

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 2/2/2009
 49th Day: 3/23/2009
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 Staff: Charles Posner - LB
 Staff Report: 3/19/2009
 Hearing Date: April 8, 2009
 Commission Action:



W3a

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-08-285

APPLICANT: 15 Voyage Street, LLC (Michael Dobson)

AGENT: Vincent Varela

PROJECT LOCATION: 147 Via Marina (Lot 23, Block 17, Del Rey Beach Tract), Venice, City of Los Angeles.

PROJECT DESCRIPTION: Remove a mobile construction office trailer from the 2,280 square foot lot, and construct a 45-foot high, 5,000 square foot (approx.) single-family residence with an attached three-car garage.

Lot Area	2,280 square feet
Building Coverage	1,180 square feet
Pavement Coverage	800 square feet
Landscape Coverage	300 square feet
Parking Spaces	3
Zoning	R1-1
Plan Designation	Single-Family Residential
Ht above final grade	45 feet

LOCAL APPROVAL: City of Los Angeles Planning Department Approval, Case No. DIR-2008-4534-SPP-MEL (1/28/2009).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the coastal development permit for the proposed development with special conditions relating to the maintenance of public areas, compliance with underlying permit requirements, submittal of revised plans that comply with the 45-foot height limit, landscaping, parking, water quality, and deed restriction. **See Page Two for the motion to carry out the staff recommendation.** The proposed project has received a conditional approval from the City of Los Angeles Planning Department and is consistent with the R1-1 zoning designation and the surrounding residential land uses. Staff recommends that the Commission find that the proposed development, as conditioned, conforms with the Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP. The applicant agrees with the staff recommendation.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. Coastal Development Permit A-266-77 (ILA) & amendment.
3. Coastal Development Permit 5-87-112 (Del Rey Assoc.) & amendment.
4. Coastal Development Permit 5-86-641 (Lee).
5. Coastal Development Permit 5-03-497 (B.A.B. Enterprises, 133 Channel Pte Mall).
6. Coastal Development Permit 5-00-458 (Rafla, 135 Via Marina)/
7. Coastal Development Permit 5-00-440 (MFC Properties, 123 Via Marina)
8. Coastal Development Permit 5-00-047 (Wilson, 119 Via Marina).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: Approval with Conditions

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 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 this permit is reported to the Commission. 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. Maintenance of Public Areas

In order to maintain the public areas designated in the Silver Strand and Del Rey Beach tracts, the applicant and all successors in interest shall participate in the private homeowners association established under amended Coastal Development Permit A-266-77 (ILA) on a fair and equitable basis in the maintenance of all public areas and landscaping (including pedestrian malls, parking nodes, and the lagoon buffer and pathway) installed pursuant to Coastal Development Permits A-266-77 (ILA), 5-86-641 (Lee) and 5-87-112 (Del Rey Assoc.). The public areas are identified on the attached "Public Areas Exhibit – Del Rey/Silver Strand" (**Exhibit #7 of the staff report dated 3/19/09**) and repeated as Exhibit #1 to the Notice of Intent that the Executive Director issues for this coastal development permit.

2. Coastal Development Permit 5-87-112 (Del Rey Assoc.)

Through the acceptance of this coastal development permit, the applicant acknowledges and agrees as follows:

- A) The project site is subject to Coastal Development Permit 5-87-112 (Del Rey Assoc.) and that all development must be consistent with Coastal Development Permit 5-87-112 (Del Rey Assoc.), and;
- B) All public areas provided and improved pursuant to Coastal Development Permit 5-87-112 (Del Rey Assoc.), including Channel Pointe (Yawl) Mall, Westwind Mall, and the public streets and alleys, shall remain open and available for use by the general public on the same basis as similar public areas within the City.

3. Building Height

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised project plans for the review and approval of the Executive Director. The revised project plans shall conform to, and clearly demonstrate compliance with, the 45-foot height limit, as follows: The roof of the approved structure shall not exceed 45 feet in elevation above the centerline of the Via Marina right-of-way. Roof deck railings of

an open design shall not exceed 36 inches above the 45-foot roof height limit. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may extend up to fifty feet in elevation above the Via Marina right-of-way. The permittee shall undertake and maintain the development in accordance with the final plans approved by the Executive Director pursuant to this condition. Any proposed change to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. 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 legally required.

4. Wall Height and Landscaping Adjacent to Public Sidewalk

Through the acceptance of this coastal development permit, the applicant acknowledges and agrees as follows:

- A) The maximum height of the wall proposed between the approved single-family residence and the abutting public sidewalk on Via Marina shall not exceed a height of six feet, as measured from the Via Marina public sidewalk, and;
- B) All landscaping within the planter area of the wall shall be maintained in good growing condition throughout the life of the project. New plant material shall be installed whenever necessary.

5. Permeable Yard Area

In order to reduce the amount of runoff leaving the site and to preserve the water quality and biological productivity of Ballona Lagoon, a permeable yard area shall be maintained in the front yard area between the structure and the front property line. No more than twenty percent (20%) of the front yard setback (permeable front yard area) shall be covered with impervious materials (i.e., walkway, stairways, and garden walls).

6. Landscaping

Vegetated landscaped areas shall only 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. The use of pesticides and herbicides is prohibited in the front yard permeable yard area required by Special Condition Five.

7. Parking

The applicant shall provide at least three off-street parking spaces on the project site as proposed. These parking spaces shall take access from the alleys (also called courts). The courts and street ends shall not be used as parking for the residence approved by this coastal development permit. This condition shall serve as notification that amended

Coastal Development Permit A-266-77 (ILA) reserves parking on the street ends in the Silver Strand area for public parking, and that these public parking areas shall not be used for preferential parking. It also serves notice that the street and street ends adjacent to the project site shall not be reserved to any homeowner(s).

8. Drainage – Water Quality

Through the acceptance of this coastal development permit, the applicant acknowledges and agrees as follows: The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the water. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all stormdrains, open ditches and surface waters. During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any waterway or street that drains into a waterway, unless specifically authorized by the California Regional Water Quality Control Board. All floatable debris and trash generated by construction activities within the project area shall be disposed of at the end of each day, or as soon as possible. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.

9. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

10. Deed Restriction

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development 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 governed by this coastal development 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 coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development 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

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 45-foot high, 5,000 (approx.) square foot single-family residence on a vacant lot in the interior of the Del Rey Beach Tract in Venice (Exhibit #3). The project site fronts on Via Marina, a major coastal access route. The applicant is required to submit revised plans that comply with the 45-foot height limit for the site, since the submitted plans incorrectly measure the height limit from existing grade instead of from the centerline of Via Marina (Exhibit #5). The proposed residence provides three on-site parking spaces within a three-car garage accessed from the rear alley (Exhibit #4). A six-foot high wall, with a landscaped planted, is proposed on the property line between the proposed development and the abutting public sidewalk on Via Marina (Exhibit #5).

The project site is located in the Del Rey Beach Tract (Exhibit #3). The Silver Strand subdivision is located three blocks north of the site. Ballona Lagoon is located about three hundred feet west of the site. The Marina del Rey entrance channel is located about one hundred feet south of the site. The entire area is referred to as the "Silver Strand area" (Exhibit #7). The Silver Strand subdivision and the Del Rey Beach tract share a long history before the Coastal Commission. Both subdivisions, referred to together as the Silver Strand area, are located along the east bank of Ballona Lagoon and have only recently been developed with single-family residences. Although the subdivisions were created in the early 1900s, the development of the area did not commence until the late 1970s. Therefore, the Commission has reviewed and permitted the development of the subdivisions with single-family residences.

The first Commission approval in the area occurred in 1977 when the Commission approved the "Silver Strand Permit", A-266-77 (ILA), which was brought before the Commission on an appeal. Prior to the Commission's action on Coastal Development Permit A-266-77 (ILA) in 1977, the Commission and its predecessor denied several applications to improve the streets and supply utilities within portions of the Silver Strand subdivision and the Del Rey Beach Tract to make residential development possible. The previous projects were denied because of adverse impacts on traffic, recreation and wetland habitat.

The projects were proposed by a consortium of comprised of most of the owners of the approximately three hundred undeveloped lots located on Blocks 7 through 18 of the Silver Strand subdivision and Blocks 13 through 15 of the Del Rey Beach Tract (Exhibit #3). The consortium was judged to have the legal ability to apply for a permit to grade the lots, improve the streets, and supply utilities within the Silver Strand area so that individual lot owners would eventually be able to build homes under separate permits.

The Commission's 1977 approval of Coastal Development Permit A-266-77 (ILA) permitted the consortium of applicants, the Isthmus Landowners Association (ILA), to develop the infrastructure necessary for the development of single family homes on approximately three hundred lots located on Blocks 7 through 18 of the Silver Strand subdivision and Blocks 13 through 15 of the Del Rey Beach Tract (Exhibit #3).

The currently proposed project is located on a lot (**Lot 23 of Block 17, Del Rey Beach Tract**) outside of the project area of approved Coastal Development Permit A-266-77 (Exhibit #3). The Commission's approval of Coastal Development Permit A-266-77 (ILA), however, is still relevant as it remains the basis for the development of the Silver Strand area under subsequent approvals [e.g., Coastal Development Permit 5-87-112 (Del Rey Assoc.)].

Coastal Development Permit A-266-77 (ILA) was subject to conditions addressing lagoon protection, maintenance of public areas, public access, and public parking. In its approval of Coastal Development Permit A-266-77 (ILA), the Commission found that Ballona Lagoon, located adjacent to the Silver Strand and Del Rey Beach subdivisions and about three hundred feet west of the subject site, was critical habitat area and an important coastal resource. The Commission further found that residential development of the Silver Strand area would have major adverse cumulative impacts on the lagoon and that several measures were necessary to mitigate the adverse impacts of development.

One of the mitigation measures was a condition of Coastal Development Permit A-266-77 (ILA) that required the owners of the lots subject to Coastal Development Permit A-266-77 (ILA) to establish a private homeowners association sufficient to maintain all public areas and landscaping approved and required by the permit. Because all of the owners of the lots subject to Coastal Development Permit A-266-77 (ILA) would benefit from the permitted tract improvements, the Commission required each lot owner to contribute to the maintenance of the improvements. Coastal Development Permit A-266-77 (ILA) was amended in 1979. Since 1980, the approved grading has been completed, a public access path along Ballona Lagoon has been improved, and the permittee (ILA) established itself as the private homeowners association of the Isthmus Landowners Association (ILA) to maintain the lagoon buffer and other public areas.

The findings and special conditions of approval established through the Commission's approval of Coastal Development Permit A-266-77 (ILA) have become the standard by which subsequent permits in the area are reviewed in order to ensure consistency with the Chapter 3 policies of the Coastal Act, and these conditions provide the basis for the mitigating special conditions that have been routinely applied to all subsequent coastal development permits in the area, including this one. The special conditions ensure that the Chapter 3 policies of the Coastal Act and the underlying permit are carried out as individual lots are developed in the Silver Strand area. Special Condition One, in particular, requires the applicant to participate in the private homeowners association established under amended Coastal Development Permit A-266-77 (ILA) in the maintenance of all public areas and landscaping (including pedestrian malls, parking nodes, and the lagoon buffer and pathway) that have been installed pursuant to Coastal Development Permit A-266-77 (ILA) and the other permits authorizing the development in the Silver Strand area [See Exhibit #3: Coastal Development Permits 5-86-641 (Lee) and 5-87-112 (Del Rey Assoc.)]. The public areas are identified on the attached "Public Areas Exhibit – Del Rey/Silver Strand" (Exhibit #7). As conditioned, the proposed development conforms with the Chapter 3 policies of the Coastal Act and the prior permits.

B. Public Access

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed

development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. Public Recreation

The proposed development, as conditioned, does not interfere with public recreational use of coastal resources. The proposed development, as conditioned, protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development, as conditioned, is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

D. Marine Resources and Water Quality

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

E. Development

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

F. Environmentally Sensitive habitat Areas (ESHA)

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) 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 one additional condition 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.

H. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, 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.

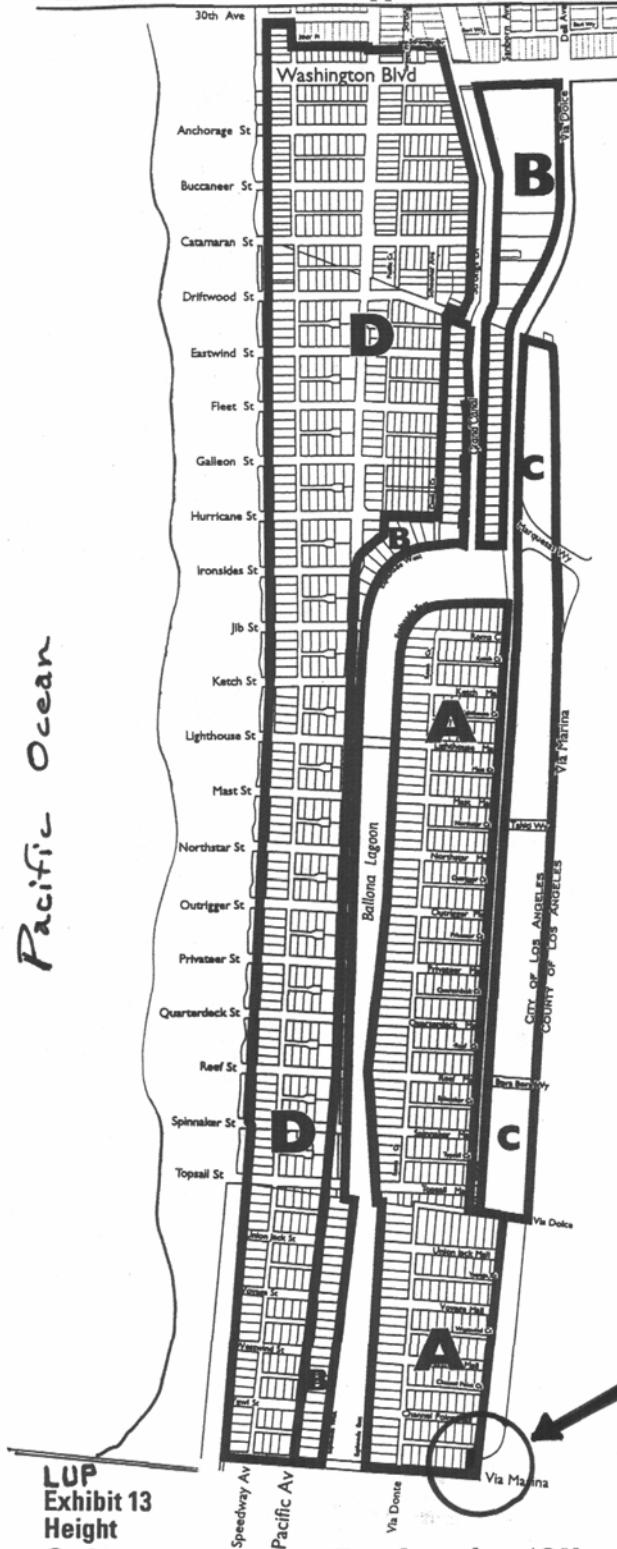
I. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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EXHIBIT # 1
PAGE 1 OF 1



Maximum Building Height

- A** 30' within 60 horizontal feet of the mean high tide line of Ballona Lagoon or inland side of the Esplanade (City right-of-way), whichever is furthest from the water. Beyond 60 horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 45'. 45-foot limit for structures or portions of structures located further than 60 horizontal feet of the mean high tide line of Ballona Lagoon and the inland side of the Esplanade.
- B** 30' within 60 horizontal feet of the mean high tide line of Ballona Lagoon, Grand Canal or the inland side of the Esplanade (City right-of-way), whichever is furthest from the water. Beyond 60 horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 38 feet.
- C** 45'
- D** 35, 28' along Walk Streets.

Notes:

*All building heights shall be measured from the elevation of the fronting right-of-way, except on lagoon lots where all building heights shall be measured from the average existing natural grade.

*No portion of any structure (including roof access structures, roof deck railings and architectural features) shall exceed the 30' height limit within 60 horizontal feet of the mean high tide line of Ballona Lagoon, Grand Canal or the inland side of the Esplanade (City right-of-way).

*Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

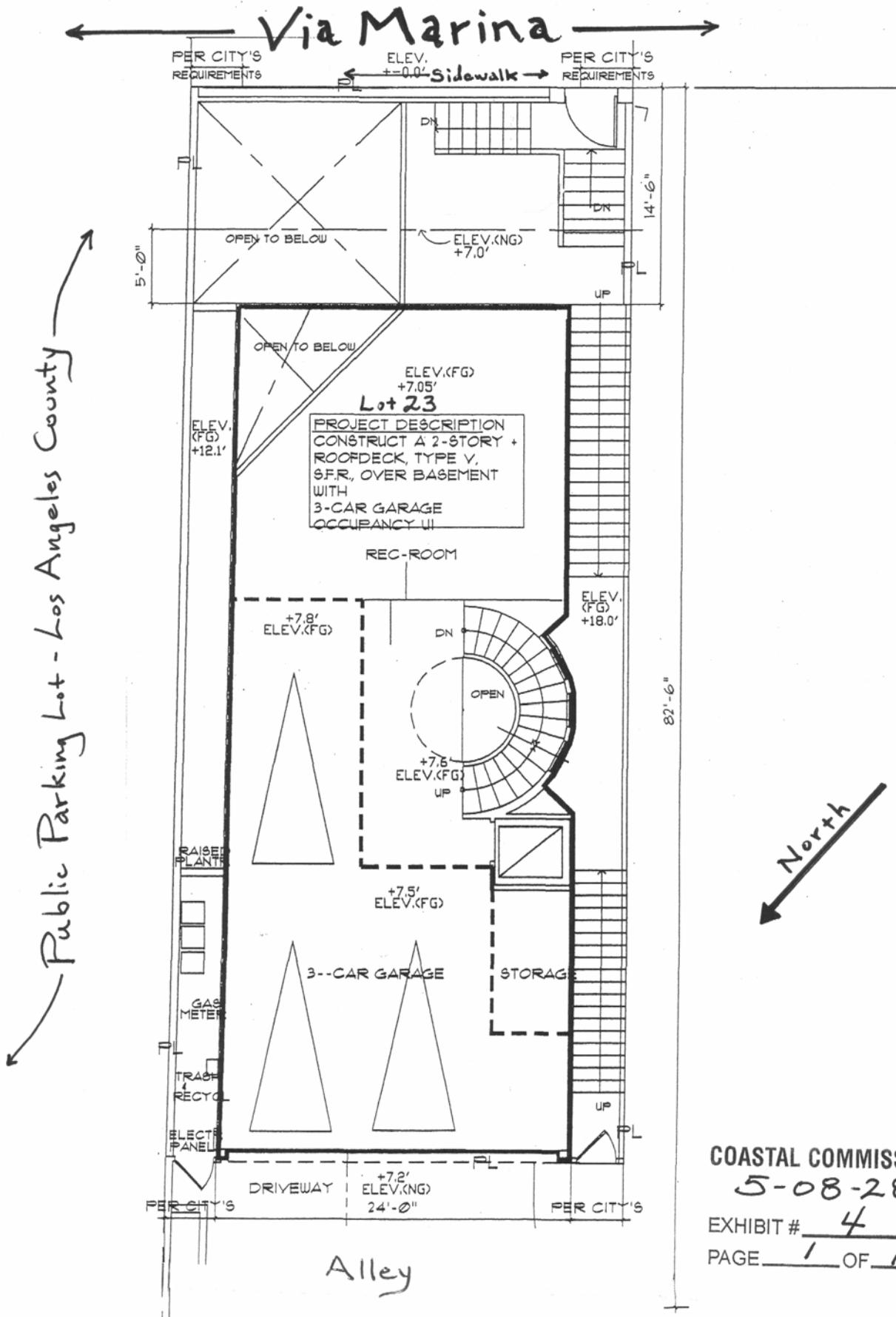
*See Policy I.A.1 for policy limiting roof access structures.

*See Policy I.B.7 for commercial and mixed-use development standards.

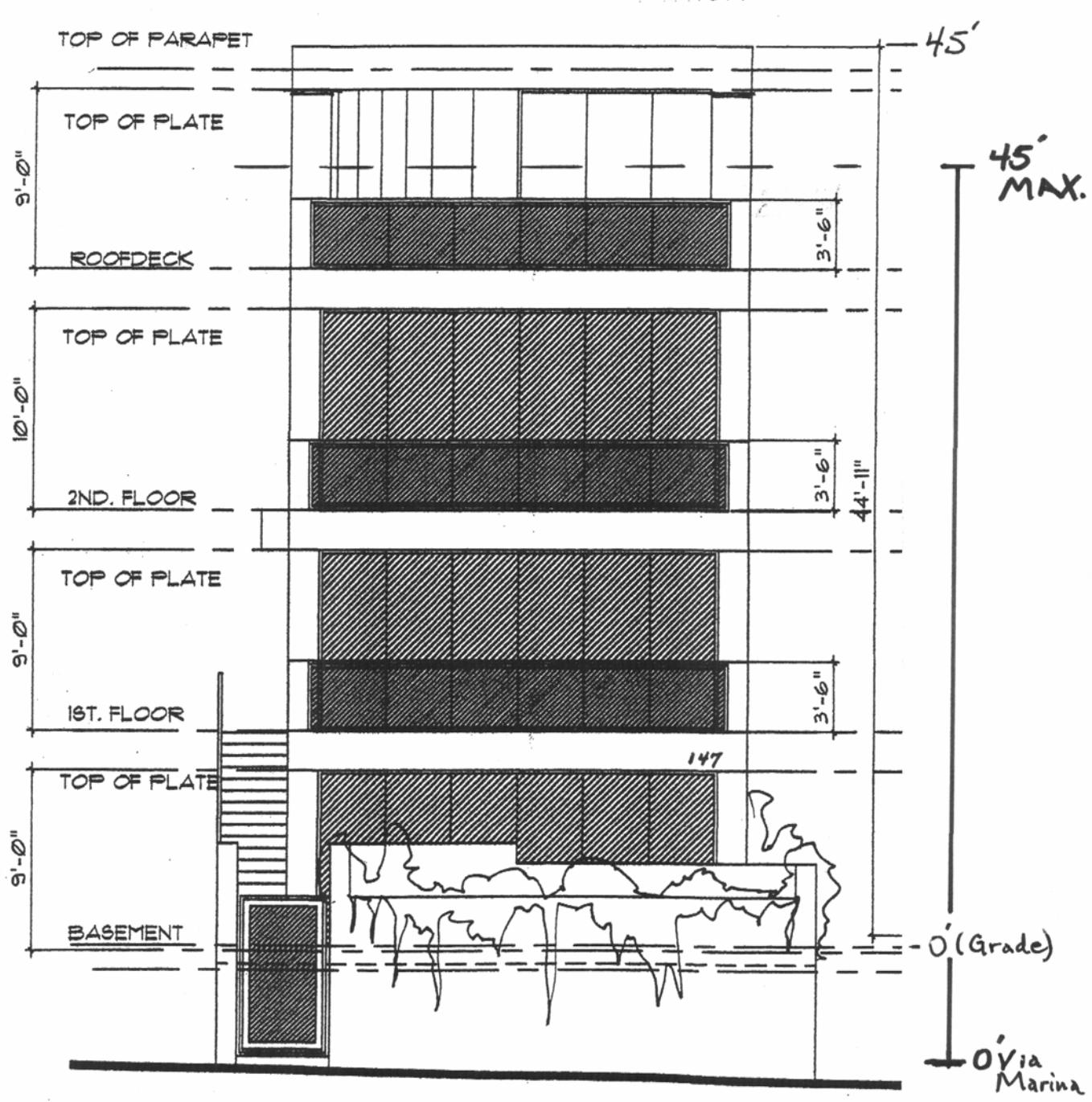
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Not to Scale

EXHIBIT # 2
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COASTAL COMMISSION
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EXHIBIT # 4
PAGE 1 OF 1



FRONT ELEVATION
(Via Marina)

COASTAL COMMISSION
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EXHIBIT # 5
PAGE 1 OF 1

WEST ELEVATION

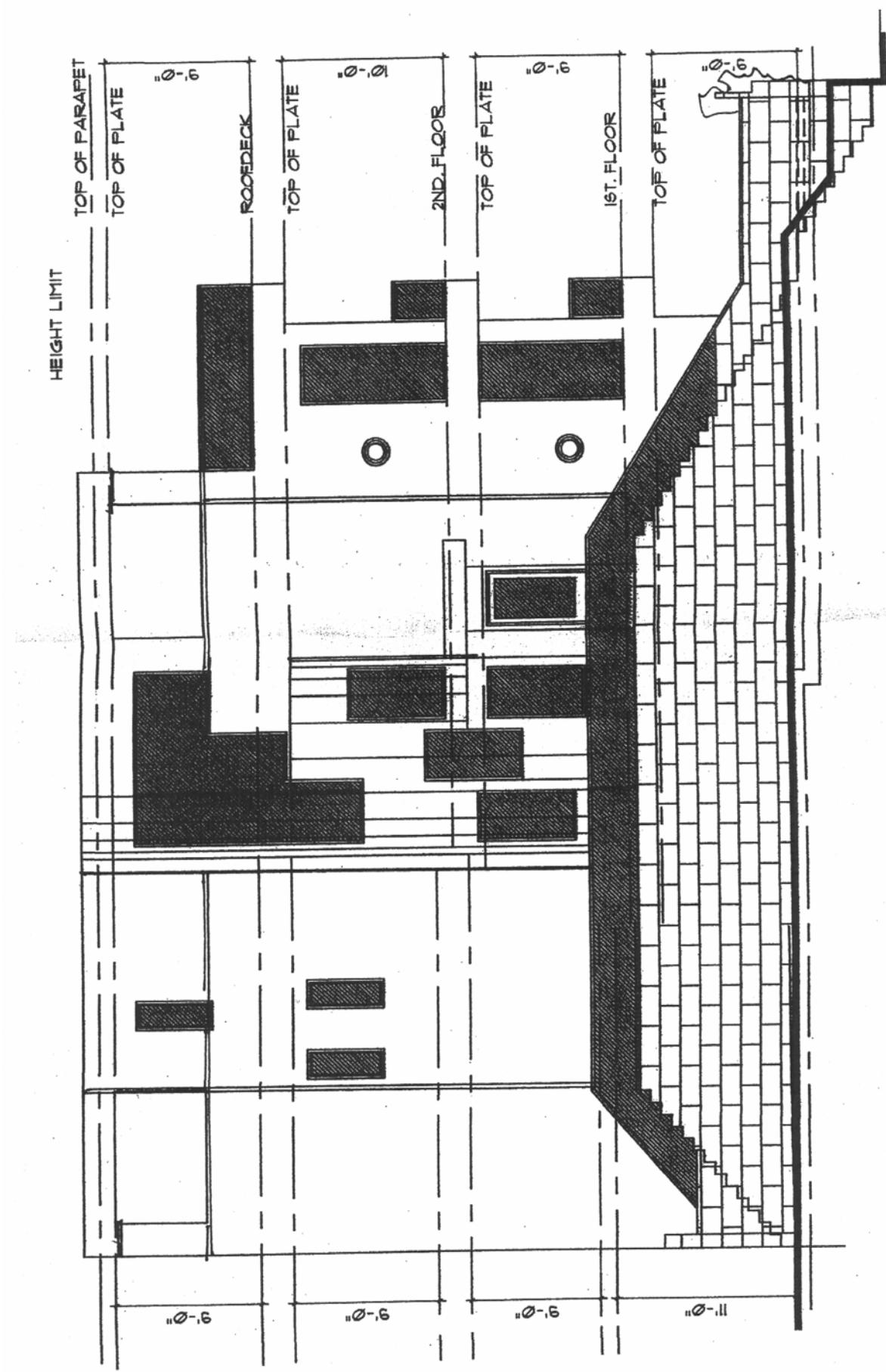


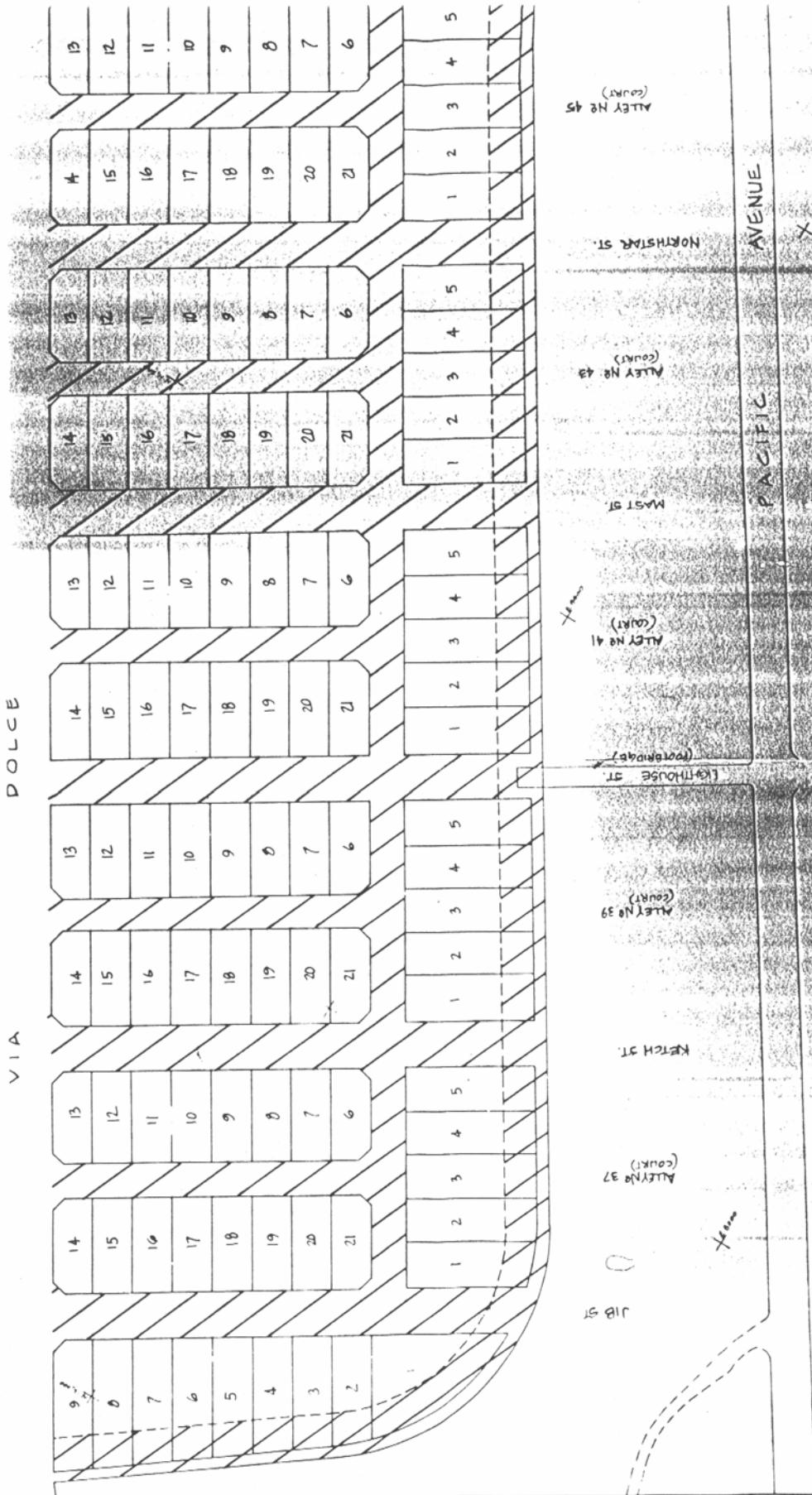
EXHIBIT # 6
PAGE 1 OF 1

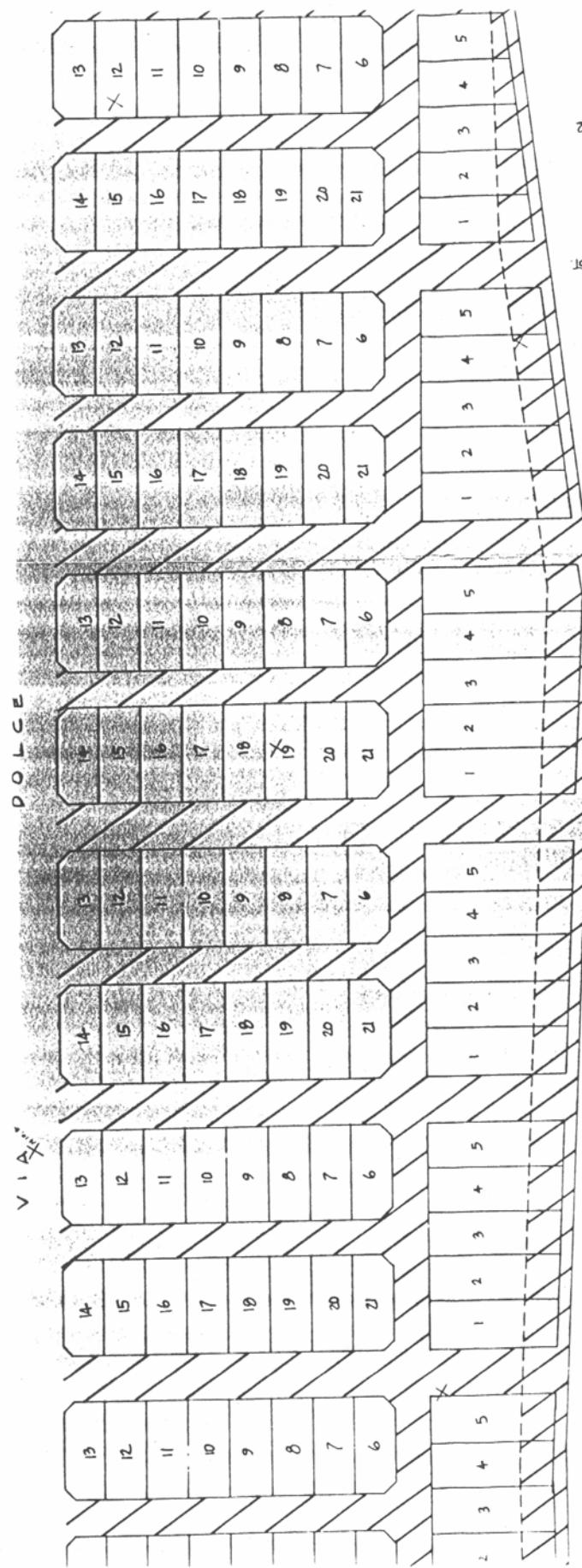
STRAND
Public Areas Exhibit
Del Rey/Silver Strand

PUBLIC BUFFER and DRAINAGE AREAS / DEL REY

SOURCE: CCC, Engineering Service Corporation

Exhibit 7 PAGE 1 OF 3





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MALDEY № 45
(COJURT)

AVENUE

CALIFORNIA COASTAL COMMISSION

APPROVED ON 4-18 AS CONFORMING TO PERMIT A-77-77
19.80

MICHAEL L. FISCHER
EXECUTIVE DIRECTOR

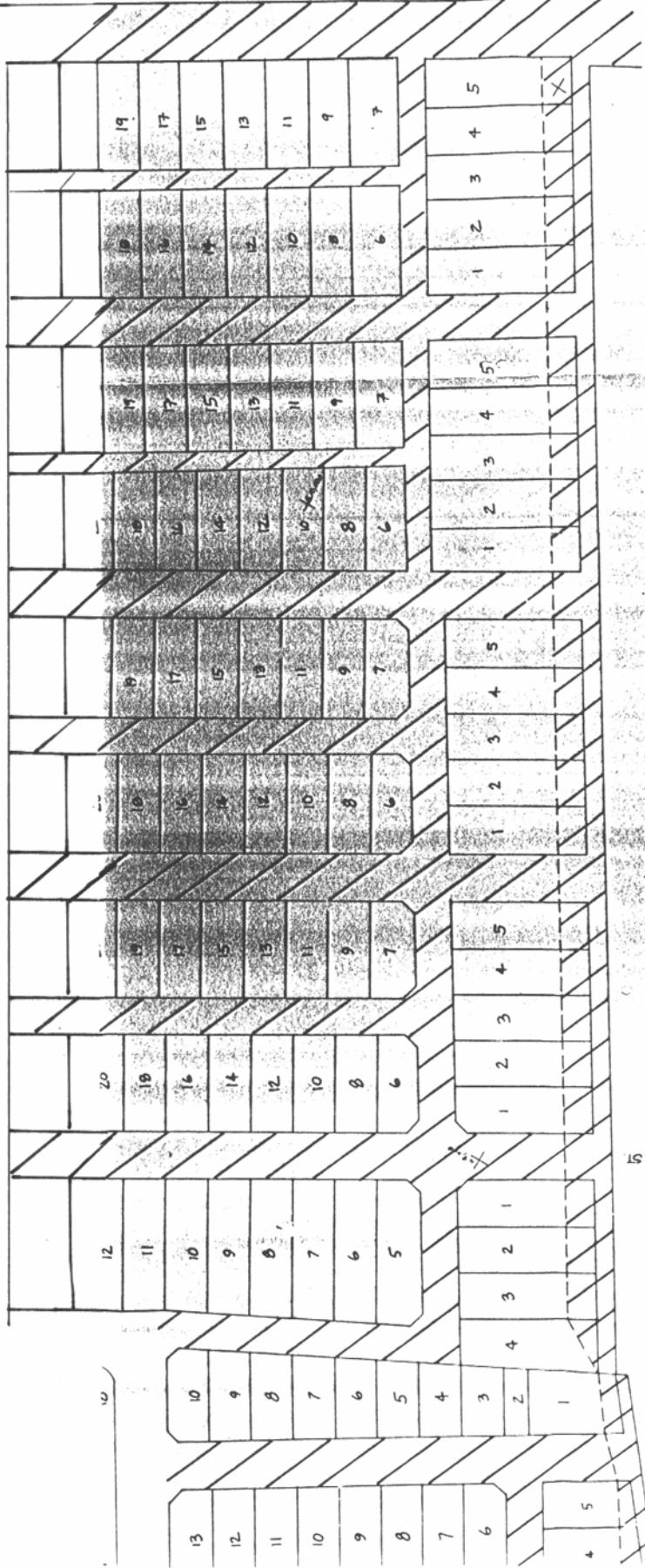
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Public Areas Exhibit Del Rey/Silver Strand

PAGE 2 OF 3

Exhibit 7



VIAL MARINA

CALIFORNIA COASTAL COMMISSION

11/13/06 11/16/06

APPROVED ON 3/26/07 2/16/03

5-86-141, 5-86-141A,
AS CONFORMING TO PERMITS SEC-12, 4-5-2-119,

RESPECTIVELY.

MICHAEL L. FISCHER

EXECUTIVE DIRECTOR

By Suzanne M. Saito
Title Assistant Director

COASTAL COMMISSION

Public Areas Exhibit

Del Rey/Silver Strand

Exhibit 7 PAGE 3 OF 3