

CALIFORNIA COASTAL COMMISSION

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

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Staff: Charles Posner - LB
Staff Report: 12/20/2012
Hearing Date: January 10, 2013
Commission Action:

**Th6a****STAFF REPORT: CONSENT CALENDAR**

Application Number: 5-12-304

Applicant: David Podleski

Agent: Eric Lindeman & David Hertz, Architects

Project Location: 4107 Roma Court (Lot 2, Block 8, Silver Strand), Venice, City of Los Angeles, Los Angeles County.

Project Description: Construction of a three-level, 42-foot high, 4,093 square foot single-family residence with an attached 544 square foot three-car garage on a vacant lagoon-fronting lot.

Lot Area	4,393 square feet
Building Coverage	2,017 square feet
Pavement Coverage	897 square feet
Landscape Coverage	1,479 square feet
Parking Spaces	3
Zoning	[Q]RD1.5-1
Plan Designation	Single Family Residence
Height above final grade	42 feet

Local Approval: City of Los Angeles Planning Department Approval, Case No. DIR-2009-995-SPP-MEL, 6/15/2009.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **approve** a coastal development permit for the proposed development with special conditions relating to the protection of Ballona Lagoon (ESHA), landscaping, maintenance of public areas, compliance with underlying permit requirements, building setback and height limit, and the provision of adequate parking. The proposed development complies with all local development standards, prior Commission approvals, and the certified City of Los Angeles Land Use Plan (LUP) for Venice. **See Page Two for the Motion to approve the permit application.** The applicant agrees with the recommendation.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....2

II. STANDARD CONDITIONS.....3

III. SPECIAL CONDITIONS.....3

IV. FINDINGS AND DECLARATIONS.....8

 A. PROJECT DESCRIPTION8

 B. PUBLIC ACCESS AND RECREATION10

 C. MARINE RESOURCES AND WATER QUALITY10

 D. BIRD FLYWAY - BUILDING HEIGHT AND GLASS.....10

 E. ENVIRONMENTALLY SENSITIVE HABITAT AREA (ESHA)11

 F. DEVELOPMENT11

 G. DEED RESTRICTION.....11

 H. LOCAL COASTAL PROGRAM.....11

 I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).....12

APPENDIX A - Substantive File Documents

EXHIBITS

- Exhibit 1 – Venice, CA Map
- Exhibit 2 – Marina Peninsula/Silver Strand Venice Subarea Map
- Exhibit 3 – Project Location Map
- Exhibit 4 – Proposed Site Plan
- Exhibit 5 – Proposed Side Elevation Plan
- Exhibit 6 – Proposed Plan - Section
- Exhibit 7 – Public Buffer and Drainage Areas – Del Rey/Silver Strand

I. MOTION AND RESOLUTION

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.

Resolution: *The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 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

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent 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

This permit is granted subject to the following special conditions:

1. **Approved Development - Permit Compliance.** Coastal Development Permit 5-12-304 approves the construction of a new three-level single-family residence with an attached three-car garage, and landscaping of the protective lagoon buffer strip with native plants. Disturbance of the public trail that runs within the protective lagoon buffer strip described in Special Condition Two is strictly prohibited. All development must occur in strict compliance with the proposal as set forth in the application, subject to the special conditions. Any proposed change or deviation from the approved plans shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans, or disturbance of the protective lagoon buffer strip, shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
2. **Protective Lagoon Buffer Strip - Easement for Public Access and Habitat Protection.** No development (with the exception of landscaping with native vegetation compatible with the preservation of the wetland coastal strand and dune environment, and the maintenance of the existing public walkway) shall occur within the easement area dedicated on the project site as part of the Protective Lagoon Buffer Strip pursuant to Los Angeles County Instrument No. 91-577531, recorded on April 23, 1991. The dedicated Protective Lagoon Buffer Strip easement covers a thirty-foot (30') deep strip of land over the entire width of the applicant's property as measured

from the applicant's western (lagoon-side) property line. Prohibited development within the dedicated area includes installation of permanent irrigation devices and the planting of non-native vegetation. The accepting agency or association shall have the right to access the easement to landscape it with native vegetation compatible with the preservation of the wetland coastal strand and dune environment and to maintain the public walkway. The applicant shall not interfere with the use of the lagoon buffer public access path across the easement, restoration of the lagoon buffer as strand habitat, and such fencing that is necessary to preserve the habitat.

- 3. Landscaping Plan.** Prior to the issuance of the coastal development permit, the applicant shall prepare a landscaping plan for the entire lot, including the dedicated easement area described in Special Condition Two, and submit it to the Executive Director for review and approval. The landscaping plan shall include a map showing the type, size and location of all plant materials that will be utilized, the irrigation system, topography of the developed site, and a schedule for installation of plants. The landscape plan shall be consistent with all of the following requirements:
- a) All landscaping for the entire development shall be of southern California native plants appropriate to the Ballona Lagoon habitat area (coastal sand dune). 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.
 - b) The use of chemical pesticides, fertilizers, and herbicides is prohibited within the protective lagoon buffer strip described in Special Condition Two.
 - c) Within protective lagoon buffer strip described in Special Condition Two, the applicant shall preserve all existing plants that are native to the Ballona Lagoon habitat area, and shall remove all non-native plants by hand. No grading or presence of heavy machinery shall occur within the protective lagoon buffer strip described in Special Condition Two.
 - d) Landscaping for the protective lagoon buffer strip described in Special Condition Two shall be installed immediately following completion of grading for the development and prior to or concurrent with commencement of construction of the dwelling authorized under this permit. The plantings shall provide 70% cover within ninety days, unless the Executive Director grants additional time for good cause. The landscaping shall be maintained by the applicant or successor(s)-in-interest. The landscaping shall be maintained in good growing condition through-out the life of the project, and whenever necessary, shall be replaced with new plant materials which conform to the requirements of this condition to ensure continued compliance with the landscape plan.
 - e) Monitoring. Five years from the date of the completion of the installation of landscaping as required in item (d) above, the applicants (or successors in interest) shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage. If the landscape monitoring report indicates the landscaping is

not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant (or successors in interest) shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. The applicant (or successor in interest) shall implement the supplemental landscaping plan approved by the Executive Director and/or seek an amendment to this permit if required by the Executive Director.

The permittee shall undertake development in accordance with the final plans approved by the Executive Director. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. **Setback from Protective Lagoon Buffer Strip.** All portions of the dwelling (including stairways, balconies and bay windows), except for ground level decks, shall be set back from the easterly edge of the lagoon buffer strip at least ten feet or fifteen percent of the buildable length of the lot excluding the lagoon buffer strip, whichever is greater. In this case, the required minimum setback from the lagoon buffer strip is 12 feet, 8 inches. The total height of any deck, deck railings, garden walls, and/or fences situated within the setback area shall not exceed six feet in height above the elevation of the lagoon buffer strip located immediately adjacent to the setback area. No fence, wall or other accessory structure shall encroach into the lagoon buffer strip situated between the waters of the lagoon and the house.
5. **Construction Buffer.** No runoff or waste from the construction site shall be permitted to enter the waters of Ballona Lagoon or the protective lagoon buffer strip described in Special Condition Two above. In order to create a protective buffer between the waters of Ballona Lagoon and the site of the proposed residence, and to protect the lagoon and lagoon buffer from runoff from the project site, the permittees shall erect a six-foot high fence with a silt curtain and sandbag containment berm along the length of the site (parallel to the lagoon's shoreline) between the building site and the lagoon buffer area. The fence, silt curtain and containment berms shall be in place prior to any excavation or placement of building materials on the site, and shall contain all runoff and waste from the building site. The permittee shall attach a 24-inch high silt curtain along the bottom of the fence and place a 24-inch high containment berm constructed of sand-filled bags along the inland side of the fence. The fence and containment berm shall be maintained and shall remain in place until the completion of construction and painting activities. There shall be no stock piling, grading, trash disposal, equipment storage, excavation, placement of fill, or any other development within the protective buffer area established between the waters of the lagoon and the fence (with the exception of landscaping with native vegetation compatible with the preservation of the wetland coastal strand and dune environment, and the maintenance of the existing public walkway).
6. **Water Quality.** Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a Construction Best Management Practices (BMP) Plan for the proposed project that provides for the following:

- a) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into the lagoon or any street that drains into the lagoon, unless specifically authorized by the California Regional Water Quality Control Board.
- b) All construction equipment and materials shall be stored and managed in a manner to minimize the potential of pollutants to enter the lagoon.
- c) Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into the lagoon, and more than fifty feet away from a storm drain, open ditch or surface waters.
- d) In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

The Construction Best Management Practices Plan approved by the Executive Director pursuant to this condition shall be attached to all final construction plans. The permittee shall undertake the approved development in accordance with the approved Construction Best Management Practices Plan. Any proposed changes to the approved Construction Best Management Practices Plan 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 required.

7. **Bird Strike Prevention.** Ocean front deck railing systems, fences, screen walls and gates subject to this permit shall use materials designed to minimize bird-strikes with the deck railing, fence, or gate. Such materials may consist, all or in part, of wood; wrought iron; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless appliqués (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency are also used. Any appliqués used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one appliqué for every 3 foot by 3 foot area) and the recommendations of the Executive Director. Use of opaque or partially opaque materials is preferred to clear glass or Plexiglas and appliqués. All materials and appliqués shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications and as recommended by the Executive Director.
8. **Building Height.** The height of the proposed structure within sixty 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, shall not exceed thirty feet (30') above the existing average natural grade. Beyond sixty horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 45 feet above the existing average natural grade. No portion of any structure (including roof access structures, roof deck railings and architectural features) shall exceed the thirty-foot height limit within sixty horizontal feet of the mean high tide line of Ballona Lagoon or the inland side of the Esplanade, whichever is furthest from the water.

- 9. Coastal Development Permit A-266-77 (ILA).** Through the acceptance of this coastal development permit, the applicant acknowledges and agrees that: A) The project site is subject to amended Coastal Development Permit A-266-77 (ILA) and that all development must be consistent with amended Coastal Development Permit A-266-77 (ILA), and, B) All public areas provided and improved pursuant to amended Coastal Development Permit A-266-77 (ILA), including the landscaped malls, the public streets and alleys, all public parking spaces, and the Ballona Lagoon public access path, shall remain open and available for use by the general public on the same basis as similar public areas within the City.
- 10. Maintenance of Public Areas.** In order to maintain the public areas designated in the Silver Strand and Del Rey Beach tracts, the permittees and successors in interest shall: A) participate with the other lot owners subject to Coastal Development Permits A-266-77, 5-86-641 and 5-87-112 on a fair and equitable basis in the responsibility for the maintenance of the public areas, lagoon buffers, and drainage devices prescribed by Coastal Development Permits A-266-77, 5-86-641 and 5-87-112; B) allow the State Coastal Conservancy and the City of Los Angeles, and their successors in lagoon buffer maintenance, the right to enter, restore and maintain the lagoon buffer situated between the waters of the lagoon and the house; and C) maintain all yard areas and height limits within sixty feet of the lagoon bank as specified in the special conditions this permit. The public areas are identified on **Exhibit #7 of the 12/20/2012** staff report entitled “Public Buffer and Drainage Areas.”
- 11. Parking.** The permittee shall provide and maintain at least three off-street parking spaces on the project site. These parking spaces shall take access only from Roma Court, as shown on the project plans. The courts and street ends in the Silver Strand area are designated for public parking and 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 any type of 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).
- 12. 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: A) 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 B) 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

A. PROJECT DESCRIPTION

The applicant proposes to construct a three-level, 42-foot high, 4,093 square foot single-family residence on a vacant lagoon-fronting vacant lot in South Venice (Exhibits #4-6). The 4,393 square foot lot is situated on the east bank of Ballona Lagoon in the Silver Strand Tract (Exhibit #2). The area is referred to as the "Silver Strand Area." The proposed residence provides three on-site parking spaces within a 544 square foot ground-floor garage, with vehicular access only from Roma Court (Exhibit #4). Ballona Lagoon, which fronts the site, is a tidal lagoon designated as an Environmentally Sensitive Habitat Area (ESHA) by the certified Venice Land Use Plan.

The project site includes a thirty-foot deep portion of the lot (the portion situated closest to the waters of the lagoon) that was dedicated in 1991 as an easement for public access and habitat protection pursuant to Coastal Development Permit 5-90-995 (Hoffman & Mulvihill -Los Angeles County Instrument No. 91-577531). A public trail exists within the dedicated easement area (Exhibit #4). The proposed project includes landscaping of the dedicated easement area (protective lagoon buffer strip) with native plants. Coastal Development Permit 5-90-995, approved by the Commission January 10, 1991, authorized the construction of a three-level, 4,285 square foot single-family residence on the lot. Coastal Development Permit 5-90-995 was extended sixteen times, but expired on January 10, 2009 without being vested. On November 5, 2009, the Commission approved Coastal Development Permit 5-09-168 (Rojany) for the construction of a three-level, 42-foot high, 4,093 square single-family residence on the lot. Coastal Development Permit 5-09-168 was not extended or vested, and it expired on November 5, 2011.

History

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 with residences did not occur until the late 1970s. Therefore, the Commission has reviewed and permitted the development of the subdivisions with single-family residences. This lot is one of the last undeveloped lots in the subdivision.

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 represented most of the lot owners, although the gas company which owned several lots and a few other individual lot owners refused to join. 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 #7). The currently proposed project is located on a lot (Lot 2, Block 8, Silver Strand Tract) that is subject to Coastal Development Permit A-266-77 (ILA) (Exhibit #3).

Coastal Development Permit A-266-77 (ILA) was subject to conditions addressing lagoon protection, maintenance of public areas, public access, and public parking. The Commission found that Ballona Lagoon, located adjacent to the Silver Strand and Del Rey Beach subdivisions (and just 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 to reduce the impacts of the residential development on the lagoon was the requirement for the dedication of an easement (for habitat protection and public access) as part of the east bank protective lagoon buffer strip (Exhibit #7). The City of Los Angeles has accepted most of the east bank easements that comprise the protective lagoon buffer strip. These easements, which exist on all but a few of the lagoon-fronting lots, allow for the existence and maintenance of native landscaping and the Ballona Lagoon east bank public access trail (Exhibit #7). Most of the protective lagoon buffer strip has been restored with native vegetation as part of the Ballona Lagoon Enhancement Plan [See Coastal Development Permit 5-95-152 (Ballona Lagoon Enhancement Plan)].

A thirty-foot deep section of the 114-foot long project site comprises part of the protective lagoon buffer strip that exists along the east bank of Ballona Lagoon (Exhibits #3&4). The thirty-foot deep section of the project site that is part of the protective lagoon buffer was dedicated in 1991 as an easement for public access and habitat protection (Los Angeles County Instrument No. 91-577531). A public trail exists within the dedicated easement area (Exhibit #4). The proposed project includes landscaping of the dedicated easement area (protective lagoon buffer strip) with native plants. The project site, including the lagoon buffer area, is now covered by ice plant.

Another mitigation measure 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. The public areas are identified on the attached exhibit entitled "Public Buffer and Drainage Areas" (Exhibit #7).

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 Nine, in particular, requires the applicant to participate in the private homeowners association established¹ under amended Coastal Development Permit A-266-77 (ILA) in the maintenance of the public areas and landscaping (e.g., pedestrian malls, parking nodes, 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. The public areas are identified on the attached exhibit entitled “Public Buffer and Drainage Areas” (Exhibit #7). Only as conditioned does the proposed development conform with the Chapter 3 policies of the Coastal Act and the prior permits.

B. PUBLIC ACCESS AND RECREATION

The proposed project will not interfere with the public access trail that runs along the east bank of Ballona Lagoon. 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.

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.

C. 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 30231 of the Coastal Act.

D. BIRD FLYWAY - BUILDING HEIGHT AND GLASS

The certified Venice Land Use Plan (LUP) imposes a thirty-foot height limit for the portion of the proposed structure situated within sixty 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. No portion of any structure (including roof access structures, roof deck railings and architectural features) is permitted to exceed the thirty-foot height limit within sixty horizontal feet of the mean high tide line of Ballona Lagoon or the inland side of the Esplanade, whichever is furthest from the water. The proposed project conforms with the height limit.

¹ In 1980, the permittee for Coastal Development Permit A-266-77, the Isthmus Landowners Association (ILA), established itself as the association responsible for the maintenance of the public areas.

This thirty-foot height limit helps to protect the habitat of Ballona Lagoon and its bird flyway from encroaching buildings. The proposed project also uses translucent glass railings, instead of transparent glass, to reduce the potential for bird strikes. As conditioned, the proposed development will not have any new adverse impact on coastal resources, including sensitive habitat areas and public access. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30240(b), 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

E. 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.

F. 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.

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 records a deed restriction against the property, referencing all of the 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.

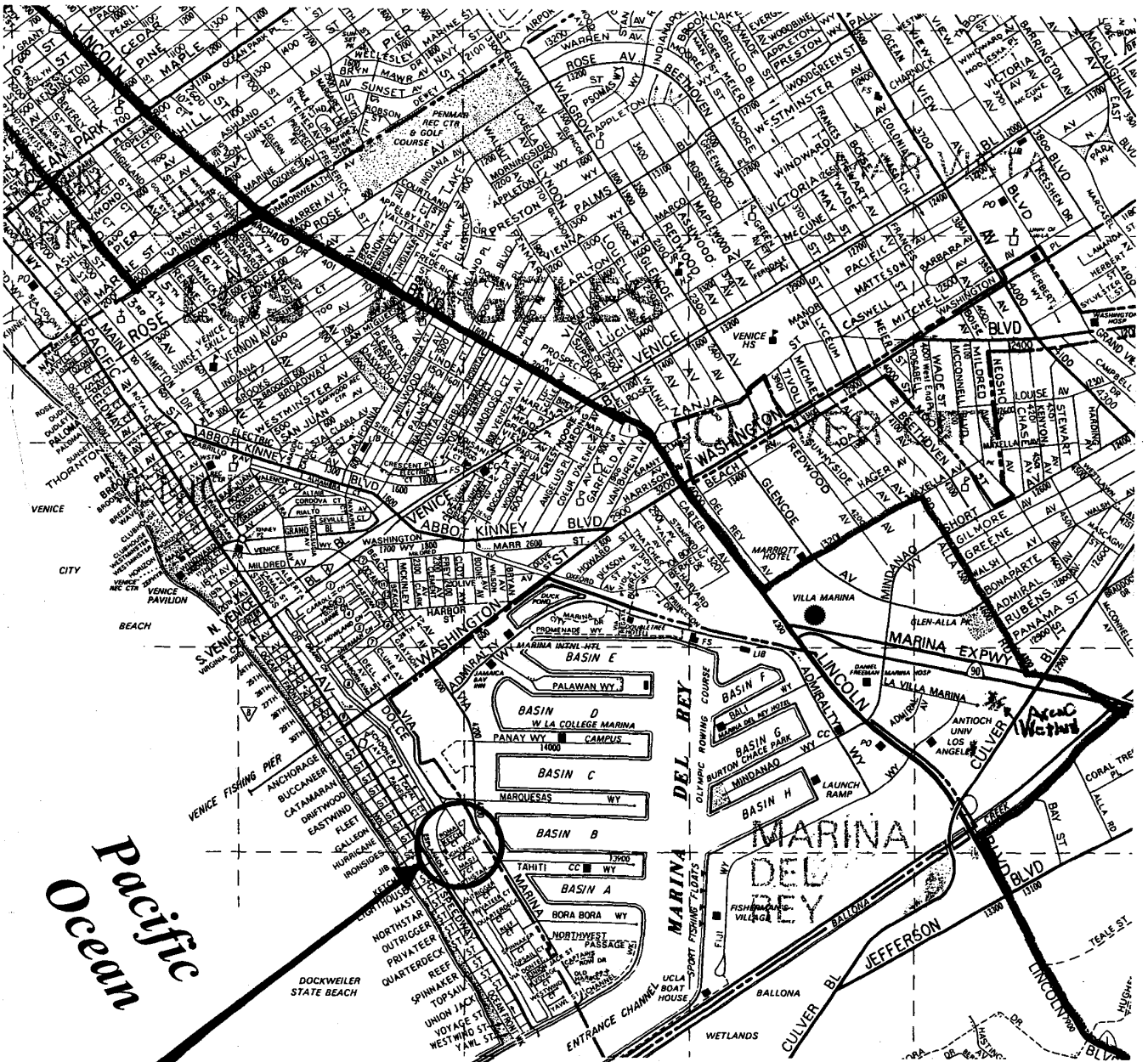
I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

In this case, the City of Los Angeles is the lead agency and the Commission is the responsible agency for the purposes of CEQA. On March 31, 2009, the City of Los Angeles Planning Department issued CEQA Categorical Exemption No. ENV-2009-996-CE (Class 3 - Category 1) for the proposed single-family residence. 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.

Appendix A - 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) & amendments.
 5. Coastal Development Permit 5-95-152 (Ballona Lagoon Enhancement Plan).
 6. Coastal Development Permit 5-90-995 (Hoffman/Mulvihill: 4107 Roma Court).
 7. Coastal Development Permit 5-09-168 (Rojany: 4107 Roma Court).
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VENICE, CA



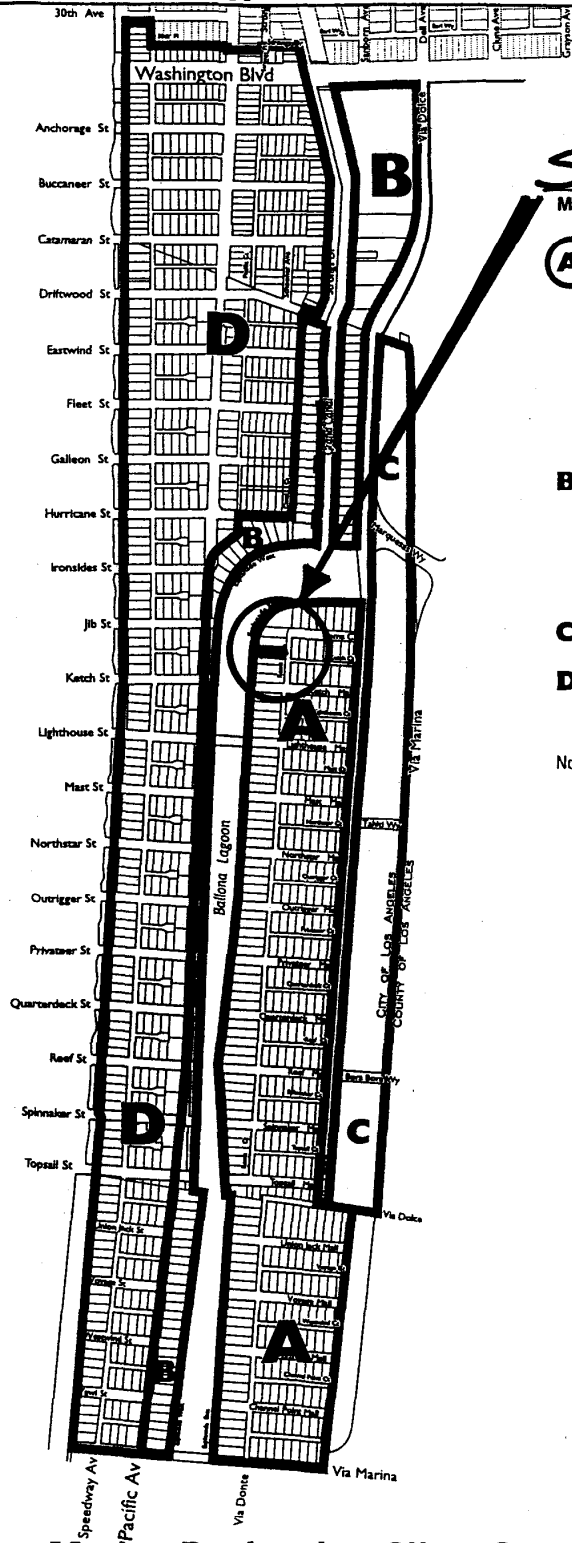
Pacific Ocean

Site: 4107 Roma Court

COASTAL COMMISSION
5-12-304

EXHIBIT # 1
PAGE 1 OF 1





Site: 4107 Roma Court
 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.

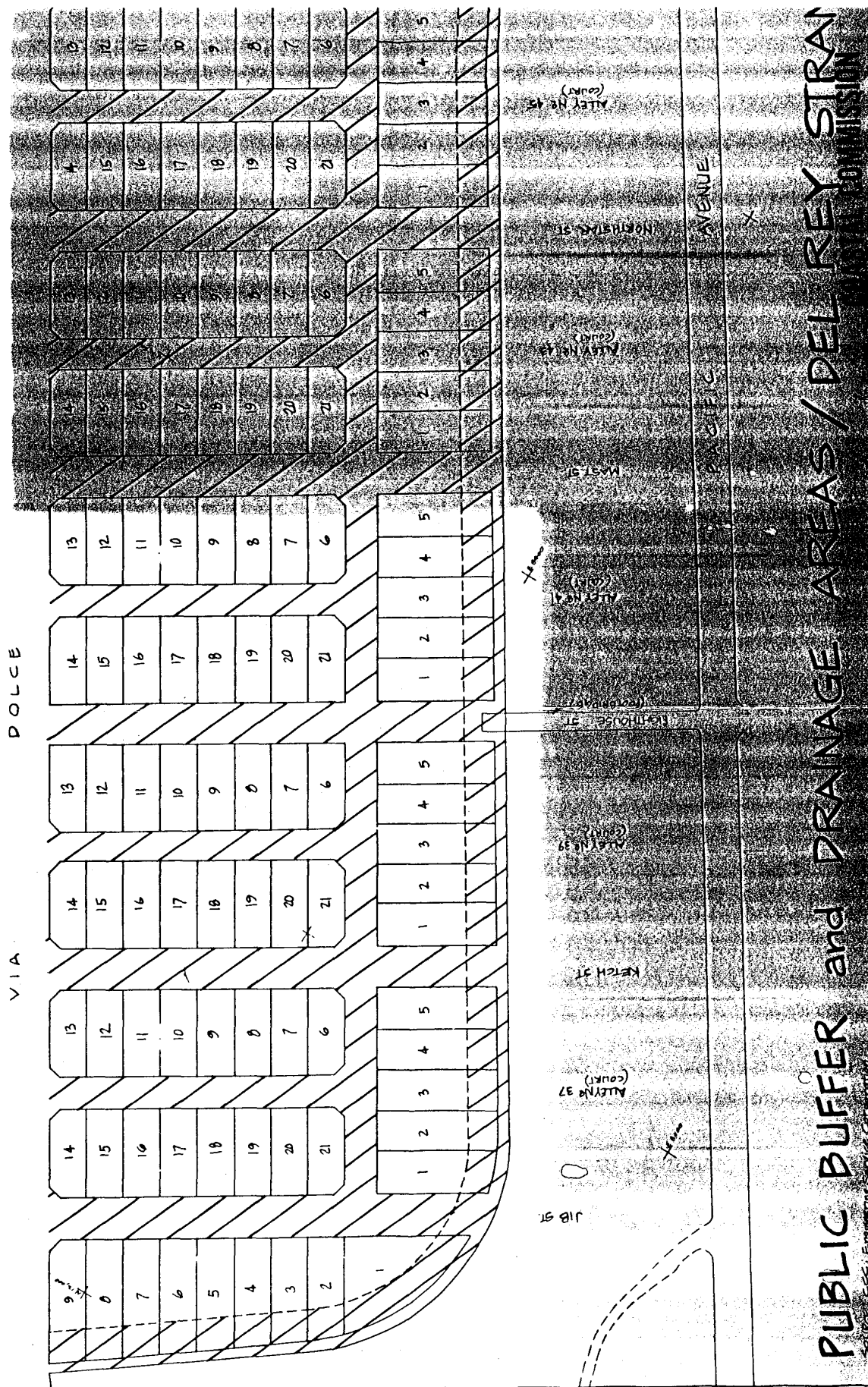
LUP
 Exhibit 13
 Height

**Subarea: Marina Peninsula • Silver Strand •
 Ballona Lagoon West • Ballona Lagoon (Grand Canal) East**

COASTAL COMMISSION
5-12-304

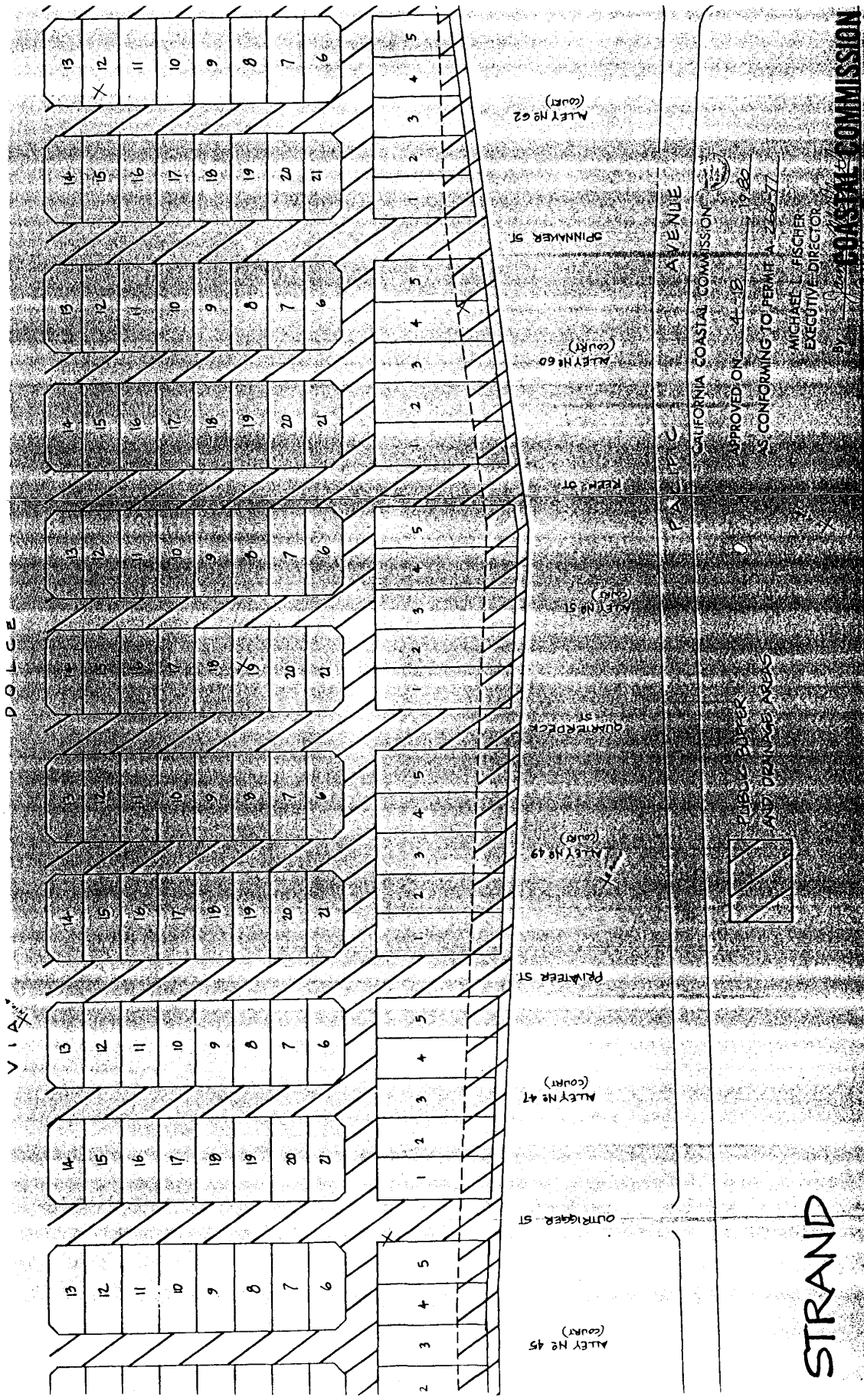
4
 Not to Scale

EXHIBIT # 2
 PAGE 1 OF 1



PUBLIC BUFFER and DRAINAGE AREAS / DEL REY STRAND DIVISION

SOURCE: EDCI, Environmental Services Corporation

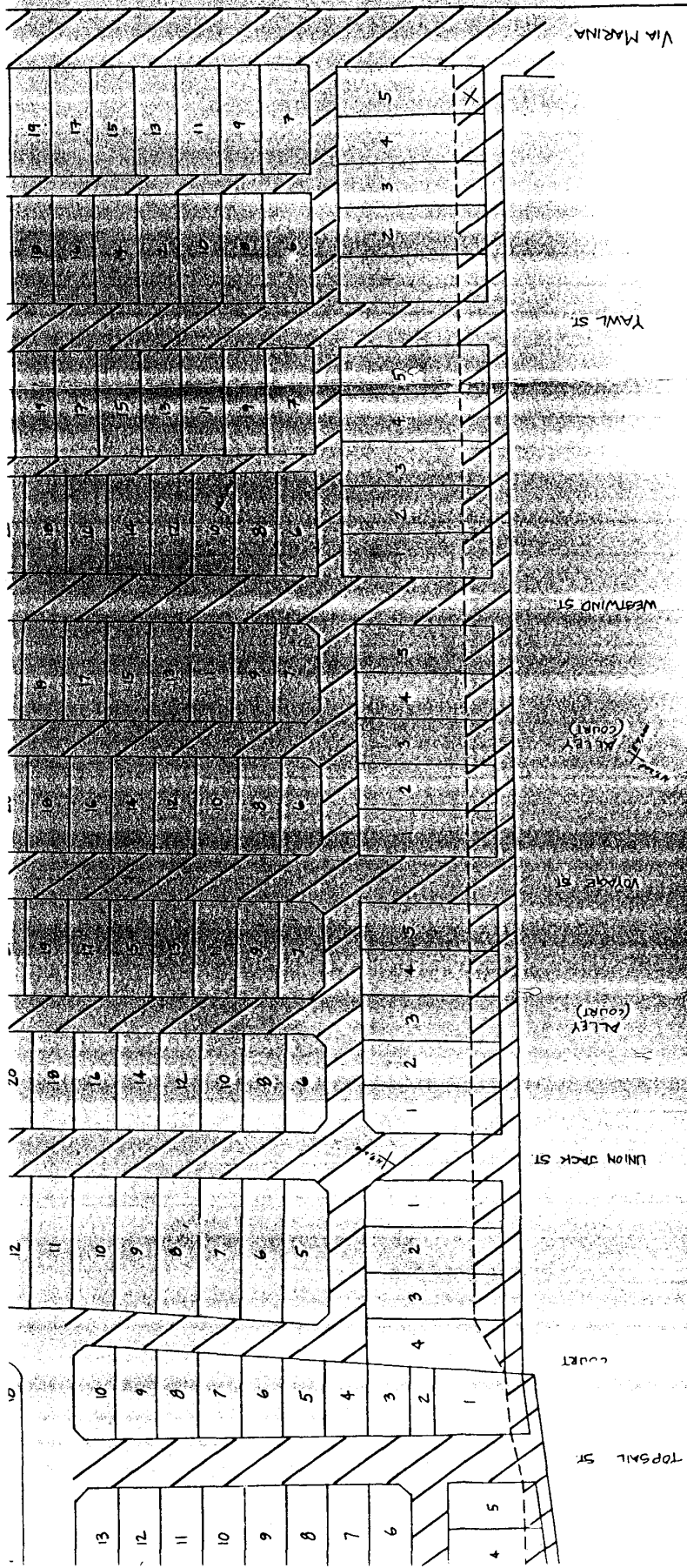


STRAND

Public Areas Exhibit
Del Rey/Silver Strand

Exhibit # 7

PAGE 2 OF 3



CALIFORNIA COASTAL COMMISSION

11/13/86, 11/16/89,
 APPROVED CON. 3/26/87 & 2/9/89

5-85-641, 5-86-641 &
 AS CONFORMING TO PERMITS 5-86-12, 5-86-12A,
 RESPECTIVELY.

MICHAEL L. FISCH? ?
 EXECUTIVE DIRECTOR

By *James McArthur*
 Title *Coastal Analyst*

COASTAL COMMISSION

Public Areas Exhibit
 Del Rey/Silver Strand