

CALIFORNIA COASTAL COMMISSION

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Filed:	12/2/2016
180th Day:	5/31/2017
Staff:	C. Oshida-LB
Staff Report:	2/23/2017
Hearing Date:	3/09/2017

STAFF REPORT: REGULAR CALENDAR

Application No.:	5-16-0757
Applicant:	Mark & Bella Greene
Agent:	Mark Appel
Location:	6517 Ocean Front Walk, Playa del Rey, Los Angeles County (APN: 4116-002-056)
Project Description:	Improvements to an existing two-story 2,410 sq. ft. duplex to include: 1) construction of a 405 square foot mezzanine; and 2) construction of a 460 sq. ft. first-floor addition and a 325 sq. ft. second-floor addition to the seaward side of the duplex. The project will result in a 3,600 sq. ft., 37 ft.-high duplex.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The applicants request a coastal development permit to add 1,190 square feet to the upper and lower units of a residential duplex. The additions will be located on the seaward side of the structure. The project will result in a 3,600 square foot, two-story with mezzanine duplex with a maximum height of 37 feet. The project site is a beach fronting lot and the property abuts Ocean Front Walk which is the City's 12-foot wide designated location for the public walkway, Ocean Front Walk.

The physical improvements for Ocean Front Walk's pedestrian walkway have not yet been constructed across all beachfront lots in the surrounding area, including on the portion of the City-owned beach located directly seaward of the subject site; thus, the concrete walkway is intermittent in its construction along this stretch of beach between Culver Boulevard and Ballona Creek. Historically, the City has required applicants for new residences to construct the portion of the walkway (located on public land) seaward of a residential property if it has not already been

constructed. However, in this case the City did not require such construction because the proposed project is for additions to an existing structure.

No encroachment into the area designated for Ocean Front Walk is proposed as part of this project. Although the existing residence is set back from the seaward property line and Ocean Front Walk by approximately 15 feet, the proposed project includes construction of a new first and second floor addition to the duplex that would extend approximately 13.5 feet further seaward than the existing residence on the first floor and 15 feet on the second floor (including deck) and which would only be set back from the seaward property line and Ocean Front Walk by 1.5 feet (0 feet for the second floor deck).

In the past, for beachfront properties in this area, the City of Los Angeles has allowed development, including habitable structures, to reduce the normally required 15 foot rear yard setback to be reduced to as little as a 1 foot from the rear (seaward) property line. The City does not allow these reductions to rear yard setbacks for residential lots where the rear yards abut other residentially developed lots or streets. Thus, the City is clearly prioritizing the importance of providing setbacks for new development from other private residential properties over the provision of adequate setbacks from public land—specifically the sandy beach and designated public coastal access ways. In past permit actions, the Commission has not required a greater setback than what the City has allowed. However, this previous pattern of development has clearly resulted in inadequate setbacks between private and public spaces, which can result in the appearance that the areas designated for future public access (Ocean Front Walk in this case) are actually private.

Specifically, the provision of only a 1 foot setback between the private structure and the public area of the sandy beach where Ocean Front Walk would be located would not allow adequate space on the applicants' property for normal maintenance—such as painting and other repair and maintenance activities—to occur without encroaching into the public accessway. Further, the lack of an adequate setback between private beachfront development and public access walkways, such as Ocean Front Walk, can result in potential conflicts between users of private property and public accessways, and could potentially result in the loss of public access in this area or pressure by private property owners to relocate the planned location of the public access way further seaward. In addition, although the beach seaward of the subject site is currently relatively wide, the beach is expected to continue to narrow over time due to sea level rise, resulting in less beach area that will be available for public access and recreation. Thus, the importance of Ocean Front Walk for use by the public for access and recreation will become even greater over time.

For the reasons discussed above, it is critical to provide an adequate setback between private development and areas designated for public access and recreation in order to avoid the appearance that public areas are private property and avoid potential conflicts between private property owners and members of the public. In this case, the normally required rear yard setback for a structure on the subject site is 15 feet. The City's approval of the project, which included a reduction in the normally required setback, allowed only a 1.5 foot setback from rear (seaward) property line, which corresponds with the designated location for the public Ocean Front Walk. This setback does not provide an adequate area on the applicants' private property for even normal maintenance of the structure to occur, much less provide an adequate buffer between private development and the public access way. Therefore, in order to ensure that the area of the beach designated for the future location of Ocean Front Walk is preserved for such use while minimizing the potential for conflict between members of the public and private property owners, **Special Condition 1** requires the

applicants to submit revised plans showing a rear (seaward) setback of at least 5 feet for all levels of the structure, including decks, to provide the minimum necessary buffer between the public and private spaces and allow for space for the applicants to carry out normal maintenance of the structure without adversely impacting public access.

The proposed development has been conditioned to assure the proposed project is consistent with the resource protection policies of the Coastal Act. **Special Condition 2** requires that the applicants assume the risks inherent with an oceanfront development. In order to minimize the project's impact on shoreline processes, and to minimize risks to life and property, **Special Condition 3** is required to prohibit construction of protective devices (such as a seawall) in the future. Relatedly, **Special Condition 4** gives clear notice that only the development described in this permit is authorized to be kept and maintained, and development activity beyond the parameters spelled out in the special conditions of this permit shall require a separate approval from the Commission.

Construction activities and equipment and machinery have the potential to impact coastal resources. As such, **Special Condition 5** will ensure that construction activities are managed to prevent any impacts to coastal resources. Furthermore, **Special Conditions 6 and 7** are necessary to ensure that adequate drainage and erosion control measures are developed and implemented including having drainage filtered and directed to the street. The proposed development includes first- and second-floor glass accordion doors stretching the length of the seaward side of the structure, glass railings around the second-floor deck, and a wall of windows at the mezzanine level on the seaward side of the project site; therefore, **Special Condition 8** is necessary to ensure the applicants use a material that is designed to prevent or minimize the potential of bird strikes.

Finally, 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 **Special Condition 9**, 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.

The proposed development has been conditioned to assure the proposed project is consistent with the resource protection policies of the Coastal Act. Therefore, Commission staff recommends **approval** of coastal development permit application No. 5-16-0757, as conditioned.

The City exercises the option provided in Section 30600(b) of the Coastal Act to issue its own permits without having a certified Local Coastal Program. 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 any development which receives a local coastal development permit also obtain a second (or "dual") coastal development permit from the Coastal Commission. The Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. For projects located inland of the areas identified in Section 30601 (i.e., *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The proposed project site is located within the *Dual Permit Jurisdiction Area*. On June 28, 2016, the City of Los Angeles issued Local Coastal Development Permit Case No. DIR-2016-0319-CDP for the proposed project.

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APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Proposed Site Plan, Architectural Elevations, and Drainage Plan

Exhibit 3 – Site Photos 2/13/2017

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-16-0757 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 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

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. **Submittal of Revised Final Plans.**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and written approval of the Executive Director, two full-size sets of the following revised final plans, modified as required below:

1. The rear (seaward side) setback of the structure shall not be less than 5 feet from the property line. This shall apply to all habitable and non-habitable areas, stories and foundation of the structure except for ground level patios.

- B. All revised plans shall be prepared and certified by a licensed professional or professionals as applicable (e.g., architect, surveyor, geotechnical engineer), based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission's approval and with the recommendations of any required technical reports.

- C. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards, including but not limited to waves, storms, flooding, tsunami, and liquefaction, , many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee 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. **No Future Shoreline Protective Device.**

- A. By acceptance of this Permit, the applicants agree, on behalf of themselves and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-16-0757 including, but not limited to, the resulting proposed development of a 3,600 sq. ft., 37 ft.-high duplex, including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, or other coastal hazards in the future, and as may be exacerbated by sea level rise. By acceptance of this Permit, the

applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under applicable law.

- B. By acceptance of this Permit, the applicants further agree, on behalf of themselves and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including the resulting proposed development of a 3,600 sq. ft., 37 ft.-high duplex, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above, or if any public agency requires the structures to be removed. The approved project may be constructed and used consistent with the terms and conditions of this permit for only as long as it remains safe for occupancy and on private property. If any portion of the development at any time encroaches onto public property, the permittee shall remove the encroaching portion of the development. The permittee(s) shall obtain a coastal development permit for removal of approved development unless the Executive Director determines that no coastal development permit is legally required.
4. **Future Permit Requirement.** This permit is only for the development described in coastal development permit (CDP) 5-16-0757. Pursuant to Title 14 California Code of Regulations (CCR) Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code (PRC) Section 30610(b) shall not apply to the development governed by CDP 5-16-0757. Accordingly, any future improvements to this structure authorized by this permit shall require an amendment to CDP 5-16-0757 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government. In addition thereto, an amendment to CDP 5-16-0757 from the Commission or an additional CDP from the Commission or from the applicable certified local government shall be required for any repair or maintenance identified as requiring a permit in PRC Section 30610(d) and Title 14 CCR Sections 13252(a)-(b).
5. **Construction Responsibilities and Debris Removal.** By acceptance of this permit, the permittees agree that the approved development shall be carried out in compliance with the following BMPs:
- (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 project 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.
 - (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
6. **Conformance with the submitted Drainage and Run-Off Control Plan.** The applicants shall conform to the drainage and run-off control plan submitted on October 13, 2016 to the South Coast Region office showing roof drainage designed to drain into planting areas and paved walkways will sloping toward the alley, or to conform to a revised drainage and run-off control plan submitted along with the revised plans required by Special Condition 1 so long as the Executive Director determines that the revised drainage and run-off control plan provides an equivalent level of protection as the plan submitted on October 13, 2016. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
7. **Landscape and Irrigation.** By acceptance of the permit, the permittees agree, on behalf of all future successors and assigns, that:
- (a) Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive

Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruse/efficiency/docs/wucols00.pdf>).

- (b) Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.

The permittees shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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 provides a written determination that no amendment is required.

8. **Bird Strike Prevention.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit revised plans showing the location, design, height, and materials of oceanfront deck railing systems, fences, screen walls, gates, windows and the like for the review and written approval of the Executive Director. Said plans shall include, at a minimum, the following requirements:

Oceanfront deck railing systems, fences, screen walls, gates, and windows and the like that are subject to this permit shall use materials designed to minimize bird-strikes with the deck railing, fence, gate, window or similar feature. Such materials may consist of 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. Clear glass or Plexiglas may be installed only if it contains UV-reflective glazing that is visible to birds or is used with appliques (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency. Any appliques used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one applique for every 3 foot by 3 foot area). Use of opaque or partially opaque materials is preferred to clear glass or Plexiglas and appliques. All materials and appliques shall be maintained throughout the life of the development to ensure continued effectiveness at minimizing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications.

Within 60 days of the completion of the development authorized by coastal development permit CDP No. 5-16-0757, the applicants shall submit evidence in the form of a narrative report and photographs, for the review and written approval of the Executive Director, showing that all deck railing systems, fences, screen walls, gates, and windows, or other features covered by this condition installed subject to this permit were installed in accordance with this condition.

9. **Deed Restriction** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the landowner(s) 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 & LOCATION

The applicants are proposing to construct a 405 square foot mezzanine to the existing two-story 2,410 square foot duplex with additional additions of 325 square feet and 460 square feet to the upper and lower units of the same respectively, resulting in a 3,600 square foot, two-story with mezzanine duplex with slab foundation (**Exhibit 2**). The height of the remodeled duplex will be 37 feet from existing grade to the ridgeline of the roof. The new first and second floor additions will be located on the seaward portion of the existing residence. The duplex will maintain the existing three on-site parking spaces (two carports and one garage).

The applicants are also proposing 90 square feet of landscaping consisting of a planter box filled with drought tolerant and non-invasive plants, which will act as a biofilter, along the southeast side of the residence (**Exhibit 2**). The proposal includes rain gutters which will be installed on the structure with downspouts directing water into the biofilter assemblage (planter box) and to paved walkways sloping to the street, consistent with Coastal Act requirements to conserve water and preserve water quality, and consistent with the City's adopted CALGreen standards and other City guidelines. The applicants will implement construction best management practices to minimize disruption to the neighborhood and preserve water quality.

The proposed project site is a 2,550 square foot lot currently developed with a 2,410 square foot, two-story duplex, with attached garage and carports (**Exhibit 1** and **Exhibit 3**). The lot is zoned R3-1 (Medium Residential). The project site is a beach fronting lot located at 6517 Ocean Front Walk, Playa del Rey, in the City of Los Angeles. The property abuts the City's 12-foot wide designated location for Ocean Front Walk. 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 approximately 60 feet south along the unimproved terminus of 66th Avenue.

Although the existing residence is set back from the seaward property line and Ocean Front Walk by approximately 15 feet (**Exhibit 3**), the proposed additions, consisting of a new first and second floor addition to the duplex, would extend approximately 13.5 feet further seaward than the existing residence on the first floor and 15 feet on the second floor (including deck) and which would only be set back from the seaward property line and Ocean Front Walk by 1.5 feet (0 feet for the second floor deck) (**Exhibit 2**).

The Commission has consistently required that development along Ocean Front Walk 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 (**Exhibit 2**).

The existing two-story structure has a ground-floor and second-floor setback of approximately 15 feet from the rear (seaward side) property line, with a ground level patio improved to the property line. The existing second floor deck has a setback of 12 feet-7 inches from the rear property line. The proposed remodeled structure would have a 1.5 foot ground floor structural setback, with the upper stories having a 5 foot setback. However, the second floor deck with glass railings will extend an additional 5 feet seaward of the structure and have a 0-foot rear yard setback. (**Exhibit 2**)

B. DUAL PERMIT JURISDICTION AREA

Within the areas specified in Section 30601 of the Coastal Act, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or “dual”) coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction* area), the City of Los Angeles local coastal development permit is the only coastal development permit required. The proposed project site is within the *Dual Permit Jurisdiction* area by virtue of its beachfront location.

The City of Los Angeles completed its final action to approve with conditions Local Coastal Development Permit No. DIR-2016-0319-CDP on June 28, 2016 and reported its action to the Coastal Commission’s South Coast area office on October 31, 2016. The City’s findings indicate that the approved development is consistent with the character of the area and will not prejudice its ability to prepare a local coastal program. There were no appeals of the local action submitted to the Commission within the 20 working day appeal period.

C. 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.

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.

Section 30212 of the Coastal Act states, in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:[...]

(2) adequate access exists nearby, ...

Dedicated accessways shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30214 of the Coastal Act states, in relevant part (emphasis added):

- (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

Section 30221 of the Coastal Act 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 project site is a beach fronting lot located within a row of beach fronting residentially developed lots consisting of single and multi-family structures. Vertical access to the beach is available approximately 60 feet south along the unimproved terminus of 66th Avenue (**Exhibit 1**).

The property abuts the City's 12-foot wide designated location for Ocean Front Walk boardwalk. Ocean Front Walk's pedestrian walkway is not constructed across all lots, including directly seaward of the project site, and is intermittent in its construction along this stretch of beach between Culver Boulevard and Ballona Creek. The City of Los Angeles requires proposals for new development or redevelopment of these oceanfront lots to include the construction of the portion of Ocean Front Walk sidewalk as part of the project or pay an in-lieu fee to the City for the future development of the walkway. For applicants who want to complete their portion of the walkway, a B-permit (LAMC 62.106.b) needs to be acquired from the City to construct the boardwalk to City specifications. A B-permit is issued for public work improvements, frequently issued for projects adjacent to land being developed. Construction plans are required prior to issuance, which must be signed by a California licensed Civil Engineer. The homeowners with completed portions of the Ocean Front Walk boardwalk can then be granted permission by the City, in the form of a Revocable Permit (R-permit), to temporarily encroach onto the walkway (i.e. it can be used as a temporary patio space with no permanent or semi-permanent structures) until such a time that the entire length of the boardwalk is complete. The R-permit grants conditional encroachment of the public area designated for Ocean Front Walk by private parties not authorized to occupy the walkway area. The R-permit review process ensures that encroachments are checked for compliance with the City's specifications for design, use, materials, and inspections. The intent of the City is to complete the boardwalk upon the redevelopment of each lot. Upon completion, the homeowners will be required by the City to remove their items from the public area designated for

Ocean Front Walk and it will be open for public use. However, there is no indication from the City when the walkway will be open for public use. The City did not classify this proposed project as “redevelopment” and therefore did not require the applicants to construct the portion of boardwalk along their property as part of their local Coastal Development Permit.

Regardless, for new development along Ocean Front Walk the Commission has consistently required that applicants either keep development out of the designated location for Ocean Front Walk in order to ensure that the area will be available in the future for the construction of a public walkway, or has allowed the applicants to construct the walkway adjacent to their property. In this case, the applicants are proposing additions to an existing structure and the proposed development does not encroach beyond the property line. The proposed addition is located along the rear (seaward) side of the property. Therefore, the dedicated 12-foot designated location for Ocean Front Walk will remain unobstructed.

Although the existing residence is set back from the seaward property line and Ocean Front Walk by approximately 15 feet, the proposed project includes construction of a new first and second floor addition to the duplex that would extend approximately 13.5 feet further seaward than the existing residence on the first floor and 15 feet on the second floor (including deck) and which would only be setback from the seaward property line and Ocean Front Walk by 1.5 feet (0 feet for second floor deck). No encroachment into the area designated for Ocean Front Walk is proposed as part of this project.

In the past, for beachfront properties in this area, the City of Los Angeles has allowed development, including habitable structures, to reduce the normally required 15 foot rear yard setback for R3-1 zoned lots to be reduced to as little as 1 foot from the rear (seaward) property line pursuant to City Ordinance No. 127,701, for lots located north of Culver Boulevard. The City does not allow for these reductions to rear yard setbacks for residential lots where the rear yards abut other residentially developed lots or streets. Thus, for this beach front area of Playa del Rey, the City is clearly prioritizing the importance of providing setbacks for new development from other private residential properties over the provision of adequate setbacks from public land—specifically the sandy beach and designated public coastal access ways. In past permit actions, the Commission has not required a greater setback than what the City has allowed. However, this previous pattern of development has resulted in inadequate setbacks between private and public spaces, which can result in the appearance that the areas designated for future public access (Ocean Front Walk in this case) are actually private.

As mentioned above, the intent of the City has been to complete the boardwalk upon redevelopment of each individual lot, and upon completion, the homeowners will be required by the City to remove their items from the public area designated for Ocean Front Walk and the boardwalk will be open for use. However, as a result of this allowance, whether authorized or not through an R-permit, there has been a growing privatization of public areas. This trend has the consequence of resulting in the perception that the areas seaward of the development are private (i.e. backyard areas) when, in fact, because the residences are built so close to the property line (within 1-foot), the area almost immediately adjacent to the buildings is actually public. As a consequence, the public has perceivably lost approximately 12 feet of beach access area.

The existing two-story structure has a ground-floor and second-floor structural setback of approximately 15 feet from the rear (seaward) property line, with a ground level patio improved to

the property line. The existing second floor deck has a setback of 12 feet-7 inches from the rear property line. The proposed remodeled structure will reduce the ground floor structural setback to 1.5 feet and 5 feet on the upper stories for habitable area resulting in a structure that would only be set back from the designated location for Ocean Front Walk by no more than 1.5 feet. In addition, a second floor deck is also proposed that will extend 5 feet seaward of the main structure and have a 0-foot setback from the rear property line and Ocean Front Walk.

With the new additions on the seaward side of the structure, and upon completion of the Ocean Front Walk boardwalk, there will be no area on the private parcel that will function as a privacy buffer between the proposed addition and Ocean Front Walk. The large proposed windows and sliding doors of the addition will only be 1.5 feet away from the public boardwalk. The applicants are aware of this and wish to proceed with the construction plans, as proposed.

In the past, in this location, the City of Los Angeles has allowed the normally required 15 foot rear yard setback for development on beachfront lots to be reduced to only 1 foot from the rear (seaward side) property line (Ord. No. 127,701). However, this previous pattern of development has resulted in inadequate setbacks between private and public spaces, which has resulted in the appearance that the areas designated for future public access are actually private. Without adequate buffers between private residential development and public spaces, conflicts arise which could potentially result in the obstruction and/or loss of public access in this area. Specifically, the provision of only a 1 foot setback between the private structure and the public area of the sandy beach where Ocean Front Walk would be located would not allow adequate space on the applicants' property for normal maintenance, such as painting and other repair and maintenance activities to occur without encroaching into the public accessway. Furthermore, without adequate setbacks, the close proximity of the residents effectively privatizes the public beach and walkway area in front of the residences because the public is uncomfortable being so close to the residential structures and will not use that portion of the beach.

For the reasons discussed above, the provision of an adequate setback between private development and areas specifically designated for public access and recreation is critical given the potential for such areas to appear to be private property, and to avoid potential conflicts between private property owners and members of the public. In this case, the normally required rear yard setback for a structure on the subject site is 15 feet. The City's approval of the project, which included a reduction in the normally required setback, with only a 1.5 foot setback from rear (seaward) property line and the designated location for the public Ocean Front Walk would not provide for an adequate area on the applicant's private property for even normal maintenance of the structure to occur, much less provide for an adequate buffer between private development and the public access way.

Additionally, the allowance of a minimum beachfront setback of 1-foot has the potential for cumulative future public access loss, including the loss of the boardwalk altogether in this area. Upon completion of the boardwalk, the City is supposed to require homeowners to remove their items from the public area designated for Ocean Front Walk and open the walkway for public use. However, because these homeowners have been allowed to use the public area designated for the walkway, in lieu of having their own private yards because they have built out their residence so far as to eliminate any potential yard space, they have created a rear yard buffer using public beach between their private area and the public. This has the potential to result in conflicts between users of private property and users of the public accessway, and potentially conflicts between the City

and the homeowners at the time when the boardwalk is complete. If homeowners refuse to remove their property, or even if they do remove it but then act in other ways to discourage public use of the pathway that is adjacent to their homes, this would cause conflicts with the public access policies of the Coastal Act. In the Commission's experience in past permit actions, property owners have often objected to having trails or public accessways in close proximity to their residences because of concerns over noise, privacy, and other effects of having the public walking close to their homes. Examples of these conflicts have come before the Commission in several forms including, but not limited to, (1) homeowners presenting evidence of conflicts between beachfront homeowners and public users of the beach, including homeowners' claims of invasion of privacy by the public (e.g., CDP No. A-1-MEN-16-0040), and (2) homeowners arguing that a public trail near their home interferes with their privacy interests and property rights, and the Commission imposing measures on the trail project to mitigate conflicts between homeowners and trail users (e.g., CCC-05-CD-09).

When the boardwalk is opened to the public, the misleading, temporary privacy buffer that has been created through the privatization of the public area designated for Ocean Front Walk will be eliminated, and the public will be able to walk on the boardwalk within 1 foot of these residences. This could lead to potential conflicts between the public and homeowners similar to what the Commission has seen in other instances (see examples above), and could result in complaints to the City of Los Angeles concerning privacy and security of the private residences due to the lack of a buffer between the private and public areas. While it is unknown what action the City would take in this situation, three possible scenarios are: (1) the City takes no action and allows the boardwalk to remain open to the public; (2) the City requires the concerned property owners to create their own buffers on their property by removing all or a part of the private development; or (3) the City does not open the boardwalk to public access and allows the homeowners exclusive access to that area to provide the buffer. The second possible action seems unlikely, and the third possible action is the most concerning as it would result in the loss of a 12-foot wide and approximately 1,164-foot long public area along the coast.

Relatedly, Section 30214 demonstrates that the Coastal Act recognizes the inherent conflicts between public use and private property that must be managed in a way that maximizes public access while also protecting private property. In this case, Ocean Front Walk is a known, dedicated public walkway, and new development should not be allowed to be constructed in a manner that could foreclose the ability of the homeowner to maintain some privacy. As Section 30214 describes, public access may have to be curtailed due to safety issues in some instances if adjacent residential uses are too close and privacy could be compromised. As mentioned before, upon completion of Ocean Front Walk, the walkway is supposed to be open for public use. However, if property owners continue to build structures with inadequate setbacks to the public space, homeowners will not have the ability to obtain privacy, and they may attempt to restrict or modify public access to the public walkway in front of their homes. While the existing homeowners have expressed no concern over having a public walkway just 1.5 feet from their doorway and windows, those owners will not be there forever, and the Commission must look at the long-term effect of allowing residential structures in close proximity to the walkway and must protect future homeowners too.

Furthermore, this residential area is designated R3-1 (Medium Residential) by the City, which according to the City's Municipal Code, is required to provide a rear yard setback of no less than 15 feet (Ord. No. 121,925, 6/4/62). The only residential areas in the City allowed a smaller rear

setback requirement are those zoned RU (10-foot setback), RZ2.5 (0-foot setback), RZ3 (0-foot setback) and RZ4 (0-foot setback). In addition, south of this location, beach fronting residences along Trolleyway, in Playa del Rey, are consistently required to have a 15-foot setback from their rear (seaward) property line to ensure an adequate buffer between the private residential areas and the public beach. However, between Culver Boulevard and Ballona Creek, the City has allowed this buildout to within 1-foot of the property line and Ocean Front Walk dedicated space through Pre-Coastal Act Building Line Ordinance No. 127,701.

Overall, the previously approved pattern of development has led to inadequate setbacks between the private and public spaces, which could result in public access conflicts and could result in the loss of public access in this area. Therefore, the Commission imposes **Special Condition 1**, which requires that the proposed development have at least a 5-foot rear (seaward side) setback on both the ground floor and all upper-stories (including decks) and the applicants submit revised plans showing these changes for review and approval by the Executive Director prior to the issuance of the permit. The Commission further finds that an even greater setback than required by **Special Condition 1** may be appropriate, such as the normally required 15 foot rear yard setback for residential areas and that this issue should be carefully evaluated as part of the City's future Local Coastal Program for this area. In this case, the provision of a 5 foot setback from the rear (seaward) property line should be considered the minimum setback necessary to allow for normal repair and maintenance activities of the residence on site to occur on the applicants' property without requiring encroachment into public beach and Ocean Front Walk areas, provide for a minimum privacy buffer, avoid the appearance of privatization of the area designated for Ocean Front Walk, and minimize potential conflicts between private property owners and members of the public using Ocean Front Walk.

Therefore, the development, as conditioned, is consistent with the public access and recreation policies of Chapter 3 of the Coastal Act.

D. HAZARDS

Section 30253 of the Coastal Act states, in relevant 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 instability or destruction of the area or in any way necessitate the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The beach area in front of the property is a broad beach, approximately 400- to 500-feet in width. Due to the width of the beach and the location of the jetty for the entrance channel, properties along this area of beach area are generally protected from storm wave impacts and have not required shoreline protective devices. However, 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 applicants submitted the following coastal hazard investigation: *Coastal Hazard and Wave Runup Study for 6517 Ocean Front Walk, Playa del Rey, City of Los Angeles, California* prepared by GeoSoils, Inc., dated 1/16/2017. The study identifies the presence of a relatively wide area of approximately 550 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 applicants’ 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 County constructs a seasonal berm along the beach to protect County improvements such as restrooms, bicycle path, and lifeguard stations in the area. The applicants’ report 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.

In addition, the Commission is aware of growing concerns among residents in this location regarding flooding and wave uprush. Most recently, Coastal Development Permit No. 5-14-1345 (Los Angeles County Department of Beaches and Harbors) for the “*Construction of 9 seasonal sand berms, for winter storm wave protection, and measuring approximately 15 feet high and varying in length from approximately 200 feet to 1,500 feet in length,*” for Venice Beach, Dockweiler State Beach, and Hermosa Beach, was presented for Commission approval at the hearing on September 9, 2015 in Arcata. At this hearing, members of the public, who live in Playa del Rey, raised concern over the length (300 feet) of the berm proposed in the area and requested it be longer to provide protection to the private residences in the area. One member of the public, representing the West Playa del Rey Homeowners Association, discussed flooding caused by paths of water flowing past the berm on the north and south sides causing the street to flood including subterranean parking areas. Citing past flooding occurrences during winter storm events and the lack of natural vegetation or dunes, the residents wanted the berm to not only protect the public facilities (i.e. lifeguard station) but to extend farther in order to protect the private residences.

Therefore, the proposed development is located in an area where coastal hazards exist that could adversely impact the development, and due to sea level rise, the Commission imposes **Special Condition 1** which requires that the proposed development have at least a 5-foot rear (seaward side) setback and the applicants submit revised plans showing these changes for review and approval by the Executive Director prior to the issuance of the permit. While the Commission staff would prefer an even greater setback than this, it recognizes that 5 feet will provide at least a minimal buffer between the public and private entities. This buffer will, in the event of flooding or wave uprush, allow an area on the applicants' property to install protection measures, such as placing sandbags or temporary plywood barriers, without obstructing or interfering with public access.

Development adjacent to the ocean is inherently hazardous. Therefore, the Commission also imposes **Special Condition 2**, where the applicants must assume the risks inherent with the development.

In addition, 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. Although the applicants submitted a hazards report stating that the development will most likely be safe from coastal hazards over the next 75 years, if something were to happen that caused damage to the beach, then shoreline retreat may occur more rapidly, endangering the proposed development. In particular, sea levels have been rising slightly for many years. Recent satellite measurements have detected global sea level rise from 1993 to present of 3 mm/yr or a significant increase above the historic trend observed from tide gauges. Recent observations of sea level along parts of the California coast have shown some anomalous trends, however; and there is a growing body of evidence that there has been a slight increase in global temperature and that an accelerated rate of sea level rise can be expected to accompany this increase in temperature. Sea level rise is expected to increase significantly throughout the 21st century. The National Research Council (NRC) report, *Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past Present and Future* indicates that sea level rise of 1.5 to 5.5 ft. could occur by the year 2100.¹ The NRC report was adopted by the Ocean Protection Council and recognized by the Coastal Commission's Sea Level Rise Policy Guidance as the current best available science on sea level rise in California. However, although this represents the best current estimate of sea level rise, there is uncertainty in sea level rise science, particularly regarding ice-sheet dynamics and future greenhouse gas emissions. In particular, it is possible that future research will conclude that sea levels will rise at an even more accelerated rate than currently predicted, resulting both in earlier impacts to coastal sites as well as more significant impacts over time. If this occurs, property owners such as the applicants may wish to construct shoreline protective devices.

However, shoreline protective devices, by their very nature, tend to conflict with Chapter 3 policies because they can have a variety of adverse impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach. Shoreline protection devices also directly interfere with public access to tidelands by impeding the ambulatory nature of boundary

¹ National Research Council (NRC). 2012. *Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future*. Report by the Committee on Sea Level Rise in California, Oregon, and Washington. National Academies Press, Washington, DC. 250 pp.
<http://www.nap.edu/catalog/13389/sea-level-rise-for-the-coasts-of-california-oregonand-washington>.

between public and private lands. The impact of a shoreline protective device on public access is most evident on a beach where wave run-up and the mean high tide line are frequently observed in an extreme landward position during storm events and the winter season. As the shoreline retreats landward due to the natural process of erosion, the boundary between public and private land also retreats landward. Construction of rock revetments and seawalls to protect private property prevents any current or future migration of the shoreline landward, thus eliminating the distance between the high water mark and low water mark. As the distance between the high water mark and low water mark becomes obsolete, the seawall effectively eliminates lateral access opportunities along the beach as the entire area below the fixed high tideline is inundated. The ultimate result of a fixed tideline boundary (which would otherwise normally migrate and retreat landward, while maintaining a passable distance between the high water mark and low water mark overtime) is a reduction or elimination of the area of sandy beach available for public access and recreation.

Interference by shoreline protective devices can result in a number of adverse effects on the dynamic shoreline system and the public's ability to access the beach. First, changes in the shoreline profile, particularly changes in the slope of the profile which results from a reduced beach berm width, alter the usable beach area. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This narrows the beach area available for public access. The second effect on access is through a progressive loss of sand as shore material is not available to nourish the nearshore sand bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. This affects public access again through a loss of beach area. Third, shoreline protective devices such as revetments and bulkheads cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a public beach. In addition, if a seasonal eroded beach condition occurs with greater frequency due to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate. Fourth, if not sited landward in a location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy.

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 and public access, and to put the applicants and future owners on notice that Section 30253 limits their ability to ever construct a protective device to protect the new development, the Commission imposes **Special Condition 3** which prohibits construction of any future shoreline protective device(s) to protect the development approved pursuant to Coastal Development Permit No. 5-16-0757 including, but not limited to residence, foundations, decks, balconies, patios, and hardscape 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 3** 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 at any time it encroaches onto public property². Relatedly, **Special Condition 4** is imposed to provide clear

² Although Special Condition 3 is discussed under this Hazards section, it also serves to protect public access and visual resources, as discussed in this section. Accordingly, this section should be read together with Section C: Public Access

notice that only the development described in this permit is authorized to be kept and maintained, and development activity beyond the parameters spelled out in the special conditions of this permit shall require a separate approval from the Commission.

As conditioned, the Commission finds that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in hazardous locations.

E. BIOLOGICAL RESOURCES

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.

WATER QUALITY & LANDSCAPE

1. Construction Impacts to Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site. Drainage is directed into the City's main storm drain system, which eventually leads out into the ocean. 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 the storm drain system and then coastal waters may cover and displace soft bottom habitat.

and Recreation, and the findings in this section also apply to the Public Access and Recreation section, and vice versa, to the extent applicable.

The City's coastal development permit for these projects requires that the applicants comply with the City's Best Management Practices for controlling runoff during and after construction. To ensure the prevention of pollution of the coast, the Commission requires construction-related requirements and best management practices under **Special Condition 5**.

2. Post-Construction Impacts to Water Quality

Drainage from the roof drains, gutters, and downspouts will be diverted into landscaped areas and paved walkways which will direct the runoff to the street's main storm drain system. To address water quality, the Commission requires **Special Condition 6**, which requires that the applicants conform to the submitted drainage and run-off control plans to prevent pollution and impacts to water quality.

The applicants have indicated that drought-tolerant, non-invasive vegetation will be used for new landscaping. Because of the close proximity of the Ballona wetlands, which is an Environmental Sensitive Habitat Area, located approximately 750 feet east of the project site, and the restoration efforts that are on-going, the placement of any vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (www.CNPS.org) in their publications. Furthermore, any plants in the landscape plan should only be drought tolerant to minimize the use of water (and preferably native to coastal Los Angeles County). The term drought tolerant is equivalent to the term 'low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>). To ensure that all newly vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive, the Commission imposes **Special Condition 7**.

The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment, biological productivity and coastal water quality. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230, 30231 and 30232 of the Coastal Act regarding the protection of water quality to protect marine resources, promote the biological productivity of coastal waters and to protect human health.

BIRD STRIKE PREVENTION

The proposed development includes first- and second-floor glass accordion doors stretching the length of the seaward side of the structure, glass railings around the second-floor deck, and a wall of windows at the mezzanine level on the seaward side of the project site. Glass railing systems, walls or wind screens are known to have adverse impacts upon a variety of bird species. Birds are known to strike these glass walls causing their death or stunning them, which exposes them to predation. To ensure bird strike prevention, **Special Condition 8** requires that the applicants use a material for the large glass doors, windows and railings on the seaward side of the structure that is designed to prevent creation of bird strike hazard.

F. DEVELOPMENT

Section 30251 of the Coastal Act states that:

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, and, where feasible, to restore and enhance visual quality in visually degraded areas...

Section 30252 of the Coastal Act states, in relevant part:

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

The proposed project site is a 2,550 square foot beachfront lot (**Exhibit 1**). The lot is zoned R3-1 (Medium Residential) according to the Los Angeles Planning and Zoning code. The project site is currently developed with a two-story residential duplex structure with one enclosed parking space (attached garage) and two covered parking spaces (carports). The existing duplex was constructed in 1964, prior to the passage of the Coastal Act. The neighborhood is developed with residential structures that are two to three stories in height; structures in the area are limited to a maximum height of 37 feet. As such, the proposed project with a height of 36 feet 10 inches complies with the 37-foot height limit. Therefore, the visible bulk of the residence will be consistent with the surrounding area.

In addition, the proposed improvements and additions will not directly impede or obstruct access to the coast as the proposed development is located entirely on a previously developed lot that is already improved with an existing duplex. There is no proposed change in the use/density of the structure, and the proposed density complies with that permitted for the R3-1 zone. Regarding parking, the project is considered a remodel of an existing pre-Coastal Act residential structure. In past permit action, the Commission has required new development to provide two (2) on-site parking spaces per residential unit. However, for remodels or additions to the existing structure, the Commission has required the maintenance of the existing on-site parking spaces and not required applicants to provide two (2) on-site parking spaces per residential unit where it is not already met. In this case, the applicants are proposing to maintain the existing three on-site parking spaces.

The City of Los Angeles Planning Department reviewed the proposed project and found it to be consistent with Section 30251 and 30252 of the Coastal Act. On June 28, 2016, the City issued Local Coastal Development Permit No. DIR-2016-0319-CDP for this development.

Therefore, the Commission finds that the development conforms with Sections 30251 and 30252(4) of the Coastal Act.

G. 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 **Special Condition 9** 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.

H. LOCAL COASTAL PROGRAM (LCP)

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 (LUP) 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, as required by Section 30604(a).

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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. The City is the lead agency for CEQA compliance and after preparing an Initial Study the City issued a CEQA Notice of Exemption (ENV-2016-320-CE) on May 10, 2016.

As conditioned to maximize public access and enhance water quality and biological productivity, 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, does not have any significant environmental impacts within the meaning of CEQA, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A – Substantive File Documents

1. Local Coastal Development Permit No. DIR-2016-0319-CDP, issued by City of Los Angeles
2. *Coastal Hazard and Wave Runup Study for 6517 Ocean Front Walk, Playa del Rey, City of Los Angeles, California*, by GeoSoils, Inc., dated January 16, 2017
3. Coastal Development Permit No. 5-14-1345, approved by the Commission, 9/9/2015.
4. City of Los Angeles Municipal Code
5. Coastal Development Permit No. A-1-MEN-16-0040, No Substantial Issue found by the Commission, 5/11/2016.
6. Commission Cease & Desist Order No. CCC-05-CD-09, approved by the Commission, 8/12/2005.

Location Map: 6517 Ocean Front Walk, Playa del Rey

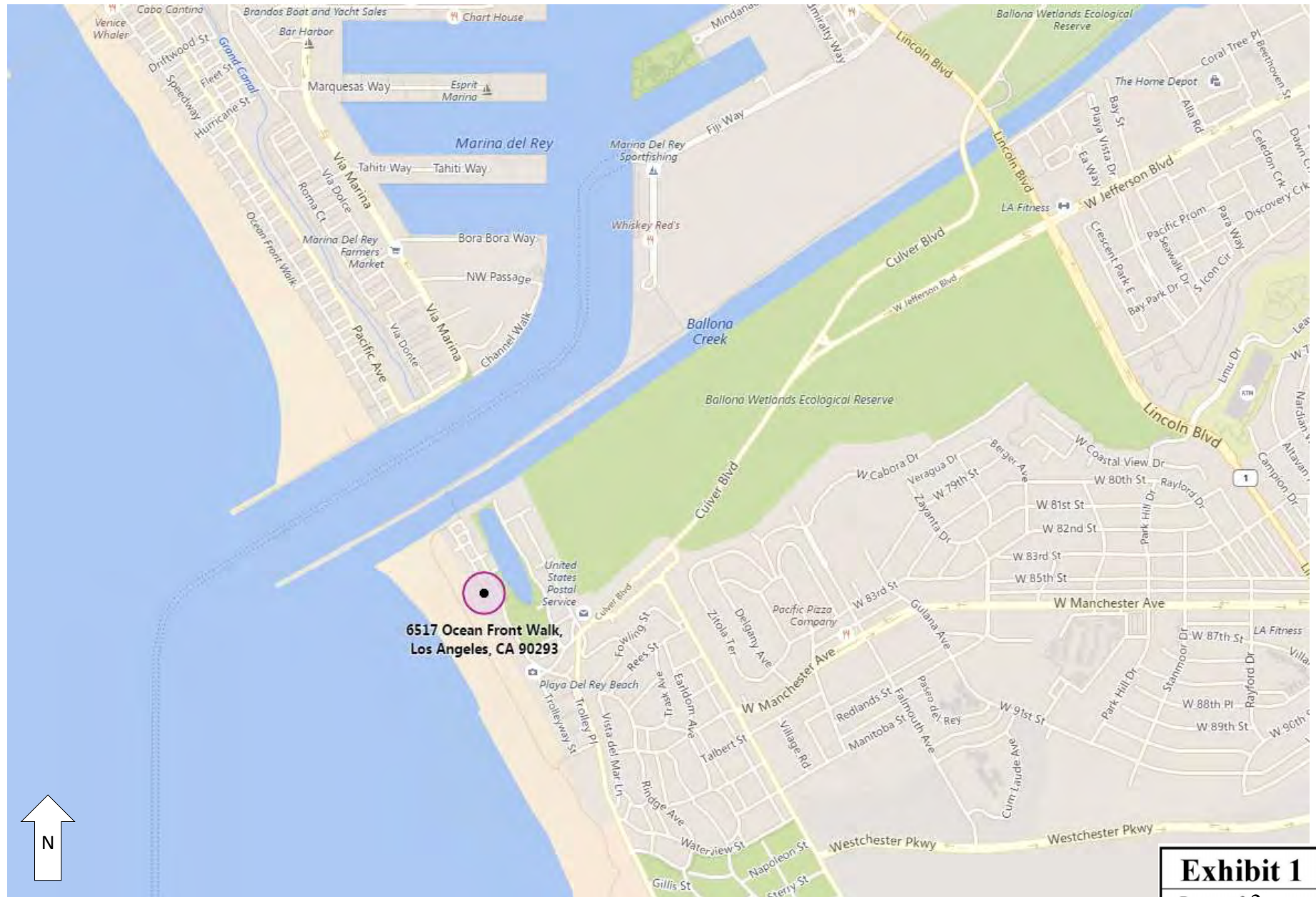


Photo credit: Bing Maps

Exhibit 1

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Vicinity Map: 6517 Ocean Front Walk, Playa del Rey



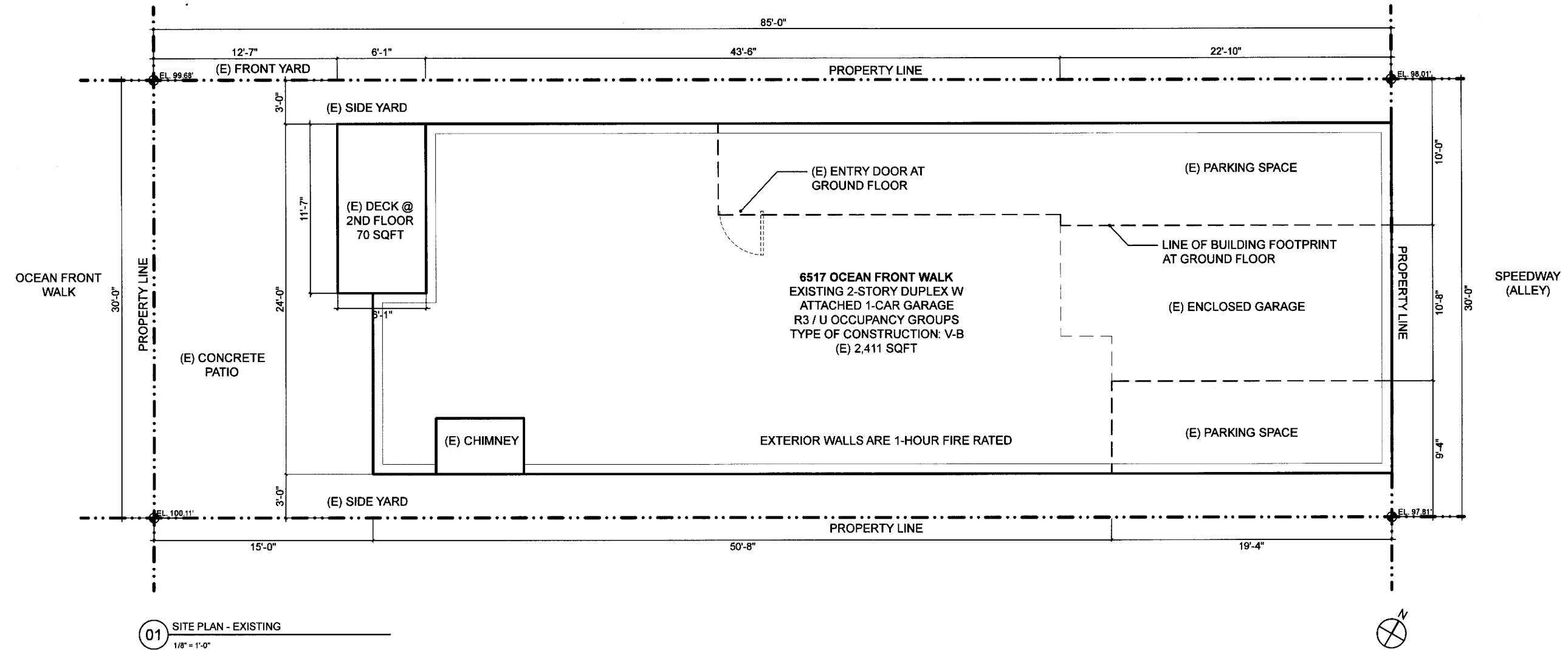
Photo credit: Bing Maps

Exhibit 1

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GREENE RESIDENCE
6517 OCEAN FRONT WALK
PLAYA DEL REY CA 90293

SCALE 1/8"=1'-0"
DRAWN
DATE 10.12.2016
REVISION

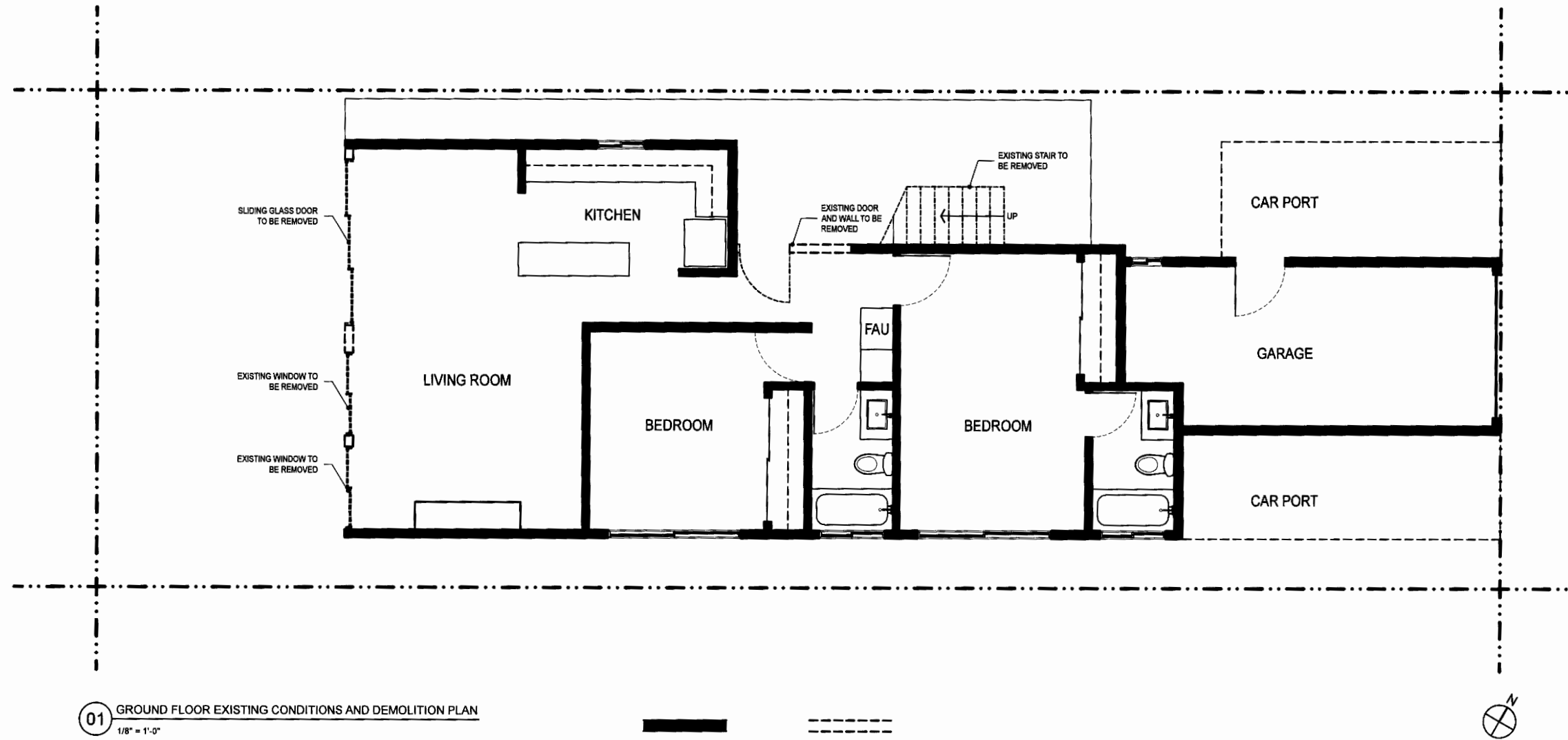
APPEL DESIGN DEVELOPMENT

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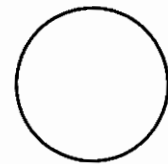


California Coastal
Commission



01 GROUND FLOOR EXISTING CONDITIONS AND DEMOLITION PLAN
1/8" = 1'-0"

EXISTING STRUCTURE TO REMAIN: FILL
EXISTING STRUCTURE TO BE REMOVED



GREENE RESIDENCE
6517 OCEAN FRONT WALK
PLAYA DEL REY CA 90293

SCALE	1/8" = 1'-0"
DRAWN	
DATE	10.12.2016
REVISION	

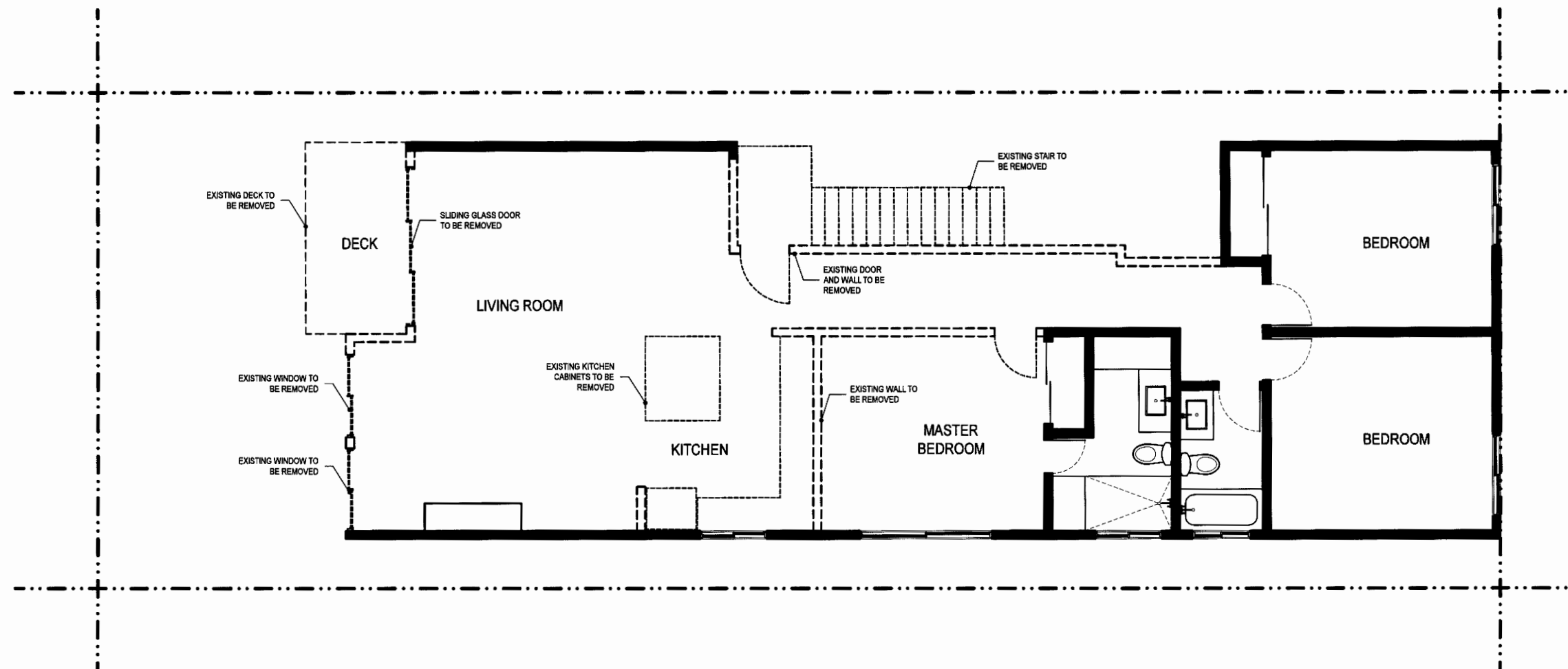
APPEL DESIGN DEVELOPMENT

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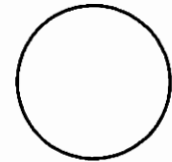
California Coastal Commission



01 SECOND FLOOR EXISTING CONDITIONS AND DEMOLITION PLAN
1/8" = 1'-0"

 EXISTING STRUCTURE TO REMAIN: FILL

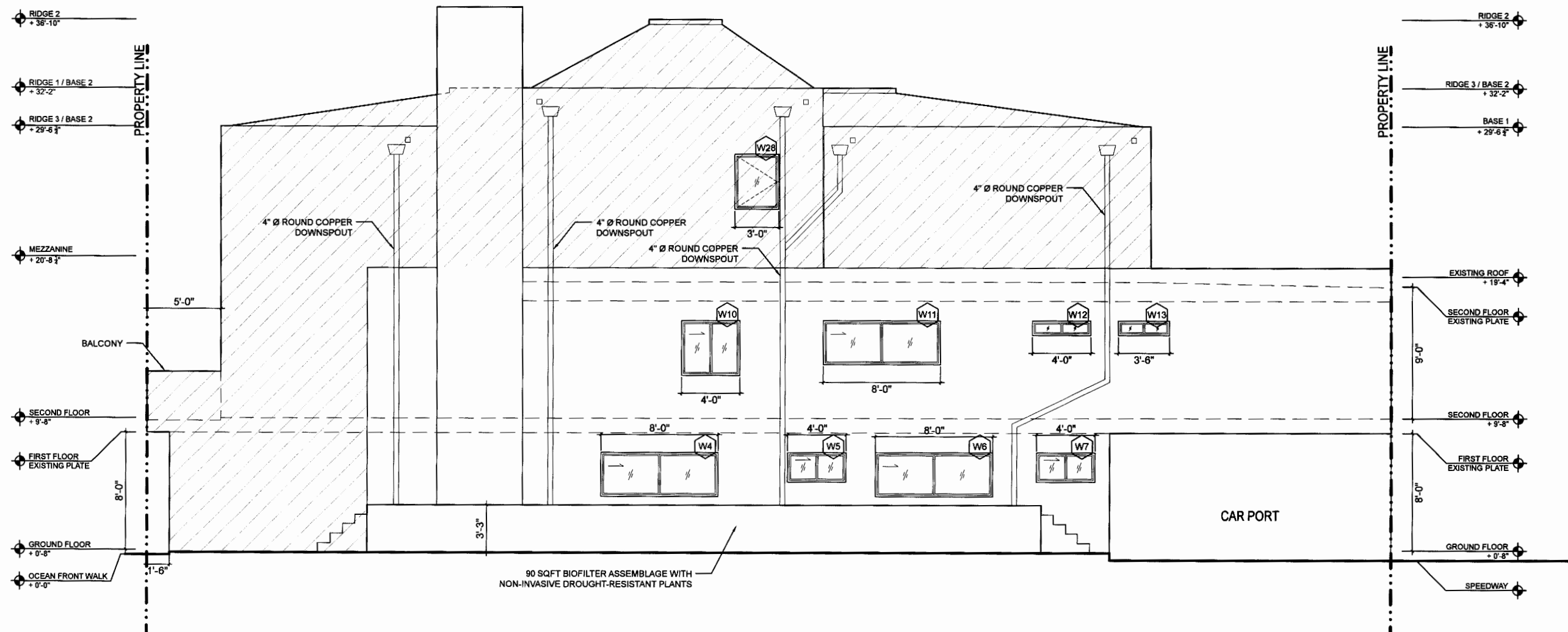
 EXISTING STRUCTURE TO BE REMOVED



GREENE RESIDENCE
6517 OCEAN FRONT WALK
PLAYA DEL REY CA 90293

SCALE	1/8" = 1'-0"
DRAWN	
DATE	10.12.2016
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APPEL DESIGN DEVELOPMENT



01 SOUTH ELEVATION - PROPOSED
1/8" = 1'-0"

NEW FLOOR AREA:
HATCH

GREENE RESIDENCE
6517 OCEAN FRONT WALK
PLAYA DEL REY CA 90293

SCALE 1/8" = 1'-0"
DRAWN DATE 10.12.2016
REVISION

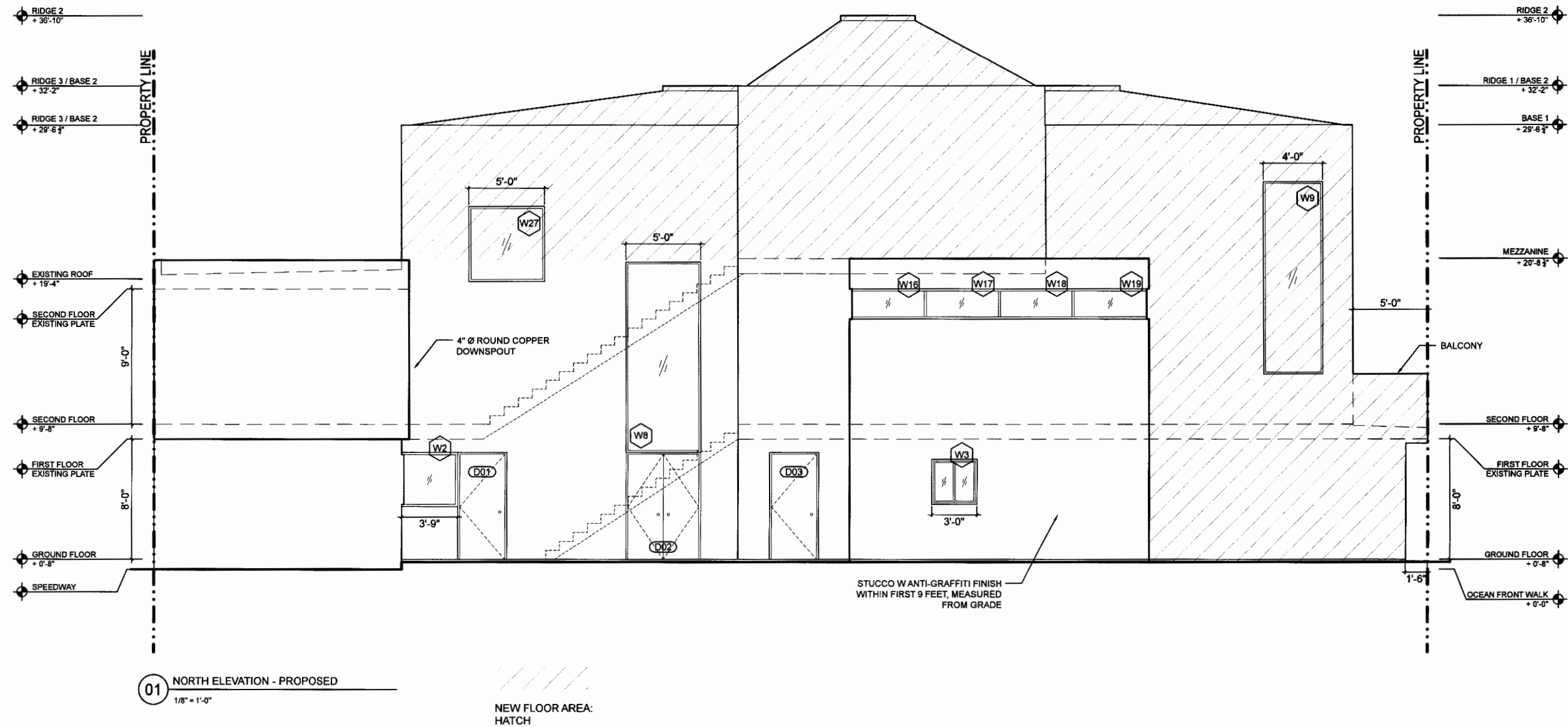
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GREENE RESIDENCE
6517 OCEAN FRONT WALK
PLAYA DEL REY CA 90293

SCALE
DRAWN
DATE
REVISION

1/8" = 1'-0"
10.12.2016

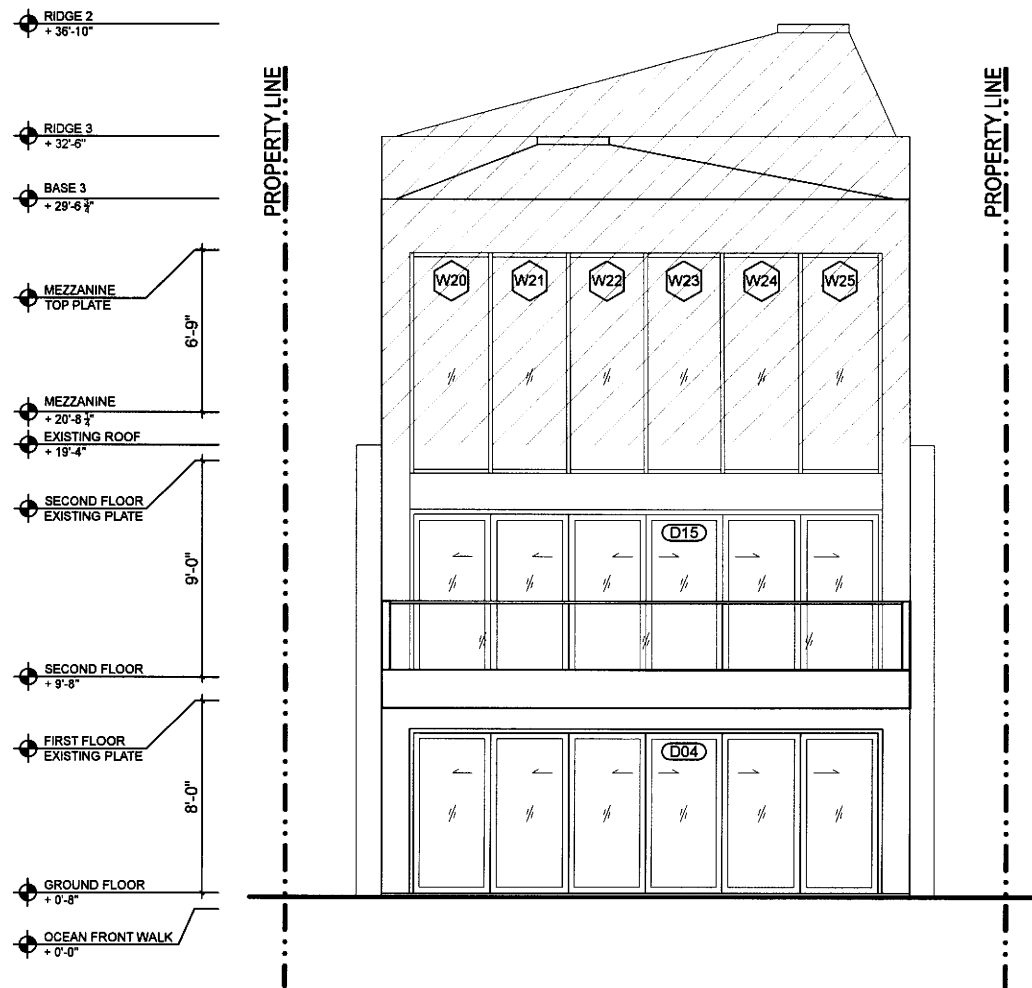
APPEL DESIGN DEVELOPMENT

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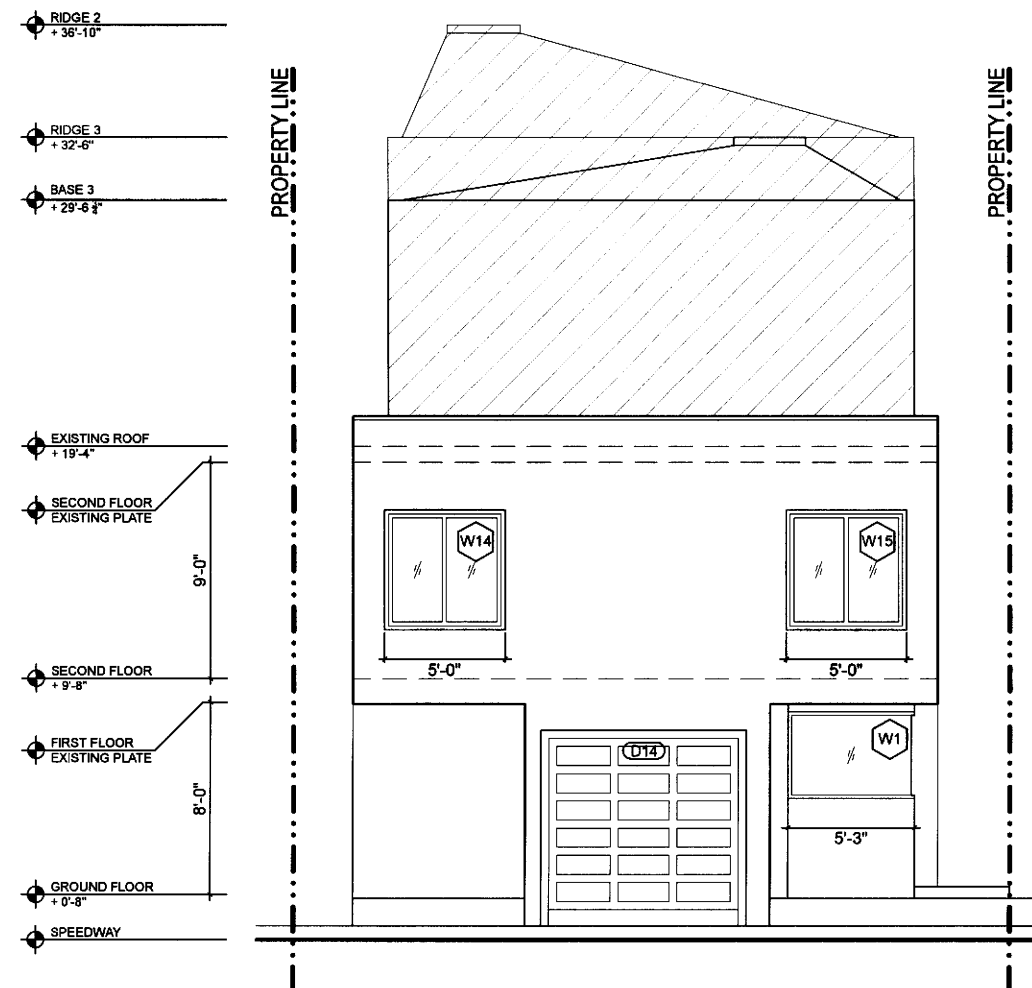


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02 WEST ELEVATION - PROPOSED
1/8" = 1'-0"

NEW FLOOR AREA:
HATCH



01 EAST ELEVATION - PROPOSED
1/8" = 1'-0"

GREENE RESIDENCE
6517 OCEAN FRONT WALK
PLAYA DEL REY CA 90293

SCALE 1/8" = 1'-0"
DRAWN
DATE 10.12.2016
REVISION

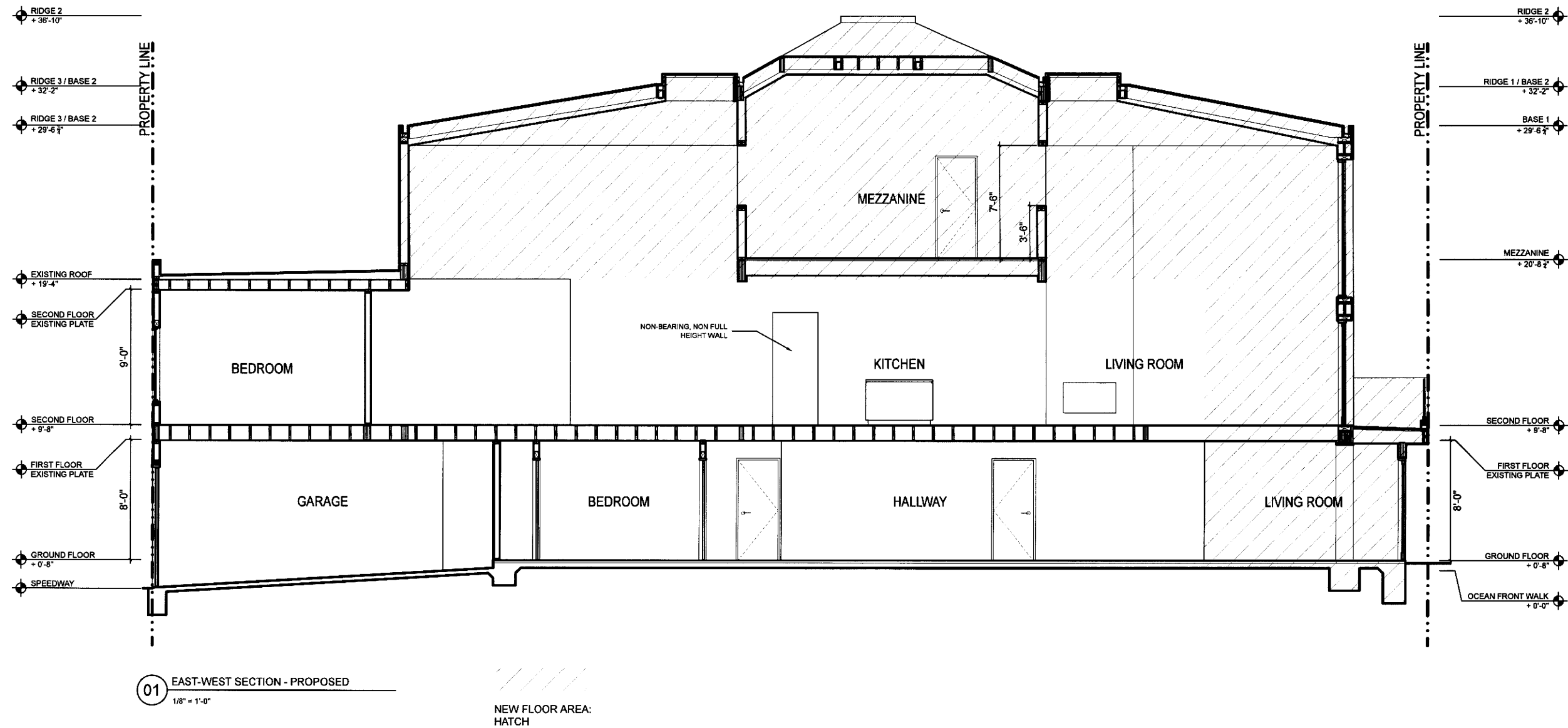
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GREENE RESIDENCE
6517 OCEAN FRONT WALK
PLAYA DEL REY CA 90293

SCALE 1/8" = 1'-0"
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TRIBUTARY AREA	AREA (SQFT)
'A'	453
'B'	451
'C'	493
'D'	396
TOTAL	1,793

PLANTER BOX SIZING

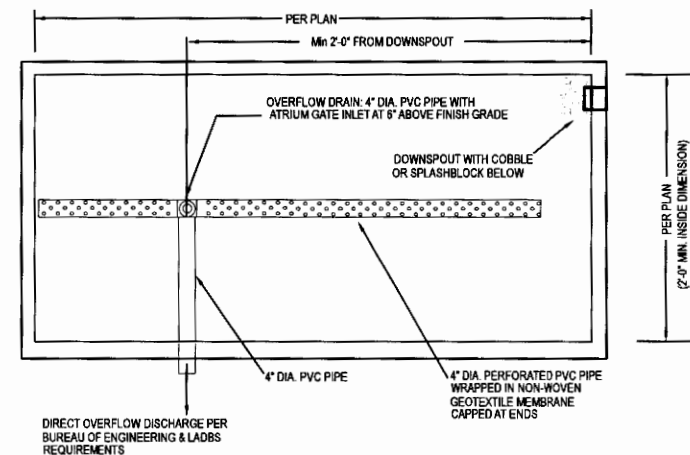
TRIBUTARY AREA x 0.05 = PLANTER BOX SIZE

1,793 SQFT x 0.05 = 89.65 SQFT REQUIRED

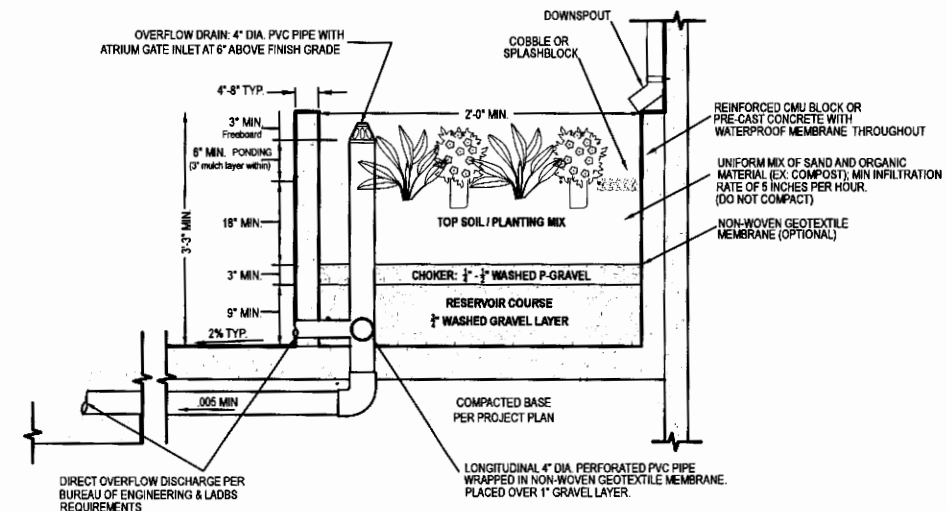
90 SQFT PROVIDED > 89.65 SQFT REQUIRED

1. AT LEAST 9 INCHES SHALL BE PROVIDED BETWEEN THE PLANTING SURFACE AND THE CREST OF EACH PLANTER.
2. PLANTERS SHALL NOT BE LOCATED ON UNEVEN OR SLOPED SURFACES.
3. TOP SOIL / PLANTING MIX IS AT LEAST 18" DEEP.
4. TOP SOIL CONTAINS NO MORE THAN 30% COMPOST.
5. MINIMUM GRAVEL LAYER SHALL BE 12" DEEP.
6. DIRECT OVERFLOW DISCHARGE PER BUREAU OF ENGINEERING AND BUILDING AND SAFETY REQUIREMENTS.
7. PLANTING IS REQUIRED. CONSULT LANDSCAPE ARCHITECT FOR SPECIFIC PLANT TYPES.

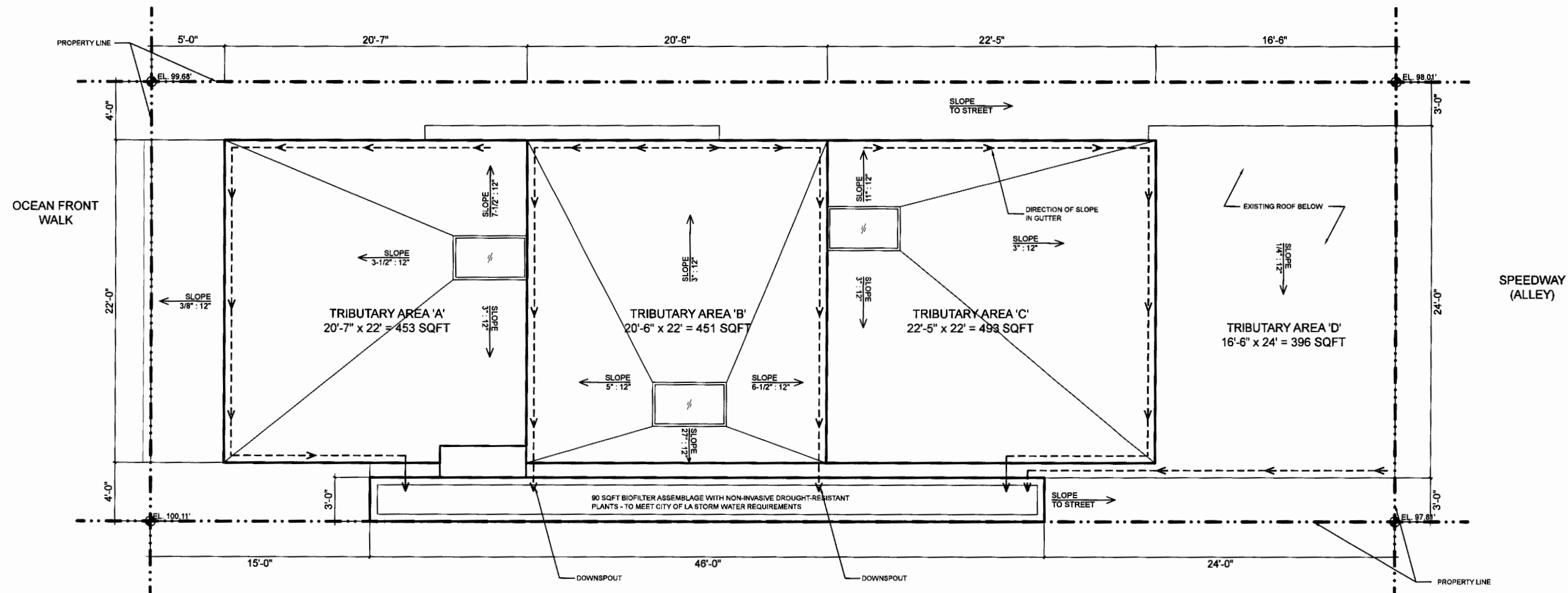
04 PLANTER BOX - NOTES
NOT TO SCALE



03 PLANTER BOX - PLAN
NOT TO SCALE



02 PLANTER BOX - SECTION
NOT TO SCALE



01 STORMWATER MANAGEMENT PLAN
1/8" = 1'-0"

GREENE RESIDENCE
6517 OCEAN FRONT WALK
PLAYA DEL REY CA 90293

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Photo of 6517 Ocean Front Walk, Playa del Rey, 2/13/2017

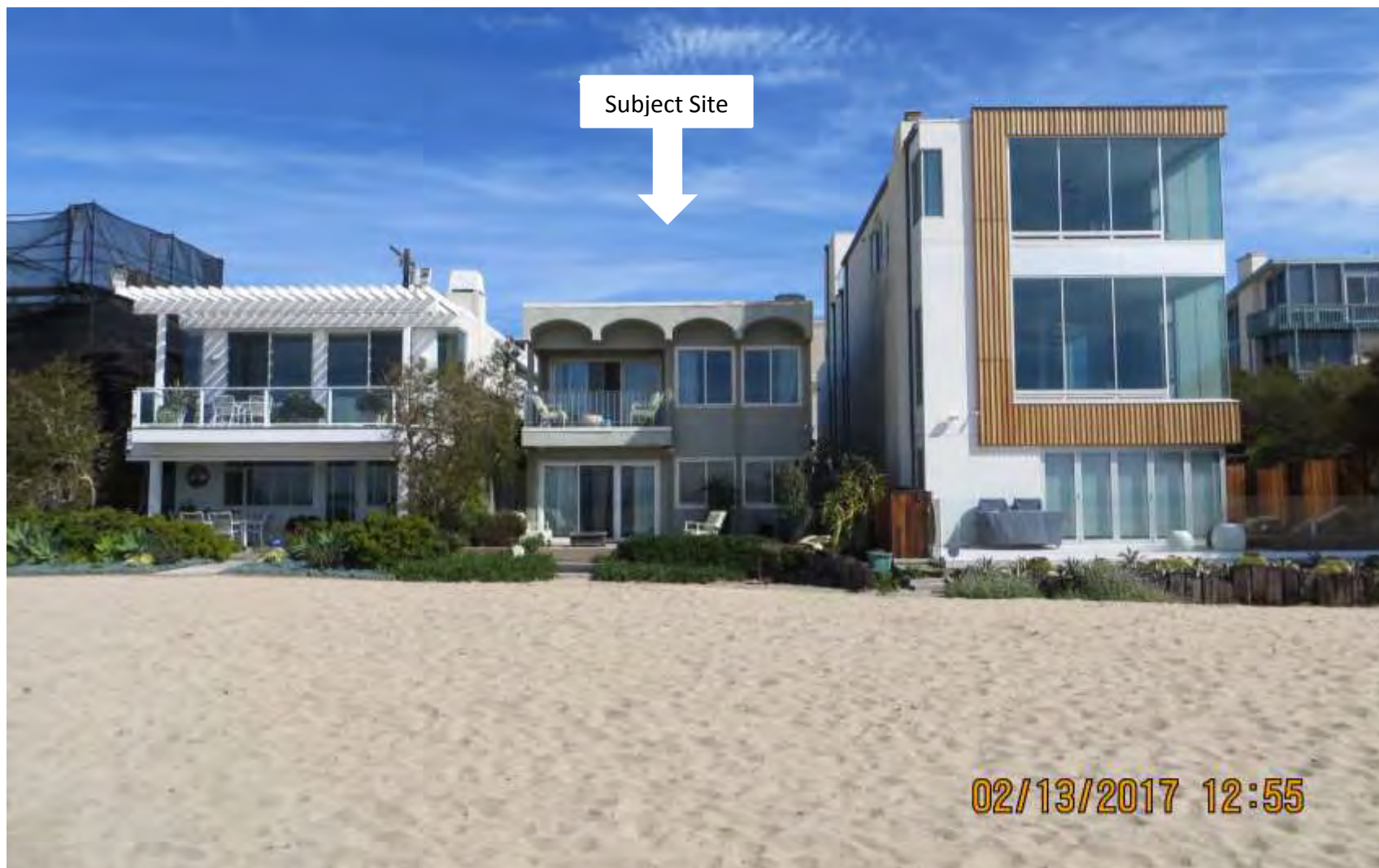


Photo credit: Commission Staff