

**CALIFORNIA COASTAL COMMISSION**

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# F14a

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## STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

**Appeal No.:** A-5-DRL-23-0039

**Applicant:** John Campbell

**Agent:** Nicholas Marrs, Reider Marrs Engineers Inc.

**Local Government:** City of Los Angeles

**Local Decision:** Approval with Conditions

**Appellant:** Beverley King

**Location:** 6509 Vista Del Mar, Playa Del Rey, City of Los Angeles, Los Angeles County (APN No. 4116-005-012).

**Project Description:** Appeal of City of Los Angeles Local Coastal Development Permit No. ZA-2021-5442-CDP-MEL-ZAA for the remodel of and addition to an existing 2,196 sq. ft., approximately 32 ft. high, three-story single-family residence including a 959 sq. ft. addition and new fourth floor, new 367 sq. ft. rooftop deck, and the conversion of 733 sq. ft. of the existing first floor into a new Accessory Dwelling Unit (ADU); resulting in a 37 ft. high four-story, 3,155 sq. ft. single-family residence with an attached ADU and no change to parking.

**Staff Recommendation:** No Substantial Issue

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**IMPORTANT NOTE:** This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at

the discretion of the Chair, testimony is limited to three minutes total per side. Please plan your testimony accordingly. Only the applicant, appellant(s), persons who opposed the application before the local government, and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeals do raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

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## **SUMMARY OF STAFF RECOMMENDATION**

On July 19, 2023, the City of Los Angeles approved Local Coastal Development Permit (CDP) Case No. ZA-2021-5442-CDP-MEL-ZAA for the remodel and addition to an existing 2,196 square foot (sq. ft.) approximately 32 ft. high three-story single-family residence including a 959 sq. ft. addition and new fourth floor, new 367 sq. ft. rooftop deck, and the conversion of 733 sq. ft. of the existing first floor into a new Accessory Dwelling Unit (ADU). This would result in a 37 ft. high four-story, 3,155 sq. ft. single-family residence with an attached ADU and no change to parking.

The appellant generally raises concerns regarding the project's proposed parking, existing unpermitted development beyond the property line, non-conforming side yards, incompatibility with the character of the neighborhood, fire and safety hazards, and adverse precedential impacts. The subject site currently maintains two parking spaces and proposes no change to the parking. The appellant contends the parking spaces are inadequate and that the addition of an ADU should require additional parking; however, the City correctly finds that no additional parking is required for an ADU located within ½ mile of a bus or rail stop. Furthermore, the Commission has determined in previous actions that two onsite parking spaces are sufficient to serve single-family residential development.

The subject property currently has an unpermitted deck encroaching onto the adjacent Ballona Wetlands Ecological Reserve. The unpermitted deck encroachment, however, is required to be removed prior to issuance of any permits per the City-approved permit conditions. In addition to these concerns, the appellant contends the project should be denied due to non-conforming 3-ft. side yard setbacks and assertions that the proposed design is not consistent with the character of the neighborhood. The City demonstrated that the project is consistent with neighboring properties through a compatibility analysis and reference to similar projects also allowing for the non-conforming side yard setbacks through Zoning Administrator's Adjustments. Finally, the appellant contends the project would impose adverse hazards and that all these issues may set a negative precedent for future development. The City similarly demonstrated the consistency of this project with those of the surrounding neighborhood as well as additional Regulatory Compliance Measures required by the applicant due to the projects vicinity to known hazards in the area. Therefore, the City adequately addressed and analyzed the relevant Chapter 3 policies of the Coastal Act in their findings.

At the "substantial issue" phase of an appeal, the Commission determines whether the appeal of the local government action raises a substantial issue as to the project's

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Appeal – No Substantial Issue

conformity with the Chapter 3 standards using the substantial issue factors in section 13115(b) of the Commission's regulations. Staff recommends that the Commission, after public hearing, determine that the appeal raises **no substantial issue** as to the proposed development's conformity with the Chapter 3 policies of the Coastal Act. The motion to carry out the staff recommendation is on Page Five.

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## **EXHIBITS**

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – Unpermitted Deck Encroachment](#)

[Exhibit 4 – Compatibility Analysis](#)

[Exhibit 5 – City Conditions of Approval](#)

## I. MOTION AND RESOLUTION – NO SUBSTANTIAL ISSUE

**Motion:** I move that the Commission determine that Appeal No. A-5-DRL-23-0039 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30602 of the Coastal Act.

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

**Resolution:** The Commission hereby finds that Appeal No. A-5-DRL-23-0039 presents **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under Section 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.

## II. APPELLANT’S CONTENTIONS

On September 18, 2023, Beverley King, the neighboring property owner, filed an appeal of the City of Los Angeles’ CDP. The appeal raises the following concerns with the City-approved development:

1. The proposed project does not include an adequate amount of parking for the addition of the ADU and the two existing parking spaces are not fully accessible, both of which impose negative coastal access impacts due to the subject property’s vicinity to Playa Del Rey Beach and Del Rey Lagoon Park.
2. The non-conforming 3-ft. side yards incorporated in the project design, as well as trash cans and other objects placed in the side yards, impede access, therefore an increase in the development’s height and square footage should not be granted.
3. The subject property contains an unpermitted deck encroaching onto the adjacent Ballona Wetlands, therefore additional development should not be permitted.
4. The proposed project is not consistent with the character of the neighborhood.
5. Approval of this project would set a negative precedent for future development regarding non-conforming side yards and the character of the neighborhood.
6. The proposed project imposes fire hazards and safety concerns (light and noise pollution, ventilation, privacy) due to the density increase.

### **III. LOCAL GOVERNMENT ACTION**

A joint Coastal Development Permit and Zoning Administrator’s Adjustment public hearing was held by a hearing officer on November 7, 2022. Two members of the public spoke at the hearing including the subject appellant and Richard Brody, a Land Manager for the California Department of Fish and Wildlife who manages the Ballona Wetlands Ecological Reserve. The case was taken under advisement for three weeks to allow for a visual compatibility analysis to be submitted ([EXHIBIT 4](#)). Three letters opposing the project were received from Julie Inouye and Michael Rubottom, Alice Marshall and Kenneth Washington, and Beverley King during the advisement period. Their comments raised concerns that the non-conforming 3-ft. side yards should prevent any increase to the height or square footage of the property, that the proposed project is too large and would result in view impacts, and that the construction of the ADU should require additional parking. Richard Brody additionally submitted a letter requesting no action be taken without the removal of the unpermitted deck encroachment ([EXHIBIT 3](#)) and to ensure construction measures are taken to prevent negative impacts to wildlife, including nearby birds. Finally, one call was received from a neighbor in support of the project.

The applicant removed portions of the unpermitted deck encroachment on February 23, 2023, in response to a local Code Enforcement order issued on July 30, 2021. The City’s Code Enforcement case was closed on May 3, 2023. On July 19, 2023, the City of Los Angeles Zoning Administrator approved the project under Case No. ZA-2021-5442-CDP-MEL-ZAA for the development proposed at 6509 Vista Del Mar, Playa Del Rey, Los Angeles. The last day to file a local appeal for the project was August 3, 2023, and no local appeals were received.

On August 18, 2023, the Commission received a Notice of Final Action (NOFA) for the locally approved CDP, and the Commission established the 20 working-day appeal period. On September 18, 2023, Beverley King filed a timely appeal of the local CDP. On September 21, 2023, a Notification of Appeal was sent to the City, the appellant, and the applicant, notifying them of the appeal of the City’s approval of the local CDP.

### **IV. APPEAL PROCEDURES**

Section 30600(b) of the Coastal Act provides that prior to certification of its LCP, a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Coastal Act Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a CDP. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local CDPs. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued CDPs. Section 30602 of the Coastal Act allows any action by a local government on a CDP application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After final local action on a CDP application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice, which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] As provided under Sections 13318 and 13319 of Title 14 of the California Code of Regulations, an appeal of a denial of a coastal development permit must conform to the procedures for filing an appeal as required under Section 13111 of Title 14 of the California Code of Regulations, including the specific grounds for appeal and a summary of the significant question raised by the appeal.

The action currently before the Commission is to find whether there is a “substantial issue” or “no substantial issue” raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, appellants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter.

Commission staff recommends a finding of no substantial issue. When Commission staff recommends that no substantial issue exists with respect to the grounds of the appeal, the Commission will hear arguments and vote on the “substantial issue” question. A majority vote of the Commissioners present is required to determine that an appeal raises no substantial issue and that the Commission will therefore not review the CDP de novo. If the Commission determines that no substantial issue exists, then the local government’s CDP action will be considered final. Alternatively, if the Commission finds that a substantial issue exists with respect to the grounds raised as to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the Commission accepts the appeal for a full de novo review of the permit application, and typically continues the public hearing to a later date in order to review the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission’s regulations. A de novo public hearing on the merits of the application uses the Chapter 3 policies of the Coastal Act.

## V. SINGLE/DUAL PERMIT JURISDICTION AREAS

Within the areas specified in Coastal Act 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 CDP also obtain a second (or “dual”) CDP 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., projects in the Single Permit Jurisdiction), the City of Los Angeles local CDP is the only CDP required. The proposed project is located within the Dual Permit Jurisdiction Area. Therefore, the applicant is required to obtain a second, or “dual”, CDP from the Commission for the proposed development after the local CDP is finalized, either through a determination of no substantial issue or de novo approval if substantial issue is found to exist.

## VI. FINDINGS AND DECLARATIONS – NO SUBSTANTIAL ISSUE

### A. PROJECT DESCRIPTION AND BACKGROUND

The scope of work approved by the Zoning Administrator includes the remodel and addition to an existing 2,196 sq. ft. approximately 32 ft. high three-story single-family residence, including a 959 sq. ft. addition and new fourth floor, new 367 sq. ft. rooftop deck, and the conversion of 733 sq. ft. of the existing first floor into a new ADU ([EXHIBIT 2](#)). The remodel would result in a 37 ft. high four-story, 3,155 sq. ft. single-family residence with an attached 733 sq. ft. ADU. The project would retain the existing two onsite parking spaces.

The project site, 6509 Vista Del Mar, is located adjacent to the Ballona Wetlands Ecological Reserve in a residential neighborhood of the Playa Del Rey neighborhood ([EXHIBIT 1](#)) within the City's Dual Permit Jurisdiction. The site is zoned R3-1 (Medium Residential) and is currently developed with a 2,196 sq. ft., three-story single-family residence on a 2,700 sq. ft. lot. The surrounding neighborhood is zoned R3-1 and is developed with single-family and multi-family residences ranging from two to four stories in height. The project site is in a Very High Fire Hazard Severity Zone, Methane Zone, Liquefaction Zone, and is located within 7.8 kilometers from the Palos Verdes Fault Zone.

For the reasons described more fully below and based on the Commission's balancing of the five substantial issue factors in section 13115 of the Commission's regulations, the Commission determines that the appeal does **not** raise a substantial issue as to the project's conformity with Chapter 3 of the Coastal Act.



## **B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS**

As indicated above, the standard of review is whether the appeal raises a substantial issue as to the local government’s action’s conformity with Chapter 3 of the Coastal Act, Cal. Pub. Res. Code §§ 30200-265.5. When determining whether an appeal raises a “substantial issue,” section 13115(c) of the Commission’s regulations provide that the Commission may consider factors, including but not limited to:

1. The degree of factual and legal support for the local government’s decision [that the development is consistent or inconsistent with the relevant provisions of the Coastal Act];
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government’s decision for future interpretations of its LCP; and
5. Whether the appeal raises local issues, or those of regional or statewide significance.

The Commission may, but need not, assign a particular weight to a factor.

The City’s Letter of Determination shows that the City adequately applied the Chapter 3 policies and concluded that the development is consistent with Sections 30240, 30250, 30251, 30252 and 30253 of the Coastal Act. The appeal raises no substantial issue regarding the project’s conformity with Chapter 3.

Therefore, the Commission finds that **no substantial issue exists** with respect to the grounds on which the appeal has been filed as to the local government action’s conformity to the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

## **C. SUBSTANTIAL ISSUE ANALYSIS**

As stated in Section IV of this report, the grounds for an appeal of a local government action on a CDP prior to certification of its LCP are the Chapter 3 policies of the Coastal Act. The Commission shall hear an appeal unless it determines that the appeal raises no substantial issue as to conformity with Chapter 3 of the Coastal Act.

The grounds for this appeal primarily relate to the proposed project’s inadequate parking, existing unpermitted development beyond the rear property line ([EXHIBIT 3](#)), non-conforming side yards, incompatibility with the character of the neighborhood, fire and safety hazards, and adverse precedential impacts.

### **Relevant Chapter 3 Policies of the Coastal Act**

Section 30240(b) of the Coastal Act states:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

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

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 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.

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

Section 30253 of the Coastal Act 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.

### **Parking**

The existing single-family residence currently contains two parking spaces, including one covered garage parking space and one uncovered parking space located directly adjacent to the garage. The City-approved project would maintain these two existing

parking spaces and provide no additional parking associated with the addition of the ADU. The appellant contends that the existing parking is inaccessible, specifically noting the curb restricting access to the uncovered parking space and additionally contends that the additional development associated with the project and new ADU should require additional parking at the subject residence. The appellant further contends that the lack of additional parking proposed with the project would impose coastal access impacts, as the residence is in the vicinity of Playa Del Rey Beach and Del Rey Lagoon Park ([EXHIBIT 1](#)).

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 City's uncertified zoning code requires two parking spaces for residential development (regardless of the size of the residence). Accordingly, past Commission actions in the area relied on a two-parking space requirement for residential development. In this case, the applicant is proposing to maintain the two onsite parking spaces. Although the residence would become larger with the proposed addition, the project would maintain the existing residential use and would thus not be increasing the parking demand for the single-family residence. Furthermore, Condition 6(e) of the City-approved permit requires the applicant to maintain the two existing parking spaces accessed from Vista Del Mar ([EXHIBIT 5](#)). The appellant contends that the uncovered parking space is inaccessible due to the curb restricting access, however, there was not enough evidence provided to substantiate this claim.

With respect to parking for the proposed ADU, the City's findings conclude that no additional parking is required given that the proposed project is located approximately 1,250 ft. from the nearest bus stop (LA Metro Local 115 EB Culver / Vista Del Mar) and that according to CA Government Code Sections 65852.2 and 65852.22, no additional parking is required for an ADU located within a ½ mile of a bus or rail stop.

Therefore, the City adequately addressed parking requirements associated with this project by conditioning the applicant to maintain the two existing parking spaces. No public access impacts are anticipated as a result of the proposed parking due to the public transportation in the vicinity of the project site, which satisfies Section 30252 of the Coastal Act and supports a finding of no substantial issue.

### **Non-conforming Side Yards**

The existing three-story single-family residence currently maintains 3-ft. side yard setbacks; however, the City's uncertified zoning code requires four-story residential buildings located in the subject R3-1 Zone to have 5-ft. side yard setbacks. The applicant requested a Zoning Administrator's Adjustment to grant the northern and southern non-conforming 3-ft. side yard setbacks, which was approved by the Zoning Administrator on July 19, 2023. The appellant contends that any increase in height or floor area should not be approved due to the non-conforming setbacks and that the existing side yards contain access obstructions such as trash cans that impede access.

Further, the appellant contends approval of the non-conforming setbacks would set a negative precedent for future development to not conform with the side yard setback requirements.

The City supported its rationale for the Zoning Administrator's Adjustment and addressed precedential concerns through a comparison of other residential buildings in the surrounding neighborhood. A visual compatibility analysis was prepared by the applicant team to analyze the height, side yard setbacks, and density of the 35 other surrounding lots on Vista Del Mar ([EXHIBIT 4](#)). The analysis determined that 25 of the lots maintain similar 3-ft. side yard setbacks, 12 of these lots include improved structures of 37 ft. or more in height and 5 of the 35 lots maintain four-story structures with non-conforming 3-ft. side yard setbacks. The proposed development does not increase the lateral footprint of the single-family residence, but rather increases the height of the existing development ([EXHIBIT 2](#)). Given the increase in floor area and height of the project is confined to the existing footprint of the development, the proposed increased height and maintenance of non-conforming side yard setbacks do not raise a substantial issue with regard to the project's conformity with Section 30250(a) of the Coastal Act. Furthermore, to ensure accessibility of the side yards is maintained, Condition 5(b) of the City's approval prohibits erecting new fencing along the southeasterly property line between the subject site and the neighboring property at 6513 S Vista Del Mar ([EXHIBIT 5](#)). Given the Zoning Administrator's Adjustment for the allowance of the non-conforming 3-ft. side yard setbacks and compatibility analysis ([EXHIBIT 4](#)) finding 71% of the surrounding properties maintain 3-ft. side yard setbacks, the City has adequately addressed the appellants concerns regarding the non-conforming setbacks.

Further, the side yard setbacks in this circumstance are used for private access to the rear of the property. There are no public access points to the Ballona Wetlands Ecological Reserve from the project site or neighboring residences. Private residential access is not protected under Chapter 3 of the Coastal Act, thus, the appellant's contentions listed above do not support a finding of substantial issue.

### **Unpermitted Development**

The rear of the subject property abuts the Ballona Ecological Wetlands Reserve ([EXHIBIT 1](#)). The property contains an unpermitted deck extension constructed in 2020 that encroaches onto the Ballona Wetlands ([EXHIBIT 3](#)). Although a portion of the unpermitted deck extension was removed by the applicant on February 23, 2023, a subsequent topographical survey shows a remaining encroachment onto the Ballona Wetlands Ecological Reserve. The appellant contends that the unpermitted encroachment should prevent the applicant from obtaining a permit for additional development. The Ballona Wetlands Ecological Reserve is identified as an environmentally sensitive habitat area (ESHA) and therefore is protected under Section 30240(b) of the Coastal Act, which requires development in areas adjacent to ESHA "be sited and designed to prevent impacts which would significantly degrade those areas and shall be compatible with the continuance of those habitat and recreation areas."

The City has worked with the applicant to address the unpermitted deck encroachment, which began with LADBS Code Enforcement issuing an Order to Comply on July 30, 2022. The Order to Comply required the applicant to halt construction activities without permits or inspections and was closed on May 3, 2023, following the partial removal of the deck by the applicant on February 23, 2023. The City-approved permit includes Condition 8, which requires the applicant to remove all unpermitted development beyond the rear property line and encroaching onto the Ballona Wetlands Ecological Reserve land to the satisfaction of the Department of Building and Safety until any permit is issued ([EXHIBIT 5](#)). Thus, the City has adequately addressed the appellant's contention through this condition, and the City's action supports a determination of no substantial issue.

### **Neighborhood Character**

The appellant contends that the proposed remodel of and addition to the existing single-family home would result in development that is not consistent with the character and aesthetics of properties in the surrounding neighborhood that the local Homeowners Association has worked to preserve. Section 30251 of the Coastal Act requires development “to be visually compatible with the character of surrounding areas”. The appellant contends the height and density, among other elements of the proposed project, are not consistent with neighboring properties and that approval of this project would set a negative precedent regarding the preservation of the neighborhood character.

The applicant provided a thorough analysis of neighboring properties ([EXHIBIT 4](#)) which was reviewed by the City to demonstrate this project is consistent with the character of the neighborhood. This includes a compatibility analysis finding that the neighborhood contains primarily two-story to four-story single and multiple-family residences ranging from 18 ft. to 49 ft. high with a mixture of flat and sloped rooflines, many of which are tall and narrow. Similar to the proposed project, five nearby homes are four-stories in height, and a third of the properties in the neighborhood have rooftop decks and reach or exceed the maximum 37-ft. height limit of the Del Rey Lagoon Area. The City-approved permit further contains conditions to ensure neighborhood character is maintained ([EXHIBIT 5](#)), including Condition 6(b), which limits the development height to the maximum allowable height of 37 ft.; Condition 6(c), which outlines requirements for the front façade; and Condition 4, which requires the removal of graffiti within 24 hours of occurrence. Therefore, the City adequately addressed the visual character of the proposed project through compatibility analyses and conditions, which supports a finding of no substantial issue.

### **Hazards**

The project site is in a Very High Fire Hazard Severity Zone, Methane Zone, Liquefaction Zone, and is located within 7.8 kilometers from the Palos Verdes Fault Zone. The appellant contends that the proposed increase in density would impose several safety concerns, including increased fire hazards, light and noise pollution, ventilation issues, and a lack of privacy. Contentions surrounding a lack of privacy do

not raise Coastal Act issues and therefore are not further analyzed. Additionally, contentions regarding noise pollution were not supported with any evidence to substantiate the claim. Section 30253 of the Coastal Act requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard. The City's zoning regulations are in part intended to provide adequate open space for light and air and to prevent and fight fires. The non-conforming 3-ft. side yard setbacks are a deviation from the zoning regulations; however, the City determined that the proposed setbacks are consistent with those located on Vista Del Mar and still achieve the intended safety measures to allow for adequate airflow and accessibility for emergency personnel, thus not increasing fire hazards. The City further supports their rationale by noting that the property will continue to be served by existing fire and police stations and that the project is subject to additional Regulatory Compliance Measures due to the known hazards in the area. The appellant's concerns regarding light pollution are further addressed by the City through Condition 9, which requires the applicant to utilize shielding on outdoor lighting to reduce light pollution on adjacent properties ([EXHIBIT 5](#)). Therefore, the City adequately addressed the hazards raised in the appellant's contentions to conformity with Section 30253 of the Coastal Act and supports a finding of no substantial issue.

#### **SUBSTANTIAL ISSUE FACTORS:**

The Commission must accept an appeal for a full de novo review unless it finds that the appeal raises "no substantial issue" as to the project's conformity with Chapter 3 of the Coastal Act. Cal. Pub. Res. Code § 30625(b)(1); 14 C.C.R. § 13321. The Commission's decision is guided by the factors listed in Section 13115(c) of the Commission's regulations and incorporates as if fully set forth below all of the above findings.

On balance, and after consideration of the five factors listed in Section 13115(c), the Commission finds that the appeal raises "no substantial issue" as to the project's conformance with Chapter 3 of the Coastal Act.

- 1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act.** The City's findings state that this project is consistent with Chapter 3 policies of the Coastal Act and analyzes all relevant sections in the findings and provides factual and legal support for the conclusions. This specifically includes Section 30240(b), Section 30250(a), Section 30251, Section 30252, and Section 30253 in relation to the appellant's contentions. Therefore, the Commission finds that the City provided an adequate degree of factual and legal support for their decision, and this weighs in favor of a finding of no substantial issue.
- 2. The extent and scope of the development as approved or denied by the local government.** The City-approved development will remodel a three-story single-family residence into a four-story single-family residence in a developed area. The scope is consistent with that of the surrounding development. There is adequate factual and legal support for the City's determination that the project would have no adverse impacts on public access, local hazards, and is consistent with the

character of the neighborhood. Therefore, the extent and scope of the City-approved development is limited to one residence that does not involve out-of-scale development. This factor weighs in favor of a finding of no substantial issue.

- 3. The significance of the coastal resources affected by the decision.** The adjacent Ballona Wetlands Ecological Reserve is a significant coastal resource and is one of the few remaining wetlands in Southern California. Development adjacent to Ballona Wetlands, including but not limited to deck additions, has the potential to adversely impact the environmentally sensitive habitat present throughout the reserve. In this case, the unpermitted deck encroachments beyond the property line may result in impacts to environmentally sensitive habitat, which would weigh in favor of a finding of substantial issue. As mentioned above, the scope of work is limited to the fourth-story addition to a single-family residence and the City has conditioned its approval on a requirement for the removal of the deck encroachments. Furthermore, the Dual Permit provides the Commission with another opportunity to evaluate potential impacts from the deck and to impose restoration and mitigation measures.
- 4. The precedential value of the local government’s decision for future interpretations of its LCP.** The City does not currently have a certified LCP. Approving projects that are not consistent with the Chapter 3 policies of the Coastal Act may prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act. In this case, there is adequate support for the City’s determination that the project is consistent with the land resource and development policies of the Coastal Act. Therefore, approval of this project is unlikely to set a new or adverse precedent for any future interpretations of the City’s LCP, when one is adopted, or Chapter 3 of the Coastal Act. This factor weighs in favor of a finding of no substantial issue.
- 5. Whether the appeal raises local issues, or those of regional or statewide significance.** The project involves a residential project in a developed neighborhood of Playa Del Rey with similar scale homes, which raises primarily local issues relating to consistency with the prevailing character of the neighborhood. This factor weighs in favor of a finding of no substantial issue.

## CONCLUSION

In conclusion, the primary issues raised by the appeal is whether the City-approved project is consistent with the development policies of Chapter 3 of the Coastal Act, as well as ESHA encroachments. The Commission finds that there is factual and legal support for the City’s determination that the proposed development as conditioned is consistent with the relevant policies of Chapter 3. After a balancing of all the substantial issue factors, the Commission finds that the appeal does not raise a substantial issue as to the project’s conformity with Chapter 3 of the Coastal Act.

## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

1. Appeal File No. A-5-DRL-23-0039 and associated file documents