


CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071

W 188

Filed: 8/29/95
49th Day: 10/17/95
180th Day: 2/25/96
Staff: CP-LB
Staff Report: 12/21/96
Hearing Date: January 10, 1996
Commission Action:

**RECORD PACKET COPY**STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-95-152

APPLICANTS: Ballona Lagoon Marine Preserve (BLMP), California State Coastal Conservancy, and City of Los Angeles

AGENT: Ken Johnson, Concept Marine Associates, Inc.

PROJECT LOCATION: Ballona Lagoon and lagoon buffer along the east bank, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Restoration and enhancement of Ballona Lagoon including dredging of a deep water pool, public access improvements, revegetation of the lagoon buffer with native vegetation, and implementation of a five-year monitoring program.

The following two lots are not included in the project area: Lot 3 Block 10, and Lot 1 Block 17 of Silver Strand.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission grant a Coastal Development Permit for the proposed development with special conditions regarding revised plans, assurances for funding of the monitoring plan, coordination with concurrent projects, public access path alignment and construction, evidence of the applicants' legal ability to undertake the development as conditioned herein, and deposition of materials within the coastal zone. Staff recommends that the dredging required for the proposed deep water pool at the south end of the lagoon be deleted from the project because it would result in the elimination of approximately 0.8 acres of intertidal mudflat habitat and, as proposed, is inconsistent with the marine resource policies of the Coastal Act.

The applicants do not oppose staff's recommendation to delete the dredging required for the proposed deep water pool at this time. However, the applicants reserve their right to apply to amend any approved permit to include a small deep pool which would require less dredging and preserve most of the intertidal habitat area with a habitat mitigation plan.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit A-266-77 (ILA) & amendment.
2. Ballona Lagoon Enhancement Plan, August, 1992.
3. Negative Declaration (CEQA) SCH# 93041063, 10/20/93.
4. Coastal Commission Conceptual Review CP-1-93 for Ballona Lagoon Enhancement Plan (Coastal Conservancy).
5. California Department of Fish & Game review letter, 7/18/95.
6. U.S. Fish & Wildlife Service review letter, 7/26/95.
7. National Marine Fisheries Service review letter, 7/17/95.
8. California Regional Water Quality Control Board letter, 5/23/93.
9. U.S. Army Corps of Engineers Permit Application, 4/25/95.
10. Phase I Ballona Lagoon Enhancement Five-Year Monitoring Plan, June 1995.
11. Results of Chemical and Physical Testing of Sediments for the Proposed Restoration and Enhancement Ballona Lagoon Marine Preserve, by Advanced Biological Testing Inc., March 13, 1995.
12. Birds of Ballona Lagoon by Dock & Schreiber.
13. Coastal Commission Appeal No. A-373-77 (Graner).
14. Coastal Development Permit 5-86-641 (Lee) & amendments.
15. Coastal Development Permit 5-87-112 (Del Rey Assoc.) & amendment.
16. Coastal Development Permit 5-93-156 (Hughes).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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. Revised Plans

Prior to the issuance of the Coastal Development Permit, the applicants shall submit, for the review and approval of the Executive Director, revised plans for the project which: 1) delete the dredging required for the proposed deep water pool at the south end of the lagoon, and 2) delete the placement of dredged materials within the habitat and public access easement areas of the lagoon buffer identified in Exhibit #3.

2. Monitoring Program Funding

Prior to the issuance of the Coastal Development Permit, the applicants shall submit evidence, for the review and approval of the Executive Director, that demonstrates that the applicants have secured the funding necessary to monitor the development approved herein for a period of at least five years consistent with the monitoring plan contained in the "Phase I Ballona Lagoon Enhancement Five-Year Monitoring Plan, June 1995".

3. Monitoring Program Implementation

All applicants shall be responsible for the implementation of the Ballona Lagoon monitoring plan as it pertains to the development approved herein for a minimum period of five years consistent with the standards

contained in the "Phase I Ballona Lagoon Enhancement Five-Year Monitoring Plan, June 1995" prepared for the BLMP and the Coastal Conservancy by MEC Analytical Systems, Inc, Philip Williams & Associates, Ltd., Agresearch, Inc., and Concept Marine Associates, Inc. The monitoring period shall commence upon completion of the first planting of the revegetation of the east bank within the project site. The applicants shall notify the Executive Director upon completion of the first planting of the revegetation of the east bank within the project site. Subsequent to the commencement of the required monitoring period, the applicants shall annually submit to the Executive Director a report which documents the implementation of the monitoring plan and documents the status of the project in relation to the performance standards contained in the "Phase I Ballona Lagoon Enhancement Five-Year Monitoring Plan, June 1995." Any additional work or modifications to the proposed project which are necessary to meet the performance standards contained in the monitoring plan shall be submitted to the Executive Director. Any change in the approved project which the Executive Director determines to be significant shall require a permit amendment approved by the Commission.

4. Concurrent Buffer Restoration Project

The applicants shall not interfere with the buffer restoration work required by Coastal Development Permit 5-93-156 (Hughes) on the five lots and lagoon buffer area located on the east bank of Ballona Lagoon between Union Jack and Voyage Mall without prior review and written approval from the permittee (Hughes) or the permittee's successor in interest and the Executive Director. If the Coastal Development Permit 5-93-156 permittee (Hughes) or the permittee's successor in interest and the applicants agree to coordinate their lagoon buffer restoration responsibilities as required by Coastal Development Permits 5-93-156 and 5-95-152, all permittees or the permittees' successors in interest shall consult the Executive Director to determine if amendments to Coastal Development Permits 5-93-156 and 5-95-152 are required.

5. Public Access Path

The alignment of the existing five foot wide lagoon buffer public access path shall remain substantially the same as the existing path. The proposed improvement to the existing public access path shall include provisions for a pervious surface, controlled drainage, and a three to four foot high split rail fence on the lagoon side of the path with screening to prevent domestic animals from entering the lagoon.

6. Legal Ability

Prior to the issuance of the Coastal Development Permit, the applicants shall submit evidence, for the review and approval of the Executive Director, which demonstrates their legal ability to undertake the development as approved and conditioned herein.

7. Deposition of Materials in Coastal Zone

The deposition of any excavated or dredged materials within the coastal zone shall require a permit amendment or a new Coastal Development Permit.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicants propose to restore and enhance the hydrology, marine habitats, and public recreational opportunities in and adjacent to Ballona Lagoon. The initial applicant was the Ballona Lagoon Marine Preserve (BLMP), a non-profit group consisting of members of the local community. After the application was submitted, the California State Coastal Conservancy and the City of Los Angeles joined as co-applicants.

Ballona Lagoon is located in the Venice Peninsula area of the City of Los Angeles, adjacent to the Marina Del Rey entrance channel (Exhibit #1). The project site includes the submerged lands located on Lot C at the south end of Ballona Lagoon and portions of the east bank of the lagoon situated between Via Dolce, the waters of the lagoon, the inland side of the existing public access path, and the tide gate and pipes located adjacent Via Marina at the south end of the lagoon (Exhibit #2).

The proposed project includes work both above and below the high water line: elevation +2.7 mean sea level (MSL). The proposed in-water work involves the dredging of a deep water pool on Lot C located at the south end of the lagoon near the tide gate (Exhibit #2 ps.2&3). Approximately 7,800 cubic yards of material is proposed to be excavated from the south end of the lagoon in order to create an improved fish habitat with a depth of -6 MSL. Approximately 2,800 cubic yards of the excavated material is proposed to be used to create sand dunes and restore eroded areas along the east bank of the lagoon above the high water line. The remaining 5,000 cubic yards of excavated material is proposed to be disposed of off-site.

Work proposed above the high water line on the lagoon's east bank involves habitat restoration, drainage improvements, and the improvement of public access facilities. All non-native vegetation is proposed to be removed from the east bank in the portion of the lagoon buffer area situated between the existing public access path and the water. Improved drainage devices are proposed to be installed on the public access path and the east bank of the lagoon. The proposed work on the east bank also involves the removal of abandoned pipelines, restoration of eroded areas, installation of protective matting, and finally, revegetation of the restored east bank with native vegetation (Exhibit #8).

Improvement and repair of the existing public access path on the east bank is also proposed. The path's headers and railings will be repaired, replaced, or extended as necessary to separate the public use areas from the protected habitat areas of the lagoon and its east bank. Also proposed is the construction of a new public viewing platform and walkway on top of the pipes and tide gate located at the south end of the lagoon adjacent to Via Marina (Exhibit #2 p.8).

The applicants also propose to coordinate with the Los Angeles County

Department of Beaches and Harbors to improve the operation of the automated tide gate located at the southern end of the lagoon in order to enhance tidal exchanges and improve water quality. The automated tide gate controls the water entering and exiting the lagoon.

As proposed, the project will be monitored and managed by the applicants for a period of at least five years to ensure that the proposed project meets the performance standards contained in the report entitled, "Phase I Ballona Lagoon Enhancement Five-Year Monitoring Plan, June 1995."

B. Ballona Lagoon

As previously stated, Ballona Lagoon is located in the Venice Peninsula area of the City of Los Angeles, adjacent to the Marina Del Rey entrance channel (Exhibit #1). The lagoon is an artificially confined tidal slough connecting the Venice Canals to the Pacific Ocean via the Marina del Rey harbor entrance channel. The lagoon is approximately 4,000 feet long and 150-200 feet wide (Exhibit #2). The area of open water and wetland within the lagoon is approximately 16 acres.

The tidal regime in Ballona Lagoon is restricted by an automated tide gate located at the south end of the lagoon. The Los Angeles County Department of Beaches and Harbors operates the tide gate. Three seven-foot diameter pipes connect the lagoon to the waters of the Marina del Rey entrance channel. At present, however, only the central pipe is fitted with an automated tide gate. The outer two pipes are kept closed. The automated tide gate limits the peak tidal elevation in Ballona Lagoon to approximately 2.65 feet above MSL. The low water level (MLLW) in the lagoon is recorded as -1.88 MSL.

According to the 1992 Ballona Lagoon Enhancement Plan, the water depths in the lagoon vary from zero to six feet depending on the tide level and the location of measurement. The deepest bottom elevations of the lagoon vary from -3.5 to -2.0 feet MSL over most of the length, with the lowest point occurring in a depression immediately below the tide gate culvert at the south end.

The banks of the lagoon are remnants of coastal sand dunes. The banks are generally steep, varying from 1:1 to 1:2, and are comprised primarily of sandy silt soils. Because of the steepness and composition of the banks, erosion is a significant problem, especially where street and path drains run into the lagoon.

Within the southern end of the lagoon, the submerged area (Lot C) located between Topsail Mall and Via Marina is owned by the Summa Corporation (Exhibit #3). The Summa Corporation has granted to the City of Los Angeles a permanent conservation/open space easement over Lot C. This easement allows for subtidal and intertidal habitat maintenance and the preservation of the natural and scenic character of the easement.

The submerged area within the northern two-thirds of the lagoon is Lot R (Exhibit #3). Lot R extends north from Topsail Mall to the Grand Canal, and is in the process of being purchased by the City of Los Angeles (Exhibit #23).

No development is currently proposed on Lot R as part of this application. However, the applicants have stated their intent to amend the project description to include the removal of a cement structure from Lot R as soon as escrow closes and the City becomes the owner of Lot R (Exhibit #2 p.5).

Ballona Lagoon is surrounded by a highly urbanized area of single and multiple family residential development. The properties which adjoin the east and west banks of the lagoon are developed with single-family residences.

On the east bank, a public access path and lagoon buffer area, both required by Coastal Development Permit A-266-77 (ILA), separate the residential development from the waters of the lagoon (Exhibit #3). An undeveloped City owned area (Esplanade) comprises part of the forty foot wide lagoon buffer on the east bank. The remainder of the forty foot wide lagoon buffer is comprised of front yard setbacks and 24 to 30 foot wide portions of the lagoon fronting lots which have been dedicated as open space and public access easements. Pursuant to Coastal Development Permit A-266-77 (ILA), each lagoon fronting lot owner on the east bank, as a condition of individual permits for developing their property, is required to offer to dedicate a 24 to 30 foot easement for habitat protection and public access as part of the forty foot wide lagoon buffer (Exhibit #10).

On the west bank of the lagoon there are approximately fifty privately owned lots. Approximately half of these lots have been developed with single family residences. On the lagoon side of these lots there is an undeveloped City area (Esplanade) for public access. However, due to bank erosion the majority of the length of the City Esplanade is submerged or within the intertidal area of the lagoon. The lots on the west bank are very narrow allowing insufficient area for the dedications necessary to create a forty foot wide lagoon buffer similar to the buffer on the east bank. Therefore, in past permit actions the Commission has required 25 foot wide buffers between the easterly edge of the Esplanade and the development to ensure that adequate area exists for future public access and habitat protection. However, because of the limited amount and scattering of new development on the west bank of the lagoon, the dedicated areas are for the most part noncontiguous.

The north end of Ballona Lagoon connects to the Grand Canal, which is part of the Venice Canals system (Exhibit #2). The Venice Canals and the Grand Canal are connected by five three-foot diameter pipes which under Washington Street. All five pipes have slide gates on the north side of Washington Street which are operated by the City of Los Angeles to allow flushing of the Venice Canals.

The proposed project site includes only part of Ballona Lagoon and its east bank. The project site includes the submerged lands located on Lot C at the south end of Ballona Lagoon, and the east bank of the lagoon between the water and the inland side of the existing public access path from Via Dolce to the tide gate located adjacent Via Marina (Exhibit #2). The removal of a cement structure from Lot R is currently not part of the proposed project, but may be included in the project description when the City becomes the owner of Lot R.

C. Project Background and History

The Silver Strand subdivision and the Del Rey Beach Tract are located along the east bank of Ballona Lagoon where the proposed project is located. These tracts have a long history before the Coastal Commission. 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 Commission's 1977 approval of Coastal Development Permit A-266-77 (ILA) permitted the applicants of that permit, 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. The ILA was an association formed by the owners of individual lots within the undeveloped portions of the Silver Strand subdivision and the Del Rey Beach tract. Coastal Development Permit A-266-77 (ILA) was subject to conditions addressing lagoon protection, maintenance of public areas, public access, and public parking. The restoration of a lagoon buffer between the water and the residential development on the lagoon's east bank was originally required by Coastal Development Permit A-266-77 (ILA).

In its approval of Coastal Development Permit A-266-77 (ILA), the Commission found that Ballona Lagoon was an environmentally sensitive habitat area and an important coastal resource. In addition to being important wetland, the lagoon is a critical habitat area for the California least tern. The Commission further found that residential development of the Silver Strand and Del Rey Beach 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 the requirement for the lagoon fronting lot owners to dedicate an easement for a habitat protection and public access as part of a lagoon buffer to reduce the impacts of the residential development on the lagoon. Another mitigation measure was a condition of Coastal Development Permit A-266-77 (ILA) which required the lot owners who benefited from 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 which have not been accepted by a public agency.

Coastal Development Permit A-266-77 (ILA) was amended in 1979 (Exhibit #9). As amended, Coastal Development Permit A-266-77 (ILA) required the permittee (ILA) to perform all grading in a single contract, to improve a public access path on the east bank of the lagoon, restore the lagoon buffer, to pave malls for public access and parking, and to establish a private homeowners association sufficient to maintain all public areas and landscaping including the lagoon buffer (Exhibit #9). The approved grading was completed, the public access path was improved, and the permittee (ILA) established the private homeowners association of the Isthmus Landowners Association (ILA) to

maintain the buffer and other public areas. The amendment also required that the lot owners who benefited from Coastal Development Permit A-266-77 (ILA) contribute equally for the restoration and maintenance of the lagoon buffer on the east bank where the currently project is proposed. The lagoon buffer was landscaped in an effort to restore the habitat in the mid-1980's, but that effort was not successful.

In approving the amendment to Coastal Development Permit A-266-77 (ILA), the Commission found that individual applicants who apply to develop lagoon fronting lots in the subject area would be required to record an easement for habitat protection and public access on a portion of their property as a condition of approval. Therefore, pursuant to Coastal Development Permit A-266-77 (ILA) as amended, each lagoon fronting lot owner on the east bank, as a condition of developing their property, is required to offer to dedicate a 24 to 30 foot easement as part of the forty foot wide lagoon buffer along the east bank of the lagoon. No private development is permitted within the easement areas.

The protective lagoon buffer is comprised of the undeveloped City Esplanade (partly submerged), the lagoon fronting lot owners' easements, and the front yard setbacks on all lagoon fronting lots. The protective lagoon buffer on each privately owned lot extends from the inland side of the undeveloped City Esplanade into the front yard structural setback areas of the residences which are used as yard areas. The required front yard setback area is a minimum depth of ten feet or fifteen percent of the buildable depth of the lot, whichever is greater. The Commission has allowed the construction of garden walls between the easement areas and the front yards of the residences. Besides the garden walls, the front yard setback areas may contain ground level decks and landscaping, but no other structures. No development may occur in the easement areas except for the public access path and revegetation with native coastal strand plants.

In 1987, the Commission approved Coastal Development Permit 5-87-112 (Del Rey Assoc.) for the development of streets, utilities, and 36 lots with single family residences on a portion of the Del Rey Beach Tract located near the lagoon, but not adjoining it (Exhibit #3). In its approval, the Commission found that residential development of this portion of the Del Rey Beach Tract would have cumulative adverse impacts on the lagoon and mitigation measures were necessary to mitigate those cumulative adverse impacts of development. One of the mitigation measures was a condition which required the permittee (Del Rey Assoc.) and all members of the Del Rey Association to join with the private homeowners association established under Coastal Development Permit A-266-77 (ILA) to participate equally in the maintenance of the public areas and landscaping (including malls, parking nodes, lagoon buffer and path) approved and required by the Coastal Development Permits A-266-77 (ILA), 5-86-641 (Lee), and 5-87-112 (Del Rey Assoc.) (Exhibit #3).

Most of the easements offered to be dedicated by the individual property owners affected by the proposed project have been accepted by the applicants. The few offers to dedicate which have not been accepted by the applicants are in the process of being accepted by the applicants and will be accepted before permit issuance. (See special condition six.) As of the date the offers to dedicate have been accepted, and consistent with Coastal Development Permit

A-266-77 (ILA), the future maintenance obligations for these easement areas imposed on the private homeowners association established pursuant to Coastal Development Permit A-266-77 (ILA) no longer exist. Instead, the maintenance obligations for these easement areas have become the responsibility of the accepting agency applicants now before the Commission.

Other previous Commission actions along the east bank of Ballona Lagoon include Coastal Development Permits 5-86-641 (Lee) and 5-93-156 (Hughes) (Exhibit #3). Both of these Commission approvals include provisions for the restoration and maintenance of the lagoon buffer areas adjoining the subject lots. The lagoon buffer adjoining the ten lots subject to Coastal Development Permit 5-86-641 (Lee) and amendments has been successfully improved with a continuation of the east bank public access path and restored with native coastal strand vegetation.

The lagoon buffer adjoining the five lots subject to Coastal Development Permit 5-93-156 (Hughes) is currently in the process of being improved with a continuation of the east bank public access path and being restored with native coastal strand vegetation. The proposed project's restoration purpose is consistent with these improvement and restoration efforts. In addition, the applicants have accepted the easements dedicated across these five lots located on the east bank of Ballona Lagoon between Union Jack and Voyage Mall (Exhibit #3). Therefore, the proposed project could incorporate the lagoon buffer restoration work required by Coastal Development Permit 5-93-156 (Hughes) with the permission of the permittee (Hughes) or the permittee's successor in interest and the approval of the necessary permit amendments. (See special condition four.)

In 1992, the Ballona Lagoon Enhancement Plan was developed by the Ballona Lagoon Marine Preserve (BLMP) and the California State Coastal Conservancy. On September 16, 1993, the Commission found that the Ballona Lagoon Enhancement Plan was consistent with the Coastal Act and approved it in concept with concerns raised about the possible loss of intertidal mudflat habitat area [CP-1-93 (Coastal Conservancy)].

The Ballona Lagoon Enhancement Plan proposed to enhance the Ballona Lagoon environment in two phases. Phase I would include: excavation of a deep pool at the south end of the lagoon; improvements in the operation of the automatic tide gates; removal of non-native vegetation from the lagoon's east bank; revegetation of the east bank between the water and path (about half the buffer width) with native vegetation; and public access improvements. Phase II would include regrading the Grand Canal-Ballona Lagoon junction to improve circulation and bird habitat on Lot R. The currently proposed project implements portions of Phase I of the 1992 Ballona Lagoon Enhancement Plan with no work occurring on Lot R.

D. Legal Ability to Develop

Section 30601.5 of the Coastal Act states:

Where the applicant for a Coastal Development Permit is not the owner of

a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the Commission shall not require the holder or owner of any superior interest in the property to join the applicant as co-applicant. All holders or owners of any other interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant. In addition, the applicant shall demonstrate the authority to comply with all conditions of approval.

The proposed project includes development on several pieces of property owned by several entities. The affected properties include: Lot C which is a privately owned submerged lot within Ballona Lagoon; the City owned Esplanade right-of-way which runs along the west bank of the lagoon roughly corresponding to the mean high-tide line; and portions of the 84 privately owned residential lots which front the lagoon (Exhibit #3). The owners of Lot C have granted the City of Los Angeles the legal ability to undertake the proposed project on Lot C in the form of an easement for conservation purposes.

Pursuant to Coastal Development Permit A-266-77 (ILA), each lagoon fronting lot owner on the east bank, as a condition of developing their property, is required to offer to dedicate a 24 to 30 foot wide easement for habitat protection and public access as part of the forty foot wide lagoon buffer (Exhibit #10). Most of the 84 privately owned residential lots which front the lagoon have dedicated easements across them for habitat protection and public access. An undeveloped City area (Esplanade) comprises part of the required forty foot wide lagoon buffer on the east bank. The remainder of the forty foot wide lagoon buffer is comprised of front yard setbacks and 24 to 30 foot wide portions of the lagoon fronting lots which have been offered to be dedicated as open space and public access easement areas. The proposed project includes work within these easement areas.

Pursuant to Section 30601.5 of the Coastal Act, where the applicant is not the fee interest property owner, the applicant does not have the legal ability to undertake the proposed project unless the applicant can demonstrate a legal right to use the property for the proposed development. The individual fee interest property owners fronting the lagoon have not joined in the application. However, most of the easements offered to be dedicated by the individual property owners affected by the proposed project have been accepted by the applicants. The few easements offered to be dedicated which have not been accepted by the applicants are in the process of being accepted by the applicants and will be accepted before permit issuance. Consequently, special condition six has been imposed to ensure that easements which have been offered to be dedicated but have not been accepted by the applicants are accepted by the applicants prior to permit issuance.

The applicants have obtained written permission from the owners of four lots on which work is proposed but habitat protection and public access easements have not yet been required or offered to be dedicated because the properties have not been developed. These property owners have also declined to participate as co-applicants. However, because the applicants have not yet received authorization for work on two undeveloped east bank lagoon fronting properties in the form of a recorded offer to dedicate an easement or written

permission, the following two lots are not included in the project area: Lot 3 Block 10, and Lot 1 Block 17 of the Silver Strand (Exhibit #3). A permit amendment to include these properties in the project may be submitted if permission is subsequently granted.

Finally, it should be noted that the ILA, the private homeowners association set up to maintain all public areas and landscaping not accepted by a public agency, itself holds no property interest within the site of the proposed project. The ILA instead represents the individual property owners who have executed and recorded offers to dedicate the habitat protection and public access easements on the east bank of the lagoon.

E. Marine Resources

The Coastal Act contains policies which address development in or near coastal waters. The proposed project is located in and adjacent to the coastal waters of Ballona Lagoon. The Ballona wetlands system, including Ballona Lagoon, is habitat for many species of marine biota including the state and federally listed endangered least tern. The Commission has found that Ballona Lagoon is a sensitive habitat area that must be protected from negative impacts associated with development. Sections 30230, 30231, 30233 and 30240 of the Coastal Act require the protection of biological productivity, public recreation and marine resources.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 of the Coastal Act states, in part:

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other

applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (7) Restoration purposes.
- (8) Nature study, aquaculture, or similar resource dependent activities.
- (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.
- (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary...

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
- (b) 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 such areas, and shall be compatible with the continuance of such habitat areas.

Ballona Lagoon is a wetland which is protected under the Coastal Act policies stated above. Ballona Lagoon and the attached Venice Canals system is an Environmentally Sensitive Habitat Area (ESHA) as defined by Section 30107.5 of the Coastal Act. In addition to being important wetlands, the lagoon is a critical habitat area for the California least tern, Sterna antillarum browni.

Sections 30230 and 30231 of the Coastal Act require that marine resources be maintained, enhanced, and restored in a manner that will sustain the biological productivity of all species of marine organisms in coastal waters, and that the biological productivity and water quality of Ballona Lagoon be maintained and restored by controlling runoff and maintaining natural vegetation buffer areas.

According to the applicants, the objective of the proposed project is to clean up and enhance Ballona Lagoon for wildlife, fisheries, and people by improving tidal flushing, removing garbage, sediment and other pollutants, enhancing fisheries habitat, restoring native vegetation, and by improving public access facilities. This objective is consistent with Sections 30230 and 30231 of the Coastal Act, previous Commission actions, and the dedicated habitat easements required pursuant to prior permit approvals.

Ballona Lagoon and its banks are a complex marine environment consisting of several associated but different types of habitats. The applicants propose to enhance the existing wetland habitat which consists of aquatic habitat, intertidal (mudflats) habitat, and upland coastal dune habitat. The approximately 16 acres of open water and wetlands which comprise the lagoon area which lies below the high water line consists primarily of shallow water aquatic habitat and intertidal mudflat habitat. The banks of the lagoon above the high water line provide upland coastal dune habitat consisting of upland coastal strand terrestrial vegetation. Many diverse species of flora and fauna utilize the resources provided by the habitats found in and adjacent to Ballona Lagoon.

The Ballona Lagoon Enhancement Plan documents two vegetation regimes which are found in and along the lagoon. The two vegetation regimes associated with the lagoon are upland terrestrial vegetation and intertidal salt marsh vegetation. The intertidal salt marsh exists within a narrow band around the lagoon with upland vegetation occupying the majority of the available surface area on the lagoon banks. The intertidal salt marsh vegetation consists of pickleweed, jaumea, salt grass and alkali heath. Although identified as an historic native coastal strand community, recent surveys show that the terrestrial vegetation is now dominated by exotic plant species, such as ice plant, castor bean, and fennel. Native plants include alkali weed and sand verberna.

The Ballona Lagoon Enhancement Plan also documents several aquatic species and migratory shorebirds which are known to inhabit the valuable habitat provided by Ballona Lagoon. The various bird species utilize the open water, mudflats, and upland habitat areas throughout the lagoon. The habitats used by waterbirds in Ballona Lagoon are mainly the mudflats and open water. The California least tern, a state and federally endangered species, forages in the open waters of the lagoon during its spring and summer residency in the area. The mudflats, which are exposed along the margins of the lagoon at low tide, are used extensively by foraging and roosting shorebirds. The most extensive mudflats are found at the extreme north and south ends of the lagoon.

Various surveys conducted by different groups between 1979 and 1989 observed between 35 and 50 different species of birds. The number of birds using the lagoon varies seasonally, with peak number of species and individuals occurring in the winter. The importance of the mudflats was demonstrated by the very low number of birds seen by researchers on days when low tide did not occur during their survey. [Ballona Lagoon Enhancement Plan]

Documented fish species in Ballona Lagoon include sculpin, arrow goby, topsmelt, jacksmelt, California killifish, bay pipefish, longjaw mudsuckers, bat ray, California halibut, and diamond turbot. The plan also documents many marine invertebrates including sea hares, fiddler crabs, California hornshells, and several species of barnacles, mussels, clams, snails, and crabs. [Ballona Lagoon Enhancement Plan]

The proposed project involves the enhancement of the Ballona Lagoon environment by improving the hydrological conditions of the lagoon, dredging a deep pool for fish habitat, removing non-native vegetation from the lagoon's east bank, and revegetation of the east bank with native coastal strand vegetation.

The proposal to improve the hydrological conditions and water quality of the lagoon involves a plan to enhance tidal exchanges and flushing by changing the operational procedure of the tide gate located at the south end of the lagoon. The applicants will coordinate with the Los Angeles County Department of Beaches and Harbors which operates and maintains the tides gates. The proposed plan is meant to reduce the frequency of algae blooms and reduce the residence time of suspended pollutants.

The current operation of the tide gates gives protection against flooding during a 50-year storm by limiting the peak tidal elevation in Ballona Lagoon by closing when the tide elevation in Marina del Rey reaches 2.65 feet above MSL.

According to the applicants, the proposed changes to the tide gates will increase flood protection while allowing a greater tidal range during summer months. The proposed procedure will maintain the maximum tidal range in Ballona Lagoon during the summer while still providing protection from flooding during the highest of tides. During winter months, the tide gates will close when the water surface elevation in Ballona Lagoon reaches 2.38 feet above MSL. During summer months, however, the automated tide gates will not open until the water surface in Ballona Lagoon exceeds 3.0 feet above MSL or if it exceeds the water surface elevation in the entrance channel of Marina del Rey by more than 0.5 feet. Water surface elevation in Ballona lagoon should not exceed 3.0 feet above MSL due to the potential for flooding near the Washington Bridge over the Grand Canal. The tide gates will not be closed for more than 48 hours during the summer months.

The 1992 Ballona Lagoon Enhancement Plan contains a hydrological model for the proposed project developed by the hydrological consultants, Systec Engineering, Inc. and Philip Williams and Associates, Ltd. The hydrology model has been reviewed by the Commission's engineer (Exhibit #7). The model shows that the proposed change in tide gate operation will improve water quality by increasing tidal flushing and reducing sediment transport rates. Improvements to the tidal flushing will reduce the frequency of algae blooms and reduce the residence time of suspended pollutants washed into the lagoon by urban runoff.

Section 30231 of the Coastal Act protects the water quality of coastal waters. The proposed change in tide gate operation is in compliance with Section 30231 of the Coastal Act because it will improve the water quality which will increase the biological productivity of the lagoon. The proposed revegetation of the lagoon's east bank will form a natural vegetation buffer to further protect the water quality of the lagoon.

The proposed project also includes the dredging of a deep water pool at the south end of the lagoon in order to create a deep water habitat for spawning fish. An estimated 0.8 acres of intertidal mudflat habitat would be lost as a result of the proposed dredging. Approximately 7,800 cubic yards of material is proposed to be excavated to deepen the south end of the lagoon to a depth of -6 MSL. According to the plan, a depth of -6 MSL will provide a minimum water depth of 1.5 feet during low spring tides. The proposed deep water pool would extend approximately 750 feet from the tide gate connecting to the Marina Del Rey entrance channel.

Approximately 2,800 cubic yards of the excavated material is proposed to be used to create sand dune mounds along the east bank of the lagoon above the high water line. The remaining 5,000 cubic yards of excavated material is proposed to be disposed of off-site. The Results of Chemical and Physical Testing of Sediments for the Proposed Restoration and Enhancement Ballona Lagoon Marine Preserve, by Advanced Biological Testing Inc., March 13, 1995, have demonstrated that the material proposed to be dredged contains no significant pesticides, PCB's, phthalates or PAHs and is suitable for use on the lagoon banks or as beach sand replenishment.

The proposed dredging of a deep water pool is subject to the requirements of Section 30233 of the Coastal Act. Section 30233 of the Coastal Act allows dredging and filling in coastal waters and wetlands only under very limited circumstances. Under this section, any approved dredging of open coastal waters must be for an allowable use and mitigation measures must be provided to minimize adverse environmental effects. The approved project must also be found to be the least environmentally damaging alternative.

According to Section 30233 of the Coastal Act, dredging and grading for restoration purposes is an allowable use. The proposed dredging for the deep water pool will restore fish habitat and improve the foraging area of the state and federally listed endangered least tern and other species. Therefore, the proposed dredging is an allowable use pursuant to Section 30233(a)(7) of the Coastal Act.

However, in order to be approved the proposed project must also be the least environmentally damaging alternative. In this case, the proposed dredging is not the least environmentally damaging alternative because the elimination of approximately 0.8 acres of intertidal mudflat habitat would not be mitigated. The mudflats, which are exposed along the margins of the lagoon at low tide, are used extensively by foraging and roosting shorebirds including several species of migratory birds. The most extensive mudflats are found at the south end of the lagoon where the dredging is proposed and at the extreme north end.

The U.S. Fish and Wildlife Service reviewed and commented on the proposed project (Exhibit #6). In its review letter dated July 26, 1995, the U.S. Fish and Wildlife Service recommended that the estimated loss of 0.8 acres of intertidal habitat caused by the proposed dredging of the deep pool should be offset as part of the proposed project so that there is no net loss of intertidal mudflat habitat. The applicants have not proposed to offset the loss of intertidal mudflat habitat.

While the creation of the deep water pool would benefit fish and some bird species including the least tern, it is very important to protect the last remaining mudflat areas the Venice area. Intertidal mudflat habitat areas are relatively rare compared to deep water habitats in the area around Ballona Lagoon. The Marina del Rey entrance channel and the open ocean provide very large fish habitat areas which are connected to Ballona Lagoon. The proposed dredging of intertidal mudflats in order to create a deep water fish habitat is not least environmentally damaging alternative because the loss of the intertidal mudflat habitat is not mitigated. Therefore, the Commission finds that the proposed deep water pool at the south end of the lagoon must be deleted from the project.

In addition, consistent with the deletion of the proposed dredging of the intertidal habitat area for a deep water pool, the proposed placement of dredged materials within the habitat protection and public access easement areas identified in Exhibit #3 must also be deleted from the project. The deletion of the proposed dredging and creation of mounds on the bank will not impede the remainder of the proposed habitat restoration project. Moreover, there will be no dredged materials with the deletion of the proposed dredging.

Consistent with Title 14, Section 13166 of the California Code of Regulations, the applicants have a right to apply to amend any approved permit to propose additional development including a deep pool as long as the amendment request includes plans to mitigate any adverse environmental impacts. Any such proposed deep pool and mitigation plan should be developed in consultation with the California Department of Fish and Game and the U.S. Fish and Wildlife Service.

Work proposed above the high water line on the lagoon's east bank involves habitat restoration and improvement of public access facilities. The non-native vegetation is proposed to be removed from the east bank in the lagoon buffer area situated between the existing public access path and the water. Improved drainage devices are proposed to be installed on the path and lagoon banks. The proposed work on the east bank also involves the removal of abandoned pipelines, restoration of eroded areas, installation of protective matting, and finally, revegetation of the restored east bank with native vegetation. The revegetated area will be protected from the negative impacts associated with uncontrolled human and domestic animal access with a wire and split rail fence. The proposed fence will run along the lagoon side of the existing public access path which provides public access along the east bank of the lagoon.

The proposed removal of the non-native and invasive vegetation will improve the habitat value of the site and is consistent with the Coastal Act and the Ballona Lagoon Enhancement Plan. The proposed fence will separate the public access areas from the sensitive habitat areas.

The U.S. Fish and Wildlife Service review letter dated July 26, 1995, supports the proposed removal of the non-native vegetation and revegetation with native vegetation and states that the agency is interested in re-establishment of the Federally listed El Segundo blue butterfly on the revegetated east bank (Exhibit #6). Ballona Lagoon is within the historic range of this endangered species. The U.S. Fish and Wildlife Service suggests the use of local native coastal dune vegetation such as yellow and pink sand verbena and ocean buckwheat which is an important food plant for the El Segundo blue butterfly. The proposed plant list includes ocean buckwheat (Exhibit #8). The U.S. Fish and Wildlife Service also suggests that the applicants enter into a conservancy agreement with it which will allow it to review the proposed revegetation plan and re-introduce the butterfly to the restored site once the native plants have become established.

The proposed project also includes the improvement and repair of the existing public access path on the east bank of the lagoon. The path's headers and railings will be repaired, replaced, or extended as necessary to separate the public use areas from the protected habitat areas of the lagoon and its east

bank. Also proposed is the construction of a new public viewing platform on top of the tide gate located at the south end of the lagoon adjacent to Via Marina (Exhibit #2 p.8).

A source of erosion and pollution is the existing street and path drains which drain into the lagoon. New rip-rap catch basins and drain extensions are proposed to be installed where the existing path and street drains enter the lagoon. The proposed rip-rap catch basins and drain extensions will reduce erosion on the east bank of the lagoon by directing and slowing the runoff into the lagoon rather than down the banks.

The applicants have proposed to reduce any adverse impacts associated with the project by monitoring the site and measuring success against the specific performance standards contained in the Phase I Ballona Lagoon Enhancement Five-Year Monitoring Plan, June 1995. The proposed five-year monitoring plan includes provisions for the monitoring of water quality, tide gate operation, water levels, bathymetry, topography, erosion, revegetation, wildlife, and the public access facilities. The proposed project will be monitored and managed by the applicants for a period of at least five years.

To ensure that the proposed performance standards are met and the monitoring plan is implemented as proposed, the permit is conditioned to require that the applicants demonstrate that they have secured the funding necessary to monitor the development approved herein [tide gate operation (water quality and water levels), revegetation of east bank, and the public access improvements] for a period of at least five years consistent with the "Phase I Ballona Lagoon Enhancement Five-Year Monitoring Plan, June 1995." The "Phase I Ballona Lagoon Enhancement Five-Year Monitoring Plan, June 1995" can be modified to address only the development approved herein. Because the deep water pool has been deleted from the project, no monitoring is required for that portion of the project.

The minimum five year monitoring period shall commence upon completion of the first planting of the revegetation of the entire east bank within the project site. Annual reports are required which document the implementation of the monitoring plan and document the status of the project in relation to the performance standards contained in the "Phase I Ballona Lagoon Enhancement Five-Year Monitoring Plan, June 1995." Any additional work or modifications to the proposed project which are necessary to meet the performance standards contained in the monitoring plan shall be submitted to the Executive Director in order to determine whether an amendment to the permit is required.

As conditioned, the proposed project is consistent with the marine resource policies of the Coastal Act and will not have any significant adverse impacts on the environment.

F. Public Access and Recreation

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project must conform to the public access and recreation policies contained in Chapter 3 of the Coastal

Act. The proposed project is consistent with the following Coastal Act policies which encourage public access and recreational use of coastal areas.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

In approving Coastal Development Permits A-266-77 (ILA), 5-86-641 (Lee), 5-87-112 (Del Rey Assoc.), and 5-93-156 (Hughes), the Commission found that the Silver Strand and Del Rey Beach Tract lots could be developed residentially and still provide for protection of habitat and for public recreational use if the lagoon fronting lots dedicated an easement for habitat protection and public access on the east bank of the lagoon, and if all lot owners participated in the maintenance of the habitat and public areas. The easements were dedicated, and in 1981, a public access path was constructed along the lagoon buffer comprised partially of the dedicated easements. The public access path is currently a very popular and heavily used trail extending from Via Dolce to Via Marina. The proposed project will improve this public access facility.

The primary public access objective of the proposed project to provide an opportunity for people to enjoy and learn about wetlands habitats without disturbing lagoon wildlife or the privacy of adjoining residents. The applicants propose to repair and improve the existing public access path which runs through the lagoon buffer area on the east bank of the lagoon. The path's existing headers and railings will be repaired, replaced, or extended as necessary to separate the public use areas from the protected habitat areas of the lagoon and its east bank. Native plants are proposed along the edge of the path to stabilize the slopes and to provide an intermittent buffer for the wildlife from the trail activity.

To ensure that public access along the lagoon buffer is protected, the permit is conditioned to require that the alignment of the of the existing five foot wide lagoon buffer public access path shall remain substantially the same as the existing path. In addition, the proposed improvement to the existing public access path shall include provisions for a pervious surface, controlled drainage, and a three to four foot high split rail fence on the lagoon side of the path with screening to prevent animals from entering the lagoon.

In fact, the proposed project already conforms to the above stated condition. The restored habitat areas on the east bank are proposed to be protected from the negative impacts associated with uncontrolled human and domestic animal

access with a new wire and split rail fence. The proposed fence will run along the lagoon side of the existing public access path. The proposed fence is located on the side of the public access path and does not cross it or otherwise impede the public's use of the path.

The purpose of the fence is to reduce conflicts between the two goals of the Coastal Act: protection of habitat and provision of public access. The fence will protect the habitat on the bank of the lagoon while still allowing the public to access the area to observe the habitat area without trampling it. Therefore, the Commission finds that the proposed project is consistent with the public access and recreation policies of the Coastal Act.

Also proposed is the construction of a new public viewing platform on top of the tide gate and pipes located at the south end of the lagoon adjacent to Via Marina (Exhibit #2 p.8). The proposed public viewing platform (overlook) will include interpretive displays and regulatory signs regarding trail use, habitat protection, domestic pets, littering, etc. The proposed public viewing platform provides the public with low (free) cost recreational and educational facility. Therefore, the Commission finds that the proposed project is consistent with the public access and recreation policies of the Coastal Act.

G. Long-term Maintenance of Lagoon Buffer

Long term maintenance of the lagoon buffer, drainage devices, and public access path on the east bank of Ballona Lagoon is, and always has been a concern of the Commission. To address this issue, the Commission has consistently placed the burden of responsibility for the necessary maintenance of public areas which have not been accepted by a public agency on the lot owners in the area who have benefited from the improvement of the area. The approval of the proposed project, as conditioned, does not alter the maintenance obligations.

In its approval of Coastal Development Permit A-266-77 (ILA), the Commission found that Ballona Lagoon was a critical habitat area and an important coastal resource. The Commission further found that residential development of the Silver Strand and Del Rey Beach area would cause 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 which required the lot owners who benefited from 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 which have not been accepted by a public agency. The Isthmus Landowners Association (ILA) was established to maintain all public areas and landscaping approved and required by Coastal Development Permit A-266-77 (ILA).

The Commission also required the lot owners benefiting from Coastal Development Permit A-266-77 (ILA) to participate on a fair and equitable basis with the other lot owners in the maintenance of the public areas, public access path, lagoon buffer, and drainage devices in the Silver Strand and Del Rey Beach Tract (Exhibit #10). The Commission placed similar requirements on

the lot owners subject to Coastal Development Permits 5-86-641 (Lee), 5-87-112 (Del Rey Assoc.), and 5-93-156 (Hughes) (Exhibit #3). This requirement is based on the concept that all property owners subject to the permit cumulatively created the negative impacts on the lagoon and have benefited from the improvement of the public areas, and therefore should assume the responsibility to maintain the habitat mitigation and public areas.

This responsibility for the long-term and ongoing maintenance of the public areas, public access path, lagoon buffer, and drainage devices in the Silver Strand and Del Rey Beach tracts remains with the homeowners pursuant to Coastal Development Permits A-266-77 (ILA), 5-86-641 (Lee), 5-87-112 (Del Rey Assoc.), and 5-93-156 (Hughes) until these public areas have been accepted by a public agency. The Commission's action on the subject permit does not alter the terms and obligations of these permits.

As previously stated, most of the easements offered to be dedicated by the individual property owners affected by the proposed project have been accepted by the applicants. The few offers to dedicate which have not been accepted by the applicants are in the process of being accepted by the applicants and will be accepted before permit issuance. (See special condition six.) As of the date the offers to dedicate have been accepted, and consistent with Coastal Development Permit A-266-77 (ILA), the future maintenance obligations for these easement areas imposed on the private homeowners association established pursuant to Coastal Development Permit A-266-77 (ILA) no longer exist. Instead, the maintenance obligations for these easement areas have become the responsibility of the accepting agency applicants now before the Commission.

H. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The Venice area of the City of Los Angeles does not have a certified Local Coastal Program. The proposed project, as conditioned, is consistent with the habitat, access, and recreation policies of the Coastal Act. Therefore, the

Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

I. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

A Negative Declaration for the Ballona Lagoon Enhancement Plan considered project alternatives and was certified by the California State Coastal Conservancy on October 20, 1993. The Negative Declaration states that the proposed project will not have a significant effect on the environment.

The Commission's conditions of approval adequately address and mitigate any potential adverse impacts to the environment caused by the proposed project. All adverse impacts have been minimized and there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the requirements of the Coastal Act to conform to CEQA.

J. Violation

Pursuant to Coastal Development Permit A-266-77 (ILA), each lagoon fronting lot owner on the east bank of Ballona Lagoon, as a condition of developing their property, is required to offer to dedicate a 24 to 30 foot wide easement for habitat protection and public access as part of the 40 foot wide lagoon buffer. Coastal Development Permit A-266-77 (ILA) also required the ILA to revegetate the lagoon buffer with native vegetation, and to maintain the habitat protection and public access easement areas until they have been accepted by a public agency. The ILA allegedly failed to successfully implement the required lagoon buffer revegetation plan. Furthermore, the lagoon fronting lot owners allegedly encroached into and placed unpermitted development into the easement areas within the lagoon buffer.

As a result, in 1988 the Commission and officers of the ILA entered into a Settlement Agreement which required the ILA to remove the encroachments from the lagoon buffer and revegetate it with native vegetation as was originally required pursuant to Coastal Development Permit A-266-77 (ILA). While most of

the encroachments have been removed from the lagoon buffer, the lagoon buffer has not been revegetated with native vegetation as required by the 1988 Settlement Agreement.

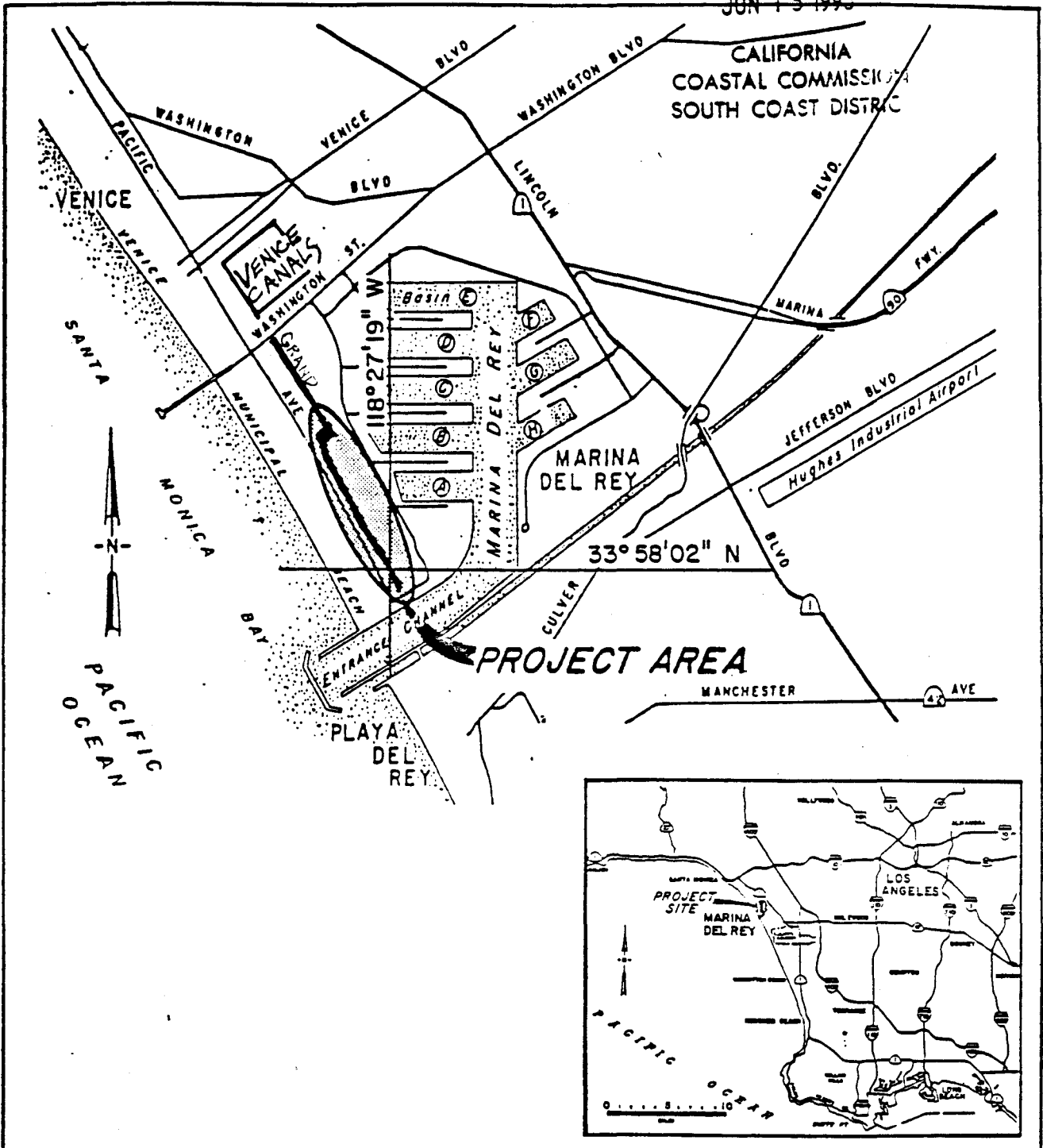
Almost all of the offers to dedicate habitat protection and public access easements have now been accepted by the Coastal Conservancy and are in the process of being transferred to the BLMP. The fact that the offers to dedicate habitat protection and public access easements have been accepted by a public agency frees the ILA from future maintenance responsibilities within the easement areas. However, the Commission may still pursue an enforcement action against the ILA for its failure to implement the required lagoon buffer revegetation project in a timely manner between the execution of the 1988 Settlement Agreement and the acceptance by the Coastal Conservancy of the offers to dedicate habitat protection and public access easements.

In conclusion, although some development on the site may have taken place without a valid Coastal Development Permit, or is inconsistent with a valid Coastal Development Permit, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred. The Commission will act on this application without prejudice and will act on it as if no unpermitted development has previously occurred.

5-95-152

RECEIVED

JUN 15 1995

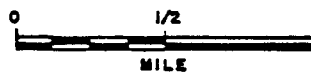


PURPOSE: WETLAND RECLAMATION

DATUM:

ADJACENT PROPERTY OWNERS:
SEE ATTACHED LIST

VICINITY MAP



BALLONA LAGOON MARINE PRESERVE
P.O. BOX 9244
MARINA DEL REY, CA. 90295

IN: MARINA DEL REY
AT: BALLONA LAGOON
COUNTY OF: LOS ANGELES
APPLICATION BY: BALLONA LAGOON
MARINE PRESERVE

SHEET 1 OF 7

APRIL 19, 1995

COASTAL COMMISSION

5-95-152

EXHIBIT # 1

PAGE 1 OF 1

BALLONA LAGOON MARINE PRESERVE

BALLONA LAGOON ENHANCEMENT PROJECT

MARINA DEL REY, CALIFORNIA

SITE PLAN

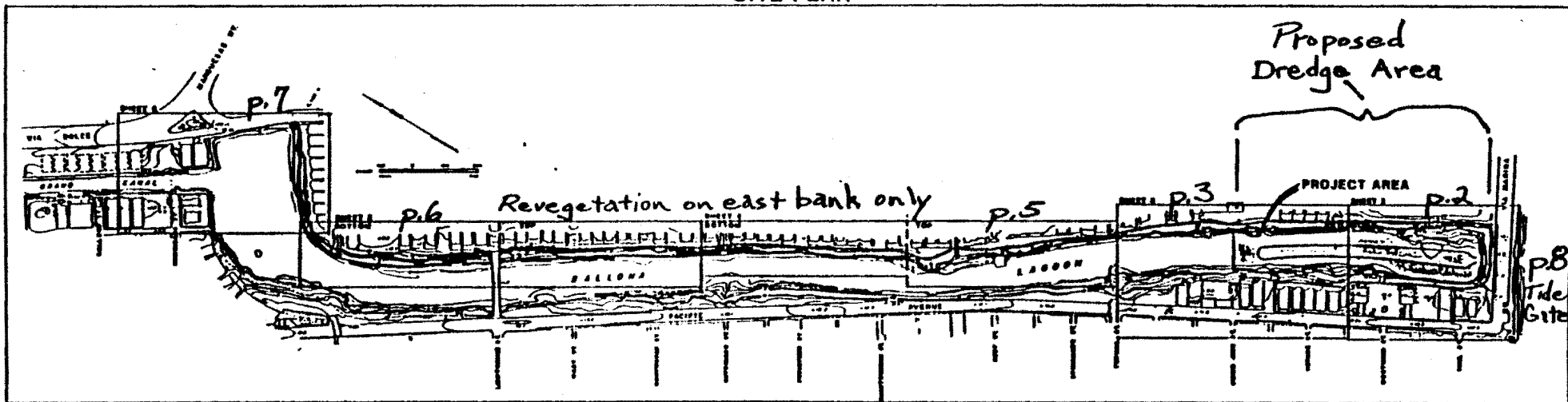


Exhibit #2

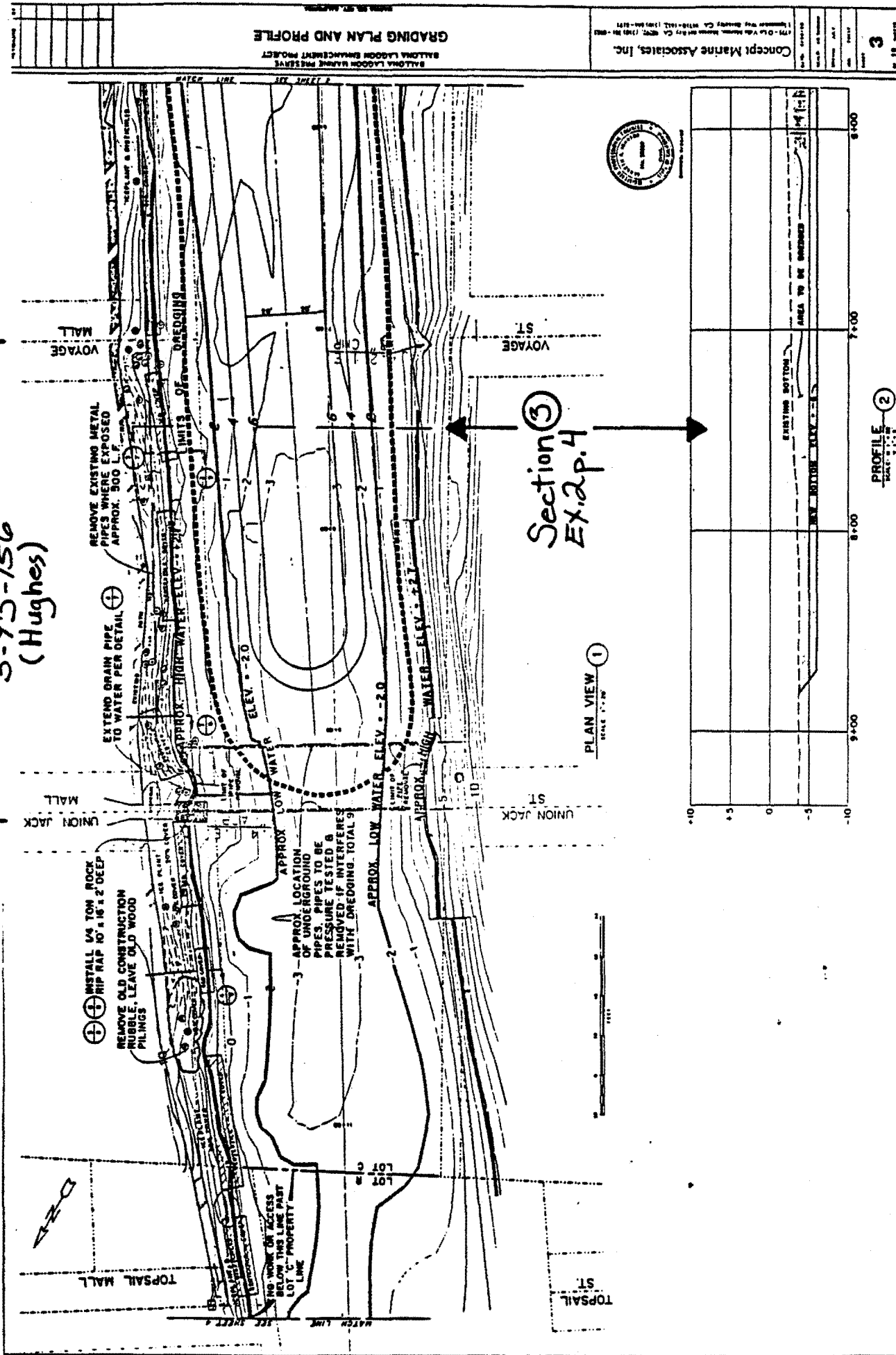
COASTAL COMMISSION

5-95-152

EXHIBIT # 2

PAGE 1 OF 8

5-93-156
(Hughes)

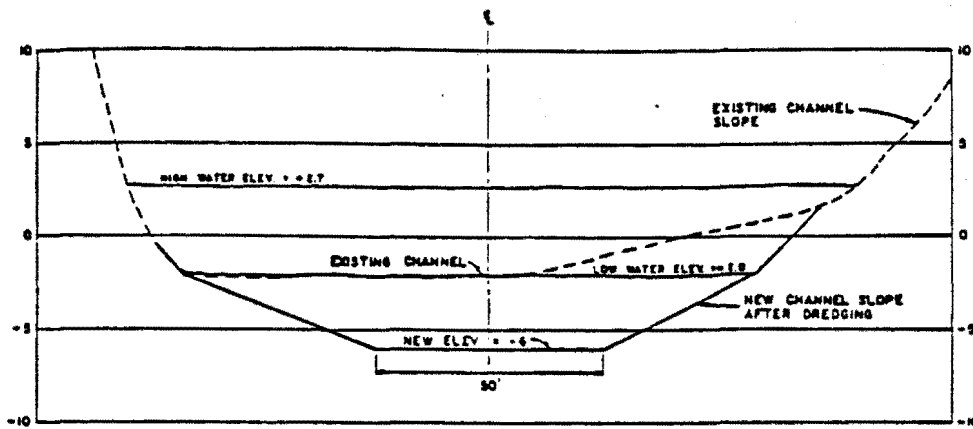


COASTAL COMMISSION

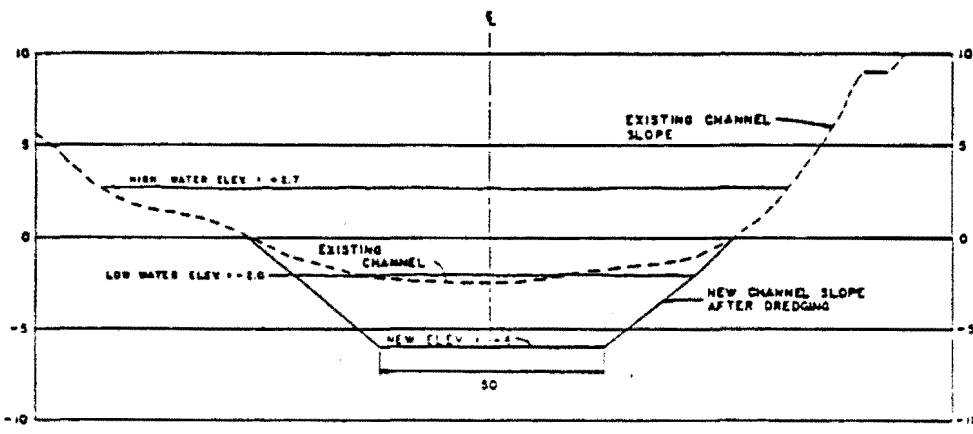
5-95-152

EXHIBIT # 2

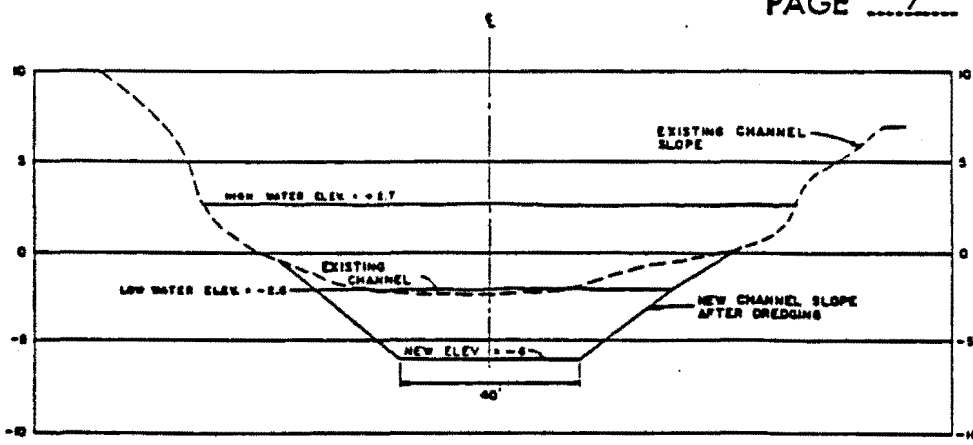
PAGE 3 OF 8



STATION 1+50 ①
SCALE: H 1" = 20'
V 1" = 5'



STATION 5+00 ②
SCALE: H 1" = 20'
V 1" = 5'



STATION 7+50 ③
SCALE: H 1" = 20'
V 1" = 5'

COASTAL COMMISSION
5-95-152
EXHIBIT # 2
PAGE 4 OF 8



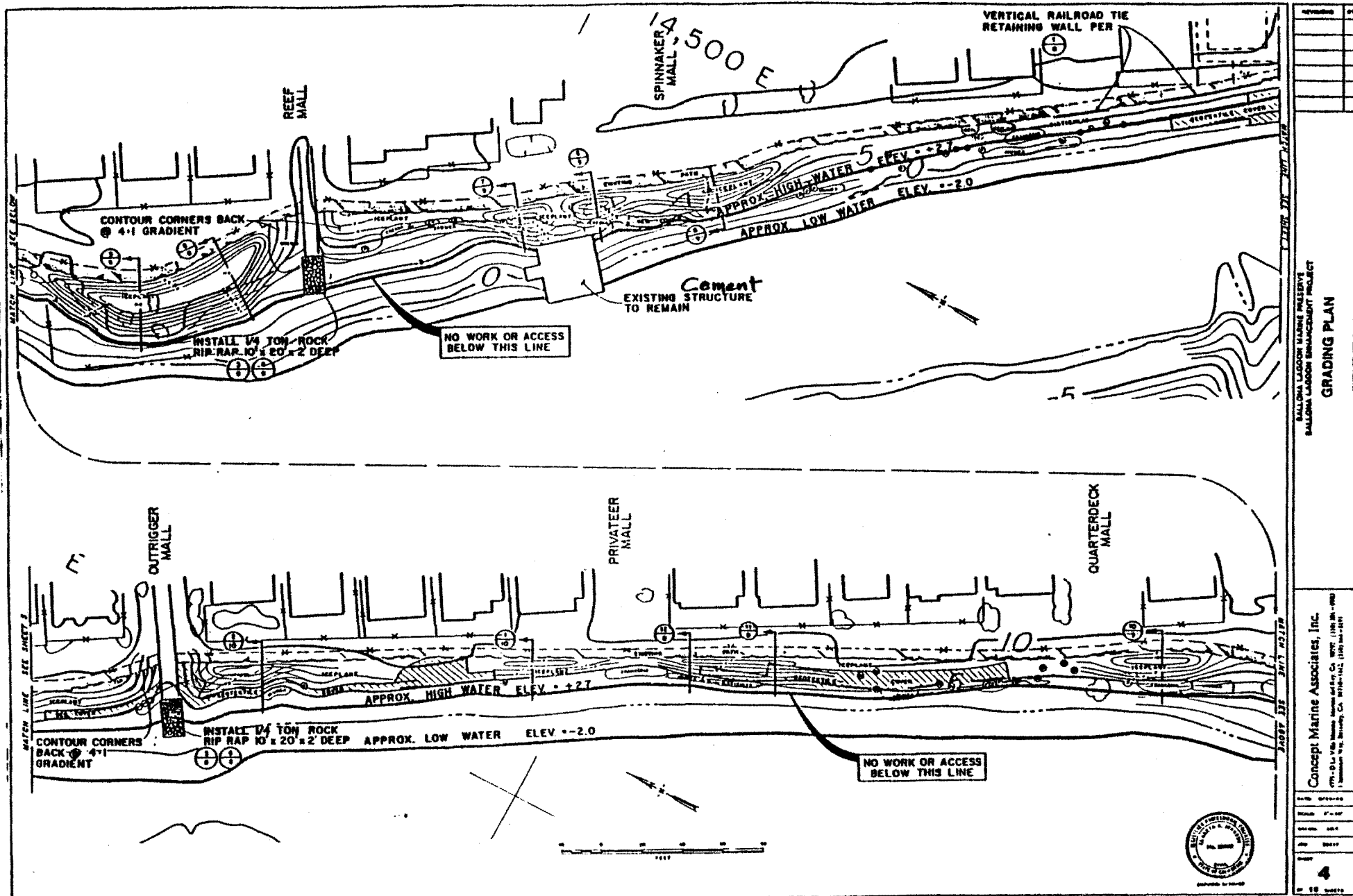
BALLONA LAGOON MARINE PRESERVE
BALLONA LAGOON ENHANCEMENT PROJECT
SECTIONS AND DETAILS

MARINA DEL REY, CALIFORNIA

Concept Marine Associates, Inc.
4775-D La Villa Marina, Marina del Rey, CA 90292, (310) 301-0983
1 Spawhake Way, Berkeley, CA 94710-1612, (510) 444-8191

DATE	6/20/95
SCALE	AS SHOWN
DRAWN	J&T
JOB	20417
SHEET	7
OF 18 SHEETS	

EXPEND: 6/20/97



BALLONA LAGOON MARINE RELIEVE
BALLONA LAGOON BRACEDRYOT PROJECT

GRADING PLAN

Concept Marine Associates, Inc.
1701-1711 1st Street, Suite 100, San Diego, CA 92101
1-800-451-1000

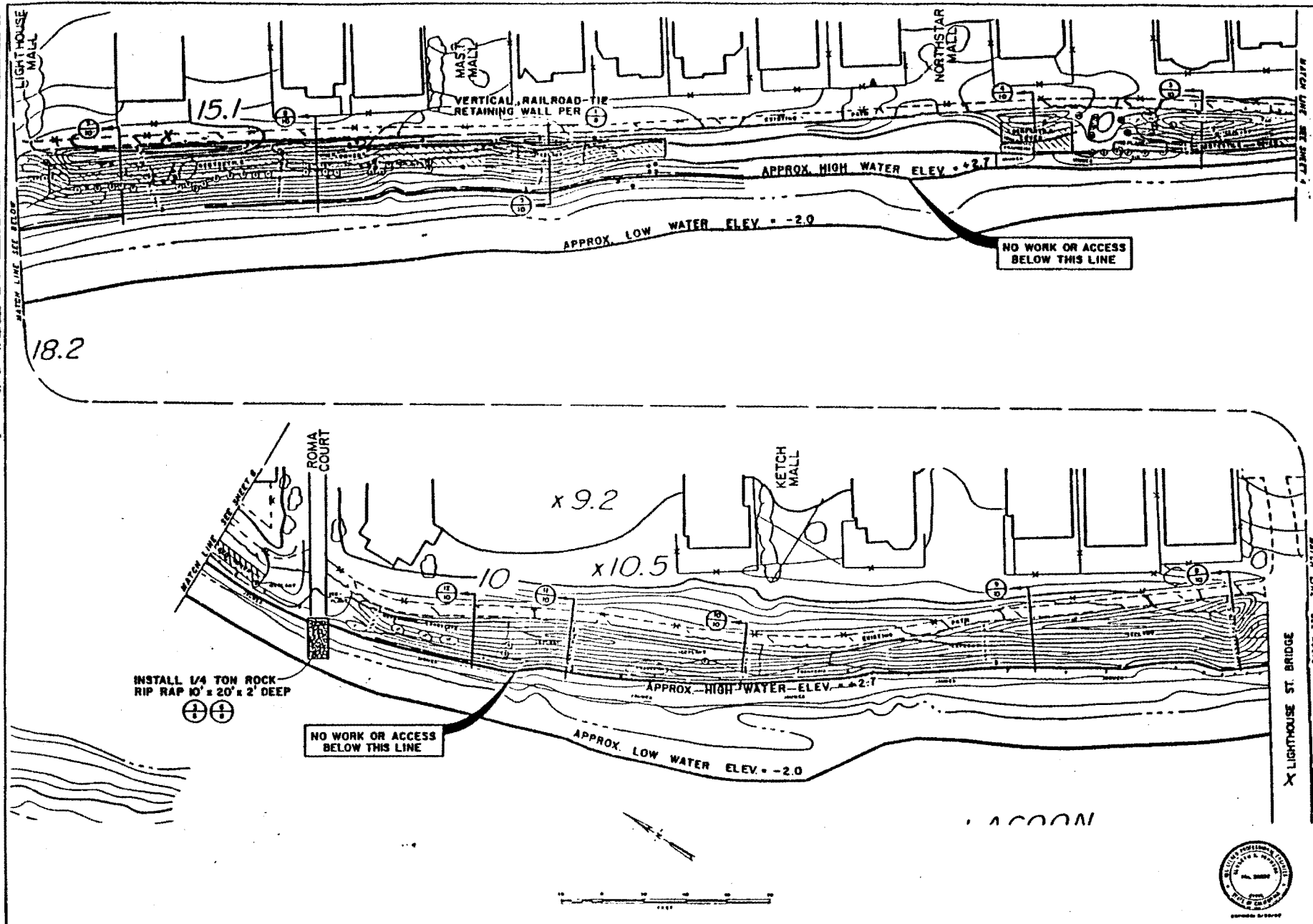


COASTAL COMMISSION

5-95-152

EXHIBIT # 2

PAGE 5 OF 8



DATE	08/08/00
SCALE	1" = 10'
PROJECT	BALLONA LAGOON MARINE PRESERVE
SHEET	5
TOTAL SHEETS	5
DESIGNED BY	Concept Marine Associates, Inc.
CHECKED BY	1770-Du Valle Street, Suite 400, San Francisco, CA 94102 (415) 398-1000
APPROVED BY	1770-Du Valle Street, Suite 400, San Francisco, CA 94102 (415) 398-1000

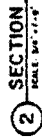
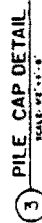
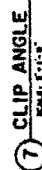
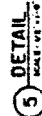
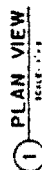
COASTAL COMMISSION

5-95-152

EXHIBIT # 2

PAGE 6 OF 8

New Sidewalk



Observation Deck Plan

COASTAL COMMISSION

5-95-152

EXHIBIT # 2

PAGE 8 OF 8

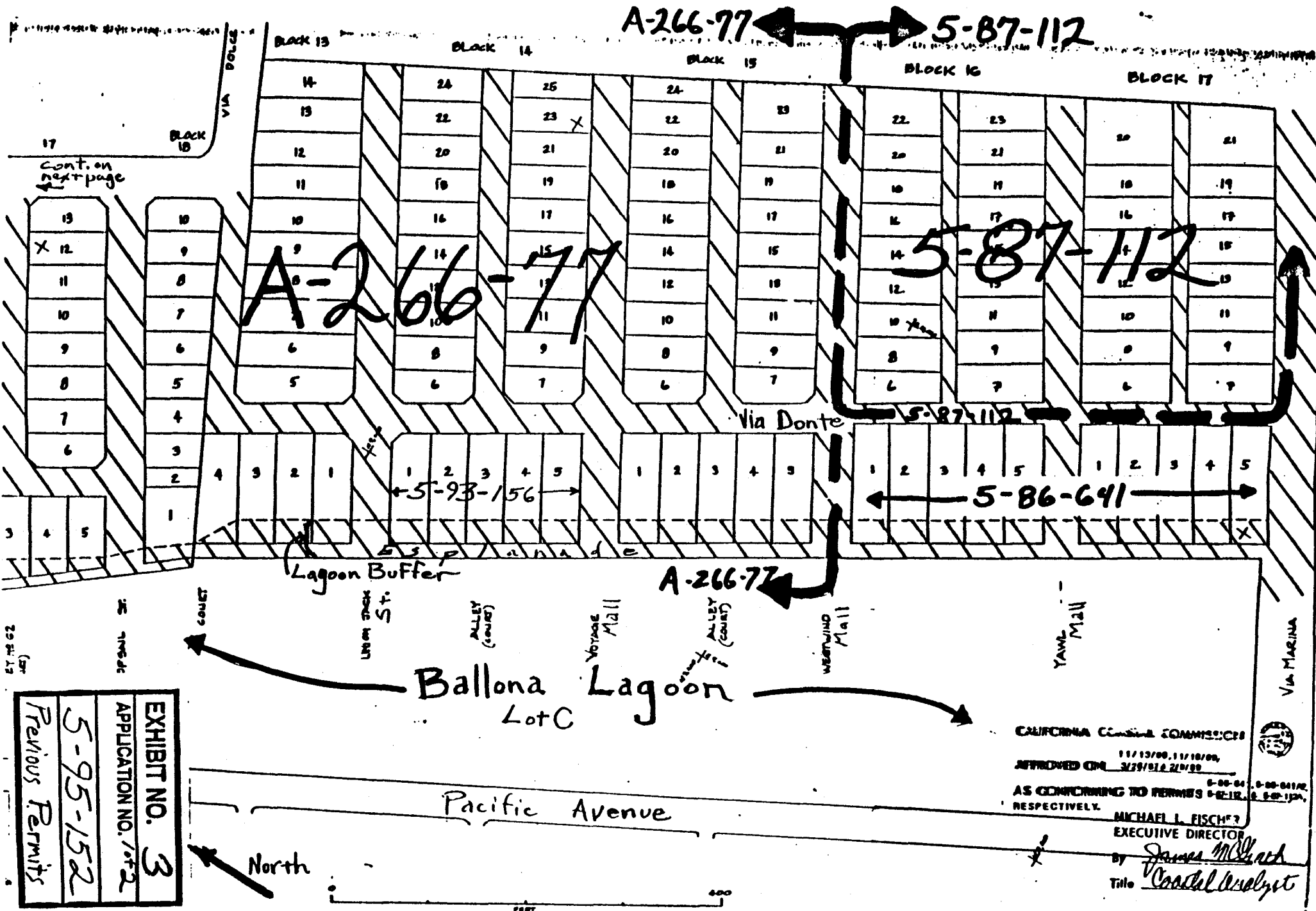


EXHIBIT NO. 3
APPLICATION NO. 1072
Previous Permits 5-95-152

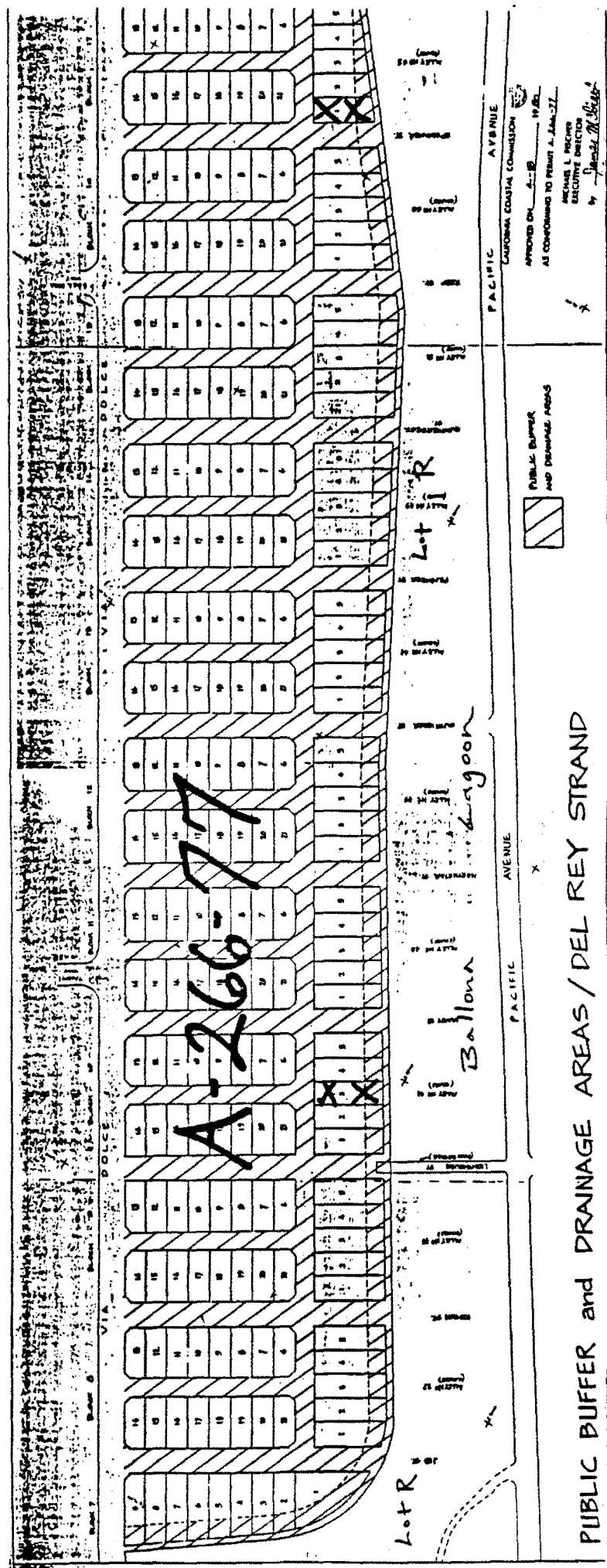
CALIFORNIA COASTAL COMMISSION

11/13/00, 11/10/00,
APPROVED ON 3/29/02 2/01/00

AS CONFORMING TO PERMITS 5-87-112, 5-86-641, 5-95-152, RESPECTIVELY.

MICHAEL L. FISCHER
EXECUTIVE DIRECTOR

By *James McShane*
Title *Coastal Analyst*



COASTAL COMMISSION
 5-25-152
 EXHIBIT # 3
 PAGE 2 OF 2



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213
TEL (310) 980-4000; FAX (310) 980-4018

JUL 17 1995

F/SWO21:RSH

RECEIVED

JUL 19 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Mr. Chuck Posner
South Coast District
California Coastal Commission
245 W. Broadway, Suite 380
P.O. Box 1450
Long Beach, California 90802-4458

Dear Mr. Posner:

I have been involved in the planning process for the Ballona Lagoon Enhancement Project for the last several years. This site has many unique constraints that hinder any restoration effort. Potential flooding concerns, adjacent residential structures, and lack of cooperation from owners of submerged portions of the Lagoon (i.e., Lot R) all have profound effects on any restoration work proposed for the Lagoon. Nevertheless, I believe the proposed project offers significant potential benefits for both fish and other wildlife.

One feature of the plan is of particular interest to the National Marine Fisheries Service (NMFS). That feature includes the modification of the operation of the Via Marina tide gate during summer to increase tidal exchange. The likely improvement of water quality will contribute greatly to the benefits of this project. As a consequence, NMFS supports the implementation of the Project.

Should you have any questions regarding the position of NMFS on this project, please contact me at (310) 980-4043.

Sincerely,

Robert S. Hoffman
Southern California Environmental
Coordinator

cc:
Ken Johnson, Concept Marine Associates, Inc.

COASTAL COMMISSION

5-95-152

EXHIBIT # 4

PAGE 1 OF 1



DEPARTMENT OF FISH AND GAME

1416 Ninth Street
P.O. Box 44209
Sacramento, CA 94224-2090
(916) 653-4875



RECEIVED

July 18, 1995

JUL 24 1995

Mr. Charles Posner
California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, California 90802

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Dear Mr. Posner:

Department of Fish and Game personnel have reviewed the Ballona Lagoon Monitoring and Enhancement Plans. Based on the information provided, we would not object to the issuance of permits for and implementation of the Phase I Monitoring and Enhancement Plan.

Should you have any questions, please contact Mr. Richard Nitsos, Environmental Specialist, Environmental Services Division, Department of Fish and Game, 330 Golden Shore, Suite 50, Long Beach, California 90802, telephone (310) 590-5174.

Sincerely,

John L. Turner, Chief
Environmental Services Division

cc: Mr. Richard Nitsos
Department of Fish and Game
Long Beach

Mr. Ken Johnson
Concept Marine Associates, Inc.
Berkeley

COASTAL COMMISSION

5-95-152

EXHIBIT # 5

PAGE 1 OF 1



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services

Carlsbad Field Office

2730 Loker Avenue West
Carlsbad, California 92008

2 1995

July 26, 1995

Charles Posner
California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, California 90802-4416

CALIFORNIA
COASTAL COMMISSION
"OUTH COAST DISTRICT"

re: Ballona Lagoon Enhancement Plan (Phase I), Los Angeles County, California

Dear Mr. Posner:

The U.S. Fish and Wildlife Service (Service) has reviewed the enhancement plan for the Ballona Lagoon and supports the general concept goals of improving water quality and tidal flushing; reducing sediment and pollution; maintaining and expanding habitat values for the Federal and State listed endangered California least tern (Sterna ancillarum browni), shorebirds, and marine fisheries. The enhancement plan also would restore native vegetation adjacent to Ballona Lagoon and is proposed to be implemented in two phases.

Phase I of the enhancement plan includes: (a) excavating a deep pool near the Via Marina tide gates including off-site disposal of excavated material, (b) upgrading and improving the operational function of tide gates at Via Marina, (c) revegetating the east bank of the lagoon, (d) installing two storm water catch basins on the east bank of the lagoon, (e) constructing public access improvements at the south end of the lagoon, and (f) monitoring and maintaining these improvements. Phase II of the enhancement plan proposes minimal grading to prevent recirculation and local ponding of water which have contributed to algal blooms. Implementation of phase II is reliant on future granting or selling of properties presently held by several land owners.

Ballona Lagoon provides foraging area for the California least tern (tern) which nest at Venice Beach located immediately west of the lagoon. Venice Beach is one of the largest and most productive tern nesting sites within southern California. The Service believes the enhancement of fisheries resources within the lagoon will benefit the tern. However, in order to avoid impacts to this species during implementation of the restoration plan, the Service recommends that enhancement activities and future maintenance dredging do not take place during the tern nesting season which extends from April 1 to September 15.

In addition to protecting and enhancing least tern foraging areas, the Service is interested in the re-establishment of the Federally listed endangered El Segundo blue butterfly (Euphilotes bernardino allyni) (butterfly). Ballona Lagoon is within the historic range of this species. The Service recommends that all non-native vegetation be removed from the east and west banks of the lagoon. These areas could be planted with local native coastal dune vegetation such as yellow and pink sand verbena (Abronia maritima and A. umbellata) and ocean buckwheat (Eriogonum parvifolium). Ocean buckwheat is an important food plant for the butterfly. The natural areas should be

COASTAL COMMISSION

5-95-152

EXHIBIT # 6

PAGE 1 OF 2

Charles Posner

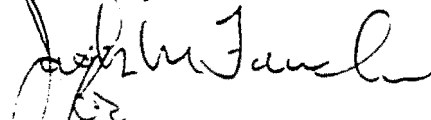
2

appropriately cordoned off in an effort to protect any native vegetation planted. The Service would like the opportunity to review and comment on any proposed revegetation plan for the lagoon. In addition, the Coastal Conservancy should consider entering into a conservation agreement with the Service that will allow the introduction of the butterfly to the site once the numbers of its ocean buckwheat and other plant species essential to the butterfly have become established.

During implementation of phase I of the project, approximately 0.8 acres of mudflat habitat will be lost. Intertidal mudflats provide important foraging areas for resident and migratory shorebirds. The Service recommends that the loss of habitat type be offset during implementation of phase I of the project so that there would be no net loss of mudflat acreage within Ballona Lagoon. This is an important point given that intertidal mudflat habitat has been greatly reduced along the southern California coast, particularly in Los Angeles County.

We appreciate this opportunity to comment on the proposed restoration plan. Any questions concerning the above comments should be directed to Doreen Stadlander of my staff at (619) 431-9440.

Sincerely,


Gail C. Kobetich
Field Supervisor

cc: CDFG Long Beach, CA (attn: R. Nitsos)
NMFS Long Beach, CA (attn: B. Hoffman)
CCC San Francisco, CA (attn: C. Kroll)

COASTAL COMMISSION

5-95-152

EXHIBIT # 6

PAGE 2 OF 2

August 30, 1995

TO: Chuck Posner
Pam Emerson

FROM: Lesley Ewing *Lesley Ewing*

SUBJECT: Ballona Lagoon Enhancement Plan (August 1992) SCH # 93041063

At your request, I have reviewed the portions of the Ballona Lagoon Enhancement Plan relating to water quality and circulation. I have not looked at any of the report dealing with biological resources or public access. I had an opportunity to discuss this project with Peter Goodwin from Philip Williams and Associates, and have included some of this discussion into the memo.

The identified hydrological objectives are as follows:

- improve water quality in the lagoon
- reduce the accumulation of flotsam and litter in the intertidal zones
- minimize impacts of water flushed from the Venice Canals
- maintain or increase the existing 50-year storm protection
- remove massive concrete structure in the middle of the lagoon
- remove many of the pipelines crossing the lagoon
- stabilize lagoon banks and control the influx of sediment

Relating to the water quality on the lagoon, the Enhancement Plan identifies the major water quality issues to be the presence of algal bloom and low levels of dissolved oxygen in the summer months. One identified technique for improving algal blooms and dissolved oxygen is to reduce the residence time of water in Ballona Lagoon. Metal concentrations for all sediments were found to be below the Soluble Threshold Limit Concentrations and are not an identified water quality problem. Upstream controls of oil and grease are recommended as a means to improve water quality so it is assumed that these pollutants concentrate in the lagoon; however, no information was given on the measured concentrations of these pollutants in the lagoon, nor were they singled out as problems.

The following is a brief summary about how each of these hydrological objectives may be affected by the project alternatives. All review is based on material provided in the Enhancement Plan and any referenced page numbers are from this report.

Improve Water Quality of the Lagoon As identified below, none of the proposed alternatives will reduce residence times. The report claims that several of the alternatives will improve circulation or reduce impacts from "dead zones" or shallow areas, and while it is reasonable to assume that algal blooms will decrease with the elimination of small bank eddies and shallow pools, there is little quantitative support provided for these claims.

- **No Project Alternative:** This alternative will not improve water quality; over time it is expected that the "there will be gradual widening and infilling of the lagoon ... (algal blooms) are likely to occur more frequently if the water depth is decreased due to sedimentation and nutrients from domestic dwelling irrigation runoff." (Page 26)

COASTAL COMMISSION

5-95-152

EXHIBIT # 7

PAGE 1 OF 3

- **Minimum Engineering Alternative:** This alternative proposed to "eliminate any recirculation and to realign any local bank failures....(,and) reduce the residence time of individual particles trapped in the 'dead zones' as well as the number of dead zones that retain nutrients, algae, or other contaminants." (Page 28) The report provides little quantitative support for the assertion that this alternative will improve circulation, and from Appendix 12.1 T, with this alternative, it will take slightly longer than it does now for a particle released at the confluence of the Grand Canal and Ballona Lagoon to travel through the lagoon. Removing the shallow pools and "dead zones" will remove some of the areas believed to be most suitable for algal growth, so this activity may enhance overall water quality.
- **Deep Channel Alternative:** The purpose of this alternative is to "enhance the exchange of water along the lagoon(, and) eliminate the formation of shallow pools at low tide conditions." (Page 28) This alternative would reduce deposition in the Grand Canal/Ballona Lagoon area, but increase deposition in most other portions of the lagoon. "The residence time of a particle can be expected to increase by one to two days ... (, and) is not recommended since it could result in an increase in the residence time of suspended algae or pollutants." (page 29)
- **Deep Pool Alternative:** The purpose of this alternative is to create deep water habitat for fish. The pool will be subject to sedimentation and would require periodic dredging every 5 to 20 years. The "tidal excursion of individual particles will be less than under existing conditions ... (; this) may lead to problems with algal blooms, but the elimination of shallow pools will improve this potential problem. (Page 30) If the pool is located adjacent to the Marina Del Rey tide gates, there will be some opportunity for vertical mixing and it is likely that this location will provided better turn-over of water than would a location closer to the Grand Canal. However, the report provides little quantitative support for the assertion that water quality will improve with the elimination of the shallow pools or that this improvement would balance out the impacts from an increase in residence time.
- **Preferred Alternative: Minimum Engineering/Deep Pool Combination:** With this alternative, the "average residence time of a suspended particle is unlikely to be increased by more than one or two days. The effect of eliminating recirculation and local ponding will have a greater impact on water quality than reducing particle velocities. (page 30-31) The report provides little quantitative support for the assertions that circulation will improve, that water quality will improve with the elimination of the shallow pools or that these improvements would balance out the impacts from an increase in residence time.

Reduce the Accumulation of Flotsam and Litter in the Intertidal Zones: The minimum engineering alternative proposes to eliminate the bank irregularities and shallow pools which trap flotsam and litter. The preferred alternative recommends an element of litter clean-up which could be undertaken with any of the alternatives.

Minimize Impacts of Water Flushed from the Venice Canals None of the alternatives affect flushing from the Venice Canals. The preferred alternative recommends a procedure for operation of the culverts which could be undertaken with any of the alternatives.

COASTAL COMMISSION

EXHIBIT # 7

PAGE 2 OF 3

Maintain or Increase the Existing 50-year Storm Protection None of the alternatives affect the 50-year storm protection. The preferred alternative recommends a procedure for operation of the tide gates at Marina Del Rey which could be undertaken with any of the alternatives.

Remove Massive Concrete Structure in the Middle of the Lagoon
Remove many of the Pipelines Crossing the Lagoon These efforts could be undertaken with any of the alternatives.

Stabilize Lagoon Banks and Control the Influx of Sediment "The primary source of sediment is the lagoon embankments. These banks can be stabilized by planting." Bank planting can be undertaken with any of the alternatives. It should be noted that the circulation through the lagoon will be altered by bank planting and the friction coefficient for a vegetated bank will be different than for an unvegetated bank. This was discussed with Peter Goodwin and his general response was that the velocities in the lagoon are too low and the lagoon is too wide for this change in boundary conditions to affect circulation significantly. While these assumptions are reasonable, in a lagoon system where small modifications are being considered for effects on water quality, it would have been appropriate for the Enhancement Plan to address the effects of a vegetated bank on circulation and general water quality.

Mac HD 10:Lesley Ewing:District Support:Ballona Comments

COASTAL COMMISSION

EXHIBIT # 17

PAGE 3 OF 3

Planting List

PERENNIAL PLANT SPECIES	SECTION NUMBER														
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII	XIV	XV
Plants to be placed by plan															
<i>Eriogonum parvifolium</i> P	80		63	50	95	100	60	70	67	91			75	70	71
<i>Lupinus chamissonis</i> L	20		40	65	41	50	65	25	40	20			20	50	36
<i>Encelia californica</i> E	10		10	10	18	10	7	7	10	4			8	6	20
<i>Haplopappus ericoides</i> II	15		9	12	15	15	16	9	11	6			10	5	15
<i>Rhus integrifolia</i> R	5		0	3	11	2	1	2	0	2			3	2	6
<i>Isomeris arboria</i> I	15		10	5	19	18	9	8	12	6			7	7	20
<i>Opuntia littoralis</i> U	50		17	19	20	110	50	30	30	28			36	30	55
<i>Ambrosia chamissonia</i> M	15		10	15	15	6	12	15	12	14			12	8	18
<i>Elymus triticoides</i> T	10	10	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Curcubita foetidissima</i> B	5	3	3	3	3	4	5	3	2	4			3	3	4
<i>Artemisia californica</i> A	3		5	3	18	8	4	8	5	2			4	4	60
Plants to be placed at random															
<i>Calystegia macrostegia</i>	5		10	10	10	5	5	5	5	5			5	5	20
<i>Cardionema ramosissimum</i>	10		10	15	10	10	10	10	10	10			10	10	30
<i>Corethrogyne filaginifolia</i>	10		15	15	15	10	15	10	10	10			5	5	30
<i>Atriplex californica</i>	10		15	15	15	10	10	10	10	10			10	10	30

COASTAL COMMISSION

5-95-152

EXHIBIT # 8

PAGE 1 OF 1

COASTAL DEVELOPMENT PERMIT

On July 16, 1979, by a vote of 8 to 0, the California Coastal Commission granted to Isthmus Landowners Association, Inc. Permit A-266-77, subject to the conditions set forth below, for development consisting of grading, construction of sanitary sewers, storm drains, underground utilities, street improvements, and landscaped malls to allow development of houses on individual lots within the Silver Strand and Del Rey Beach tracts, more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at Silver Strand and Del Rey Beach Subdivisions, between Ballona Lagoon and Via Dolce, west of Marina Del Rey, City of Los Angeles

After public hearing held on July 16, 1979, the Commission found that, as conditioned, the proposed development is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976; will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976; if between the sea and the public road nearest the sea, is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976; and either (1) will not have any significant adverse impact on the environment, or (2) there are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact that the development as approved may have on the environment.

Issued on behalf of the California Coastal Commission on APR 23 1980

RECEIVED

SEP 04 1992

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

MICHAEL L. FESLER
Executive Director

By James P. McCreedy

The undersigned permittee acknowledges receipt of the California Coastal Commission, Permit A-266-77, and fully understands its contents, including all conditions imposed.

4/23/80
Date

[Signature]
Permittee

COASTAL COMMISSION
5-95-152

EXHIBIT # 9
PAGE 1 OF 4

Permit A- 266-77 , is subject to the following conditions:

A. Standard Conditions.

1. Assignment of Permit. This permit may not be assigned to another person except as provided in the California Administrative Code, Title 14, Section 13170.
2. Notice of Receipt and Acknowledgment. Construction authorized by this permit shall not commence until a copy of this permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of its contents, is returned to the Commission.
3. Expiration. If construction has not commenced, this permit will expire two (2) years from the date on which the Commission voted on the application. Application for extension of this permit must be made prior to the expiration date.
4. Construction. All construction must occur in accord with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviations from the approved plans must be reviewed by the Commission pursuant to California Administrative Code, Title 14, Sections 13164-13168.
5. Interpretation. Interpretation or revisions of the terms or conditions of this permit must be reviewed by the State Coastal Commission or its Executive Director. All questions regarding this permit should be addressed to the State Commission office in San Francisco unless a condition expressly authorizes review by the Regional Commission or its staff.

B. Special Conditions.

1. Overall Condition. Prior to issuance of the permit, the applicant shall submit evidence that the following conditions have been met:

a. Improvements. All of the streets, utilities, and drainage facilities for the entire tract north of the mall opposite Westwind will be installed prior to construction of single-family houses.

b. Grading. All of the grading for the entire tract north of the mall opposite Westwind must be completed prior to construction of single-family houses. To minimize the adverse effects of soil disturbance, all earthmoving in this tract shall be accomplished in a single contract.

c. Lagoon Protection. In order to protect the lagoon from the adverse effects of urban runoff, all runoff from the tract shall be directed to the Marina del Rey Channel. If, with the concurrence of the Executive Director of the Commission, it is determined that it is not feasible to direct runoff to the Marina del Rey Channel, the applicants shall establish a lagoon restoration program. The program shall be subject to the review and approval of the Executive Director and shall consist of a system of in-lieu fee payments for all development within the subdivision sufficient to provide for the value and purchase of the 9 lots at the north end of the tract and the costs of grading and planting the area to create a new area of marsh, as originally proposed by the Isthmus Landowners Association, Inc. The amount of the in-lieu fee contribution shall be established using the highest of three independent appraisals of the nine lots and a detailed cost estimate for improvements by a registered engineer.

COASTAL COMMISSION

EXHIBIT # 9

PAGE 2 OF 4

d. Access. As part of the overall improvements, grading shall be completed to the lagoon essentially as provided for in the Ballona Lagoon Preserve Plan. A bond shall be obtained for the development and improvement of an access path at the top of the bank along the perimeter of the lagoon to replace the Esplanade which has largely eroded away. The trail shall consist of decomposed granite or similar material and shall be located, fenced, and landscaped essentially as proposed in the Ballona Lagoon Preserve Plan. The bond shall cover the costs of developing the access path and shall be executed in favor of the State of California.

e. Maintenance. A private homeowners association sufficient to maintain all public areas and landscaping shall be established as part of the above provisions. The association shall have the responsibility and the necessary powers to maintain all improvements that are not accepted by a public agency acceptable to the Executive Director.

f. Parking. In order to provide for public parking and mitigate the effects of additional traffic on coastal access, the areas designated as "malls" in Exhibit 2 shall be paved for public parking in a manner acceptable to the City of Los Angeles. No curb cuts shall be allowed in the improved paved area.

2. Standard Enforcement Condition. Prior to issuance of the permit, revised plans encompassing the above terms shall be submitted to the Executive Director for his review and approval in writing as sufficient to implement the various conditions. All final working drawings submitted to all public agencies shall be accompanied by a Landscape Architect and Engineer's Certificate that said drawings are in substantial conformance with the revised plans approved by the Executive Director.

COASTAL COMMISSION

EXHIBIT # 9
PAGE 3 OF 4

Re: Amended Coastal Development Permit A-266-77

To Whom It May Concern:

This letter will confirm that the California Coastal Commission has today, April 23, 1980, issued to the Isthmus Landowners Association, Inc. ("Isthmus") Amended Coastal Development Permit A-266-77, in complete accordance with and with the identical terms and conditions of the amendment to said coastal development permit granted to Isthmus by vote of the California Coastal Commission on July 16, 1979. This letter will further acknowledge that Amended Coastal Development Permit A-266-77 is being typed and will be dispatched to Isthmus not later than Thursday, April 24, 1980, and that the typed permit will be in all respects as above indicated.

CALIFORNIA COASTAL COMMISSION

Michael L. Fisher,
Executive Director

By James McGrath
James McGrath,
Permit Analyst

Dated: April 23, 1980

COASTAL COMMISSION

EXHIBIT # 9

PAGE 4 OF 4

Standard Conditions For Lagoon Fronting Lots

SPECIAL CONDITIONS:

The permit is subject to the following conditions:

1. Public Utilities

Prior to authorization of permit, applicant shall submit to the Executive Director, satisfactory evidence that the public improvements that are the subject of Permit A-266-77 have been completed by the Isthmus Landowners Association, and have been built according to the conditions of 266-77 for the block on which construction is proposed. All construction shall be compatible with the utilities and plans approved under Permit A-266-77.

2. Maintenance of Public Access

Prior to authorization of permit, applicant shall record free of prior liens and encumbrances except tax liens, a deed restriction in the form and content approved by the Executive Director, binding the applicant and his successors in interest to participate with the lot owners of the Silver Strand on a fair and equitable basis in the maintenance of the public areas prescribed by Coastal Permit A-266-77.

3. Easement for Public Access and Habitat Protection

Prior to authorization of permit, applicant shall execute and record a document, in a form and content approved by the Executive Director, irrevocably offering to dedicate to a public agency or private association acceptable to the Executive Director an easement for public access and habitat protection. The easement shall cover that portion of the applicant's lot (thirty feet from Esplanade) which occupies the buffer area approved pursuant to Coastal Permit A-266-77. Such easement shall prohibit development and shall allow public access along the trail installed pursuant to A-266-77. The recorded document shall also restrict the applicant from disturbing the fence and vegetation in the buffer area and from interfering with public use of the trail prior to acceptance of the offer.

Such document shall be recorded free of prior liens except for tax liens and free of prior encumbrances, which the Executive Director determines may affect the interest being conveyed.

The offer and restriction shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner. The offer shall be irrevocable for a period of 21 years, such period running from the date of recording.

4. Setback from Lagoon Buffer

All portions of the dwelling shall be set back from the easterly edge of the buffer strip at least 10 feet, or 15% of the buildable depth of the lot, whichever is greater; in this instance, the setback will be

No fence, wall, or other accessory structure shall encroach into the buffer strip. COASTAL COMMISSION

5-25-152

EXHIBIT # 10

PAGE 1 OF 2

5. Overall Parking

Prior to authorization of permit, the applicant shall submit revised development plans for the approval of the Executive Director, which show the areas designed as "malls" on the tract map as paved for public parking in a manner acceptable to the City of Los Angeles. No curb cuts shall be allowed in the improved paved area. As an alternative, any or all malls may be retained as landscaped pedestrian malls if an equivalent amount of permanent public parking is provided on the Marina Peninsula in a manner approved by the Executive Director. Such parking spaces developed for public use shall not be used for residential parking pursuant to any preferential parking system.

6. On-Site Parking

Prior to authorization of permit, applicant shall record free of prior liens and encumbrances except for tax liens, a deed restriction in a form and content approved by the Executive Director, assuring the provision of three off-street parking spaces on the project site. These parking spaces shall be accessible from the alleys (also called courts).

7. Prior to authorization of permit, the applicant shall submit plans for the review and approval of the Executive Director that show that the height of the proposed structure within sixty horizontal feet of the mean high tide line of Ballona Lagoon at the adjacent shoreline shall not exceed thirty feet above grade. For every two feet farther away from the lagoon, the structure may be one foot higher in height to a maximum height of 45 feet.

The documents needed to comply with Conditions 3 and 6 will be sent to you from our San Francisco office AFTER the Commission meeting. When you receive the documents, if you have any questions please contact Debbie Benrubi at (415) 543-8555.

COASTAL COMMISSION

EXHIBIT # 10

PAGE 2 OF 2



SANTA MONICA
BAYKEEPER

Protecting Our Bay
in cooperation with
The Frank G. Wells
Environmental Law Clinic,
UCLA School of Law &
The National Alliance of
River, Sound & BayKeepers

August 24, 1995

RECEIVED

AUG 28 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Carl A. Williams, Chair
California Coastal Commission
245 W. Broadway #380
Long Beach, CA 90802

Reference: CDP 5-95-152 Ballona Lagoon Restoration

Dear Chairman Williams,

This letter is written in support of the application by the Ballona Lagoon Marine Preserve (BLMP) to restore the Ballona Lagoon to a functioning, natural ecosystem.

As you are well aware, the Los Angeles area has less than 5% of its natural wetlands remaining, making Ballona Lagoon a critical link in local fish, plant and marine invertebrate life cycles. Moreover, the urban location and easy public access to Ballona Lagoon means that it can be a valuable teaching tool to instill appreciation for our fragile, essential and dwindling coastal resources.

BLMP is an outstanding organization composed of tireless volunteers who have worked long and hard to improve the community and the environment. I am confident that they are capable and inspirational stewards who will assure the success of this project.

The Santa Monica BayKeeper urges the Commission to approve the application by BLMP at the earliest opportunity. Thank you.

Sincerely,

Terry Tamminen,
BayKeeper

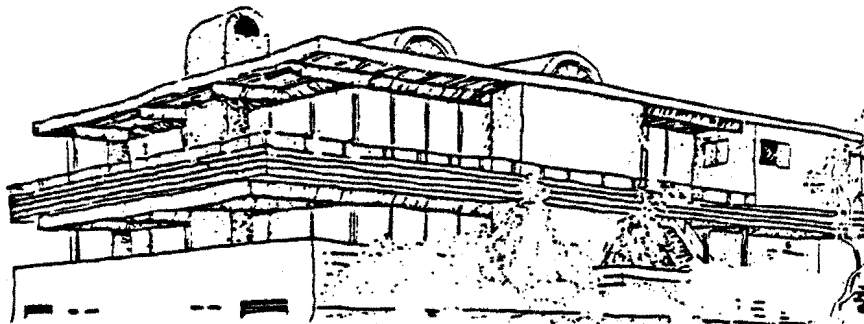
cc Iylene Weiss

COASTAL COMMISSION

5-95-152

EXHIBIT # 11

PAGE 1 OF 1



RECEIVED

AUG 29 1995

CALIFORNIA
COASTAL COMMISSION
26 August 1995 SOUTH COAST DISTRICT

Chairman Carl A. Williams
California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, CA 90802

Attention: Charles Posner

Dear Mr. Williams,

I believe that restoration of the Ballona Lagoon can become a successful reality with the help of your Commission. Accordingly I urge that you give favorable consideration to the application/permit of the Ballona Lagoon Marine Preserve (BLMP) to restore the Ballona Lagoon.

This is not only important from the standpoint of natural conservation but also it preserves, within an urban community, the rare opportunity to observe the seasonal migration of many, many birds.

I have been residing at #1 Westwind Street on the Venice Peninsula since 1973 and know the area very well. The hard work of the many people involved with the BLMP must be recognized. I have also been an active participant in the State (and Federal) programs to protect and help to regenerate the California Least Tern, one of our most endangered species and this seventeen year old program is working very successfully.

The permit will enable the Preserve to implement Phase 1 of the Wetland Restoration Plan. The organization's volunteers have been working on the plan for the last ten years. Both the City of Los Angeles and The California Coastal Conservancy have joined with BLMP as co-applicants.

The restoration of Ballona Lagoon, in Venice, is probably the first tidal wetland restoration plan in Los Angeles. The enhancement will consist of: replacement of non native plants with native plants after

Ernestine and Sandy Elster
One Westwind Venice, Ca. 90292

COASTAL COMMISSION

5-95-152

EXHIBIT # 12

PAGE 1 OF 2

regrading, contouring and stabilizing the banks; installation of fencing along the public path, dredging to enhance fish habitat, and construction of a public observation deck with appropriate signage at the south end of the Lagoon.

If you have any questions please feel free to call (310) 822-2563 or FAX me at (310) 822-1459

Very truly yours,

Sony Elster

COASTAL COMMISSION

EXHIBIT # 12
PAGE 2 OF 2

Wetlands Action Network
a project of Earth Trust Foundation

RECEIVED

SEP 7 1995

September 1, 1995

Chairman Carl A. Williams
California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, CA 90802

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

attn: Charles Posner

Re: CDP 5-95-152

Dear Chairman Williams:

As a regional wetlands advocacy group dedicated to protecting and restoring wetlands along the Pacific Flyway, we urge you to approve the pending permit before your commission to implement Phase I of the wetlands restoration plan for the Ballona Lagoon.

We are confident that through the leadership of Iylene Weiss at the Ballona Lagoon Marine Preserve and her dedicated volunteers, along with staff from the California Coastal Conservancy and City of Los Angeles, that the goals of this project will be realized. We are especially hopeful of this historic effort to restore a tidal wetland in Los Angeles.

Your mission - to uphold the Coastal Act - will be supported well by your approval of this project, as you will be improving public access to an important coastal resource, as well as providing further protection of this precious wetland resource.

Thank you for the opportunity to offer our support for this project.

For the wetlands,



Marcia Hanscom
Project Director

COASTAL COMMISSION

cc: Iylene Weiss, Ballona Lagoon Marine Preserve
Reed Holderman, California Coastal Conservancy

EXHIBIT # 13
PAGE 1 OF 1

John R. Van de Houten
5500 Torrance Bl. #A102
Torrance, CA 90503
(310) 543-2270

RECEIVED

AUG 31 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

August 29, 1995

Chairman Carl A. Williams
California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, CA 90802

Att: Charles Posner

Subject: Support For Restoring Ballona Lagoon - CDP 5-95-152

Dear sirs,

I am writing to express my strong support and request yours for the permit to implement Phase I of the wetland restoration plan in the Ballona Lagoon Marine Preserve.

This restoration in Venice is financially sound. The purpose is extremely key to restoration of a vital wetland for the future of California and its citizens.

Sincerely,


John Van de Houten

COASTAL COMMISSION

5-95-152

EXHIBIT # 14

PAGE 1 OF 1

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001
(916) 445-8528

18411 CRENSHAW BLVD.
SUITE 280
TORRANCE, CA 90504
(310) 523-4831

Assembly California Legislature

DEBRA BOWEN
ASSEMBLYWOMAN, FIFTY-THIRD DISTRICT

Representing the communities of El Segundo, Hermosa Beach,
Lomita, Manhattan Beach, Mar Vista, Manna del Rey, Palos Verdes Estates,
Playa del Rey, Redondo Beach, Torrance, Venice & Westchester

COMMITTEES:
CHAIR, BUDGET SUBCOMMITTEE
ON INFORMATION TECHNOLOGY
VICE CHAIR, BANKING & FINANCE
VICE CHAIR, TELEVISIONING THE
ASSEMBLY & INFORMATION
TECHNOLOGY
BUDGET
NATURAL RESOURCES
ENVIRONMENTAL SAFETY &
TOXIC MATERIALS

August 30, 1995

Chairman Carl A. Williams
California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, CA 90802

Attn: Charles Posner

Dear Mr. Williams:

It has come to my attention that the Ballona Lagoon Marine Preserve is applying to the Coastal Commission for a permit to begin restoration of the Ballona Lagoon (reference CDP 5-95-152).

The Ballona Lagoon is an essential part of the Ballona Wetlands complex, which is a vital natural resource not only to my constituents but to all who live in the Santa Monica Bay Watershed region.

As the first tidal wetlands restoration in Los Angeles, this proposed project will be a significant step toward restoring and protecting the natural habitats of the Lagoon and the greater wetlands complex. The restored Ballona Lagoon will provide essential habitat for native plants, fish and birds. Also important, the renewed Ballona Lagoon will be a place where local residents and visitors can observe and learn about the intricate balance of the wetlands ecosystem and how they can contribute to its preservation.

Thank you for your consideration.

Sincerely,



Debra Bowen
Assemblywoman, 53rd District

DB:th

RECEIVED

AUG 31 1995

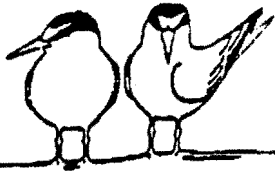
CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

COASTAL COMMISSION

5-95-152

EXHIBIT # 15

PAGE 1 OF 1



FRIENDS OF BALLONA WETLANDS

CHAIRPERSONS

Ruth Lansford
Ed Tervyd
Walter Sakai
Jan Rader
Howard Townner
Jenna Lingenteller
Tim Rudnick
Mary Thompson

August 31, 1995

Chairman Carl A. Williams
California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, California 90802

Re: Ballona Lagoon Marine
Preserve Phase 1 Permit

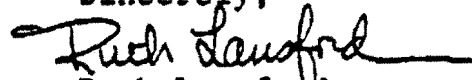
Dear Chairman Williams and Commissioners:

Friends of Ballona Wetlands enthusiastically supports the Ballona Lagoon Marine Preserve's application for Phase 1 of the restoration plan for the Ballona Lagoon.

Ballona Lagoon, which was historically a part of the Ballona Wetlands, still serves as an integral part of that ecosystem as well as an independently important habitat for wildlife. This permit will enable the volunteers of BLMP to fulfill the requirements of their restoration plan by protecting and improving existing fish habitat, replacing invasive plants with native vegetation, fencing the public path and installing a public observation deck which will enable both educators and the general public to enjoy this important coastal resource.

Friends of Ballona Wetlands' own restoration planning, in conjunction with Maguire Thomas Partners and the Ballona Wetlands Committee, has been progressing at a rapid pace. We will soon be coming before the Commission, along with the landowner, for permitting of some of our interim restoration plans. We are very pleased to see our sister organization progressing so rapidly and so expertly toward the revitalization of the Lagoon. It will be an important component of the entire Ballona Wetlands restoration project.

Sincerely,


Ruth Lansford
Chairperson

COASTAL COMMISSION

5-95-152

EXHIBIT # 16

PAGE 1 OF 1

Mt. Carl A. Williams
Chairman, California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, CA 90802
Attn: Charles Posner

RE: CDP 95-152

Dear Charles and Commissioners:

As a resident adjacent the waters that circulate through the Ballona Lagoon, I support the restoration of the Ballona Lagoon.

The restoration of the Ballona Lagoon is an important project that will provide the public with:

- Valuable recreation and environmental resources
- Increase and improve public access
- Improve the environment for wildlife, including endangered species the California least tern
- Improve the water quality for the recently restored and improved Venice Canals

However, it is important that during the restoration work adequate water quality and quantity must be maintained in the Venice Canals north of Washington Blvd. in order to protect the wetland vegetation, wildlife (including the endangered species the California least tern), and public recreational activities currently re-established in the Venice Canals. In addition, the Venice Canals north of Washington Blvd. should be allowed to continue the existing twice weekly flushing, and the Venice Canals should never be empty of water nor denied access to water for more than a twenty-four (24) hour period. The Ballona Lagoon Restoration project should keep the Venice Canals maintenance contractor, Mariposa, as well as the VCA. informed of issues that will impact the Venice Canals.

Therefore, please approve the restoration of the Ballona Lagoon Marine with the above conditions.

Sincerely,

Elizabeth Shapiro
310 Tahiti Way #319
Marina Del Rey, CA 90292

cc: Councilwoman Ruth Galanter

COASTAL COMMISSION

EXHIBIT # 17
PAGE 1 OF 1

Mr. Carl A. Williams
Chairman, California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, CA 90802
Attn: Charles Posner

RE: CDP-95-152

Dear Charles and Commissioners:

As a resident adjacent the waters that circulate through the Ballona Lagoon, I support the restoration of the Ballona Lagoon.

The restoration of the Ballona Lagoon is an important project that will provide the public with:

- Valuable recreation and environmental resources
- Increase and improve public access
- Improve the environment for wildlife, including endangered species the California least tern
- Improve the water quality for the recently restored and improved Venice Canals

However, it is important that during the restoration work adequate water quality and quantity must be maintained in the Venice Canals north of Washington Blvd. in order to protect the wetland vegetation, wildlife (including the endangered species the California least tern), and public recreational activities currently re-established in the Venice Canals. In addition, the Venice Canals north of Washington Blvd. should be allowed to continue the existing twice weekly flushing, and the Venice Canals should never be empty of water nor denied access to water for more than a twenty-four (24) hour period. The Ballona Lagoon Restoration project should keep the Venice Canals maintenance contractor, Mariposa, as well as the VCA, informed of issues that will impact the Venice Canals.

Therefore, please approve the restoration of the Ballona Lagoon Marine with the above conditions.

Sincerely,

Leonard Sadoff, MD
6207 Ocean Front Walk
Playa Del Rey, CA 90293

cc: Councilwoman Ruth Galanter

COASTAL COMMISSION

EXHIBIT # 18
PAGE 1 OF 1



August 30, 1995

Mr. Carl A. Williams
Chairman, California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, CA 90802
Attn: Charles Posner

RE: CDP 5-95-152

RECEIVED

SEP 6 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Dear Charles and Commissioners:

The Venice Canals Association ("VCA") wholeheartedly supports the Ballona Lagoon Marine Preserve's restoration of the Ballona Lagoon with the following conditions during the restoration:

- 1) Adequate water quality and quantity must be maintained in the Venice Canals north of Washington Blvd. in order to protect the wetland vegetation, wildlife (including the endangered species the California least tern), and public recreational activities currently re-established in the Venice Canals.
- 2) Provide for the ability to continue the twice weekly flushing of the Venice Canals.
- 3) The Venice Canals should never be denied access to water nor allowed to be empty of water for more than a twenty-four (24) hour period.
- 4) The Ballona Lagoon Restoration project should inform and coordinate their efforts with the City of Los Angeles, the Venice Canals maintenance contractor, Mariposa, as well as the VCA.

Thanks to the approval of the California Coastal Commission, the Venice Canals North of Washington Blvd. restoration project was completed in the fall of 1993. The project restored native wetland vegetation, improved water quality, and provided public access and recreation. Within two years after the restoration completion, the Venice Canals wetland vegetation and wildlife is almost fully re-established. It is important that the proposed meritorious restoration work be approved for the Ballona Lagoon, but that work should not interfere with the water necessary to continue recovery of the Venice Canals wetland vegetation, replenishment of wildlife and recreational activities. Since the Venice Canals depend on the water that flows through the Ballona Lagoon, it is important that the conditions listed above be a condition of CDP 5-95-152 permit.

The restoration of the Ballona Lagoon is an important project that will provide the public with:

- Valuable recreation and environmental resources
- Increase and improve public access
- Improve the environment for wildlife, including endangered species the California least tern
- Improve the water quality for the recently restored and improved Venice Canals

Therefore, please approve the restoration of the Ballona Lagoon Marine with the above conditions. Thank you very much for your continued public service.

Sincerely,

Mark Galanter
President

cc: Councilwoman Ruth Galanter
VCA Board of Directors

POST OFFICE BOX 893
VENICE, CALIFORNIA
90291

COASTAL COMMISSION

EXHIBIT # 19
PAGE 1 OF 1

LEAGUE FOR COASTAL PROTECTION

RECEIVED

SEP 6 1995

Office of the Chairperson:

Melvin L. Nutter
200 Oceangate, Suite 440
Long Beach, CA 90802-4302
(310) 432-8715

September 1, 1995

Carl L. Williams, Esq., Chairman
California Coastal Commission
245 West Broadway, Suite 380
Long Beach, CA 90802

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

BOARD OF DIRECTORS

Melvin L. Nutter, *Chairperson*
Sara Wan, *Vice Chairperson*
Lois Ewen, *Vice Chairperson*
Phyllis Faber
Joan Jackson
Jerry Meral
Ann Notthoff
Celia Scott
Honorable Alan Sieroty
Moe Stavnezer
Robert Sulnick
Lucille Vinyard

Re: Ballona Lagoon Wetland Restoration Plan
Application No. 5-95-152
Hearing Date: September 14, 1995

Dear Chairman Williams and Commissioners:

I write to voice the League for Coastal Protection's support of the plan allowing restoration of Ballona Lagoon to proceed. The League urges the Commission to approve the joint application of Ballona Lagoon Marine Preserve, the City of Los Angeles and the California Coastal Conservancy. Restoration of this unique tidal lagoon has been on our wish list for a very long time.

Zad Leavy, *General Counsel*

HONORARY MEMBERS

The Honorable
Peter Behr

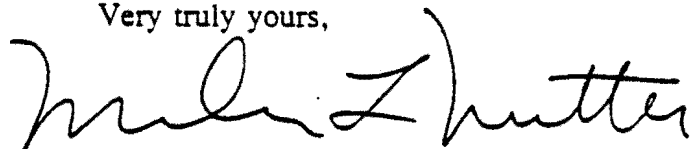
The Honorable
Anthony Beilenson

The Honorable
Edmond G. Brown

Melvin B. Lane

Wetland restoration is one of the highest goals of the Coastal Act. When that purpose can be accomplished through the joint efforts of local government, state government and private citizens, the opportunity should be embraced.

Very truly yours,



Melvin L. Nutter
Chairperson

MLN/cc

COASTAL COMMISSION

Post Office Box 190812, San Francisco, CA 94119

EXHIBIT # 20
PAGE 1 OF 1



August 30, 1995

RECEIVED

SEP 1 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Mr. Carl A. Williams, Chair
California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, CA 90802
Att'n: Charles Posner

RE: CDP 5-95-152

Dear Mr. Williams,

On behalf of the Santa Monica Bay Restoration Project, I would like to express my support for a permit to implement Phase I of the wetlands restoration plan for Ballona Lagoon.

The restoration of Ballona Lagoon is one of 74 "priority actions" included in the Bay Restoration Plan, which was approved by Governor Wilson in December, 1994 and by USEPA Administrator Carol Browner in March of this year. The Plan is a comprehensive blueprint that will be used to guide the recovery of Santa Monica Bay.

The loss of nearly 95 percent of the historic wetlands acreage in the Santa Monica Bay Watershed makes remaining wetlands such as Ballona Lagoon, that much more precious. I urge you to support the request by the Ballona Lagoon Marine Preserve, the California Coastal Conservancy and the City of Los Angeles to grant this permit.

Sincerely,

Catherine Tyrrell
Director

101 Centre Plaza Drive
Monterey Park, CA 91754
213 266-7516
Fax 213 266-7600



A Partnership To
Restore And Protect
Santa Monica Bay



Funded by USEPA
and the State Water Resources
Control Board in cooperation
with the public, private industry
and industry.



COASTAL COMMISSION

RECEIVED

SEP 5 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Date 8/31/95

To Whom it May Concern:

I (We) hereby give Ballona Lagoon Marine Preserve and the California Coastal Conservancy permission to enter my (our) property at located at Block 13 lot 1 (Roma Court) Marina del Rey, in order to do the following work along the east bank of Ballona Lagoon: bank stabilization, removal of non-native plants, replanting with native vegetation, and installation of a split rail wood fence.

Signed

Mailing Address

241 Roma Court, Marina del Rey 90272

Phone

310-479-1418

COASTAL COMMISSION
5-95-152

EXHIBIT # 22

PAGE 1 OF 3

LAW OFFICES OF
NICHOLAS R. ALLIS
A LAW CORPORATION
11801 WILSHIRE BOULEVARD, SUITE 1830
LOS ANGELES, CALIFORNIA 90025
(310) 477-1200

E. Leane -

Congratulations -

I found the original letter you sent in
N.H.

COASTAL COMMISSION

EXHIBIT # 22
PAGE 2 OF 3

RECEIVED

SEP 8 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Date Sept 2, 1995

To Whom it May Concern:

I (We) hereby give Ballona Lagoon Marine Preserve and the California Coastal Conservancy permission to enter my (our) property at located at Block 9 lot 2 (Roma Court) Marina del Rey, in order to do the following work along the east bank of Ballona Lagoon: bank stabilization, removal of non-native plants, replanting with native vegetation, and installation of a split rail wood fence.

Signed

Susan Langman Kaplan

Mailing Address

3782 VIA DOLCE
Marina del Rey CA. 90292

Phone

310-827-7372

COASTAL COMMISSION

5-95-152

EXHIBIT # 22

PAGE 3 OF 3



JAMES K. HAHN
CITY ATTORNEY

Office of the City Attorney
Los Angeles, California

December 7, 1995

CRIMINAL BRANCH
(213) 485-5452

CIVIL BRANCH
(213) 485-6370

WRITER'S DIRECT DIAL
(213) 485-5425

NUMBER
FAX: (213) 485-8899

California Coastal Commission
245 West Broadway
Suite 380
P.O. Box 1450
Long Beach, California 90802

Att: Pam Emerson

Re: Lot R - Ballona Lagoon

RECEIVED

DEC 8 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT


Gentlepersons:

At the request of the Ballona Lagoon Marine Preserve I am writing to advise you of the status of the acquisition of Lot R by the City of Los Angeles. That acquisition is in settlement of the litigation entitled Venice Peninsula Properties v. City of Los Angeles, et al., Los Angeles Superior Court No. SC 026814. The settlement, including the acquisition by the City of all of Lot R, has been approved by the City Council, and the agreed acquisition cost has been funded and deposited into escrow.

At the present time progress toward the closing of escrow is awaiting the resolution of title problems caused by the death of one of the record title holders. I have been advised by Sherman L. Stacey, the attorney for the present owners of Lot R, that a court hearing has been scheduled in Northern California for early January 1996 in order to secure the authority to issue a deed to consummate the settlement as to the interest of the estate. It is hoped that the settlement can be finalized and the escrow closed once that authority is secured.

If you have any questions as to this matter please feel free to contact me at (213) 485-5425.

Very truly yours,


KENNETH CIRLIN
Deputy City Attorney

KC:kc

cc: Ballona Lagoon Marine Preserve

COASTAL COMMISSION

5-75-152

EXHIBIT # 23

PAGE 1 OF 1