

CALIFORNIA COASTAL COMMISSION

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Hearing Date: September 10, 2002
Commission Action:

**Item Tu9h****RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-02-193

APPLICANT: Robert MacKenzie **AGENT:** N/A

PROJECT LOCATION: 5115 Via Donte (Lot 1, Block 13, Del Rey Beach Tract), Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Construction of a four-level, 45-foot high, 5,860 square foot single family residence with an attached three-car garage on a vacant lagoon-fronting lot.

Lot Area	4,550 square feet
Building Coverage	2,201 square feet
Pavement Coverage	720 square feet
Landscape Coverage	1,629 square feet
Parking Spaces	3
Zoning	RD1.5-1
Plan Designation	Single Family Residence
Ht above final grade	45 feet

LOCAL APPROVAL: City of Los Angeles Planning Department Approval, Case No. DIR2002-2368 (SPP), 6/7/02.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Venice Land Use Plan, 6/12/01.
2. Coastal Development Permit A-266-77 (ILA) & amendment.
3. Coastal Development Permit 5-87-112 (Del Rey Assoc.) & amendment.
4. Coastal Development Permit 5-86-641 (Lee) & amendments.
5. Coastal Development Permit 5-95-152 (Ballona Lagoon Enhancement Plan).
6. Coastal Development Permit 5-85-373 (Mitchell/Nowak) & amendments.
7. Coastal Development Permit Application 5-02-278 (MacKenzie).

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 protection of Ballona Lagoon (ESHA), maintenance of public areas, compliance with underlying permit requirements, building setback and height limit, and the provision of adequate parking. The applicant agrees with the recommendation. **See Page Two for motion.**

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 Coastal Development Permit 5-02-193 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. 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. Protective Lagoon Buffer Strip - Easement for Public Access and Habitat Protection

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, and in accordance with the applicant's offer to do so, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association acceptable to the Executive Director an easement for public access and habitat protection. The easement shall include a thirty-foot (30') deep strip of land over the entire width of the applicant's property as measured from the applicant's western (lagoon-side) property line as shown on **Exhibit #4 of the 8/22/02** staff report.

The recorded document shall include the following paragraph: No disturbance of vegetation or development shall occur within the dedicated area, with the exception of landscaping with native vegetation compatible with the preservation of the wetland coastal strand and dune environment, and the maintenance of the existing public walkway. Prohibited development within the dedicated area includes installation of permanent irrigation devices and the planting of non-native vegetation. The accepting agency or association shall have the right to access the easement to landscape it with native vegetation compatible with the preservation of the wetland coastal strand and dune environment and to maintain the public walkway. The applicant shall not interfere with the use of the lagoon buffer public access path across the easement, restoration of the lagoon buffer as strand habitat, and such fencing that is necessary to preserve the habitat.

The document shall be recorded free of prior liens and any other encumbrances that may affect said interest. The offer and restriction shall run with the land in favor of the People of the State of California, binding successors and assigns. The offer shall be irrevocable for a period of 21 years commencing upon the date of recording.

2. Construction Buffer

No runoff or waste from the construction site shall be permitted to enter the waters of Ballona Lagoon or the protective lagoon buffer strip described in Special Condition One above. In order to create a protective buffer between the waters of Ballona Lagoon and the site of the proposed residence, and to protect the lagoon from runoff from the project site, the permittee shall erect a six-foot high fence with a silt curtain and sandbag containment berm along the length of the site (parallel to the lagoon's shoreline). The fence, silt curtain and containment berms shall be in place prior to any excavation or placement of building materials on the site, and shall contain all runoff and waste from the project site. The permittee shall place the fence and containment berm a minimum of three feet inland of the public access path. The permittee shall attach a 24-inch high silt curtain along the bottom of the fence and place a 24-inch high containment berm constructed of sand-filled bags along the inland side of the fence. The fence and containment berm shall be maintained and shall remain in place until the completion of the residence. There shall be no foot traffic, stock piling, grading, vegetation removal,

development within the protective buffer area established between the waters of the lagoon and the fence.

3. Drainage – Water Quality

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a drainage plan for the proposed single family residence, subject to the review and approval of the Executive Director, which provides that all drainage from the residence is directed away from Ballona Lagoon and into the existing City storm drain system. The applicant and all successors in interest shall maintain the approved development consistent with the drainage plan approved by the Executive Director.

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

Through the acceptance of this coastal development permit, the applicant acknowledges and agrees that: (A) The project site is subject to amended Coastal Development Permit A-266-77 (ILA) and that all development must be consistent with amended Coastal Development Permit A-266-77 (ILA), and, (B) All public areas provided and improved pursuant to amended 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.

5. Maintenance of Public Areas

In order to maintain the public areas designated in the Silver Strand and Del Rey Beach tracts, the permittee and successors in interest shall: (1) participate with the other lot owners subject to Coastal Development Permits A-266-77, 5-86-641 and 5-87-112 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, 5-86-641 and 5-87-112; (2) allow the State Coastal Conservancy and the City of Los Angeles, and their successors in lagoon buffer maintenance, the right to enter, restore and maintain the lagoon buffer situated between the waters of the lagoon and the house; and (3) maintain all yard areas and height limits within sixty feet of the lagoon bank as specified in the special conditions this permit. The public areas are identified on the attached exhibit entitled "Public Buffer and Drainage Areas."

6. Parking

The applicant shall provide at least three off-street parking spaces on the project site. These parking spaces shall take access from Via Donte as shown on the project plans. The courts and street ends in the Silver Strand area are designated for public parking and 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).

7. Setback from Protective Lagoon Buffer Strip

All portions of the dwelling (including stairways, balconies and bay windows), except for ground level decks, shall be set back from the easterly edge of the lagoon buffer strip at least ten feet, or fifteen percent of the buildable area of the lot, whichever is greater. In this instance, the required setback is 12 feet, 9 inches. The total height of any deck, deck railings, garden walls, and/or fences situated within the setback area shall not exceed six feet in height above the elevation of the lagoon buffer strip located immediately adjacent to the setback area. No fence, wall or other accessory structure shall encroach into the lagoon buffer strip situated between the waters of the lagoon and the house.

8. Building Height

The height of the proposed structure within sixty horizontal feet of the mean high tide line of Ballona Lagoon or inland side of the Esplanade (City right-of-way), whichever is furthest from the water, shall not exceed thirty feet (30') above the existing average natural grade (elevation 14.78'). Beyond sixty horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 45 feet above the existing average natural grade. No portion of any structure (including roof access structures, roof deck railings and architectural features) shall exceed the thirty-foot height limit within sixty horizontal feet of the mean high tide line of Ballona Lagoon or the inland side of the Esplanade, whichever is furthest from the water.

9. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to all standard and special conditions set forth herein. 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.

10. Future Improvements

Coastal Development Permit 5-02-193 is only for the proposed development described herein, and any future additions to the residence or improvements to the property will require a coastal development permit or amendment from the Coastal Commission, its successor agency, or a local government pursuant to a certified Local Coastal Program.

11. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions

and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the landowner's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a four-level, 45-foot high, 5,860 square foot single family residence on a vacant lagoon-fronting vacant lot in South Venice (Exhibits #4-6). The 4,550 square foot lot is situated on the corner of Via Donte and Union Jack Mall in the Del Rey Beach Tract (Exhibit #2). The area is referred to as the "Silver Strand Area". The proposed residence provides three on-site parking spaces inside a three-car garage, with vehicular access only from Via Donte (Exhibit #4). Ballona Lagoon, which fronts the site, is a tidal lagoon and a designated ESHA (Environmentally Sensitive Habitat Area – See Exhibit #3).

Coastal Development Permit Application 5-02-278, for the excavation and inspection of an abandoned oil/natural gas wellhead located on the property, is being processed concurrently with this application. The wellhead is located in the lagoon buffer, not under the proposed house (Exhibit #4). The California Department of Conservation's Division of Oil, Gas and Geothermal Resources has determined that the abandoned well must be inspected, tested, and reabandoned to current standards (Exhibit #7). The applicant expects to complete the wellhead inspection prior to the commencement of construction of the proposed single family residence. [See Coastal Development Permit Application 5-02-278 (MacKenzie)].

On July 11, 1985, the Commission approved a coastal development permit for a similar-sized single family residence on the site, but that permit expired without being vested. [See Coastal Development Permit 5-85-373 (Mitchell/Nowak)].

B. Project Background and Area History

The Silver Strand subdivision and the Del Rey Beach Tract share a long history before the Coastal Commission. Both subdivisions, referred to together as the Silver Strand area, are located along the east bank of Ballona Lagoon and have only recently been developed with single family residences. The proposed project is located on **Lot 1, Block 13 of the Del Rey Beach Tract**, one of the last undeveloped lots in the subdivision (Exhibit #2).

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. A series of Commission actions, each described below, has guided the development of this coastal area.

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

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 comprised of most of the owners of the approximately three hundred undeveloped lots located on Blocks 7 through 18 of the Silver Strand subdivision and Blocks 13 through 15 of the Del Rey Beach Tract (Exhibits #2&8). 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, known as 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 currently proposed project is located on a lot (**Lot 1, Block 13, Del Rey Beach Tract**) which is subject to Coastal Development Permit A-266-77 (ILA) (Exhibit #2).

Coastal Development Permit A-266-77 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 Tract and the Del Rey Beach subdivision (and which abuts the west end of the lot), 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 to reduce the impacts of the residential development on the lagoon was the requirement for the dedication of an easement (for habitat protection and public access) as part of the east bank protective lagoon buffer strip (Exhibit #8). The protective lagoon buffer strip was to be restored according to the Ballona Lagoon Enhancement Plan, in order to improve the degraded habitat area in and along the lagoon.

Another mitigation measure was a condition of Coastal Development Permit A-266-77 which required the owners of the lots subject to the permit 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 would benefit from the permitted tract improvements, the Commission required each lot owner to contribute to the maintenance of the improvements. The public areas are identified on the attached exhibit entitled "Public Buffer and Drainage Areas" (Exhibit #8).

Coastal Development Permit A-266-77 (ILA) was amended in 1979 in response to litigation (Exhibit #7). The amended permit, which replaced and supercedes the original permit, still allowed the ILA to develop the infrastructure necessary for the development of single family homes on approximately three hundred lots in the Silver Strand Area (Exhibit #8). As amended, Coastal Development Permit A-266-77 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, as a condition of their individual permits for residences, to dedicate a portion of their property (an easement for habitat protection and public access) as part of the east bank protective lagoon buffer strip (Exhibit #8).

Since 1980, the approved grading has been completed, the public access path along the east bank of 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. Most of the lots have been developed with single family residences approved by the Commission pursuant to individual coastal development permits similar to this one.

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 east bank protective lagoon buffer strip. 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 tract improvements, no lot could be developed.

The conditions of approval for Coastal Development Permit A-266-77 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 is carried out as individual lots are developed.

2. Certified Land Use Plan for Venice

The conditions of approval for Coastal Development Permit A-266-77 (ILA) also provided the basis for the land use policies that the City adopted for the Silver Strand area as part of the Venice Land Use Plan (LUP), which the Commission certified in 2001. The Commission-certified LUP for Venice contains the current building standards for the various Venice neighborhoods, including the Silver Strand area where the proposed project is situated. In order to regulate residential development on the lagoon-fronting lots in the Silver Strand area, the Commission adopted the following policy as part of the certified Venice LUP.

Venice Land Use Plan Policy I.A.4.b.1 states:

b. Silver Strand

1) Lagoon Fronting Lots/Lots Adjacent to Esplanade East

Use: Single-family dwelling / one unit per lot

Density: One unit per 4,000 square feet of lot area.

Lagoon Buffer: No development other than public access improvements and habitat restoration shall be permitted within a 40-foot strip immediately adjacent to the Ballona Lagoon, as established by amended Coastal Permit A-266-77. The City right-of-way (Esplanade) comprises part of the 40-foot wide buffer. The remainder is comprised of 24 to 30-foot wide portions of the lagoon fronting lots over which easements have been, or shall be, dedicated to the City for Open Space and public access per the requirements of amended Coastal Permit A-266-77. Easements shall be dedicated to the City to protect the lagoon buffer for public access and habitat as a condition of development.

Setback: All portions of a dwelling, except for a deck, shall be set back from the easterly edge of the Buffer Strip for a minimum setback of 10 feet or 15% of the depth of the lot excluding the Buffer Strip, whichever is greater, but such setback need not exceed 15 feet. The total combined height of any deck, deck railing, garden walls and/or fences situated within the 10 to 15-foot setback from the Buffer Strip shall not exceed 6 feet above the elevation of the Buffer Strip located immediately adjacent to the setback area.

Height: Not to exceed 30 feet for any portion within 60 horizontal feet of the mean high tide line of Ballona Lagoon or inland side of the Esplanade (City right-of-way), whichever is furthest from the water. Beyond 60 horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 45 feet. No portion of any structure (including roof access structures, roof deck railings and architectural features) shall exceed the 30-foot height limit within 60 horizontal feet of the mean high tide line of Ballona Lagoon or the inland side of the Esplanade, whichever is furthest from the water. Open decks including railings shall not extend more than six feet above natural grade. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

Fill: No fill shall be placed in the lagoon. No fill shall be placed in the lagoon buffer except for the minimum amount necessary for habitat restoration and public access.

The certified Venice LUP also contains specific policies to protect the habitat areas and public access resources that exist in and adjacent to Ballona Lagoon. Although the standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, the Commission-certified LUP for Venice provides specific guidance for the Commission's

interpretation of the relevant Chapter 3 policies. Special conditions are imposed on coastal development permits to ensure that proposed development is approved only if found to be consistent with the Coastal Act. In order to mitigate the identified impacts, the appropriate special conditions have also been applied to this coastal development permit. As discussed later in this report, the proposed project, as conditioned, complies with all the standards contained in the above-stated LUP policy.

3. Other Silver Strand Permits

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 strip that on and adjoining the subject lots. The lagoon buffer strip on and adjoining the ten lots subject to Coastal Development Permit 5-86-641 (Lee) was successfully improved with native coastal strand vegetation and the continuation of the east bank public access path.

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). The public areas are identified on the attached exhibit entitled "Public Buffer and Drainage Areas" (Exhibit #8).

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 Coastal Development Permits A-266-77 (ILA), 5-86-641 (Lee), and 5-87-112 (Del Rey Assoc.). Again, the public areas are identified on the attached exhibit entitled "Public Buffer and Drainage Areas" (Exhibit #8).

A more recent Commission action affecting the area was the conditional approval of Coastal Development Permit 5-95-152 in 1996. Coastal Development Permit 5-95-152 and subsequent amendments authorized the implementation of the Ballona Lagoon Enhancement Plan. The co-applicants of the permit include the Ballona Lagoon Marine Preserve (BLMP), California State Coastal Conservancy, and the City of Los Angeles. The Ballona Lagoon

Enhancement Plan, developed by the Coastal Conservancy and BLMP, is the restoration plan for Ballona Lagoon and the lagoon buffer strip. The restoration project included: excavation of a deep pool at the south end of the lagoon, improvements in the operation of the automatic tide gates, removal of non-native vegetation from the lagoon banks, revegetation of the banks (lagoon buffer strip) with native vegetation, and various public access improvements. The implementation of the Ballona Lagoon Enhancement Plan is well underway. On the east bank of the lagoon, the co-applicants have completed the public access improvements and have established the native vegetation. The restoration of the west bank has not yet commenced. [See Coastal Development Permit 5-01-257/A5-VEN-01-279 (City of Los Angeles)].

A portion of the site of the currently proposed project is within the area that has been restored as part of the Ballona Lagoon Enhancement Plan, as are all of the lots located on the east bank of Ballona Lagoon. A thirty-foot deep section of the 115-foot long lot comprises part of the protective lagoon buffer strip that exists along the east bank (Exhibit #2). The protective lagoon buffer strip has been restored with native vegetation as part of the Ballona Lagoon Enhancement Plan. As required by the certified Venice LUP and Coastal Development Permit A-266-77, the applicant is offering to dedicate this portion of the lot as a thirty-foot deep easement for habitat restoration and public access purposes (Exhibit #4).

The lagoon buffer strip easement being offered on the applicant's lot is one of the last sections of the lagoon buffer still to be dedicated. As part of the Ballona Lagoon Enhancement Plan, the City of Los Angeles has accepted most of the east bank easements that comprise the protective lagoon buffer strip. These easements, which exist on all but a few of the lagoon-fronting lots, allow for the existence and maintenance of native landscaping and the Ballona Lagoon east bank public access trail (Exhibit #8).

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 public areas are identified on the attached exhibit entitled "Public Buffer and Drainage Areas" (Exhibit #8). 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.

In approving Coastal Development Permit A-266-77, the Commission required the establishment of a homeowners association to maintain these 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 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.

Special Condition Five binds the applicant and all successors in interest to participate with the other lot owners subject to Coastal Development Permits A-266-77 (ILA), 5-86-641 (Lee) and 5-87-112 (Del Rey Assoc.) 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.). Special Condition Eleven requires the applicant to record a deed restriction on the property that includes the conditions of this permit. The public areas shall be identified in the deed restriction as shown on the attached "Public Buffer and Drainage Areas" (Exhibit #8). The applicant has agreed to this condition. The required deed restriction ensures that the applicant and any 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 Permit A-266-77.

Special Condition Four requires the applicant acknowledge that the proposed project is subject to amended Coastal Development Permit A-266-77 and the development of the property shall be consistent with this underlying permit. The public areas provided and improved pursuant to amended Coastal Development Permit A-266-77 shall remain open and available for the use by the general public. The public areas provided and improved pursuant to amended Coastal Development Permit A-266-77 include Union Jack Mall, the other landscaped malls, the public streets and alleys, all public parking spaces, and the Ballona Lagoon public access path. The public areas are shown on the attached "Public Buffer and Drainage Areas" exhibit (Exhibit #8). In this case, the project site is located on Union Jack Mall, a public street end that contains a four-space public parking area where it intersects with Via Donte (Exhibit #4).

Recordation of the required deed restriction will ensure that the applicant meets its 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. Only as conditioned is the proposed development consistent with the Chapter 3 policies of the Coastal Act and the Commission's prior actions.

D. Ballona Lagoon and the Protective Lagoon Buffer Strip

Ballona Lagoon is located in the Silver Strand/Marina Peninsula area of Venice in the City of Los Angeles, adjacent to the Marina del Rey entrance channel (Exhibit #3). The lagoon is an artificially confined tidal slough, 150-200 feet wide, covering approximately sixteen acres of open water and wetland area. It is an integral part of the larger Venice Canals/Ballona Lagoon wetlands system. Seawater enters the wetlands system through County-operated tidal gates (under Via Marina) which control the flow from the Marina del Rey entrance channel into

Ballona Lagoon. The certified Venice LUP designates the 4,000-foot long lagoon as an Environmentally Sensitive Habitat Area (ESHA).

The banks of the lagoon are remnants of coastal sand dunes. The banks are generally steep, varying from 1:1 to 1:2, and are comprised primarily of sandy silt soils. Because of the steepness and composition of the banks, erosion has been a significant problem, especially where street drains and path drains run into the lagoon. The native vegetation on the lagoon banks is comprised of wetland, dune and coastal sage scrub communities.

Unfortunately, the wetland and upland habitat in and adjacent to Ballona Lagoon (i.e., salt marsh, sidebanks, mudflats, and marine habitat) is negatively affected by the lagoon's proximity to human activity, urban runoff, and the abundance of invasive non-native vegetation. Despite this, Ballona Lagoon provides habitat for a variety of benthic invertebrates, fish and shorebirds. [See Biota of the Ballona Region, Los Angeles County Natural History Museum Foundation, Edited by Ralph W. Schreiber, 1981].

Polychaetes, mollusks and other invertebrates live in the mud bottom of the lagoon. Several species of fish have been documented and are known to inhabit the lagoon and attached Venice canals, including: Top smelt, California killifish, bay pipefish, long jaw mudsuckers, halibut, arrow goby, and diamond turbot. Fish eating birds such as egrets and green herons are often seen foraging at the water's edge. Willets, dowitchers and dabbling ducks also forage on the mud banks, while domesticated ducks are attracted by food and water left by nearby human residents. Ballona Lagoon is a critical habitat area for the California least tern, Sterna antillarum browni. Both the least terns and Brown pelicans can be seen foraging in the lagoon. Ballona Lagoon is located about five hundred feet east of the Venice Beach California least tern colony, one of the largest and most productive colonies of California least terns remaining in the state (Exhibit #2).

The California Department of Fish and Game (DFG) has identified the Ballona Lagoon as critical habitat for the Least Tern, and has recommended that the Commission establish a minimal protective lagoon buffer strip of 30-40 feet, measured inland from the high water line. On the east bank, the Commission established the protective lagoon buffer strip recommended by DFG when it approved Coastal Development Permit A-266-77 (Exhibit #8). A finding of that permit stated that the individual lagoon-fronting lot owners would be required, as a condition of their individual permits for residences, to dedicate a portion of their property (an easement for habitat protection and public access) as part of the east bank protective lagoon buffer strip (Exhibit #8). The applicant has agreed to dedicate part of the property for this buffer strip.

The Commission's responsibility to protect Ballona Lagoon is established by the habitat protection policies of the Coastal Act. These policies are also incorporated into the certified Venice LUP.

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.

In addition, the wetland protection policies of the Coastal Act require the protection of the biological productivity of wetland 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.

Ballona Lagoon is an ESHA. The Coastal Act policies of the certified LUP require that the development maintain healthy populations of marine organisms or that development 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. The certified LUP also has the following policies that require the protection of marine resources.

The certified Venice LUP states (emphasis added to most relevant parts):

Policy IV.B.1.b Ballona Lagoon – Permitted Uses

*Only uses compatible with preservation of this habitat shall be permitted in and adjacent to the lagoon. **Uses permitted in or adjacent to the lagoon shall be carried out in a manner to protect the biological productivity of marine resources and maintain healthy populations of marine organisms.** Such uses as open space, habitat management, controlled nature study and interpretation, and passive public recreation such as bird watching, photography, and strolling shall be encouraged and promoted. No fill shall occur in Ballona Lagoon unless it is consistent with Coastal Act Section 30233 and is the least environmentally damaging alternative. No untreated runoff shall be directed into the lagoon.*

Policy IV.B.2.d Ballona Lagoon Buffer Strip – Permitted Uses

Permitted uses within the buffer strip shall be limited to open space, habitat management, nature study and interpretation for educational purposes and pedestrian walkways for passive recreation such as bird-watching, photography and strolling. Landscaping in the buffer strip shall consist of native plants and shrubs. Non-native species shall be phased out and the area restored as feasible. (For more detailed, refer to the Ballona Lagoon Enhancement Plan.)

IV.B.3 Ballona Lagoon Development Standards

*The setbacks and height of buildings adjacent to the lagoon shall continue to be limited as provided in Policies I.A.4b, c, and d **so that development is compatible with the continuance of the environmentally sensitive habitat area and avoids adverse impacts on avian flight patterns.***

Regarding the width of the protective lagoon buffer strip, and the requirement of applicants to dedicate an easement for the buffer, Policy I.A.4.b.1 of the certified Venice LUP states:

Policy I.A.4.b.1 Lagoon Buffer (East Bank)

Lagoon Buffer: No development other than public access improvements and habitat restoration shall be permitted within a 40-foot strip immediately adjacent to the Ballona Lagoon, as established by amended Coastal Permit A-266-77. The City right-of-way (Esplanade) comprises part of the 40-foot wide buffer. The remainder is comprised of 24 to 30-foot wide portions of the lagoon fronting lots over which easements have been, or shall be, dedicated to the City for Open Space and public access per the requirements of amended Coastal Permit A-266-77. Easements shall be dedicated to the City to protect the lagoon buffer for public access and habitat as a condition of development.

Today, Ballona Lagoon is surrounded by a highly urbanized area of single and multiple-family residential development. The properties that adjoin the east and west banks of the lagoon are developed with single-family residences and a few duplexes. On the east bank of the lagoon, the public access path and protective lagoon buffer strip, both required by Coastal Development Permit A-266-77, separate the residential development from the waters of the lagoon (Exhibit #8). An undeveloped City right-of-way (Esplanade East) comprises part of the forty-foot wide lagoon buffer strip on the east bank. The remainder of the forty-foot wide east bank lagoon buffer strip is comprised of 24- to 30-foot wide portions of the lagoon fronting lots which have been dedicated as open space and public access easements or habitat protection.

Coastal Development Permit A-266-77 requires, as a condition of each individual permit to develop, that each lagoon fronting lot owner on the east bank offer to dedicate a 24- to 30-foot easement for habitat protection and public access. This easement, along with Esplanade East, makes up as part of the forty-foot wide lagoon buffer strip. Each lot owner on the east bank is also required to provide a 10- to 15-foot front yard (structural set back) between the house and the buffer strip.

The applicant is providing the required setback and lagoon buffer consistent with the requirements of Coastal Development Permit A-266-77 and the certified Venice LUP. He applicant's proposal includes an offer to dedicate a 30-foot easement on the lagoon side of the lot for habitat protection and public access (Exhibit #4). This easement, along with Esplanade East, makes up the forty-foot wide protective lagoon buffer strip described and required by Policy I.A.4.b.1 of the certified Venice LUP (see above). Special condition One requires the applicant to record an offer to dedicate the easement, in accordance with the applicant's offer to do so. As conditioned, the proposed development consistent with the Chapter 3 policies of the Coastal Act, the Commission's prior actions, and with the certified Venice LUP.

E. Water Quality

As described in the previous section of this report, Ballona Lagoon is an ESHA and an important ecological resource. The introduction of urban runoff, including pesticides, garden fertilizers, and runoff from impervious surfaces, can reduce the water quality of the lagoon which directly impacts the biological productivity of the system. The Ballona Wetlands system is habitat for many species of marine biota, including the state and federally listed endangered least tern.

In order to protect the biological productivity of Ballona Lagoon and the Venice Canals, the Commission has consistently conditioned projects along the waterways to provide and maintain front yard setbacks and permeable areas, and to incorporate appropriate Best Management Practices (BMPs) into projects. 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 applicant's proposed dedication of a 1,200 square foot easement for public access and habitat on the lagoon-fronting portion of the lot satisfies the Commission's requirement for the provision of an adequate building setback and permeable area. In order to protect the lagoon from the negative effect of untreated runoff from the proposed residence, the Commission also requires the applicant to provide a drainage plan that provides that all drainage from the residence is directed away from Ballona Lagoon and into the existing City storm drain system. During the construction phase of the project, the applicant is required to erect a fence and a containment berm between the construction site and the lagoon. No runoff or waste from the construction site is permitted to enter the waters of Ballona Lagoon or the protective lagoon buffer strip (Special Condition Two).

The Commission finds that, only as conditioned to mitigate impacts on biological productivity caused by surface runoff into the lagoon, is the proposed project consistent with the marine resource and water quality provisions of the Coastal Act.

F. Setback from Lagoon Buffer Strip

The Commission has consistently required that structures on the lagoon banks be set back from the protective lagoon buffer strip, the Esplanade East, and Ballona Lagoon in order to provide for public access along the lagoon banks and to protect the resources of the lagoon environment habitat. Policy I.A.4.b.1 of the certified Venice LUP states:

Policy I.A.4.b.1 Setback from Lagoon Buffer (East Bank)

Setback: All portions of a dwelling, except for a deck, shall be set back from the easterly edge of the Buffer Strip for a minimum setback of 10 feet or 15% of the depth of the lot excluding the Buffer Strip, whichever is greater, but such setback need not exceed 15 feet. The total combined height of any deck, deck railings, garden walls and/or fences situated within the 10 to 15-foot setback from the Buffer Strip shall not exceed 6 feet above the elevation of the Buffer Strip located immediately adjacent to the setback area.

Special Condition Seven requires the front yard setback to be a minimum of ten feet, or fifteen percent of the buildable portion of the lot, whichever is greater. The required front yard setback is measured from the inland edge of the dedicated 30-foot wide protective lagoon buffer strip adjacent to Ballona Lagoon (Exhibit #4).

In determining the required setback distance, fifteen percent of the length of the lot is calculated from the "net length" of the lot or the length of the "buildable" lot. In this case, the total lot length is 115 feet, but 30 feet is dedicated as the protective lagoon buffer strip. Therefore, the buildable lot is 85 feet long. Fifteen percent of 85 feet is twelve feet and nine inches (12'9"). The proposed project provides both the 30-foot wide lagoon buffer strip and the required twelve-foot and nine inch front yard setback as required (Exhibit #4).

All portions of the dwelling, including stairways, balconies and bay windows, shall be set back from the easterly edge of the buffer strip at least twelve feet and nine inches (12'9"). No development or construction, except for fences and ground level decks, are permitted within the front yard setback. The total height of any deck, deck railings, garden walls, and/or fences situated within the setback area shall not exceed six feet in height above the elevation of the lagoon buffer strip located immediately adjacent to the setback area. No fence, wall or other accessory structure shall encroach into the lagoon buffer strip situated between the water of the lagoon and the house.

In addition, in order to prevent further encroachments into the setback that may impact public access and the sensitive habitat areas, the applicants are required to record a future improvements deed restriction on the property (Special Condition Eleven). As conditioned to provide the required setback from the lagoon buffer strip and to record a future improvements deed restriction, the proposed project is consistent with the Chapter 3 policies of the Coastal Act, the Commission's prior actions, and with the certified Venice LUP.

G. Building Height

A height limit for structures adjacent to Ballona Lagoon has been established in previous Commission actions to protect against a "canyon effect" which could negatively impact bird flight patterns. Ballona Lagoon is utilized by many bird species, including the federally and state listed endangered California least tern. Coastal Development Permit A-266-77, the California Department of Fish and Game letters, and a biology report by *Collins et al* have documented the sensitive habitat in Ballona Lagoon and recommend that a bird flight corridor

be preserved along the lagoon by establishing building setbacks and height limits. [See Coastal Development Permit 5-86-174 (MDR Properties)].

In regards to the height limit, Policy I.A.4.b.1 of the certified Venice LUP states:

Policy I.A.4.b.1 Height Limit (East Bank)

Height: Not to exceed 30 feet for any portion within 60 horizontal feet of the mean high tide line of Ballona Lagoon or inland side of the Esplanade (City right-of-way), whichever is furthest from the water. Beyond 60 horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 45 feet. No portion of any structure (including roof access structures, roof deck railings and architectural features) shall exceed the 30-foot height limit within 60 horizontal feet of the mean high tide line of Ballona Lagoon or the inland side of the Esplanade, whichever is furthest from the water. Open decks including railings shall not extend more than six feet above natural grade. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

The height of the proposed structure within sixty horizontal feet of the mean high tide line of Ballona Lagoon, as indicated by the submitted elevations, is thirty feet, as measured from the existing average natural grade: elevation 14.78' (Exhibit #5). The maximum height of the proposed project is 45 feet. In order to regulate the height of structures adjacent to Ballona Lagoon so as to limit the impacts on birds, a special condition is applied to new development on lots adjacent to Ballona Lagoon in the Silver Strand area. In this case, the Special Condition Eight states:

8. Building Height

The height of the proposed structure within sixty horizontal feet of the mean high tide line of Ballona Lagoon or inland side of the Esplanade (City right-of-way), whichever is furthest from the water, shall not exceed thirty feet (30') above the existing average natural grade (elevation 14.78'). Beyond sixty horizontal feet, one foot in additional height is permitted for each two additional horizontal feet to a maximum height of 45 feet above the existing average natural grade. No portion of any structure (including roof access structures, roof deck railings and architectural features) shall exceed the thirty-foot height limit within sixty horizontal feet of the mean high tide line of Ballona Lagoon or the inland side of the Esplanade, whichever is furthest from the water.

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

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....

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 certified Venice LUP requires the provision of three on-site parking spaces for all new homes in the Silver Strand area. The proposed project provides the three required on-site parking spaces in an attached three-car garage (Exhibit #4).

Special Condition Six states that at least three on-site parking spaces will be provided, and that they shall take access from Via Donte, not from the paved street ends designated for public parking. The street ends of the tract are designated for public parking and shall not be used for preferential parking (i.e., permitted or restricted parking), nor for parking for this residence. The underlying Coastal Development Permit A-266-77, which permitted the street improvements for the Silver Strand area, provided the public parking spaces on the street ends to support coastal access. The deed restriction required by Special Condition Eleven shall serve as notification to future homeowners of the parking requirement and that the 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 is the proposed project is consistent with the coastal access policies of the Coastal Act, the Commission's prior actions, and the certified Venice LUP.

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 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 the Commission on November 14, 2000 approved it. The Commission officially certified the Venice LUP on June 12, 2001.

The certified Venice LUP designates the project site for use as a single family residence, with a maximum height limit of 45 feet, and requires the provision of three on-site parking spaces. The proposed project, as conditioned, conforms to the proposed 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).

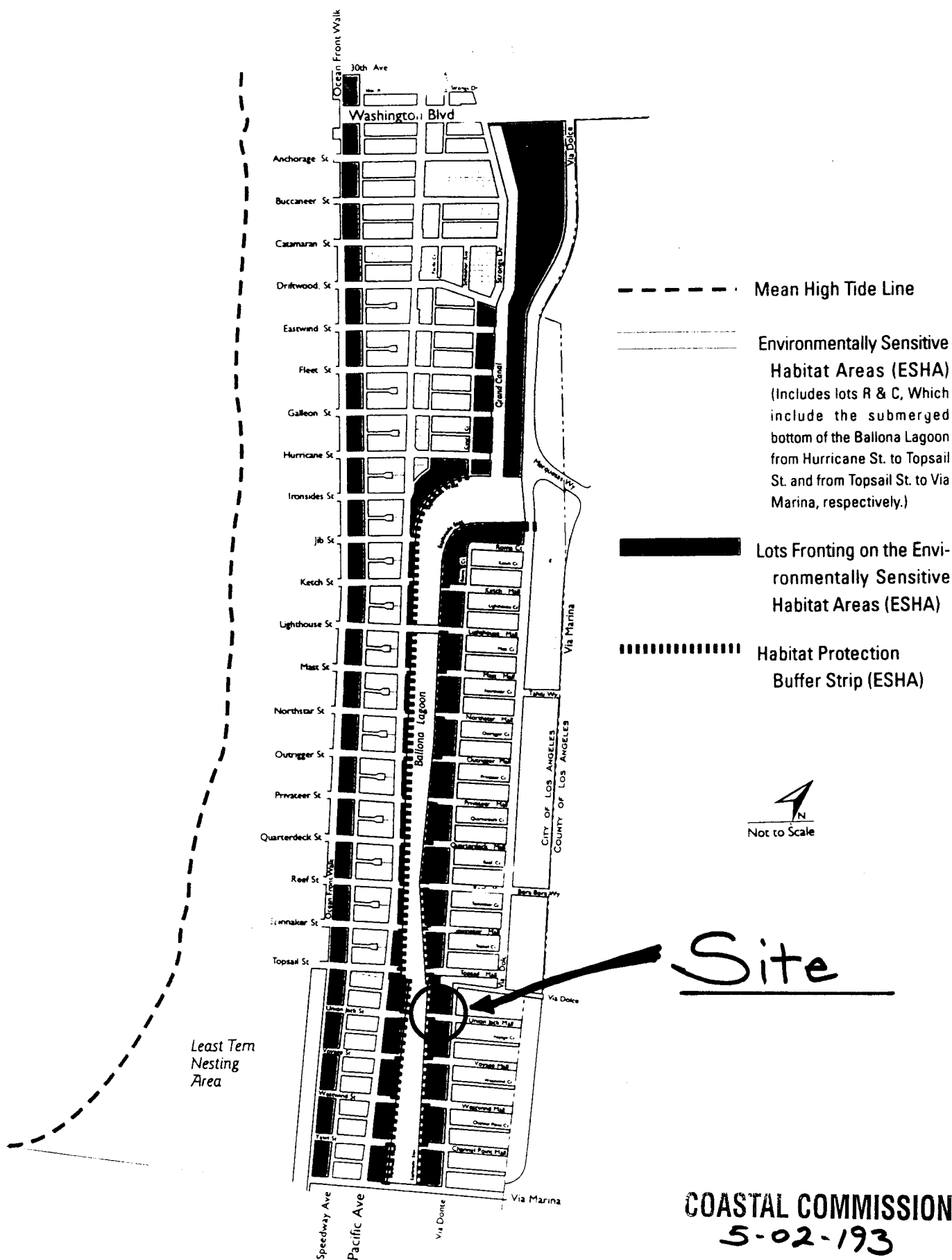
J. California Environmental Quality Act (CEQA)

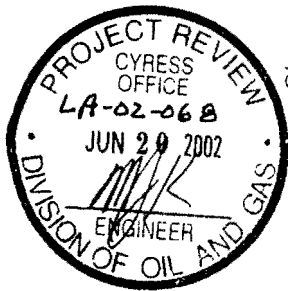
Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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 as conditioned can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Site

PAGE 1 OF 1

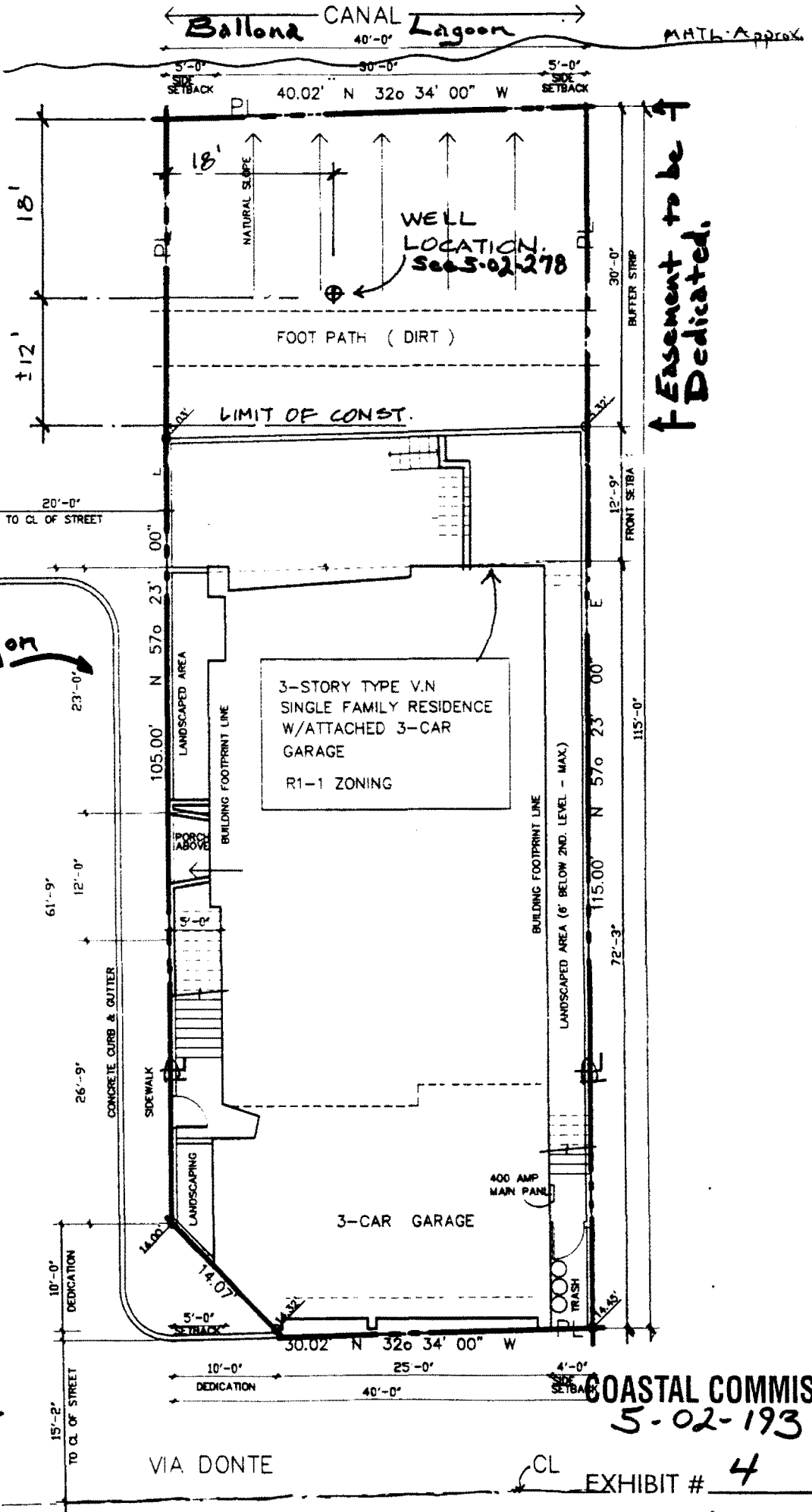




SITE PLAN.

UNION JACK ST.

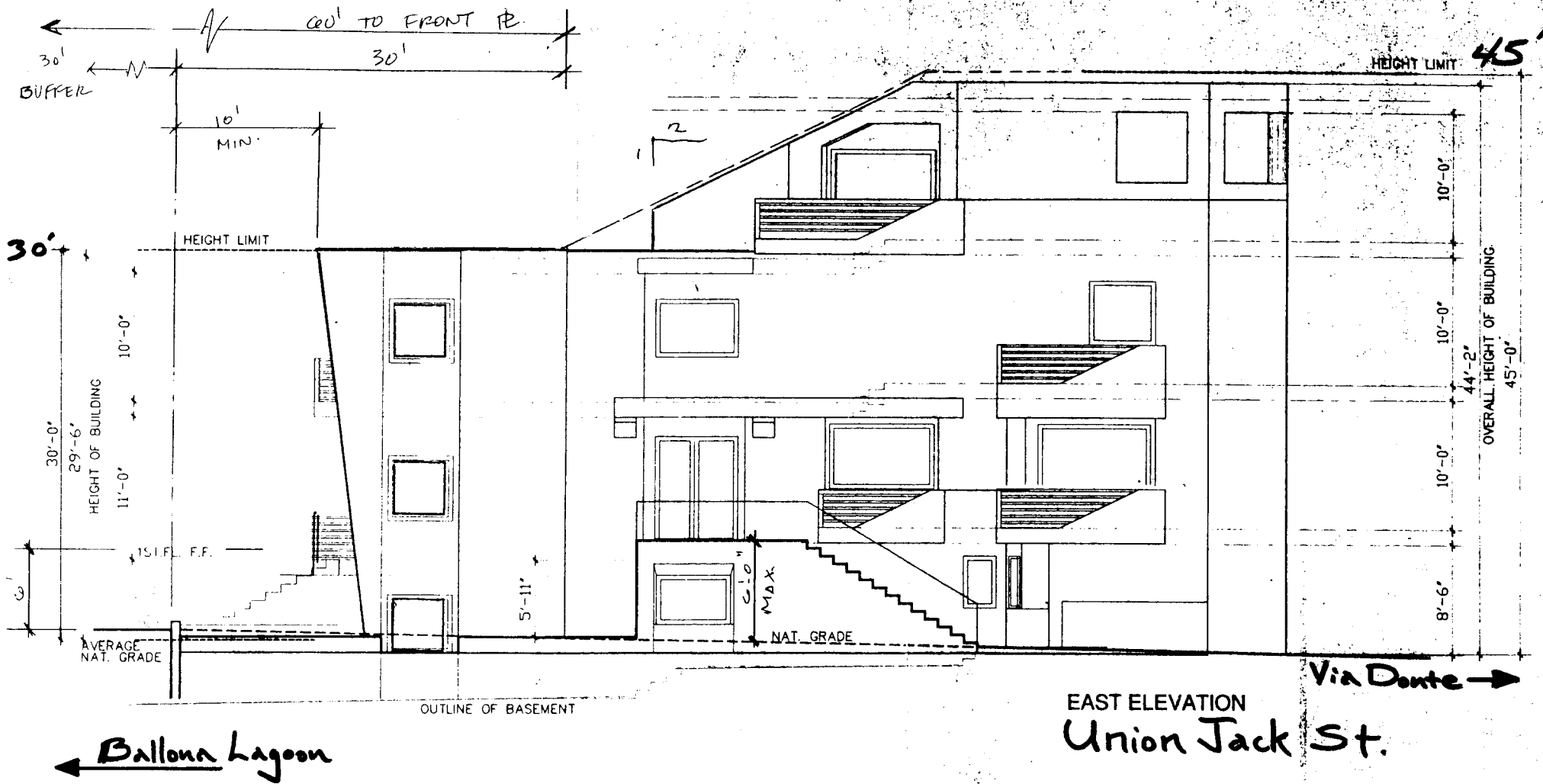
Public
Parking on
Street
End.



COASTAL COMMISSION
5-02-193

EXHIBIT # 4

PAGE 1 OF 1



COASTAL COMMISSION

5-02-193

EXHIBIT # 5

PAGE 1 OF 1

45' HEIGHT LIMIT
● VIA DONTÉ

30' HEIGHT LIMIT
● FRONT

30'-0"

AVERAGE
NAT. GRADE

FRONT ELEVATION

(Ballona Lagoon)

COASTAL COMMISSION
5-02-193

EXHIBIT # 6

PAGE 1 OF 1

DEPARTMENT OF CONSERVATION

5816 Corporate Ave., Suite 200
Cypress, CA 90630
(714) 816-6847
FAX (714) 816-6853



RECEIVED
South Coast Region

June 20, 2002

JUL 1 2002

CALIFORNIA
COASTAL COMMISSION

Mr. Charles Posner
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802

Applicant: Alegre - Mackenzie, LLC
Project Name: Single Family Dwelling
Project Address: 5115 Via Donte, Marina Del Rey, 90292
Division Reference Number: LA-02-068

Dear Mr. Posner:

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources has received and reviewed the above referenced project application and submits the following recommendations and requirements.

If during construction, any additional wells are uncovered, please contact us immediately. Remedial plugging and reabandonment may be required.

Division policy requires that soil contaminated by hydrocarbons shall be remediated or disposed of in accordance with local, state, or federal laws. If any saturated soil or seepage is detected during construction, please contact us immediately.

Enclosed are your copies of our Construction Site Plan Review. If you should have any questions, please call Robert Samuelian at (714) 816-6847. Your cooperation is appreciated.

COASTAL COMMISSION
5-02-193

EXHIBIT # 7

PAGE Page 1 OF 2 Pages

*See Application 5-02-278

THE RESOURCES AGENCY
DEPARTMENT OF CONSERVATION
DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES
PLAN REVIEW

Applicant: Alegre – Mackenzie, LLC
Project Name: Single Family Dwelling
Project Address: 5115 Via Donte, Marina Del Rey, 90292
Division Reference Number: LA-02-068

The staff of the Division of Oil, Gas, and Geothermal Resources has reviewed the attached project site plan and determined the following:

- ☒ The subject well must be abandoned or reabandoned to current standards (or equivalent) of the Division of Oil, Gas, and Geothermal Resources.
- B. The subject well has been abandoned or reabandoned to current standards (or equivalent) of the Division of Oil, Gas, and Geothermal Resources.
- C. The subject well was not abandoned to current standards, but no additional well work is required.
- D. The well is active, therefore, no abandonment is required at this time. Active wells must have adequate clearance and access for well workover equipment. We recommend that the well and associated equipment be enclosed with fencing in accordance with the provisions of Sections 1778 (a) and (e) of the California Code of Regulations, publication number PRC04.
- E. The required well work cannot be performed because the well could not be located.
- F. A well vent system approved by the city or county permitting agency is recommended.
- ☒ A Division leak test prior to issuing a building permit is required.
- H. A Division approved leak test has been completed.

COMPANY/OPERATOR	WELL DESIGNATION/API NO.	FIELD/COUNTY	A	B	C	D	E	F	G	H
Blue Ridge Oil Co., Ltd.	"Bland" 1 (037-14337)	Playa Del Rey/LA	X							X

Total number of wells: -1-

Date: June 20, 2002



Robert H. Samuelian

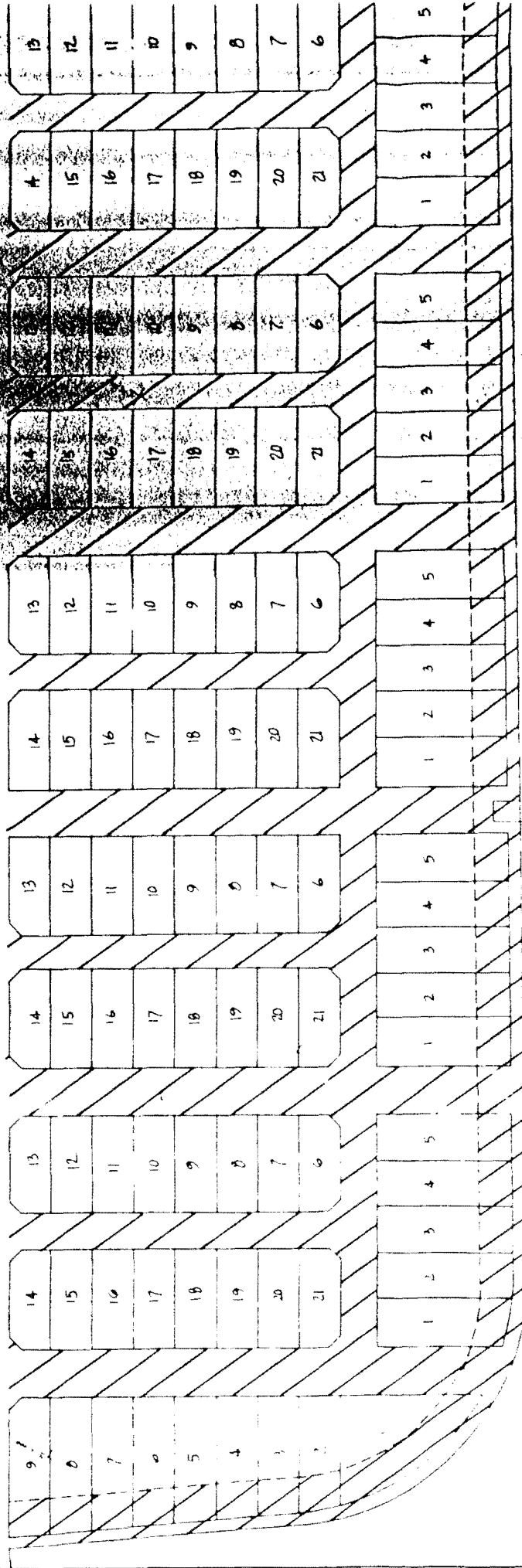
Robert H. Samuelian
Construction Site Engineer
Division of Oil, Gas, & Geothermal Resources

Note: This Plan Review expires one year from the date shown on the "Project Review" stamp.

COASTAL COMMISSION
5-02-193

DOLCE

VIA



ALLEY NE 45
(COURT)

NORTHMAN ST.

ALLEY NE 43
(COURT)

MAST ST.

ALLEY NE 41
(COURT)

LIGHTHOUSE ST.

ALLEY NE 39
(COURT)

KETCH ST.

ALLEY NE 37
(COURT)

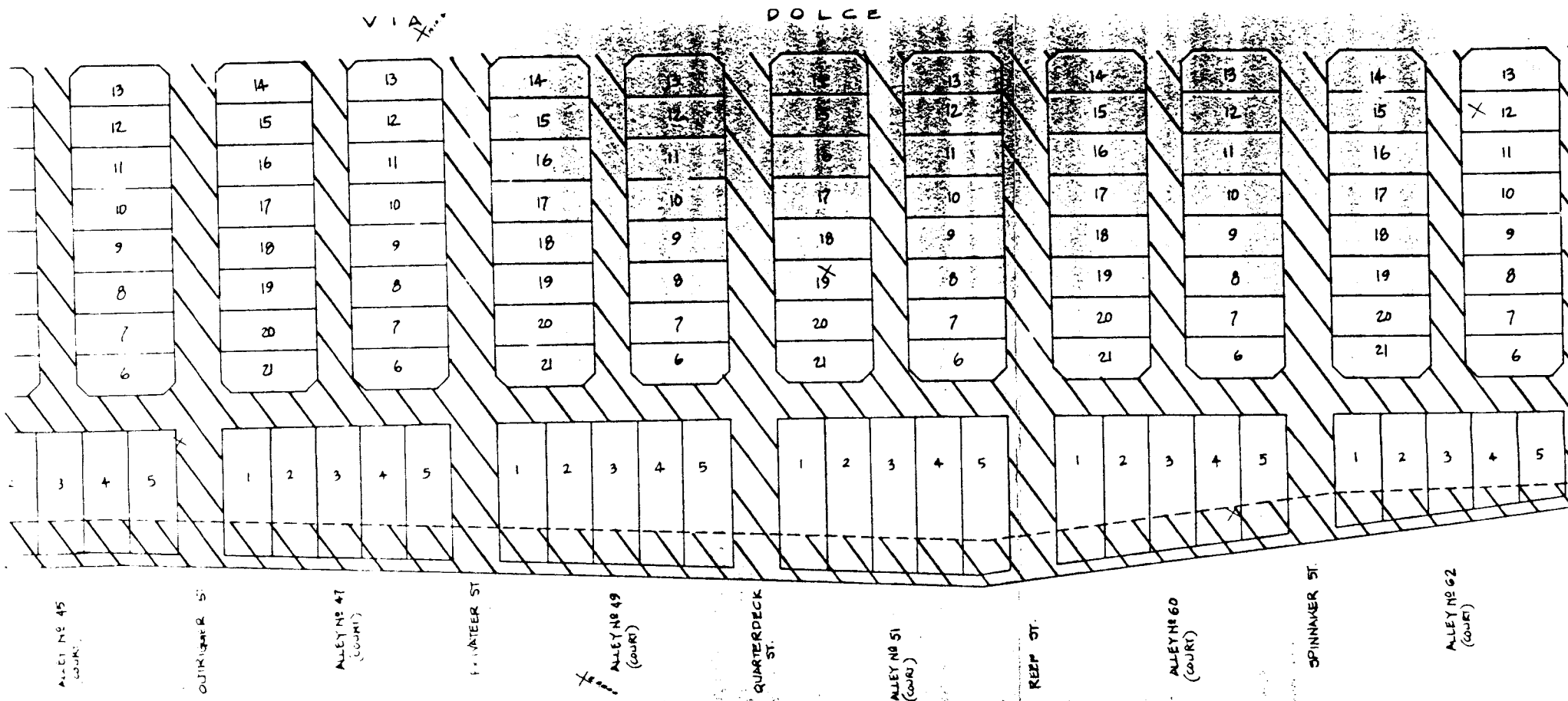
PACIFIC AVENUE

PUBLIC BUFFER and DRAINAGE AREAS / DEL REY STRAI

SOURCE: CCC, Engineering Service Corporation

Public Areas Exhibit
Del Rey/Silver Strand

Exhibit #8



CALIFORNIA COASTAL COMMISSION

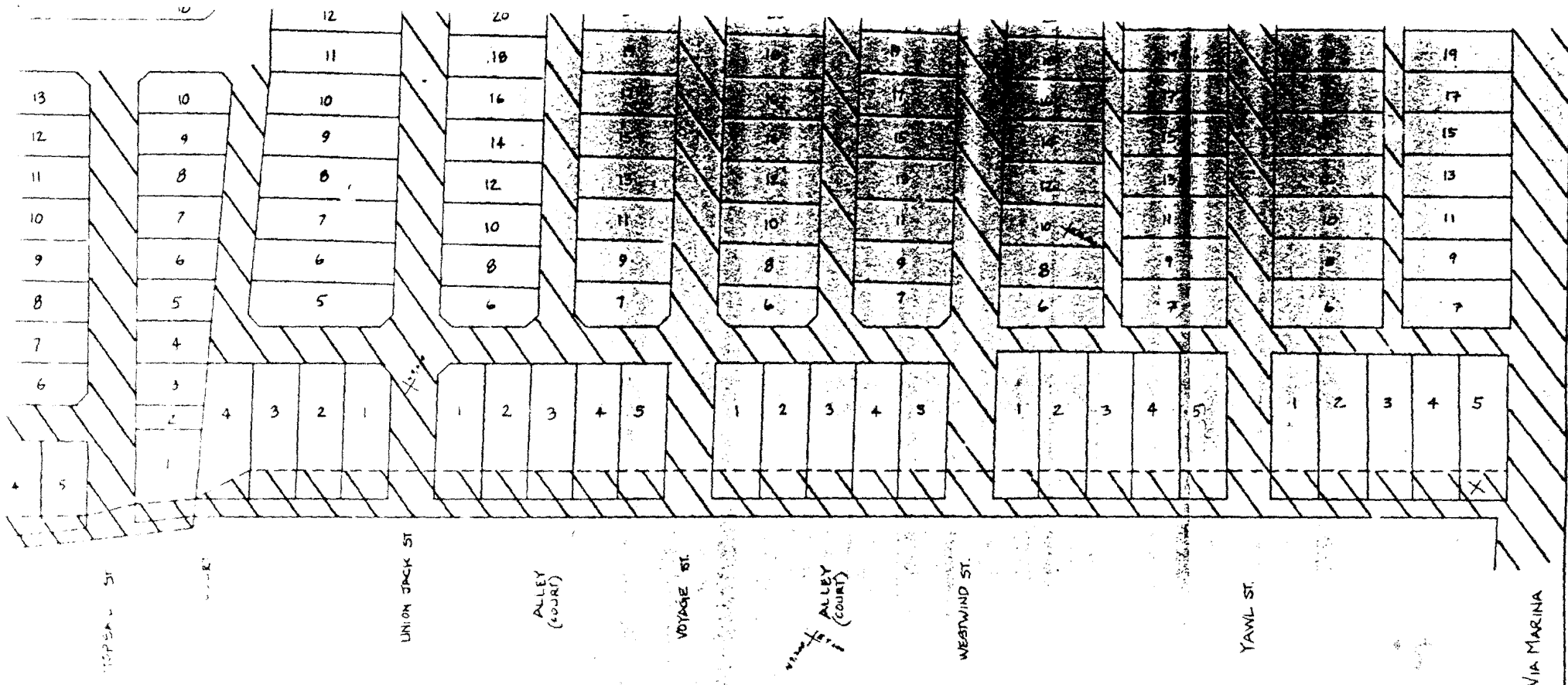
APPROVED ON 4-18 1980

AS CONFORMING TO PERMIT A-226-77

MICHAEL L. FISCHER
EXECUTIVE DIRECTOR

By *[Signature]* COASTAL COMMISSION

Exhibit #8 Public Areas Exhibit
Del Rey/Silver Strand



CALIFORNIA COASTAL COMMISSION

11/13/86, 11/16/89,
 APPROVED ON 3/26/87 & 12/1/89

AS CONFORMING TO PERMITS 5-86-141, 5-86-141A2,
 5-86-141B, & 5-86-141C,
 RESPECTIVELY.

MICHAEL L. FISCHER
 EXECUTIVE DIRECTOR

By *James M. [Signature]*
 Title *Coastal Engineer*

COASTAL COMMISSION

