

CALIFORNIA COASTAL COMMISSION

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W14c

ADDENDUM

August 10, 2021

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W14c, CDP NO. 5-20-0696 (FITZGERALD) FOR THE COMMISSION MEETING OF WEDNESDAY, AUGUST 11, 2021.**

As a part of the tribal consultation process, Commission staff received communication on August 2, 2021 regarding mitigation measures to minimize impacts to tribal cultural resources during ground disturbance activities.

Commission staff recommends changes to the staff report dated July 29, 2021 to make the following minor modifications to the Cultural Resource Treatment and Monitoring Plan special condition. Language to be added is shown in underlined text, and language to be deleted is identified by ~~strike-out~~.

1. On Page 2 of the staff report, the Summary of Staff Recommendation shall be modified as follows:

The LUP requires a 25 ft. lagoon buffer strip setback between the lagoon and the proposed development to provide the space necessary to reduce the negative impacts on the lagoon (and its wildlife) caused by the adjacent residential development. A 15-foot easement within the lagoon buffer strip setback also provides the area necessary for habitat protection and a public access path proposed by the applicant. However, the applicant is proposing a basement that encroaches into the required lagoon buffer strip setback. Since certification of the LUP, the Commission has approved three new homes on Pacific Avenue adjacent to the Ballona Lagoon and has required basements and above grade portions of the homes be located outside the lagoon buffer setback for each of the previous

approvals.¹ Thus, **Special Conditions 1 and 3** require the applicant to provide revised plans that remove the proposed portion of the basement from the required lagoon buffer strip setback. To ensure this access is protected, **Special Condition 2** requires the recordation of an offer to dedicate the easement for public access and habitat protection. The revised plans condition also requires removal of the proposed elevator pit and other equipment and pipes that are proposed to extend at or into the current ground water level and requires removal of all non-essential building accessory structures (skylight and elevator equipment) on the roof and minor modifications to the roof profile to ensure consistency with the LUP height requirements.

2. On Page 6 of the staff report, Special Condition 1(f) shall be modified as follows:

The final project plans shall incorporate the following roof changes including the ~~removal of the elevator housing that extends above the 30 foot height limit (within the 60 horizontal feet from the esplanade),~~ the removal of the skylight that extends above the 38 foot maximum height limit and a design of the roof that does not exceed one foot in height for each two additional horizontal feet beyond 60 horizontal feet of the mean high tide of the lagoon or inland side of the Esplanade (whichever is furthest from the water).

3. On Page 6 of the staff report, Special Condition 2 shall be modified as follows:

- 2) ~~Offer to Dedicate~~ Direct Dedication of Easement for Public Access and Habitat Protection.
- a) 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~~ dedicating to the City of Los Angeles a public access easement for public access and habitat protection in perpetuity. The easement shall include a fifteen-foot (15') wide strip of land ~~over the entire width of the applicant's property as measured from the applicant's eastern (lagoon-side) property line~~ for public access and habitat protection. Such easement shall be located within a fifteen-foot (15') wide strip of land over the entire width of the applicant's property as measured from the applicant's eastern (lagoon-side) property line as shown in Exhibit 3. No development, as defined in Section 30106 of the Coastal Act, shall occur within the easement area except for the following development authorized by this coastal development permit:

4. On Page 12 of the staff report, Special Condition 14 shall be modified as follows:

- a) Incorporate the following into the archeological monitoring plan:

¹ 5-01-307 / 5110 Pacific Avenue – 29 FT. Lagoon Buffer Setback
5-01-306 / 5106 Pacific Avenue – 29 FT. Lagoon Buffer Setback
5-02-133 / 5102 Pacific Avenue – 29 FT. Lagoon Buffer Setback

- i) Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, and a minimum of one (1) Native American monitor from each tribal entity with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading, excavation work, site preparation or landscaping activities associated with the approved development. Native American monitors shall be selected from tribal groups with documented ancestral ties to the area, and preferably from groups that participated in the tribal consultation. Prior to the commencement and/or re-commencement of any monitoring, the permittee shall notify each archeological and Native American monitor of the requirements and procedures, and shall provide a copy of this special condition, any archaeological monitoring or research plans, past archeological reports, and any other plans required pursuant to this condition and which have been approved by the Executive Director, to each monitor;
- ii) The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading and any other subsurface activity that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;
- iii) The Native American Monitor(s) shall be required until ~~sterile~~ native soils have been reached.

4. On Page 12 of the staff report, Special Condition 14 shall be modified as follows:

Buildings in Venice are required to be set back from waterways to enhance visual quality and public recreation, protect marine resources, and to provide an on-site area for water percolation. In this case, the Ballona Lagoon West Bank subarea requires a minimum 25-foot lagoon buffer setback from the property line. No building extensions, including stairs and balconies, are permitted to be placed in or over the required setback apart from permeable decks, landscaping, railings or fences. The above grade portion of the residence respects the 25-foot minimum lagoon buffer setback. However, a portion of the basement extends into the setback, inconsistent with the LUP. Since certification of the LUP, the Commission has approved three new homes on Pacific Avenue adjacent to the Ballona Lagoon and has required basements and above grade portions of the homes be located outside the lagoon buffer setback for each of the previous approvals.² Thus, **Special Condition 1** requires the applicant to submit revised final plans that eliminate the portions of the basement that encroach into the required setback. This will likely reduce the overall size of the proposed residence; thus, the applicant will need to provide updated area calculations that reflect the changes provided in the revised plans. In addition, **Special Condition 3** is required to memorialize the setback requirements along the lagoon-facing portion of the site, which will be recorded in a deed restriction required by **Special Condition 15**.

² 5-01-307 / 5110 Pacific Avenue – 29 FT. Lagoon Buffer Setback
5-01-306 / 5106 Pacific Avenue – 29 FT. Lagoon Buffer Setback
5-02-133 / 5102 Pacific Avenue – 29 FT. Lagoon Buffer Setback

5. On Page 16 of the staff report, the following text shall be modified as follows:

In addition, only accessory structures essential for building function may exceed the height limit by five feet. In this case, the applicant is proposing elevator equipment, essential for building function, to extend approximately 3 feet beyond the 30-foot height limit. Additionally, the proposed skylight and ~~elevator equipment housing,~~ a non-essential building accessory structures, ~~exceeds~~ the maximum height limits by approximately two feet. Therefore, **Special Condition 1** requires final revised plans that remove the skylight, ~~elevator equipment housing,~~ and ensure the building height is consistent with the LUP.