## CALIFORNIA COASTAL COMMISSION

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



# Th16a

Filed:	10/27/16
180th Day:	4/25/17
Staff:	C. Oshida-LB
Staff Report:	11/17/16
Hearing Date:	12/08/16

# **STAFF REPORT: PERMIT AMENDMENT**

Application No.:	5-83-470-A1
Applicants:	Ben and Luz Salumbides
Agent:	Eusebio Tigtig, Jr.
Location:	114 Lighthouse Mall (Lot 21, Block 10, Silver Strand Tract), Venice, City of Los Angeles, Los Angeles County APN 4295- 003-059.
Description of Amendment:	Construction of a 415 square foot habitable addition and 502 square foot patio addition to the third floor of an existing three-story single-family residence and partial demolition of a perimeter fence to create a third on-site parking space to bring the property into compliance with the requirements of CDP 5-83-470.
Description of Project Originally Approved August 11, 1983:	Construction of a 3-level single-family residence on an interior Silver Strand lot.
Staff Recommendation:	Approval with conditions.

# SUMMARY OF STAFF RECOMMENDATION

Coastal Development Permit (CDP) 5-83-470 was approved by the Commission on August 11, 1983 and granted to Harlan Lee and Associates. The current property owners, Ben and Luz Salumbides, request an amendment to CDP 5-83-470 for a 415 square foot habitable addition and 502 square foot patio addition to the third floor of an existing three-story single-family residence and partial demolition of a perimeter fence to create a third on-site parking space in the Silver Strand area in Venice. Special Condition 4 of the original CDP mandated that three (3) on-site

### 5-83-470-A1 (Salumbides)

parking spaces be developed and maintained on the property. However, upon submission of a project application, it was determined by Commission staff that the site only contained two (2) onsite parking spaces and was therefore not in compliance with the originally approved permit. In order to correct this, the applicants have proposed the partial demolition of a perimeter wall and gate to create space for a third, compact parking space.

Staff recommends two new special conditions to the permit as amended: **Special Condition 5** would ensure that the applicants bring the property into compliance with the originally approved coastal development permit and provide the required three on-site parking spaces; and **Special Condition 6** would require the implementation of construction best management practices.

The motion to adopt the staff recommendation of approval of CDP amendment request 5-83-470-A1 with special conditions is found on page 4.

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	<b>STA</b> <b>SPE</b> <b>DU</b> <b>FIN</b> A. B. C. D. E. F. G.	<ul> <li>B. PROJECT HISTORY.</li> <li>C. DEVELOPMENT.</li> <li>D. PUBLIC ACCESS AND PARKING.</li> <li>E. WATER QUALITY</li></ul>

# EXHIBITS

Exhibit 1 – Vicinity Maps

Exhibit 2 – Proposed Plans

Exhibit 3 – Coastal Development Permit No. 5-83-470

# I. MOTION AND RESOLUTION

#### Motion:

I move that the Commission **approve** the proposed amendment to Coastal Development Permit 5-83-470 subject to the conditions set forth in the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit amendment and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

#### **Resolution:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development.

# **II. STANDARD CONDITIONS**

This permit amendment 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 permittees 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 of 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 permittees to bind all future owners and possessors of the subject property to the terms and conditions.

# **III. SPECIAL CONDITIONS**

Special Conditions 1 - 4 of Coastal Development Permit 5-83-470 are not changed and shall remain in full force and effect (**Exhibit 3**). Special Conditions 5 - 6 are added by this amendment.

- 1. Public Utilities. Prior to transmittal of permit, applicant shall submit to the Executive Director, satisfactory evidence that the public improvements that are the subject of Permit A-266-77 have been completed by the Isthmus Association, and have been built according to the conditions of 266-77 for the bloc on which construction is proposed. All construction shall be compatible with the utilities and plans approved under Permit A-266-77.
- 2. Maintenance of Public Areas. Prior to transmittal of permit, the applicant shall record free of prior liens and encumbrances except tax liens, a deed restrictions in a form and content approved by the Executive Director, binding the applicant and his successors in interest to participate with the lot owners of the Silver Strand on a fair and equitable basis in the maintenance of the public areas prescribed by Coastal Permit A-277-77.
- **3. Overall Parking.** In order for public parking and mitigate the effects of additional traffic on coastal access, prior to transmittal of the permit, the applicant shall submit revised plans for the approval of the Executive Director which show the areas designed as "malls" on the tract map to be improved for public foot access with areas paved for public parking in a manner acceptable to the City of Los Angeles. No curb cuts shall be allowed in the improved paved malls if an equivalent amount of permanent public parking is provided within the Silver Strand Subdivision in a manner approved by the Executive Director. Such parking spaces developed for public use shall not be used for residential parking pursuant to any preferential parking system.
- **4. On-Site Parking.** Prior to transmittal of permit, the applicant shall record free of prior liens and encumbrances except tax liens, a deed restriction in a form and content approved by the Executive Director, assuring the provision of three off-street parking spaces on the project site. These parking spaces shall take access from the alleys (also called courts).
- **5.** Conformance with Coastal Development Permit No. 5-83-470. WITHIN 90 DAYS OF ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, or within such additional time as the Executive Director may grant for good cause, the applicants shall remove the designated portion (approximately 20 feet) of the CMU wall bordering the northeast property line and associated gate and column to create a third on-site parking space on the property per Special Condition 4 of the originally approved permit. Three on-site parking spaces shall be maintained as shown on the plans approved pursuant to this Coastal Development Permit Amendment.

- 6. Construction Responsibilities and Debris Removal. By acceptance of this permit, the permittees agree that the approved development shall be carried out in compliance with the following BMPs:
  - (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
  - (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
  - (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
  - (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
  - (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
  - (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
  - (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
  - (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
  - (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
  - (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
  - (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
  - (1) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.

(m)All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

# IV. DUAL PERMIT JURISDICTION AREA

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or "dual") coastal development permit from the Coastal Commission. The existing single-family residence is permitted by the Commission. Therefore, any amendment to the original permit must be approved by the Commission. The Commission's standard of review for the subject development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The project site is located within the *Dual Permit Jurisdiction Area*.

# V. FINDINGS AND DECLARATIONS

## A. PROJECT DESCRIPTION & LOCATION

The applicants request an amendment to Coastal Development Permit 5-83-470 for the construction of a 415 square foot habitable addition and 502 square foot patio addition to the third floor of an existing three-story single-family residence. No change in height is proposed. The 3,510 square foot single-family house is not in compliance with Special Condition 4 and the plans approved by Coastal Development Permit 5-83-470.

The approved three-story, 3,510 square foot, single-family residence is approximately 35 feet high and has an attached two-car garage (**Exhibit 2**). Special Condition 4 of the original permit states that three on-site parking spaces shall be located on the lot and take access from the alley. Additionally, approved plans (approved 2/1/84) show three on-site parking spaces (two in the attached garage and one uncovered space on the site located at the corner of Mast Ct. and Roma Ct.). However, the site currently has only two parking spaces (in the attached garage), and is therefore not in conformance of Coastal Development Permit No. 5-83-470. In order to bring the property into conformance with the original permit, the applicants are proposing to remove a portion (about 20 ft.) of the CMU wall that borders the northeast boundary of their property, as well as the gate and associated column. This would provide a 7.5 ft. x 15 ft. parking area on the property, bringing the total of on-site parking spaces to three, all accessed from the rear alley.

The project site is a residential lot located on a walk street at 114 Lighthouse Mall in the Silver Strand area of Venice, Los Angeles. The rectangular parcel is approximately 2,786 square feet. The Venice certified Land Use Plan (LUP) designates the lot as a Single-Unit Residential (R1-1) lot in the Silver Strand area, and fronts Lighthouse Mall. The subject site is approximately 700 feet inland of the public beach and 175 feet east of the Ballona Lagoon, which is designated as an Environmentally Sensitive Habitat Area (ESHA) by the certified Venice LUP (**Exhibit 1**).

# **B. PROJECT HISTORY**

On August 11, 1983, the Commission approved with conditions Coastal Development Permit No. 5-83-470 for a 3-story single-family residence on an interior lot in the Silver Strand. Four special conditions were imposed as part of the permit: (1) public utilities; (2) maintenance of public areas; (3) overall parking; and (4) on-site parking. Specifically, Special Condition 3 provided for public parking within the Silver Strand area that would not be used for residential parking and Special Condition 4 provided that three on-site parking spaces shall be maintained on the site. Since the original permit was granted in 1983 to Harlan Lee and Associates, the original permitee no longer owns the subject property. The property was obtained by the current owners, Ben and Luz Salumbides, on February 1, 1999.

On February 23, 2016, the City of Los Angeles, Department of City Planning issued a Director of Planning Sign-Off (DIR 2016-0587-VSO) for the proposed 415 sq. ft. addition.

On April 5, 2016, the applicants submitted a coastal exemption application to the Commission's South Coast office for a 415 square foot habitable addition and 502 square foot patio addition to the third floor of an existing three-story single-family residence. Upon review of the application, staff determined that because of the size of the addition (greater than 10% of the existing structure) and location of the property (proximity to Ballona Lagoon), the project did not qualify for a coastal exemption. It was also noted that the property only contained two on-site parking spaces and therefore is not in conformance of its originally approved coastal development permit detailed above. The application was returned to the applicants along with a letter detailing the inconsistency with the original permit.

On August 8, 2016, the applicants submitted an application for an amendment to the property's original coastal development permit (5-83-470) including the aforementioned project. In addition, on October 5, 2016, the applicants amended the project description to include the removal of approximately 20 feet of the CMU wall along the northeast boundary of the lot and the removal of the metal gate and column, thus allowing for a 7'-6" x 15'-0" parking space on the property; and therefore, bring the property into conformance with the original coastal development permit.

# C. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the existing development does not meet the required three on-site parking spaces for the Silver Strand neighborhood, per Special Condition 4 of Coastal Development Permit No. 5-83-470, and is not consistent with the Chapter 3 policies of the Coastal Act. To assure that the development is brought into conformity with the original permit requirement of three parking spaces onsite, and is therefore consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that **Special Condition 5** must be imposed. As conditioned the development conforms to the Chapter 3 policies of the Coastal Act.

# **D.** PUBLIC ACCESS AND PARKING

The Commission has consistently found that a direct relationship exists between residential density, the provision of adequate parking, and the availability of public access to the coast. Section 30252 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities...

In addition, pursuant to the certified Venice Land Use Plan (LUP), single-family residences in the Silver Strand area are required to provide three off-street parking spaces.

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 demand of the development and comply with Section 30252 of the Coastal Act. For previous projects in the area, including the underlying subject permit CDP 5-83-470, applicants have been required to record a deed restriction which assures the provision of at least three on-site parking spaces (Special Condition 4). The required deed restriction for parking typically includes a statement acknowledging that the courts and street ends in the tract are designated for public parking and shall not be used for preferential parking (Special Condition 3). Because the development on the subject lot was constructed with only two on-site parking spaces, and, therefore, is not in compliance with the underlying CDP, the Commission imposes **Special Condition 5** to bring the existing development into compliance with the on-site parking requirements of CDP 5-83-470. Only as conditioned is the proposed project consistent with the public access policies of the Coastal Act and the Commission's prior actions.

## E. WATER QUALITY

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.

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters be maintained, and where feasible, restored through measures aimed at reducing water resource impacts from proposed development. Section 30232 of the Coastal Act requires protection against the spillage of crude oil, gas, petroleum products, or hazardous materials in relation to any development.

## 5-83-470-A1 (Salumbides)

#### Construction Impacts to Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site. Drainage from the Silver Strand is directed into the City's main storm drain system, which leads directly into Ballona Lagoon, which is designated as ESHA.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering the storm drain system and then coastal waters may cover and displace soft bottom habitat. The City's coastal development permit for these projects requires that the applicants comply with the City's Best Management Practices for controlling runoff during and after construction.

To ensure the prevention of pollution of the coast, the Commission recommends constructionrelated requirements and best management practices under **Special Condition 6.** 

#### F. NON-COMPLIANCE WITH UNDERLYING PERMIT

On August 11, 1983, the Commission approved with conditions Coastal Development Permit No. 5-83-470 for a new 3-story single-family residence on an interior lot in the Silver Strand. Four special conditions were imposed as part of the permit: (1) public utilities; (2) maintenance of public areas; (3) public parking areas; and (4) three on-site park spaces. However, the development on the project site does not comply with the underlying CDP which requires three off-street parking spaces on the subject lot; only two parking spaces have been maintained, in non-compliance with the conditions of Coastal Development Permit No. 5-83-470. Any development activity that is not otherwise exempt 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.

In order to correct this violation, the applicants have proposed the partial demolition of a perimeter wall and gate to create a third, compact parking space along the side of the house. All parking spaces will take access from the rear alley. To ensure the violation described herein is addressed, **Special Condition 5** requires the applicants to construct the third parking space within 90 days of issuance of this CDP and maintain three parking spaces in perpetuity.

Commission review and action on this permit will resolve the violations identified in this section going forward once the permit has been fully executed and the terms and conditions of the permit complied with by the applicants. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violation, nor does it constitute an implied statement of the Commission's position regarding the legality of development, other than the development addressed herein, undertaken on the subject site without a coastal permit.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit is possible only because of the conditions included herein, and failure to comply with these conditions despite undertaking development pursuant to this permit would also constitute a violation of this permit and of the Coastal Act.

#### G. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a CDP 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 LUP 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.

## H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

# **Location Map: 114 Lighthouse Mall, Venice**

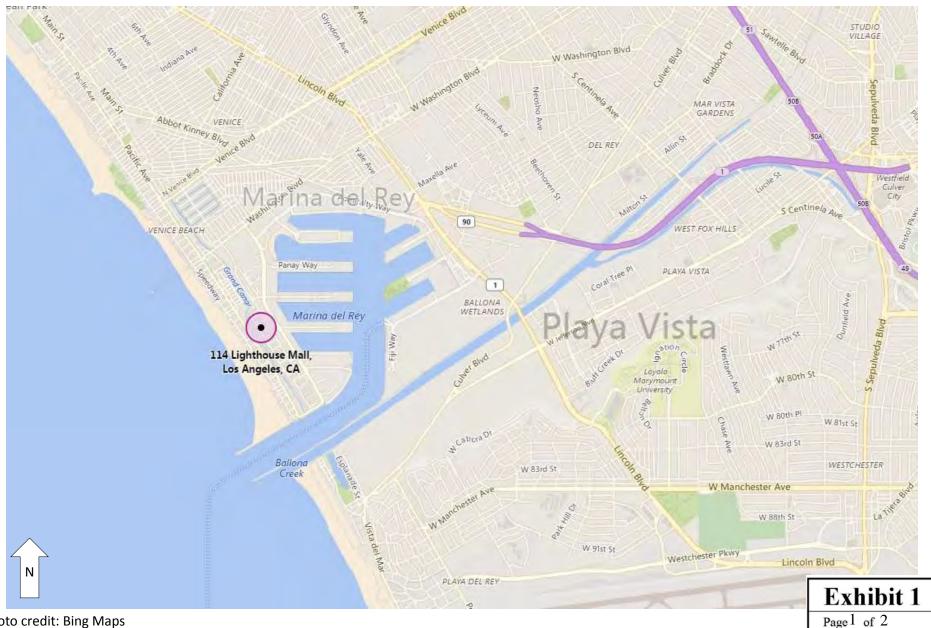


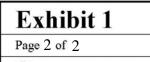
Photo credit: Bing Maps

California Coastal Commission

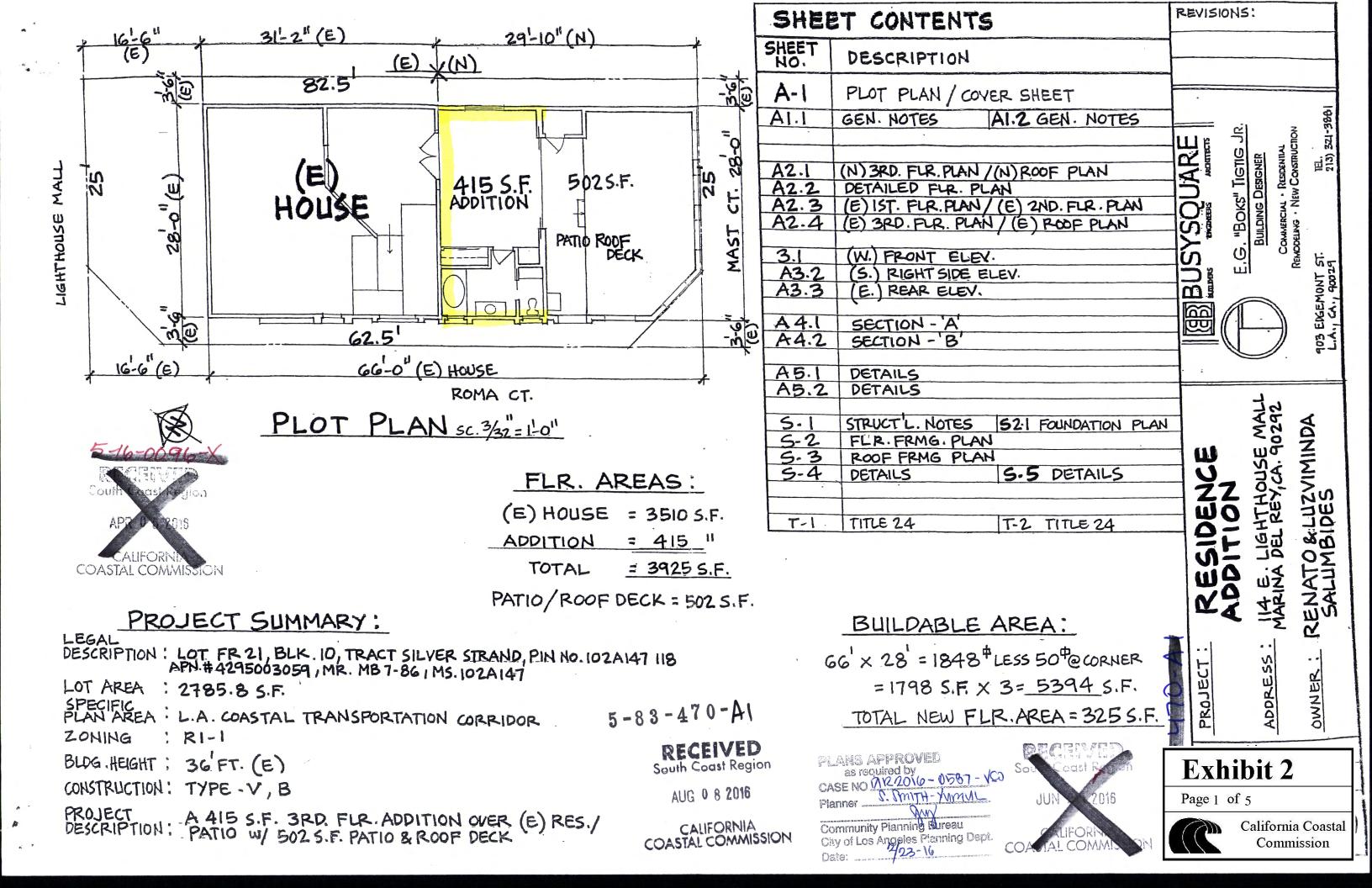
# Vicinity Map: 114 Lighthouse Mall, Venice

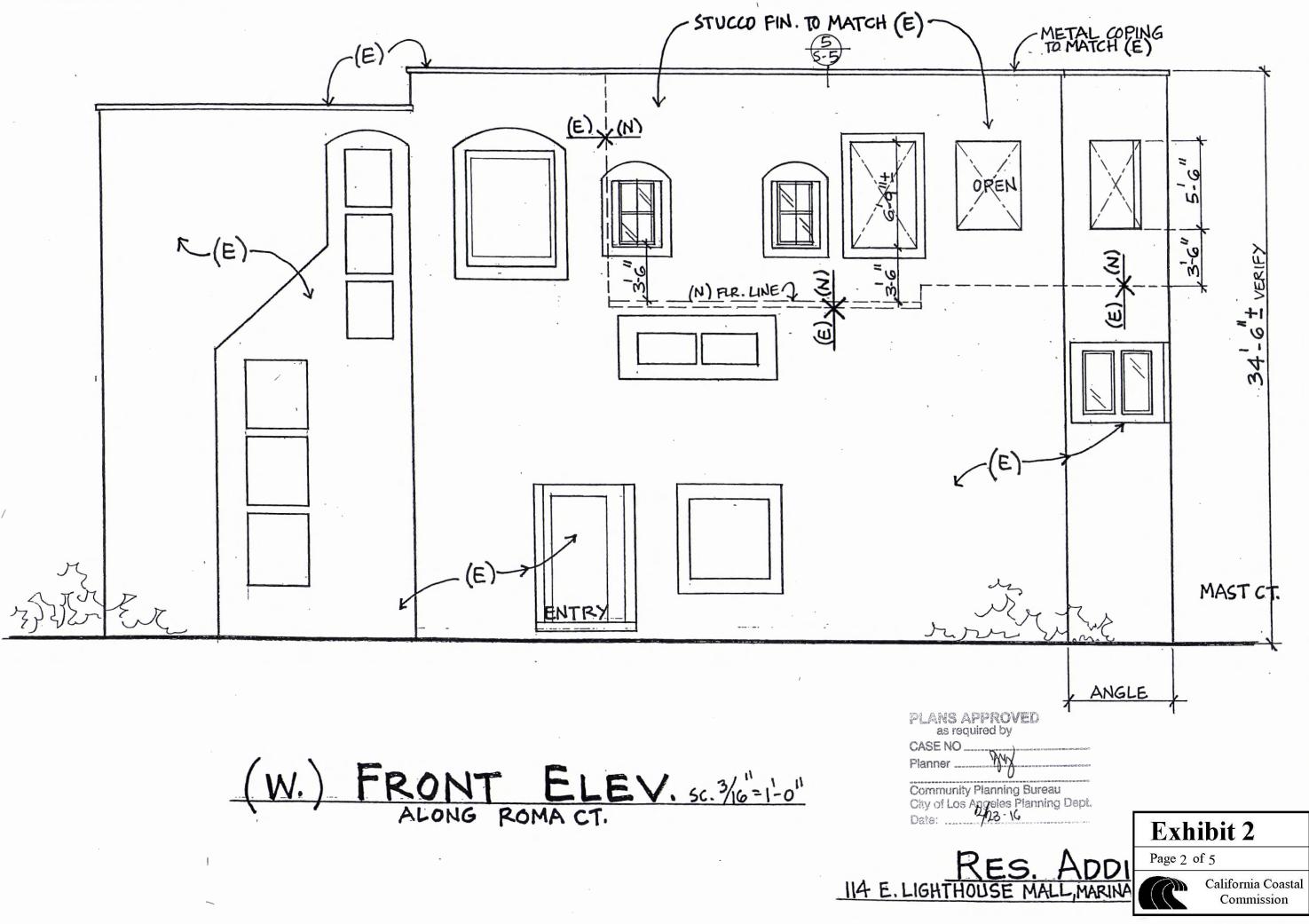


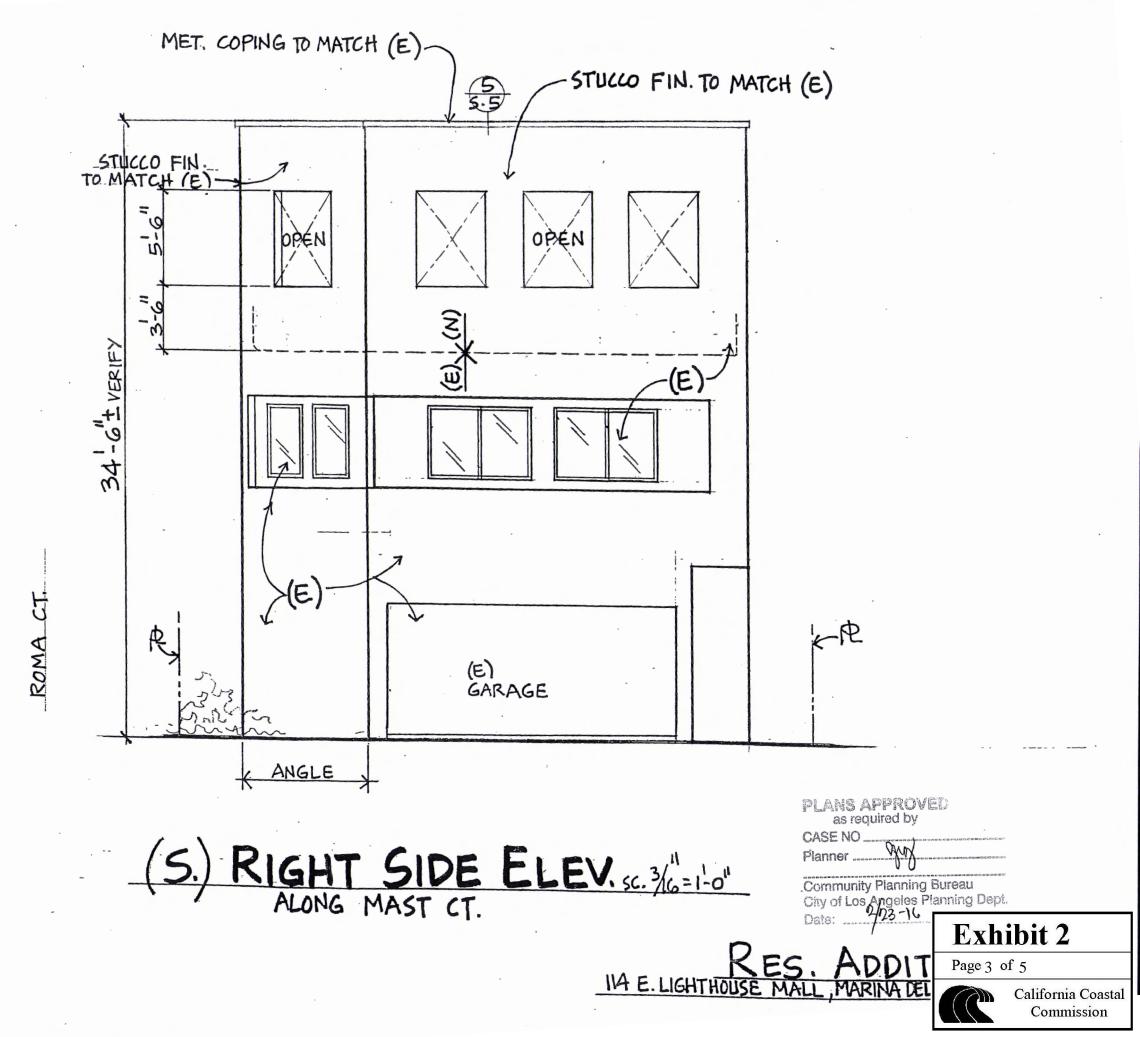
Photo credit: Bing Maps

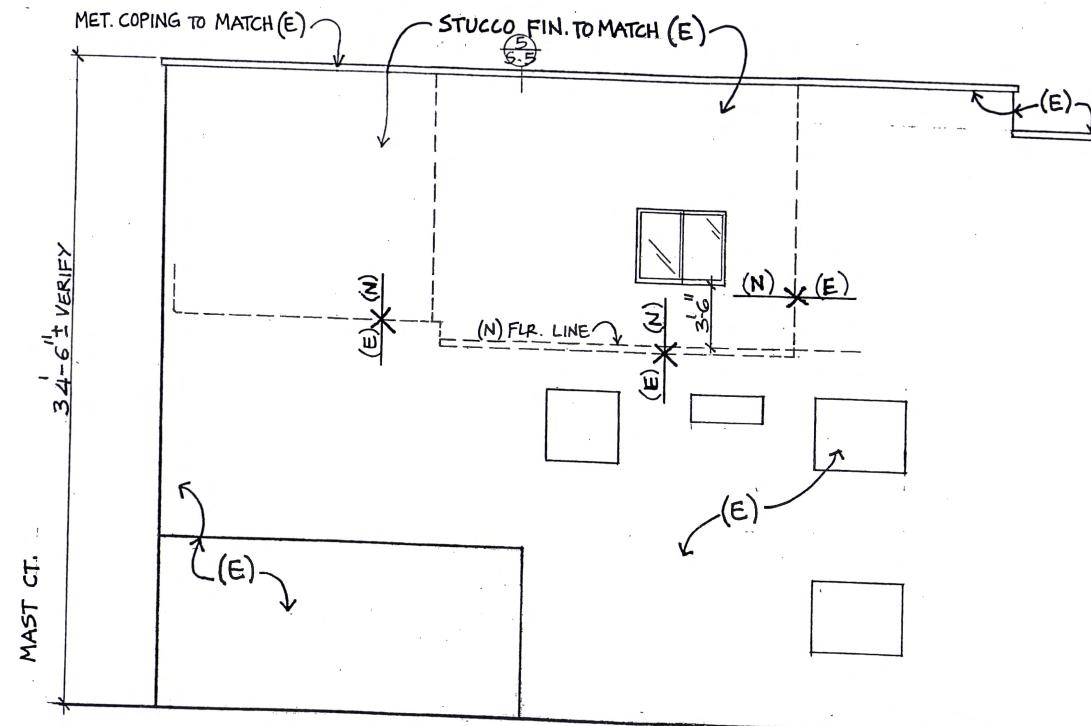


California Coastal Commission



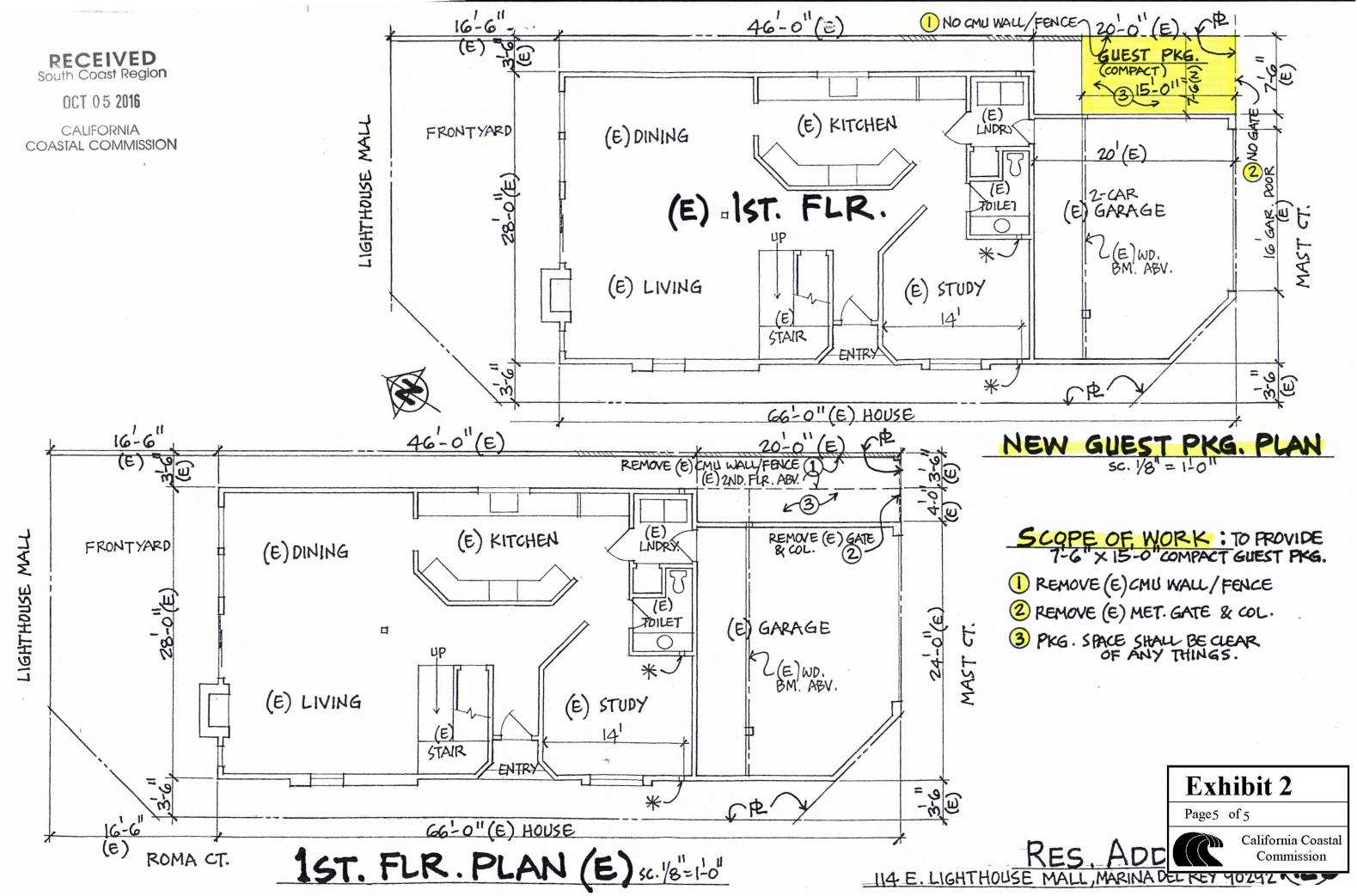






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	On Aug	ust 11, 1983	3, The California Coastal Com	nission gram	nted to
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**IMPORTANT:** THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RE-TURNED TO THE COMMISSION OFFICE.

Issued on behalf of the California Coastal

Commi signby MICHAEL L. FISCHER

Executive Director and

ACKNOWLEDGEMENT

Date

The undersigned permittee acknowledges receipt of this permit and agrees to abid by all terms and conditions thereof.



5-83-470

Coastal Development Permit No. Page 2

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#### STANDARD CONDITIONS:

- Notice of Neceipt and Acknowledgement. The permit is not valid and construction 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.
- Expiration. If construction has not communced, the permit will expire two years from the date:on which the Commission voted on the application. Construction 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.
- Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
- 4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the development during construction, Subject to 24-hour advance motice.
- Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affadavit accepting all terms and conditions of the permit.
- 7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

#### SPECIAL CONDITIONS:

1.' Public Utilities. Prior to transmittal of permit, applicant shall submit to the Executive Director, satisfactory evidence that the public improvements that are the subject of Permit A-266-77 have been completed by the Isthmus Association, and have been built according to the conditions of ...266-77 for the block on which construction is proposed. All construction shall be compatible with the utilities and plans approved under Permit A-266-77

2. <u>Maintenance of Public Areas</u>. Prior to transmittal of permit, the applicant shall record free of prior liens and encumbrances except tax liens, a deed restriction in a form and content approved by the Executive Director, binding the applicant and his successors in interest to participate with the lot owners of the Silver Strand on a fair and equitable basis in the maintenance of the public areas prescribed by Coastal Permit A-266-77.

3. Overall Parking. In order to provide for public parking and mitigate the effects of additional traffic on coastal access, prior to transmittal of the permit, the applicant shall submit revised plans for the approval of the Executive Director which show the areas designed as "malls" on the tract map to be improved for public foot access with areas paved for public parking in a manner acceptable to the City of Los Angeles. No curb cuts shall be allowed in the improved paved malls if an equivalent amount of permanent public parking is provided within the Silver Strand Subdivision in a manner approved by the Executive Director. Such parking spaces developed for public use shall not be used for residential parking pursuant to any preferential parking system.

Exhibit 3	
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4. <u>On-Site Parking</u>. Prior to transmittal of permit, applicant shall record free of prior liens and encumbrances except tax liens, a deed restriction in a form and content approved by the Executive Director, assuring the provision of three off-street parking spaces on the project site. These parking spaces shall take access from the alleys, (also called courts).

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