

CALIFORNIA COASTAL COMMISSION

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Filed: 9/14/2001
49th Day: 11/02/2001
180th Day: 3/13/2002
Staff: CP-LB
Staff Report: 11/16/2001
Hearing Date: Dec. 11-14, 2001
Commission Action:

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-01-366**RECORD PACKET COPY****APPLICANT:** Diversified Holdings, LLC**AGENT:** Robert MacKenzie, Architect**PROJECT LOCATION:** 122 Channel Pointe Mall (Lot 10, Block 17, Del Rey Beach Tract), Venice, City of Los Angeles, Los Angeles County.**PROJECT DESCRIPTION:** Construction of a four-level, 45-foot high, 4,971 square foot single family residence with an attached three-car garage on a vacant lot.

Lot Area	2,888 square feet
Building Coverage	1,820 square feet
Pavement Coverage	727 square feet
Landscape Coverage	341 square feet
Parking Spaces	3
Zoning	R1-1
Plan Designation	Single Family Residence
Ht above final grade	45 feet

LOCAL APPROVAL: City of Los Angeles Planning Department, Project Permit Compliance, Case No. DIR2001-3321 (SPP), 8/11/2001.**SUBSTANTIVE FILE DOCUMENTS:**

1. Coastal Development Permit A-266-77 (ILA) & amendment.
2. Coastal Development Permit 5-87-112 (Del Rey Assoc.) & amendment.
3. Coastal Development Permit 5-86-641 (Lee) & amendments.
4. Coastal Development Permit 5-98-277 (MDR Properties, Inc.).
5. Coastal Development Permit 5-01-070 (Schutz).
6. Coastal Development Permit Amendment 5-95-116-A2 (Bailey).

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, provision of permeable yard area, and the provision of adequate parking. The applicant agrees with the recommendation.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION

"I move that the Commission approve with special conditions Coastal Development Permit 5-01-366 per the staff recommendation as set forth below."

Staff recommends a **YES** vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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 and Del Rey Beach tracts, the applicant and all successors in interest shall participate in the private homeowners association established under amended Coastal Development Permit A-266-77 (ILA) on a fair and equitable basis in the maintenance of all public areas and landscaping (including pedestrian malls, parking nodes, and the lagoon buffer and pathway) installed pursuant to Coastal Development Permits A-266-77 (ILA), 5-86-641 (Lee) and 5-87-112 (Del Rey Assoc.). The public areas shall be identified in the deed restriction as shown on the attached "Public Areas Exhibit – Del Rey/Silver Strand."

B) **Prior to authorization 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. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

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

Through the acceptance of this coastal development permit, the applicant acknowledges and agrees as follows:

A) The project site is subject to Coastal Development Permit 5-87-112 (Del Rey Assoc.) and that all development must be consistent with Coastal Development Permit 5-87-112 (Del Rey Assoc.), and;

B) All public areas provided and improved pursuant to Coastal Development Permit 5-87-112 (Del Rey Assoc.), including Channel Pointe (Yawl) Mall, Westwind 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.

3. On-site 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 shall not be used as parking for the residence approved by this coastal development permit. This condition shall serve as notification that amended

Coastal Development Permit A-266-77 (ILA) reserves parking on the street ends in the Silver Strand area for public parking, and that these public parking areas shall not be used for preferential parking. It also serves notice that the street and street ends adjacent to the project site shall not be reserved to any homeowner(s).

B) Prior to authorization 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. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

4. Permeable Yard Area

In order to reduce the amount of runoff leaving the site and to preserve the water quality and biological productivity of Ballona Lagoon, a permeable yard area shall be maintained in the front yard area between the structure and the front property line. The area within a fifteen-foot front yard setback shall be maintained as the required permeable yard area as shown on **Exhibit #3 of 11/16/01** staff report. Uncovered means that no building extensions (i.e. balconies, stairs, trellises) shall be placed in or over the 525 square foot permeable yard area. No more than twenty percent (20%) of the permeable front yard area shall be covered with impervious materials (i.e. walkway, fences and garden walls). At least eighty percent (80%) of the 525 square foot front yard area shall be maintained in a permeable state.

5. Permit 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 submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a four-level, 45 foot high, 4,971 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 within a three-car garage accessed from the rear alley (Exhibit #3). A permeable front yard area is being proposed as part of the project.

The project site is situated between the rights-of-way of Channel Pointe Mall and Via Marina Court (Exhibit #2). Channel Pointe Mall, which fronts the site, is a landscaped public pedestrian mall which has been improved under the terms of Coastal Development Permit 5-87-112 (Del Rey Assoc.). Channel Pointe Mall is also known as Yawl Mall.

The site and Channel Pointe Mall are located in the Del Rey Beach Tract (Exhibit #2). The Silver Strand subdivision is located three blocks north of the site. Ballona Lagoon is located about two 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 commence until the late 1970's. Therefore, the Commission has reviewed and permitted the development of the subdivision lots 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 coastal development 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 10 of Block 17, Del Rey Beach Tract**) outside of the project area of approved Coastal Development Permit A-266-77 (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) that 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. 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.

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.

The findings and special conditions of approval established through the Commission's approval of Coastal Development Permit A-266-77 (ILA) have become the standard by which subsequent permits in the area are reviewed in order to ensure consistency with the Chapter 3 policies of the Coastal Act. Using the standards set by its approval of Coastal Development Permit A-266-77 (ILA), the Commission approved permits for the development of 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). The currently proposed project is located in the area that is subject to one of those approvals: Coastal Development Permit 5-87-112 (Del Rey Assoc.) [See Exhibit #2].

The Commission approved two permits, both modeled by Coastal Development Permit A-266-77 (ILA), for the development of the southern portion of the Del Rey Beach Tract which was not subject to Coastal Development Permit A-266-77 (ILA). Coastal Development Permit 5-86-641 (Lee) allowed the development of ten single family residences on ten lots situated along the east bank of Ballona Lagoon, and Coastal Development Permit 5-87-112 (Del Rey Assoc.) allowed the development of streets, utilities, and 36 lots with single family residences on a southern portion of the Del Rey Beach Tract (Exhibit #2). The currently proposed project is located on one of the 36 lots subject to Coastal Development Permit 5-87-112 (Exhibit #2).

Coastal Development Permit 5-87-112

As stated above, the currently proposed project is located on one of the 36 lots that are subject to Coastal Development Permit 5-87-112 (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.) [See attached "Public Areas Exhibit – Del Rey/Silver Strand"]. That condition is also applied to this permit.

The owners of the ten lots subject to Coastal Development Permit 5-86-641 (Lee) have also been required by their respective 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.).

Coastal Development Permit 5-98-277

On September 9, 1998, the Commission approved Coastal Development Permit 5-98-277 (MDR Properties, Inc.) for four single family residence on four lots on Channel Pointe Mall, including the subject site. The previously approved residence on the site was a 45-foot high, 4,677 square foot house, very similar to the currently proposed project. Coastal Development Permit 5-98-277 expired on September 9, 2000.

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 on public rights-of-way, the public access path along the lagoon, and the area's drainage devices [See attached "Public Areas Exhibit – Del Rey/Silver Strand"]. 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 (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.

Subsequent to the Commission's 1979 approval of the amendment to Coastal Development Permit A-266-77, the Commission began conditioning all individual coastal development permits for single family residences in the Silver Strand area to require a deed restriction stating that each applicant is required to participate with the other lot owners in the maintenance of the public areas. The purpose of the condition is to ensure that all lot owners who benefit from development of their property participate in the mitigation of the cumulative impacts of the development of the area.

As required on the previous Commission approvals in the area, the applicant is required to record a deed restriction stating that it 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 Permits A-266-77 (ILA), 5-86-641 (Lee), and 5-87-112 (Del Rey Assoc.) [See attached "Public Areas Exhibit – Del Rey/Silver Strand"]. The requirement to participate with the other lot owners of the Silver Strand on a fair and equitable basis in the maintenance of the public areas runs with the land as the residences are sold to new owners.

The applicant is also required to acknowledge that the public areas provided and improved pursuant to Coastal Development Permit 5-87-112 shall remain open and available for use by the general public on the same basis as similar public areas within the City.

The required deed restriction ensures that the applicant and all successors meet the 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 Permits A-266-77 (ILA), 5-86-641 (Lee), and 5-87-112 (Del Rey Assoc.). Only as conditioned is the proposed development consistent with the Chapter 3 policies of the Coastal Act.

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 three required on-site parking spaces in an attached three-car garage. In addition, as required on the previous Commission approvals in the area, the

applicant is required to record a deed restriction stating that the three required on-site parking spaces will be provided and maintained as proposed. Only as conditioned is the proposed project consistent with the public access policies of the Coastal Act.

E. Marine Resources and Water Quality

The Commission has found that Ballona Lagoon and the Venice Canals are sensitive habitat areas that must be protected from negative impacts associated with development.

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.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project is located about two hundred feet from Ballona Lagoon and the Marina del Rey entrance channel (Exhibit #2). Ballona Lagoon, part of the Ballona Wetlands system, is habitat for many species of marine biota, including the state and federally listed endangered least tern. Drainage leaving the project site drains into coastal waters via the City stormwater system. The introduction of urban runoff, including pesticides, garden

fertilizers, and runoff from impervious surfaces, can reduce the water quality of coastal waters which directly impacts the biological productivity of the system.

In order to protect the biological productivity of the Venice Canals and Ballona Lagoon, the Commission has consistently conditioned projects along the waterways to provide and maintain front yard setbacks (fifteen-foot average setback) and permeable yard areas to absorb and filter rainwater and site drainage before it enters the canals [e.g. Coastal Development Permit 5-00-018 (Orenstein)]. The Commission's requirements are consistent with the recommendations of the Santa Monica Bay Restoration Project Action Plan to reduce non-point source pollutants.

The Commission has consistently conditioned projects in the Venice Canals to provide and maintain a large permeable front yard as a setback from the canal to enhance public access, to provide an area for percolation to protect the water quality and biological productivity of the canals, and to protect community character by maintaining a comparable scale between buildings in the area. The permeable front yard area allows rain and irrigation water to seep into the ground, minimizing run-off directly into the canals. An impervious front yard could facilitate a "rush" of water run-off which would increase the amount of sediments and pollutants that are washed into the adjacent canal.

Several prior developments in the Silver Strand area have proposed to include permeable yard areas as part of the proposed development. Although the Commission has required (since the 1970's) the provision of permeable yard areas on all new single family residences situated on the banks of Ballona Lagoon and the Venice Canals, it has not routinely mandated permeable yards for projects in the Silver Strand area that are not situated on the banks of the waterways. However, all new homes in the area, whether situated directly on the banks of the waterways or a few hundred feet inland, contribute to the total amount of surface runoff that is discharged into coastal waters. The runoff from impervious surfaces usually carries pollutants including pesticides, garden fertilizers and animal feces, into the receiving waters. This polluted runoff negatively affects the biological productivity and recreational values of the receiving waters.

Therefore, in order to reduce the amount of runoff leaving the site and to preserve the water quality and biological productivity of the coastal waters, the proposed project is not permitted to convert the vacant property into a one hundred percent impervious surface. A portion of the site must be maintained as a permeable area to reduce the total amount of runoff that leaves the site. The applicant has agreed to provide maintain the front yard area as a permeable area on the project site.

In prior Commission actions in the Venice Canals neighborhood, it determined that no more than eighty percent (80%) of the required front yard setback area could be covered with impervious materials and be considered to be a permeable yard [See Coastal Development Permit Amendment 5-95-116-A2 (Bailey)]. The proposed project has a fifteen-foot front yard setback (front property line to balconies) which is consistent with the front yard setbacks and permeable yard areas required by the Commission in the Venice Canals and Silver Strand areas. The front yard area within the project's proposed fifteen-foot setback is 525 square feet.

Therefore, In order to reduce the amount of runoff leaving the site and to preserve the water quality and biological productivity of Ballona Lagoon, the permit is conditioned to require that the applicant provide and maintain a permeable yard area within the proposed fifteen-foot front yard setback as shown on **Exhibit #3 of 11/16/01** staff report. No more than twenty percent (20%) of the permeable front yard area shall be covered with impervious materials (i.e. walkway, fences and garden walls). At least eighty percent (80%) of the 525 square foot front yard area shall be maintained in a permeable state. Therefore, at least 420 square feet of the front yard must be maintained in permeable state.

The Commission finds that, only as conditioned to provide a permeable front yard area to mitigate impacts on biological productivity caused by surface runoff into coastal waters, is the proposed project consistent with the marine resource and water quality provisions of the Coastal Act.

F. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice on October 29, 1999. On November 29, 1999, the City submitted the draft Venice LUP for Commission certification. On November 14, 2000, the Commission approved the City of Los Angeles Land Use Plan (LUP) for Venice with suggested modifications. On March 28, 2001, the Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as it was approved by the Commission on November 14, 2000. The Venice LUP was officially certified by the Commission on June 12, 2001.

The proposed project, as conditioned, conforms with the certified 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).

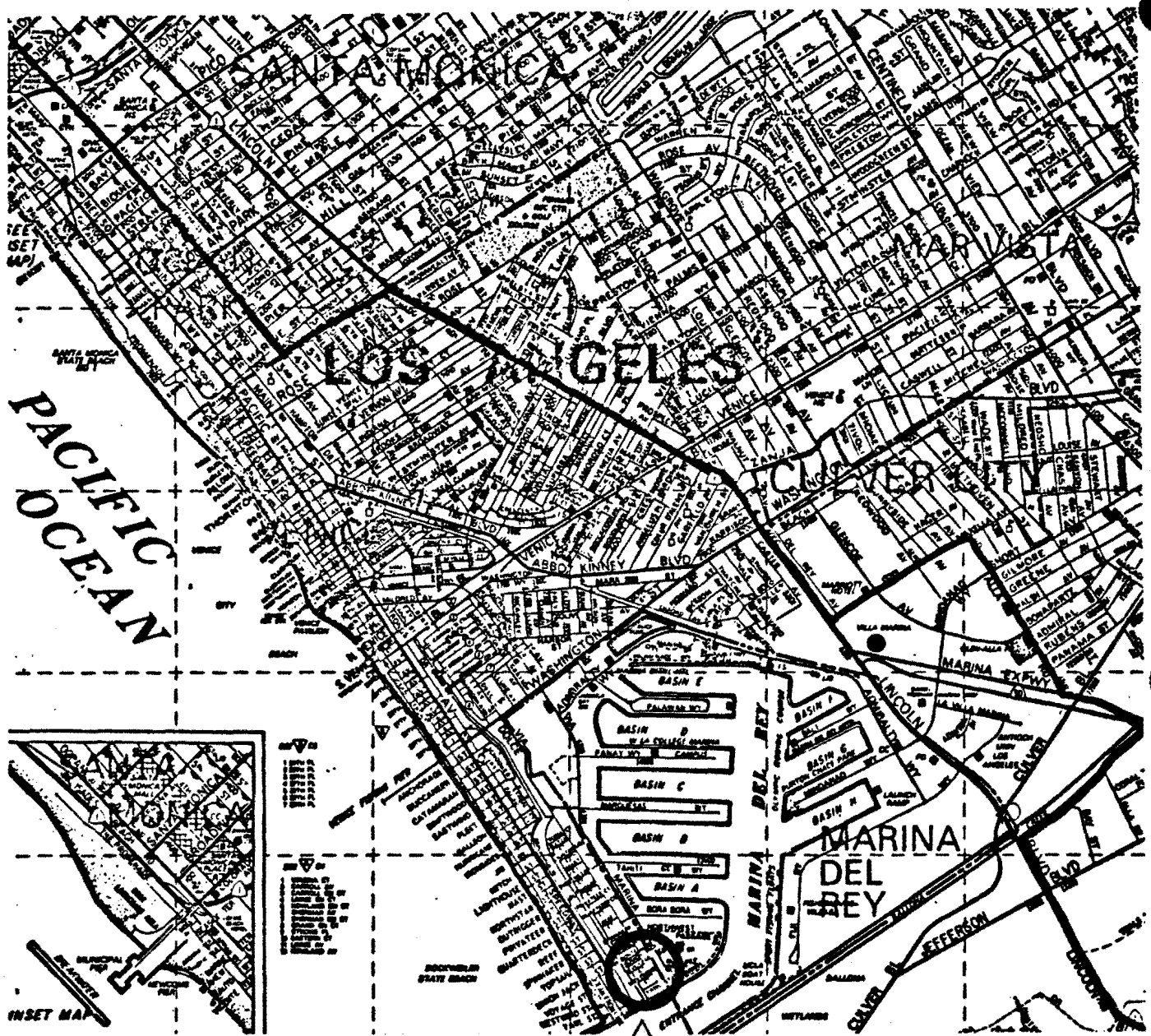
G. California Environmental Quality Act (CEQA)

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)(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 by the recommended conditions of approval and there are no feasible alternatives or additional 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

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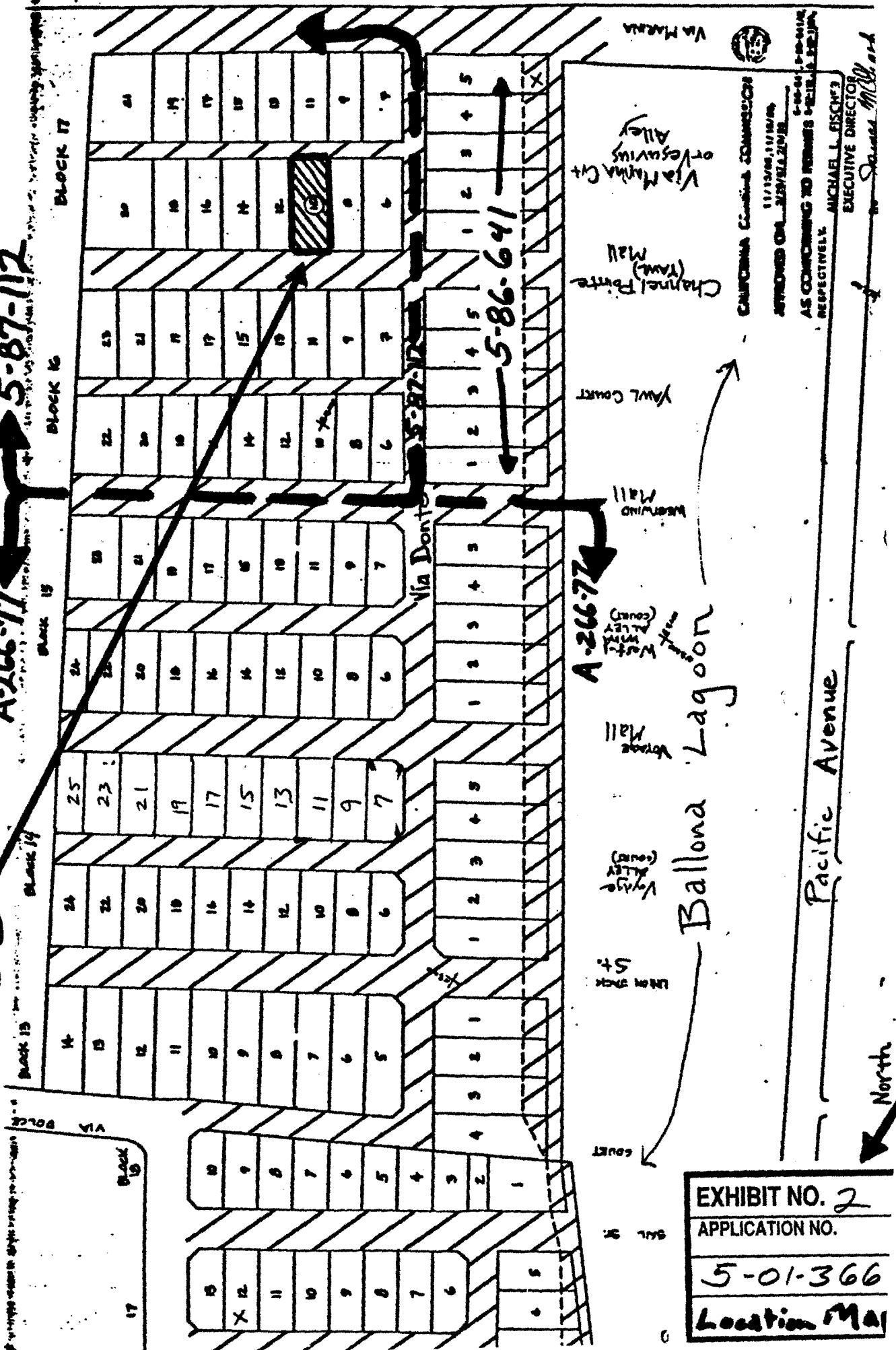
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EXHIBIT # 1

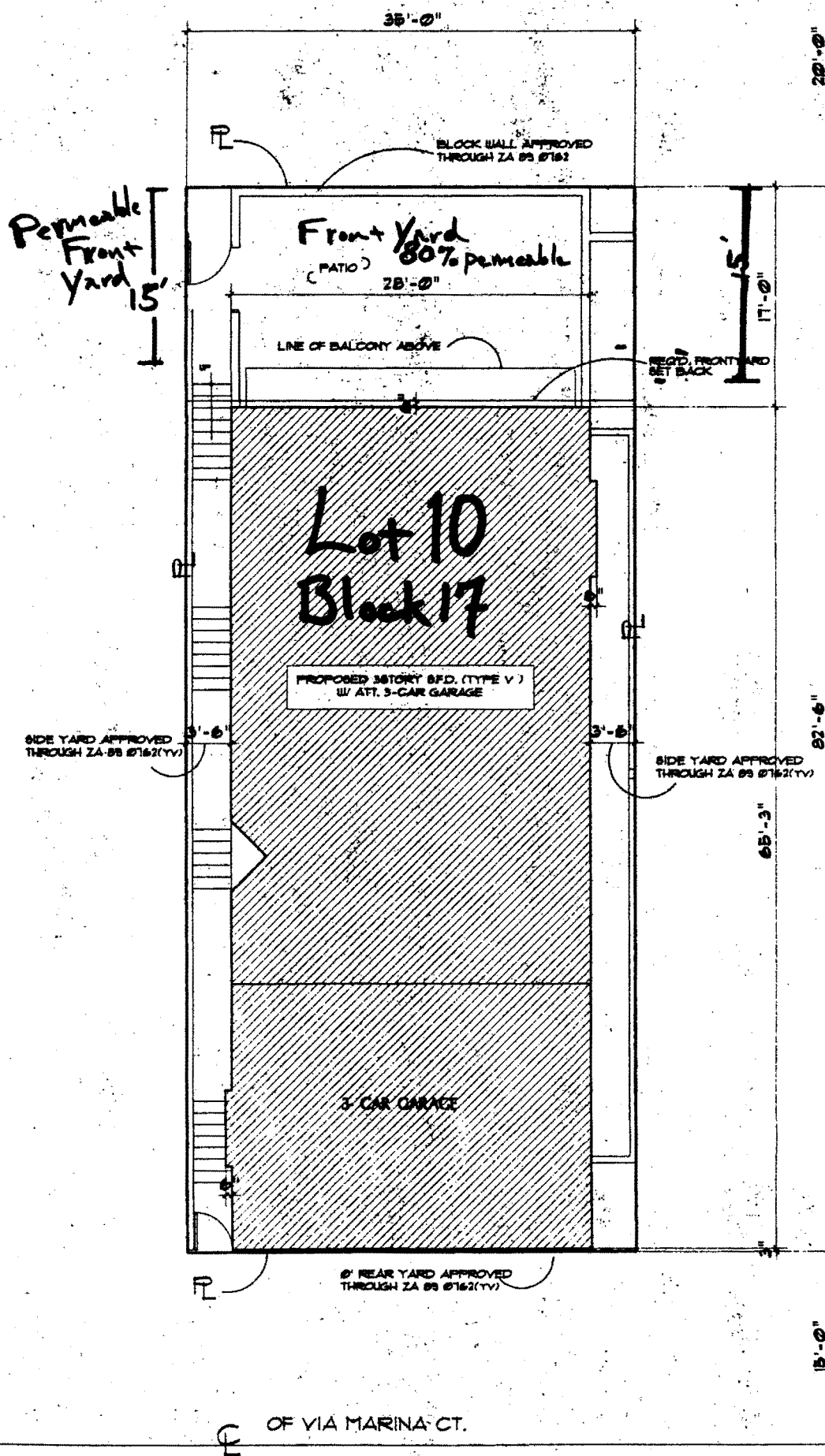
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Lot 10, Block 17

CDP
A-266-77 ← → 5-87-112



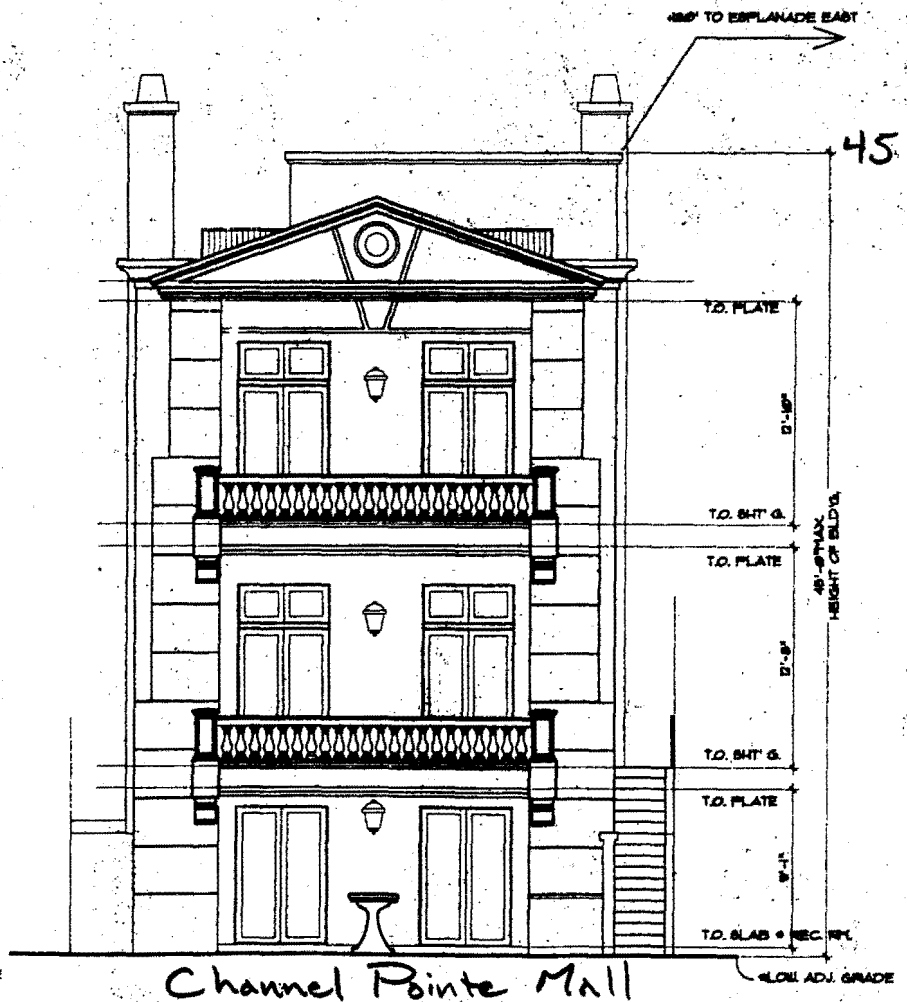
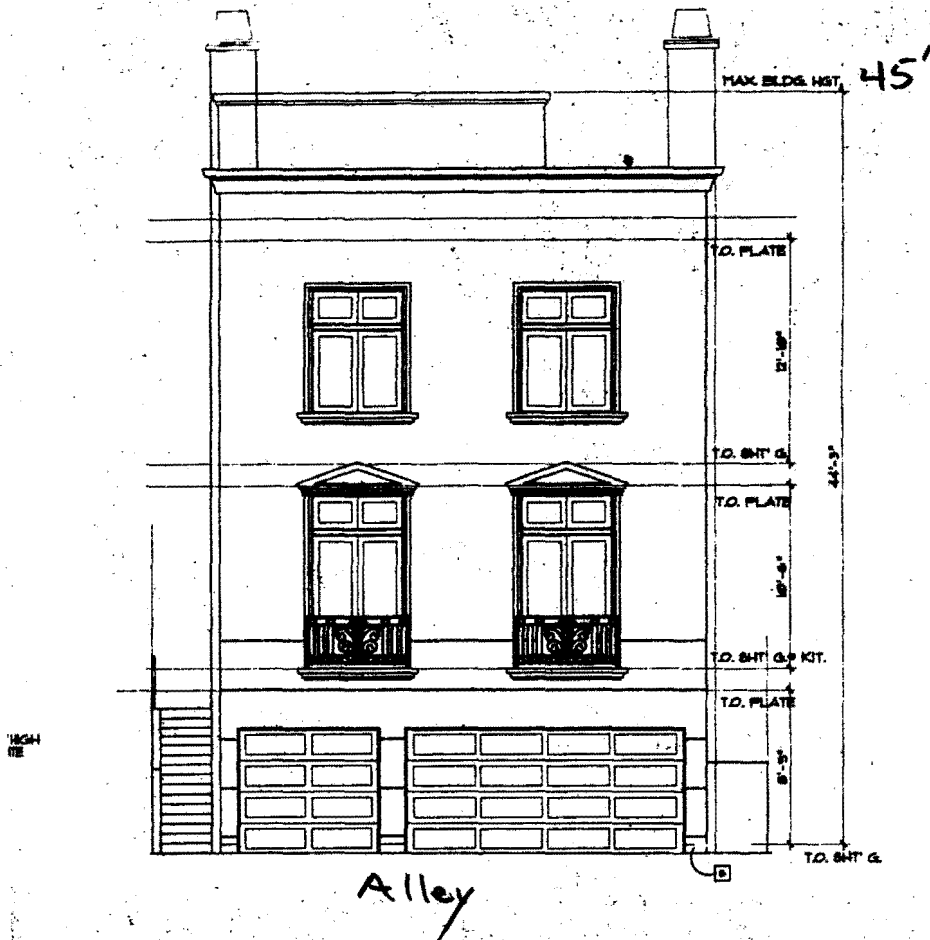
OF CHANNEL POINTE MALL



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EXHIBIT # 3
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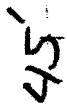
COASTAL COMMISSION

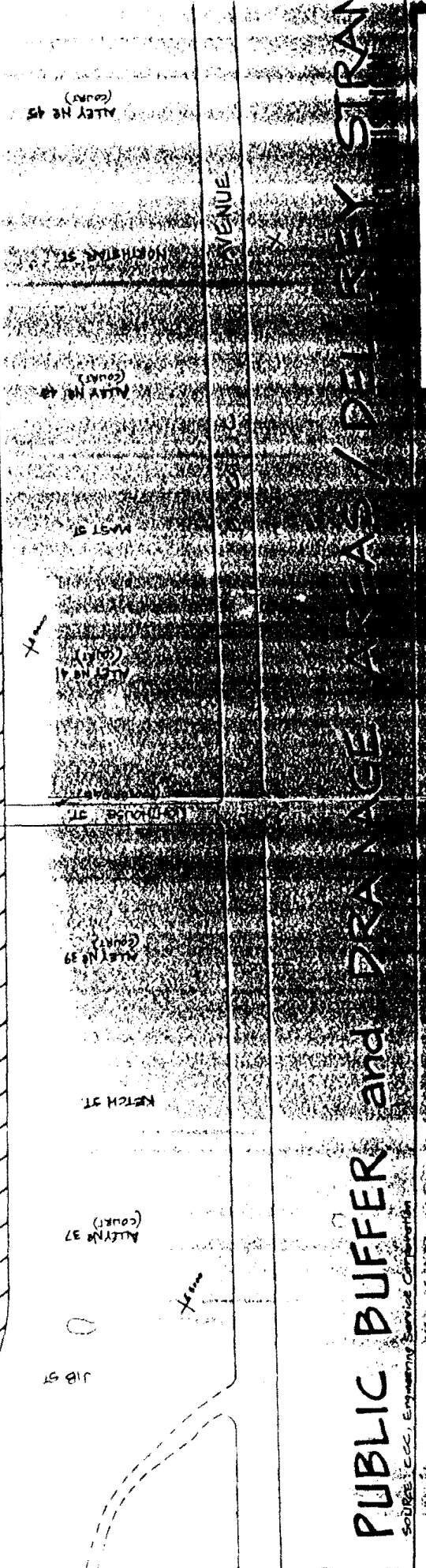
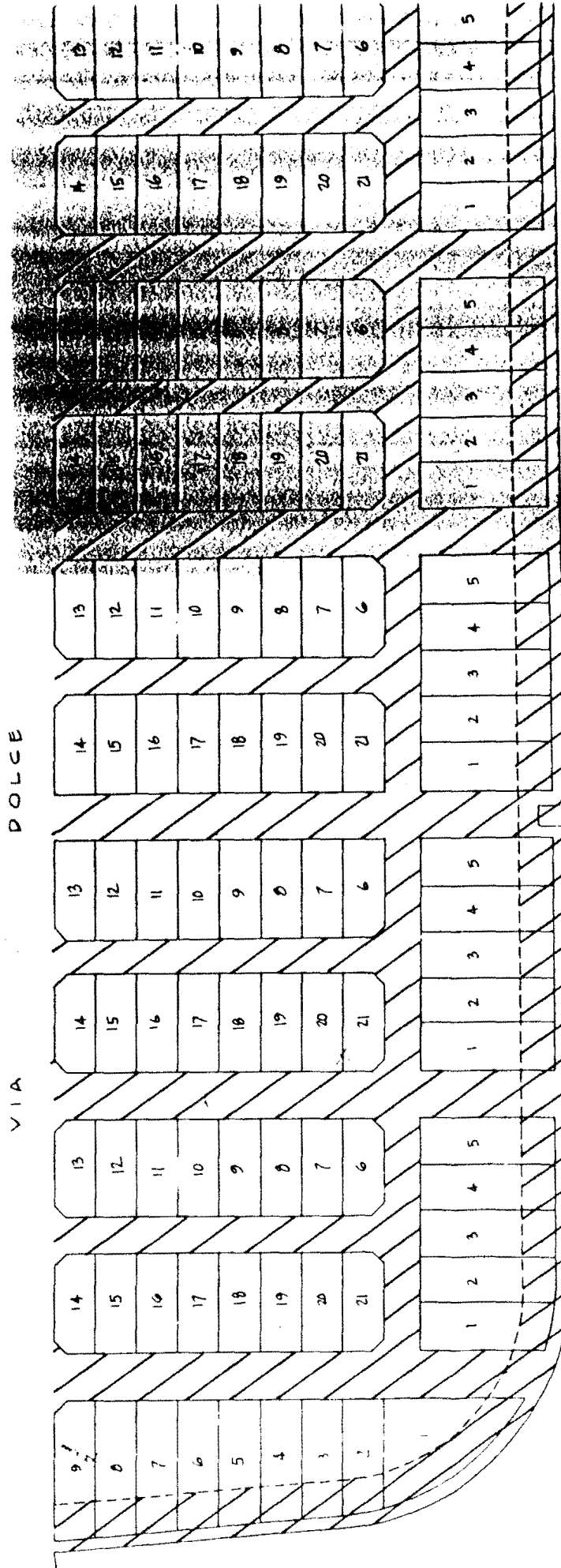
5-01-366

EXHIBIT # 4

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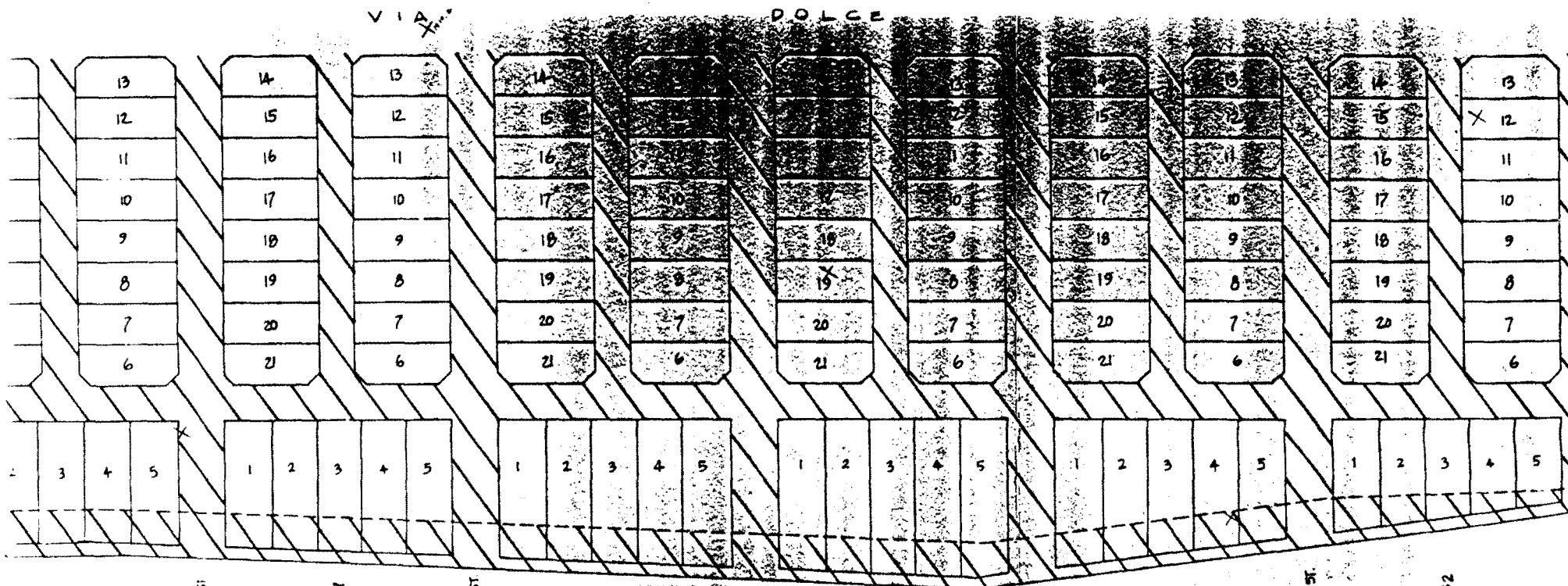




PUBLIC BUFFER and DRAINAGE AREAS / DEL REY STRAND

SOURCE: ECC, Engineering Service Corporation

Public Areas Exhibit
Del Rey/Silver Strand



ALLEY NO 45
(COURT)

OUTRIGGER ST

ALLEY NO 47
(COURT)

PRINCE ST

ALLEY NO 49
(COURT)

QUARTER DECK ST

ALLEY NO 51
(COURT)

REEF ST

ALLEY NO 60
(COURT)

SPINNAKER ST

ALLEY NO 62
(COURT)

PACIFIC AVENUE

CALIFORNIA COASTAL COMMISSION

APPROVED ON 4-12-80

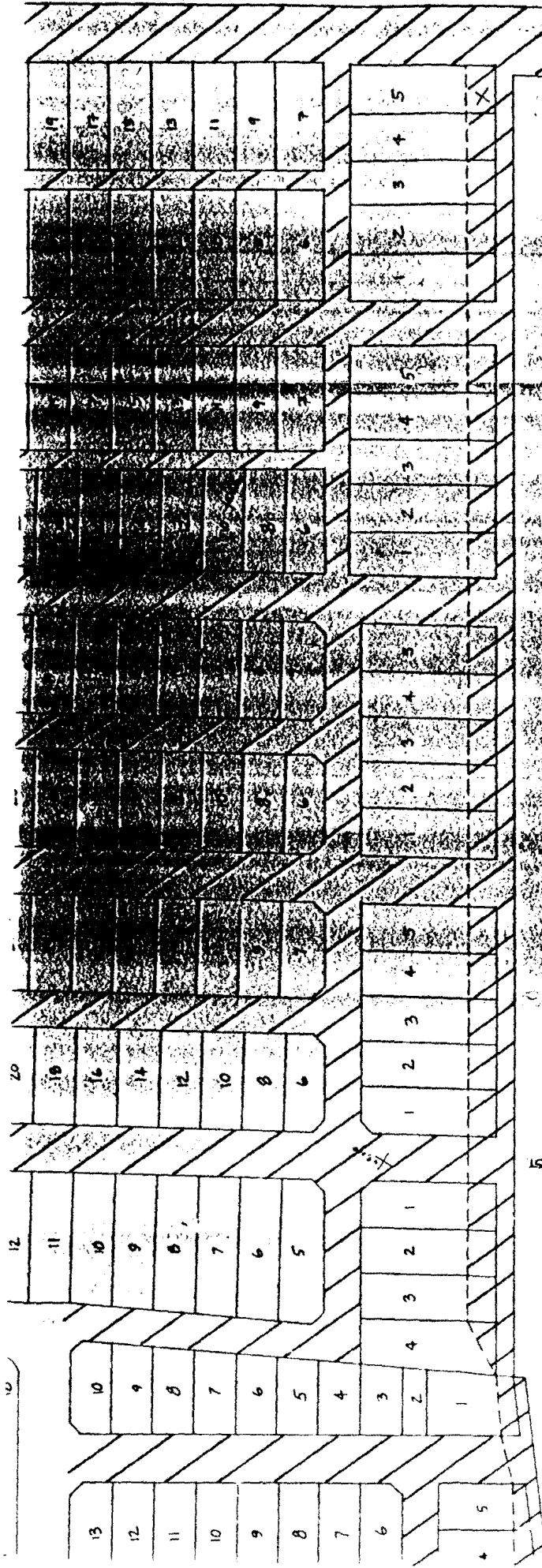
AS CONFORMING TO PERMIT 1-240-77

MICHAEL L. FISHER
EXECUTIVE DIRECTOR

CALIFORNIA COASTAL COMMISSION

Public Areas Exhibit
Del Rey/Silver Strand

PAGE 3 OF 3



VIA MARINA

CALIFORNIA COASTAL COMMISSION
 APPROVED ON 11/13/86, 11/16/89,
 3/28/87 & 2/9/89
 AS CORRECTING TO PERMITS 5-86-141, 5-86-641 &
 5-86-124, 5-86-125, & 5-86-126,
 RESPECTIVELY.

MICHAEL L. FISCHER
 EXECUTIVE DIRECTOR
 By *James McArthur*
 Title *Coastal Analyst*

COASTAL COMMISSION

Public Areas Exhibit
 Del Rey/Silver Strand

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