

CALIFORNIA COASTAL COMMISSION

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Hearing Date: Sept. 8-11, 1998
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-98-276

APPLICANT: MDR Properties, Inc.

AGENT: Linda Haas

PROJECT LOCATION: 114 Channel Pointe Mall (Lot 6, Block 17, Del Rey Beach Tract), Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Construction of a three-story, 45 foot high, 4,258 square foot single family residence with an attached three-car garage on a vacant lot.

Lot Area	2,888 sq. ft.
Building Coverage	1,835 sq. ft.
Pavement Coverage	0 sq. ft.
Landscape Coverage	1,053 sq. ft.
Parking Spaces	3
Zoning	R1-1: Single Family Residential
Ht abv fin grade	45 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending that the Commission grant a Coastal Development Permit for the proposed development with special conditions relating to the maintenance of public areas, compliance with underlying permit requirements, and the provision of adequate parking. The applicant agrees with the recommendation.

LOCAL APPROVAL RECEIVED:

1. City of Los Angeles Approval in Concept #98-057, 6/30/98.

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

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 in the private homeowners association established under Permit A-266-77 on a fair and equitable basis in the maintenance of all public areas and landscaping (including malls, parking nodes, buffer and pathway) installed pursuant to Coastal Development Permits A-266-77, 5-86-641 (Lee) and 5-87-112 (Del Rey Assoc.). The public areas shall be identified in the deed restriction.

The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is required.

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

Through the acceptance of this Coastal Development Permit, the applicant acknowledges that the subject site is subject to Coastal Development Permit 5-87-112 (Del Rey Assoc.) and that all development on the site and within the affected portions of the Del Rey Beach Tract must be consistent with Coastal Development Permit 5-87-112 (Del Rey Assoc.). All public areas provided and improved pursuant to Coastal Development Permit 5-87-112 (Del Rey Assoc.), including Channel Pointe (Yawl) Mall and the public streets and alleys, 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.

3. 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

The projects were proposed by a consortium of comprised of most of the owners of the approximately three hundred undeveloped lots located on Blocks 7 through 18 of the Silver Strand subdivision and Blocks 13 through 15 of the Del Rey Beach Tract (Exhibit #2). 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 (Exhibit #2).

The currently proposed project is located on a lot (Lot 6, Block 17, Del Rey Beach Tract) which is outside of the project area of approved Coastal Development Permit A-266-77 (ILA) (Exhibit #2). The Commission's approval of Coastal Development Permit A-266-77 (ILA), however, is still relevant as it remains the basis for the development of the Silver Strand area under subsequent approvals.

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. 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

Coastal Development Permit 5-87-112

The currently proposed project is located on one of the 36 lots subject to Coastal Development Permit 5-87-112 (Del Rey Assoc.) (Exhibit #2). The applicant's current proposal is similar in size and design to the previously approved single family residences in the area.

The Commission approved Coastal Development Permit 5-87-112 (Del Rey Assoc.) in 1987 for the development of streets, utilities, and single family residences on Blocks 16 and 17 in the southern portion of the Del Rey Beach Tract. The 36 lots subject to Coastal Development Permit 5-87-112 (Del Rey Assoc.) are located near Ballona 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, like the development approved under Coastal Development Permit A-266-77 (ILA), 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.). That condition is also applied to this permit.

The owners of the ten lots subject to Coastal Development Permit 5-86-641 (Lee) are also required by their permits 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. Maintenance of Public Areas

When the Commission approved Coastal Development Permits A-266-77 (ILA), 5-86-641 (Lee), and 5-87-112 (Del Rey Assoc.), 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 establishment of a homeowners association to maintain the public areas. The Isthmus Landowners Association

The proposed project provides the required three on-site parking spaces in a three-car garage located on the ground floor. In addition, as required on the previous Commission approvals in the area, the applicant is required to record a deed restriction stating that it will provide three on-site parking spaces. Only as conditioned is the proposed project consistent with the public access policies of the Coastal Act.

E. 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.

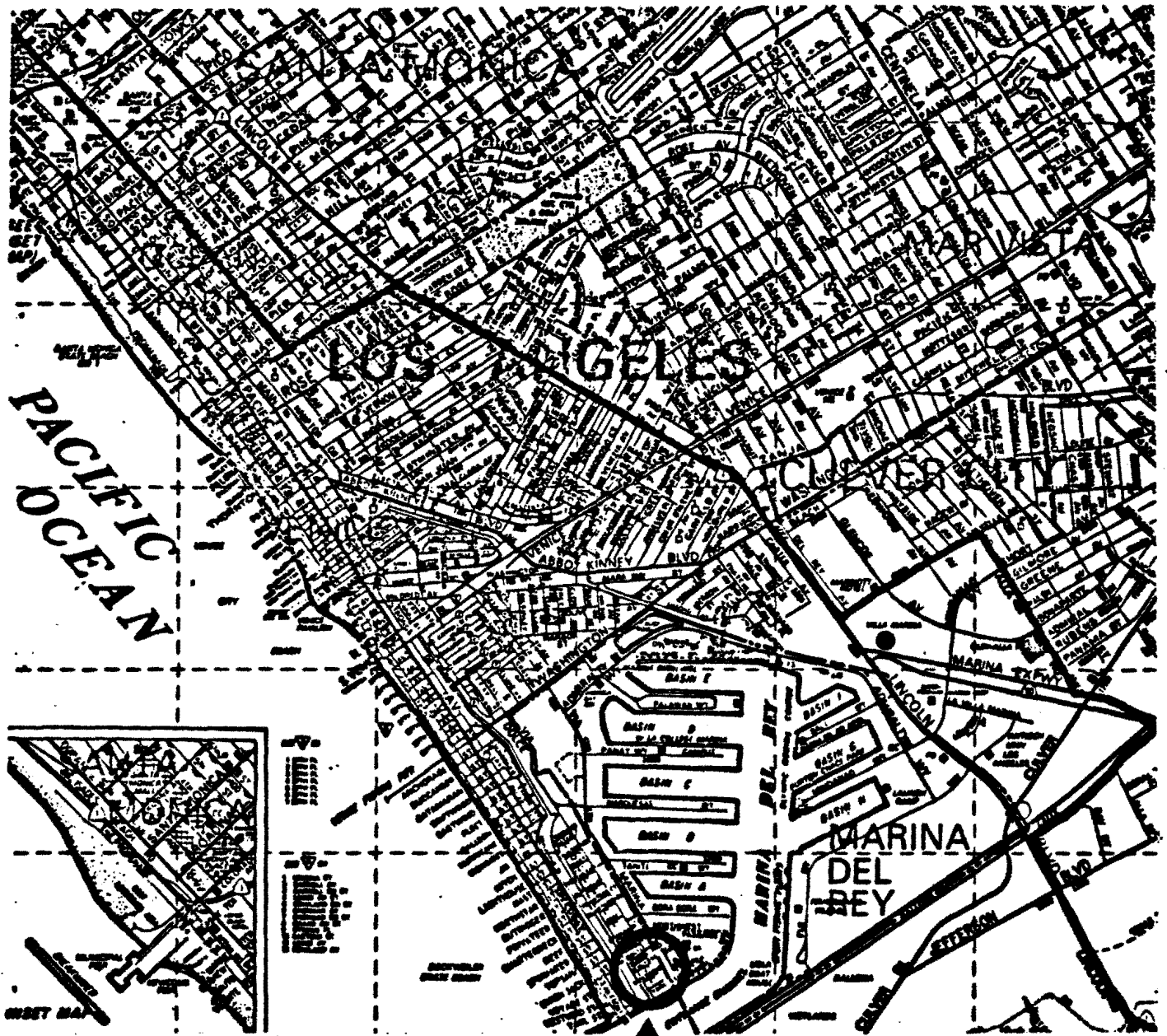
The Venice area of the City of Los Angeles does not have a certified Local Coastal Program. The proposed project, as conditioned, is consistent with the habitat, coastal access, and recreation policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned,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

F. 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)(A) 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 effect 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

Silver Strand / Del Rey Beach Tracts



Site

114 Channel Pointe Mall

COASTAL COMMISSION

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EXHIBIT # 1

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