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CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Long Beach, CA 90802-4302
(2) 590-5071



Filed: 6/10/99
49th Day: 7/29/99
180th Day: 12/7/99
Staff: CP-LB
Staff Report: 6/17/99
Hearing Date: July 13-16, 1999
Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NUMBER:** 5-99-186**APPLICANTS:** Douglas & Laurie Weitz**AGENT:** Andres M. Cardenas, AIA**PROJECT LOCATION:** 138 Union Jack Mall (Lot 18, Block 14, Del Rey Beach Tract), Venice, City of Los Angeles, Los Angeles County.**PROJECT DESCRIPTION:** Construction of a three-story, 37 foot high, 3,394 square foot single family residence with an attached three-car garage.

Lot Area	3,150 square feet
Building Coverage	1,778 square feet
Pavement Coverage	1,276 square feet
Landscape Coverage	96 square feet
Parking Spaces	3
Zoning	R1-1
Plan Designation	Single Family Residence
Ht above final grade	37 feet

LOCAL APPROVAL: City of Los Angeles Approval in Concept #99-052, 5/21/99.**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.

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 5-95-207 (Croutch).
4. Coastal Development Permit 5-87-112 (Del Rey Assoc.) & amendment.
5. Coastal Development Permits 5-96-223, 224, 246, 247 & 248 (Lee).
6. Coastal Development Permits 5-97-181 & 273 (Paragon).
7. Coastal Development Permits 5-97-150 & 5-97-318 (Lee).
8. Coastal Development Permit 5-97-330 (Hunter).
9. Coastal Development Permits 5-97-204, 5-97-288 & 5-98-050 (Ganezer).
10. Coastal Development Permits 5-98-204, 287, 288 & 289 (Legg).
11. Coastal Development Permit 5-98-501 (Drane).

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. Maintenance of Public Areas

Prior to authorization of permit, the applicants shall record a deed restriction, in a form and content approved by the Executive Director, binding the applicants and successors in interest to participate with the lot owners of the Silver Strand on a fair and equitable basis in the maintenance of the public areas, buffers and drainage devices prescribed by Coastal Development Permit A-266-77. The public areas shall be identified in the deed restriction. This 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 A-266-77 (ILA)

Through the acceptance of this Coastal Development Permit, the applicants acknowledge 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.

3. On-site Parking

Prior to authorization of permit the applicants shall record 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). This 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicants propose to construct a three-story, 41 foot high, 3,394 square foot single family residence on a vacant lot in the interior of the Del Rey Beach Tract in Venice (Exhibit #2). The proposed residence provides three on-site parking spaces inside a three-car garage accessed from Voyage Court (Exhibit #4). The site is located on a vacant lot situated between the rights-of-way of Union Jack Mall and Voyage Court (Exhibit #2). Voyage Court provides vehicular access to the site. Union Jack Mall, which fronts the site, is a landscaped public pedestrian mall which has been recently improved under the terms of Coastal Development Permit A-266-77 (ILA) (Exhibit #6).

The site and Union Jack Mall are located in the Del Rey Beach Tract (Exhibit #2). The Silver Strand subdivision is located one block 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 (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 18, Block 14, 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. 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. 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) established itself as the private homeowners association of the Isthmus Landowners Association (ILA) to maintain the lagoon buffer and other public areas.

Prior to 1998, however, the rights-of-way of Voyage Mall, Union Jack Mall, Westwind Court and Voyage Court were not yet improved as required by the terms of Coastal Development Permit A-266-77 (ILA) (Exhibit #6). The reason for this was due to financial considerations and agreements made between certain lot owners in the area. Mary Legg, the former 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.

In early 1998 several of the owners of the lots on Union Jack Mall and Voyage Mall cooperated to finance the required improvements of the public rights-of-way. The rights-of-way of Voyage Mall, Union Jack Mall, Westwind Court and Voyage Court have recently been improved for public access as required by the terms of Coastal Development Permit A-266-77 (ILA) (Exhibit #6). Most of the vacant lots along the public rights-of-way of Voyage Mall and Union Jack Mall are now being developed with single family homes under Commission approved Coastal Development Permits (Exhibit #3).

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 after 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) 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).

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. 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 applicants are required to record a deed restriction stating that they 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. In this case, the site is located on the Union Jack Mall right-of-way which has been landscaped and is open for public access. A four-space public parking area is provided on the Union Jack Mall right-of-way where it intersects with Via Donte (Exhibit #3).

Recordation of the required deed restriction will ensure that the applicants meets their 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).

D. 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 #4). In addition, as required on the previous Commission approvals in the area, the applicants are required to record a deed restriction stating that they 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 applicants acknowledge that the 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. 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.

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 of the California Code of Regulations requires Commission approval of 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 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.

End/cp

Silver Strand / Del Rey Beach Tracts



Site

COASTAL COMMISSION
5-99-186

EXHIBIT # 1
PAGE 1 OF 1

Site

Lot 18, Block 14

CDP

CDP

A-266-77

5-87-112

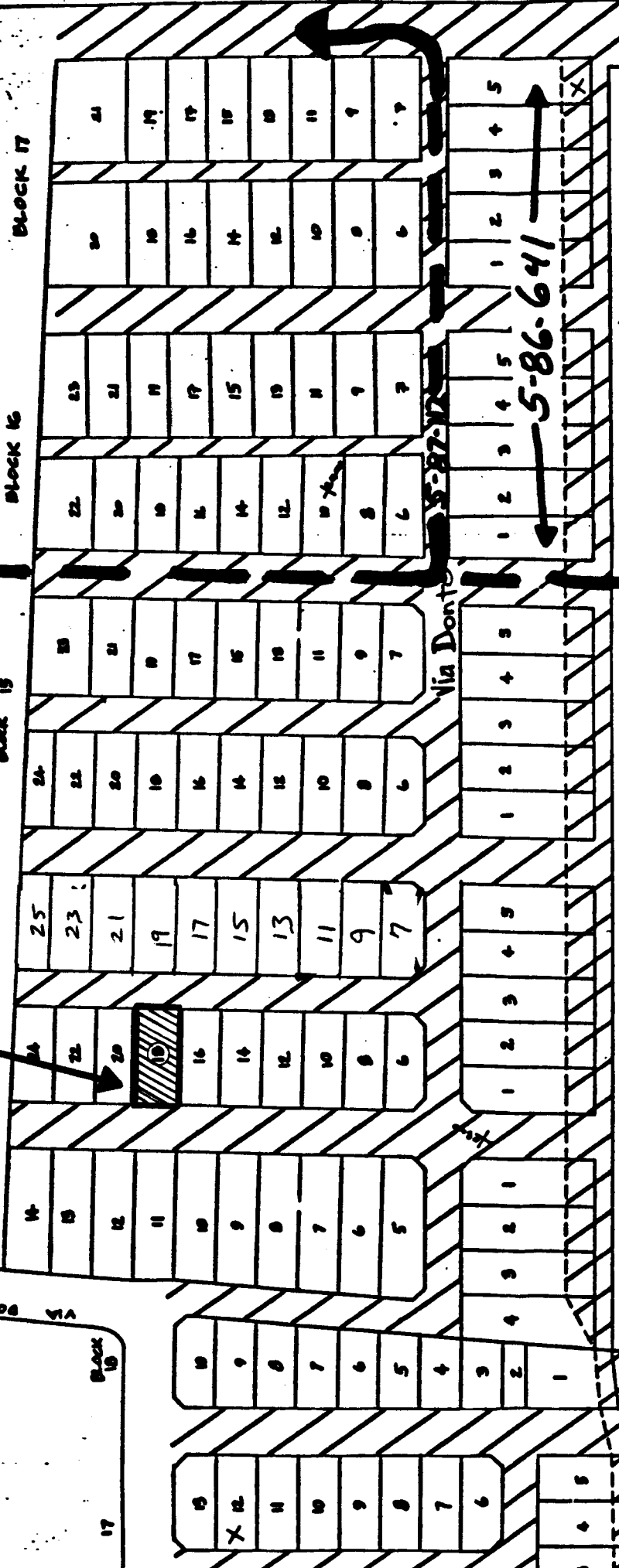
Block 14

Block 15

Block 15

Block 16

Block 17



VIA MARINA
 LEGASPI ALLEY
 CHANCELLER MALL
 YAVEL COURT
 WATERING MALL
 WATERS ALLEY
 (COURT)
 (COURT)
 VORAGE MALL
 BALLONA LAGOON
 PACIFIC AVENUE
 BEACH 7
 NORTH

CALIFORNIA COASTAL COMMISSION
 11/13/86, 11/14/86
 APPROVED ON 11/14/86
 AS CONFORMING TO FORMER'S DECISION
 RESPECTIVELY
 MICHAEL L. FISCHER
 EXECUTIVE DIRECTOR
 or James M. Black
 Title Coastal Analyst

EXHIBIT NO. 2
 APPLICATION NO.
 5-99-186
 Location Map

Via Donte

Lots 8-14 (7 SFDs)
5-97-150 (2nd)

Lot 6
5-96-224 5-96-225

Lot 7

Public
Parking

Via Donte

(Public
Beach
Parking
Lot

PLAN

UNION JACK MALL

Lot 10	Lot 12	Lot 14	Lot 16	Lot 18	Lot 20	Lot 22	Lot 24
5-98-287	5-97-318	5-97-280		5-99-186		5-98-142	

Union Jack Mall
COASTAL COMMISSION
5-99-186

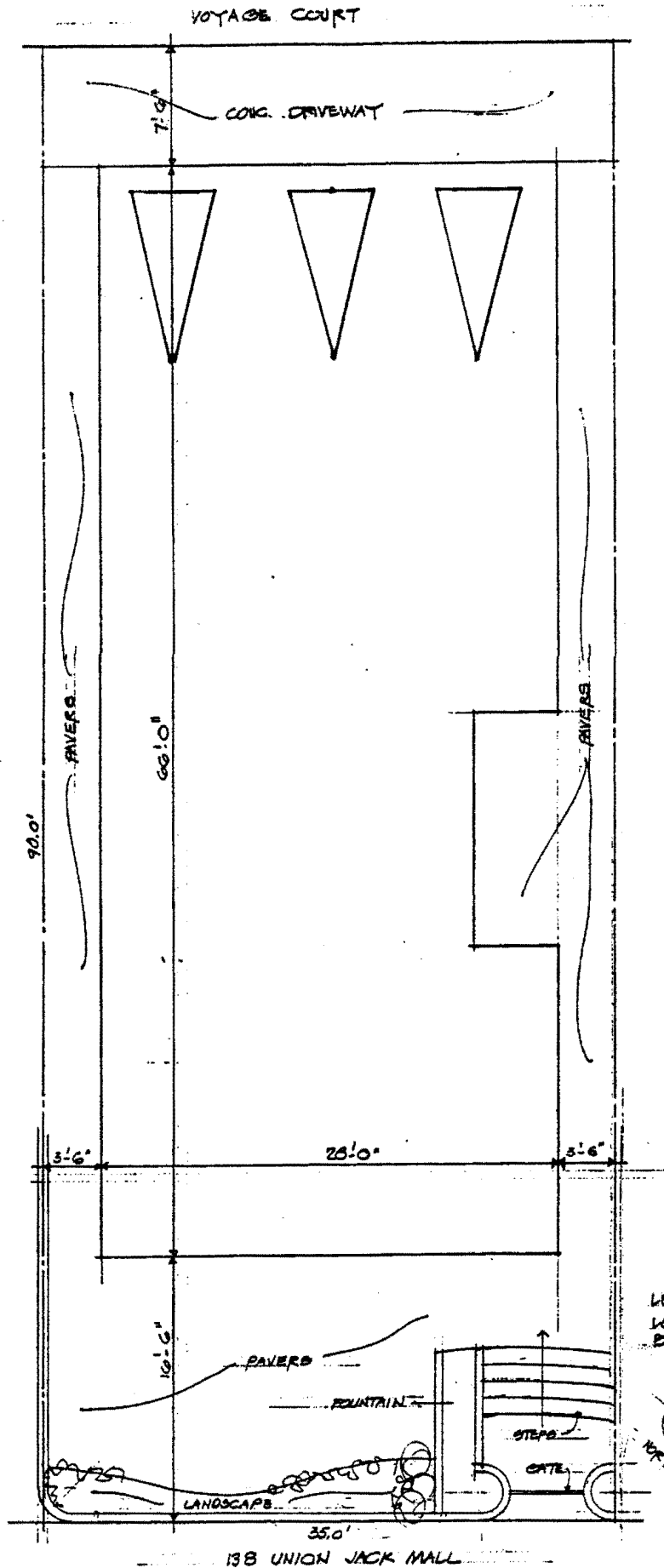
Voyage Court
Site

EXHIBIT # 3
PAGE 1 OF 1

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South Coast Region

JUN 10 1999

CALIFORNIA
COASTAL COMMISSION



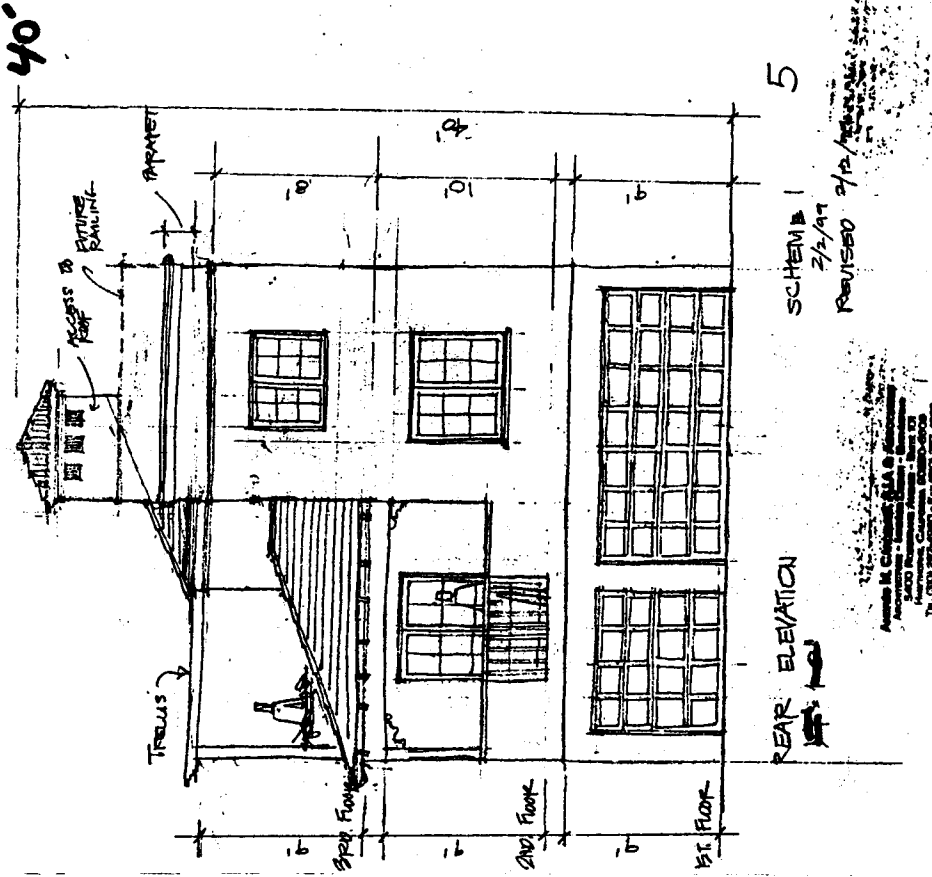
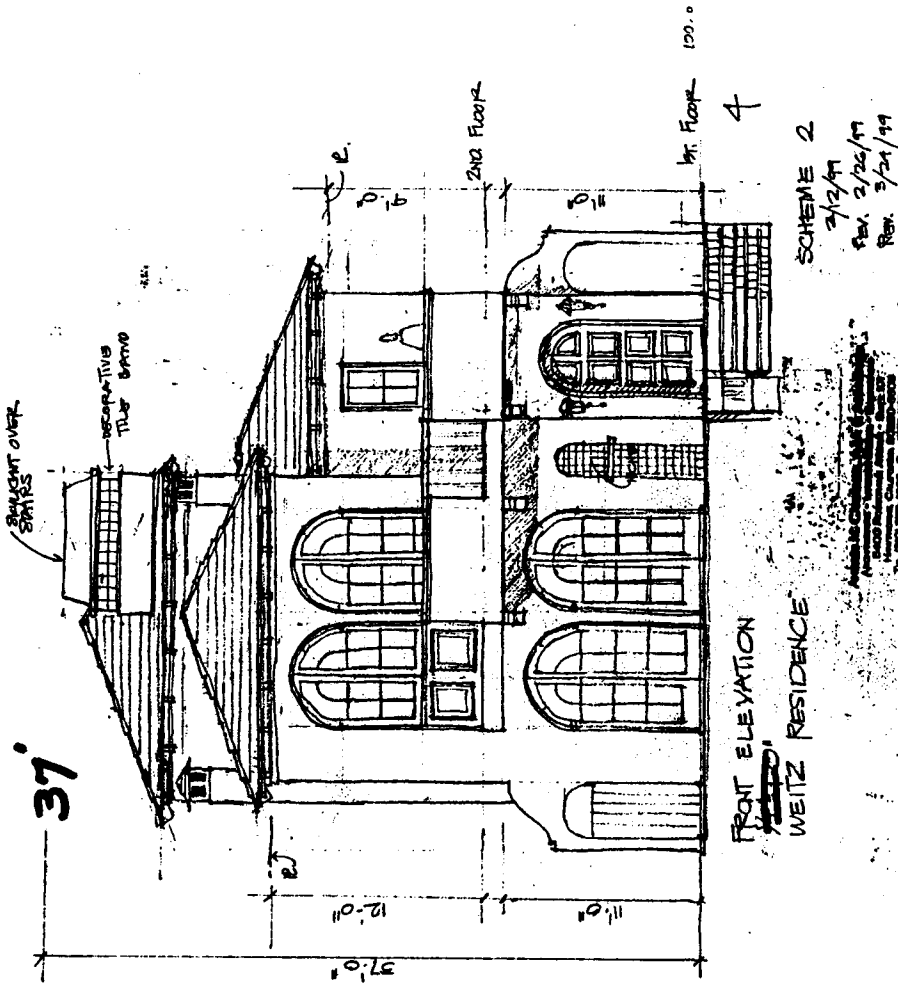
LEGAL DESCRIPTION
LOT 15
BLOCK 14

COASTAL COMMISSION
5-99-186

EXHIBIT # **4**

PAGE **1** OF **1**

PLOT PLAN
SCALE: 1" = 10'-0"



COASTAL COMMISSION

5-99-186

EXHIBIT #

PAGE 2 OF 2

B-00-304

CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 - (415) 543-5555

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

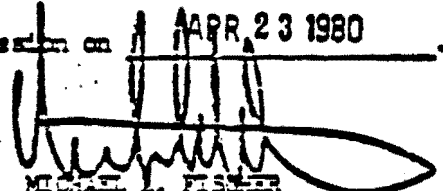
After public hearing held on July 16, 1979, the Commission found that, as conditioned, the proposed development is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976; will not prejudice the ability of the local government having jurisdiction over the area to prepare 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

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CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT


MICHAEL L. FISHER
Executive Director

By James P. McDaniel

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

5-99-186

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

5-99-186

EXHIBIT # 6

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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 plan 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

5-99-186

EXHIBIT # 6
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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

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