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CALIFORNIA COASTAL COMMISSION

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**RECORD PACKET COPY**

Filed: 10/30/00
 49th Day: 12/8/00
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 Staff: AM-LB *AM*
 Staff Report: 11/8/00
 Hearing Date: Dec. 12-15, 2000
 Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NUMBER:** 5-00-431**APPLICANT:** Winifred Drane**PROJECT LOCATION:** 150 Union Jack Mall (Lot 24, Block 14, Del Rey Beach Tract), Venice, City of Los Angeles, Los Angeles County.**PROJECT DESCRIPTION:** Construction of a four level, 45-foot high, 4,245 square foot single family home, with an attached three-car garage, on a vacant 2,735 square foot lot.

Lot Area	2,735 square feet
Building Coverage	1,636 square feet
Pavement Coverage	255 square feet
Landscape Coverage	844 square feet
Parking Spaces	3
Zoning	R-1-1
Plan Designation	Low Density Residential
Max Ht.	45 feet

LOCAL APPROVAL: Approval In Concept #ZA-2000-4547, City of Los Angeles Planning Department**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 permits, and provisions for adequate parking. The applicant agrees with the recommendation.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit A-266-77 (ILA) & amendment.
2. Coastal Development Permit 5-86-641 (Lee) and 5-87-112 (Del Rey Assoc.)
3. Coastal Development Permit 5-98-287 (Legg)
4. An Ecological Evaluation of Ballona Lagoon, by Dr. Richard Ford and Dr. Gerald Collier, May 7, 1976

STAFF RECOMMENDATION OF APPROVAL:

Motion:

I move that the Commission approve CDP No. 5-00-431 pursuant to the staff recommendation.

Staff Recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. Approval with Conditions

The Commission hereby **approves** a permit, subject to the conditions below, 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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

A) In order to maintain the public areas designated in the Silver Strand, the applicant shall 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 public areas shall be identified in the deed restriction (see Exhibit #2 of this report).

B) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restriction on development. The deed restriction shall include a legal description of the applicant's entire parcel. 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 Commission amendment to this coastal development permit.

2. Coastal Development Permit A-266-77 (ILA)

Through the acceptance of this Coastal Development Permit, the applicant acknowledges that the project 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, the other landscaped 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.

3. Parking

A) The applicant shall provide at least three off-street parking spaces on the project site. These parking spaces shall take access from the alleys (also called courts). The courts and street ends of the tract are designated for public parking and shall not be used for parking for the residence approved in this permit. This condition shall serve as notification that the underlying permit A-266-77 (ILA) for street improvements was conditioned to restrict preferential parking on the courts and street ends in the Silver Strand and reserve these streets for the public. It also serves notice that the streets and street ends adjacent to the home shall not be reserved to this homeowner.

B) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. 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 Commission amendment to this coastal development permit.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a four level, 45-foot high, 4,245 square foot single family home, with an attached three-car garage, on a vacant 2,735 square foot lot (See Exhibits). The site is an interior lot within the Del Rey Beach Tract (Lot 24, Block 14, Del Rey Beach Tract) (Exhibit #2).

The site is located on one of the last vacant lots in the Silver Strand. Ballona Lagoon is located approximately 500 hundred feet west of the site. It is situated between the Union Jack Mall right-of-way and Voyage Court (Exhibit #2). Union Jack Mall is an

improved, landscaped public right-of-way, which was required under the underlying permit A-266-77 (ILA).

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 recently been developed with single family residences. The proposed project is located on Lot 24, Block 14 of the Del Rey Beach Tract (Exhibit #2). The lot is one of the last undeveloped lots in the subdivision.

Although the two subdivisions (Silver Strand and Del Rey Beach) 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 (Ballona Lagoon). In response to the denial, the applicant (ILA) commissioned a report by biologists Dr. Richard Ford and Dr. Gerald Collier. The report recommended a 40-foot buffer setback from Ballona Lagoon. The California Department of Fish and Game recommended a larger lagoon buffer but in its final approval, the Commission adopted a map (see Exhibit #2) showing a variable lagoon buffer and front yard (lagoon facing) setback.

The projects were proposed by a consortium 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. 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. The proposed

project is located on a lot (Lot 24, 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. 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, 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's habitat and existing public access opportunities 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 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 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.

Since 1980, the approved grading has been completed in the Silver Strand, 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. Most of the individual lots have been improved with single family residences.

The amendment of Coastal Development Permit A-266-77 (ILA) also required that the lot owners located in the area subject to the permit 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.

Special Conditions are applied to Coastal Development Permit 5-00-431 that ensure compliance to the original permit A-266-77 (ILA) and prevent impediments to coastal access. 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.

C. Maintenance of Public Areas

When the Commission approved Coastal Development Permits A-266-77 (ILA), 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, in permit No. A-266-77 (ILA), the Commission required the establishment of a homeowners association to maintain the public areas. The Isthmus Landowners Association (ILA) was named as the homeowners association which would maintain the public areas as required. 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.

Therefore, special condition #1 requires the applicant to record a deed restriction binding the applicant and all successors in interest to participate with the other lot owners subject to Coastal Permits A-266-77 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 Permits A-266-77. The public areas shall be identified in the deed restriction (See Exhibit #2). The applicant has agreed to this condition.

The required deed restriction ensures that the applicant and its successors meet the obligation to participate in the mitigation of the cumulative impacts which the development of the Silver Strand area, including the subject lots, has had on the coastal resources in the area as identified in Coastal Development Permits A-266-77 (ILA).

Special Condition #2 requires the applicant acknowledge that the proposed project is subject to Coastal Development Permit A-266-77 and shall be consistent with this underlying permit. The public areas provided and improved pursuant to Coastal Development Permit A-266-77 (ILA) shall remain open and available for the use by the general public. The public areas provided and improved pursuant to Coastal Development Permit A-266-77 (ILA) include the landscaped public right-of-way (Union Jack Mall), the other landscaped malls, the public streets and alleys, all public parking spaces, and the Ballona Lagoon public access path. The deed restriction will ensure that the applicant meets the obligations of the underlying permit A-266-77 (ILA).

As conditioned the proposed project is consistent with the Chapter 3 policies of the Coastal Act, and with the underlying permit A-266-77 (ILA).

H. 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....

There is a parking shortage in this area of Venice. The courts and street ends are used primarily for public access to the lagoon and Venice Beach. If this parking were used for residential use, public beach and lagoon visitor access would be negatively impacted.

Therefore, the Commission requires 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 three required on-site parking spaces in an attached three-car garage (Exhibit #3). In addition, the applicant is required to record a deed

restriction stating that at least three on-site parking spaces will be provided, and that they shall take access from Voyage Court, 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 parking for this residence. The underlying permit No. A-266-77 (ILA), which permitted the street improvements for the Silver Strand, was conditioned to restrict preferential parking. The courts and street ends were reserved for public access to the beach and lagoon area. The deed restriction shall serve as notification to future homeowners that the courts and street ends are designated for the public and not reserved for use by the homeowners.

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.

I. 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.

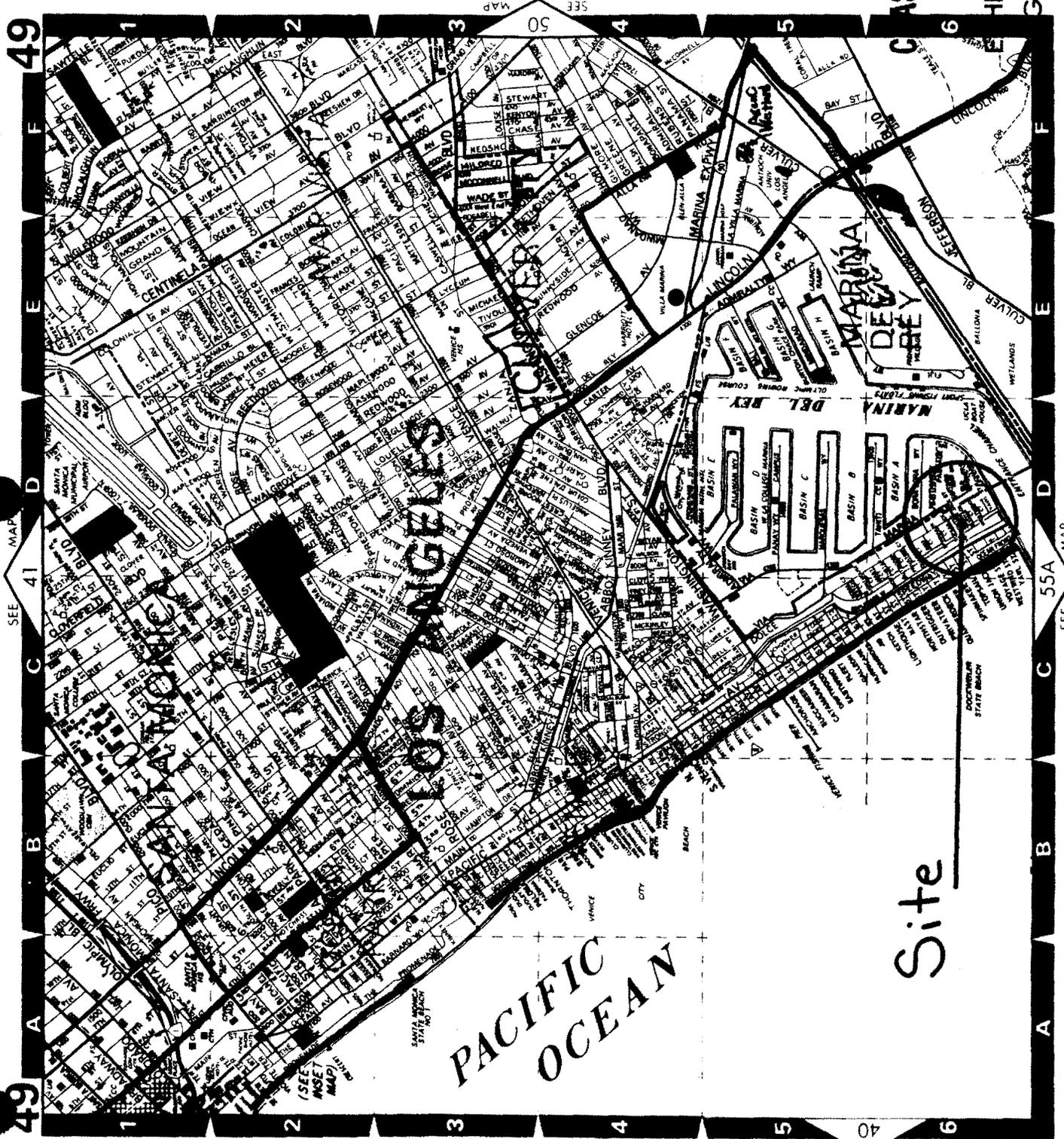
The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a draft Land Use Plan (LUP) for Venice on October 29, 1999, and has submitted it for Commission certification. The proposed project, as conditioned, conforms to the draft Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 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).

J. 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/am



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 EXHIBIT # 1
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SEE MAP 50

SEE MAP 55A

Site

PACIFIC OCEAN

Site

CDP
A-266-77
5-87-112
CDP
5-87-112

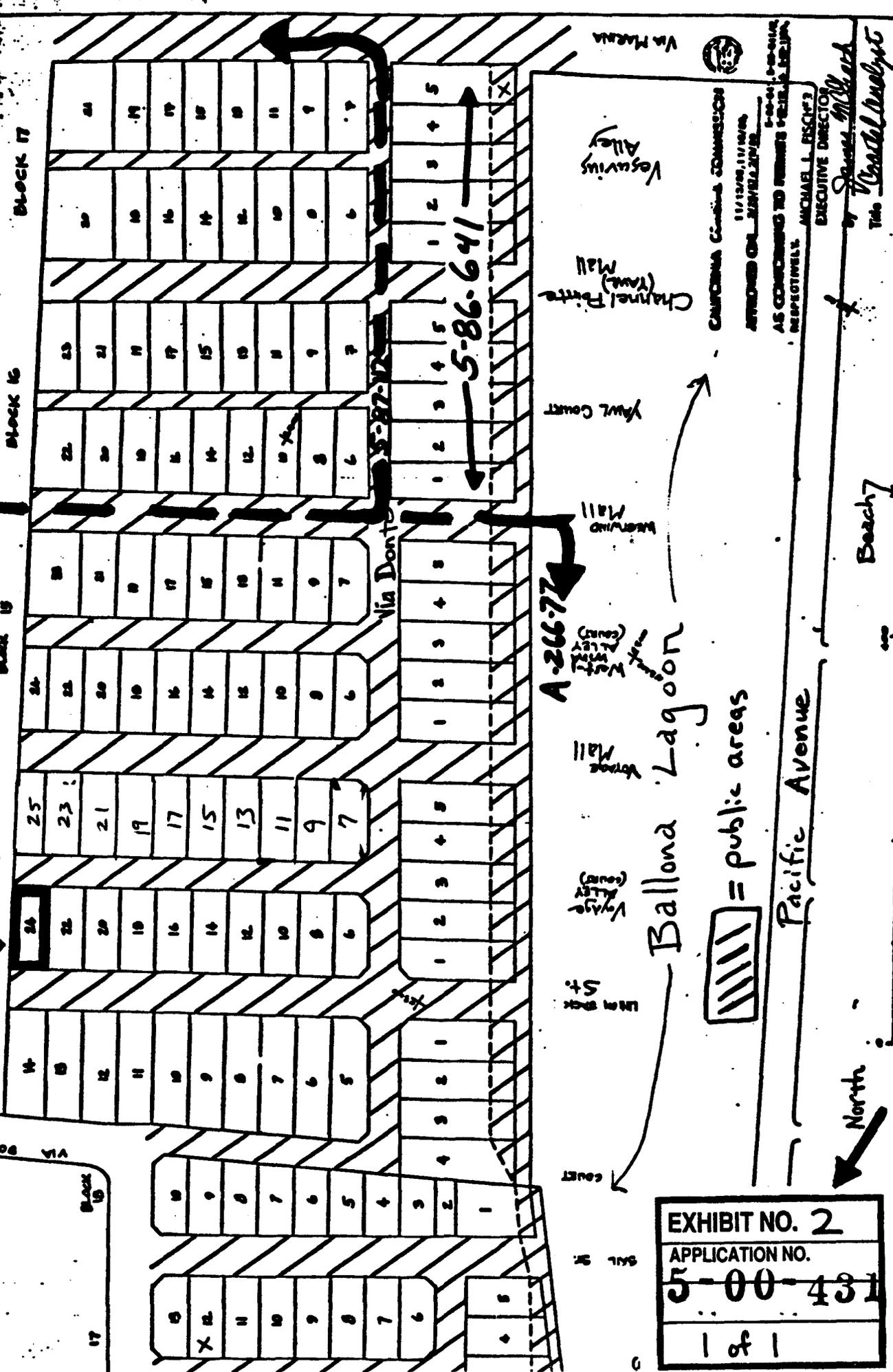


EXHIBIT NO. 2
APPLICATION NO.
5-00-431
1 of 1

CALIFORNIA COASTAL COMMISSION
11/12/76, 11/15/76
APPROVED ON 11/15/76
AS CONCERNING TO MEMBERS PERIODICALLY
RESPECTIVELY
MICHAEL L. FISHER
EXECUTIVE DIRECTOR
or James M. Black
The Coastal Landmarks

Via Marina
Vesuvius Alley
Channel Pointe (Yawl) Mall
Yawl Court
Hearing Mall
Horse Mall
Voyage Alley (Court)
Ballona Lagoon
Pacific Avenue
Beach

Via Dantes

5-86-641

A-266-77

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Block 15

Block 14

Block 13

Block 12

Block 11

Block 10

Block 9

Block 8

Block 7

Block 6

Block 5

Block 4

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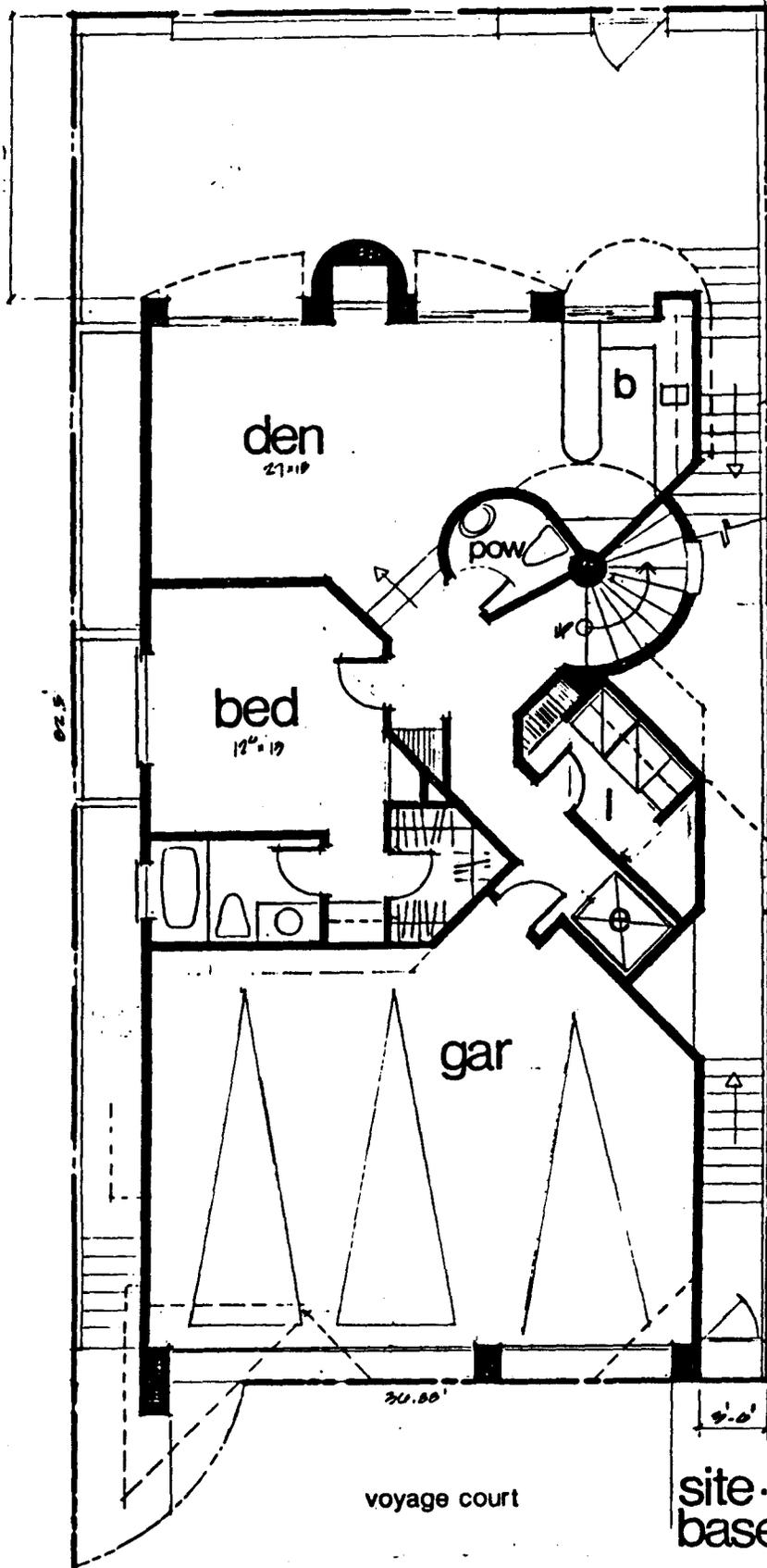
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union jack mall



COASTAL COMMISSION
5-00-431

EXHIBIT # 3

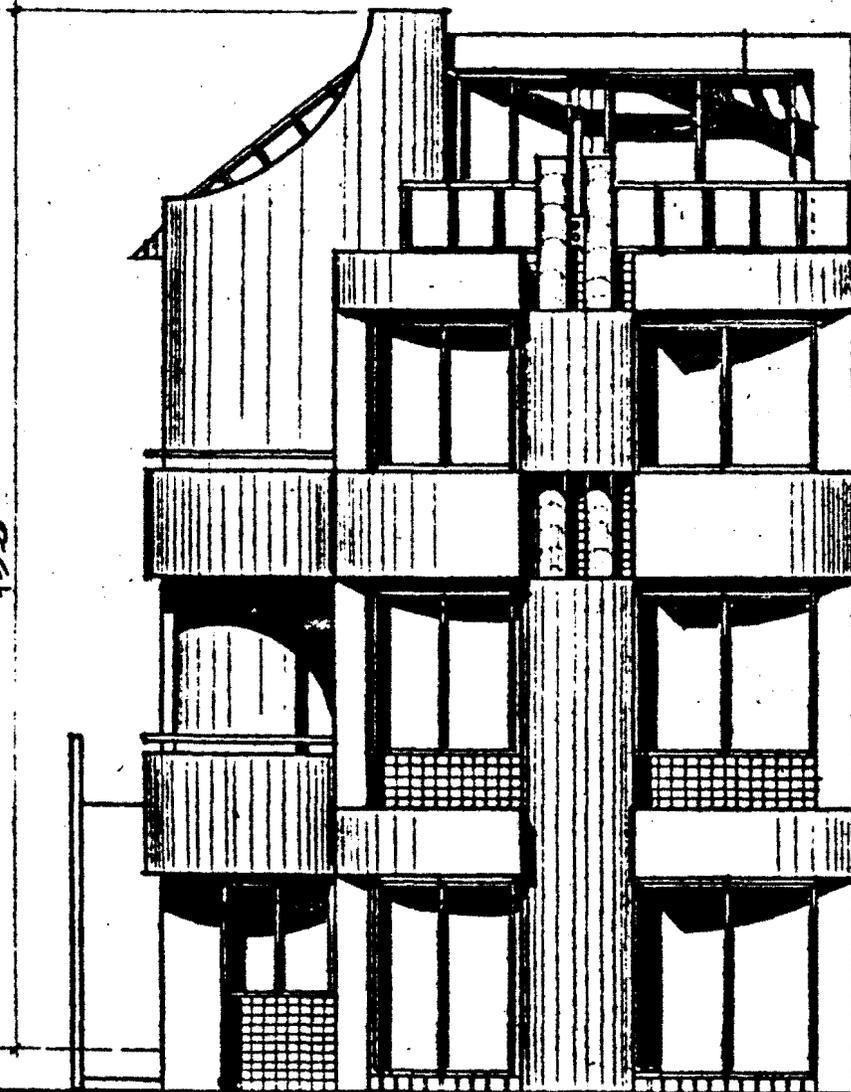
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voyage court

site..
basement 1000 S.F.

1900 S. UNION JACK MALL - LOT 24

DESIGNED BY W. DRANE 4246



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MSE / C

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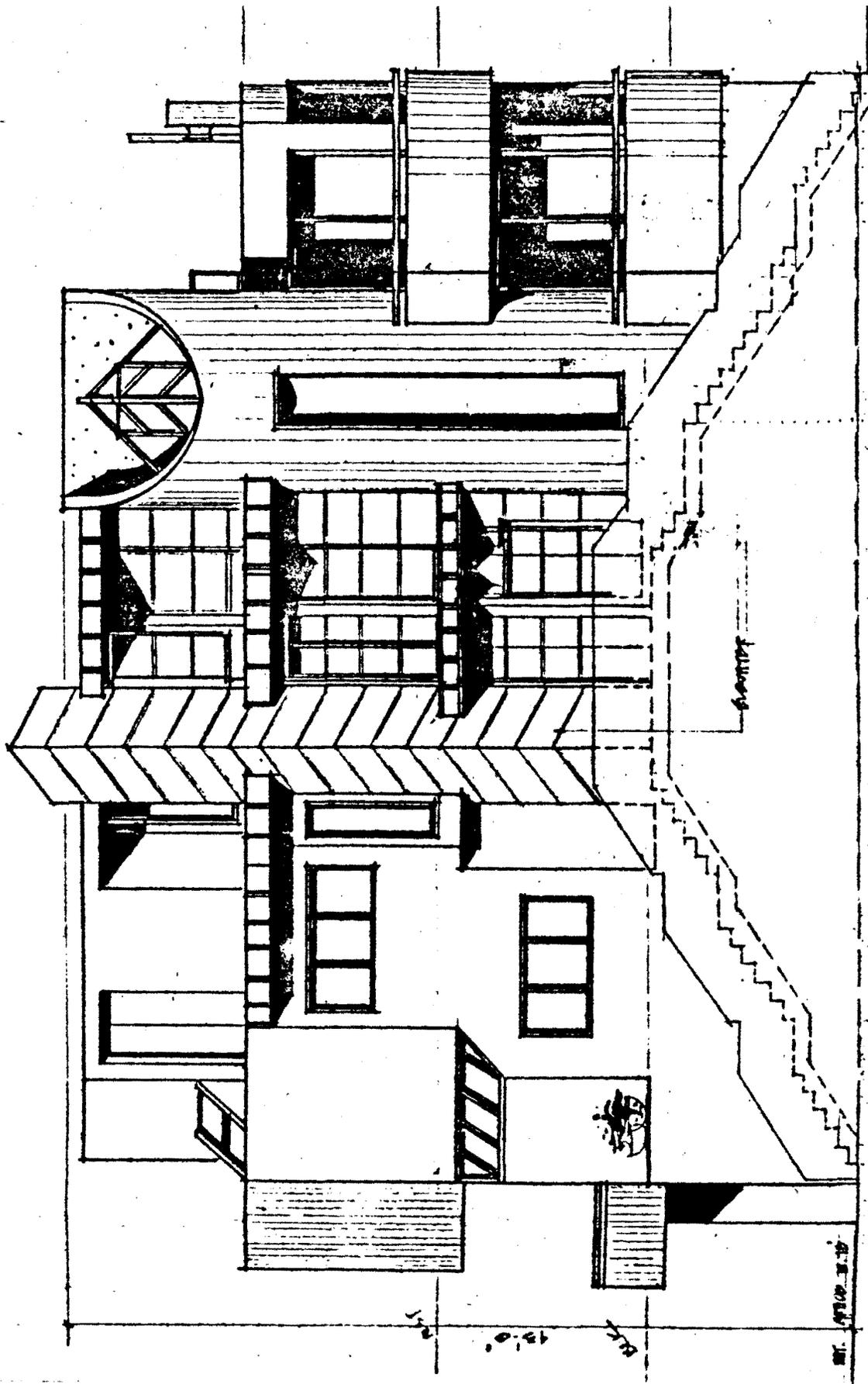
INT. ARCH
PRO. 6/24/57
R. 19

front

union jack mall

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COASTAL COMMISSION
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EXHIBIT # 5

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