

CALIFORNIA COASTAL COMMISSION

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Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-97-361

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

PROJECT LOCATION: 5021 & 5205 Via Donte (Lot Nos. 1 & 2, Block 14, Del Rey Beach Tract), Venice, City of Los Angeles, Los Angeles Co.

PROJECT DESCRIPTION: Tie two vacant lagoon-fronting lots together and construct a three-story, 41 foot high, 4,222 square foot single family residence with an attached three-car garage.

Lot Area	8,964 sq. ft. (2 lots)
Building Coverage	2,353 sq. ft. (1 house)
Pavement Coverage	0 sq. ft.
Landscape Coverage	4,771 sq. ft.
Parking Spaces	3
Zoning	R1-1: Single Family Residential
Ht abv fin grade	41 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission grant a permit for the proposed development with conditions relating to maintenance of public areas, lagoon buffer protection, drainage, building height, parking, future improvements, and the lot tie. The project site has a long history before the Commission being subject to three previous permit approvals. In this case, the applicant agrees with the staff recommendation and has accepted the conditions of the previous Commission approvals which affect the site.

LOCAL APPROVAL RECEIVED:

1. City of Los Angeles Approval in Concept #97-092, 11/10/97.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit A-266-77 & amendment (ILA).
2. Coastal Development Permit 5-89-641 & amendments (Lee).
3. Coastal Development Permit 5-93-156 (Hughes).
4. Coastal Development Permits 5-93-157 thru 161 (Lee).

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, 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. Maintenance of Public Areas

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 Union Jack 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.

The applicant also acknowledges that the subject site is subject to Coastal Development Permit 5-93-156 (Hughes) and that a deed restriction has been recorded on the property (Document No. 94-1558804) which binds the applicant and all successors in interest to participate with the other lot owners subject to Coastal Development Permit A-266-77 on a fair and equitable basis in the responsibility for the maintenance of the public areas, including lagoon buffers, and drainage devices prescribed by Coastal Permit A-266-77 (ILA). The public areas are identified in the deed restriction. The deed restriction runs with the land binding on all heirs and assigns of the applicants.

2. Easement for Public Access and Habitat Protection

Development, except that specifically approved under Coastal Development Permit 5-93-156 (Hughes), is prohibited in the buffer area identified in recorded easement No. 94-1558804 which covers that portion of the applicant's lots which occupy the lagoon buffer area (24 feet from the Esplanade). Prohibited development includes planting of non-native vegetation. The applicant shall not interfere with the use of the lagoon buffer public access path across the easement, restoration of the lagoon buffer as strand habitat, and such fencing that is necessary to preserve the habitat protected and restored pursuant to Coastal Development Permit 5-93-156 (Hughes).

3. Setback from Lagoon Buffer

All portions of the dwelling (including stairways, decks, and bay windows), except for ground level decks, shall be set back from the easterly edge of the buffer strip at least ten feet, or fifteen percent of the buildable area of the lot, whichever is greater. In this instance, the required setback is 13 feet, 8 inches. Fences or walls to protect ground level decks shall not exceed six feet in height above natural grade measured at the inland edge of the lagoon buffer easement adjacent to the wall. No fence, wall or other accessory structure shall encroach into the buffer area.

4. Lagoon Buffer Protection

An existing retaining wall separates the buffer area and the building site. This permit does not authorize any development or construction activity in the lagoon buffer area located between the existing wall and Ballona Lagoon. No stock piling, grading, or trash disposal shall occur in the lagoon buffer area at any time.

5. Drainage

Prior to issuance of the permit, the applicant shall submit drainage plans, subject to the review and approval of the Executive Director, which provide that all drainage on the site, with the exception of the lagoon buffer area, is directed away from Ballona Lagoon and into the existing City storm drain system. The applicant and all successors in interest shall maintain the approved development consistent with the drainage plans approved by the Executive Director.

6. Building Height

The height of the proposed structure within sixty horizontal feet of the inland edge of the Esplanade of Ballona Lagoon at the adjacent shoreline shall not exceed thirty feet above the average natural grade of the lot. The average natural grade of Lot No. 2, where the proposed structure is sited, was established at 10.79' by Coastal Development Permit 5-93-161 (Lee). For every two feet farther away from the lagoon, the structure may be one foot higher to a maximum height of 45 feet above the 10.79' elevation.

7. Parking

Prior to issuance of the 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 Via Donte, not from the paved street ends designated for public parking. The deed restriction shall also note that the courts and street ends of the tract are designated for public parking and shall not be used for preferential parking. This deed restriction shall run with the land, binding on all successors in interest, for the life of the improvement approved in this action.

8. Future Improvements

Prior to issuance of the permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Development Permit 5-97-361 is only for the proposed development and that any future additions or improvements to the property will require a permit or amendment from the Coastal Commission, its successor agency, or a local government pursuant to a certified Local Coastal Program. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances except for tax liens.

9. Retaining Wall

Through the acceptance of this Coastal Development Permit, the applicant acknowledges that the retaining wall located on the site adjacent to the lagoon buffer area is: a) the permanent retaining wall for the five lots subject to Coastal Development Permit 5-93-156 (Hughes); and b) the border between the lagoon buffer and the developable area of the site. This permit does not authorize any development or construction activity in the lagoon buffer area located between the existing wall and Ballona Lagoon. In order to prevent disruption of the protective lagoon buffer, and to ensure the structural integrity of the retaining wall, the proposed development shall not interfere with the permanence of the retaining wall. The height of the retaining wall, when combined with a garden wall or fence placed on the developable portion of the site, shall not exceed six feet in height above natural grade measured at the inland edge of the lagoon buffer easement adjacent to the wall. No fence, wall or other accessory structure shall encroach into the lagoon buffer area.

10. Lot Tie

Prior to construction of the approved residence, the applicant shall submit evidence, for the review and approval of the Executive Director, which demonstrates that an affidavit has been recorded with the county which ties Lot No. 1 to Lot No. 2 in Block 14 of the Del Rey Beach Tract.

11. Deed Restriction

Prior to issuance of the permit, the applicant shall execute and record a deed restriction on the site, in a form and content acceptable to the Executive Director, which clearly informs future owners of Lot Nos. 1 & 2 in Block 14 of the Del Rey Beach Tract that: a) Lot Nos. 1 & 2 have been tied together by Coastal Development Permit 5-97-361 (Lee); b) the single family home permitted on Lot No. 2 by Coastal Development Permit 5-97-361 (Lee) was approved with a zero setback from Lot No. 1; and c) the zero setback could encumber any future development of Lot No. 1 by requiring a separation between the structure on Lot No. 2 and a structure on Lot No. 1. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances except for tax liens.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to tie Lot No. 1 to Lot No. 2 in Block 14 of the Del Rey Beach Tract, and to construct a three-story, 41 foot high, 4,222 square foot single family residence with an attached three-car garage on Lot No. 2 (Exhibit No. 3). Lot No. 1 is proposed to be landscaped as a private yard,

and to also provide two additional private parking spaces. All five proposed parking spaces take access from Via Donte.

The site is comprised of two contiguous five thousand square foot (approx.) vacant lots situated on the east bank of Ballona Lagoon in the Silver Strand area of Venice (Exhibits #1&2). The two lots are bordered by Union Jack Mall on the north, Via Donte on the east, and by Ballona Lagoon on the west (Exhibit No. 2). Via Donte and Union Jack Mall are fully improved public streets with pavement, sidewalks, and drainage. A developed pedestrian pathway winds between the site and Ballona Lagoon in the dedicated Ballona Lagoon buffer (Exhibit #3).

The site is part of the Del Rey Beach Tract, which is physically contiguous to the Silver Strand subdivision. The Del Rey Beach Tract and the Silver Strand subdivision were subdivided at the same time and share the same natural conditions. The entire area is referred to as the "Silver Strand area".

B. Project Background and Area History

The Silver Strand subdivision and the Del Rey Beach Tract share a long history before the Coastal Commission. Both subdivisions, referred to together as the Silver Strand area, are located along the east bank of Ballona Lagoon and have only recently been developed with single family residences. Although the subdivisions were created in the early 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 previous Commission actions in the area provide the basis for staff's recommendation on this application.

The first Commission approval in the Silver Strand 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. In 1986, the Commission approved Coastal Development Permit 5-86-641 (Lee) for the grading and infrastructure improvements on ten lagoon-fronting lots in the Del Rey Beach Tract which were not subject to A-266-77 (ILA) (Exhibit #2). In 1987, the Commission approved Coastal Development Permit 5-87-112 (Del Rey Assoc.) for the development of 36 lots with single family residences on a portion of the Del Rey Beach Tract which also was not subject to A-266-77 (ILA) (Exhibit #2).

In 1993, the Commission approved Coastal Development Permit 5-93-156 (Hughes) for the grading and retaining walls necessary for the construction of single family homes on five lagoon-fronting lots, including the two subject lots, in the Del Rey Beach Tract (Exhibit #2). These five lots (Lot Nos. 1-5, Block 14) are also subject to Coastal Development Permit A-266-77 (ILA).

Also in 1993, the Commission approved five Coastal Development Permits (5-93-157 thru 161) for the construction of five single family homes on the five lots subject to Coastal Development Permit 5-93-156 (Hughes) (Lot Nos. 1-5, Block 14). Two of those permits, Coastal Development Permits 5-93-159 and 5-93-161, were issued for the construction of single family homes on Lot Nos. 1 and 2, the two lots subject to this application (Exhibit #7). However, Coastal Development Permits 5-93-159 and 5-93-161 expired before the approved

residences were constructed. The five lots subject to Coastal Development Permit 5-93-156 (Hughes) have been graded in preparation for construction of single family residences, but are currently vacant. Commission approval of the current application would result in the development of Lot Nos. 1 and 2 with one single family residence.

1. Silver Strand Permit A-266-77 (ILA)

As previously stated, the first Commission approval in the Silver Strand area occurred in 1977 when the Commission approved the "Silver Strand Permit", Coastal Development Permit A-266-77 (ILA). Coastal Development Permit A-266-77 (ILA) was brought before the Statewide Coastal Commission on an appeal of a Regional Coastal Commission decision. Prior to the Commission's action on Coastal Development Permit A-266-77 (ILA) in 1977, the Statewide Coastal Commission and the Regional Coastal Commission had 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&6). 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 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&6). The currently proposed project is located on two lots (Lot Nos. 1 & 2, Block 14, Del Rey Beach Tract) which are 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 #6). 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.

In approving the amendment to Coastal Development Permit A-266-77 (ILA), the Commission found that individual lot owners who apply to develop lagoon fronting lots in the area would be required to dedicate a portion of their property for a habitat protection and public access easement 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.

Since 1980, the grading approved by the amendment to Coastal Development Permit A-266-77 (ILA) 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.

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 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).

2. Coastal Development Permit 5-86-641 (Lee)

The Commission had originally required, as part of Coastal Development Permit A-266-77 (ILA), that the southern six acres of the Del Rey Beach Tract be dedicated for public recreation and coastal access parking. The 1979 amendment of Coastal Development Permit A-266-77 (ILA), however, deleted the required dedication of the six acre site to a public agency for public recreation. The six acre site was still excluded from residential development in order not to preclude the use of the property for commercial recreation and public parking. No development was permitted in this area until 1986.

In 1986, the owner of the ten lagoon fronting lots in the southern six acres of the Del Rey Beach Tract, Harlan Lee, applied for a permit to develop his ten lots subject to the same special conditions which were agreed to in Coastal Development Permit A-266-77 (ILA). The Commission agreed to the proposal, and in 1986 it approved Coastal Development Permit 5-86-641 (Lee) for grading, street improvements, drainage facilities, and utilities for the ten lagoon fronting residential lots located in the six acre area which was previously to be set aside for commercial recreation use (Exhibit #2).

Coastal Development Permit 5-86-641 (Lee) also allowed the development of single family residences on the ten lagoon-fronting lots (Exhibit #2). The Commission's approval included provisions for the restoration and maintenance of the lagoon buffer areas adjoining the ten lots. The lagoon buffer adjoining the ten lots subject to Coastal Development Permit 5-86-641 (Lee) was 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).

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

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 #2). Although the subject site was not subject to Coastal Development Permit 5-87-112 (Del Rey Assoc.), that permit continued the Commission's implementation of the conditions imposed on the Silver Strand and Del Rey Beach Tract areas since the approval of Coastal Development Permit A-266-77 (ILA).

In the Commission's approval of Coastal Development Permit 5-87-112 (Del Rey Assoc.) it 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 #2).

4. Coastal Development Permit 5-93-156 (Hughes)

In 1993 the Commission approved Coastal Development Permit 5-93-156 (Hughes) for the preparation of Lot Nos. 1-5 of Block 14 for the construction of single family homes. The two lots subject to this application (Lot Nos. 1&2) are subject to Coastal Development Permit 5-93-156 (Hughes).

Coastal Development Permit 5-93-156 (Hughes) approved grading of the site and the construction of a retaining wall in order to provide a firm and uniform support for the currently proposed home foundation. In the Commission's approval of Coastal Development Permit 5-93-156 (Hughes) it again 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 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) prescribed by the Coastal Development Permit A-266-77 (ILA).

In addition, as has been required on all lagoon-fronting lots in the Silver Strand area, a condition of Coastal Development Permit 5-93-156 (Hughes) required the dedication of a 24 foot wide easement (lagoon buffer) across the five lots for public access and habitat along the east bank of Ballona Lagoon. The lagoon buffer easement crosses the two lots subject to this application (Exhibit #2). The applicant was also required to mitigate the impacts of the development of the site by improving the public access path and restoring the protective lagoon buffer with native strand vegetation.

The grading and retaining wall approved under Coastal Development Permit 5-93-156 (Hughes) have been completed. In addition, the public access path

has been improved as required, and the lagoon buffer has been restored with native strand vegetation.

5. Coastal Development Permits 5-93-159 & 161 (Lee)

Also in 1993, the Commission approved five Coastal Development Permits (5-93-157 thru 161) for the construction of five single family homes on the five lots subject to Coastal Development Permit 5-93-156 (Hughes) (Lot Nos. 1-5, Block 14). Two of those permits, Coastal Development Permits 5-93-159 and 5-93-161, were issued for the construction of single family homes on Lot Nos. 1 and 2, the two lots subject to this application (Exhibit #7). The current applicant (Lee) purchased the five lots from the former owner and permittee (Hughes) in early 1996.

Coastal Development Permits 5-93-159 and 5-93-161 each permitted a three-story single family residence to be built on the two lots which comprise the site of the currently proposed project (Lot Nos. 1&2) (Exhibit #7). The designs of the previously approved residences were similar to, but larger than, the currently proposed residence on Lot No. 2.

Coastal Development Permits 5-93-159 and 5-93-161 expired prior to being vested or extended in 1997. The two lots (Lot Nos. 1&2) are currently vacant, except for the retaining wall permitted by Coastal Development Permit 5-93-156 (Hughes). There is currently no valid Coastal Development Permit for the construction of homes on the site.

Commission approval of the current application would result in the tying together of Lot Nos. 1 and 2, and the construction of one single family residence on Lot 2 (Exhibit #2). The currently proposed 41 foot high, 4,222 square foot residence complies with the design standards established by the previous permits. In fact, the currently proposed residence is smaller than the residences which were previously approved on Lot Nos. 1 and 2 by Coastal Development Permits 5-93-159 and 5-93-161 (Lee).

C. Lagoon Buffer

As previously stated, the Silver Strand area, including the subject site, was originally graded and improved for single family homes under Coastal Development Permit A-266-77 (ILA) as amended. Final grading of the actual building pads on Lot Nos. 1-5 of Block 14 in the Del Rey Beach Tract, and construction of a retaining wall across the five lots, was permitted by Coastal Development Permit 5-93-156 (Hughes).

In its approval of Coastal Development Permits A-266-77 (ILA) and 5-93-156 (Hughes), the Commission found that the development of the site would have cumulative and individual impacts on the habitat of Ballona Lagoon. The Commission also found that the shores and water area of the lagoon had a history of public use. The lagoon and buffer area had been historically used for camping, clamming, fishing, walking, and bird watching.

The development of the site, as approved by the underlying permits [Coastal Development Permits A-266-77 (ILA) and 5-93-156 (Hughes)] and their

conditions, was found by the Commission to be consistent with the Chapter 3 policies of the Coastal Act which address Environmentally Sensitive Habitat Areas, coastal access, and recreation.

The currently proposed project must also be found consistent with the following Chapter 3 policies of the Coastal Act, taking into consideration the previous Commission actions in the area [Coastal Development Permits A-266-77 (ILA), 5-86-641 (Lee), 5-87-112 (Del Rey Assoc.) & 5-93-156 (Hughes)].

Environmentally Sensitive Habitat Areas

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.

Coastal Access

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 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

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...

Recreation

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

In its approval of Coastal Development Permit A-266-77 (ILA) the Commission found that the Silver Strand area, including the subject site, could be developed residentially and still provide for protection of habitat and for passive recreational use if a buffer for habitat and a public access trail (path) was dedicated along the east bank of Ballona Lagoon.

In order to conform with the Commission's earlier action on Coastal Development Permit A-266-77 (ILA), the applicant for Coastal Development Permit 5-93-156 (Hughes) offered to dedicate a 24 foot wide lagoon buffer easement across Lot Nos. 1-5 of Block 14 of the Del Rey Beach Tract. The applicant also proposed to improve the existing public walkway which runs along the east bank of Ballona Lagoon and restore the lagoon buffer with native strand vegetation. The proposal also included the appropriate structural setbacks to protect the environmentally sensitive lagoon habitat.

The Commission approved Coastal Development Permit 5-93-156 (Hughes), and the applicant recorded and dedicated easement No. 94-1558804 for a 24 foot wide lagoon buffer with a public access path across the five lagoon fronting lots, including the subject site, which were the subject of Coastal Development Permit 5-93-156 (Hughes) (Exhibit #7). The applicant then graded pads and installed a retaining wall under the provisions of Coastal Development Permit 5-93-156 (Hughes). The applicant also improved the public access path and restored the lagoon buffer with native strand vegetation as proposed.

- In approving Coastal Development Permits A-266-77 (ILA), 5-93-156 (Hughes), 5-93-159 (Lee), and 5-93-161 (Lee), the Commission adopted a set of conditions for the site in order to protect and preserve the buffer and lagoon areas. This set of special conditions is also applied to the currently proposed project. The special conditions prohibit development in the recorded easement which covers that portion of the applicant's lot which occupies the buffer area (Exhibit #3). Prohibited development includes planting of non-native vegetation. The applicant shall allow a public access trail across the easement, maintenance of the buffer as strand habitat, and such fencing that is necessary to preserve the habitat. The applicant is also prohibited from disturbing the fence and vegetation in the buffer area, and from interfering with public use of the trail. In addition, all drainage must be directed away from Ballona Lagoon.

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 requires the applicant to participate in the maintenance of the public areas.

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. The Commission placed similar requirements on the lot owners subject to Coastal Development Permits 5-86-641 (Lee) and 5-87-112 (Del Rey Assoc.) (Exhibit #2). 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 most 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), and 5-87-112 (Del Rey Assoc.) until these public areas have been accepted by a public agency.

As a condition of approval for construction of homes in the area, the Commission requires applicants to record a deed restriction which binds them and their successors in interest to participate with the other lot owners subject to Coastal Development Permit A-266-77 (ILA) on a fair and equitable basis in the responsibility for the maintenance of the public areas, lagoon buffers, and drainage devices prescribed by Coastal Development Permit A-266-77 (ILA). The deed restriction shall run with the land, binding on all heirs and assigns of the applicants.

In this case, such a deed restriction (Document No. 94-1558804) was recorded on the subject properties (Lot Nos. 1&2) as a condition of Coastal Development Permit 5-93-156 (Hughes). The deed restriction clearly states that the applicant and its successors in interest are bound to participate with the other lot owners subject to Coastal Development Permit A-266-77 (ILA) on a fair and equitable basis in the responsibility for the maintenance of the public areas, lagoon buffers, and drainage devices prescribed by Coastal Development Permit A-266-77 (ILA).

In order to inform the current applicant of the requirements of the previously recorded deed restriction, a condition of approval is placed on this permit which states:

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 Union Jack 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.

The applicant also acknowledges that the subject site is subject to Coastal Development Permit 5-93-156 (Hughes) and that a deed restriction has been recorded on the property (Document No. 94-1558804) which binds the applicant and all successors in interest to participate with the other lot owners subject to Coastal Development Permit A-266-77 on a fair and equitable basis in the responsibility for the maintenance of the public areas, including lagoon buffers, and drainage devices prescribed by Coastal Permit A-266-77 (ILA). The public areas are identified in the deed restriction. The deed restriction runs with the land binding on all heirs and assigns of the applicants.

In addition, the existing retaining wall which separates the lagoon buffer area from the building site shall be used as a barrier to protect the lagoon buffer from the impacts of the construction of the proposed residence. A condition of approval states that this permit does not authorize any development or construction activity in the lagoon buffer area located between the existing wall and Ballona Lagoon. No stock piling, grading, or trash disposal shall occur in the lagoon buffer area at any time.

Finally, because a dedicated easement for habitat and public access exists on the site, a lagoon buffer is provided for the protection of habitat and public access. Therefore, the proposed project, as conditioned, is consistent with the habitat, access, and recreation policies of the Coastal Act, and with the Commission's prior actions.

D. Front Yard Setback

Based on the previous Commission actions the area, the proposed structure is required to be set back from the buffer, the Esplanade, and Ballona Lagoon in order to provide public access and to protect the resources of the lagoon environment habitat. A special condition requires the front yard setback to be a minimum of ten feet, or fifteen percent of the buildable portion of the lot, whichever is greater. The required front yard setback is measured from the inland edge of the dedicated 24 foot wide buffer adjacent to Ballona Lagoon (Exhibit #3).

In determining the required setback distance, fifteen percent of the length of the lot is calculated from the "net length" of the lot or the length of the "buildable" lot. In this case, the total lot length is 115 feet, but 24 feet is dedicated to the lagoon buffer. Therefore, the buildable lot is 91 feet long. Fifteen percent of 91 feet is 13 feet 8 inches. The proposed project provides both the 24 foot wide buffer area and the required 13 foot 8 inch front yard setback (Exhibit #3), consistent with the original condition of Coastal Permit A-266-77 (ILA).

No development or construction, except for fences and ground levels decks, is permitted within the front yard setback. Through the acceptance of this Coastal Development Permit, the applicant also acknowledges that the retaining wall located on the site adjacent to the lagoon buffer area is: a) the permanent retaining wall for the five lots subject to Coastal Development Permit 5-93-156 (Hughes); and b) the border between the lagoon buffer and the developable area of the site. This permit does not authorize any development or construction activity in the lagoon buffer area located between the existing wall and Ballona Lagoon. In order to prevent disruption of the protective lagoon buffer, and to ensure the structural integrity of the retaining wall, the proposed development shall not interfere with the permanence of the retaining wall. The height of the retaining wall, when combined with a garden wall or fence placed on the developable portion of the site, shall not exceed six feet in height above natural grade measured at the inland edge of the lagoon buffer easement adjacent to the wall. No fence, wall or other accessory structure shall encroach into the lagoon buffer area.

In addition, in order to prevent further encroachments into the setback that may impact public access and the sensitive habitat areas, the applicants are required to record a future improvements deed restriction on the property.

As conditioned to provide the required setback from the lagoon buffer and to record a future improvements deed restriction, the proposed project is consistent with the habitat, access, and recreation policies of the Coastal Act, and with the Commission's prior actions.

E. Building Height

A height limit for structures adjacent to Ballona Lagoon has been established in previous Commission actions to protect against a "canyon effect" which could negatively impact bird flight patterns. Ballona Lagoon is utilized by many bird species, including the federally and state listed endangered California least tern.

In order to regulate the height of structures adjacent to Ballona Lagoon so as to limit the impacts on birds, a special condition was applied to Coastal Permit A-266-77 (ILA) that limits the height of proposed structures on the banks of Ballona Lagoon to thirty feet within sixty horizontal feet of the Esplanade of Ballona lagoon at the adjacent shoreline. For every two feet further away from the Lagoon, the structure may be one foot higher in height to a maximum height of 45 feet. The height limit has also been applied to this Coastal Development Permit. The plans submitted for the proposed residence conforms to the height limit.

In addition, to prevent further increases in structural height that may impact bird flight patterns, the applicant is required to record a future improvements deed restriction on the property. Only as conditioned to limit the height of the structure and to record a future improvements deed restriction is the proposed project consistent with the habitat protection policies of the Coastal Act and the Commission's prior actions.

F. Parking

In order to protect coastal access, all new development on lots adjacent to Ballona Lagoon in the Silver Strand area is required to provide adequate on-site parking. In previous actions, the Commission has determined that three on-site parking spaces are adequate to serve single family residences in the area. The proposed project provides five on-site parking spaces: three in the ground floor garage and two uncovered parking spaces on Lot No. 1 (Exhibit #3).

For previous projects in the area, applicants have been required to record a deed restriction which assures the provision of at least three on-site parking spaces. The same requirement applies to this permit. The deed restriction requirement for parking includes a statement acknowledging that the courts and street ends in the tract are designated for public parking and shall not be used for preferential parking (i.e., permitted or restricted parking).

Therefore, approval of the permit is conditioned to record the deed restriction for parking currently required by the Commission for projects in the Silver Strand and Del Rey Beach Tracts. The required deed restriction states that at least three on-site parking spaces will be provided, and that they shall take access from Via Donte, not from the paved street ends designated for public parking. The deed restriction shall also note that the courts and street ends of the tract are designated for public parking and shall not be used for preferential parking.

Only as conditioned to provide at least three on-site parking spaces and to record the deed restriction addressing parking, is the proposed project consistent with the coastal access policies of the Coastal Act and the Commission's prior actions.

G. Lot Tie

The applicant proposes to tie Lot Nos. 1 and 2 together and build one house (Exhibit #3). The proposed lot tie results in a larger project site which will allow for: 1) a larger building footprint, and 2) a larger yard area. A larger building footprint is proposed by building the proposed residence right up to the property line which currently separates Lot Nos. 1 and 2. No sideyard setback is required by the City between Lot Nos. 1 and 2 if the lots are tied together. Lot No. 2 is proposed to be landscaped as a private yard area.

Therefore, the proposed lot tie allows the proposed residence to encroach up to the property line between the two lots, thus affecting the future use of

Lot No. 2 upon which no structure is currently proposed. If in the future Lot No. 2 is proposed to be developed, a separation (i.e., setback) will have to be provided between the building on Lot No. 1 and any building proposed on Lot No. 2. The required separation or setback will have to be provided entirely on Lot No. 2 if the proposed residence is constructed up to the property line.

Therefore, in order to inform all future owners of Lot Nos. 1 & 2 of the effects of the proposed lot tie and construction, the permit is conditioned to require the applicant to execute and record a deed restriction on the site, in a form and content acceptable to the Executive Director, which clearly informs future owners of Lot Nos. 1 & 2 in Block 14 of the Del Rey Beach Tract that: a) Lot Nos. 1 & 2 have been tied together by Coastal Development Permit 5-97-361 (Lee); b) the single family home permitted on Lot No. 2 by Coastal Development Permit 5-97-361 (Lee) was approved with a zero setback from Lot No. 1; and c) the zero setback could encumber any future development of Lot No. 1 by requiring a separation between the structure on Lot No. 2 and a structure on Lot No. 1. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances except for tax liens.

In addition, in order to ensure that the two lots are actually tied as proposed, the applicant shall submit evidence, for the review and approval of the Executive Director, which demonstrates that an affidavit has been recorded with the county which ties Lot No. 1 to Lot No. 2 in Block 14 of the Del Rey Beach Tract. Only as conditioned is the proposed project consistent with the Chapter 3 policies of the Coastal Act.

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, 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).

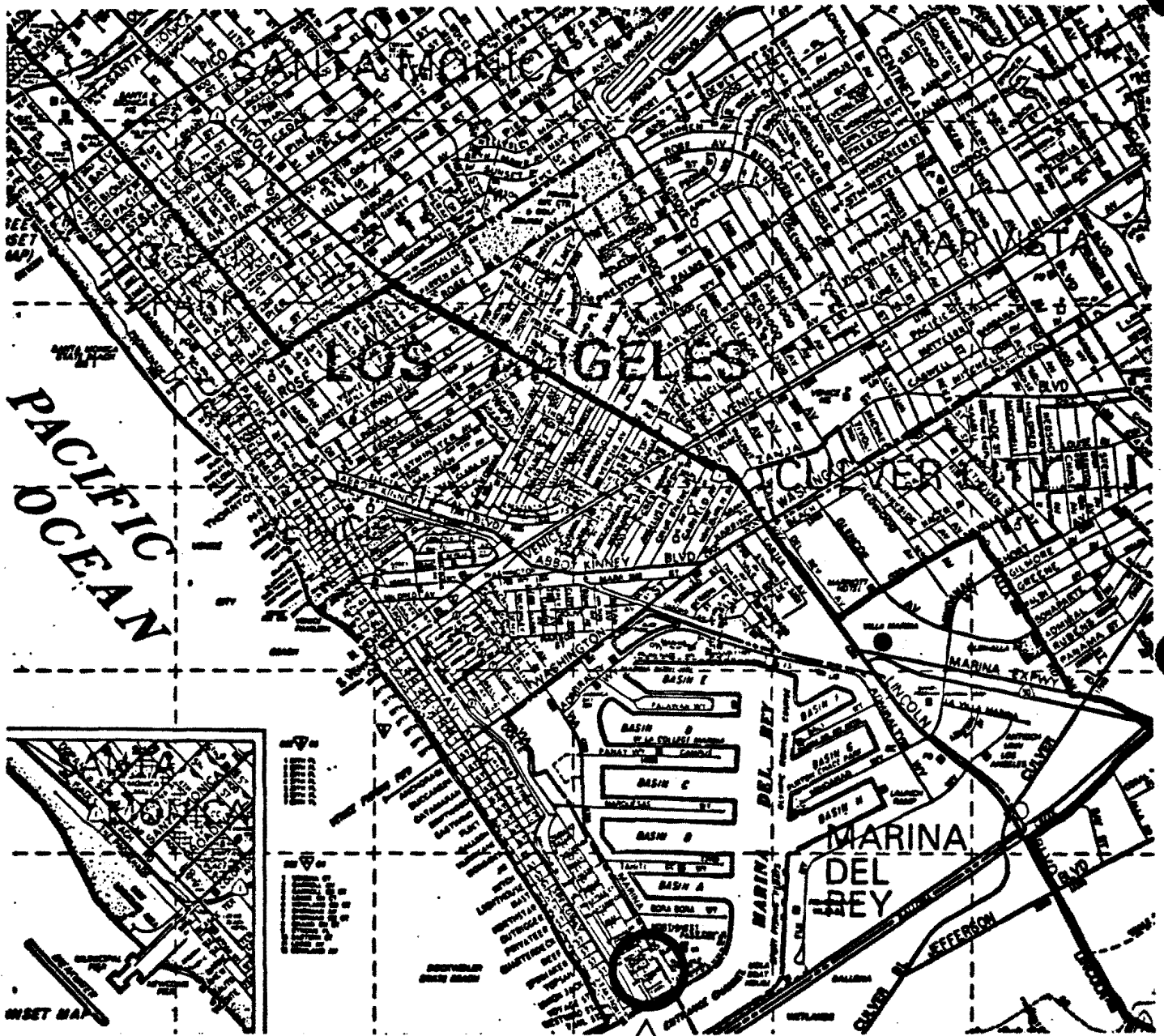
I. California Environmental Quality Act (CEQA)

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.

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.

0304G:CP

Silver Strand / Del Rey Beach Tracts



Site

COASTAL COMMISSION

5-97-361

EXHIBIT # 1

PAGE 1 OF 1

Site Lot Nos. 1 & 2

CDP
A-266-77

CDP
5-87-112

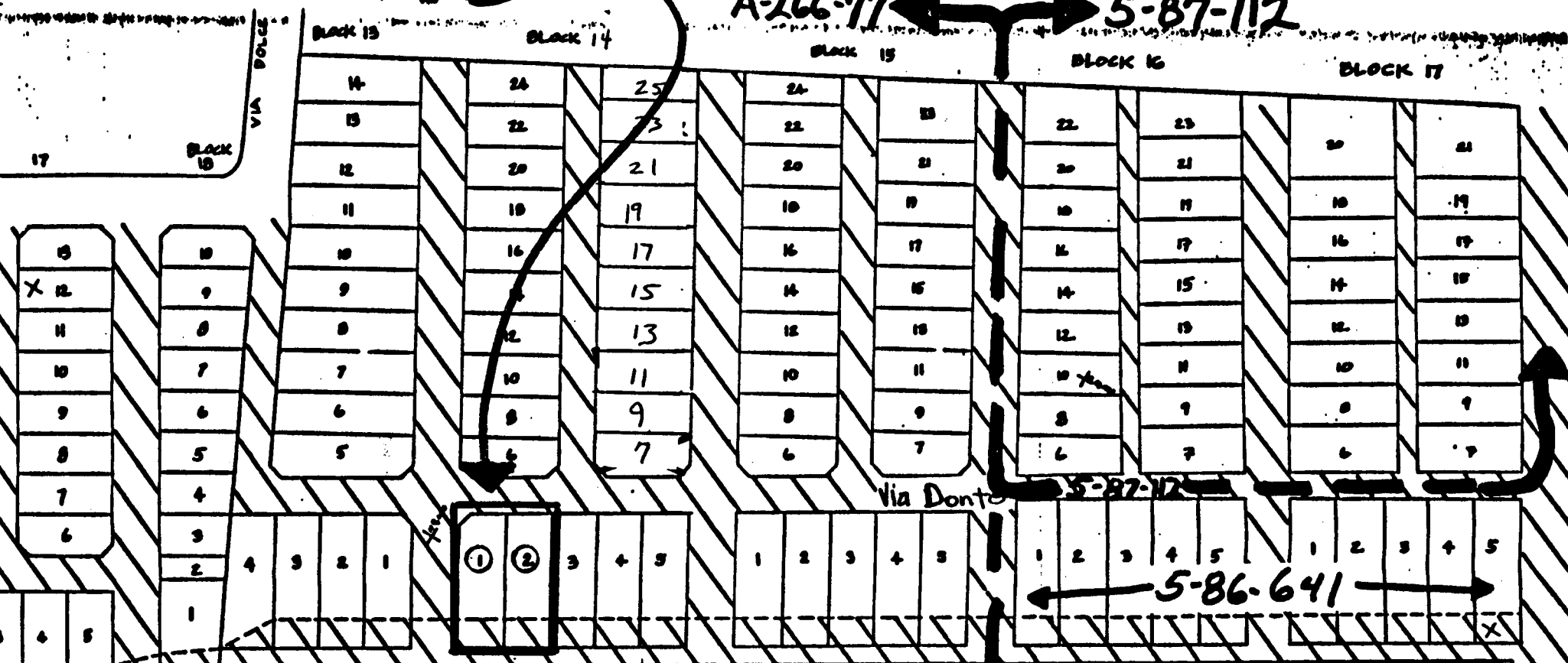
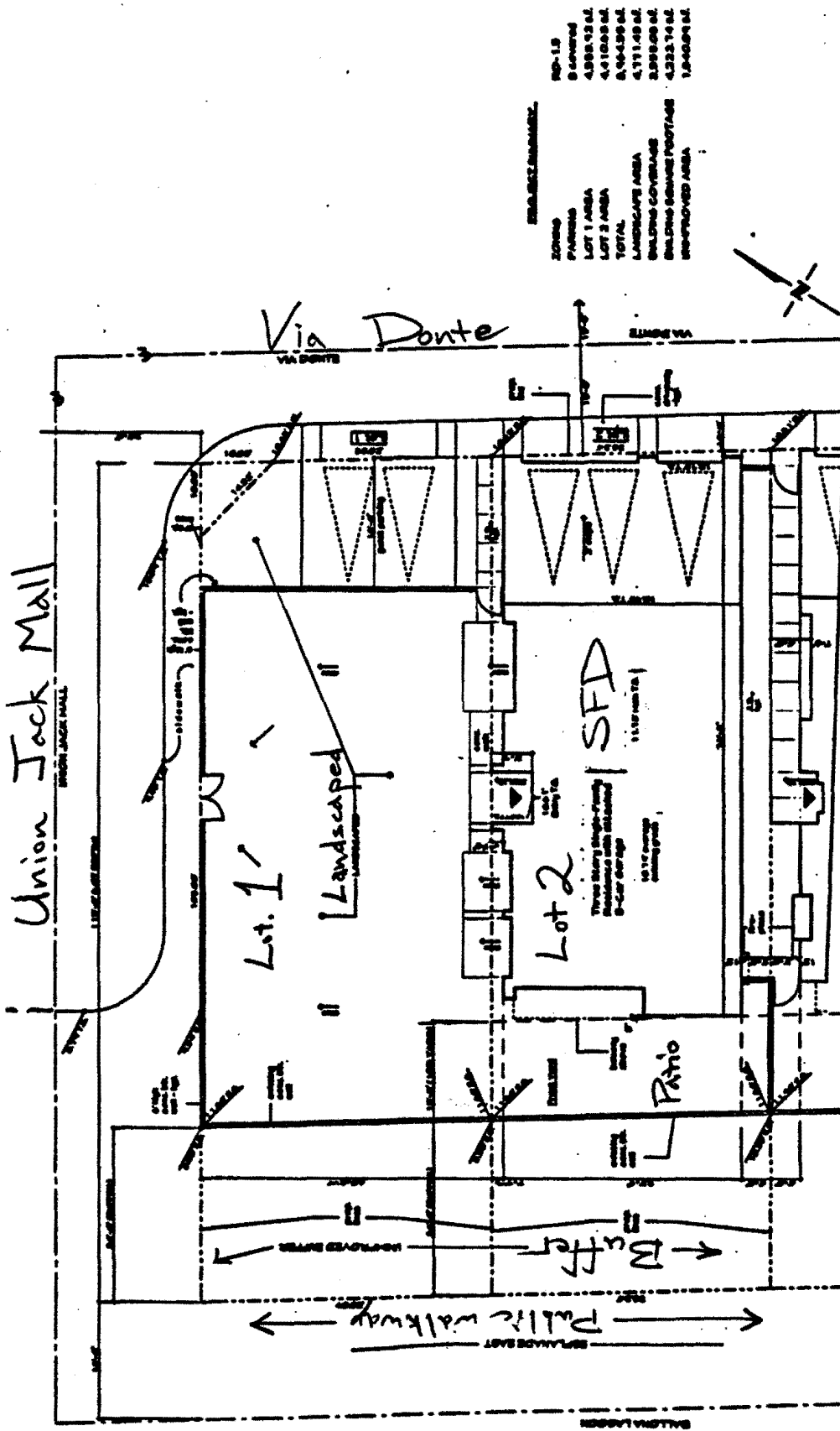


EXHIBIT NO. 2
APPLICATION NO.
5-97-361
Location Map

CALIFORNIA Coastal COMMISSION
11/15/00, 11/10/00
APPROVED ON 2/25/02, 2/26/02
AS CONCERNING TO PERMITS 0-02-112, 0-02-100,
RESPECTIVELY. MICHAEL L. FISCHER
EXECUTIVE DIRECTOR
By James McQuinn
Title Coastal Analyst



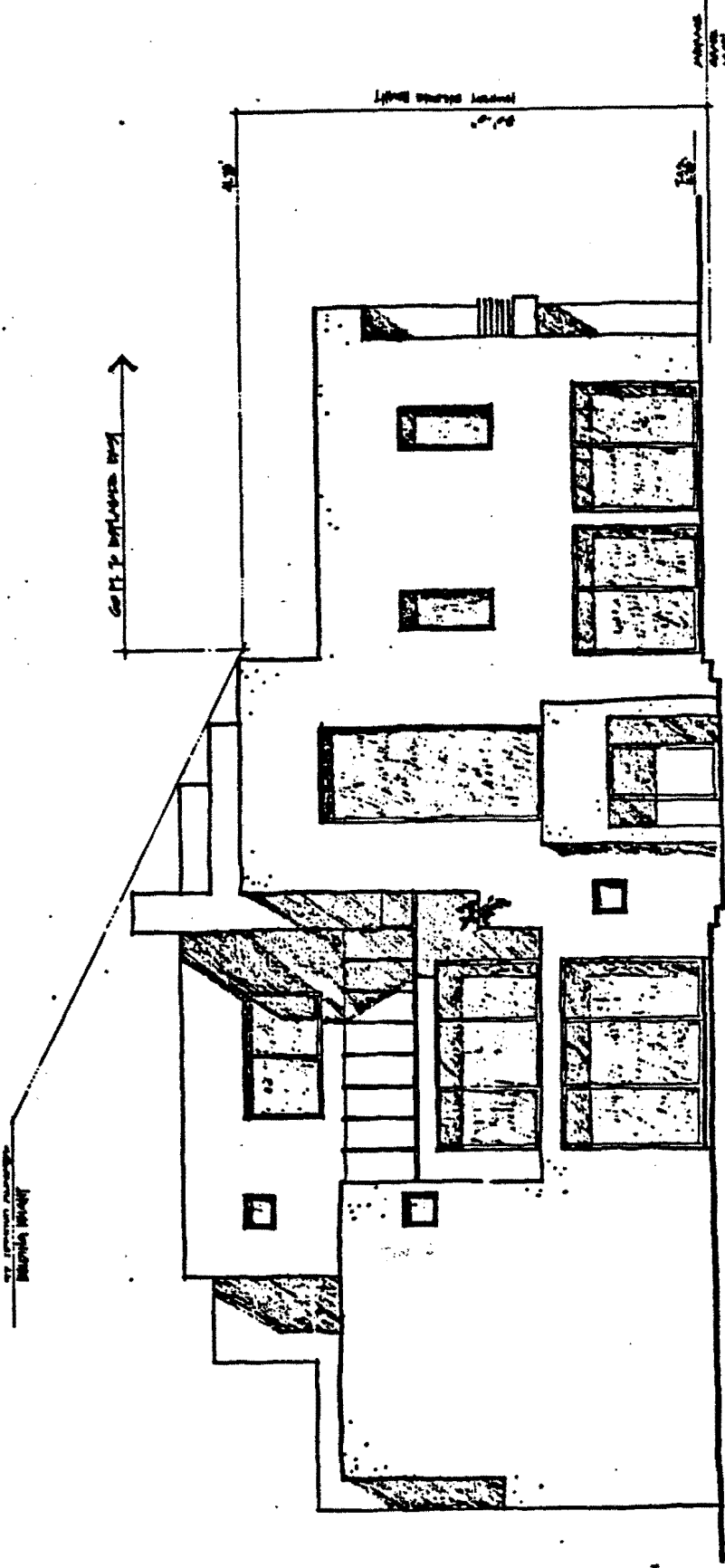
PERMITS/REMARKS:

NO. 13	8 COVERED
43984324	LOT 1 AREA
43100004	LOT 2 AREA
87443904	TOTAL
47114804	LANDSCAPE AREA
22920004	BUILDING COVERAGE
43221004	BUILDING SQUARE FOOTAGE
12400904	IMPROVED AREA

Site Plan: Lot Nos. 1 & 2

COASTAL COMMISSION
 5-97-361

EXHIBIT # 3
 PAGE 1 OF 1



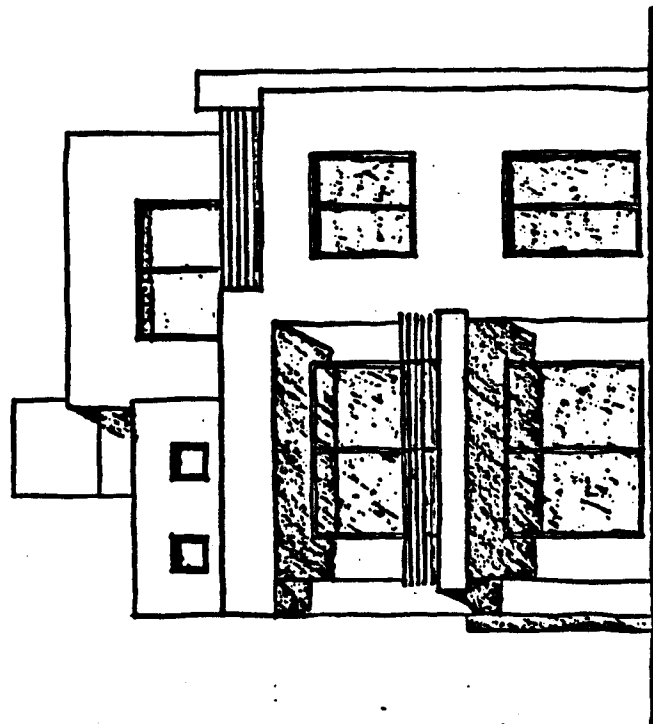
LEFT SIDE ELEVATION

COASTAL COMMISSION

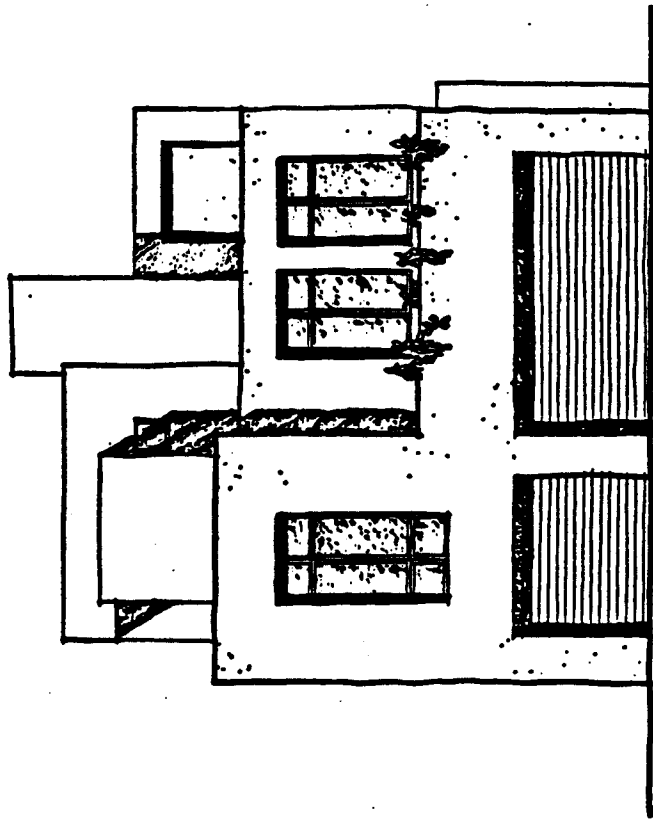
5-97-361

EXHIBIT # 4

PAGE 1 OF 1



LAGOON ELEVATION



STREET ELEVATION

COASTAL COMMISSION

5-97-361

EXHIBIT # 5

PAGE 1 OF 1

8-00-304
CALIFORNIA COASTAL COMMISSION

631 Howard Street, San Francisco 94105 - (415) 543-0555

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; is 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

[Signature]
MICHAEL L. FISHER
Executive Director

By *[Signature]*

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

5-97-361

EXHIBIT # 6

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

5-97-361

EXHIBIT # 6

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

5-97-361

EXHIBIT # 6

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

5-97-361

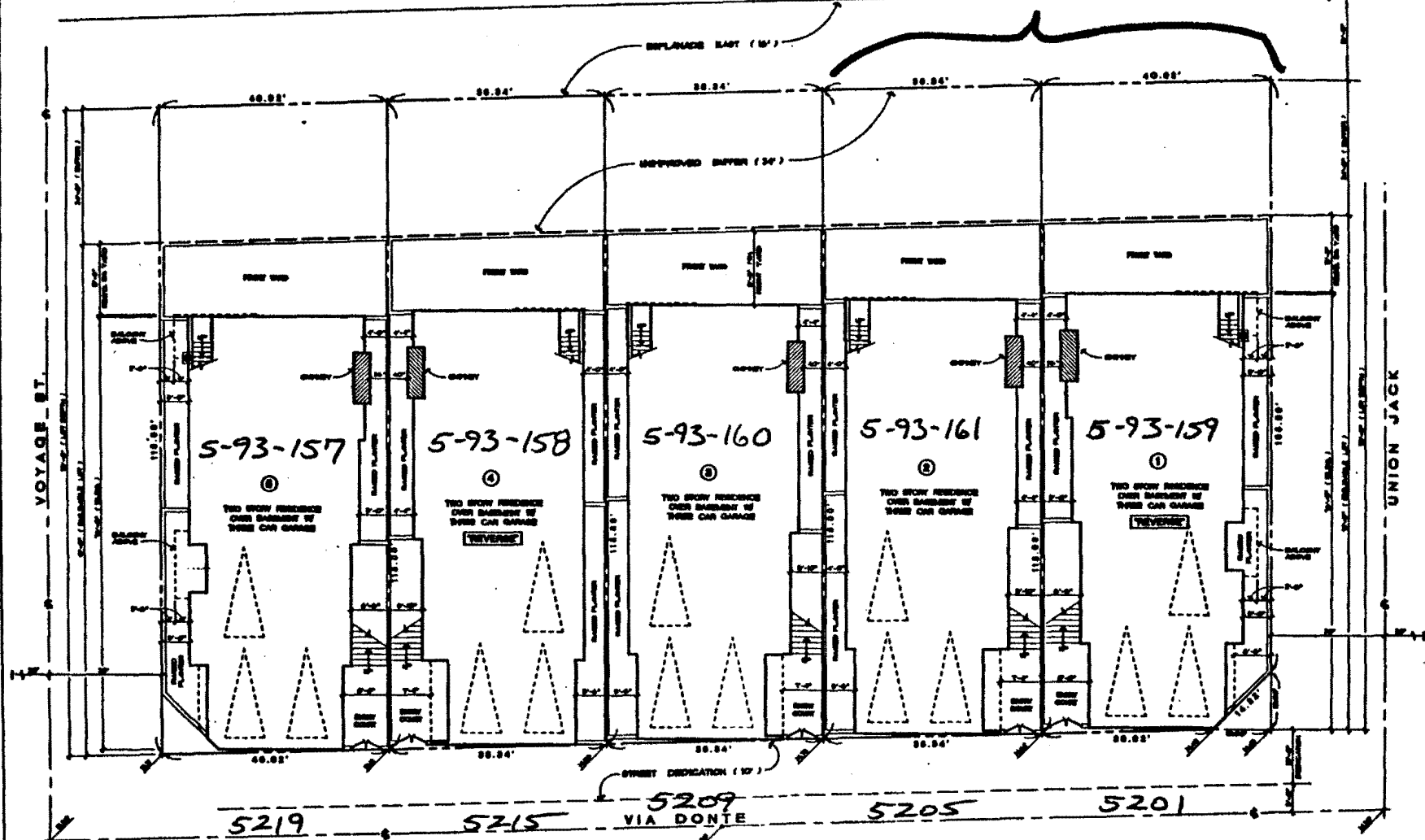
EXHIBIT # 6

PAGE 4 OF 4

Previous Approvals: CDP: 5-93-157 thru 161

BALLONA LAGOON

Lot Nos. 1 & 2 (5-97-361)



SITE PLAN

COASTAL COMMISSION
LOTS 1-5 BLOCK 14 DEY REY TRACT



PELKE & ASSOCIATES
CAROL W. PELKE
ARCHITECT
100 W. 10th Street, Suite 201, Tempe, AZ 85281
(602) 968-8888

PREPARED BY:
HOWARD HUGHES REALTY, INC.
CAROL W. PELKE
SITE PLANS - LOTS 1-5 BLOCK 14
DEY REY BEACH TRACT

DATE: 12-1-00
SCALE: 1/8" = 1'-0"
BY: CAD DESIGN



1
07

EXHIBIT # 7
PAGE 1 OF 1

