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Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-96-247

APPLICANT: The Lee Group, Inc. AGENT: Jeffrey Lee

PROJECT LOCATION: 134 Voyage Mall (Lot 16, Block 15, Del Rey Beach Tract), Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Construction of a three-story, 39 foot high, 3,491 square foot single family residence with an attached three-car garage on a vacant lot. The applicant proposes to improve the portion of the Voyage Mall right-of-way which fronts the site, and to pave Westwind Court in order to provide vehicular access to the site.

Lot Area	2,888 sq. ft.
Building Coverage	1,788 sq. ft.
Pavement Coverage	445 sq. ft.
Landscape Coverage	655 sq. ft.
Parking Spaces	3
Zoning	R1-1: Single Family Residential
Ht abv fin grade	39 feet

SUMMARY OF STAFF RECOMMENDATION:

The proposed single family residence is located on a block on which the public rights-of-way (Voyage Mall and Westwind Court) have not yet been improved as required by the underlying permit for the tract improvements, Coastal Development Permit A-266-77 (ILA). This raises the issue of whether the applicant should be required to wait until the public rights-of-way are improved for the length of the entire block before constructing the proposed residence, or whether the applicant can develop the lot prior to improvement of the public rights-of-way in their entirety (See page 7: Public Improvements).

Staff is recommending that the Commission allow the applicant to develop the lot prior to improvement of the public rights-of-way in their entirety by granting a Coastal Development Permit for the proposed development with special conditions relating to the improvement of Voyage Mall and Westwind Court, maintenance of public areas, compliance with underlying permit requirements, and the provision of adequate parking. The applicant agrees with the recommendation and has proposed to improve portions of the Voyage Mall and Westwind Court rights-of-way.

LOCAL APPROVAL RECEIVED:

1. City of Los Angeles Approval in Concept #96-048, 11/12/96.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit A-266-77 (ILA) & amendment.
2. Coastal Development Permit Amendment 5-91-686-A (Hoffman/Mulvihill).
3. Coastal Development Permit 5-90-143 (Antin).
4. Coastal Development Permit 5-95-207 (Croutch).
5. Coastal Development Permit 5-87-112 (Del Rey Assoc.) & amendment.
6. Coastal Development Permit applications 5-96-223, 224, 246 & 248 (The Lee Group, Inc.).

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 Improvements

Prior to occupancy of the approved residence, the applicant shall complete the public improvements proposed for the portions of the Voyage Mall and Westwind Court rights-of-way which front the site as approved on the final plans (Exhibit #5). All construction shall be compatible with the utilities and plans approved under Coastal Development Permit A-266-77 (ILA). The applicant is responsible for obtaining the required final approvals from the City of Los Angeles for all work in the public rights-of-way.

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 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, 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 affected portions of the Silver Strand and Del Rey Beach subdivisions 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 Voyage 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 applicants.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a three-story, 39 foot high, 3,491 square foot single family residence on a vacant lot in the interior of the Del Rey Beach Tract in Venice (Exhibits #2-6). The proposed residence provides three on-site parking spaces inside a three-car garage which is accessed from Westwind Court (Exhibit #5).

The applicant also proposes to improve portions of the Voyage Mall and Westwind Court rights-of-way which front the site. Voyage Mall is an unimproved public right-of-way which is required to be developed as a landscaped pedestrian mall under the terms of Coastal Development Permit A-266-77 (ILA) (Exhibit #7). The applicant proposes to improve and landscape the portion of Voyage Mall which fronts the lot (Exhibit #5). Westwind Court, the alley which provides vehicular access to the lot, is proposed to be paved up to the site in order to provide access.

The site and Voyage Mall are located in the Del Rey Beach tract (Exhibit #2). The Silver Strand subdivision is located two blocks north of the site. Ballona Lagoon is located about three hundred feet west of the subject site. The entire area is referred to as the "Silver Strand area".

B. Project Background

The Silver Strand subdivision and the Del Rey Beach tract share a long history before the Coastal Commission. Both subdivisions, referred to together as the Silver Strand area, are located along the east bank of Ballona Lagoon and have only recently been developed with single family residences. Although the subdivisions were created in the early 1900's, the development of the area did not occur until the late 1970's. Therefore, the Commission has reviewed and permitted the development of the subdivisions with single family residences.

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

The projects were proposed by a consortium of comprised of most of the owners of the approximately three hundred undeveloped lots located on Blocks 7 through 18 of the Silver Strand subdivision and Blocks 13 through 15 of the Del Rey Beach Tract (Exhibits #2&7). Most of the lot owners were represented by the consortium, although the gas company which owned several lots and a few other individual lot owners refused to join. The owner of the subject lot at was a participant in the consortium of lot owners. The consortium was judged to have the legal ability to apply for a permit to grade the lots, improve the streets, and supply utilities within the Silver Strand area so that individual lot owners would eventually be able to build homes under separate permits.

The Commission's 1977 approval of Coastal Development Permit A-266-77 (ILA) permitted the consortium of applicants, the Isthmus Landowners Association (ILA), to develop the infrastructure necessary for the development of single family homes on approximately three hundred lots located on Blocks 7 through 18 of the Silver Strand subdivision and Blocks 13 through 15 of the Del Rey Beach Tract (Exhibits #2&7). The currently proposed project is located on a lot (Lot 16, Block 15, Del Rey Beach Tract) which is subject to Coastal Development Permit A-266-77 (ILA) (Exhibit #2).

Coastal Development Permit A-266-77 (ILA) was subject to conditions addressing lagoon protection, maintenance of public areas, public access, and public parking. In its approval of Coastal Development Permit A-266-77 (ILA), the Commission found that Ballona Lagoon, located adjacent to the Silver Strand and Del Rey Beach subdivisions and about three hundred feet west of the subject site, was critical habitat area and an important coastal resource. The Commission further found that residential development of the Silver Strand area would have major adverse cumulative impacts on the lagoon and that several measures were necessary to mitigate the adverse impacts of development. One of the mitigation measures was the requirement for the dedication of 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. The protective lagoon buffer area was to be restored according to the Ballona Lagoon Preserve Plan in order to improve the degraded habitat area. Another mitigation measure was a condition of Coastal Development Permit A-266-77 (ILA) which required the owners of the lots subject to Coastal Development Permit A-266-77 (ILA) to establish a private homeowners association sufficient to maintain all public areas and landscaping approved and required by the permit. Because all of the owners of the lots subject to Coastal Development Permit A-266-77 (ILA) would benefit from the permitted tract improvements, the Commission required each lot owner to contribute to the maintenance of the improvements.

Coastal Development Permit A-266-77 (ILA) was amended in 1979 in response to

litigation (Exhibit #7). The amended permit still allowed the ILA to develop the infrastructure necessary for the development of approximately three hundred lots with single family homes. 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 improve the streets and 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. A finding stated that the individual lagoon fronting lot owners would be required to dedicate an easement for a habitat protection and public access as a condition of their individual permits for residences.

Since 1980, the approved grading has been completed, the public access path along Ballona Lagoon has been improved, and the permittee (ILA) has established itself as the private homeowners association of the Isthmus Landowners Association (ILA) to maintain the lagoon buffer and other public areas.

However, the rights-of-way of Union Jack Mall, Voyage Mall, Westwind Court and Voyage Court have not yet been improved as required by the terms of Coastal Development Permit A-266-77 (ILA) (Exhibit #7). The reason for this was due to financial considerations and agreements made between certain lot owners in the area. Mary Legg, the owner of the majority of lots on Union Jack Mall and Voyage Mall, states that she asked the ILA to delay the improvement of the Union Jack and Voyage Mall rights-of-way while she attempted to coordinate with other owners of the lots on Union Jack Mall and Voyage Mall to finance the required improvements. The financial problems were not resolved and the rights-of-way of Union Jack Mall, Voyage Mall, Westwind Court and Voyage Court were not improved.

The amendment of Coastal Development Permit A-266-77 (ILA) also required that the lot owners located in the area subject to the permit to contribute equally for the restoration and maintenance of the lagoon buffer. Because all of the owners of the lots subject to Coastal Development Permit A-266-77 (ILA) would benefit from the permitted tract improvements, including the lagoon buffer restoration, the Commission required each lot owner to contribute to the maintenance of the improvements. The Commission found that the development of the area with homes would have an impact on the lagoon and public access. The improvements would mitigate these impacts. Without the improvements, no lot could be developed. The lagoon buffer was landscaped in an effort to restore the habitat in the mid-1980's, but that effort was not successful.

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 Coastal Development Permit A-266-77 (ILA) is carried out as individual lots are developed. This application is 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).

There are also two sets of lots in the southern portion of the Del Rey Beach

tract which were not subject to Coastal Development Permit A-266-77 (ILA) (Exhibit #2). The Commission approved two permits, both modeled by Coastal Development Permit A-266-77 (ILA), for the development of the southern portion of the Del Rey Beach tract which was not subject to Coastal Development Permit A-266-77 (ILA).

Coastal Development Permit 5-86-641 (Lee) allowed the development of ten single family residences on ten lots situated along the east bank of Ballona Lagoon (Exhibit #2). That Commission approval included 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) has been successfully improved with a continuation of the east bank public access path and restored with native coastal strand vegetation.

Coastal Development Permit 5-86-641 (Lee) also required the permittee (Lee) to join with the private homeowners association established under Coastal Development Permit A-266-77 (ILA) to participate in the maintenance responsibilities of the public areas and landscaping (including malls, parking nodes, lagoon buffer and path) approved and required by the Coastal Development Permit A-266-77 (ILA).

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 southern portion of the Del Rey Beach tract located near the lagoon, but not adjoining it (Exhibit #2). 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.).

C. Public Improvements

As previously stated, Coastal Development Permit A-266-77 (ILA) permitted the construction of the infrastructure necessary for the development of approximately three hundred individual lots with single family homes (Exhibit #7). The permitted infrastructure improvements included the public streets, alleys (courts), landscaped public malls, underground utilities, and drainage devices.

In approving Coastal Development Permit A-266-77 (ILA), the Commission found that the adverse impacts on public access and recreation caused by the residential development of the Silver Strand area would be partially offset by the improvement of the public rights-of-way for public parking and pedestrian access.

Most of the infrastructure improvements permitted by Coastal Development Development Permit A-266-77 (ILA) have been constructed as required by the terms of the permit. However, the rights-of-way of Union Jack Mall, Voyage Mall, Westwind Court and Voyage Court have not yet been improved as required by the terms of Coastal Development Permit A-266-77 (ILA) (Exhibit #7). Union Jack Mall and Voyage Mall are both required to be improved as public landscaped malls with public parking located at their west end and public sidewalks running their length (Exhibit #3). The proposed project is situated on the unimproved rights-of-way of Voyage Mall and Westwind Court (Exhibit #3). The underground utilities serving the site have been installed.

As previously stated, the proposed single family residence is located on a public right-of-way which has not yet been improved as required by Coastal Development Permit A-266-77 (ILA). This raises the issue of whether the applicant should be required to wait until the entire Voyage Mall and Westwind Court public rights-of-way are improved for public access before constructing the proposed residence, or whether the applicant can develop the lot prior to improvement of the public rights-of-way in their entirety.

Special condition 1a of Coastal Development Permit A-266-77 (ILA) states that:

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

Special condition 1a required the improvement of all of the rights-of-way within the project area, the Silver Strand area north of Westwind Mall, prior to the construction of homes. Some street rights-of-way were permitted to be paved for vehicular access, and other street rights-of-way like Union Jack Mall and Voyage Mall were permitted to be landscaped for public pedestrian access with public parking on the end. The ILA submitted plans which showed that street rights-of-way improved as landscaped malls with public parking nodes on the ends would supply the same amount of public access as paved streets.

The development of the Silver Strand area, however, did not occur as required by the condition. Due to financial considerations and agreements made between certain lot owners in the area, the applicant (ILA) requested permission to develop the area on a block-by-block basis. In a letter dated February 26, 1981, the Commission staff indicated its approval of the request to develop on a block-by-block basis (Exhibit #8). Subsequently, every block in the project area was improved and developed with single family residences under Commission approved permits except for Blocks 13, 14 and 15 of the Del Rey Beach tract where the currently proposed project is located (Lot 16, Block 15).

Between 1981 and 1994 the Commission required all applicants in the Silver Strand area to demonstrate that all public improvements, including utilities and rights-of-way, were installed and improved for the entire block on which a residence was proposed prior to receiving a Coastal Development Permit for the construction of a residence. This requirement was preventing the lot owners on Blocks 13, 14 and 15 in the Del Rey Beach tract from developing their lots because the rights-of-way of Union Jack Mall, Voyage Mall, Westwind Court and Voyage Court have not been improved as required by the terms of Coastal Development Permit A-266-77 (ILA) (Exhibit #7).

In the absence of a cooperative effort between the property owners to improve the unimproved rights-of-way on particular blocks, development of single family residences on Blocks 13, 14 and 15 of the Del Rey Beach tract had been effectively stalled while the rest of the Silver Strand area was built out with residences. Although the Commission has approved several homes on these blocks, the permits were not issued because the rights-of-way were not improved. Most of the approved permits on these blocks have expired.

In 1994 the Commission addressed the issue of whether applicants on Blocks 13, 14 and 15 should be required to wait until the public rights-of-way are improved for each entire block before being allowed to construct a single family residence, or whether applicants can develop the lot prior to improvement of the public rights-of-way in their entirety.

On November 17, 1994, the Commission approved an amendment to Coastal Development Permit 5-91-686 (Hoffman & Mulvihill) which relieved the applicants of the burden of waiting until all public improvements (rights-of-way) were installed and improved for the entire block on which their residence was proposed before being permitted to construct their approved residence. The applicants' Coastal Development Permit application had been originally approved in 1991, but they were prevented from actually constructing their approved residence until the amendment was approved in 1994 because the original approval required them to wait until the public rights-of-way were improved for their entire block before constructing their approved residence.

By approving the amendment to Coastal Development Permit 5-91-686 (Hoffman & Mulvihill) in 1994, the Commission resolved the dilemma for all the lot owners on Blocks 13, 14 and 15 of the Del Rey Beach tract by revising the permit conditions to allow the development of private lots with residences under the condition that applicants agree to provide improved vehicular access to their lots on the courts (alleys) and improve the portion of the landscaped public mall which fronts their respective properties. The Commission applied this solution in its approval of Coastal Development Permit 5-95-207 (Croutch) for a single family residence at 130 Voyage Mall on November 16, 1995.

Staff recommends that the Commission continue to allow the development of Blocks 13, 14 and 15 with single family residences with a special condition requiring the applicants to provide improved vehicular access to their lots on the courts (alleys) and improve the portion of the landscaped public mall which fronts their respective properties. This requirement, if applied to all the undeveloped lots in the area, would ultimately lead to the improvement of the unimproved public rights-of-way while allowing individual lots to be improved with single family residences without being delayed while waiting for the required infrastructure improvements. The alternative is to delay development of single family residences until the ILA or some other entity improves all of the unimproved public rights-of-way in their entirety.

At this time, the applicant is unwilling to accept the burden of improving the entire length of the Voyage Mall and Westwind Court rights-of-way. However, as part of this application the applicant has proposed to improve Westwind Court to the site in order to provide vehicular access to the lot. The applicant has also proposed to landscape and improve half of the width of

Voyage Mall where it fronts the site (Exhibit #5). A public sidewalk is included as part of the proposed mall right-of-way improvements. Voyage Mall already provides improved public parking in the parking nodes located on each side of the mall's intersection with Via Donte.

In any case, the applicant's current proposal to landscape half the width of Voyage Mall where it fronts the site is consistent with the Commission's recent actions in the area and will provide for the improvement of the public rights-of-way if applied to all subsequent permit applications. Even though Coastal Development Permit A-266-77 (ILA) requires the improvement of all public rights-of-way prior to the development of single family residences, the inability of all lot owners on a particular block to participate and the underlying permittee's unwillingness to carry out the required improvements without the lot owners' participation will no longer delay individual lot owners from developing their properties. The public will eventually benefit through the improvement of Voyage Mall and Union Jack Mall as landscaped public malls for public access.

Therefore, the Commission finds that the proposed project, including the proposed improvement of a portion of the public right-of-way, is consistent with the public access and all other Chapter 3 policies of the Coastal Act. However, in order to ensure that the project is completed as proposed, a condition of approval is applied to the permit to require that prior to occupancy of the approved residence, the applicant shall complete the public improvements proposed for the portions of the Voyage Mall and Westwind Court rights-of-way which front the site as approved on the final plans (Exhibit #5). All construction shall be compatible with the utilities and plans approved under Coastal Development Permit A-266-77 (ILA). The applicant is responsible for obtaining the required final approvals from the City of Los Angeles for all work in the public rights-of-way.

Finally, the applicant shall agree that Voyage 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. As conditioned, the proposed development is consistent 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 and amended it in 1979, it 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 ongoing maintenance of the Silver Strand and Del Rey Beach 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 public areas was necessary to mitigate the cumulative adverse impacts of the development of the Silver Strand area as a residential area.

Therefore, the Commission required the applicant (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. As applicant, the ILA has the responsibility for the ongoing maintenance of the public areas because it is the property owners comprising the ILA who benefit most from the development of the area as a residential area.

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 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 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 Development Permit A-266-77 (ILA).

The applicants are 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. In previous Silver Strand area permits, special condition three had 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 area, 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 ground floor (Exhibit #5). In addition, as required on the previous Commission approvals in the area, the applicant is required to record a deed restriction stating that he will provide three on-site parking spaces. Only as conditioned is the proposed project consistent with the public access policies of the Coastal Act.

In addition, when the Commission approved Coastal Development Permit A-266-77 (ILA), it found that the adverse impacts on public access and recreation caused by the residential development of the Silver Strand area would be offset with the provision of a public access path along the east bank of Ballona Lagoon and with the improvement of the public rights-of-way for parking and pedestrian access. Therefore, in order to ensure that the public access improvements required by Coastal Development Permit A-266-77 (ILA) are protected for public use, the Commission requires as a condition of approval that the applicant acknowledge that the public areas provided and improved pursuant to Coastal Development Permit A-266-77 (ILA), including Voyage 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. 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.

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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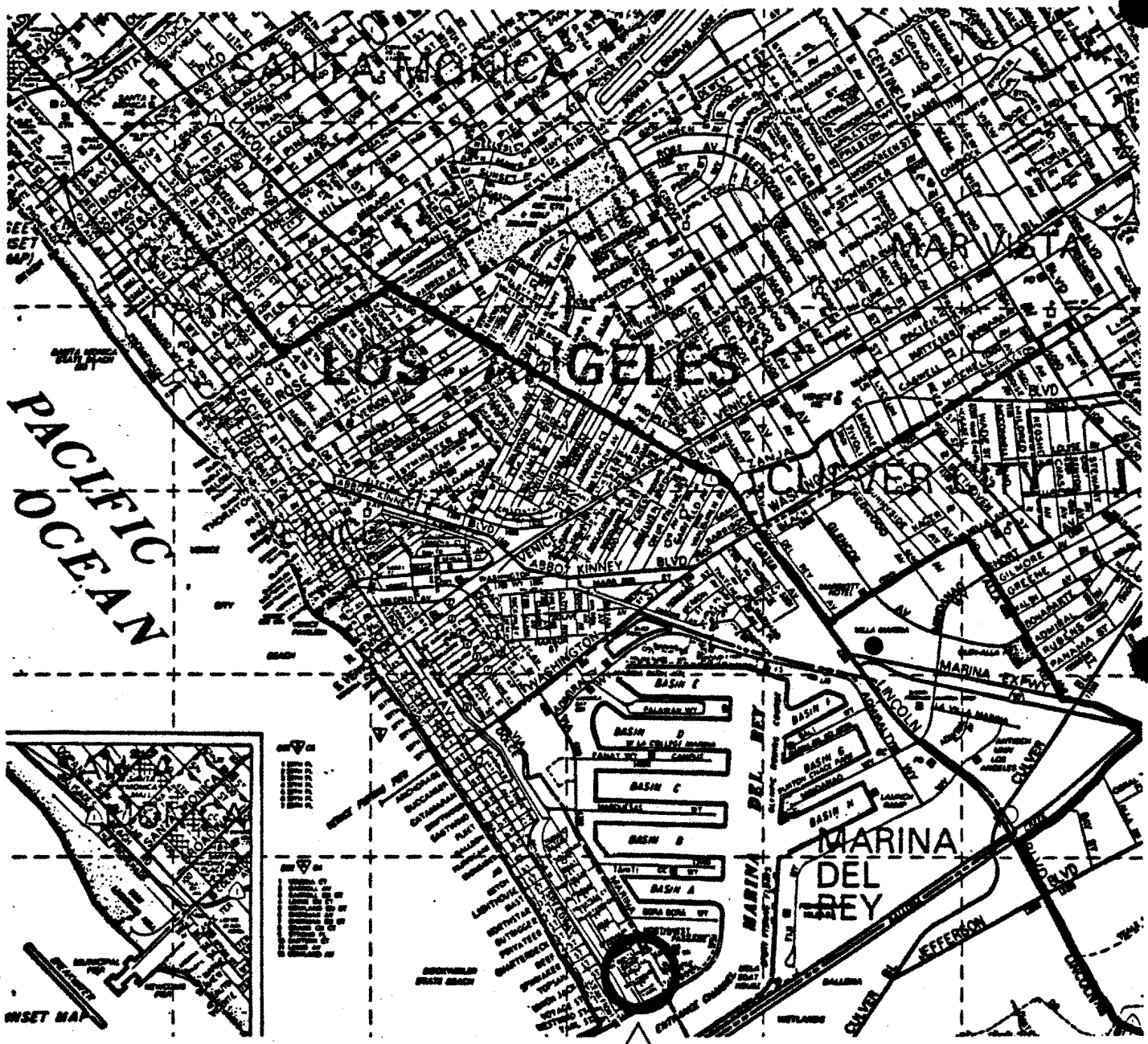

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EXHIBIT # 1
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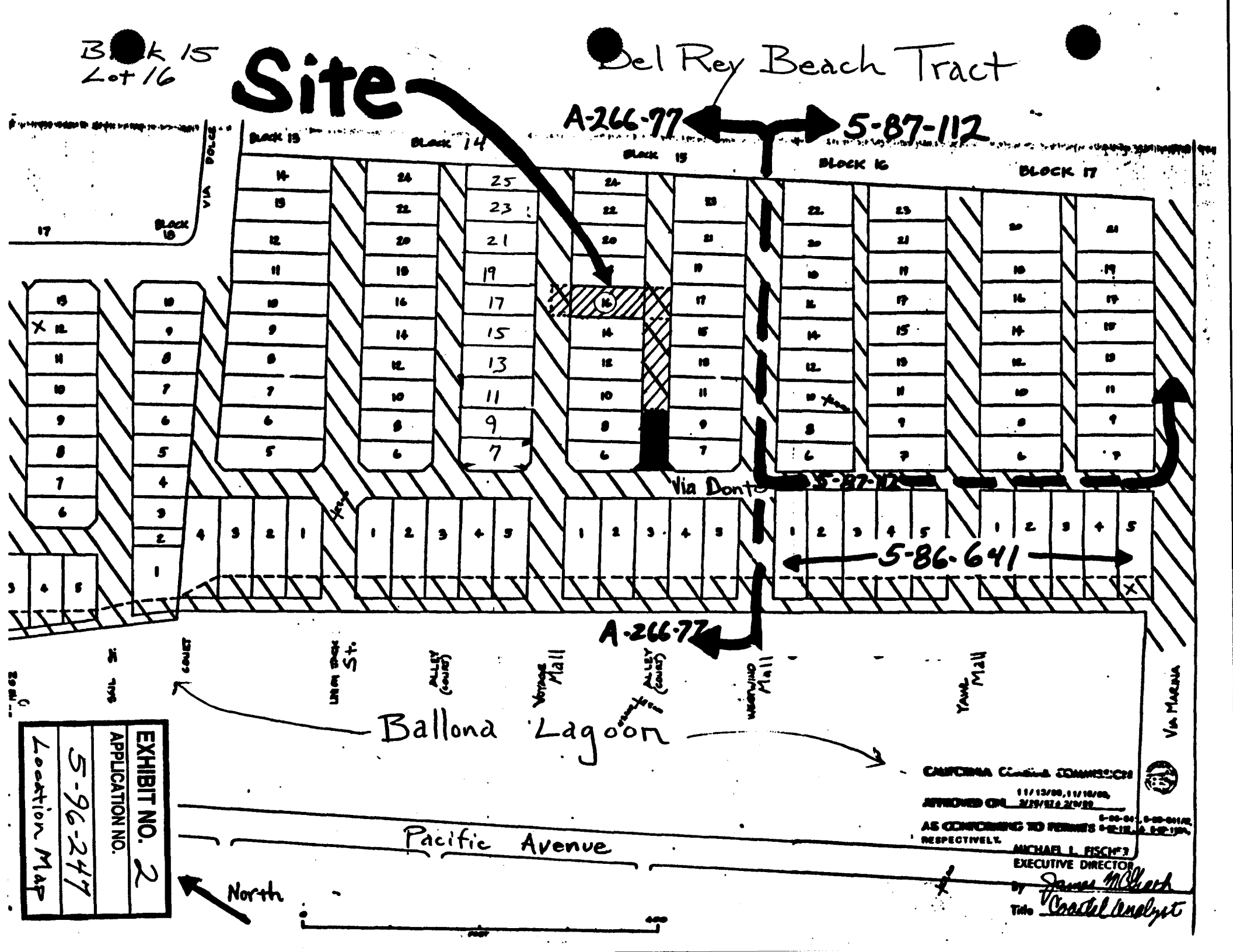

Blk 15
Lot 16
Site
Del Rey Beach Tract
A-266-77
5-87-112
BLOCK 15
BLOCK 14
BLOCK 15
BLOCK 16
BLOCK 17
VIA POLLO
Via Donte
5-87-112
5-86-641
A-266-77
Ballona Lagoon
Pacific Avenue
North
CALIFORNIA COASTAL COMMISSION
APPROVED ON 11/13/98, 11/10/99, 2/29/02 & 2/9/05
AS CONFORMING TO PERMITS 5-87-112, 5-86-641, A-266-77, 5-96-247 RESPECTIVELY
MICHAEL L. FISCHER
EXECUTIVE DIRECTOR
By James McCheek
Title Coastal Analyst
EXHIBIT NO. 2
APPLICATION NO.
5-96-247
Location Map

To: Chuck Posner, California Coastal Commission
From: Jay Stark, The Lee Group
Subject: The Lee Group - Permit #5-96-247
Date: November 29, 1996

MEMORANDUM

RECEIVED

DEC 2 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

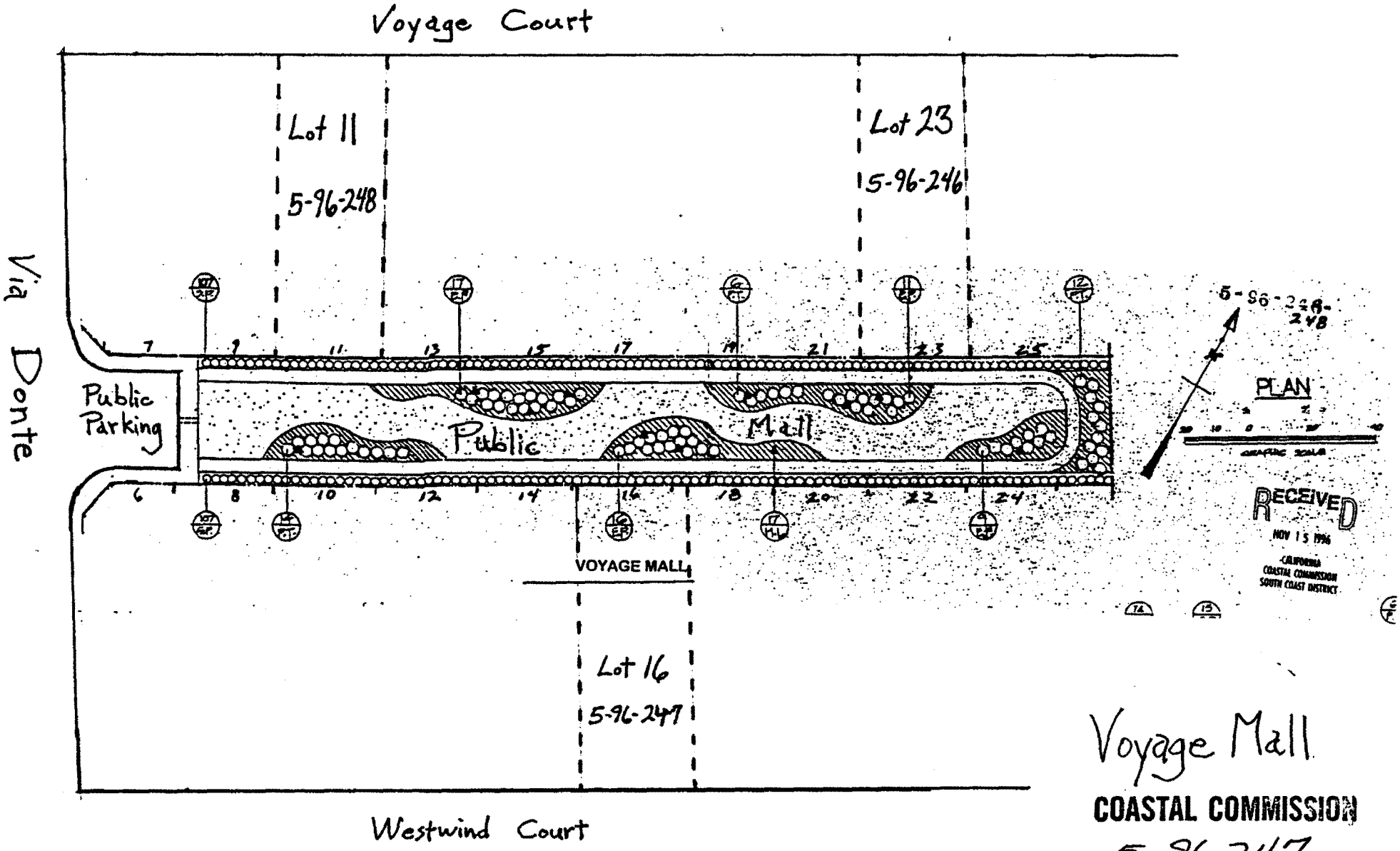
Dear Chuck:

By way of clarification, The Lee Group will be installing their prorata share of the Voyage Mall landscaping per the submitted landscaping plans, which includes the thirty-five (35) in front of the building, representing the width of the lot, and from the property line to the center line of the Voyage Mall, representing twenty-feet. Please refer to the attached reduction of Voyage Mall for any clarification. Also, the Voyage Mall landscaping will be maintained as public open space and the proposed development will in no way restrict the public access to the Mall.

Thank you.

##

COASTAL COMMISSION
5-96-247
EXHIBIT # 3
PAGE 1 OF 1



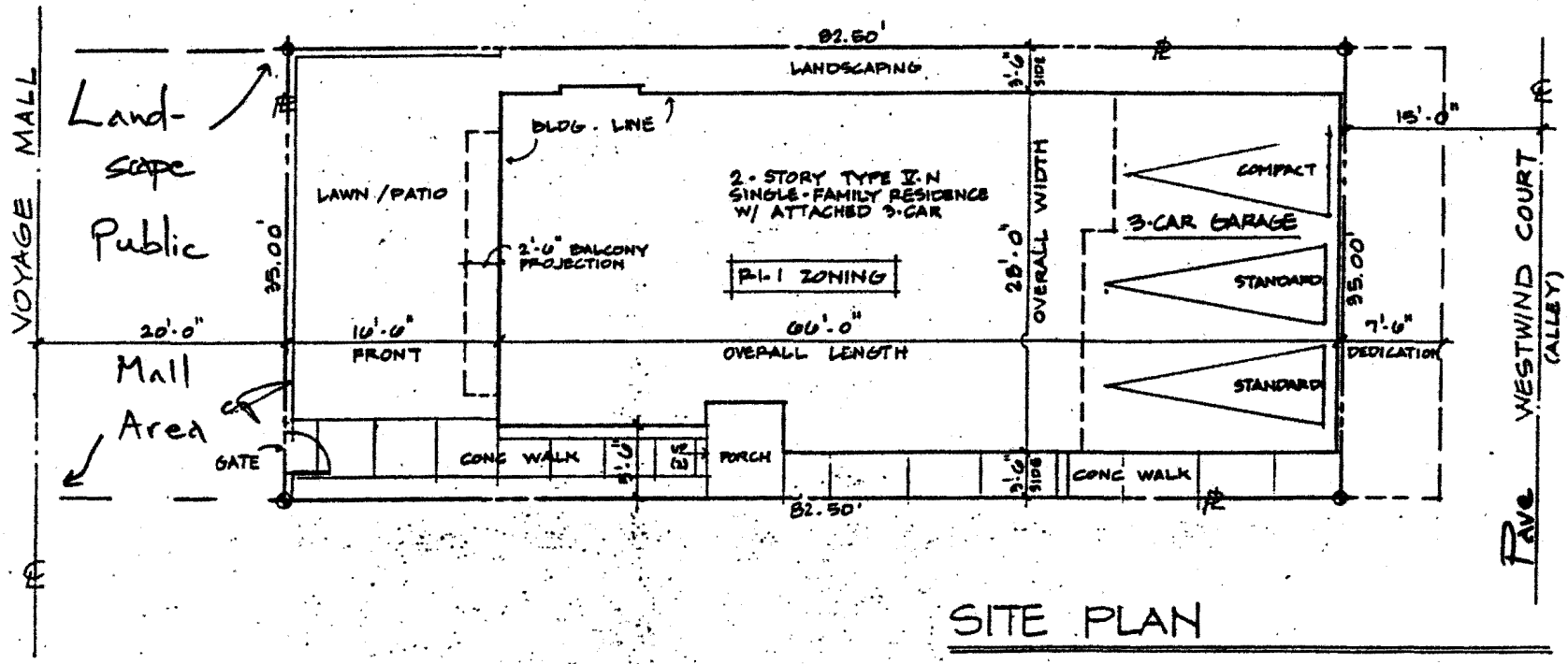
Voyage Mall

COASTAL COMMISSION

5-96-247

EXHIBIT # 4

PAGE 1 OF 1

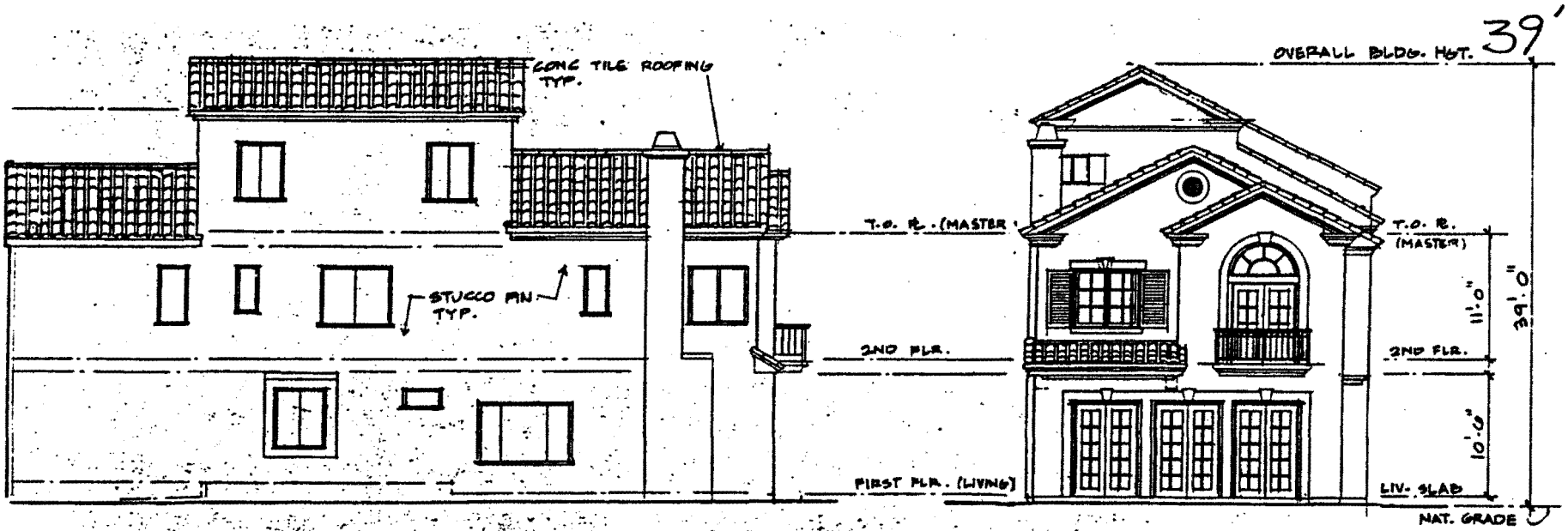


SITE PLAN

CN

Lot 16
Block 15

COASTAL COMMISSION
5-96-247
EXHIBIT # 5
PAGE 1 OF 1



LEFT SIDE ELEVATION

FRONT ELEVATION (MALL)

COASTAL COMMISSION

5-96-247

EXHIBIT # 6

PAGE 1 OF 1

CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8555

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.

MICHAEL L. FISCHER
Executive Director

By James L. McKenzie

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SEP 04 1992
CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

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

Permittee

COASTAL COMMISSION
5-96-247
EXHIBIT # 7
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.

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.

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
5-96-247
EXHIBIT # 7
PAGE 4 OF 4

State of California, Edmund G. Brow , Governor

California Coastal Commission
631 Howard Street, 4th floor
San Francisco, California 94105
(415) 543-8555

file
266-77

February 26, 1981

Clifford D. Rome
Executive Director
Isthmus Landowners Association
3907 Via Dolce
Marina del Rey, CA 90291

Subject: Permit No. 266-77

Dear Mr. Rome:

Confidential

Confidential

In regard to your letter requesting an amendment of the permit to allow construction on a block-by-block basis, it is not necessary to amend the permit. The permit has been vested, and completion of construction and the manner of completion of construction can be accomplished by the applicant in any manner that the applicant deems suitable, as long as the basic permit conditions are complied with. However, because there is a serious question whether or not those permit conditions are being complied with, the validity of the entire permit is open to question.

Confidential

Very truly yours,

JANET G. TULK
Permit Appeals Chief

cc: Hal Amens
Pam Emerson, South Coast Regional Commission
Steven H. Kaufman, Department of Justice

Enclosures

THE LEE GROUP, INC.

December 18, 1996

Mr. Chuck Posner
CALIFORNIA COASTAL COMMISSION FAX (310)590-5084
245 West Broadway, Suite 380
Long Beach, California 90802-4416

RE: Application for Permit No's. 5-96-223 and 5-96-224

Dear Chuck:

We are in receipt of the December 1, 1996 letter from Sherman L. Stacey representing Isthmus Landowners Association (ILA). Our response is intended to address ILA's concerns and issues point by point and also to make clear our position on the above referenced permits.

It is our purchase of lots from Mary Legg and the Legg Family, the current owners of 23 vacant lots south of Topsail, that will serve as a catalyst for the completion of Union Jack Mall, Voyage Street, Voyage Mall and a portion of Westwind. She is committed to completing the improvements adjacent to her lots and, in fact, has plans in plan check at the City of Los Angeles for improvements on Union Jack Mall, Voyage Street and Voyage Mall. We are committed to working together with her to ensure a timely and quality completion of all improvements.

1. ILA did perform surface street improvements in Del Rey Beach on Via Donte from Topsail to Westwind.

   We agree that ILA did not do surface improvements on the parking nodes, Voyage and Westwind streets, or the malls on Union Jack , Voyage and Westwind. ILA has not delayed the construction of these improvements.

   We agree that ILA has no obligation to do any improvements or pay for any improvements south of Topsail.

310 Washington Boulevard, Suite P214 ▫ Marina del Rey, CA 90292 ▫ (310) 827-0171 ▫ Fax (310) 821-4645

ILA does have an obligation to maintain the malls and streets once they are finished. Most of the lots south of Topsail and North of Westwind are members of ILA. To our knowledge, these lots were never legally de-annexed from ILA and are bound by CC&R's to membership in ILA. Enclosed is a preliminary title report for Lot 6 of Block 13, Del Rey Beach Tract, that shows the CC&R's obligating the property owner to participate in ILA as an encumbrance.

If ILA does not want to maintain the lots south of Topsail, nor to continue the property owners as members, then we must come to an agreement on how, legally, they can be de-annexed from the ILA. In reality, I think this will be very difficult and would suggest that when the streets and malls are complete, that ILA maintain them with financial participation from the owners, once all improvements are complete.

2. The Commission has allowed partial construction on blocks south of Topsail since 1986. In 1986, permit 5-86-641 approved the construction of Lots 1 ~ 5 of Blocks 16 and 17, and the Commission has also allowed the construction of improvements one lot at a time (Horowitz, Hoffman, Croutch, Wineberg, etc. east of Via Donte. We do not believe it is proper or legally defensible for the Commission to condition our permits on any improvements beyond our adjacent property.

   Currently, we are in escrow to purchase Lots 6 and 7 of Block 13, for which these permits are being sought. We are also in escrow to buy Lots 8 ~ 14 of Block 13. Application for a Los Angeles City Coastal Development Permit will be filed in December, and it is our intention to file for state Coastal Commission permits as soon as approval is obtained from the City. The construction of the malls adjacent to these lots is part of that application. Our plan is to do the improvements per the original plans approved in A-266-77.

3. The public parking at the end of Union Jack Mall will be constructed by The Lee Group, Inc. for Mary Legg, who owns all the adjacent property.

4. These lots are members of ILA, and until it is legally possible and practical to be separated from ILA, they will remain a part of ILA.

5. When the amendment is approved, we should be relieved of our obligation to maintain anything that the City will maintain. These permits should contain language to clarify that this obligation will cease when the amendment is approved.

In conclusion, our Coastal Development permits should be granted with improvements required only adjacent to the permitted lots. However, in the spirit of cooperation, we are currently working to schedule a meeting with ILA to resolve the issues of improvements and maintenance raised in their letter.

Sincerely,

THE LEE GROUP, INC.

Jeff Lee

cc: Chron
Coastal Commission Chron DRB