

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

**CALIFORNIA COASTAL COMMISSION**

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49th Day: 8/30/96  
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Staff: CP-LB  
Staff Report: 8/16/96  
Hearing Date: Sept. 10-13, 1996  
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-147

APPLICANT: E.M. Brylor Company/Jay Refold, President

AGENT: Jeffrey A. Dahl, Architect

PROJECT LOCATION: 115 Spinnaker Mall, Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Construction of a 38 foot high, 4,818 square foot, three-level single family residence with a three-car garage on the first level.

Lot Area	3,167 sq. ft.
Building Coverage	1,534 sq. ft.
Pavement Coverage	1,018 sq. ft.
Landscape Coverage	615 sq. ft.
Parking Spaces	3
Zoning	R1-1
Plan Designation	Single Family Residential
Ht abv fin grade	38 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission grant a Coastal Development Permit for the proposed development with special conditions relating to the underlying permit requirements, maintenance of public areas, and the provision of adequate parking.

LOCAL APPROVALS RECEIVED:

1. City of Los Angeles Approval in Concept #96-031, 7/12/96.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit A-266-77 (ILA) & amendment.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions**

The Commission hereby grants, subject to the conditions below, a permit 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, 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. Public Utilities

Prior to authorization of permit, the 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 Areas

Prior to authorization of permit, the 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, binding the applicant and 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, buffers and drainage devices prescribed by Coastal Permit A-266-77. The public areas shall be identified in the deed restriction. The deed restriction shall run with the land.

#### 3. Coastal Development Permit A-266-77 (ILA)

Through the acceptance of this Coastal Development Permit, the applicant acknowledges that the subject site is subject to Coastal Development Permit A-266-77 (ILA) and that all development on the site and within the Silver Strand subdivision must be consistent with Coastal Development Permit A-266-77 (ILA). All public areas provided and improved pursuant to Coastal Development Permit A-266-77 (ILA), including Spinnaker Mall and the other landscaped pedestrian malls, the public streets and alleys, all public parking spaces, and the Ballona Lagoon public access path, shall remain open and available for use by the general public on the same basis as similar public areas within the City. Public parking areas shall not be used for preferential parking.

#### 4. On-site Parking

Prior to authorization of permit, the 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 take access from the alleys (also called courts). The deed restriction shall run with the land, binding on all heirs and assigns of the applicant.

#### IV. Findings and Declarations

The Commission hereby finds and declares:

##### A. Project Description

The applicant proposes to construct a three-level, 38 foot high, 4,818 square foot single family residence on a vacant lot within the Silver Strand subdivision (Exhibits #1-3). The proposed residence provides three on-site parking spaces in the garage on the first level. The proposed project is located on a 3,167 square foot lot on Spinnaker Mall in the interior of the Silver Strand subdivision of Venice. Spinnaker Mall is an improved landscaped pedestrian mall which provides public access through the neighborhood to Ballona Lagoon and Venice Beach. Ballona Lagoon is located about two hundred feet west of the subject site.

##### B. Project Background

The Silver Strand subdivision, within which the subject lot is located, has 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. Coastal Development Permit A-266-77 (ILA) permitted the development of the infrastructure within the Silver Strand subdivision and a portion of the Del Rey Beach tract. Prior to the Commission's action on Coastal Permit A-266-77 (ILA) in 1977, the Commission and its predecessor denied several applications to improve the streets and supply utilities within the Silver Strand subdivision and portions of 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.

In 1977, the Commission approved a permit, in appeal A-266-77 (ILA), for public utilities and streets in the subject area, subject to conditions addressing lagoon protection, maintenance of public areas, public access, and public parking. The permit allowed the construction of the infrastructure which was necessary for the development of individual lots in the area, including the subject lot, with single family homes. In the approval, the Commission found that Ballona Lagoon, located adjacent to the Silver Strand and about three hundred feet west of the subject site, was critical habitat area and an important coastal resource. The Commission further found that residential development of the Silver Strand area would have major 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 a easement to provide a protective lagoon buffer and public access path between Ballona Lagoon and the development. The protective lagoon buffer area was to be restored according to the Ballona Lagoon Preserve Plan in order to improve the degraded habitat area.

Coastal Development Permit A-266-77 (ILA) was amended in 1979. As amended, Coastal Development Permit A-266-77 (ILA) required the property owners association (ILA) to perform all grading in a single contract, to direct all

run-off away from the lagoon, to improve an access path along the lagoon, to pave malls for public access and parking, and to establish a homeowners association to maintain the public areas. As a result of the approval, the grading was completed and the public access path along the lagoon was built.

The conditions of approval for Coastal Development Permit A-266-77 (ILA) provided the basis for the mitigating special conditions which have been routinely applied to all subsequent Coastal Development Permits in the area. This set of special conditions ensure that the Chapter 3 policies of the Coastal Act and the intent of A-266-77 (ILA) is carried out as individual lots are developed. The subject application will be required to meet the special conditions of approval necessary to ensure consistency with the Chapter 3 policies of the Coastal Act, and Coastal Development Permit A-266-77 (ILA).

#### C. Public Utilities

As previously stated, Coastal Development Permit A-266-77 (ILA) permitted the construction of the infrastructure which is necessary for the development of individual lots in the area with single family homes. The permitted infrastructure includes the public streets, alleys, landscaped public malls, underground utilities, and drainage devices.

Most of the infrastructure improvements permitted by Coastal Development Permit A-266-77 (ILA) have been constructed consistent with the requirements of the permit. However, in order to ensure that they have been completed on the block for which construction is now proposed, the applicant is required to submit evidence that the infrastructure on the subject block has been completed according to the requirements of Coastal Development Permit A-266-77 (ILA). This requirement has been applied to all permits for single family homes in the Silver Strand subdivision since 1979. As conditioned, the proposed development will be consistent with Coastal Development Permit A-266-77 (ILA) and the Chapter 3 policies of the Coastal Act.

#### D. Maintenance of Public Areas

When the Commission approved Coastal Development Permit A-266-77 (ILA) in 1977, they found that the residential development of the Silver Strand area would have major cumulative impacts on Ballona Lagoon and that several measures were necessary to mitigate the adverse impacts of development. The mitigation measures included a requirement for the maintenance of the Silver Strand's public areas including the protective lagoon buffer, the public pedestrian malls, public parking spaces, the public access path along the lagoon, and the area's drainage devices. The Commission found that the ongoing maintenance of these areas was necessary to mitigate the cumulative adverse impacts of the development of the Silver Strand area as a residential area. The applicant (A-266-77), the Isthmus Landowners Association (ILA), was given the responsibility for the ongoing maintenance of the public areas because it was they who would benefit from the development of the area as a residential area.

Coastal Development Permit A-266-77 (ILA) was amended in 1979. As amended,

Coastal Development Permit A-266-77 (ILA) required the property owners association (ILA) to, among other things, establish a homeowners association to maintain the public areas. The Isthmus Landowners Association (ILA) named themselves as the homeowners association which would maintain the public areas as required.

After the Commission's approval of the amendment to Coastal Development Permit A-266-77 (ILA) in 1979, the Commission began conditioning all individual Coastal Development Permits for single family residences in the Silver Strand area to require a deed restriction stating that each applicant is required to participate with the other Silver Strand lot owners in the maintenance of the public areas. The purpose of the condition is to ensure that all lot owners who benefit from development of their property participate in the mitigation of the cumulative impacts of the development of the area. As required on the previous Commission approvals in the area, the applicant is required to record a deed restriction stating that he will participate with the other Silver Strand lot owners in responsibility for the maintenance of the public areas, including lagoon buffers, and drainage devices prescribed by Coastal Development Permit A-266-77 (ILA).

The applicant is also required to acknowledge that the public areas provided and improved pursuant to Coastal Development Permit A-266-77 (ILA), shall remain open and available for use by the general public on the same basis as similar public areas within the City. This requirement is contained in special condition three which has been updated to reflect the completion of the landscaped public malls and the provision of public parking areas within the Silver strand area. Special condition three previously addressed the construction of the landscaped public malls and the provision of public parking areas within the Silver Strand area.

Recordation of the required deed restriction will ensure that the applicant meets his obligation to participate in the mitigation of the cumulative impacts which the development of the Silver Strand subdivision, including the subject lot, has had on the coastal resources in the area as identified in Coastal Development Permit A-266-77 (ILA). Only as conditioned is the proposed development consistent with the Chapter 3 policies of the Coastal Act and Coastal Development Permit A-266-77 (ILA).

#### E. Public Access and Parking

The Commission has consistently found that a direct relationship exists between residential density, the provision of adequate parking, and the availability of public access to the coast. Section 30252 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities....

The Commission has consistently required that single family residences in the Silver Strand area provide three on-site parking spaces in order to meet the parking demands of the development and comply with Section 30252 of the Coastal Act. The proposed project provides the required three on-site parking spaces in a three-car garage located on the first level. In addition, as required on the previous Commission approvals in the area, the applicant is required to record a deed restriction stating that three on-site parking spaces will be provided and that the public parking areas located at the street and mall ends shall not be used for preferential parking. Only as conditioned is the proposed project consistent with the public access policies of the Coastal Act.

In addition, in order to ensure that the public access improvements required by Coastal Development Permit A-266-77 (ILA) as amended are protected for public use, the Commission requires as a condition of approval that the applicant acknowledges that the public areas provided and improved pursuant to Coastal Development Permit A-266-77 (ILA) as amended, including Spinnaker Mall and the other landscaped pedestrian malls, the public streets and alleys, all public parking spaces, and the Ballona Lagoon public access path, shall remain open and available for use by the general public on the same basis as similar public areas within the City. Only as conditioned is the proposed project consistent with the public access policies of the Coastal Act.

F. 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, coastal 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).

G. California Environmental Quality Act

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.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized and there are no 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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Site

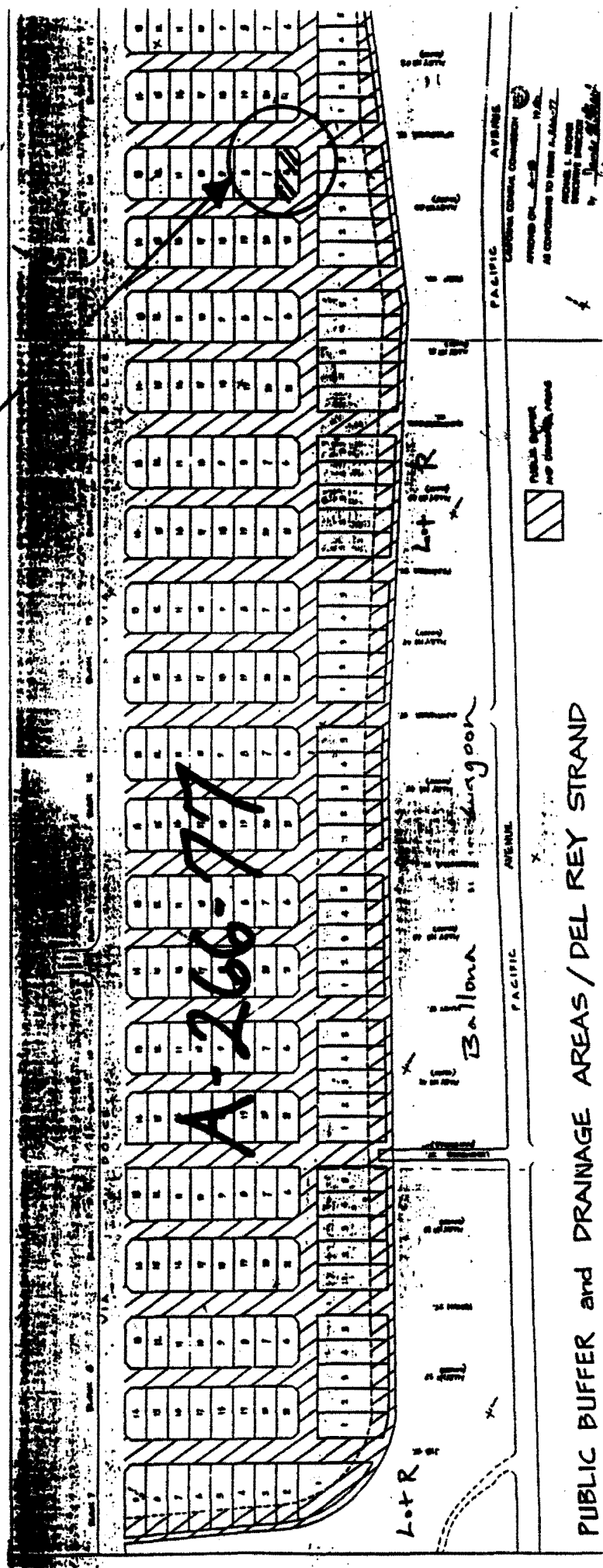
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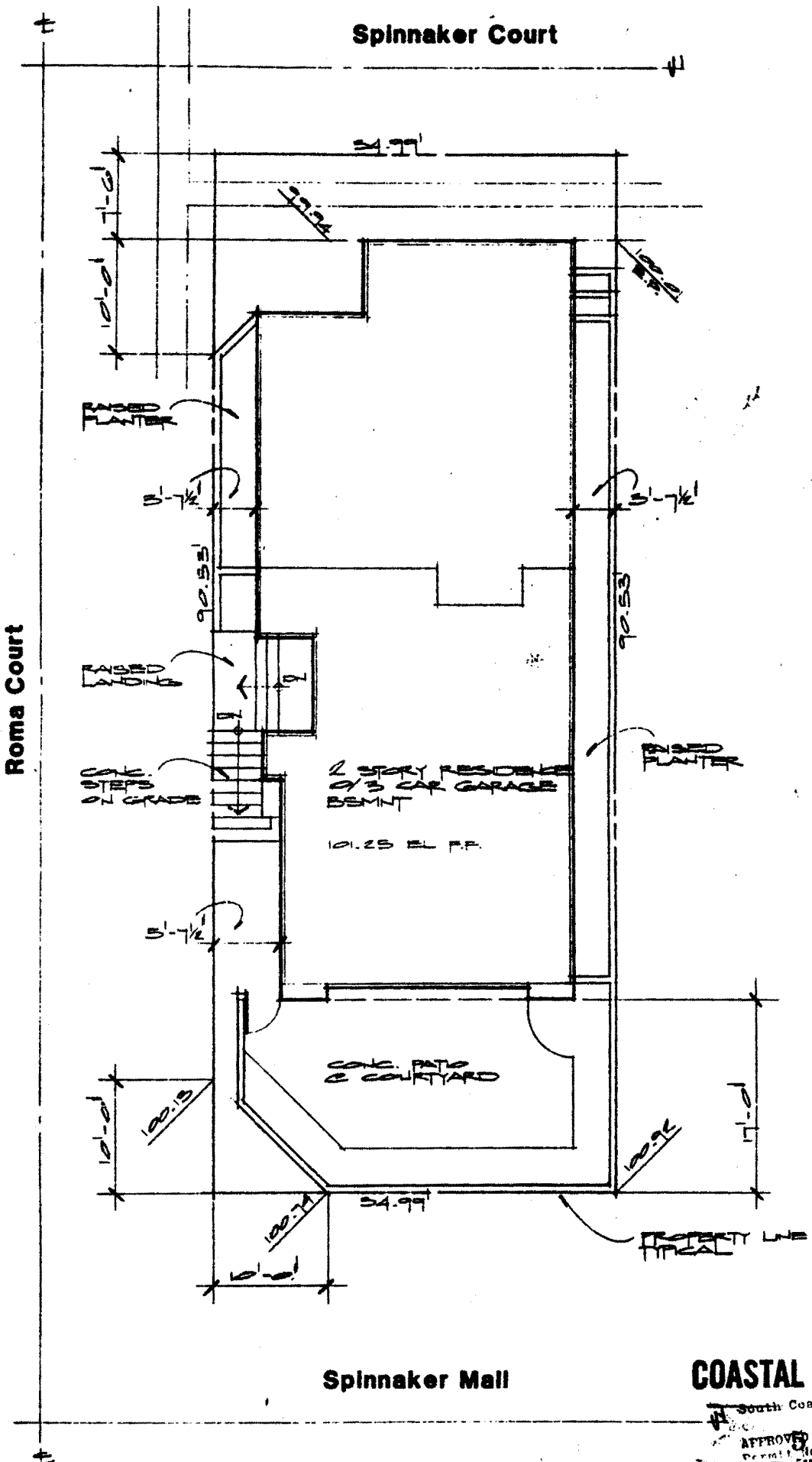
EXHIBIT # 1

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Site  
Lot 6



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 EXHIBIT # 2  
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Roma Court

Spinnaker Court

Spinnaker Mall

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 South Coast District Office  
 APPROVED - 96-147  
 Permit No. \_\_\_\_\_  
 EXHIBIT # 3  
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