

CALIFORNIA COASTAL COMMISSION

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**W12c**

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STAFF REPORT: REGULAR CALENDAR

Application Numbers: 5-21-0244

Applicant: Mark Streams

Agent: Susan Steinberg

Location: 7012 Vista Del Mar Lane, Playa Del Rey, City of Los Angeles, Los Angeles County (APN: 4116-017-015)

Project Description: Demolition of an existing 1,987 sq. ft., 2-story, single-family residence, and construction of new 3-story, approx. 41.5 ft. high, 5,784 sq. ft., single-family residence over 1,722 sq. ft. basement containing 3-car garage and storage, roof deck with elevator shaft, and cut and export of 1,500 c.y. on 5,637 sq. ft. lot.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant proposes to demolish an existing 20-foot-high, two-story,¹ 1,978 square foot single-family dwelling and construct a 5,784 square foot, three-story, approximately 41.5-foot-high single-family residence over a 1,722 square foot basement (no habitable rooms) containing a three-car garage and storage space, on a 5,637 square foot lot

¹ The City describes the existing structure to be one-story. Upon a visual inspection of the home, it appears the home is a two-story structure with windows near the garage on the lower level of the home. A review of the description on Zillow indicates that there is an office space "downstairs" and the applicant's agent confirmed there is living space on the same floor as the garage. The applicant believes the City made an error in describing the property as one-story. Additionally, NavigateLA indicates that the building height of the existing home is approximately 18 feet.

located atop a bluff approximately 100 feet above sea level and 650 feet inland of the beach in a residential area of Playa Del Rey.

The proposed home will have a partially subterranean first floor and garage. The above grade portion of the home will have a height of 41.5 feet and be approximately 4,262 square feet. The applicant's streetscape analysis of the rendered home demonstrates that the home will be visually compatible with the surrounding development. In addition, the proposed height of the home will not interfere with any public coastal views.

The subject site is a gentle sloping lot located on the inland side of Vista Del Mar Lane. The seaward extent of the lot is located 60 feet landward of the bluff edge, which is not subject to coastal erosion or within a seismically induced area. The applicant's geotechnical report found that the site is not located within a hazardous area and that the development would be safe from excessive settlements and would not result in any adverse effect on existing adjacent structures.

Commission staff recommends **approval** of the coastal development permit application with four (4) special conditions. **Special Condition 1** requires the applicant follow the recommendations in the geotechnical report and the City's geology and soils report approval letter. To protect and maximize public access in the area, **Special Condition 2** requires a construction staging plan. To avoid adverse construction-related impacts upon marine resources, the Commission imposes **Special Condition 3**, which outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. To make sure that any onsite landscaping minimizes the use of water and the spread of invasive vegetation and to ensure water quality standards are adhered to, the Commission requires **Special Condition 4** for revised landscaping plans.

The Playa Del Rey segment of Los Angeles does not have a certified Local Coastal Program (LCP); therefore, the Chapter 3 Coastal Act Policies constitute the standard of review for this project.

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EXHIBITS

[Exhibit 1 – Vicinity Map and Project Site](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – Survey Area Map](#)

[Exhibit 4 – Streetscape](#)

[Exhibit 5 – Geology and Soils Report Approval Letter](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit Application No. 5-21-0244 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 the Coastal Development Permit for the proposed project 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 that conforms to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date 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 permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III.SPECIAL CONDITIONS

1) Conformance with Approved Final Plans and Geotechnical Recommendations.

All final design and construction plans, including grading and drainage plans, shall be consistent with all recommendations contained in the Soils Investigation Proposed Residential Development prepared by NorCal Engineering dated December 27, 2018, Addendum No. 1 to the Soils Investigation dated July 15, 2019 as well as all requirements of the City of Los Angeles Department of Building and Safety Geology and Soils Report Approval Letter Log #112224-01, dated September 11, 2020 and signed by Daniel C. Schneidereit and Glen Raad.

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 legally required for any proposed minor deviations.

2) Construction Staging Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two copies of a construction staging plan. The construction staging plan shall incorporate the following:

- a) The plan shall specify where construction equipment is proposed to be stored during construction in order to maintain slope stability, control erosion, and maintain public access along Vista Del Mar Lane.
- b) All construction equipment to be stored overnight shall be stored on-site, outside the street travel-way.
- c) Placement of the on-site dumpster shall incorporate use of a flagman to direct traffic during placement.
- d) The plan shall also identify a disposal site outside of the Coastal Zone for waste materials and recyclable materials.

3) Construction BMPs and Water Quality. By acceptance of this permit, the permittee shall comply with the following construction-related requirements:

- a) Construction Responsibilities and Debris Removal
 - i) No demolition or construction materials, equipment, 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;
 - ii) 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;

- iii) 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;
 - iv) 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;
 - v) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
 - vi) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
 - vii) 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;
 - viii) 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;
 - ix) 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;
 - x) The discharge of any hazardous materials into any receiving waters is prohibited;
 - xi) 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;
 - xii) 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;
 - xiii) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- b) Drainage and Water Quality

- i) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into the lagoon or street that drains into the lagoon unless specifically authorized by the California Regional Water Quality Control Board;
- ii) All equipment and materials shall be stored and managed in a manner to minimize the potential of pollutants to enter the beach and surrounding sensitive areas;
- iii) All runoff leaving the site shall be directed away from the beach and into the City storm drain system.

4) Landscaping: Drought-Tolerant, Non-Invasive Plants. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) full size sets of final revised landscaping plans, which shall include and be consistent with the following:

- a) Vegetated landscaped areas shall consist only of native plants and/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 the California Department of Water Resources (See: <https://cimis.water.ca.gov/Content/PDF/wucols00.pdf>).
- b) Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or micro-spray irrigation systems may be used. Other water conservation measures shall be considered, such as weather-based irrigation controllers.

IV.FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The project site (7012 Vista Del Mar Lane) is located atop a bluff approximately 100 feet above sea level and 650 feet inland of the beach in a residential neighborhood of Playa Del Rey (Exhibit 1) within the City of Los Angeles’ Dual Permit Jurisdiction area. The subject site is a sloping lot that fronts the inland side of Vista Del Mar Lane, a two-lane street. There are several rows of development, including three public streets parallel to the sea, in between the subject site and the beach. Due to development in the area, the bluff, in this location, is not subject to wave action. The 5,637 square foot lot is zoned R1-1 for Low Residential land uses by the City of Los Angeles uncertified zoning code and is currently developed with a 1,978 square foot, two-story, single-family residence that was built in 1958.

The applicant proposes to demolish the existing residence and construct a three-story, 41.5²-foot high, 5,784 square foot single-family residence over a 1,722 square foot basement (no habitable rooms) containing a 1,459 square foot three-car garage and 263 square foot basement storage area (Exhibit 2). The proposed single-family residence includes various balconies and a roof deck accessed by an elevator. The proposed roof access structure (elevator) will be setback approximately 65 feet from the street-ward property line and reach a height of approximately 41.5 feet, six feet above the roof line. The proposed project includes 1,391 cubic yards of grading for the basement excavation, including 1,375 cubic yards of cut and 16 cubic yards of fill. The total export of 1,495 cubic yards³ will be exported outside of the coastal zone to a disposal site in the City of Industry.

The applicant originally proposed a four-story over basement, 42.5-foot high, 7,651 square foot single-family residence. The City's local hearing for the project was held on March 2, 2020. During the local hearing, community members expressed concern regarding the proposed scale of the development and the adverse effect it would have on neighborhood character, the obstruction of ocean views, and a concern that the grading required would exacerbate hillside erosion. On April 22, 2020, the applicant submitted revised project plans to the City in response to community concerns. The new plans, which are the subject of this Commission action, were approved by the City Planning Director under Case No. DIR-2019-6145-CDP-MEL on August 11, 2020. The local approval was appealed to the West Los Angeles Area Planning Commission (WLAAPC), and at its meeting on November 18, 2020, the WLAAPC denied the appeals and approved the local CDP as described in the letter of determination dated December 17, 2020.

On January 8, 2021, the Commission received the Notice of Final Action (NOFA) for the local CDP. The Commission received four appeals of the local CDP from Robert Shelton, Julie Ross, Stew Herrera and Lisa Farris. Generally, the appellants raised concerns regarding public and private views, community character, potential site hazards, improper noticing, and adverse cumulative impacts. At the Commission hearing on April 14, 2021, under Appeal No. A-5-DRL-21-0015, the Commission found No Substantial Issue with respect to the grounds on which the appeals were filed regarding consistency with Chapter 3 policies of the Coastal Act. As stated above, the project site is within the Dual Permit Jurisdiction area of the City, thus, a second (or dual) CDP is required from the Commission. The Playa Del Rey segment of Los Angeles does not have a certified Land Use Plan (LUP) or LCP; therefore, the Chapter 3 Coastal Act policies constitute the standard of review for this project.

² The City measures maximum height five feet out from the proposed residence at finished grade. The subject lot is a sloping lot and the north elevation height of the proposed residence ranges from 31'-3" to 38 feet, which includes the height to the top of the elevator shaft. The height from the south elevation of the proposed residence ranges from 35'-9" to 41'-6" including the elevator shaft.

³ The total export includes an additional 10 percent for shrinkage and swell. With the 10 percent cushion, there would be 1,512.5 cubic yards of total cut and 17.6 cubic yards of total fill. Therefore, the total export (total cut – total fill) would be 1,495 cubic yards.

B. DEVELOPMENT AND COMMUNITY CHARACTER

Section 30250 of the Coastal Act states, in relevant part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

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

(d) Minimize energy consumption and vehicle miles traveled.

Residential Density

Section 30250 of the Coastal Act requires concentration of development in existing developed areas able to accommodate it. This reduces vehicle miles traveled (required by Section 30253(d)), preserves open spaces that might otherwise be developed, provides more opportunities for people to live near the places where they work and recreate, and thereby, reduces impacts to coastal resources. The proposed demolition and construction of a single-family residence will not change housing density.

Other Coastal Act policies discussed further below, such as the coastal hazards policies in Section 30253, align with housing density appropriate for particular locations. The development concentrates new development in an already developed urban neighborhood and is not a hazardous area. As proposed and conditioned, the development conforms with Section 30250 and 30253(d) of the Coastal Act.

Community Character

Staff independently reviewed the structures between Fowling Street and Redlands Street, on either side of Vista Del Mar Lane for community character. A total of 36 homes were reviewed (Exhibit 3).

Upon evaluation of the homes fronting Vista Del Mar Lane, these homes are approximately 3,800 square feet in size on average. Ten of the thirty-six residences are over 5,000 square feet, including three homes on the eastern side of Vista Del Mar Lane.⁴ The largest existing home within the study area is 10,887 square feet. Thus, while larger than average, the proposed 5,784 square foot home will not be out of character with the surrounding development.

The homes on the western side of Vista Del Mar Lane drape down the hillside, giving the appearance of single-story homes from the street level. However, when viewing these

⁴ 7026 Vista Del Mar Lane is 5,111 square feet which includes additions the Commission exempted in 2020. Additionally, 201 W. Manchester Avenue is 6,312 square feet built circa 1990 and 7306 Vista Del Mar Lane is 10,887 square feet built circa 1997.

homes from the beach or Vista Del Mar below, these homes range from two to six stories. The homes on the eastern side of Vista Del Mar Lane range from one to four stories. The average number of visible stories of the eighteen structures on the eastern side is 2.22. Of these eighteen structures, four visibly had three or more stories for a total of 22 percent, and there is only one single-story residence. The proposed project plans depict a basement (no habitable rooms) that will be fully below grade and not visible. Additionally, the home proposes a partially subterranean first floor in the rear of the property, leaving approximately 4,262 square feet above ground. As such, the residence will appear to be three stories as viewed from Vista Del Mar Lane, and two stories from the rear of the property. Further, the applicant's streetscape analysis (Exhibit 4) of the rendered home in comparison to the homes adjacent and in proximity to the proposed development demonstrates that the home is visually compatible and not out of character with the surrounding development. Thus, the proposed three-story over basement home will not be out of character with the surrounding development as there are other residences that are three or more stories⁵ in the area.

The prevailing front yard setback among six lots⁶ on the east side of Vista Del Mar Lane is 8.6 feet. The proposed residence will exceed the prevailing average front yard setback with the first and second stories setback approximately fourteen to seventeen feet from the property line. The third floor will be set back over twenty-four feet from the property line. The front yard retaining wall in front of the proposed structure will be set back 9 to 14 feet from the property line, which is 1 to 4 feet further back than the prevailing front yard setback. The proposed residence will also have seven-foot side yard setbacks and a fifteen-foot rear yard setback. The architectural features of the proposed residence, including the balconies and sloped roof line, help to disperse the mass of the structure. Thus, the project is designed with a varied façade to reduce mass and scale that will ensure the visual quality of the area is maintained when viewed from the street and the beach below.

Given the lack of recent similar-scope projects within the survey area, staff looked outside of the survey area to the greater Playa Del Rey neighborhood for examples of recent Commission approvals of larger homes. There are three recent examples of Commission-approved projects⁷ of similar size and scope in the Playa Del Rey community that granted the construction of three- and four-story single-family homes. The heights range from 37 feet to 45 feet, sizes range from 4,468 square feet to 6,866 square feet, and two of the three homes include subterranean portions, all of which is consistent with the proposed home.

⁵ 7324 Vista Del Mar Lane, 7040 Vista Del Mar Lane, 7306 Vista Del Mar Lane and 201 W. Manchester Avenue.

⁶ Prevailing setbacks are based on LAMC Section 12.08 C.1. Utilizing the ten lots fronting Vista Del Mar Lane on the same side of the subject property, the City's setback calculator uses only the lots within ten feet of the smallest front yard setback number which includes six lots in this case. The City's calculator then averages those six smallest lots for an average of 8.6 feet.

⁷ Reference CDP No. 5-21-0081 (210 E. Montreal Street), 5-14-0997 (7829 Veragua Drive), and 5-09-081 (6209 Ocean Front Walk).

The proposed project is under the City's 45-foot maximum height for the area, meets the City's setback requirements and applies an encroachment plane of 45 degrees⁸ that, together, contribute to a reduction in potential visual impacts. The Coastal Act does not impose any setback standards or height requirements.

Cumulative Effects

To evaluate the potential cumulative impacts of the proposed residence, the incremental effects of the proposed development on community character, mass, and scale are considered in connection with the effects of the past, current, and probable future projects within the subject area. Staff is not aware of any current or known future projects in the area. Additionally, Commission staff reviewed residential developments along Vista Del Mar Lane from Rindge Avenue to Redlands Street (Exhibit 3). This survey included 36 multi- and single-story single-family residences and considered the year of development, number of stories and the habitable area. Staff's review of the surrounding development indicates that the proposed residence is consistent with the scale of homes in the area and would not set a new precedent in terms of size of homes in the area.

Ten of the thirty-six homes in the survey area are greater than 5,000 square feet. Nine of the ten existing large homes were constructed between 1977 and 2002. The other home was originally built in 1931 and had less than 5,000 square feet until 2020 when additional square footage was added to the home, bringing the total to over 5,000 square feet. Overall, home sizes in the area increased between 1958 and 2002,⁹ which is not uncommon for California's coastal areas.

With regard to potential cumulative effects, the number of stories (three stories) of the proposed development is larger than the average of the 18 structures on the eastern side of Vista Del Mar Lane (2.22 stories). From 1925 (earliest construction year) to 1958 (construction of the existing home), the average number of stories was 1.90 which includes one home with three stories built circa 1925. The new homes built after the existing home (from 1959 to 1997) have an average of 2.57 stories, which include three homes built with three or more stories. The proposed development would be consistent with the number of stories of existing homes in the area.

With regard to potential cumulative effects of the size of the proposed project, based upon overall size alone, the proposed residence (5,784 square feet) is larger than the average of the 18 structures on the eastern side of Vista Del Mar Lane (3,385 square feet). However, 1,522 square feet of the ground floor of the proposed development would be below grade and not visible, and thus the size of the home would appear to have 4,262 square feet of floor area above grade, similar to other homes in the area.

As discussed above, the proposed development conforms to the mass, scale, height, setbacks, and design of the surrounding homes. Additionally, the home would be sited in

⁸ To address out-of-scale development, the City of Los Angeles implemented regulations restricting buildings to stay within a 45-degree angled encroachment plane starting 20 feet above the front and side yard setbacks in the R1 Zone citywide.

⁹ 1958 is the year the existing structure was built, and 2002 is the year the last structure was built on either side of Vista Del Mar Lane within the survey area.

a neighborhood with a mix of home sizes and architectural styles. In summary, the project, as proposed and conditioned, is unlikely to contribute to any adverse cumulative effect on community character, mass and scale, and visual resources of the surrounding area in combination with past and potential future projects. Thus, the project conforms with the community character policies of Chapter 3 of the Coastal Act.

C. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

As mentioned above, the proposed project height ranges from approximately 31 feet to 41.5 feet high measured five feet from the structure at finished grade across the sloping lot. The subject site is in a densely developed residential area. Immediately west of the subject site is vacant land that affords a view of the Palos Verdes Peninsula and to the Playa Del Rey beach below. The proposed development will be located on the inland side of the street and will not have any public view impacts to the coastline and beach below when viewed from the north where Rindge Ave. meets Vista Del Mar Lane. No public views would be obstructed from the south when viewed from West Manchester and Vista Del Mar Lane. The proposed development would not interrupt any public blue water views from Rindge Avenue to the east which is at a higher elevation¹⁰ than Vista Del Mar Lane. The subject site is visible while looking east from a short segment of the beach below the bluff but will not detract from any scenic or unique landforms in the built environment. The proposed project is under the City's 45-foot maximum height for the area, applies an encroachment plane of 45 degrees, and meets the City's setback requirements that, together, contribute to a reduction in any potential public visual impacts. Furthermore, the proposed project is similar to the size and scale of existing development and is consistent with the character of the surrounding development. Therefore, the proposed project is in conformance with the visual resource policies of the Coastal Act.

¹⁰ According to the USGS National Map Viewer, the elevation of the existing home is at approximately 100 feet which corresponds with the elevation provided on the applicant's plans. The elevation at the highest point of the proposed residence is at an elevation of 138 feet. Using the same map viewer, the approximate elevation of Rindge Avenue, east of the subject site, is at an elevation of 150 feet.

D. COASTAL HAZARDS

Coastal Act Section 30253 states, in relevant part:

New development shall do all of the following:

- (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 requires that new development minimize hazards and assure stability and structural integrity. Additionally, this section also requires that new development not cause significant erosion, geologic instability, or require protective devices that alter natural landforms along the bluffs and cliffs.

Under Section 30253 of the Coastal Act new development may occur in areas of high geologic, flood, and fire hazard so long as risks to life and property are minimized and the other policies of Chapter 3 are met. When development in areas of identified hazards is proposed, the Commission considers the hazards associated with the project site and the potential cost to the public, as well as the individual's right to use his/her property.

As discussed earlier, the appellants raised concerns about the stability of the site. The applicant provided a geotechnical report dated December 27, 2018, an addendum to that report dated July 25, 2019, and a response dated March 17, 2020, to the LADBS Soils Report Review Letter dated on March 9, 2020. In addition, the City issued a Geology and Soils Report Approval Letter on September 11, 2020 (Exhibit 5).

The geotechnical report found the development to be acceptable and determined that the proposed development would be safe from excessive settlements and would not result in any adverse effect on existing adjacent structures.

According to the City, neither a slope stability analysis demonstrating a 1.5 factor of safety nor a bluff erosion analysis was required for the project site due to its location approximately 60 feet away from the bluff edge on the inland side of the street. The City also took into consideration seismic hazards and found that the subject site is not located in a designated seismically induced landslide hazard zone as shown on the Seismic Hazard Zones map issued by the State of California. Therefore, the City did not perform a seismic slope stability analysis.

Additionally, the Commission's geologist, Dr. Joseph Street, has reviewed the geotechnical documents and found no major concerns with the proposed project. Dr. Street confirmed that the applicant's geologic reports do not include quantitative analyses of slope stability or bluff erosion. However, given the relatively gentle slope (>2:1, horizontal:vertical) of the bluff seaward of the subject site, its composition of former dune sands, the lack of significant recent historical bluff erosion, and the separation of the bluff toe from active marine processes, these more detailed quantitative

analyses were not necessarily indicated, and the City was not remiss in its consideration of geologic hazards.

The Grading Division of LADBS reviewed the applicant's geologic reports and found the reports to be adequate, providing that the geotechnical report recommendations are followed and the conditions provided in the Geology and Soils Report Approval Letter are complied with during site development. Therefore, **Special Condition 1** requires that the applicant conforms to the recommendations of the geotechnical report and Approval Letter.

In summary, the project is not identified to be in a hazardous area, and as proposed and conditioned, the project can be found to be consistent with Section 30253 of the Coastal Act regarding the siting of development.

E. BIOLOGICAL RESOURCES & 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.

Construction

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. 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. To avoid water quality impacts during construction, **Special Condition 3** requires the applicant to implement best management practices onsite that prevent construction activities and construction-related debris from entering and impacting coastal waters.

Drainage and Landscaping

Onsite drainage from the downspouts will be diverted into French and area drains around the perimeter of the home which collect in two catch basins. Landscape drainage will also be directed to one of the catch basins. The applicant proposes sediment control measures during construction which include using a silt fence, sandbag barriers, and storm drain inlet protections. Non-stormwater management measures include proper vehicle and equipment maintenance and cleaning. Furthermore, the Commission requires **Special Condition 3**, which outlines construction-related water quality requirements to prevent runoff and pollution from draining into coastal waters and impacting water quality. The applicant's landscaping plans include plants with low to high water usage¹¹ and one invasive species.¹² Invasive species 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 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 2000.¹³ The Commission imposes **Special Condition 4** which requires that all newly vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive, and the applicant use water conservative irrigation systems for any new landscaping to ensure that any onsite landscaping minimizes water use and the spread of invasive vegetation and to ensure water quality standards are adhered to.

¹¹ High water use plants, as identified for Region 3 in the Guide to Estimating Irrigation Water Needs of Landscape Plantings in California, include the Acer Palmatum, Schefflera Arboricola, Festuca Rubra, and the Chondropetalum Tectorum.

¹² The invasive species is the Olea Europaea tree.

¹³ <https://cimis.water.ca.gov/Content/PDF/wucols00.pdf>

The development, as proposed and as conditioned, incorporates design features and construction measures 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 protect human health.

F. PUBLIC ACCESS

Section 30210 of the Coastal Act 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 30214 of the Coastal Act states, in relevant part:

(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 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 or providing substitute means of serving the development with public transportation...

The public access policies of the Coastal Act ensure protection and enhancement of all people's opportunity to access the coast and enjoy coastal recreation. This includes Section 30252, which states that new development should maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development through public transportation. The proposed development will provide a total of three parking spaces, an increase of one additional space from the two existing parking spaces already provided. As proposed, the project provides an adequate parking supply for the proposed residence and preserves on-street public parking consistent with Section 30252 of the Coastal Act.

Regarding the construction staging for the project, construction can adversely impact public access by displacing otherwise available on-street, public parking spaces or by blocking traffic. During construction, measures should be implemented to ensure that temporary impacts to public access are minimized. Therefore, **Special Condition 2** requires that a final construction staging plan be submitted for Commission review and approval, requiring that all construction equipment to be stored overnight be stored on-site, outside the street travel-way and that the placement of an on-site dumpster shall incorporate use of a flagman to direct traffic during placement. Therefore, short-term construction access impacts are minimized; and no long-term, post-construction impacts are anticipated for existing coastal access and nearby recreational facilities. As proposed, and conditioned, the development conforms to the public access policies of the Coastal Act.

G. LOCAL COASTAL PROGRAM

Coastal Act Section 30604(a) states, in relevant part:

(a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms to Chapter 3 policies of the Coastal Act. The City of Los Angeles does not have a certified Local Coastal Program for the Playa Del Rey area. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act.

Approval of the project, as conditioned by the Commission, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City of Los Angeles is the lead agency for purposes of CEQA. As noted on the City's staff report dated August 11, 2020, the City determined that the proposed development was categorically exempt from CEQA requirements pursuant to CEQA Guidelines Sections 15303 (Class 3).

Section 13096(a) 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). The findings above are incorporated herein by reference.

Under Section 15251(c) of Title 14 of the California Code of Regulations, the Commission's CDP regulatory process has been certified as the functional equivalent to the CEQA process. As a certified regulatory program, Section 21080.5(d)(2)(A) of CEQA still applies to the Commission's CDP regulatory process and 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.

No public comments regarding additional potential significant adverse environmental effects of the project were received by the Commission prior to preparation of the staff report. The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the development may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative, has no remaining significant environmental effects, either individual or cumulative, and complies with the applicable requirements of the Coastal Act to conform to CEQA.

Appendix A – Substantive File Documents

1. City of Los Angeles Coastal Development Permit Case No. DIR-2019-6145-CDP-MEL, dated August 11, 2020.