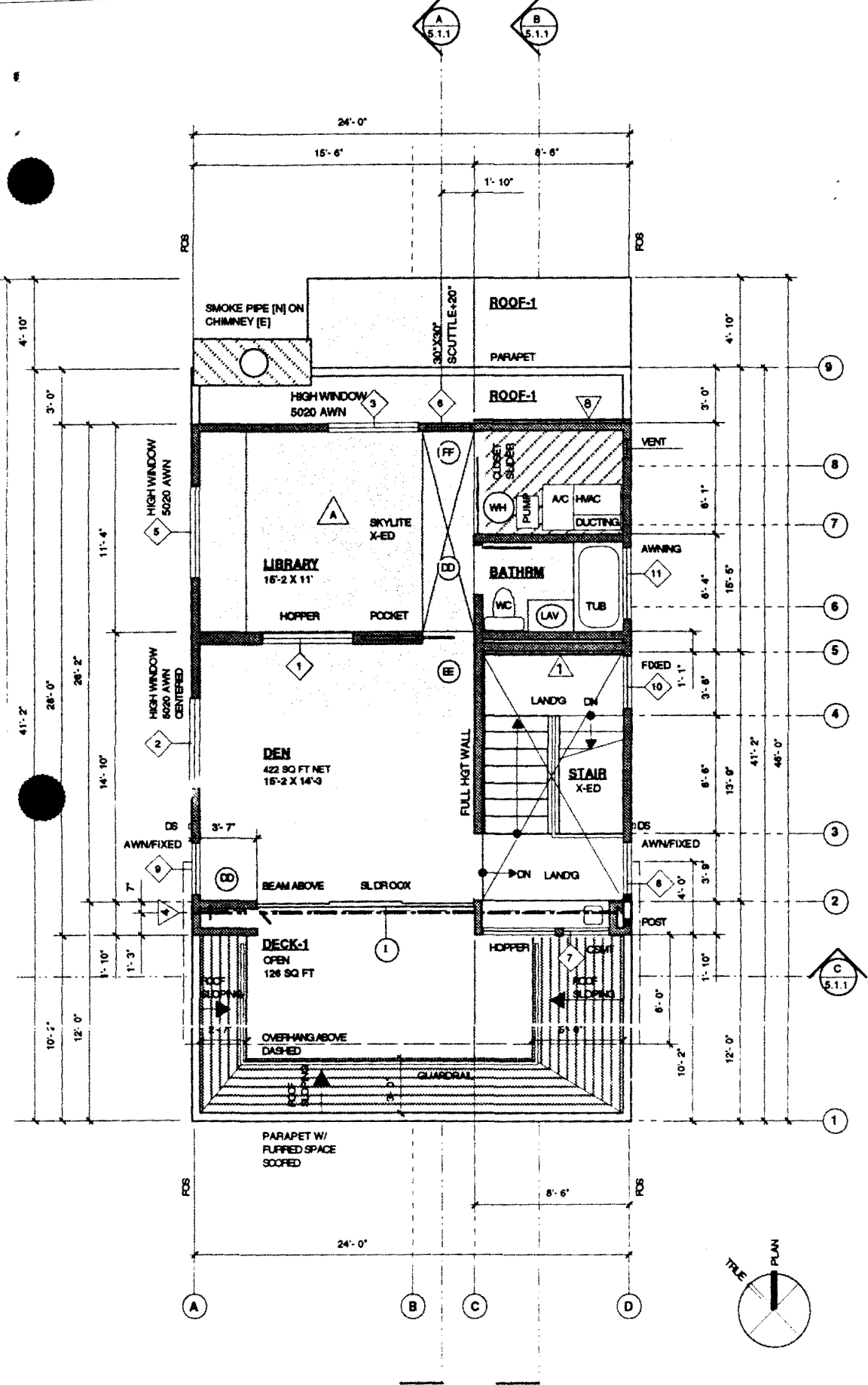
**RUSSO
 RESIDENCE**

6517 S. ESPLANADE

COASTAL COMMISSION
5-01-201-A1

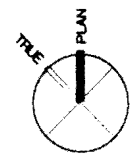
EXHIBIT # 3

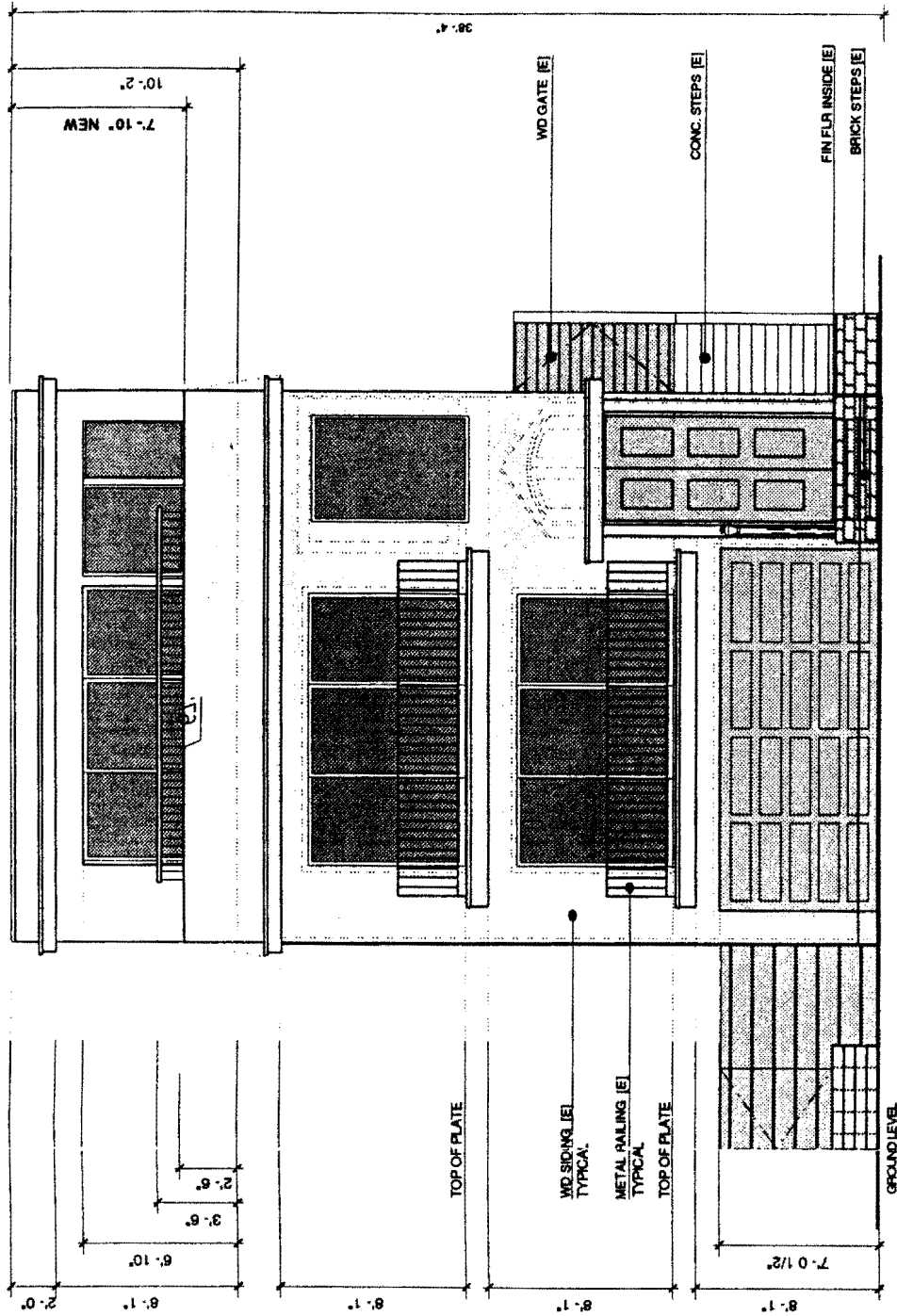
PAGE 1 OF 1



FLOOR PLAN 3 [N]

TOTAL INTERIOR AND EXTERIOR FLOOR AREA = 549 SQ FT



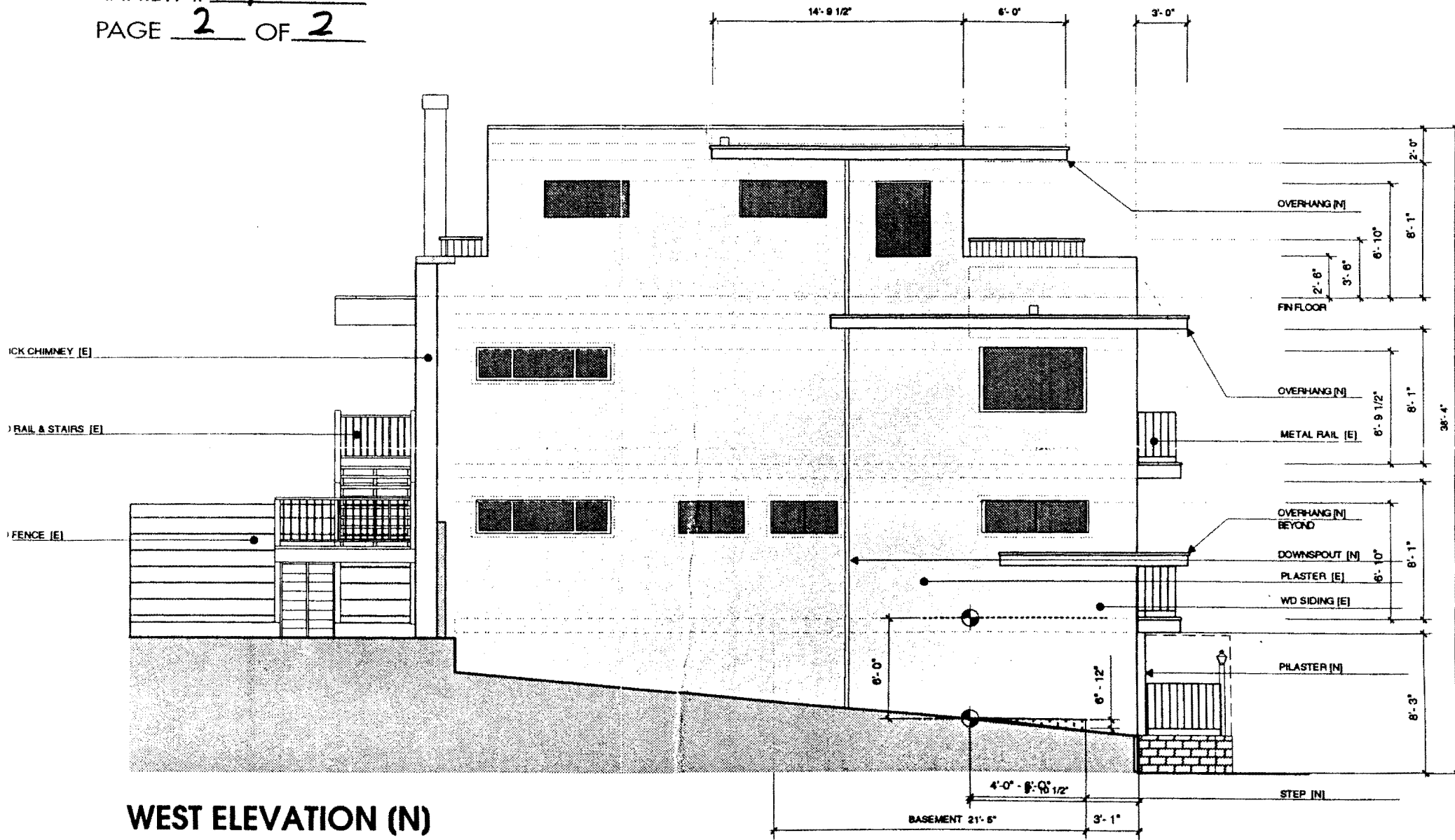


SOUTH ELEVATION [N]

COASTAL COMMISSION
5-01-201-A1

EXHIBIT # 4

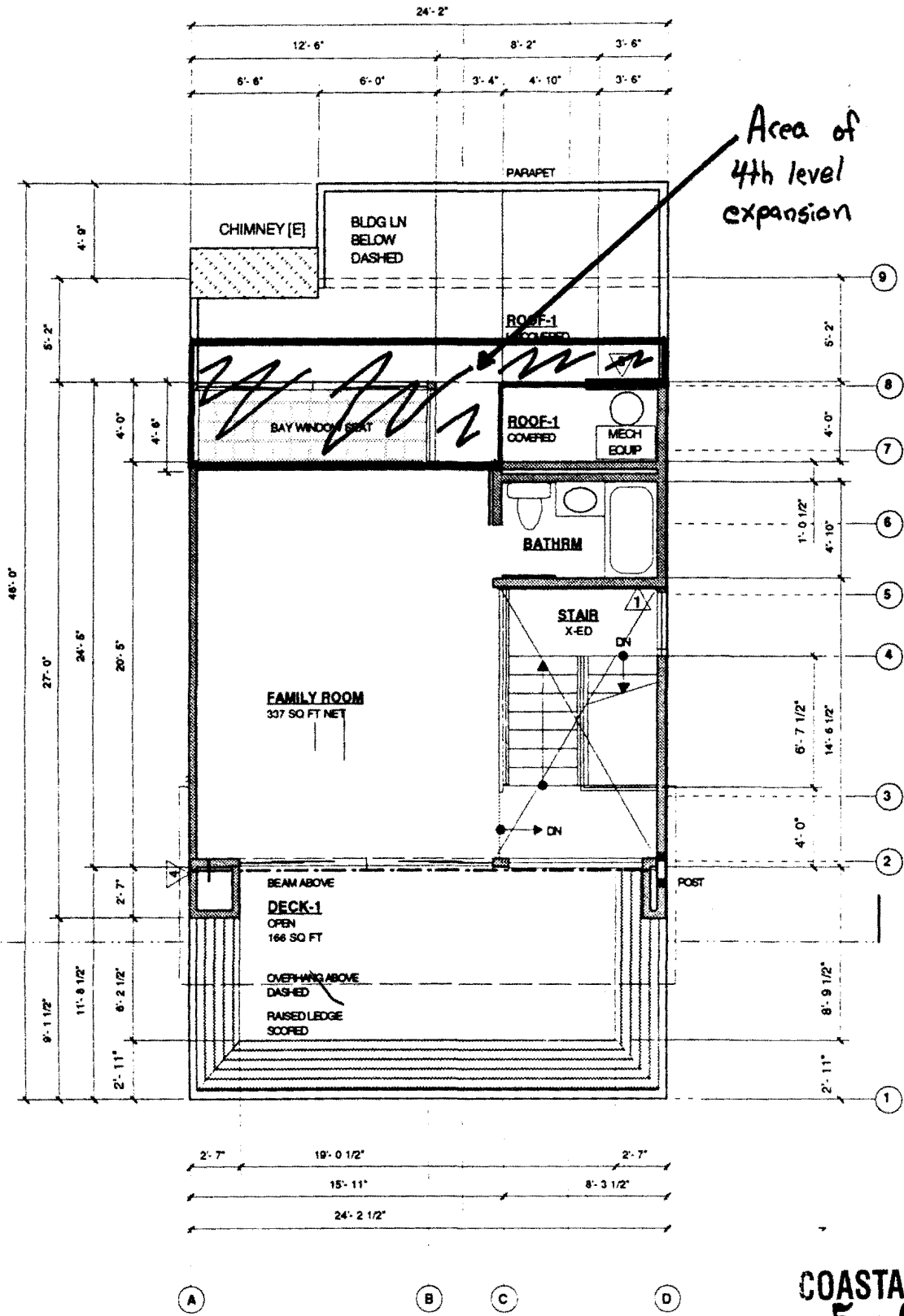
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Previously approved 4th level addition
5-01-201

| | | |
|---------|---------|-------|
| SCH 1.0 | 2/15/01 | GB/AK |
| SCH 1.2 | 2/20/01 | AK/GB |
| DD 1.5 | 2/25/01 | AK/GB |
| DD 1.6 | 5/16/01 | AK/GB |
| DD 1.7 | 5/17/01 | AK/GB |
| DD 1.8 | 5/18/01 | AK/GB |
| DD 2.0 | 5/20/01 | AK/GB |
| DD 2.1 | 5/21/01 | AK/GB |

Area of
4th level
expansion



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5-01-201-A1

EXHIBIT # 5
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FLOOR PLAN 3 [N]