

CALIFORNIA COASTAL COMMISSION

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



Th15b

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STAFF REPORT: REGULAR CALENDAR

Application No.:	5-16-0100
Applicant:	Alexander Haagen, IV
Project Location:	7037/7039 Trolleyway, Playa del Rey, City of Los Angeles, Los Angeles County (APN: 4116033049)
Project Description:	Demolish a duplex, and construct a three-story, 37 foot high, 3,571 square foot, single family residence with an attached 494 sq. ft. two-car garage.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION:

The applicant proposes to demolish the existing duplex and construct a three-story, 37 foot high, 4,065 square foot, single family residence with an attached two-car garage on a beachfront lot. The applicant also proposes to construct a roof top elevator access structure, which would exceed the 37 foot height requirement in this location by eight feet, raising the overall height of the proposed structure to 45 feet, which is not consistent with the Coastal Act and past Commission action in the area. Staff recommends approval of the proposed development with **Six Special Conditions** including: 1) final revised plans; 2) no future shoreline protective device; 3) assumption of risk; 4) construction related Best Management Practices; and 5) recordation of a deed restriction against the property referencing all of the Standard and Special Conditions contained in this staff report.

The applicant proposes to construct a 20 square foot interior single passenger elevator with a rooftop access structure that extends approximately 8 feet above the maximum height of the allowable height for beachfront development in this location according to past Commission action in this location of Playa del Rey. In addition, this exceedance in height is inconsistent

with the pattern of development in the area. Therefore, the Commission imposes **Special Condition 1** which requires that prior to the issuance of this coastal development permit, the applicant must submit final revised plans showing that no portion of the structure shall exceed a height of 37 feet above existing grade, except for roof railings with an open design and measuring no more than 36 inches in height.

The proposed project is located in an area where coastal hazards exist that could adversely impact the development. To ensure that development on the site does not cause future adverse impacts to coastal processes, the Commission imposes **Special Condition 2**, which requires that no future shoreline protective device will be constructed to protect the development. Given that the applicant has chosen to implement the project on a beachfront lot despite risks from liquefaction, wave attack, erosion, sea level rise, and storm flooding, the applicant must assume such risks. Therefore, the Commission imposes **Special Condition 3**.

During construction, the proposed project has the potential to adversely impact water quality and marine resources. Therefore, as a result, to address and minimize impacts to water quality, **Special Condition 4** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

To ensure that any prospective future owners of the property are made aware of the conditions of this permit, the Commission imposes **Special Condition 5**, which requires the property owner to 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.

Commission staff recommends **approval** of Coastal Development Permit Application 5-16-0100, as conditioned. Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the “Dual Permit Jurisdiction” area, the Coastal Act requires that development that receives a local coastal development permit pursuant to Section 30600(b) also obtains a permit from the Coastal Commission. Section 30601 requires a second coastal development permit from the Commission on all lands located (1) between the sea and the first public road, (2) within 300 feet of the inland extent of a beach, or the sea where there is no beach, (3) on tidelands or submerged lands, (4) on lands located within 100 feet of a wetland or stream, or (5) on lands located within 300 feet of the top of the seaward face of a coastal bluff. Outside that area, the local agency (City of Los Angeles) coastal development permit is the only coastal development permit required.

The proposed development is located in the dual permit area. The City previously approved Coastal Development Permit ZA 2014-0746. This application is for the second permit, which is to be issued by the Coastal Commission. In March 1981, the City of Los Angeles submitted the Del Rey Lagoon LUP for Commission approval. The Commission reviewed and approved with modifications the Del Rey Lagoon LUP; however, the City did not accept the Commission’s approval. Because the City of Los Angeles does not have a certified LCP, and because there is no certified LUP for the Del Rey Lagoon area under which the Commission could delegate authority to the City to issue permits pursuant to section 30600.5(b) of the Coastal Act, the

standard of review for both the City and the Commission in this planning area is the Chapter 3 policies of the Coastal Act.

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EXHIBITS

Exhibit No. 1 – Vicinity Map/Project Location

Exhibit No. 2 – Site Plan

Exhibit No. 3 – Elevations

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-16-0100 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of 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.

Resolution:

The Commission hereby approves Coastal Development Permit 5-16-0100 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 will 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 permittees 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 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 permittees to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Final Revised Plans.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised plans to the Executive Director for review and approval. The revised plans shall show the following changes to the project:

1. No portion of the structure shall exceed a height of 37 feet above existing grade, except for roof railings with an open design and measuring no more than 36 inches in height.
2. The existing unpermitted patio located on public beach seaward of the property line shall be clearly marked as “Unpermitted development – no coastal development permit has been authorized for this element.”

B. The permittee shall undertake development in accordance with the approved 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 required.

2. No Future Shoreline Protective Device and Future Removal of Development.

- A. By acceptance of this permit, the applicant agrees, on behalf of himself 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. 5-16-0100 including, but not limited to, the residence and garage, foundations, patio and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, flooding, sea level rise or other natural coastal 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 himself and all successors and assigns, that the landowners shall remove and/or relocate, in whole or in part, the development authorized by this permit, including the residence and garage, foundations, patio and any future improvements, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above, in subsection A. of this condition, or if the State Lands Commission requires the structures to be removed in the event that they encroach on to State tidelands. In the event that portions of the development fall to the ocean before they are removed, the landowner shall remove all recoverable debris associated with the development from the bay and lawfully dispose of the material in an approved disposal site. Removal of any

development from the subject property and from areas harborward of the subject property shall require an amendment to this coastal development permit or a new coastal development permit, if legally required.

- C. The intent of this permit is to allow for the approved project to be constructed and used consistent with the terms and conditions of this permit for only as long as it remains safe for occupancy and use without additional substantive measures beyond ordinary repair and/or maintenance to protect it from coastal hazards, and for only as long as the approved project remains on private property

3. Assumption of Risk. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding, sea level rise, erosion 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.

4. Storage of Construction Materials, Mechanized Equipment and Removal of

Construction Debris. The applicant shall comply with the following construction-related requirements:

- A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
- B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
- C. Any and all debris resulting from demolition or construction activities shall be removed from the subject site within 24 hours of completion of the project;
- D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- F. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;

- I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- J. The discharge of any hazardous materials into any receiving waters shall be prohibited;
- K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

5. 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 landowners have 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 DESCRIPTION AND LOCATION

The applicant proposes to demolish a two-story duplex and build a 37 foot high, three-story with roof deck, 3,571 square foot, single family residence, including an attached 494 square foot two-car garage (**Exhibit 2**). The proposed project also includes a 20 square foot interior single passenger elevator with a rooftop access structure that extends approximately 8 feet above the approximately 37 foot height of the proposed residence, extending the overall height of the structure to 45 ft. 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.

The project site is a 3,064 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 1**) and is within a developed residential area.

The adjacent State beach is improved with restroom and lifeguard facilities to the northwest of the project site, volleyball courts to the west, 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 feet wide between the subject property and the mean high tide line. The beach is protected by a series of groins and 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 April 11, 2016, 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 and the proposed improvements. In the event that the project site does become vulnerable to wave runup and overtopping, **Special Condition 2** requires that no future shoreline protective device will be constructed. Given that the applicant has chosen to implement the project on a beachfront lot despite risks from liquefaction, wave attack, erosion, sea level rise, and storm flooding, the applicant must assume the risks and agree to no future shoreline protective devices. Therefore, the Commission imposes **Special Condition 3**.

B. PUBLIC ACCESS AND RECREATION

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 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.

Coastal Act Section 30221 states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial

recreational activities that could be accommodated on the property is already adequately provided for in the area.

The pattern of development for the area includes a setback for structures in this area of 15 feet from the seaward property line. The City and Coastal Commission require minimum rear yard setbacks on beachfront lots to provide a buffer zone between residents and the public on the adjacent beach. The proposed project complies with the 15 foot rear yard setback.

For the reasons discussed, the project as proposed will not have an adverse effect on public access. Therefore, it is consistent with Sections 30210, 30211 and 30221 of the Coastal Act.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....

To assure the development has adequate parking the Commission has required that residential development provide two parking spaces per unit. In this case, the proposed project provides a two-car garage attached to the residence. Therefore, the proposed project provides an adequate parking supply for the proposed residence and preserves on-street public parking. The proposed project is consistent with prior Commission decisions for Playa Del Rey that required two parking spaces per residential unit. The Commission finds that, as proposed, the project is consistent with Section 30252 of the Coastal Act.

C. VISUAL RESOURCES

Section 30251 of the Coastal Act states, in part:

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 surrounding areas....

This section of Playa del Rey, referred to as the “Duplex Area” in the LUP, consists of mostly older duplex residences (approximately 40 years old) and some newer residences on single lots. The residences on average have a total living area of approximately 3,000 square feet. The proposed 3,571 square foot living area of the proposed single family residence is consistent with the average living area of approximately 3,000 square feet for single family residences in the Del Rey Lagoon LUP.

In order to protect community character and visual quality, **Special Condition 1** limits the development to a maximum of 37 feet above existing grade (except for roof railings with an open design and measuring no more than 36 in. in height), because it is consistent with longstanding Commission precedent for homes in this area. For example, the Commission approved an

addition to a duplex residence at 6959/6961 Trolleyway resulting in an increased height of 31 feet; CDP A-80-7267 (Placik) for an addition to a duplex at 7025/7027 Trolleyway, resulting in an increased height of 29 feet; CDP 5-01-089 (Stone) for the construction of a duplex resulting in an increased height of 35 feet; CDP 5-13-0947 (Games) for the construction of a new single family residence with an increased height of 37 feet; and for construction of a new single family residence at 6939 Trolleyway resulting in an increased height of 37 feet; and CDP 5-13-0529 (Freeman) for an addition to a duplex residence at 6983/6985 Trolleyway resulting in an increased height of approximately 34 feet. The proposed roof height of 37 feet, combined with the 8-foot high parapet, results in a height of 45 feet; thus, as proposed, the project is inconsistent with past Commission action in this location because the general height of residences seaward of Trolleyway range from 20 to 37 feet in height.

The applicant submitted their CDP application in February, 2016, which proposed to construct a new single family residence with a height of 45 feet above existing grade, which received local approval by the City of Los Angeles in March of 2015 (CDP No. ZA2014-0746). In May 2016, Commission staff notified the applicant's agent that the proposed project height was inconsistent with the heights of the surrounding area, and that revised plans reducing the height of the proposed structure to 37 feet would be necessary for Commission staff to recommend approval of the project. The applicant submitted revised plans on September 29, 2016 that reduced the overall height of the project to 37 feet, with the exception of the proposed elevator rooftop access structure that extends approximately 8 feet above the roof, raising the overall height of the structure to 45 ft. Staff again informed the applicant's agent that staff could not recommend approval if any portion of the proposed structure extended above 37 feet, but the applicant stated that the elevator roof access structure is necessary for their elderly parents to be able to access the third floor roof deck and choose not to modify their proposed development.

The proposed project's roof line is approximately 37 feet high; however, at 33 feet, the approximately 160 square foot elevator roof access structure begins, and it extends to 45 feet in height. The applicant has stated that, because the elevator roof access structure is somewhat centrally located on the roof, it will not be visible from the street. However, because of the small scale of surrounding development, the rooftop elevator access structure will be visible from the surrounding streets and the public beach, and will increase the visual bulk of the building. In order to protect community character and visual quality, in past Commission permit actions, the Commission has limited development to a maximum height of 37 feet. Limiting building heights in this manner is necessary in order to protect visual impacts because this row of homes is highly visible from public beaches and accessways nearby. Individually, allowing this home to exceed 37 feet would cause a change in the character of the neighborhood and cause visual impacts due to the size and bulk of the building. The cumulative impacts of allowing this and other similar development would be even greater. Therefore, in order to protect the community character and visual quality of the area, **Special Condition 1** limits the development to a maximum height of 37 feet above the existing grade, except for roof railings with an open design and measuring no more than 36 inches in height. The height as conditioned will be consistent with the height limit approved by the Commission in past permit action and in its approval of the LUP. Only as conditioned is the proposed project consistent with Section 30251 of the Coastal Act.

D. HAZARDS

Section 30253 of the Coastal Act states, in pertinent part:

New development shall:

- (a) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section 30253 of the Coastal Act requires that new development assures stability and structural integrity and does not create or contribute to significant erosion, geologic stability of destruction of the area or in any way necessitate the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

To analyze the suitability of the site for the proposed development relative to potential hazards from sea level rise, erosion, wave attack, flooding and other coastal hazards, Commission staff requested the preparation of a hazards analysis, prepared by an appropriately licensed professional (e.g. coastal engineer). The purpose of this analysis was to determine the potential for future storm damage and identify any possible mitigation measures that could be incorporated into the project design.

The applicant has submitted the following coastal hazard investigation: *Coastal Hazard & Wave-Runup Study for 7037 Trolleyway, Playa del Rey, City of Los Angeles, California* prepared by Geosoils Inc. dated April 11, 2016. The study identifies the presence of a relatively wide area of approximately 410 feet between the proposed project and the mean high tide line, consisting of a beach and concrete public boardwalk/bike path that protects the proposed improvements from maximum projected wave runup elevation. Additionally, the study states that even with an approximate 5-foot rise in sea level rise over the next 75 years, the proposed improvements are reasonably safe from flooding and wave runup erosion. Ultimately, this study concludes: “*The overtopping waters over the next 75 years most likely will not reach the subject site even under the extreme design conditions.*”

Although the applicant’s report indicates that the site is safe for development at this time, beach areas are dynamic environments and may be subject to unforeseen changes. Such changes may affect beach processes. For example, the study states that: “*Rather than being inundated by sea level rise, the beach and the near shore will readjust to the new level over time such that waves and tides will see the same profile that exists today, but the berm will be at a higher elevation. This is the principle of beach equilibrium...*” As long as the wide sandy beach is intact, the new development should be safe from sea level rise. However, if something were to happen that would cause damage to the beach, then shoreline retreat may occur. Therefore, the proposed development is located in an area where coastal hazards exist that could adversely impact the development. To minimize the project’s potential future impact on shoreline processes, the

Commission imposes **Special Condition 2**, which prohibits construction of any future shoreline protective device(s) to protect the development approved pursuant to Coastal Development Permit No. 5-16-0100 including, but not limited to residence, foundations, decks, balconies, patios, hardscape and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, and sea level rise or other natural coastal hazards in the future. **Special Condition 2** also protects future public access opportunities if sea level rise causes public lands to migrate landward by clarifying that the permit only allows the development to remain for so long as it is on private property and by requiring removal if the State Lands Commission requires it to be removed due to any part of it being on state tidelands. Pursuant to **Special Condition 3**, the applicant also agrees to assume the risks of these coastal hazards. To ensure that any prospective future owners of the property are made aware of the conditions of this permit, the Commission imposes **Special Condition 5**, which requires the property owner to 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, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act with regard to hazards.

E. WATER QUALITY

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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.

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30230 of the Coastal Act requires that marine resources, including biological productivity, be protected. Section 30231 of the Coastal Act requires that the biological productivity of coastal waters be maintained, and where feasible, restored. In addition, Sections 30230 and 30231 require that the quality of coastal waters be maintained and protected from adverse impacts. Section 30232 of the Coastal Act requires protection against the spillage of crude oil, gas, petroleum products, or hazardous materials in relation to any development.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of marine plants and impede foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, the Commission imposes **Special Condition 4**, which outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicant to remove any and all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding lumber, shall be covered and enclosed on all sides, and stored as far away from a storm drain inlet and receiving waters as possible.

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 5**) 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 constructive 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. UNPERMITTED DEVELOPMENT

Staff is recommending that the Commission approve Special Condition 1, which requires that the applicant clearly annotate on the revised final plans that the work remains unpermitted and that no CDP has been authorized.

H. LOCAL COASTAL PROGRAM (LCP)

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 which conforms with Chapter 3 policies of the Coastal Act:

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.

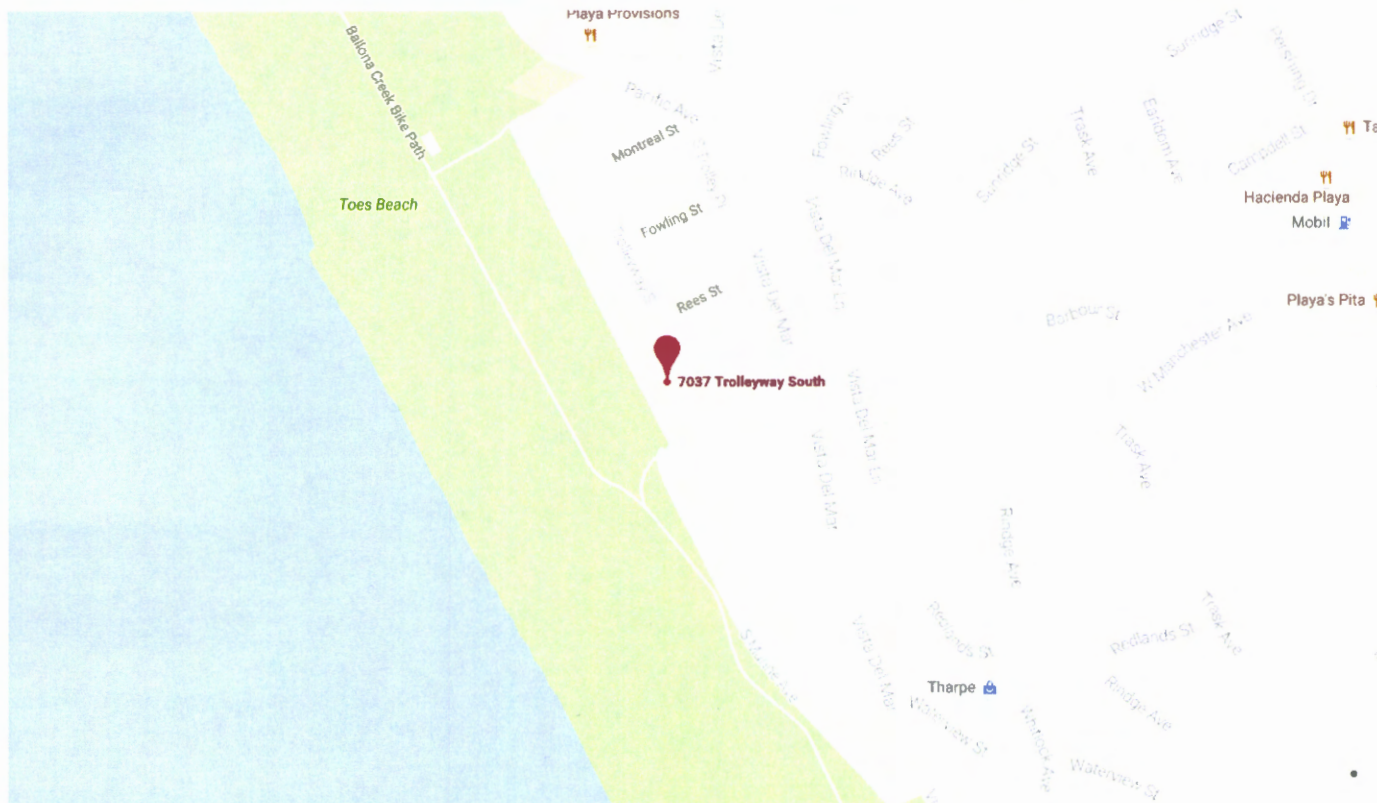
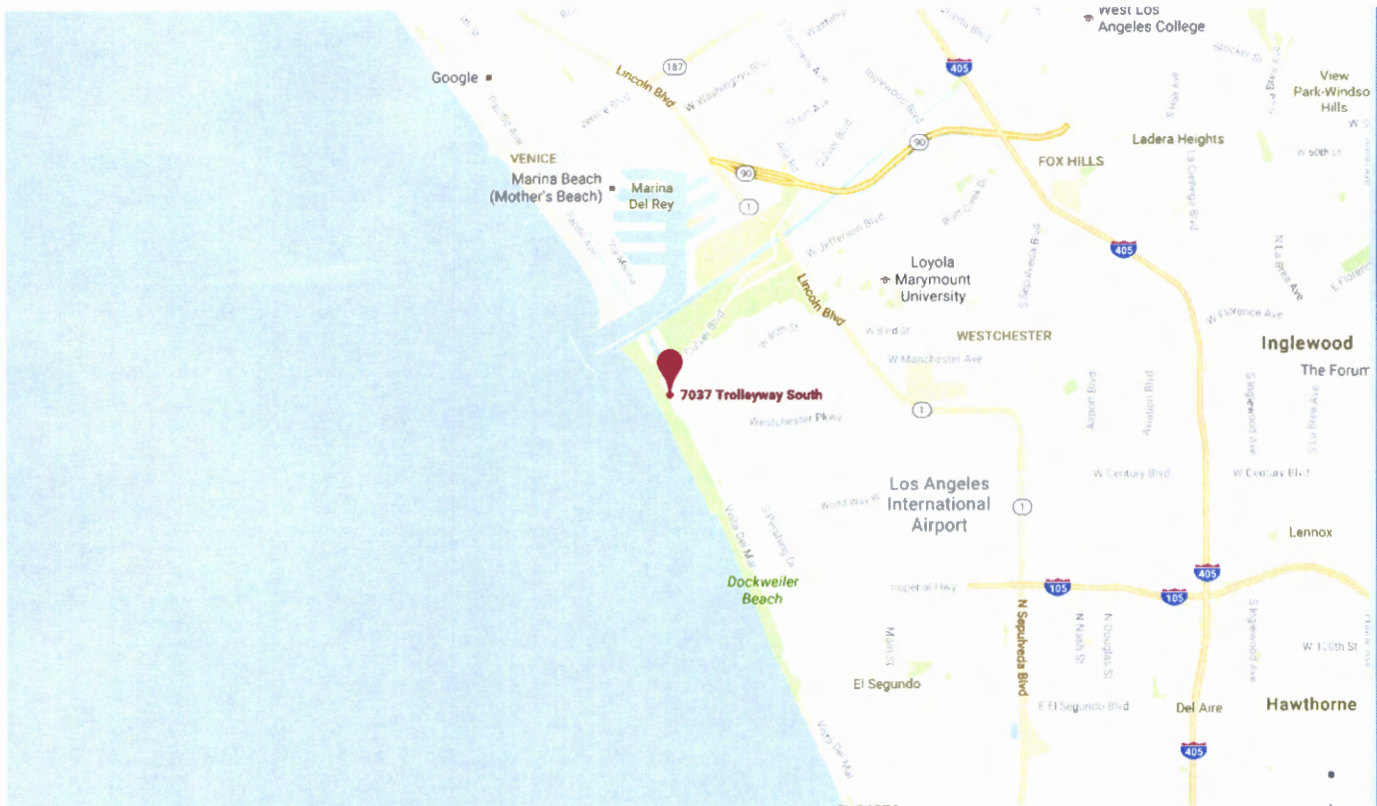
The Del Rey Lagoon Specific Plan, which encompasses the Westchester-Playa del Rey area, was approved by the General Plan Advisory Board of the City of Los Angeles on May 21, 1980. Revisions were incorporated into the plan based on comments from Citizen Advisory Committee meetings on July 9, 1980 and October 21, 1980, a public meeting on July 22, 1980, and a City Planning Commission hearing on October 27, 1980. The policy portion of the plan was reformatted into a District Plan Amendment and approved by the General Plan Advisory Board on March 4, 1981. The Commission reviewed and approved with modifications the Del Rey Lagoon LUP; however, the City did not accept the Commission's approval. Neither the Land Use Plan nor the Implementation Plan portions of the Local Coastal Program are certified.

The proposed development as conditioned is consistent with the public access, recreation, and community character policies of Chapter Three of the Coastal Act. The Commission therefore finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a certified Land Use Plan or a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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 that 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 potentially significant, adverse impacts have been minimized, there are no remaining significant impacts within the meaning of CEQA, and there are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project is consistent with the requirements of the Coastal Act to conform to CEQA.



COASTAL COMMISSION

EXHIBIT # 1
PAGE 1 OF 2



COASTAL COMMISSION

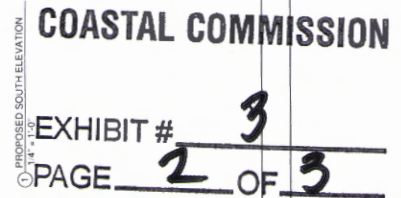
EXHIBIT # 1
PAGE 2 OF 2

Scale: 1/4" = 1'-0"



EXHIBIT # 3
PAGE 1 OF 3

Scale: 1/4" = 1'-0"



soler architecture
619 n. killebrew dr. los angeles, ca 90048
t 323.862.0590 jsoler@solerarch.com

7037 S. Trolleyway
Playa del Rey, CA 90293

Alex and Jan Haugen
7037 S. Trolleyway
Playa del Rey, CA 90293

Consultants:
Structural Engineers:

Concussion 2

REVISIONS

Submitted by Author
Checked by Clerk
Date 9-26-2016 8:09:19 PM

EXTERIOR
ELEVATION

A202

Scale: 1/4" = 1'-0"



EXHIBIT # 3
PAGE 3 OF 3

1 PROPOSED NORTH ELEVATION