

CALIFORNIA COASTAL COMMISSION

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



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Filed: 10/21/13
180th Day: 04/19/14
Staff: A.Padilla-LB
Staff Report: 11/20/13
Hearing Date: 12/12/13

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-13-0947

Applicant: Greg & Lilian Games

Agent: Edward Gulian

Location: 6991Trolleyway, Playa del Rey, City of Los Angeles, Los Angeles County
(APN:4116-033-037)

Project Description: Demolition of a two-story residential duplex and construction of a 2,880 square foot, 37 foot high, three-story single-family residence, with attached two-car garage, on a 3,180 square foot lot.

Staff Recommendation: Approval with Conditions

I. MOTION AND RESOLUTION

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:

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:

This permit is granted subject to the following 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 on which the Commission voted on the application. 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 of 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:

This permit is granted subject to the following special conditions:

1. No Future Shoreline Protective Device.

- A. By acceptance of this permit, the applicant agrees, on behalf of itself/himself/herself/themselves and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-13-0947 in the event that the development is threatened with damage or destruction from waves, erosion, sea level rise, storm conditions or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of itself/himself/herself/themselves 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/himself/herself/themselves and all successors and assigns, that the landowner(s) shall remove the development authorized by this permit, including the residence, garage, foundation, walkways, and patio if any government agency has ordered that the structure is 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(s) 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.

2. **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.

3. Plexiglas/Glass Wind Screen Treatment

- A.** The plexiglas or glass wind screen located along the proposed second story balcony shall consist of materials designed to minimize bird-strikes. Such materials may consist, all or in part, of wood; wrought iron; frosted or partially-frosted glass, plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Use of opaque or partially opaque materials is preferred to clean glass or Plexiglas. All materials shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit final revised plans showing the location, design, height and materials of all balcony railings/wind screen for the review and approval of the Executive Director.
- B.** The permittee shall undertake development in accordance with the approval final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

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:

A. PROJECT LOCATION & DESCRIPTION

The site is a 3,180 square foot beachfront lot located between the first public road and the sea in the Playa del Rey planning area of the City of Los Angeles. The project site is located between Trolleyway and Dockweiler State Beach (Exhibit No. 1 and 2), and is within a developed residential area.

The applicant proposes the demolition of a two-story residential duplex and construction of a 2,880 square foot, 37 foot high, three-story single-family residence, with second story balcony, roof top deck and attached two-car garage (Exhibit No. 3 and 4). The main residential structure will be set back a minimum of 15 feet from the western property line consistent with the City required standard

setback and past Commission permit action for the area. The proposed second floor balcony will be set back 11 feet from the western property line, encroaching 4 feet into the rear yard setback, as permitted by the City. The proposed second story balcony railing will be 3'-6' high and consist of a clear plexiglas or glass screen.

The adjacent State beach is improved with restroom and lifeguard facilities to the northwest of the project site, volleyball courts to the southwest, and a beach bicycle path that extends along the entire beach. The bicycle path is located approximately 250 feet seaward from the row of residential development and project site. Vertical pedestrian public access to the beach is available via public accessways located at the end of each block along this stretch of residential development. The nearest vertical access is located adjacent to and along the northern boundary of the project site. There is no dedicated lateral access or pedestrian boardwalk along the seaward side of this property or in front of any of the neighboring properties along this portion of the beach. As proposed the addition will not interfere with public access to or along the beach.

The adjacent State beach is approximately 350-400 foot wide between the subject property and the mean high tide line. The beach is protected by a series of groins and the jetties along Ballona Creek and Marina Del Rey which are approximately 2,360 feet up coast from the project site. The applicant has submitted a Coastal Hazard and Wave Runup Study , prepared by GeoSoils, dated October 20, 2013, that states that the shoreline structures and broad beach in combination stabilize the shoreline and conclude that wave runup and overtopping will not significantly impact this area of development.

B. ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. DEVELOPMENT

The proposed addition and setbacks from the western property line is consistent with past Commission permit action for the area. The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

D. HAZARD

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 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 prohibit construction of protective devices (such as a seawall) in the future 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. BIOLOGICAL RESOURCES

As stated, the applicant is proposing a second story balcony railing that will consist of plexiglas or other type of transparent material along the seaward side of the proposed residence. The use of transparent material that extends out from the main structure could have an adverse impact upon a variety of bird species found along the beach. Birds are known to strike glass walls causing their death or stunning them which exposes them to predation. Although glass or plexiglas could adversely impact birds, there are a variety of methods available to address bird strikes against glass. For instance, glass can be frosted, etched or treated (ultra-violet) in a manner that renders the glass more visible and less reflective. The development as conditioned to incorporate a treatment to render the glass or railing more visible to birds, the project will not have an adverse impact on the biological resources of the area. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30240 of the Coastal Act regarding the protection of adjacent environmentally sensitive habitat areas and parks and recreation areas.

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 Standard and Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land 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 Playa del Rey planning area has neither a certified Land Use Plan or Implementation Plan. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project 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 submitted, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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SEE MAP 49

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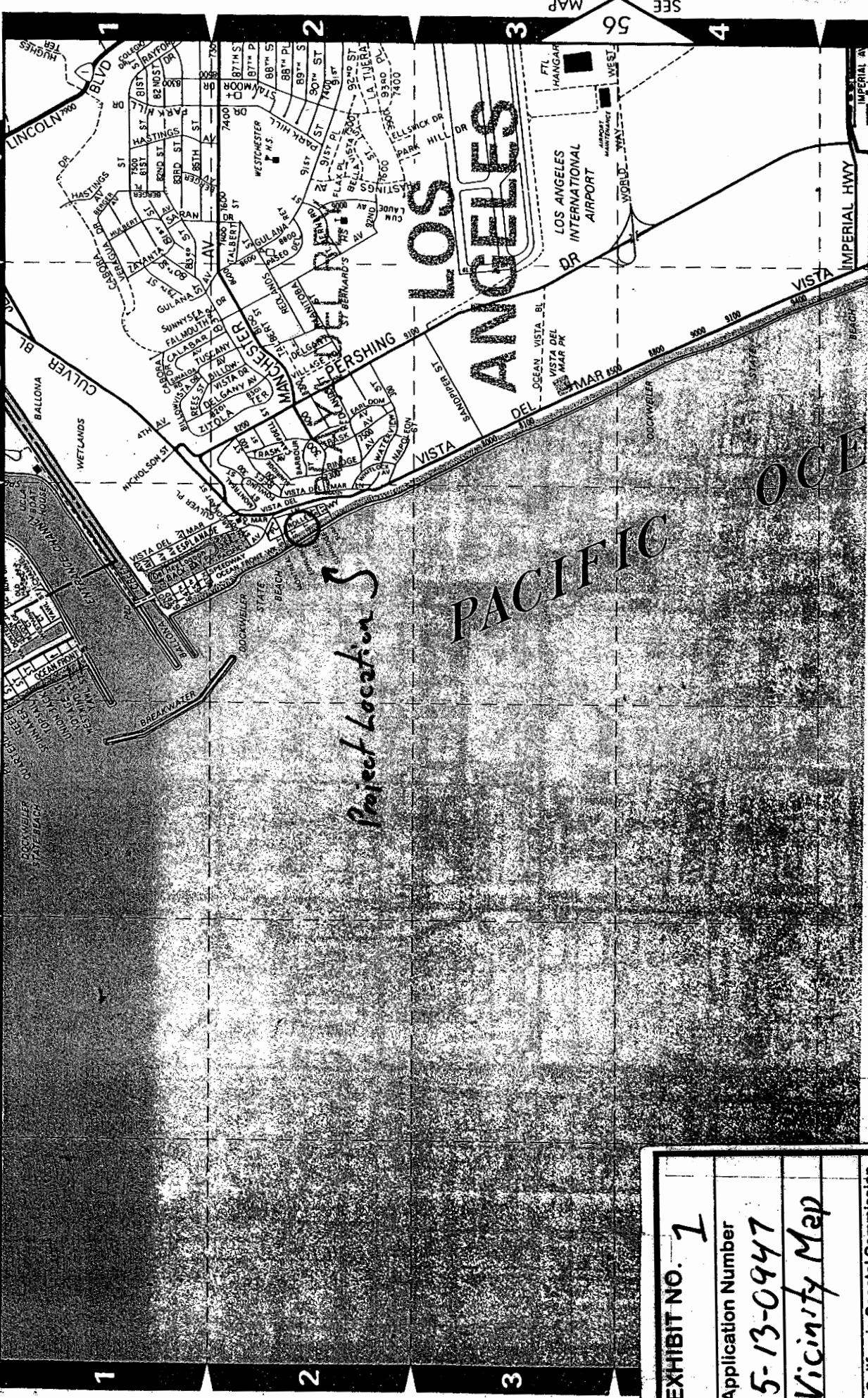
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Project Location 3

EXHIBIT NO. <i>1</i>
Application Number <i>5-13-0947</i>
<i>Vicinity Map</i>
California Coastal Commission

6991 S TROLLEYWAY STREET

100' COASTAL RADIUS

1"=100'

OCTOBER 21, 2013

RECEIVED
South Coast Region
OCT 21 2013
CALIFORNIA COASTAL COMMISSION

5-13-947

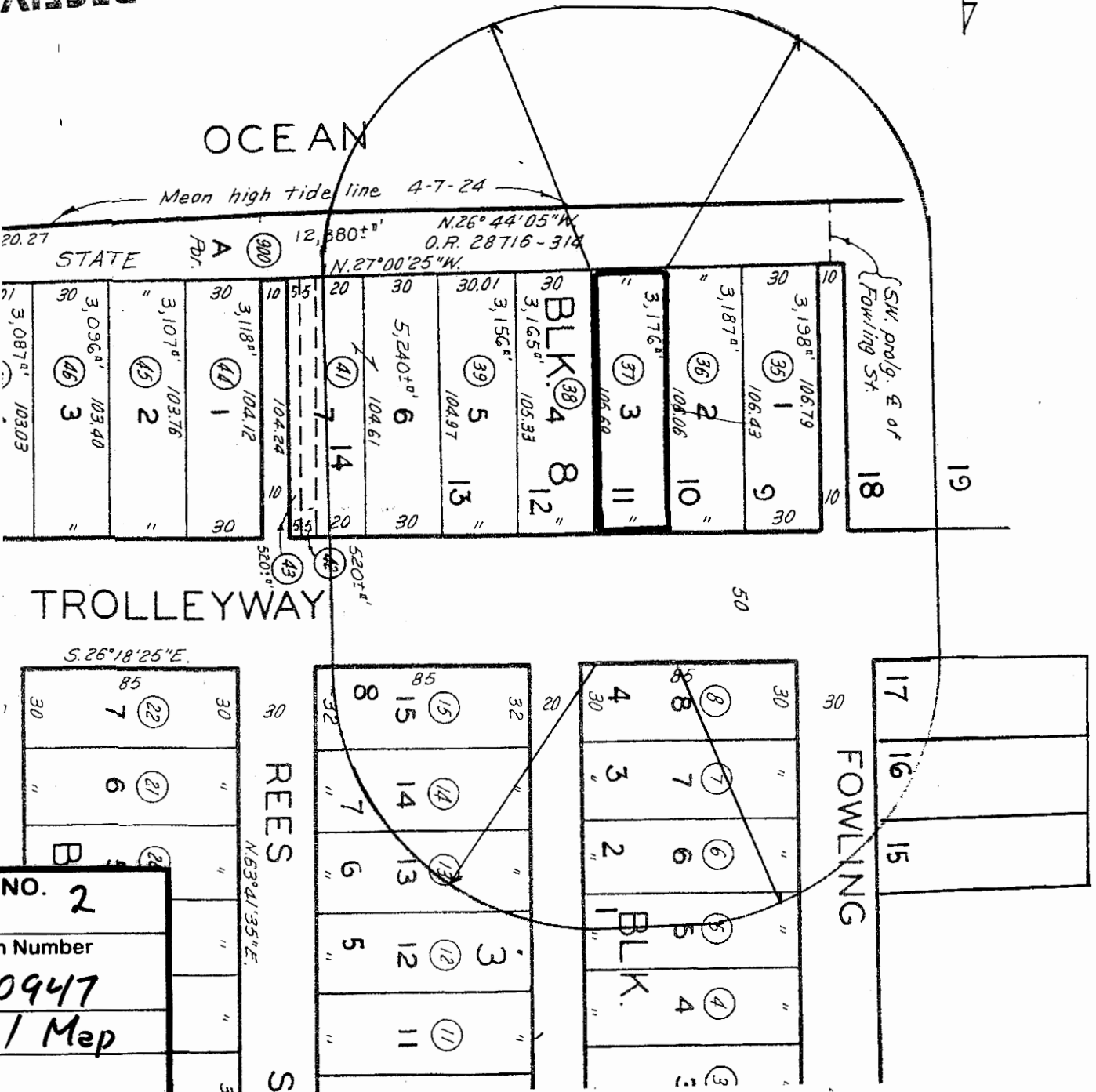
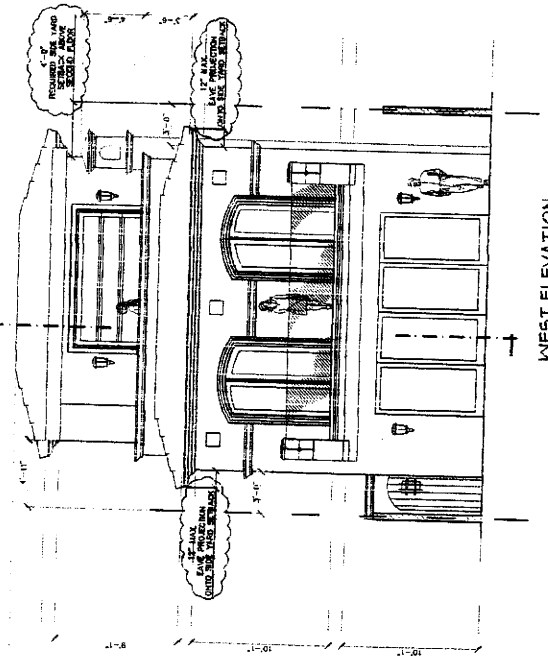


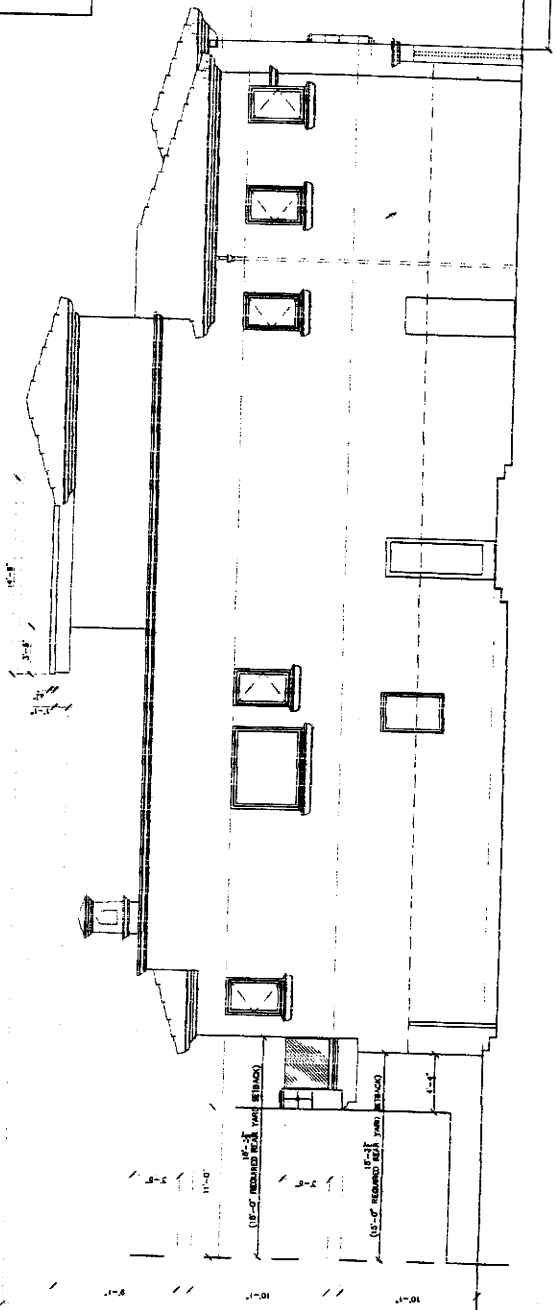
EXHIBIT NO.	2
Application Number	5-13-0947
Parcel Map	
California Coastal Commission	

KEYNOTE SPECIFICATIONS

1. FINISH: CLAY BRICK, 1000 X 1000 X 100, COLOR TO BE SELECTED BY ARCHITECT & OWNER.
2. FINISH: 1/2" THICK, 1000 X 1000 X 100, COLOR TO BE SELECTED BY ARCHITECT & OWNER.
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20. FINISH: 1/2" THICK, 1000 X 1000 X 100, COLOR TO BE SELECTED BY ARCHITECT & OWNER.



WEST ELEVATION
 SCALE: 1/8" = 1'-0"



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

EXHIBIT NO. 4
 Application Number
5-13-0947
Elevation
 California Coastal Commission