

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Click here to go to
original staff report

Th8a

ADDENDUM

DATE: July 6, 2015

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **Addendum to Item Th8a:** Coastal Development Permit Application No. 5-15-0153 (Dobson), scheduled for the Commission meeting of July 9, 2015

I. Changes to the Staff Report

The purpose of this addendum is to identify a co-applicant who has requested to join the subject coastal development permit application. Mr. Jourdi De Werd has a legal interest in the property subject to the proposed development and has requested to join as a co-applicant. Therefore, the staff report is amended to change all references to the applicant (Michael Dobson) to co-applicants (Michael Dobson and Jourdi De Werd).

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Th8a

Filed:	2/17/15
180th Day:	8/16/15
Staff:	Z. Rehm-LB
Staff Report:	6/19/15
Hearing Date:	7/9/15

STAFF REPORT: CONSENT CALENDAR

Application Number: 5-15-0153

Applicant: Michael Dobson

Agents: Rudy Alegre, Ronald Howell

Project Location: 4303 Roma Court (Lot 1 of Block 10 of Silver Strand Tract), Venice, Los Angeles, Los Angeles County; APN 429-500-3001.

Project Description: After-the-fact request to construct an approximately 5,700 square foot, 45-foot high, four-level single family residence including three-car garage, roofdeck, and pool/spa on lagoon-fronting lot; and offer-to-dedicate 30-foot deep lagoon buffer easement over entire width of the applicant's property as measured from the easterly edge of the Esplanade (City right-of-way) for the purposes of public access and habitat protection.

Staff Recommendation: Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

Michael Dobson requests after-the-fact approval to construct a home on a lagoon fronting lot in the fully-developed residential Silver Strand area of Venice. On July 13, 1999, the Commission conditionally approved Coastal Development Permit 5-99-172 for a substantially similar development and the same applicant recorded an offer to dedicate a 30-foot deep easement on the portion of the site between the house and Ballona Lagoon. The easement would be part of the protective lagoon buffer that exists between the residential development on the east bank and the waters of Ballona Lagoon.

However, the City of Los Angeles issued a building permit before the coastal development permit (CDP) was issued and the development was constructed without a valid CDP. In addition, the applicant's 1999 recordation of the offer to dedicate the easement is defective. This applicant

is proposing to rectify the unpermitted development and the defective offer to dedicate with this permit application. The only new construction proposed by the subject coastal development permit application is a modification to the existing first level deck and stairway in the rear setback area (between the house and the protective lagoon buffer) and construction of an approximately 200 square foot pool/spa in that rear setback area.

In order to correct previous errors and permit the existing home, Commission staff recommends **approval** of Coastal Development Permit Application No. 5-15-0153 with conditions defining the approved development, requiring the applicant to record a new offer to dedicate the 30-foot deep easement for the protective lagoon buffer, provide native landscaping, implement construction best management practices, maintain the required setbacks, height, parking, install a pool cover and leak detection technology, agree to the terms of the master permit for the area, and record a deed restriction against the parcel. The applicant agrees with the staff recommendation.

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

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

This permit is granted subject to the following 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 on which the Commission voted on the application. 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

This permit is granted subject to the following special conditions:

1. **Approved Development – Permit Compliance.** Coastal Development Permit 5-15-0153 approves the construction of a 45-foot high single-family residence with an attached three-car garage, roofdeck and pool/spa on a lagoon-fronting lot. Disturbance of the public trail that runs within the protective lagoon buffer described in Special Condition 2 is strictly prohibited. All development must occur in strict compliance with the proposal as set forth in the application, subject to the special conditions. Any proposed change or deviation from the approved plans shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans, or disturbance of the protective lagoon buffer, shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
2. **Protective Lagoon Buffer - Easement for Public Access and Habitat Protection.** Within 180 days of the Commission's action to approve Coastal Development Permit 5-15-0153, or within such additional time as the Executive Director may grant for good cause, 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 cover that portion of the applicant's lot which occupies the buffer area approved pursuant to Coastal Development Permit A-266-77 and shall measure thirty feet deep as measured from the easterly edge of the Esplanade (City right-of-way) and shall extend over the entire forty foot width of the applicant's property (see Exhibit 3 of this report) for a total area of 1,200 square feet. Such easement shall prohibit development and shall allow public access along the walkway installed pursuant to Coastal Development Permit A-266-77 (ILA). Prohibited development within the dedicated area includes, but is not limited to, 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 environment, and to maintain the public walkway and such fencing that is necessary to preserve the habitat. The applicant shall not disturb the fencing and native vegetation in the lagoon buffer area, and shall not interfere with public use of the walkway. Any future development that is proposed to be located either in whole or in part within the area described in the recorded offer of dedication, including any development proposed by the accepting agency or association, shall require a Commission amendment, approved pursuant to the provisions of 14 CCR

§ 13166, to this coastal development permit. This requirement shall be reflected in the provisions of the offer.

The recorded document shall include legal descriptions of both the entire project site and the area of dedication and an accompanying graphic depiction of the legal descriptions. 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.

3. **Landscaping.** By acceptance of this Coastal Development Permit No. 5-15-0153, the applicant agrees that all landscaping for the entire development shall be of southern California native plants appropriate to the Ballona Lagoon habitat area (coastal sand dune). No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. The use of chemical pesticides, fertilizers, and herbicides is prohibited within the protective lagoon buffer strip described in Special Condition 2.
4. **Construction Best Management Practices Plan.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, Construction Best Management Practices Plan for the proposed project that provides for the following:
 - a. 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 2 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 and lagoon buffer from runoff from the project site, the applicant 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) between the building site and the lagoon buffer area. 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 building site. The applicant 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 construction and painting activities. There shall be no stock piling, grading, trash disposal, equipment storage, excavation, placement of fill, or any other development within the protective buffer area established between the waters of the lagoon and the fence (with the exception of the maintenance of the existing public walkway).

- b. During demolition and construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into the lagoon or any street that drains into the lagoon, unless specifically authorized by the California Regional Water Quality Control Board.
 - c. All demolition and construction equipment and materials shall be stored and managed in a manner to minimize the potential of pollutants to enter the lagoon.
 - d. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
 - e. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.
 - f. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into the lagoon, and more than fifty feet away from a storm drain, open ditch or surface waters.
 - g. In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.
 - h. The Construction Best Management Practices Plan approved by the Executive Director pursuant to this condition shall be attached to all final construction plans. The applicant shall undertake the approved development in accordance with the approved Construction Best Management Practices Plan. Any proposed changes to the approved Construction Best Management Practices Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
5. **Setback from Protective Lagoon Buffer.** All portions of the dwelling (including stairways, balconies and bay windows), except for the first level deck, shall be set back from the easterly edge of the lagoon buffer strip at least 13 feet. 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 located immediately adjacent to the setback area. No fence, wall or other accessory structure shall encroach into the lagoon buffer situated between the waters of the lagoon and the house.

6. **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. 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 30-foot height limit within 60 horizontal feet of the mean high tide line of Ballona Lagoon or the inland side of the Esplanade. No roof access structure is permitted above the 45-foot height limit. The applicant and all successors in interest shall maintain the approved development consistent with the plans approved by the Commission.
7. **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 the 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.
8. **Maintenance of Public Areas.** In order to maintain the public areas designated in the Silver Strand and Del Rey Beach tracts, the applicant and successors in interest shall: A) 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; B) 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 C) 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 Exhibit 6 of the 6/18/15 staff report entitled "Public Buffer and Drainage Areas and Offer To Dedicate Area."
9. **Parking.** The applicant shall provide and maintain at least three off-street parking spaces on the project site. These parking spaces shall take access only 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 any type of 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).

10. **Pool/Spa Cover and Leak Detection.** The applicant shall provide a cover for the approved pool/spa and maintain the pool/spa cover in a functional state for the life of the development. Additionally, the applicant shall implement leak detection technology into the design of the pool/spa and shall fix any leaks from the pool/spa or the pipes serving the pool/spa over the life of the development. If a leak results in a discharge of pool/spa water or debris into the Environmentally Sensitive Habitat Area of Ballona Lagoon, the applicant shall immediately report the leak to the Executive Director and the Executive Director shall determine whether an amendment to this permit is required.
11. **Deed Restriction.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: A) indicating that, pursuant to this coastal development 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; and B) imposing the 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 entire parcel governed by this coastal development permit. 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 coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.
12. **Condition Compliance.** Within 180 days of Commission action on this coastal development permit application, or within such time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

Michael Dobson requests after-the-fact approval to construct an approximately 5,700 square foot, 45-foot high, four-level single family residence including three-car garage and roofdeck on a lagoon-fronting lot in Venice, Los Angeles (**Exhibit 1**). Additionally, the applicant proposes to modify the existing first level deck and stairway in the rear setback area (between the house and the protective lagoon buffer) and construct an approximately 200 square foot pool/spa in that rear setback area (**Exhibit 2** and **Exhibit 3**). The 4,384 square foot lot is situated on the corner of Roma Court and Lighthouse Mall in the Silver Strand Tract. The proposed residence provides three on-site parking spaces as required by **Special Condition 9**, with vehicular access from

Roma Court (**Exhibit 3**). The City of Los Angeles has approved the proposed modifications to the deck and stairway and the proposed new pool/spa (DIR-2013-3820-VSO; 12/2/13).

Ballona Lagoon, which fronts the site, is a tidal lagoon designated as an Environmentally Sensitive Habitat Area (ESHA) by the certified Venice Land Use Plan (**Exhibit 4**). **Special Conditions 1 and 2** strictly prohibit any disturbance of the protective lagoon buffer described in **Special Condition 2** (or the public trail that runs within the buffer area). In order to protect the biological productivity of the lagoon, **Special Condition 3** requires that all landscaping on the property shall be of southern California native plants appropriate to the Ballona Lagoon habitat area. To further preserve water quality, **Special Condition 4** requires the applicant to implement construction best management practices and **Special Condition 10** requires the new pool/spa to be designed and maintained with a cover and leak detection technology.

On July 13, 1999, the Commission conditionally approved Coastal Development Permit 5-99-172 for a substantially similar development which required the same applicant to record, prior to issuance of the permit, an offer to dedicate a 30-foot deep easement between the house and the Esplanade adjacent to Ballona Lagoon. The applicant recorded Instrument Number 99-2192173, in Los Angeles County Recorder's Office on November 29, 1999 to comply with the 1999 coastal development permit. However, this offer to dedicate was defectively recorded and is not valid because, among other defects, it did not identify the grantor in the document and was not signed by the owner on record at the time recordation. These deficiencies resulted in non-compliance with the special condition requiring recordation of the OTD and the applicant did not correct the deficiencies before expiration of the permit. As a result, the Commission could not issue coastal development permit 5-99-172 and the permit has since expired. The City of Los Angeles, nonetheless, issued a building permit before the coastal development permit (CDP) was issued and the development was constructed without a valid CDP.

The Silver Strand Tract and the Del Rey Beach Tract share a long history before the 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 (primarily 4,000-7,000 square foot) single-family residences. Although the subdivisions were created in the early 1900s, the development of the area with residences did not occur until the late 1970s. Therefore, the Commission has reviewed and permitted development of the subdivisions with 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 6**). The consortium represented most of the lot owners, although the gas company which owned several

lots and a few other individual lot owners refused to join. The consortium was judged to have the legal ability to apply for a permit to grade the lots, improve the streets, and supply utilities within the Silver Strand area so that individual lot owners would eventually be able to build homes under separate permits.

The Commission's 1977 approval of Coastal Development Permit A-266-77 (ILA) permitted the consortium of applicants, the Isthmus Landowners Association (ILA), to develop the infrastructure necessary for the development of single-family homes on approximately three hundred lots located on Blocks 7 through 18 of the Silver Strand Tract and Blocks 13 through 15 of the Del Rey Beach Tract (**Exhibit 6**). The current proposed project is located on a lot (Lot 1, Block 10, Silver Strand Tract) which is subject to Coastal Development Permit A-266-77 (ILA).

Coastal Development Permit A-266-77 (ILA) was subject to conditions addressing lagoon protection, maintenance of public areas, public access, and public parking. The Commission found that Ballona Lagoon 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.

The waterway is a critical habitat area for the California least tern. The native vegetation on the lagoon banks consists of wetland and dune plants, and coastal sage scrub.

The lagoon is 150-200 feet wide and contains approximately sixteen acres of open water and wetland area. The tidal regime in Ballona Lagoon is restricted by an automated tide gate located at the south end of the lagoon where three seven-foot diameter pipes connect the lagoon to the waters of the Marina del Rey entrance channel. The Los Angeles County Department of Beaches and Harbors operates the tide gate. The automated tide gate limits the peak tidal elevation in Ballona Lagoon to approximately 2.65 feet above MSL. The low water level (MLLW) in the lagoon is recorded as -1.88 MSL.

The parts of the lagoon situated below the low water level of -1.88 MSL are referred to as subtidal habitat areas because they are habitat areas which are always under water. The parts of the lagoon which are sometimes covered by water, but are exposed when the water is at its lowest level, are referred to as intertidal habitat areas. Intertidal habitat areas, like sand bars and the mudflats located on the east and west banks of the lagoon, are exposed during the lowest tides and are underwater during the highest tides. Upland areas are located above the high water line (+2.65' MSL) and are always dry (except when irrigated and when it rains). The water depths in the lagoon vary from zero to eight feet depending on the tide level and the location of measurement. Since the completion of the dredging approved by Coastal Development Permit Amendment 5-95-152-A1, the deepest bottom elevations (-6.0' MSL) are found in the deep-water pool that was created at the south end of the lagoon near Via Marina.

Two lots, which are remnants of the original Spanish land grant, comprise most of the submerged areas within Ballona Lagoon. At the southern end of the lagoon, the submerged area (Lot C) located between Topsail Street and Via Marina is owned by the Summa Corporation. The Summa Corporation has granted to the City of Los Angeles a permanent conservation/open

space easement over Lot C. Part of Lot C is not submerged and comprised the part of the west bank situated between the water and the City Esplanade West. The easement over Lot C allows for subtidal and intertidal habitat maintenance and the preservation of the natural and scenic character of the easement. The submerged area within the northern two-thirds of the lagoon is Lot R. Lot R, owned by the City of Los Angeles, extends north from Topsail Street to Grand Canal at the extreme northern end of lagoon, and is also not totally submerged.

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. Bank erosion is especially prevalent on the west bank of the lagoon at Jib Street and Topsail Street, where gullies extend as far inland as Pacific Avenue. Due to the bank erosion on the west side of the lagoon, part of the unimproved Esplanade West City right-of-way is submerged or within the intertidal area.

Ballona Lagoon is surrounded by a highly urbanized area of single and multiple-family residential development. The properties which 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, a public access path and lagoon buffer area, both required by Coastal Development Permit A-266-77 (ILA), separate the residential development from the waters of the lagoon. An undeveloped City right-of-way (Esplanade East) comprises part of the forty-foot wide lagoon buffer on the east bank. The remainder of the forty-foot wide east bank lagoon buffer is comprised of front yard setbacks in addition to a 24 to 30-foot wide portions of the lagoon fronting lots which have been dedicated as open space and public access easements. Pursuant to Coastal Development Permit A-266-77 (ILA), each lagoon fronting lot owner on the east bank, as a condition of individual permits for developing their property, is required to offer to dedicate a 24 to 30-foot easement for habitat protection and public access as part of the forty-foot wide lagoon buffer.

The easements that are dedicated on each lagoon-fronting property provide for a protective lagoon buffer that mitigates adverse impacts to the ESHA created by the residential development of the Silver Strand. The easements ensure that the residential development (four-level houses) is set back from the sensitive habitat in the lagoon and provide a protected area (protective lagoon buffer and bird flyway) on the bank of the lagoon to preserve native landscaping and upland habitat. The easements also provide of the West Bank Ballona Trail, a public path that runs the entire length of the lagoon.

The protective lagoon buffer has been restored with native vegetation as part of the Ballona Lagoon Enhancement Plan (See Coastal Development Permit 5-95-152). A thirty-foot deep section of the 140-foot deep lot comprises part of the protective lagoon buffer that exists along the east bank (**Exhibit 3** and **Exhibit 6**). The portion of the buffer on the lagoon side of the pedestrian path has been restored with native vegetation as part of the Ballona Lagoon Enhancement Plan and is included in the applicant's offer to dedicate.

Special Condition 2 stipulates that 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 cover that portion of the applicant's lot which occupies the buffer area approved pursuant to Coastal Development Permit A-266-77 and shall measure thirty feet deep as measured from the easterly edge of the Esplanade (City right-of-way) and shall extend over the entire forty of the applicant's property (see Exhibit 3 of this report) for a total area of 1,200 square feet. Coastal Development Permit No. 5-15-0153 authorizes a single family residence adjacent to Ballona Lagoon and could not have been approved without mitigation for the impacts to public access and habitat. The applicant has included the offer to dedicate the easement in the application for the permit. The condition requires the applicant to record the offer to dedicate within 180 days of Commission action, or within such time as the Executive Director may grant for good cause.

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. The defective easement OTD recorded on November 29, 1999, referenced above, for the subject site has not been accepted by the City or any other party and the Commission will not allow an entity to accept the defective easement OTD. The City or other entity acceptable to the Executive Director will have 21 years to accept the new easement OTD required by **Special Condition 2**.

Another mitigation measure required by Coastal Development Permit A-266-77 (ILA) 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 required by the permit. Because all 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. The public areas are identified in **Exhibit 6** entitled "Public Buffer and Drainage Areas and Offer To Dedicate Area." **Special Condition 7** requires the applicant to accept the conditions of Coastal Development Permit A-266-77 (ILA) and **Special Condition 8** requires the applicant to participate in the maintenance of the public areas throughout the life of the development.

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, and these conditions provide the basis for the mitigating special conditions that have been routinely applied to all subsequent coastal development permits in the area, including this one. The Silver Strand lagoon fronting lots have setback and height requirements for structures and accessory structures, set forth in the Venice Land Use Plan (**Exhibit 5**). In order to uphold those requirements and ensure that development is consistent with the character of the surrounding area, **Special Condition 5** requires an additional 13 foot building setback beyond the lagoon buffer area and **Special Condition 6** details limits on building height. The special conditions ensure that the Chapter 3 policies of the Coastal Act and the underlying permit are carried out as individual lots are developed in the Silver Strand area. The Commission finds that only as conditioned does the proposed development conform with the Chapter 3 policies of the Coastal Act and the prior permits.

B. PUBLIC ACCESS AND RECREATION

The proposed project will not interfere with the public access trail that runs along the east bank of Ballona Lagoon. As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

The proposed development, as conditioned, does not interfere with public recreational use of coastal resources. The proposed development, as conditioned, protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development, as conditioned, is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

C. MARINE RESOURCES AND WATER QUALITY

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for demolition, construction and post construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of ongoing best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

D. DEVELOPMENT

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

E. ENVIRONMENTALLY SENSITIVE HABITAT

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

F. DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owners record a deed restriction against the property, referencing all of the Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property. Thus, as conditioned, this permit ensures that any prospective

future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

G. UNPERMITTED DEVELOPMENT

Unpermitted development has occurred at the project site subject to this Coastal Development Permit application. The unpermitted development includes the construction of the approximately 5,700 square foot home and attached garage without a valid coastal development permit. Any non-exempt development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

The applicant is proposing after-the-fact approval of the unpermitted development noted above and described in more detail in the project description. Although the development has taken place prior to submittal of this application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit will resolve the violations identified in this section above once the permit has been fully executed and the terms and conditions of the permit complied with by the applicant. Special Condition 12 requires the applicant to satisfy all “prior to issuance” conditions of this permit within 180 days of Commission action, or within such time as the Executive Director may grant for good cause.

H. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Los Angeles has determined that the proposed project is categorically exempt from the California Environmental Quality Act (CE-99-0428; 5/5/99). 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 that 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.

SUBSTANTIVE FILE DOCUMENTS

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
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 5-99-172 (Dobson).

EXHIBITS

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Existing and Proposed Elevations
- Exhibit 3 – Proposed Site Plans
- Exhibit 4 – Venice Land Use Plan Environmentally Sensitive Habitat Areas
- Exhibit 5 – Venice Land Use Plan Building Height Requirements
- Exhibit 6 – Public Buffer and Drainage Areas and Offer To Dedicate Area

4303 Roma Court, Venice, Los Angeles



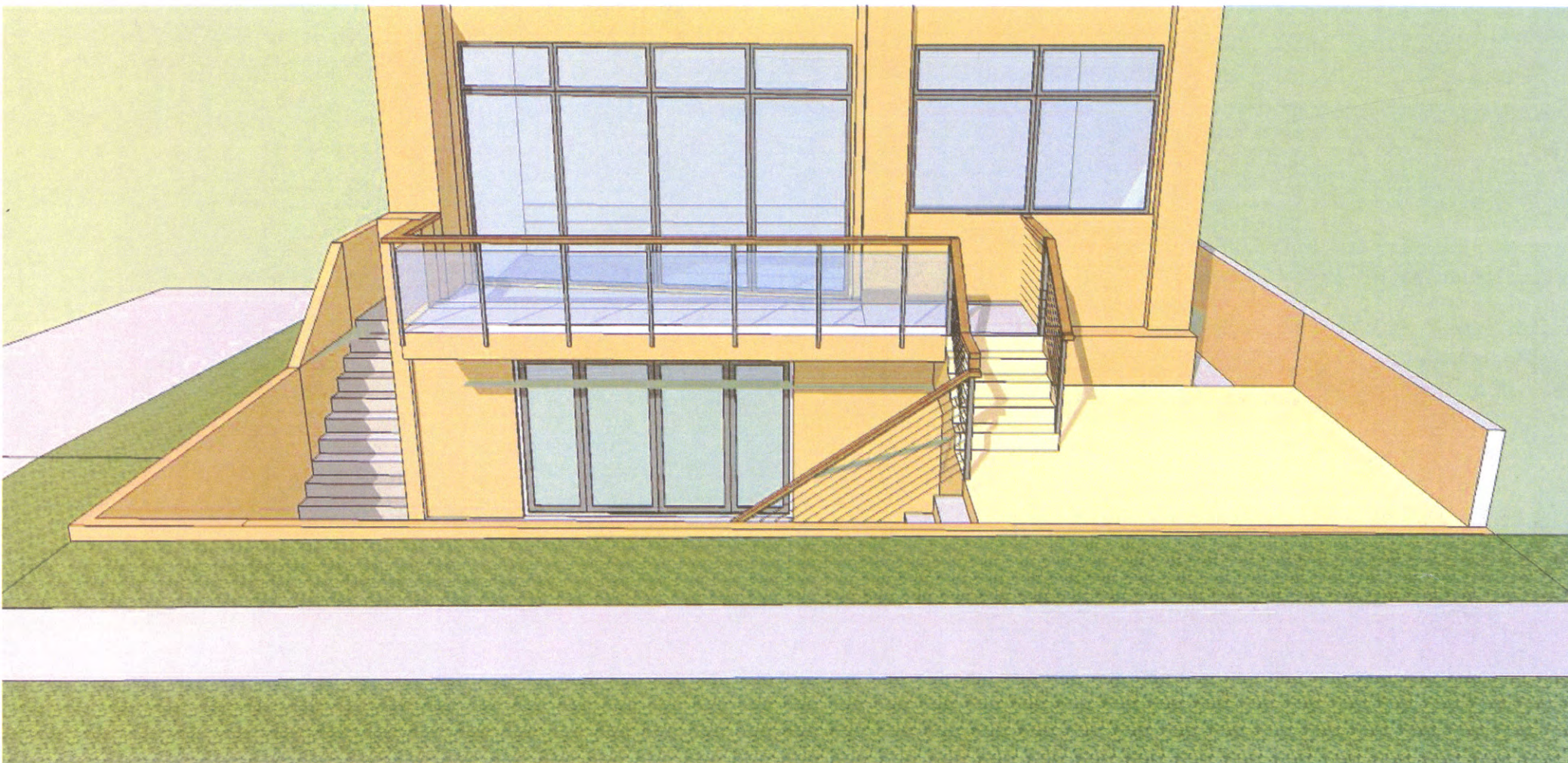
Photo: Bing Maps

Exhibit 1

Page 1 of 1



California Coastal
Commission



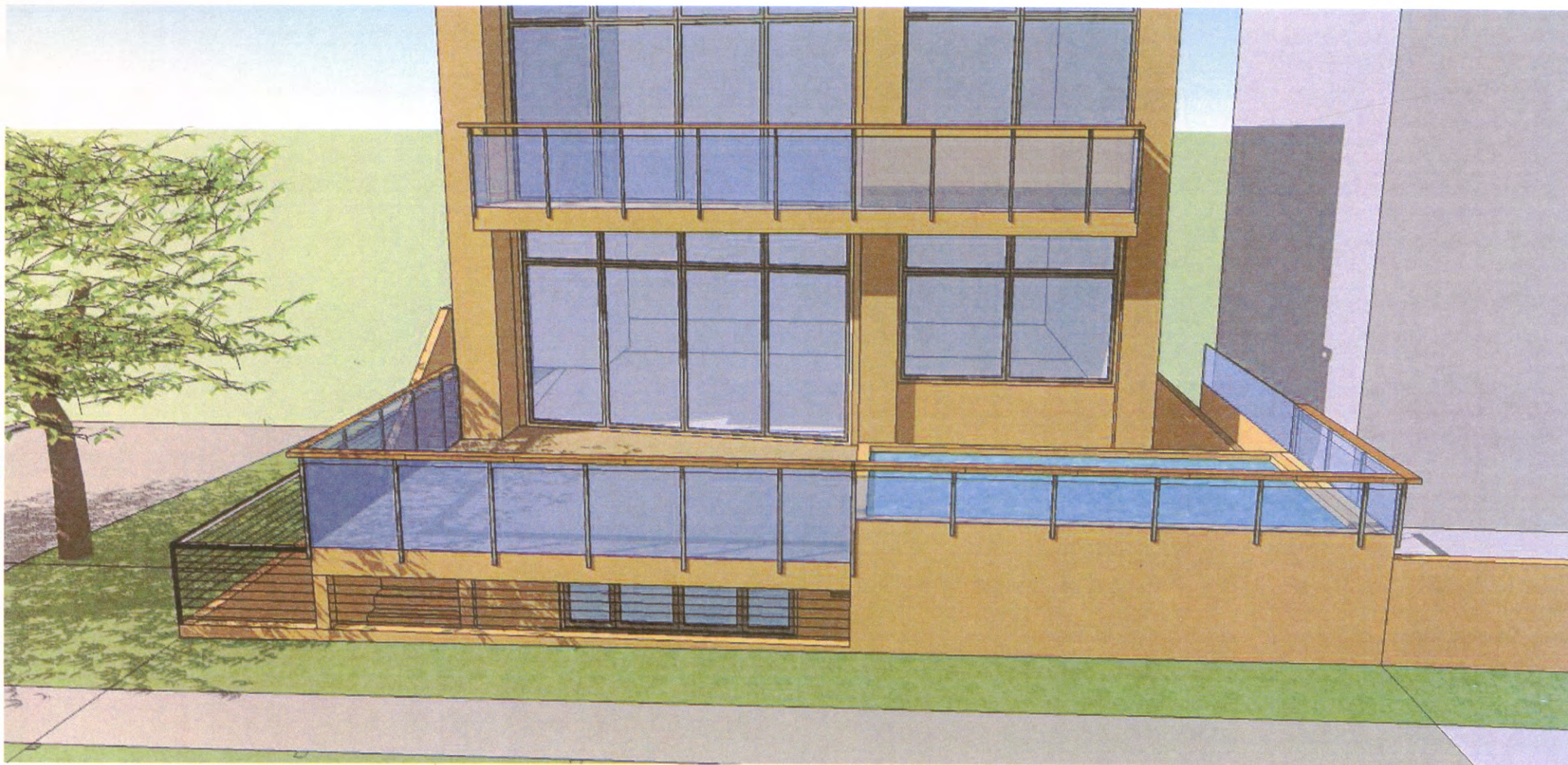
(E) WEST ELEVATION

Exhibit 2

Page 1 of 2



California Coastal
Commission



(H) WEST ELEVATION

Exhibit 2

Page 2 of 2

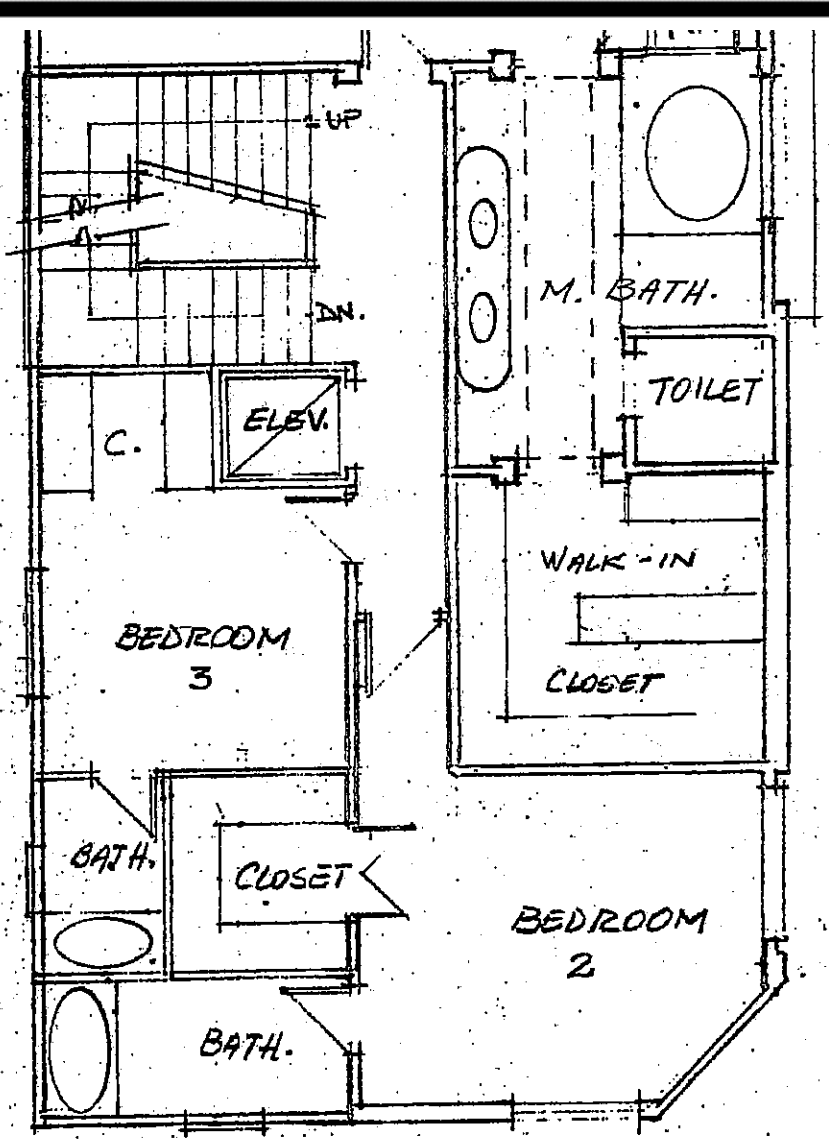


California Coastal
Commission

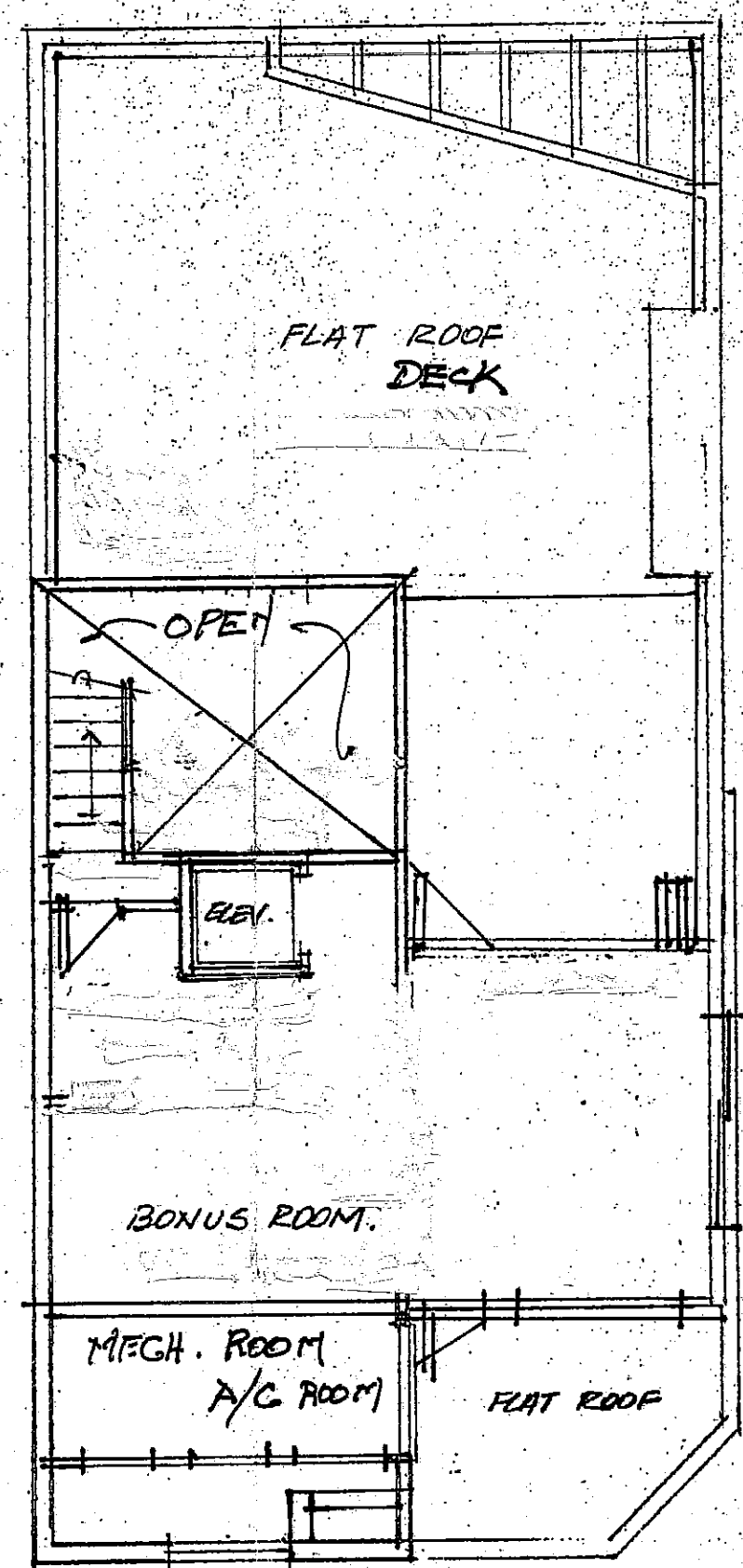
Exhibit 3



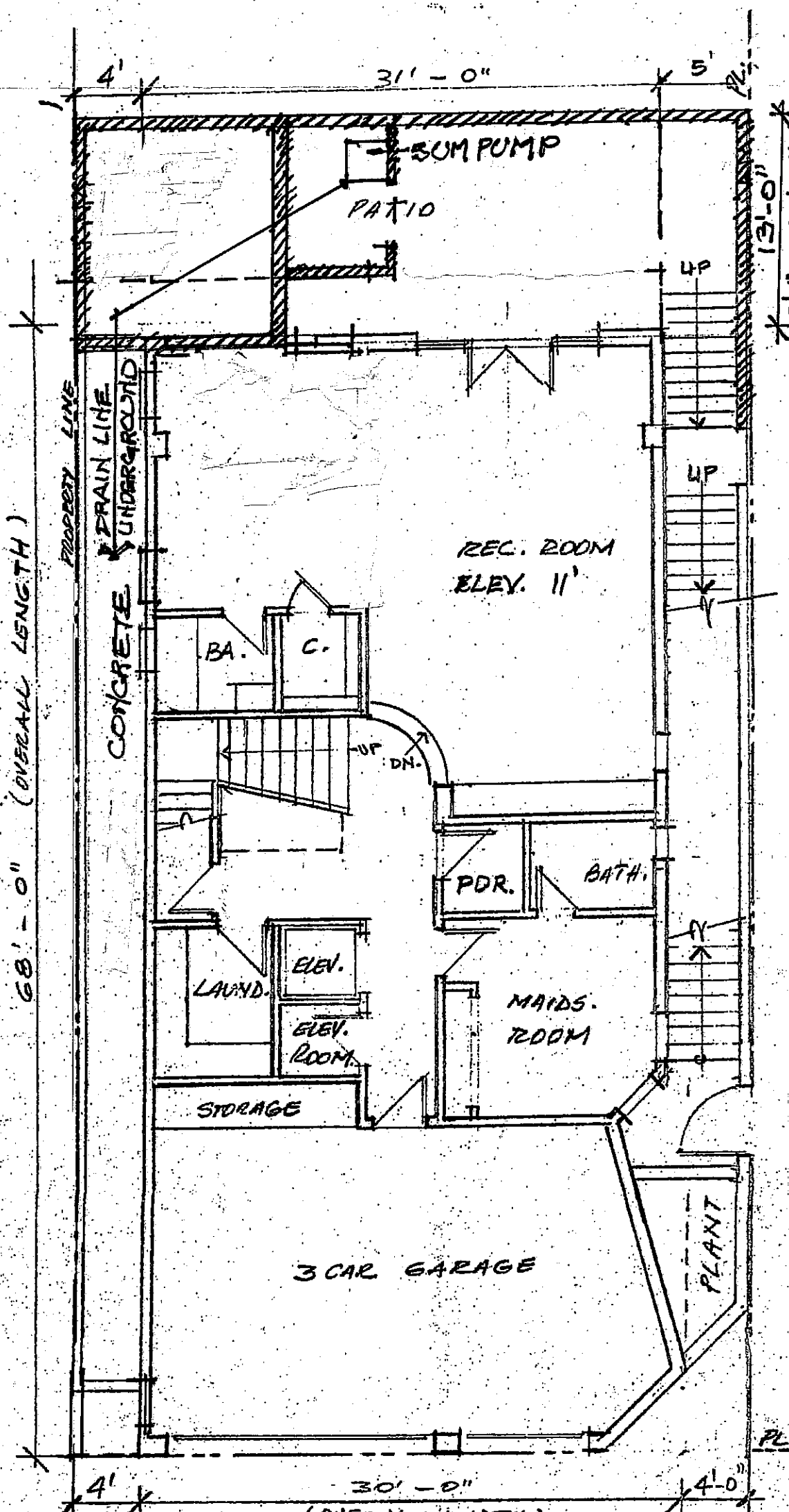
California Coastal Commission



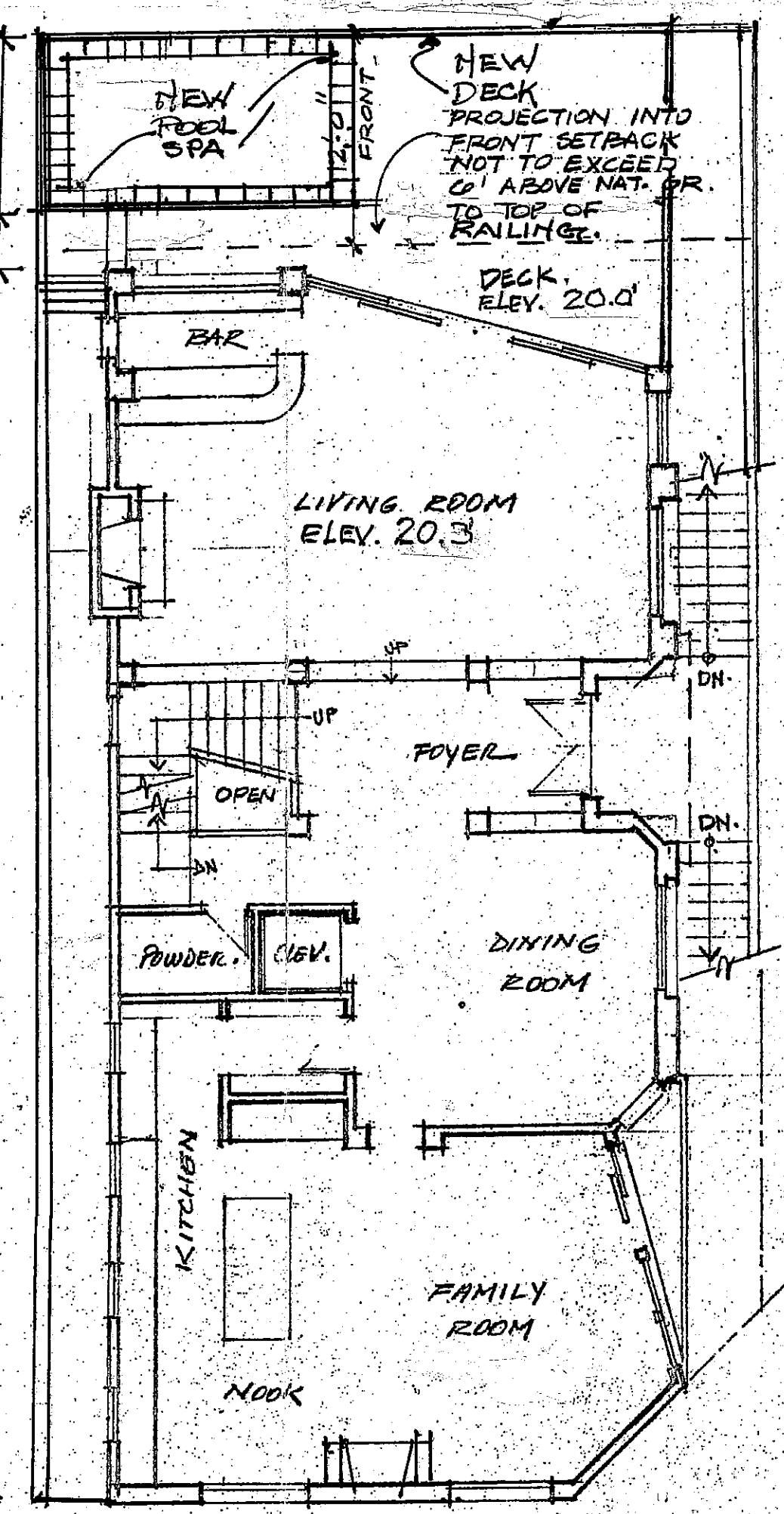
SECOND FLOOR PLAN
1,975 SQ.F.



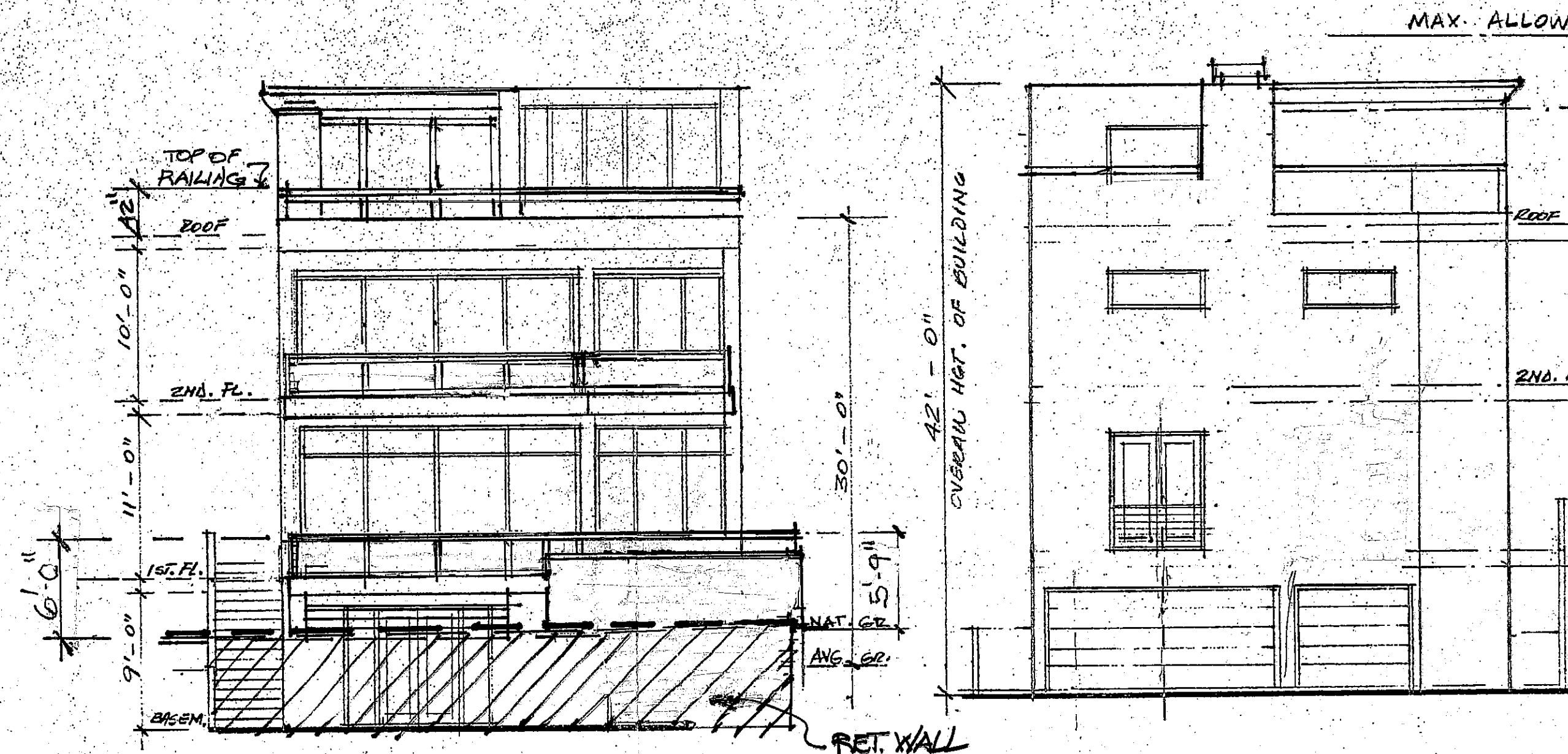
ROOF FLOOR PLAN
LIVING: 498 SQ.F.
DECK: 1,200 SQ.F.



BASEMENT FLOOR PLAN
1,508 SQ.F.

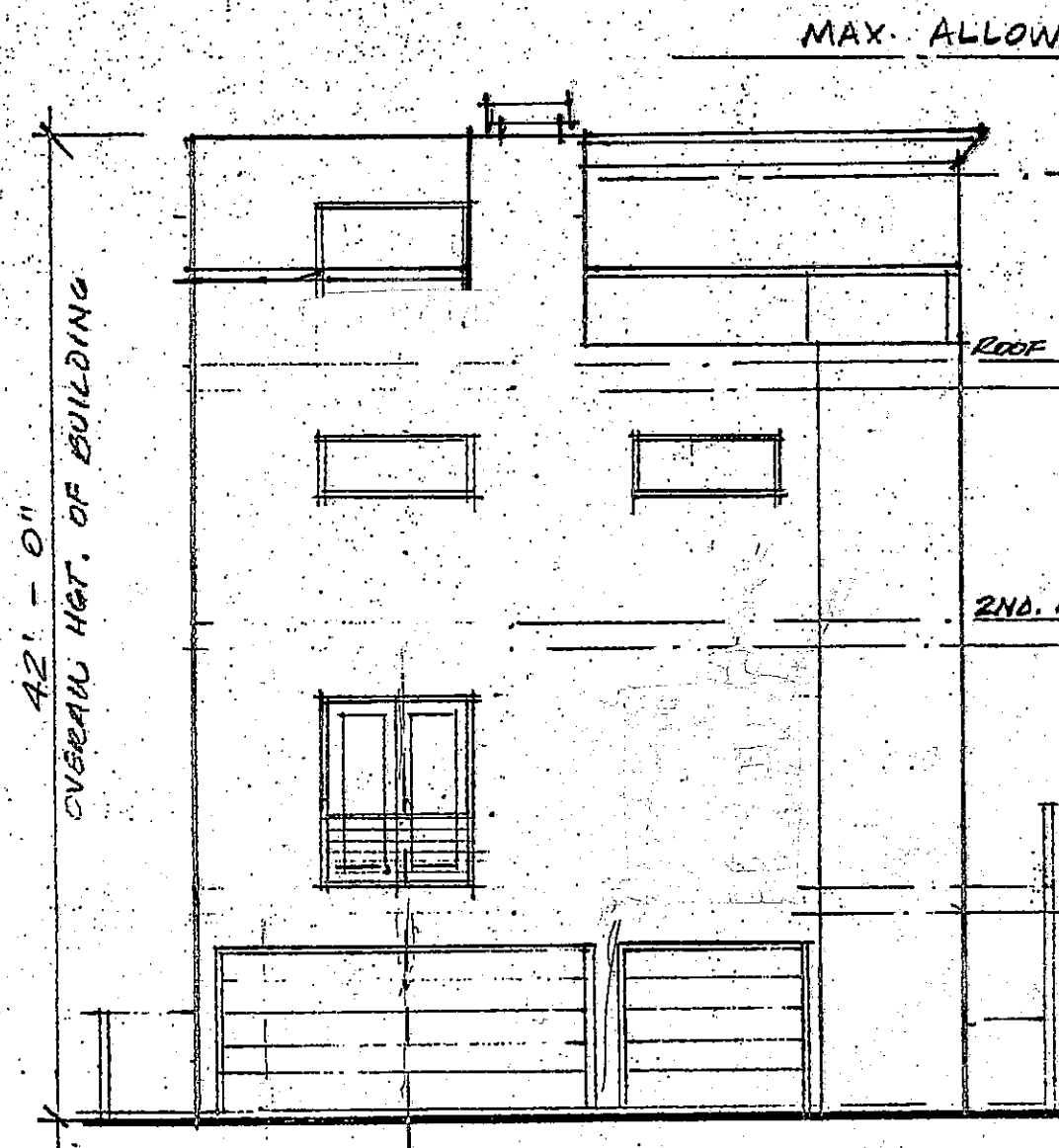


FIRST FLOOR PLAN
2,077 SQ.F.



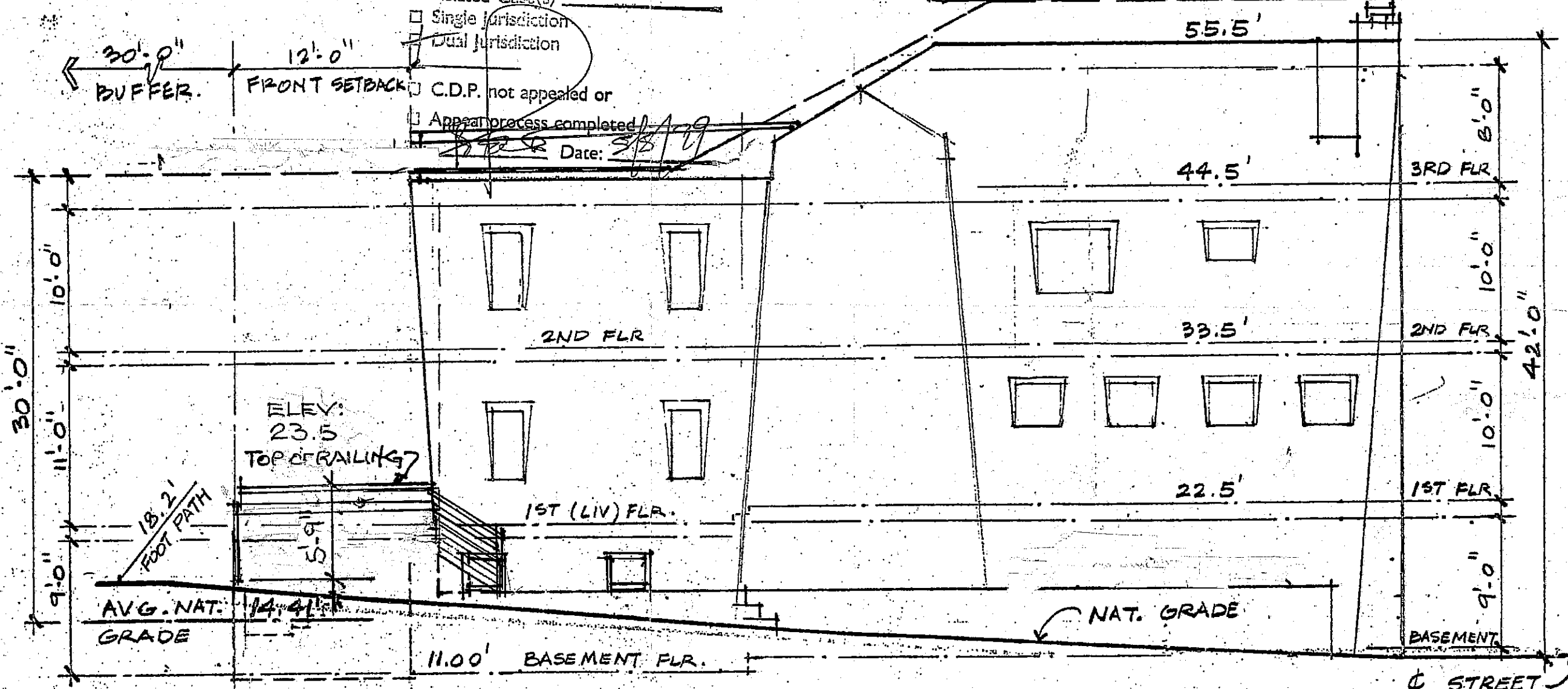
FRONT ELEVATION

Los Angeles City Planning
ASTAL ZONE PLAN
APPROVED
Approval in Concept 99-049
Exchange (Sec. 30610) PDC
CALYO Exemption (30610)
Categorical Exclusion No. CE 99-0428
C.D.P. No. _____ date _____
Issued _____
Related Case(s) _____
Single Jurisdiction _____
Dual Jurisdiction _____
C.D.P. not appealed or _____
Appeal process completed _____
Date: 3/1/99



STREET ELEVATION (REAR)

As part of the proposed project, the applicant hereby offers to dedicate to a public agency or private association acceptable to the deputy director, an easement for public access and habitat protection. This easement shall include a 30' wide strip of land over applicant's entire width of property as measured from Esplanade East.



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

LEGAL DESCRIPTION

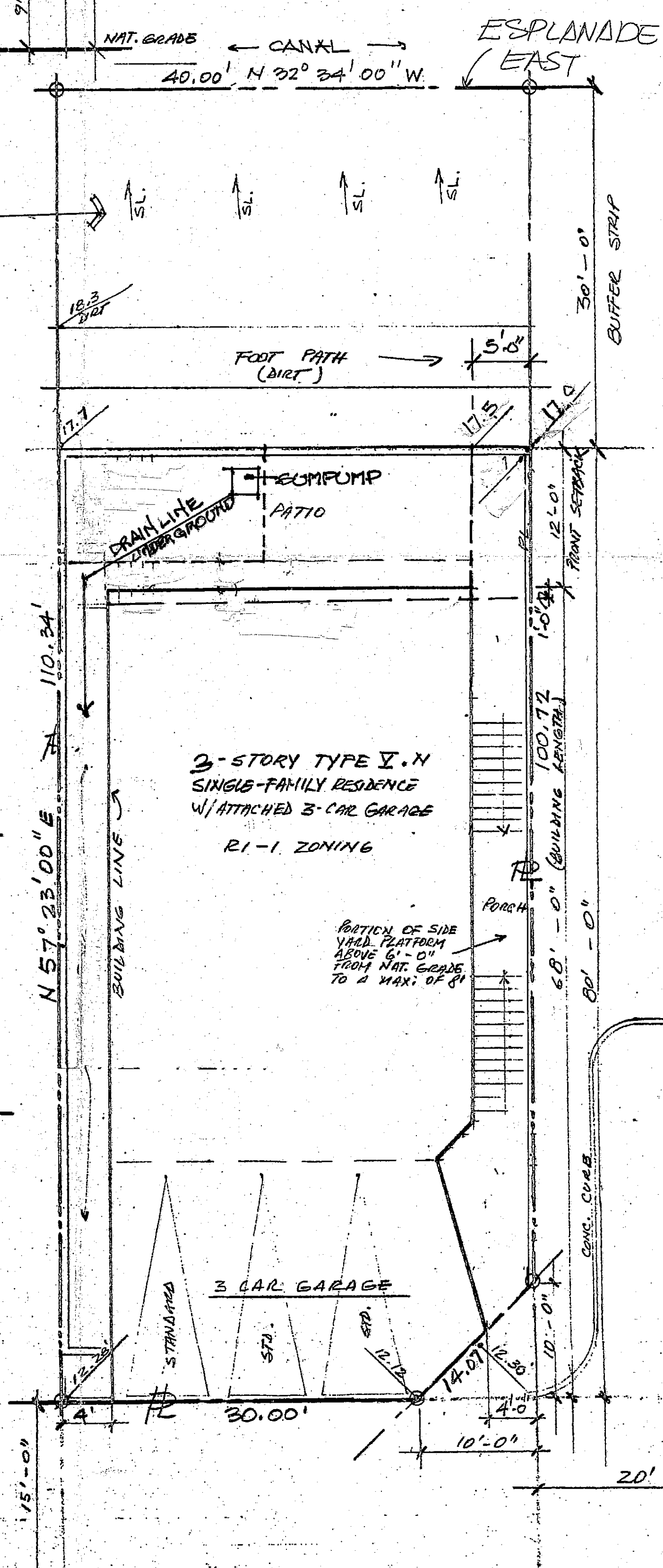
LOT 1
BLOCK 10
SILVER STRAND TRACT

ADDRESS

4303 ROMA COURT
MARINA DEL REY, CA 90292

OWNER

MIKE DOBSON



ROMA COURT

SHEET
1

DATE
REVISION

ALEGRE + MACKENZIE
ARCHITECTURE
145 Via Marina Marina Del Rey, CA 90292
(310) 457-6114

MIKE DOBSON
4303 ROMA COURT
MARINA DEL REY, CA 90292

RECEIVED
Coast Region
MAY 11 1999
CALIFORNIA COASTAL COMMISSION

SITE PLAN
FLOOR PLAN
ELEVATION

DATE
REVISION

500
APPROV
Permit
By
EFF

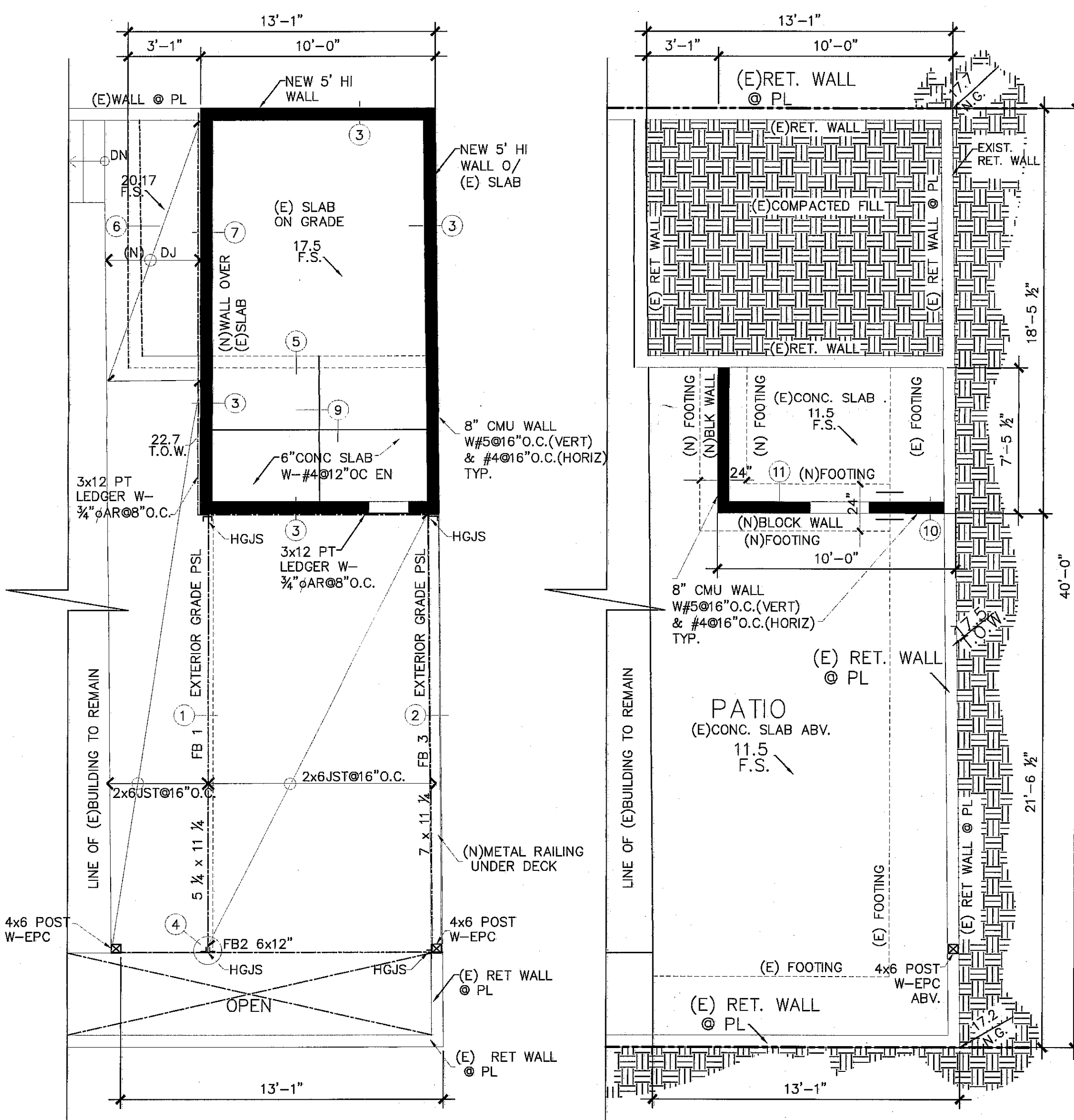
5 SHEET

Exhibit 3

Page 2 of 2



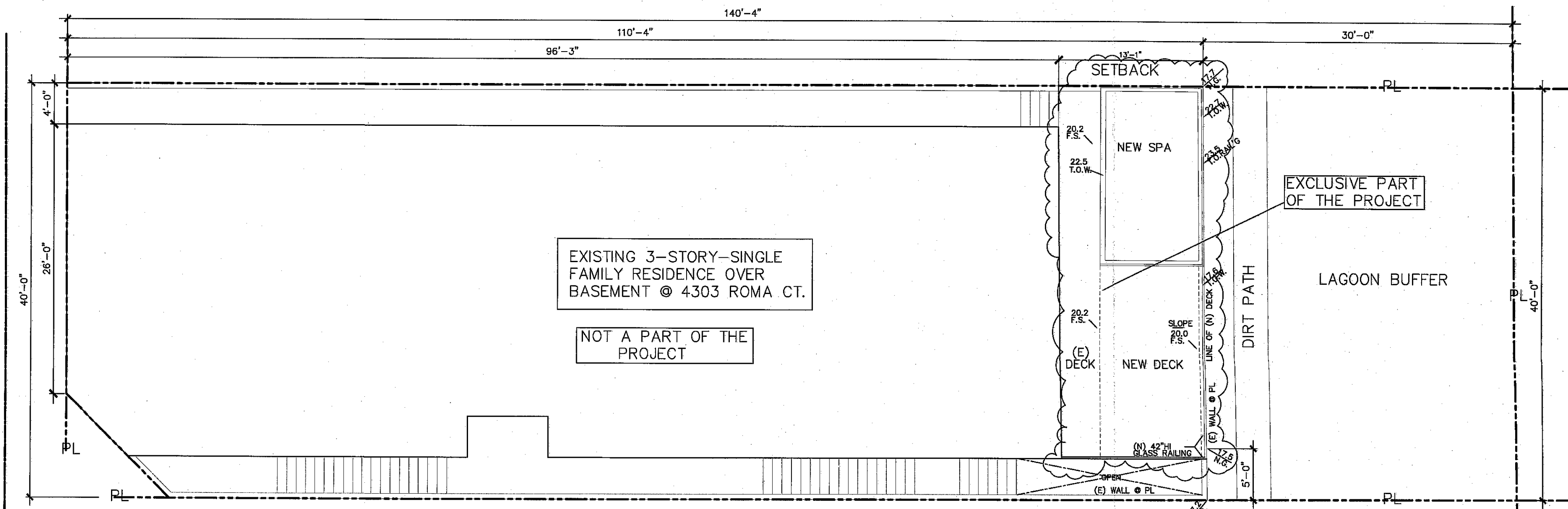
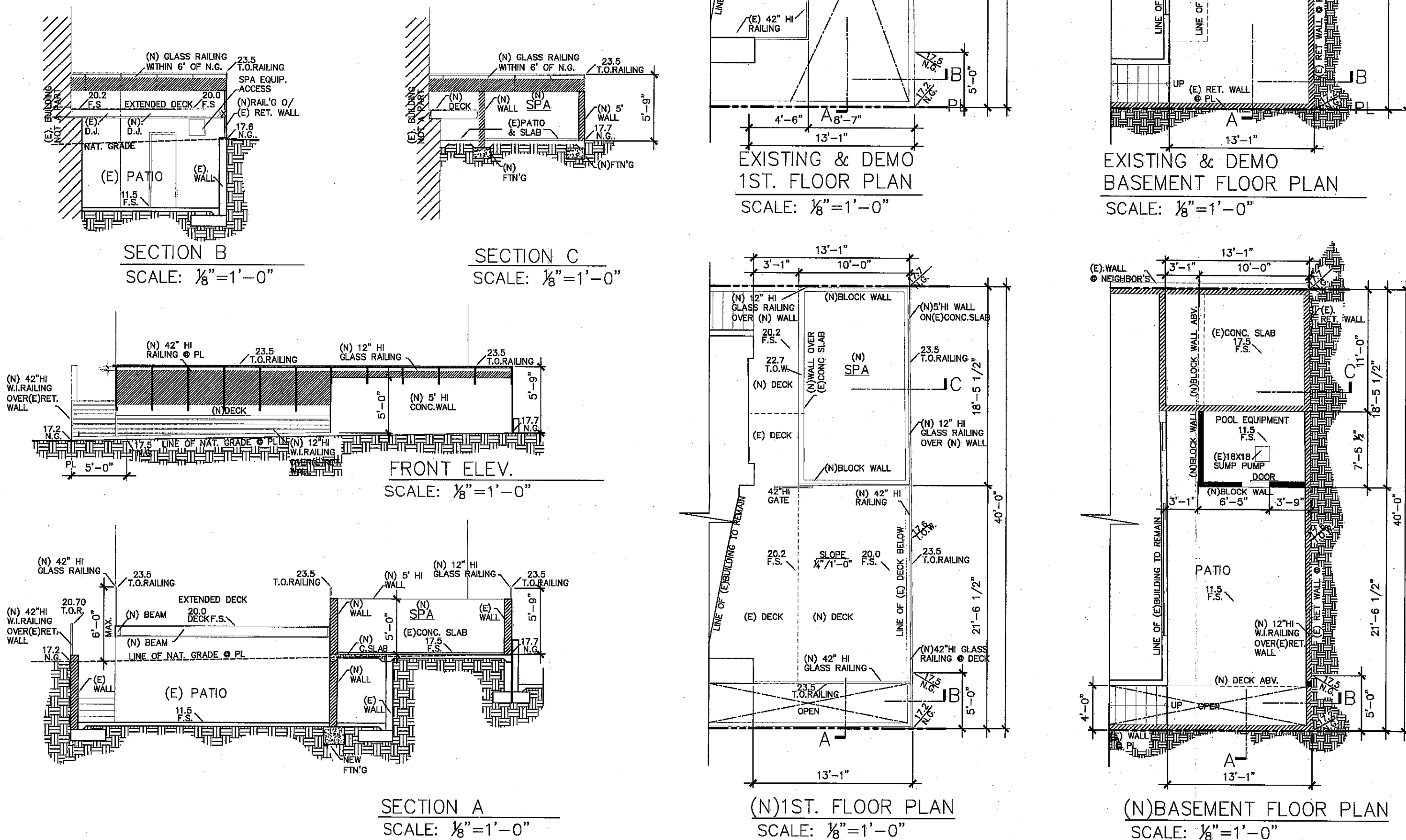
California Coastal
Commission



1ST. FLOOR
FRAMING PLAN
SCALE: 1/4"=1'-0"

FOUNDATION
PLAN
SCALE: 1/4"=1'-0"

STRUCTURAL



LEGAL DESCRIPTION
ADDRESS: 4303 ROMA CT.
MARINA DEL REY, CA 90292
OWNER: M.J.D. TRUST
BLOCK: 10
LOT: 1
APN # 4295003001
TRACT: SILVER STRAND
APN # 4295003001

REVISIONS	BY

Consultant:
ALEGRE & ASSOCIATES
DESIGN + PLANNING
4119 ROMA CT.
MARINA DEL REY, CA 90292
(310) 487-6114

Consultant:
Ronald Howell AIA
Architect
4119 ROMA CT.
MARINA DEL REY, CA 90292
(310) 780-2782

CUSTOM DESIGN FOR:
M.J.D. TRUST
4119 ROMA CT.
MARINA DEL REY, CA 90292

SITE PLAN
FLOOR PLANS
SECTIONS &
FRONT ELEVATION
FOUNDATION PLAN
FRAMING PLAN

DRAWN: V.V.
CHECKED
DATE 9-30-13
SCALE VARIES
JOB NO.
SHEET
A

OF SHEETS

Exhibit 4

Page 1 of 1

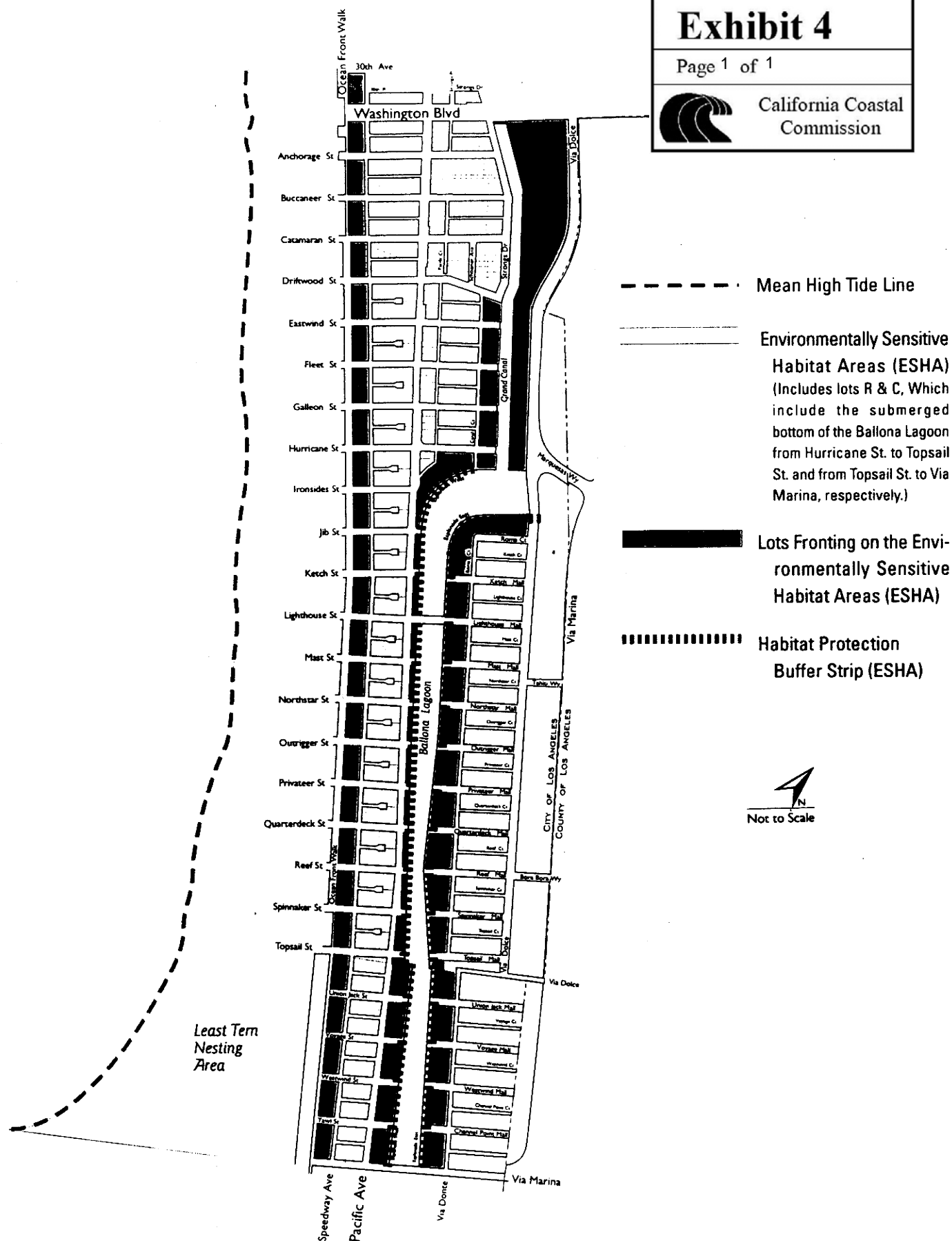
California Coastal
Commission

Exhibit 22c

Environmentally Sensitive Habitat Areas

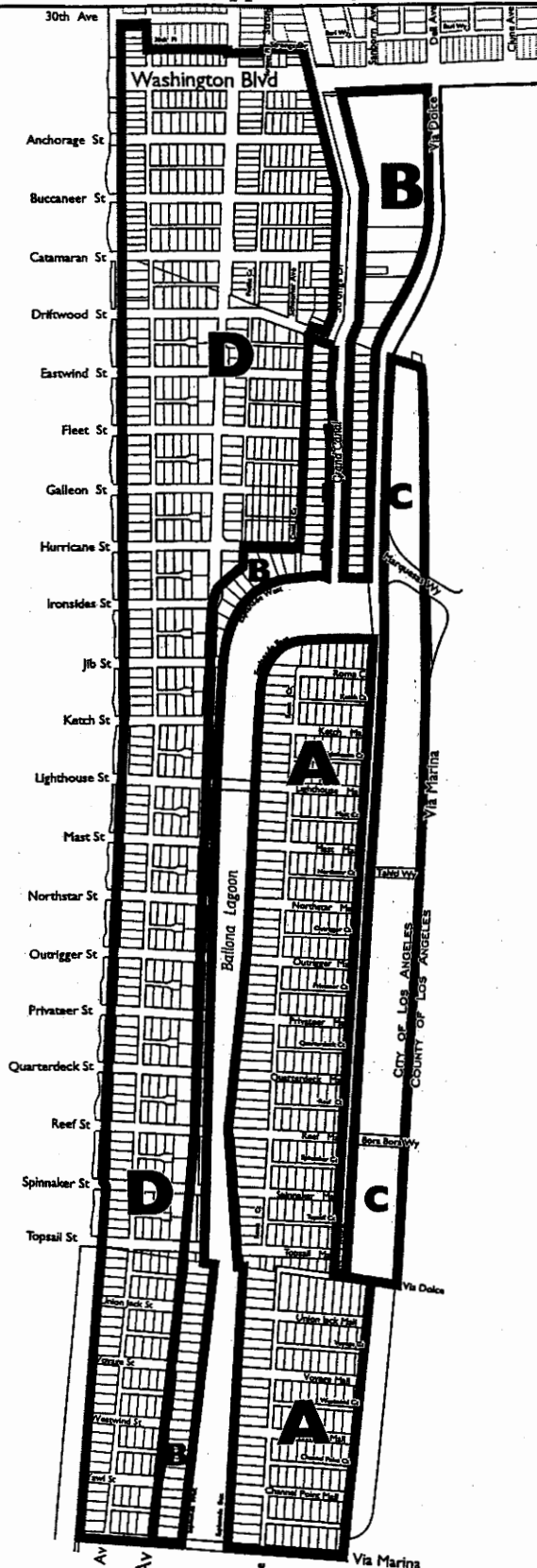


Exhibit 5

Page 1 of 1



California Coastal
Commission

Maximum Building Height

- A** 30' 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'. 45-foot limit for structures or portions of structures located further than 60 horizontal feet of the mean high tide line of Ballona Lagoon and the inland side of the Esplanade.
- B** 30' within 60 horizontal feet of the mean high tide line of Ballona Lagoon, Grand Canal or the 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 38 feet.
- C** 45'
- D** 35', 28' along Walk Streets.

Notes:

*All building heights shall be measured from the elevation of the fronting right-of-way, except on lagoon lots where all building heights shall be measured from the average existing natural grade.

*No portion of any structure (including roof access structures, roof deck railings and architectural features) shall exceed the 30' height limit within 60 horizontal feet of the mean high tide line of Ballona Lagoon, Grand Canal or the inland side of the Esplanade (City right-of-way).

*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 Policy I.A.1 for policy limiting roof access structures.

*See Policy I.B.7 for commercial and mixed-use development standards.

COASTAL COMMISSION



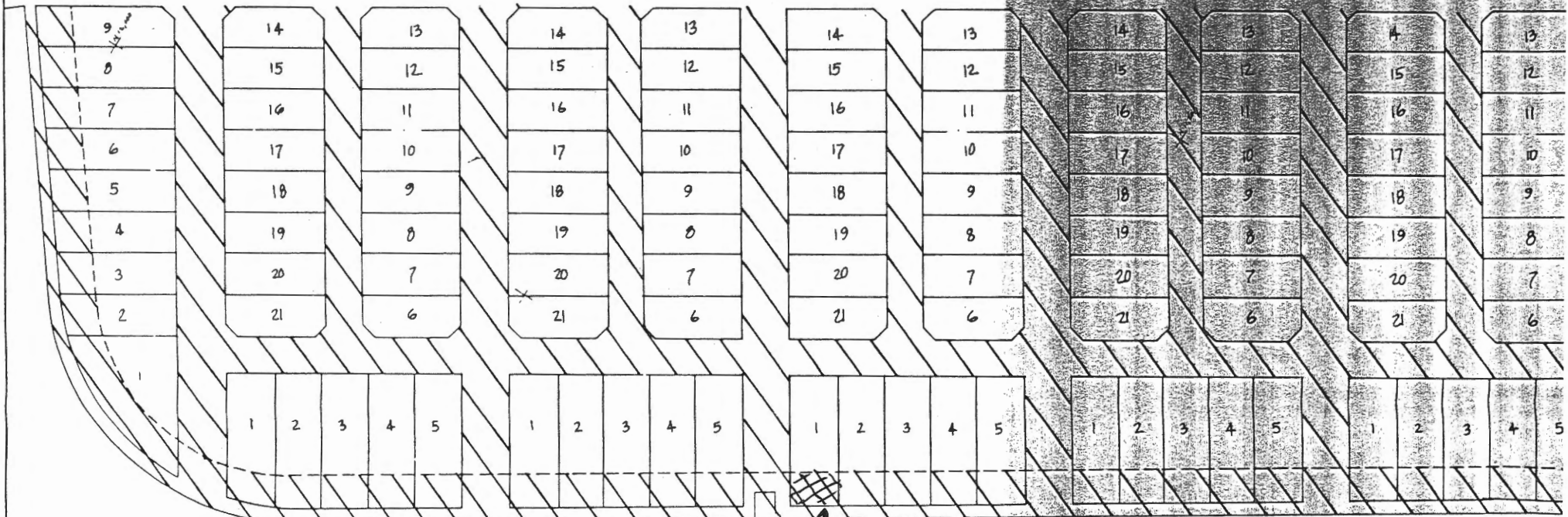
LUP
Exhibit 13
Height

Subarea: Marina Peninsula • Silver Strand •
Ballona Lagoon West • Ballona Lagoon (Grand Canal) East

EXHIBIT # _____
PAGE _____ OF _____

VIA

DOLCE



JIB ST

ALLEY NO 37
(COURT)

KETCH ST

ALLEY NO 39
(COURT)

EIGHTHOUSE ST

4303 ROMA CT
OFFER TO
DEDICATE

WEST ST

ALLEY NO 43
(COURT)

NORTH ST

ALLEY NO 45
(COURT)

PACIFIC

AVENUE

PUBLIC BUFFER and DRAINAGE AREAS /

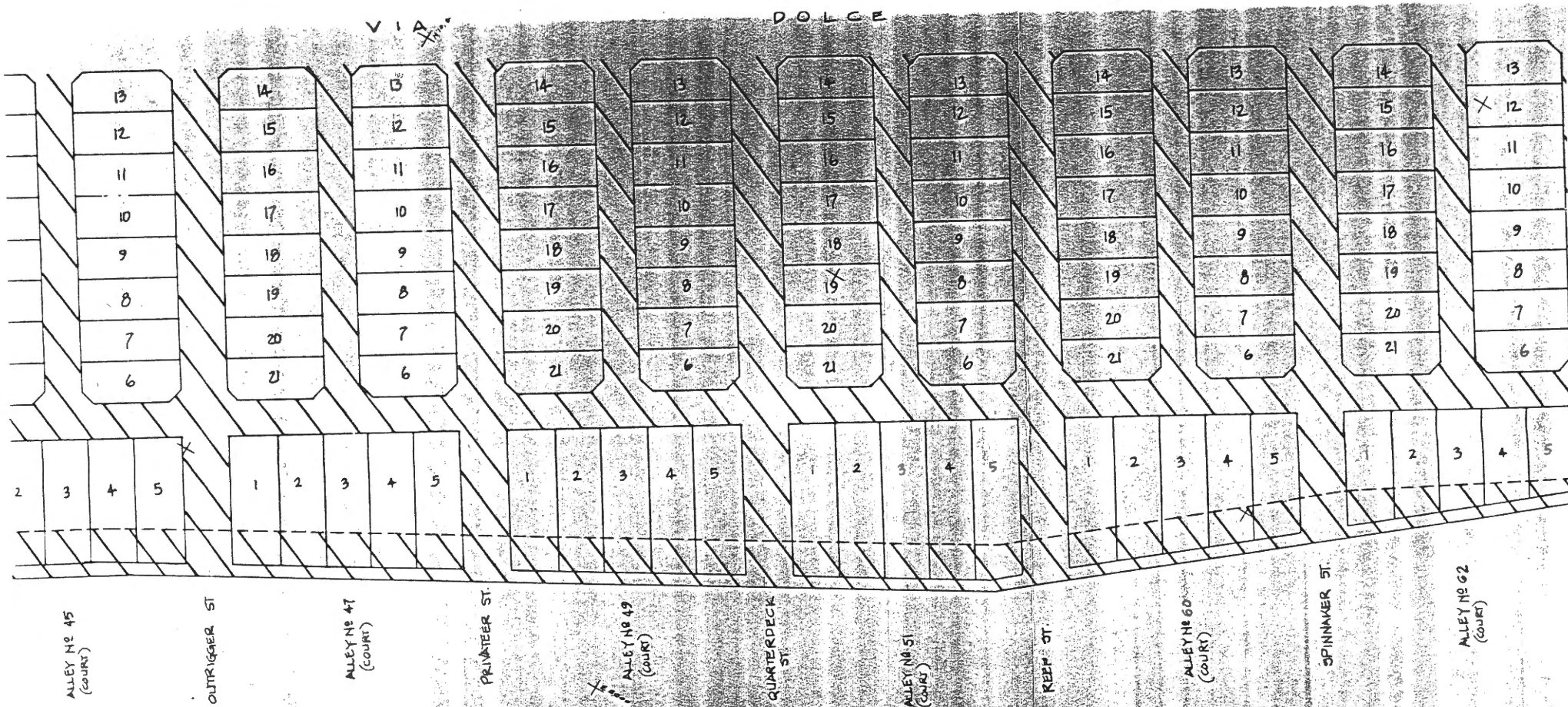
SOURCE: CCC, Engineering Service Corporation

Exhibit 6

Page 1 of 3



California Coastal
Commission



STRAND



PUBLIC BUFFER
AND DRAINAGE AREAS

PACIFIC AVENUE

CALIFORNIA COASTAL COMMISSION

APPROVED ON 4-18, 1980

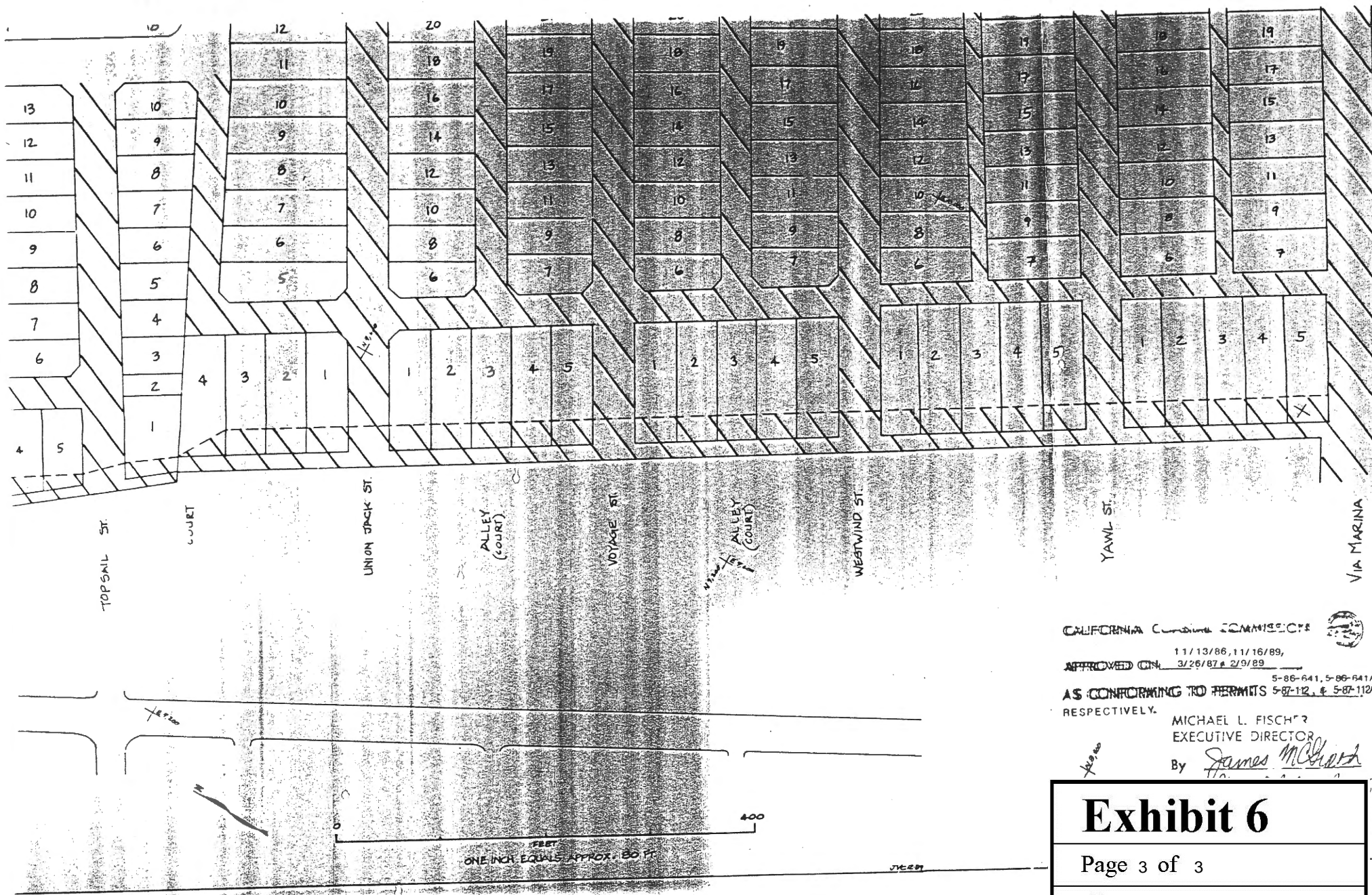
AS CONFORMING TO PERMIT A-266-77

Exhibit 6

Page 2 of 3



California Coastal
Commission



CALIFORNIA Coastal COMMISSION

11/13/86, 11/16/89,
APPROVED ON 3/26/87 & 2/9/89

5-86-R41, 5-86-R41A2,
AS CONFORMING TO PERMITS 5-87-112, & 5-87-112A,
RESPECTIVELY.

MICHAEL L. FISCHER
EXECUTIVE DIRECTOR

By *James McChesney*

Exhibit 6

Page 3 of 3



California Coastal
Commission