

Neill Brower
nb4@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

August 14, 2018

BY EMAIL

Chair Jose Huizar and
Honorable Members of the Planning and
Land Use Management Committee
Los Angeles City Council
200 N. Spring Street, Rm. 395
Los Angeles, CA 90012
Attn: Zina Cheng

Re: Council File 18-0686 and 18-0686-S1
CPC-2012-3537-DB-CDP-SPR-MEL-2A
VTT-70786-2A
138 Culver Boulevard
Consistency of the Project with the Community Plan

Dear Chair Huizar and Honorable Members of the
Planning and Land Use Management Committee:

We represent the Legado Companies, applicant for the approved and affirmed mixed-use Project, now before you on yet another appeal. Our prior correspondence responded at length to the meritless appeals to the Project approvals—appeal points which City decisionmakers already have twice rejected. Among other claims, Project opponents falsely assert the Project conflicts with applicable provisions of the Westchester-Playa Del Rey Community Plan. The Determination Letters issued by the Deputy Advisory Agency ("DAA"), the Director of Planning, and the City Planning Commission ("CPC") addressed the conformance of the Project at length, and we provided additional analysis of this consistency, as well. As described there and below, the Project conforms in all relevant respects with the Community Plan: simply stated, there is no conflict, and the purported existence of such a conflict cannot serve as a legitimate basis for rejection of the Project.

Further, and more troubling, the City unlawfully applied—and still seeks to apply—the Del Rey Lagoon Specific Plan,¹ which the California Coastal Commission (the "CCC") never certified and the City Council never adopted. As the Specific Plan has no legal effect, its application to the Project was arbitrary and capricious, as was the reduction in height imposed on the originally proposed Project, and the Project is entitled to the requested 56

¹ The Specific Plan and its transmittal from the City Clerk are attached as Exhibit "A" to this letter.

feet in height, according to the zoning designation for the site and the City's Density Bonus Ordinance.²

1. The Coastal Commission Never Certified the Specific Plan.

State law provides a process for consideration and certification of proposed Local Coastal Programs ("LCPs") by the CCC. Specifically, Section 30512(a)(3) of the Public Resources Code ("PRC") requires the CCC to determine whether to certify an LCP, and the CCC's failure to act results in a deemed certification. Subdivision (b) of that section authorizes the CCC to provide suggested modifications or conditions to the local agency. Subdivision (c) requires the CCC to certify an LCP if it meets the requirements of Chapter 3 (section 30200, *et seq.*) of the Coastal Act.

Here, the CCC considered the Specific Plan as the City's proposed LCP, but declined to certify it. The CCC staff report for a subsequent project in the Playa Del Rey area³ is clear regarding the CCC's refusal to adopt the Specific Plan, and states only that the CCC has "used it as a guide." However, this contravenes the applicable provisions of the Coastal Act: as described above, the CCC "***shall*** certify a land use plan" if it conforms to the applicable provisions of the Coastal Act. (PRC § 30512(c); emphasis supplied.) Consequently, the refusal by the CCC to certify the Specific Plan demonstrates the failure of the Specific Plan to conform to applicable requirements. Consequently, the Specific Plan cannot provide any relevant guidance as to the application of the Coastal Act. Further, it does not represent any form of adopted regulation and, even less so than the Regional Interpretive Guidelines, does not have the force of law. Moreover, the document is not readily available from the Coastal Commission, depriving a landowner or prospective landowner of notice regarding its application to any particular property.

2. The City Never Adopted the Specific Plan.

Appellants wrongly assert the Del Rey Lagoon Specific Plan is an adopted land use regulation that binds the Property and its surroundings. The facts demonstrate otherwise. On March 16, 1982, the City Council approved the Del Rey Lagoon Specific Plan "in concept." That is, the Specific Plan was not formally adopted, but is "considered." The report of the Planning and Environment Committee for Council Files 81-3400 and 81-3512⁴ summarizes the procedural history of the Plan. It states the CCC suggested several modifications to the plan originally forwarded to the CCC by the City. Notably, the City Council rejected several measures recommended by the CCC. Instead, it requested preparation of a modified LCP and directed resubmittal to the CCC at an unspecified time in the future when "the public trust issue" is resolved. However, because the City stripped the

² LAMC § 12.22-A.25.

³ See, e.g., the CCC staff report for Case no. 5-10-295, dated Feb. 3, 2005, p. 10.

⁴ Included as Exhibit "A" to this letter, with the Specific Plan itself.

Specific Plan of elements required by the CCC, it does not—and cannot—comprise the land use plan of any LCP for the City, and resulted in a denial of certification under PRC section 30514. Simply put, the Specific Plan was never certified as complying with or properly implementing the Coastal Act, either by the CCC or by the City.

In addition to the substantive defects of the Specific Plan, the purported approval in concept suffers from procedural defects. Section 558 of the City charter sets forth the proper procedure for adoption of land use regulations. Among those requirements are findings to support the applicable ordinance or resolution. (Charter § 558(b)(3).) The report from the Planning and Environment Committee includes no such findings, nor does the City Council's resolution. Further, these procedural and substantive limitations of the Charter definitively cabin the City Council's action, and permit only the application of properly **adopted** land use regulations. Therefore failure of the City properly to adopt and implement the Specific Plan, and yet apply it as a binding regulation, represents a clear violation of the Charter and an *ultra vires* act.

The Specific Plan contained several building regulations that incorporated elements of the Interpretive Guidelines, including height limits that change with distance from the tidelands. However, no final ordinance was ever enacted, and the City Council declined to adopt the Specific Plan, except "in concept," and directed that it be "considered" for discretionary projects. Although subsequent legislative actions taken by the City implemented some density, height, and/or use limitations, further legislative actions contemplated in the Specific Plan were not taken. *See*, CPC 29298. Further, the City has never applied project approval procedures that exist for specific plan areas, such as Project Permit Compliance approvals (*see, e.g.*, Municipal Code §11.5.7).

Further, the City never placed it into effect in the manner of any other Specific Plan. For example, Specific Plans in the City require a project permit compliance review, pursuant to section 11.5.7 of the Municipal Code. Further, the Community Plan does not list the Specific Plan among the other adopted Specific Plans in the Community Plan area. The Specific Plan is neither referenced nor available on the website for the Westchester-Playa Del Rey Community, nor it is referenced in the City's online parcel database (ZIMAS).

Yet, despite the lack of legal effect, the City sought illegally to implement the Specific Plan through another mechanism unapproved by the CCC: a Zoning Information⁵ letter. To the extent the City seeks to apply the Specific Plan—a document rejected by the CCC as not conforming to the Coastal Act and not adopted by the City—as a means of determining compliance with the Coastal Act, runs directly afoul of the CCC's action, and represents an abuse of discretion and a violation of the Coastal Act.

⁵ ZI-2297, attached as Exhibit "B."

3. The General Plan Housing Element Recognizes the Inapplicability of the Specific Plan to the Del Rey Lagoon Area.

As shown below, the City's 2013-2021 Housing Element of the City's General Plan contains a discussion of affordable housing in the coastal communities in the City. It summarizes the regulations as follows:

Housing Element 2013-2021

Chapter 2 Constraints On Housing Maintenance, Improvement and Development

TABLE 2.4
Coastal Zone Land Use Regulations

Community	Density	Height	FAR	Parking
Pacific Palisades	2 to 40 (dwelling Units/acre)	2 stories, 30 feet	.5:1 to 1:1	1 & 2.5 spaces per unit
Venice	3 to 40 (dwelling Units/acre)	22 to 38 feet	.5:1 to 1.5:1	2-3 spaces per unit
Del Rey Lagoon	24 to 40 (dwelling Units/acre)	45 feet	1.5:1	Code Requirements
Vista Del Mar Bluffs	3 to 24 (dwelling Units/acre)	36 to 45 feet	1.5:1	Code Requirements
San Pedro	3 to 40 (dwelling Units/acre)	26 feet	1.5:1	Code Requirements
Port of Los Angeles	-	Height district for a property	1.5:1	Code Requirements

Source: DCP

These land use regulations limit the size of residential projects in the Coastal Zone. Unable to spread the cost of development across more units within a project, the cost per unit necessarily increases. It is therefore particularly challenging to provide housing units affordable to lower income households in the Coastal Zone.

Housing prices in the Coastal Zone are substantially higher than in the rest of the City, and very few development sites are available. In February 2013, the median sales price for single-family homes ranged from highs of \$1,253,000 in Pacific Palisades and \$1,211,800 in Venice to lower prices of \$468,000 in Playa del Rey and \$358,000 San Pedro¹⁴¹.

The citation to the Del Rey Lagoon is particularly instructive, as it acknowledges the requirements established by zoning, and properly disregards the unadopted Specific Plan.

4. The Project is Consistent with the Del Rey Lagoon Specific Plan, Even though the Specific Plan was Never Adopted.

In 1992, ten years after considering the Specific Plan, the City rezoned (via Ord. 167,988, eff. July 8, 1992) some properties almost immediately northeast of the Project Site, along the north side of Culver Boulevard, from Vista Del Mar to Nicholson Street. The new zoning designation of C4-1D included “D” development limitations that limited height to 37 feet, with a maximum floor area ratio of 1:1, similar to some provisions of the Specific Plan. The ordinance involved no other properties and implemented no other land use controls similar to those in the Specific Plan.

Subsequently, the City prepared and adopted the Westchester-Playa Del Rey Community Plan Update on April 13, 2004. Notably, the Activity Log and the discussion of specific plans in the adopted document do not include the Del Rey Lagoon Specific Plan (p. I-1). The Community Plan includes a single reference to the Specific Plan as a “policy document to be considered” (p. III-52) but, unlike the policy initiatives of adopted specific plans, implements no portion of the Specific Plan and references no specific measures contained within. The Community Plan, unlike the Specific Plan, was fully adopted and implemented and did not include the development limitations, such as height limits, provided in the Specific Plan.

Similarly, the 2004 rezoning of the Community Plan area did not include the same height or use limitations in the Specific Plan, even where “Q” conditions were imposed on specific areas. The City re-zoned the Project site and a significant portion of the vicinity (Ord. No. 175,981, eff. July 3, 2004), including the properties previously rezoned in 1992. The 2004 ordinance included re-designation or assignment of height districts, as well as a substantial quantity of site-specific zoning in the form of “Q” conditions. Some of these “Q” conditions imposed height, density, and use limits as or more restrictive than those proposed in the Specific Plan. For example, the ordinance zoned Subarea 40, located about one quarter mile northwest of the Project Site, as [Q]R3-1XL, and “Q” Condition 2 limited height to 26 feet, instead of the 30-foot height permitted by the underlying zoning. Similarly, “Q” condition 2 for Subarea 100, which comprises a large commercial parcel directly across Culver Boulevard on the north-northwest of the Project site, imposed a height limit of three stories or 36 feet, contrary to the underlying zoning designation of that property as C4-1VL, which otherwise permitted a height limit of three stories or 45 feet. Conditions assigned to other nearby properties also contained specific, targeted height limits: Subarea 120, located northeast of the Project site, was rezoned [Q]C4-1D, but “Q” conditions 6 and 7 maintained the 37-foot height limit established in 1992. The 37-foot-tall commercial building at 309-315 East Culver Boulevard, which some comments cited as evidence that Specific Plan regulations (particularly height requirements) apply with full force, is located in this subarea. Therefore, the 37-foot height limitation exists by virtue of the of “D” development limitation imposed by zoning, not the Specific Plan.

However, unlike the “Q” conditions for other subareas described above, which applied or modified height and use controls that are in some cases similar to those in the Interpretive Guidelines and Specific Plan, the conditions for Subarea 130, which includes the Project site, imposed only five site design measures. None of these measures included height, density, or use limitations. Further, the use limitations imposed by “Q” conditions respond to the Interpretive Guidelines’ recommended prohibition of “residential” uses on commercial properties⁶ by prohibiting residential uses on the ground floor (“Q” condition 1). That is, the zoning for the Project site and its surroundings provides for mixed-use development, rather than prohibiting all residential development on commercial parcels.

In contrast, the adopted Venice Coastal Zone Specific Plan (Ord. 175,693, eff. Jan. 19, 2004) directly incorporates more elements of the Interpretive Guidelines. Among other features, this plan includes limits on lot consolidations, graduated height limits, enhanced parking requirements and establishment of a parking trust fund. Venice Coastal Zone Specific Plan, §§ 9, 10, 13. However, none of the City’s subsequent enactments to the Del Rey Lagoon Specific Plan contain the same limits, demonstrating the City declined to implement the Del Rey Lagoon Specific Plan as proposed.

As long recognized by the United States Supreme Court, “one legislature cannot abridge the powers of a succeeding legislature.” *Fletcher v. Peck*, 6 Cranch 87, 135 (1810). “The correctness of this principle, so far as respects general legislation, can never be controverted.” *Id.* Further, a legislature is deemed to be aware of previous enactments when considering and approving subsequent legislation. Here, the City’s consistent pattern after approving (not adopting) the Del Rey Lagoon Specific Plan merely “in concept” demonstrates the intent to implement different, more focused land use controls from those in the Specific Plan.

Other City approvals that followed the purported approval of the Specific Plan similarly failed to recognize its existence. For example, the Coastal Transportation Corridor Specific Plan (§ 3.A.), which explicitly builds on other, validly adopted regulations, fails to reference or incorporate any portion of the Del Rey Lagoon Specific Plan. The City’s General Plan Transportation Element (Mobility 2035) also neither recognizes nor purports to implement any land use or other restriction associated with the Del Rey Lagoon Specific Plan.

For all of the reasons above, the Specific Plan is not binding and has not consistently been applied by the City and, as described above, implementation of land use controls has occurred through specific development limitations imposed by general and site- or area-

⁶ The Interpretive Guidelines do not, by their terms, prohibit mixed-use projects in commercial zones, nor does Coastal Commission policy provide any such limitation. Rather, the prohibition on residential uses is consistent with the preference to provide for visitor-serving uses in the commercial zones in coastal areas.

specific zoning. Consistent with this approach, the Project has been proposed according to—and remains consistent with—the land use controls currently in effect for the Project site.

5. The Project is Consistent with the Community Plan.

(a) The Community Plan Specifically Provides for Application of the Density Bonus Law to Residential Developments.

Several appellants questioned whether the Density Bonus Law applies in the Coastal Zone, and how the law interacts with the General Plan (of which the Community Plan is a component) and zoning. As described in detail in our prior correspondence, State Law actually forbids a finding of inconsistency of a density bonus with an applicable General Plan, Specific Plan, or zoning ordinance, absent specific circumstances that do not exist here. Further, the Community Plan specifically considers the application of the Density Bonus Law.

As stated in the Community Plan:

"Additional residential capacities are available in other sources. Affordable Housing Incentives/Density Bonuses are set by the California Government Code Section 56915 and **are available for any residential project**. The City is following an adopted policy of allowing bonuses of up to 35%. Residential projects that request these incentives must follow additional requirements of the LAMC. Residential uses are permitted in Commercial Land Use areas. "

(p. III-3; emphasis supplied.) Thus, the Project employs a method recognized by the Community Plan itself to increase residential development associated with any project. As described in our prior correspondence, this is consistent with State law: the Density Bonus Law specifically precludes a finding that a density bonus incentive creates an inconsistency with the Community Plan.

Further, the Community Plan accounts for housing on commercially designated parcels, consistent with the use of commercial parcels for mixed-use projects throughout the City. As stated in the Community Plan, "55-60% of all new multifamily housing is being built in commercial zones throughout the City." Based on the use of commercially designated properties for residential uses, "the [Planning] Department projects additional housing supplies for approximately 5,000 people" in the Westchester-Playa Del Rey area.

The Project proposes a mixed-use structure on a vacant commercial parcel near the commercial center of lower Playa Del Rey. The Project also seeks to provide affordable units on the Project Site without increasing the density. Thus, it remains consistent with the basic

growth assumptions of the Community Plan, while still providing affordable housing opportunities.

(b) The Project is Consistent with Other Objectives and Policies of the Community Plan.

Table IV-13 of the mitigated negative declaration ("MND") contains a detailed discussion of the consistency of the Project with the applicable objectives and policies of the Community Plan, and concludes the Project is consistent. Pages 35 to 37 of the Density Bonus Determination Letter also provides a discussion of the conformity of the Project with applicable objectives and goals of the Community Plan. However, even if the Project were inconsistent with some individual policies, a general finding of consistency with the Community Plan or General Plan does not require strict consistency with every policy or with all aspects of a plan. Land use plans attempt to balance a wide range of competing interests, and a project need only be consistent with a plan overall; even though a project may deviate from some particular provisions of a plan, the City may still find the project consistent with that plan on an overall basis. *See, e.g., Friends of Lagoon Valley v. City of Vacaville*, 154 Cal. App. 4th 807, 815 (2007). Therefore, because the Project would advance a range of planning policies articulated in the Community Plan, the Project is consistent overall with the General Plan, even if inconsistencies existed with other particular policies (though the appellants do not identify any such policies). Nevertheless, we address additional applicable objectives and policies below.

Crucially, the Community Plan identifies the need for housing, including multi-family housing. Goal 1 emphasizes a community that "provides a safe, secure, and high-quality residential environment for all economic, age, and ethnic segments of the . . . Community." Consistent with this goal, Objective 1-1 is to "[p]rovide for . . . the development of new housing to meet the diverse economic and physical needs of existing residents and expected new residents . . ." Applicable policies include:

"1-1.3 Provide for adequate Multiple Family residential development.

"1-1.4 Provide for housing along mixed-use boulevards where appropriate."

The Project would provide a range of housing opportunities, including housing opportunities affordable to households of very low income, according to thresholds established by the City's Housing and Community Investment Department ("HCID"). Such affordable units are rare in Playa Del Rey, and have not been provided within that community, as only one other density bonus project has been proposed (and was suspended) and none have been approved. Notably, the City's General Plan Housing Element 2013-2021 (the "Housing Element") recognizes the problems inherent with providing affordable housing in the Coastal Zone, including substantial costs, limited sites, and certain development regulations. The Community Plan also designates Mixed Use

Districts along Culver Boulevard between Pershing Drive and Pacific Avenue. The Project would situate a mixed-use development along Culver Boulevard, consistent with this designation.

Objective 1-2 of the Community Plan states:

"Locate housing near commercial centers, public facilities, and bus routes and other transit services, to reduce vehicular trips and congestion and increase access to services and facilities."

In this case, the Project would be located near the commercial center of the lower Playa Del Rey area, and adjacent to an established bus route on Culver Boulevard, with a bus stop located on the Project Site. As a mixed-use development near an established commercial district, the Project would reduce trips by providing local-serving uses in the same building as residents, and by locating residents near other commercial uses and transit, reducing the need for local vehicle trips for convenience.

Objective 1-3 of the Community Plan includes the following policies:

"1-3.1 Promote architectural compatibility and landscaping for new Multiple Family residential development to protect the character and scale of existing residential neighborhoods.

"1-3.2 Monitor the impact of new development on residential streets."

As described in detail in our prior correspondence (August 10, 2018), the Project is consistent in terms of height and scale with other nearby development in the Playa Del Rey area, including lower Playa Del Rey. Moreover, the traffic study prepared for the Project confirmed that no significant impacts would occur, and no mitigation is required. Further, the Project Site is bounded by two major roadways—Culver Boulevard and Vista Del Mar—and would not require vehicle travel through residential streets. It therefore would be consistent with these policies.

The Community Plan also includes a range of policies regarding coastal resources. Policies relevant to the Project include the following:

"18-1.2 Issue coastal development permits and building permits in the Coastal Zone to ensure that new developments address coastal issues."

Consistent with this policy, the Project applied for and was granted a Coastal Development Permit. The Determination Letter for the Project addressed a range of community plan policies, as well as the potential effects of the Project on coastal resources, including visual compatibility with surrounding and nearby development. The Project would not develop

structures on the beach, and was determined not to impede coastal access or damage coastal resources. Therefore, it is consistent with this policy.

"18-1.3 Protect coastal communities from potentially adverse impacts arising from differing or conflicting land uses, giving special attention to the relationship between public works / public utility facilities and sensitive open space or residential land uses. Ensure that new and/or expanded industrial facilities minimize adverse impacts on surrounding property, while protecting the function such facilities provide."

"18-1.5 New development should be located in areas best served by existing road and utility systems."

"18-2.1 New development should be located in a manner that best preserves identified coastal resources, including wetland and support areas. Promote the concentration or grouping of structures to retain larger areas of open land. Open space buffer areas should be established between new development and sensitive ecological environments."

"18-3.3 New development should mitigate the impact of new traffic generated on coastal recreation access roads."

The approved Project would be developed effectively on an island of previously developed and currently disturbed land—free of wetlands or any sensitive plant communities—separated from all surrounding uses, and particularly residential and open space uses, by public rights-of-way. The Project, unless the existing Project Site, would be subject to all applicable water quality regulations, including the City's Low Impact Development standards and including capture, retention, and treatment of stormwater flows. Such flows would be directed to existing stormwater collection and conveyance infrastructure.

These rights-of-way also would provide direct vehicular and utility access to the site. A structure previously occupied the Project Site, and was served by water, sewer, and electrical providers, and the Project would extend all such infrastructure via direct connections to utilities beneath the surrounding rights-of-way.

The Project as originally proposed was consistent with the zoning designation for the Project Site, though the ground-floor commercial uses of the Project were reduced and restricted to reduce the potential for Project-related traffic impacts, and the residential density proposed—even with the provision of affordable housing units—is approximately 20 percent below the permitted density. As approved, the Project would have no significant traffic or housing impacts, and would not require mitigation.

Further, the Director of Planning reduced the height of the approved Project, with the stated purpose of providing greater consistency with an unadopted Specific Plan⁷ and promoting compatibility with surrounding development. Further, as provided in Exhibit "B" to our August 10, 2018 letter and described at length therein, the Playa Del Rey area, including lower Playa Del Rey, contains over 100 structures of at least four stories. Thus, the height of the Project is consistent with existing development in the area, but was further adjusted for compatibility with surrounding uses, particularly residential uses. The Project also would protect views, as described at length in our August 10, 2018 letter. Accordingly, the Project is consistent with these policies.

"18-3.4 Pedestrian walkways that provide a recreational function and give access to coastal resources should be improved and enhanced where existing, or newly constructed where needed and feasible."

As reflected in the approved plans and described in the Determination Letter for the Tract Map, the Project would provide improved sidewalks, with greater width, according to current walkability standards, distinctive paving, outdoor public seating, and enhanced wayfinding signage. These improvements include enhancement of crosswalks. These features will substantially enhance the pedestrian experience, and will enhance access to the coast from the lower Playa Del Rey commercial core and adjacent residential areas. Therefore, the Project would comply with this policy.

"18-4.2 Visitor-serving commercial uses should be encouraged within the Playa del Rey commercial district."

Consistent with the commercial designation of the Project Site, the mixed-use corridor designation of Culver Boulevard, and Coastal Commission policy, the Project includes a local- and visitor-serving commercial component. These uses will help reduce local trips by expanding the commercial options available to coastal visitors, while also providing convenience uses for residents, reducing the need for convenience-related trips. The commercial uses also are parked fully to the requirements of the Municipal Code.

"18-5.1 The scenic and visual qualities of Westchester-Playa del Rey Coastal Zone should be protected and enhanced where feasible, by siting and designing development in order to: protect public views to and along the ocean and scenic coastal areas; minimize the alteration of natural landforms; be visually compatible with the character of the surrounding area; and retain existing views from designated public view areas and Scenic Highways. All new development in the Coastal Zone, including public works and recreational

⁷ As described above, the Specific Plan has no legal force or effect; no requirement existed to reduce the height of the Project, and the reduction was improper.

facilities, should be subordinate to their setting, and minimized in height and bulk to the extent feasible to accomplish view protection."

As described in depth in our August 10, 2018 letter, the Project would preserve the scenic views and resources in the Playa Del Rey area. The Project would develop a commercially zoned, previously developed site, rather than an area designated for open space or containing natural resources such as sensitive plant communities. The Project would remain consistent with other development in the vicinity, and because the project is immediately adjacent to a large coastal bluff, its height will be further minimized with respect to surrounding development.

As described in the MND for the Project (page 25, and page IV-4 of the supplemental analysis), impacts related to height and visual character determined the Project "would be . . . comparable to the heights of some of the surrounding uses." It noted that residential uses on Montreal Street, "are located atop a 100-foot-tall coastal bluff and are therefore further visually buffered from the Project Site, and these uses would be nearest the shortest portion of the building," which now ranges from 15 to 37 feet in height.

As discussed on pages IV-88 and IV-89 of the supplemental Initial Study, the Zoning and the City's Density Bonus Ordinance would allow an FAR of 3:1 and a maximum height of 56 feet. However, the Project as proposed would have an FAR of about 2:1 under the net lot area, after all dedications and vacation.⁸ This increase represents a floor area bonus substantially less than what the Density Bonus Ordinance permits.

As described above, the Project is actually separated from all surrounding residential development by streets, which provide further buffering, and residences with ocean views that are potentially affected are located on an approximately 100-foot-tall coastal bluff that rises substantially above the Project Site and the proposed Project.

The Project also would protect scenic views. No views of the ocean are currently available through the Project Site, but are available through the rights-of-way from portions of Vista Del Mar (a locally, but not State-designated scenic highway), as well as Trolley, and would not be obstructed by development on the Project Site. Views through the Culver Boulevard right-of-way near the Project Site, at the intersection with Pacific Avenue/Trolley, includes some views of dunes, but no views of the Ocean. Views of the ocean are available across the Project Site from Montreal Street on the bluff overlooking the Project Site vicinity, and as one descends the bluff. As noted on page 24 of the Determination Letter, the Project Site is not designated as a highly sensitive scenic area in the California Coastline Preservation and Recreation Plan.

⁸ For tract maps, the City calculates lot area for the purposes of determining FAR on a net basis; that is, the new lot the proposed map would create.

Development of the Project would not obstruct any available view across the Project Site from Vista Del Mar or Culver Boulevard. Although the building would be visible within the viewshed from Montreal Street that includes the ocean, the majority of the proposed building is already obstructed by heavy mature vegetation immediately seaward of Montreal Street, and ocean views over the proposed structure—particularly with the reduced height of the Approved Project—and over the existing foliage would remain available. Existing views northwest from Pacific Avenue/Trolley and west from Culver Boulevard would remain, as the limited ground-level views of the ocean or dunes are available only through the right-of-way itself, and not across the Project Site. Moreover, the Project would include improvements such as outdoor seating areas along Culver Boulevard and Trolley that would increase opportunities for views along sidewalks associated with these roadways. Therefore, the Project would comply with policies regarding preservation of scenic resources and views.

(c) Density Bonus Incentives Do Not and Cannot Require a General Plan Amendment, Variance, or Similar Relief.

The appellants claim the density bonus incentives require relief from the General Plan, Zoning Code, and other regulations and policies. State law forbids such a finding:

"(1) The granting of a concession or incentive ***shall not require or be interpreted, in and of itself, to*** require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval. "

Further:

"(2) Except as provided in subdivisions (d) and (e), the granting of a density bonus ***shall not require or be interpreted to require the waiver*** of a local ordinance or provisions of a local ordinance unrelated to development standards."

Govt. Code §65915(j). Section 12.22-A.25(g)(2)(c) of the Municipal Code includes similar language. Thus, under the law, the density bonus and incentives do not violate local plans or regulations, and therefore could not require any relief beyond the underlying entitlements, which would have been required even in the absence of a Density Bonus. Any finding to the contrary is erroneous and violates State law.

6. PLUM Should Uphold the Determinations of the Director of Planning, Deputy Advisory Agency and Commission to Approve the Project and Deny the Appeals.

For all of the reasons discussed above, the Project complies with the Community Plan Coastal Act, particularly the portions intended to protect scenic resources and communities.

Supplemental Letter to the PLUM Committee
Council File 18-0686 and 18-0686-S1
CPC-2012-3537-DB-CDP-SPR-MEL-2A
VTT-70786-2A
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The MND determined that any potentially significant impacts of the Project—the majority of which were related to construction activities—would be mitigated to a less-than-significant level with the implementation of standard conditions of approval or of mitigation measures. The Project would not result in significant impacts on the environment, including impacts related to land use and planning, and the City Council should affirm the decisions of the Director of Planning, the Deputy Advisory Agency, and the CPC, and approve the Project.

In conclusion, the city's actions to date in processing this project and subjecting it to unadopted rules and regulations, constitute arbitrary and capricious governmental actions which have violated our client's procedural and substantive due process rights under the U.S. Constitution and California Constitution, for which Legado will pursue damages.

Sincerely,



BENJAMIN M. REZNIK and
NEILL E. BROWER of
Jeffer Mangels Butler & Mitchell LLP

BMR:neb

Attachments

cc: Hon. Mike Bonin, Councilmember, District 11
Hon. Michael Feuer, City Attorney
Terry Kaufman Macias, Supervising Assistant City Attorney
Vincent Bertoni, Director of Planning
Faisal Roble, Principal City Planner
Debbie Lawrence, Senior City Planner
Juliet Oh, City Planner

Exhibit A

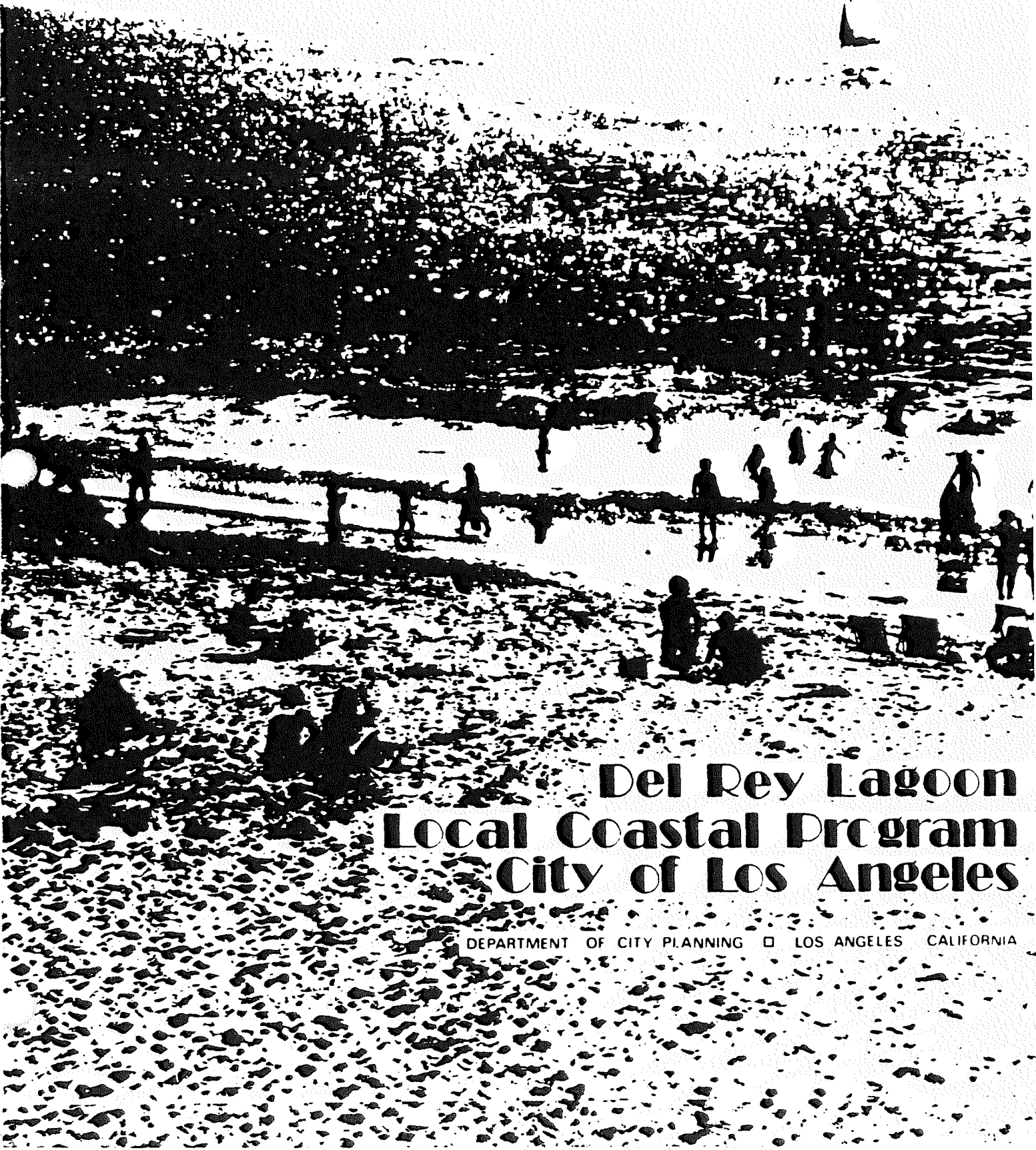
Specific Plan

APPROVED: CITY PLANNING COMMISSION 7-2-81

APPROVED: CITY COUNCIL PLANNING COMMITTEE 7-21-81

SUBMITTED: TO CALIFORNIA COASTAL COMMISSION 9-11-81

APPROVED: CITY COUNCIL 3-16-82 (IN CONCEPT)



Del Rey Lagoon Local Coastal Program City of Los Angeles

DEPARTMENT OF CITY PLANNING □ LOS ANGELES CALIFORNIA

LEE E. LAYTON
CITY CLERK

IF MAKING INQUIRIES
RELATIVE TO THIS MATTER,
REFER TO FILE NO.

81-3400 & 81-3512

CPC 29298
CD 6

March 16, 1982

Honorable Tom Bradley, Mayor
City Attorney (with file)
City Engineer
Board of Public Works
City Administrative Officer
Planning Department
Director of Planning
Fire Department
Street Opening/Widening
California Coastal Commission

CALIFORNIA



TOM BRADLEY
MAYOR

OFFICE OF
CITY CLERK
ROOM 305, CITY HALL
LOS ANGELES, CALIF. 90012
405.5705

MAR 18 1982

Department Building/Safety
Transportation Department,
Traffic Section
General Plan Advisory Board

RE: LOCAL COASTAL PROGRAM FOR DEL REY LAGOON

At the meeting of the Council held March 16, 1982, the
following action was taken:

Attached report adopted..... X
" motion " ()
" resolution " ()
Ordinance adopted.....
Motion adopted to approve attached report.....
" " " " communication.....
To the Mayor for concurrence.....
To the Mayor FORTHWITH.....
Mayor concurred.....
Appointment confirmed.....
Appointee has taken the Oath of Office.....
Findings adopted.....
Negative Declaration adopted.....
Categorically exempt.....
Generally exempt.....
EIR certified.....
Tract map approved for filing with the County Recorder.....
Parcel " " " " " " " "
Bond approved.....
Bond is No. _____ of Contract.....
Resolution of acceptance of future street to be known as _____
_____ adopted....
Agreement mentioned therein is/are No. _____
_____ of Contracts. _____

Lee E. Layton
City Clerk
mga

AN EQUAL EMPLOYMENT OPPORTUNITY—AFFIRMATIVE ACTION EMPLOYER

Your

PLANNING AND ENVIRONMENT

Committee

reports as follows:

RECOMMENDATION:

1. That the City Council by the adoption of this report REFUSE to accept any Coastal Commission conditions on the Del Rey Lagoon Local Coastal Program (LCP).
2. That the City Attorney be instructed to prepare the necessary Del Rey Lagoon Specific Plan in final ordinance form. (In no way does the action by the City constitute tacit agreement or resolution in any form of the public trust issue in Del Rey Lagoon area).
3. That the provisions in said Del Rey Lagoon Specific Plan BE DELETED which provide for:
 - (a) changes in the Building and Safety Code which would permit only one exit in a three story building instead of the two which are customarily required.
 - (b) changes in the Building and Safety Code which expand the limitations of a mezzanine from the customarily permitted one third of a room to a size equal to one half a room.
4. Certified that the documents comprising the functional equivalent of an EIR have been reviewed and considered in the process of approving the plan.
5. That the City Planning Department be instructed to work with the Department of Building and Safety and Fire Department to prepare the necessary findings and resolutions for the adoption of the Local Coastal Program including the Specific Plan and Plan Amendment when the Final ordinance is prepared and submitted for adoption.
6. That the Council adopted LCP BE RESUBMITTED to the Coastal Commission with a written explanation for the resubmittal, at such time that the public trust issue is resolved.
7. That the City Council approves in concept the Del Rey Lagoon Specific Plan and instructs that this Specific Plan be used in any discretionary permit process pending adoption of the final ordinance.

- continued -

THE COUNCIL OF THE
CITY OF LOS ANGELES

- 2 -

Your

PLANNING AND ENVIRONMENT

Committee

reports as follows:

SUMMARY

On March 9, 1982, your Committee considered the Coastal Commission action on the Del Rey Lagoon Local Coastal Program, consisting of a specific plan ordinance, and the Westchester-Playa Del Rey District Plan amendment, and reconsideration of the Local Coastal Program pursuant thereto.

The representatives of the Planning Department explained the proposals. Also present was the Deputy City Attorney and two interested citizens. Councilwoman Pat Russell spoke in support but expressed concern about the public trust issue.

The Committee members in reviewing this matter noted that the Del Rey Lagoon Local Coastal Program (LCP) consists of three items (1) a specific plan ordinance (2) an amendment to the Westchester-Playa Del Rey District Plan and (3) documents which comprise the functional equivalent of an EIR. The LCP was developed with the assistance of a Citizen Advisory Committee, appointed by Councilwoman Pat Russell, which conducted 10 meetings to discuss the formulation of the plan. Two additional public meetings were held to present the plan to the community. On October 27, 1980, the City Planning Commission conducted a public hearing and on July 2, 1981 it conducted a second public hearing and approved the LCP. The Planning and Environment Committee conducted a public hearing on the plan on July 21, 1981 and also approved the plan on that date. The City Council authorized the transmittal of the Plan to the California Coastal Commission on September 11, 1981.

After careful consideration the Committee feels that the City's response as shown in the recommendation portion of this Committee report should be forwarded to the Council for adoption. The Committee noted that the Council public hearing on said plan amendment will be held when the Council considers the final ordinance.

Respectfully submitted,

PLANNING AND ENVIRONMENT
COMMITTEEAE1:mga
CPC 29298
CD 6
3-12-82

CALIFORNIA

WHEN MAKING INQUIRIES
RELATIVE TO THIS MATTER,
REFER TO FILE NO



TOM BRADLEY
MAYOR

CPC 29298

Honorable Tom Bradley, Mayor
City Planning Department (with file & Resolution)
Board of Public Works
City Administrative Officer
General Plan Advisory Board
Department of Transportation -
Traffic Section
Street Opening and Widening Div.
Department of Building and Safety

Attached report adopted..... X
" motion " ()
Ordinance adopted.....
Motion adopted to approve attached report.....
" " " " communication.....
To the Mayor for concurrence.....
To the Mayor FORTHWITH.....
Mayor concurred.....
Appointment confirmed.....
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Parcel " " " " " " " "
Bond approved.....
Bond is No. _____ of Contract .
Resolution of acceptance of future street to be known
as _____ adopted.....
Agreement mentioned therein is/are No. _____
of Contracts.....

mb AN EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION PLAN 1981-1985

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

1

Your
reports as follows:

Committee

PLANNING AND ENVIRONMENT

RECOMMENDATIONS

As recommended by the Mayor and the Director of Planning as follows:

1. That the attached Resolution, which transmits the proposed Westchester-Playa Del Rey District Plan Amendment and the Del Rey Lagoon Local Coastal Program (LCP) to the California Coastal Commission, BE ADOPTED.
2. That the City Planning staff be directed to forward the resolution and supporting LCP materials to the Coastal Commission for its certification.

SUMMARY

On July 21, 1981, the Planning and Environment Committee approved the Draft Del Rey Lagoon Local Coastal Program (LCP) and an amendment to the Westchester-Playa Del Rey District Plan. The LCP must now be reviewed by the Coastal Commission for conformance with the California Coastal Act of 1976. The Coastal Commission's determination will be submitted to the Planning and Environment Committee for review and then to the City Council for final approval and adoption.

In order to transmit the LCP to the Coastal Commission for its review, a Resolution must accompany the plan, certifying that it is the intent of the City to adopt the LCP in conformity with the Coastal Act. The Council by this action is not adopting the plan at the present time. A detailed consideration will take place after Coastal Commission action. This action of the Council will merely authorize the transmittal of the draft plan to the Coastal Commission.

Respectfully submitted,

PLANNING AND ENVIRONMENT COMMITTEE

ADOPTED

SEP 11 1981

LOS ANGELES CITY COUNCIL

AE1:am
9-3-81
CPC 29298
CD 6
Attachment

R E S O L U T I O N

WHEREAS, the California Coastal Act of 1976 has declared that the California coastal zone is a distinct and valuable resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem; and

WHEREAS, one of the basic goals of the State is to protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources; and

WHEREAS, the California Coastal Act of 1976 requires each local government lying, in whole or in part, within the coastal zone to prepare a local coastal program for that portion of the coastal zone within its jurisdiction to assure that maximum public access to the coast and public recreation areas is provided, consistent with Chapter 3 of the Act; and

WHEREAS, portions of the Westchester-Playa Del Rey District lie within the coastal zone, as designated by the State Legislature; and

WHEREAS, the Del Rey Lagoon Area of the Westchester-Playa Del Rey District was identified as an area of special environmental significance which required zoning regulations beyond that of the traditional zone code as determined after conducting seven public meetings in both coastal and inland communities to identify coastal issues of major concern and after conducting numerous public hearings in both coastal and inland communities to develop a Work Program of tasks to address major issues; and

WHEREAS, the Del Rey Lagoon Work Program was unanimously adopted by both the Los Angeles City Council and the California Coastal Commission and a contract subsequently executed requiring the City to fulfill the provisions of the Work Program and to prepare the local coastal program and necessary zoning regulations for the Del Rey Lagoon; and

WHEREAS, the existing zoning and district plan designations for all other areas within the coastal zone of the Playa Del Rey community of the Westchester-Playa Del Rey District have been deemed by the California Coastal Commission as being certifiable as the local coastal program for those areas; and

WHEREAS, an amendment to the Westchester Playa Del Rey District Plan has been designated the most appropriate mechanism for preparing the policy portion of the local coastal program; and

WHEREAS, a specific plan, as defined by the Los Angeles City Charter, has been designated the most appropriate mechanism for preparing the implementing ordinances of the local coastal program; and

WHEREAS, the Del Rey Lagoon Local Coastal Program was developed with the widest opportunity for public participation through a series of Citizen Advisory Committee meetings, public meetings, and public hearings, conducted in both coastal and inland communities; and

WHEREAS, all provisions of the Del Rey Lagoon Local Coastal Program, although tailored to the particular conditions and circumstances of the local area, are consistent with the general policies of the adopted Los Angeles General Plan; specifically, all land use

provisions are fully consistent with the standards and criteria described in the Westchester-Playa Del Rey District Plan, all low- and moderate-income housing provisions are fully consistent with the Housing Element, and all sign control provisions are fully consistent with the Scenic Highways Plan of the Circulation Element.

NOW, THEREFORE, BE IT RESOLVED that pursuant to California Public Resources Code Section 30510(a), the City Council of the City of Los Angeles hereby certifies that the local coastal program is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code Section 30510(b) and to Section 00071 of the LCP Regulations of the California Coastal Commission, the City Council herewith submits materials sufficient for a thorough and complete review of the local coastal program including a land use plan, implementing ordinances, and various staff reports.

BE IT FURTHER RESOLVED that the City Council of the City of Los Angeles hereby requests that the California Coastal Commission approve the submitted land use plan and implementing ordinances as the local coastal program for the Del Rey Lagoon Community; and grant a categorical exclusion from all notice, hearing, and appeal requirements for coastal development permits as specified in the LCP.

BE IT FURTHER RESOLVED that pursuant to Section 00071 of the LCP regulations of the Coastal Commission, the City Council submits its LCP as a program that will require formal City Council approval after Coastal Commission approval.



REX E. LAYTON, City Clerk

I HEREBY certify that the foregoing resolution was adopted by the Council of the City of Los Angeles at its meeting held on September 11, 1981.

SEP 11 1981

CITY OF LOS ANGELES

CALIFORNIA



TOM BRADLEY
MAYOR

CITY PLANNING COMMISSION

YANEE F. GARCIA
PRESIDENT

J. S. PRIGER
VICE PRESIDENT

STEVE HARRINGTON
CARL MASTON

SUZETTE NEUMAN

RAYMOND I. NORMAN
SECRETARY

DEPARTMENT OF
CITY PLANNING
561 CITY HALL
LOS ANGELES, CA 90012

CALVIN S. HAMILTON
DIRECTOR

FRANK P. LOMBARDI
EXECUTIVE OFFICER

July 16, 1981

Honorable City Council
City of Los Angeles
Room 395, City Hall

CITY PLAN CASE NO. 29298 - COUNCIL DISTRICT NO. 6

Transmitted herewith is a proposed ordinance to establish a Del Rey Lagoon Specific Plan. The Specific Plan has been prepared for the purpose of implementing the goals and policies of the California Coastal Act of 1976.

As noted in the attached report and record of its action, the City Planning Commission on July 2, 1981, recommended that this proposed ordinance be adopted by the City Council in conformity with the submitted draft, dated July 2, 1981.

CALVIN S. HAMILTON
Director of Planning

Raymond I. Norman, Secretary
City Planning Commission

RIN:mmm

CITY PLANNING DEPARTMENT
ACTION OF THE CITY PLANNING COMMISSION

CITY PLAN CASE NO. 29298


DATE: JULY 2, 1981

After due consideration and deliberation, the Commission:

1. Adopted the Staff Report and the Findings contained therein as the report and findings of the Commission.
2. Approved a proposed ordinance (as revised by the Commission) establishing the Del Rey Lagoon Specific Plan.
3. The proposed ordinance prepared by the staff was revised as follows;
 - 1) Pg. 3f Sections D,2 (a,1) (i) and (ii) were deleted and the words "37 feet" were added.
 - 2) Pg. 3k, Section D,3 (b,1) was amended to delete "30 feet" and add "37" feet."
 - 3) Pg. 3o, Section D,4 (C,1) (i) was amended to delete "45 feet" and add "52 feet".
 - 4) Pg. 3o, Section D,4 (C,4) was added to read "Section 12.21.1-B,3 of the Los Angeles Municipal Code, which permits additional height for penthouses and other specified roof structures, shall apply for not more than 25% of the roof area, and shall not apply at all for structures constructed pursuant to item (1)(i) above".
 - 5) Pgs. 3r and 3s, Section D,6(a,1) (i) was amended to delete the entire first paragraph.
 - 6) Pg. 3dd, Section D,9(a,3) was amended to delete "30 feet" and add "37 feet".

VOTE:

Moved: Harrington
Seconded: Maston
Ayes: Garcia, Neiman
No: Krueger


Raymond I. Norman, Secretary
City Planning Commission

DEPARTMENT OF CITY PLANNING
Room 605, City Hall
200 North Spring Street
Los Angeles, CA 90012
485-5051

CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING

RECOMMENDATION OF COMMUNITY PLANNING
AND DEVELOPMENT DIVISION

CITY PLAN CASE NO. 29298 (SP)

Decision Date: June 4, 1981
75-Day Expiration Date: (None)
Council District No. 6
District: Westchester--Playa Del Rey

To: City Planning Commission
From: Community Planning and Development Division -
Commission Hearing Examiner
Requested by: COUNCIL'S OWN INITIATIVE; STATE MANDATED
Subject: SPECIFIC PLAN

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This publication was prepared with financial assistance from the U.S. Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the provisions of the Federal Coastal Zone Management Act of 1972, as amended, and from the California Coastal Commission under the provisions of the Coastal Act of 1976.

REQUEST AND RECOMMENDATION

PROPERTY INVOLVED: An area identified as encompassing all property seaward of Vista Del Mar/Culver Boulevard between Waterview Street and Nicholson Street and all commercial zone property fronting on Vista Del Mar, Vista Del Mar Lane and Culver Boulevard between Vista Del Mar and Nicholson Street.

EXISTING ZONES: R3-1, R4-1, and C2-1.

PROPOSED ZONES: R3-1, C4-1, and A2-1.

SUBJECT REQUEST: Establishment of a Specific Plan for the area involved for the purpose of implementing the goals and policies of the California Coastal Act of 1976. Included are provisions for coastal access; provisions for low-and moderate-income housing; and height, bulk and density criteria.

RECOMMENDATION: That the Commission

APPROVE and RECOMMEND the adoption of the attached Specific Plan ordinance.

ADOPT the following findings:

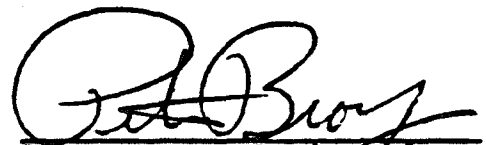
1. The subject area is located within the Westchester-Playa Del Rey District for which a District Plan was adopted by the City Council on March 20, 1974. The District Plan designates the subject property for residential medium density use, commercial neighborhood and office use, and recreation use. The recommended changes of zone are in total conformance with the provisions of the General Plan as reflected in the adopted Westchester-Playa Del Rey District Plan, and are necessary to implement the intent and provisions contained therein.
2. Access provisions will maintain and enhance the amount of access to the public beaches, without an over-burden on the existing facilities or a detrimental effect on the community in general.
3. The provisions for more adequate restrictions on height and bulk will control further increases in height and density in order to be compatible with the small scale character of the existing community and to permit dwelling units of adequate size and square footage.
4. The establishment of adequate on-site parking provisions will alleviate congestion and reduce parking violations on local streets and alleys, serve commercial patrons thus enhancing the viability of the commercial uses, and enhance access and parking opportunities for beach visitors by reducing competition for existing on-street parking spaces.
5. The provisions for more adequate restrictions on intensity of commercial

development will maintain the small scale neighborhood orientation, consistent with the adopted Westchester-Playa Del Rey District Plan.

6. The provisions for more adequate restrictions on the "Beachfront Area" will enhance access to the beach and provide visitor-serving facilities, consistent with the California Coastal Act of 1976.
7. The provisions for affordable and low- and moderate-income housing will provide housing opportunities for all segments of the community consistent with the Housing Element of the General Plan.
8. The provisions for more adequate restrictions on the placement and construction of on-site signs will preserve and enhance the scenic and visual qualities of the community and beach areas consistent with the policies of the Scenic Highways Element of the Los Angeles General Plan, which identifies Culver Boulevard/Vista Del Mar as a designated Scenic Highway.
9. All provisions of the Specific Plan together will satisfy the requirements of the California Coastal Act of 1976, which mandates that the goals and policies contained therein be implemented by each local jurisdiction for that portion of the jurisdiction within the coastal zone, as mapped by the State Legislature.
10. Public Resources Code Section 21080.5 exempts local governments from all CEQA requirements normally applicable to activities and approvals necessary for the preparation and adoption of a Local Coastal Program. On May 22, 1979, the Secretary for Resources certified as an "EIR equivalent" the program of the California Coastal Commission regarding Local Coastal Programs.
11. The provisions of this ordinance will have a positive effect upon the General Plan and will be consistent with the Los Angeles General Plan and its component elements.
12. Based upon the above findings, the recommended Specific Plan is deemed consistent with the public necessity, convenience, general welfare, and good zoning practice.



Prepared by
Edward J. Johnson, City Planner
Community Planning & Development
Division



Peter Broy, Senior Planner
Community Planning & Development Division

CITY PLAN CASE NO. 29298 (SP)

DECISION DATE: 6-4-81

RECOMMENDATION OF DIVISION CHIEF

- ☒ I concur in the recommendation
- ☐ I do not concur
- ☐ I concur, except
- ☐ See attached report

Arch D. Crouch

Arch D. Crouch, Principal Planner
Community Planning & Development
Division

May 13, 1981

An Ordinance Establishing a Specific Plan for the Del Rey Lagoon Portion of the Westchester-Playa Del Rey District.

WHEREAS, the California Coastal Act of 1976 has declared that the California coastal zone is a distinct and valuable resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem; and

WHEREAS, one of the basic goals of the State is to protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources; and

WHEREAS, the California Coastal Act of 1976 requires each local government lying, in whole or in part, within the coastal zone to prepare a local coastal program for that portion of the coastal zone within its jurisdiction to assure that maximum public access to the coast and public recreation areas is provided, consistent with Chapter 3 of the Act; and

WHEREAS, portions of the Westchester-Playa Del Rey District lie within the coastal zone, as designated by the State Legislature; and

WHEREAS, the Del Rey Lagoon Area of the Westchester-Playa Del Rey District was identified as an area of special environmental significance which required zoning regulations beyond that of the traditional zone code as determined after conducting seven public meetings in both coastal and inland communities to identify coastal issues of major concern and after conducting numerous public hearings in both coastal and inland communities to develop a Work Program of tasks to address major issues; and

WHEREAS, the Del Rey Lagoon Work Program was unanimously adopted by both the Los Angeles City Council and the California Coastal Commission and a contract subsequently executed requiring the City to fulfill the provisions of the Work Program and to prepare the local coastal program and necessary zoning regulations for the Del Rey Lagoon; and

WHEREAS, the existing zoning and district plan designations for all other areas within the coastal zone of the Playa Del Rey community of the Westchester-Playa Del Rey District have been deemed by the California Coastal Commission as being certifiable as the local coastal program for those areas; and

WHEREAS, a specific plan, as defined by the Los Angeles City Charter, has been designated the most appropriate mechanism for preparing a local coastal program since it combines land use policies and implementing ordinances; and

WHEREAS, the Del Rey Lagoon Specific Plan was developed with the widest opportunity for public participation through a series of Citizen Advisory Committee meetings, public meetings, and public hearings, conducted in both coastal and inland communities; and

WHEREAS, all provisions of the Del Rey Lagoon Specific Plan, although tailored to the particular conditions and circumstances of the local area, are consistent with the general policies of the adopted Los Angeles General Plan; specifically, all land use provisions are fully consistent with the standards and criteria described in the Westchester-Playa Del Rey District Plan, all low- and moderate-income housing provisions are fully consistent with the Housing Element, and all sign control provisions are fully consistent with the Scenic Highways Plan of the Circulation Element.

NOW THEREFORE THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

SECTION 15.xxx DEL REY LAGOON SPECIFIC PLAN

A. Purposes and Authority

1. Purposes

The following purposes shall apply in the Del Rey Lagoon Specific Plan area.

- a. To implement the goals and policies of the California Coastal Act of 1976.
- b. To prepare a local coastal program for that portion of the Westchester-Playa Del Rey District within the coastal zone, as designated by the State Legislature.
- c. To protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and man-made resources.
- d. To assure that maximum public access to the coast and public recreation areas is provided.
- e. To prepare specific provisions tailored to the particular conditions and circumstances of the Del Rey Lagoon area, consistent with the general policies of the adopted Los Angeles General Plan.
- f. To regulate all development, including use, height, density, bulk, signs and other factors in order to be compatible with the small scale character of the existing community and provide for the consideration of aesthetics and scenic preservation and enhancement.

2. Relationship to other Provisions of this Chapter

- a. The regulations of this Specific Plan are in addition to those set forth in Chapter 1 of the Municipal Code of the City of Los Angeles and do not convey any rights or privileges not otherwise granted under the provisions and procedures contained in said Chapter, except as specifically provided for herein.
- b. All existing development and all projects approved pursuant to any action of the Office of Zoning Administration, the Board of Zoning Appeals, the City Planning Commission or the City Council within three years prior to the effective date of this ordinance, shall not be effected by any provisions of this specific plan, until such time when such developments or projects are altered, added to or enlarged.
- c. Wherever this specific plan contains provisions different from or in conflict with, provisions contained elsewhere in this Chapter, the specific plan shall supercede the other provisions. Procedures for the granting of exceptions to the requirements of this Section are established in Section 11.5.7-D, provided that the procedures established in Sections 12.24, 12.27 12.32 are available for all provisions of the LAMC not specifically superceded by this section.

3. Authority

The authority for this specific plan and the provisions herein is the Los Angeles City Charter Section 97.1, the Scenic Highways Plan and the Housing Element of the Los Angeles General Plan, Section 65915 of the California Government Code, and the California Coastal Act of 1976 Public Resources Code Sections commencing with Section 30000.

B. Establishment of Del Rey Lagoon Specific Plan

1. Specific Plan Area (Map)

The Council hereby establishes this Del Rey Lagoon Specific Plan applicable to that area of the City of Los Angeles shown within the following Map:

2. Specific Plan Subcommunities (Map)

Those areas of the Del Rey Lagoon within the heavy lines and as identified on the following map shall hereafter be referred to as:

- a. The DUPLEX AREA
- b. The ESPLANADE AREA
- c. The PACIFIC AVENUE AREA
- d. The BEACHFRONT AREA

C. Definitions

The following words and phrases whenever used in this ordinance shall be construed as defined in this subsection. Words and phrases not defined herein shall be construed as defined in the Los Angeles Municipal Code.

Billboard. A sign, structure, or device used for outdoor advertising purposes or to attract the attention of the public relative to products, services or uses other than those provided on the premises.

Building Identification Sign. A sign containing the name and/or address of the building to which the sign is attached.

Business Identification Sign. A sign containing the name of the business conducted and/or the names of the products sold or services offered on the premises where the sign is located, but excluding any sign located on the exterior window or door of any premises.

Building Permit. Any permit required under the provisions of Chapter 9, Article 1, of the Los Angeles Municipal Code.

Dwelling Unit, Low-Income. A dwelling unit made available exclusively to households with income that does not exceed 80% of Median Income.

Dwelling Unit, Moderate-Income. A dwelling unit made available exclusively to households with income that is greater than 80% but does not exceed 120% of Median Income.

Dwelling Unit, Senior Citizen. A dwelling unit made available exclusively to low- or moderate-income persons 62 years of age or older.

Dwelling Unit, Special Category. A dwelling unit made available exclusively to low- or moderate-income persons who are handicapped as defined in Section 50072 of the California Health and Safety Code or disabled as defined in Section 223 of the United States Social Security Act, provided said dwelling unit has been specifically designed to meet HUD minimum property standards for the needs of the handicapped.

Floor Plan. A scale drawing or drawings showing all areas within the outer walls of all structures, including but not limited to all rooms, wet bars and other plumbing facility locations, kitchen facilities and locations, garages, lofts, underfloor areas including basements and cellars, entry ways, other exits and entrances, stairs including exterior stairs and side elevations of that side of any building where existing or proposed exterior stairways are to serve a second story or above; and other items as specified by the reviewing agency, but not including any construction details as part of such floor plan, unless otherwise specified.

Height. The height of any building or structure measured vertically from the point located along the centerline of the frontage road midway between the projected side lot lines, to a horizontal plane intersecting the highest point of the roof of the building or structure.

Housing Development. The total number of dwellings on a site where a building or structure is proposed to be erected, structurally altered, enlarged, maintained or converted to condominiums or stock cooperatives, including but not limited to on-site market-rate dwellings, production incentive dwelling units, as well as any off-site dwelling units provided in conjunction with production incentive dwelling units pursuant to this ordinance.

Household, Low-Income. A household the income of which does not exceed 80 percent of Median Income.

Household, Moderate-Income. A household the income of which is greater than 80 percent but does not exceed 120 percent of Median Income.

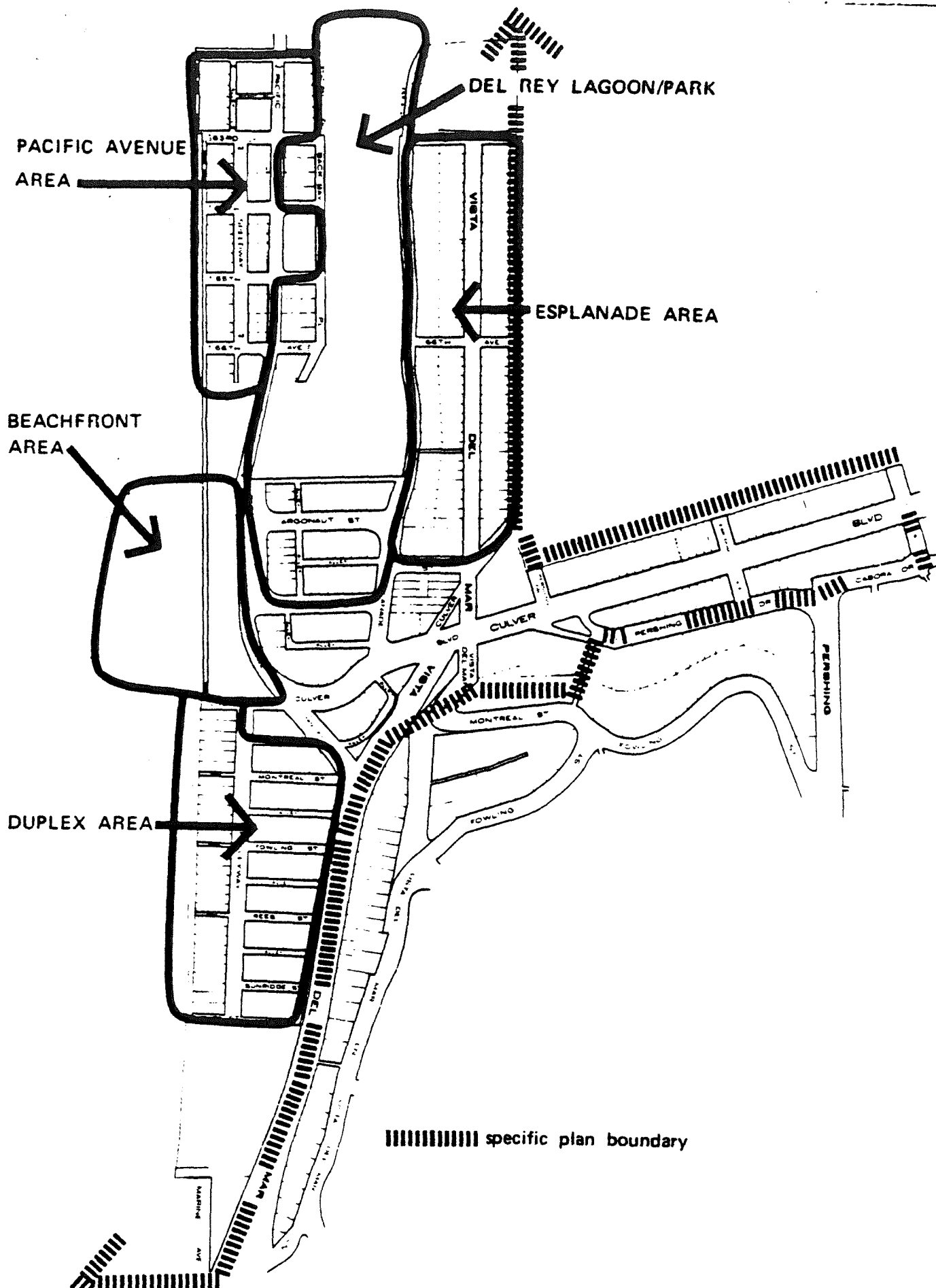
Median Income. Median household income for the City of Los Angeles as published periodically by the U. S. Department of Housing and Urban Development or, if this figure ceases to be available, that figure for median household income used by the Housing Authority of the City of Los Angeles or its successor agency.

Premises. A building or portion thereof together with adjacent yards, courts, and/or public parking areas used as a location for a single business.

Production Incentive Dwelling Unit. A low-income, moderate-income, senior citizen, or special category dwelling unit made available and administered pursuant to Subdivisions 6 and 8 of this ordinance.

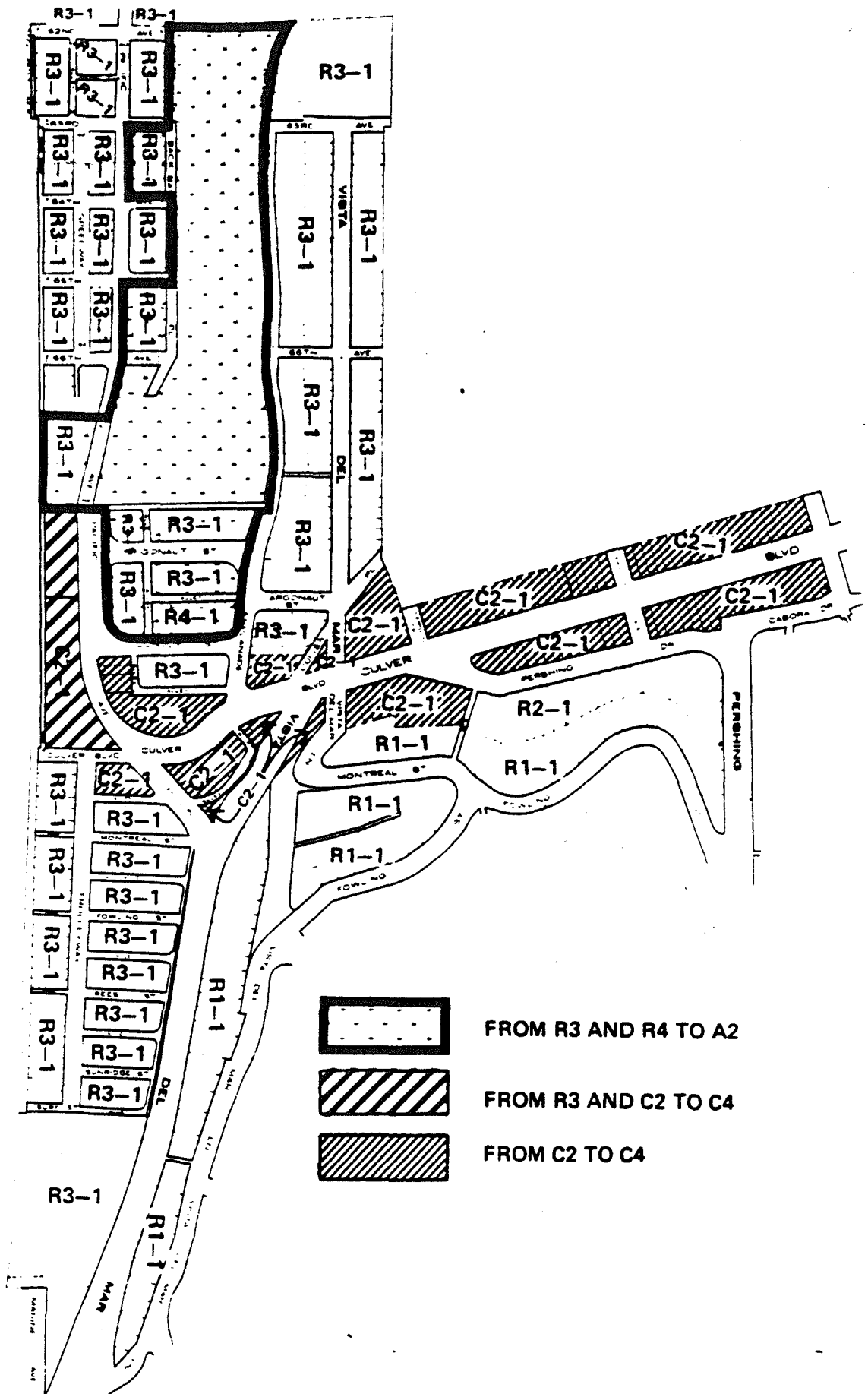
Projecting Sign. A sign other than a wall sign, suspended from or supported by a building and projecting out therefrom.

Rent. The consideration, including any bonus, benefits or gratuity, demanded by or received by a landlord for, or in connection with, the use or occupancy of a rental unit, or the assignment of a lease for such a unit, including, but not limited to, monies demanded or paid for parking, furnishings, housing services of any kind, subletting, or security desposits, but not including payments for utilities.



SUBCOMMUNITIES

DEL REY LAGOON PARK EASTERN PORTION



REZONING

Roof Sign. Any sign erected upon or above a roof or parapet of a building or structure.

Sign. Any display board, screen, object, device or part thereof used to visually announce, declare, demonstrate, display, identify or otherwise advertise or attract the attention of the public, including signs identifying services or products available on the premises or identifying the occupant or premises, but excluding restaurant menus.

Sign Area. The area of the smallest rectangle, circle, and/or triangle (or any combination of these) which will enclose all words, letters, figures, symbols, designs and pictures, together with all framing, background material, colored or illuminated area, and attention-attracting devices forming an integral part of the sign.

Temporary Housing Accommodations. Any dwelling, townhouse, hotel, motel, apartment house, apartment hotel, dormitory, guesthouse, guestroom, light housekeeping room, suite, habitable room, or other similar accommodation used for residential purposes which is available for occupancy on a short-term basis not to exceed a period of 120 consecutive days.

Temporary Sign. Any sign constructed of paper, canvas, or similar material and designed for use for a limited time.

Vertical Access. A recorded dedication or easement granting to the public the privilege and right to pass and repass over dedicatory's real property from a public road to the mean high tide line or public beach.

Wall Sign. Any sign attached to or erected against the wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of said wall.

D. Land Use Regulations

1. General Provisions

a. Zone Redesignations

Section 12.04 of the LAMC is hereby amended by changing the zones and zone boundaries shown upon a portion of the zoning map incorporated therein and made a part of Article 2, Chapter 1, of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as designated on the attached map.

b. Access Standards and Criteria

(1) Public Rights-of-Way

- (i) Existing public rights-of-way which provide direct access from Speedway, Pacific Avenue, or Trolleyway to the beach, as mapped on attached Access and Recreational Areas Maps, shall be maintained and shall remain accessible for pedestrian use. Parking within or along these areas shall be restricted to areas containing a minimum width of 40 ft. of right-of-way. Vehicular access onto the beach therefrom shall be restricted to emergency vehicles only. Private encroachments into these rights-of-way shall not be permitted.

- (ii) All walk streets or pedestrian malls shall remain as such and shall remain open to public pedestrian use.
- (iii) No private encroachments shall be permitted onto the publically owned beach.

(2) City-Owned Accessway

City-owned property located adjacent to the beach and between Pacific Avenue and Ocean FrontWalk and described as a metes and bounds portion of Block A, Playa Del Rey Townsite shall be permanently maintained exclusively for public access to the beach and for visitor-serving recreation purposes as determined by the Director of Planning which do not in any way impede or otherwise restrict public access or the public's right to pass and repass.

2. Residential Zone Regulations

All condominium and stock-cooperative projects in the R3 Zone shall be subject to the provisions of this Section and Section 15.xxx-D, 6(c) of this ordinance unless otherwise explicitly exempted from the provisions thereof by this ordinance. All other residential projects within the R3 Zone shall be subject to the provisions specified below.

Notwithstanding any provision of Sections 12.10 and 12.21.1 of the Los Angeles Municipal Code (LAMC) to the contrary, within the Del Rey Lagoon Specific Plan Area, every lot classified in the R3 Zone shall conform to the following requirements.

a. Height

- (1) No building or structure shall be erected or enlarged which exceeds two stories, nor shall it exceed 37 feet.
- (2) In determining the number of stories:
 - (i) if the lowest level is used exclusively for parking purposes it shall not be considered a story.
 - (ii) any cellar containing habitable rooms shall be considered a story.
- (3) Notwithstanding any provision of the Department of Building and Safety Rule of General Application RGA 4-72 or any other provision of the Los Angeles Municipal Code to the contrary, in a two-story building or structure where parking floor space required by this or any other ordinance is provided in the first story, the area of a mezzanine floor in a second-story room may, at the option of the applicant, equal nor more than one-half of the floor area of the room in which the mezzanine is located.
- (4) All allowances for additional building height as provided for in the following sections of the LAMC shall not be permitted:
 - (i) Section 12.21.1-A,7 which otherwise permits additional height of 14 feet for roofs.

- (ii) Section 12.21.1-B,2 which otherwise permits additional height of 15 feet for structures erected on sloping lots.
- (iii) Section 12.21.1-B,3 which otherwise permits additional height for penthouses and other specified roof structures; except for chimneys and antennae.

b. Area

No building or structure nor the enlargement of any building or structure shall be hereafter erected within the Specific Plan area unless the following lot areas are provided and maintained in connection with such building, structure or enlargement or unless the following regulations governing the consolidation of lots are fully complied with:

(1) Lot Area

- (i) Every lot shall have a minimum width of 30 feet and a minimum area of 2,000 square feet.
- (ii) The minimum lot area per dwelling unit shall be 1,200 square feet.

Provided, that where a lot has a width of less than 30 feet or an area of less than 2,000 square feet and was held under separate ownership or was of record as of the effective date of this ordinance, such lot may be occupied by any use permitted in this subsection, except for those uses requiring more than 2,000-square-feet of lot area, and the lot area per dwelling unit shall be not less than 1,200 square feet. In no case, however, shall more than two dwelling units be permitted where a lot has an area of less than 4,000 square feet, nor shall more than one dwelling unit be permitted where a lot has an area of less than 2,400 square feet.

(2) Lot Consolidations

Notwithstanding any provision of the LAMC to the contrary, consolidating any number of recorded adjoining lots, or any portions thereof, into one building site is expressly prohibited, and no building permit shall be issued for any structure or building thereon nor shall the Advisory Agency approve any preliminary parcel map or tentative tract map application where lots are proposed to be tied, except:

- (i) Where the maximum number of dwelling units permitted to be built on the consolidated parcel does not exceed the maximum number of dwelling units which would be permitted to be built on the largest of the parcels to be consolidated.
- (ii) Existing lot consolidations of two or more lots which have been tied and contain at least one main building which crosses the common lot line as of the effective date of this ordinance are hereby declared to be conforming to the provisions of this subparagraph.

- (iii) Any building or structure existing on conforming tied lots as of the effective date of this ordinance may be structurally altered, enlarged, maintained, or rebuilt if for any reason demolished, provided that such alteration, enlargement, maintenance, or replacement conforms with all other provisions of this ordinance.

c. Parking

- (1) There shall be at least two automobile parking spaces per dwelling unit or guestroom not in a hotel or motel which shall be upon the same lot with such dwelling unit or guestroom.
- (2) The minimum number of guest parking spaces shall be one space per every four dwelling units or guestrooms not in a hotel or motel, which shall be upon the same lot with such unit or guestroom.
- (3) Section 12.21-A,4 (q) of the Los Angeles Municipal Code, which otherwise reduces the parking requirement for a single-family dwelling unit located on a lot 40 ft. or less in width and not abutting an alley, shall not apply to the Specific Plan area.
- (4) One half of all parking spaces required for dwellings under this subdivision or at least two spaces, whichever is greater, shall be enclosed within a private garage.
- (5) Parking spaces not required to be enclosed may be open and unenclosed and notwithstanding Section 12.21-A,4 (l) of the LAMC, such spaces may occupy any portion of any required side yard or passageway except for a three-foot side yard along the side street lot line of a corner lot or reversed corner lot.
- (6) Any private garage or portion thereof constructed to be one parking stall in width, whether or not including tandem stalls, and which is enclosed on its sides and contains a separate vehicular access (garage) door or opening, shall be subject to Section 12.21-A,5 (a,1)(ii) of LAMC, which increases the minimum width of a parking stall by 10 in. when adjoining an obstruction along its longer dimension.
- (7) That portion of the second paragraph of Section 12.21-C,1 (g) of LAMC, which otherwise provides that not more than 50 percent of a required front yard shall be designed, improved, or used for access driveways, shall not apply.
- (8) Sections 62.105.2 and 62.105.3 of the LAMC, which otherwise regulate the width of driveway approach aprons and length of curb space, shall not apply within the residential zone, except that the City Engineer may:
 - (i) Limit the amount of approach apron or curb cut to a maximum of 30 ft. within any one parcel; and
 - (ii) Specify the location from where driveway access shall be taken, if options exist.

- (9) All required parking spaces shall be maintained for vehicular parking purposes. Storage of materials within, or other use of, required parking spaces which reduces the number or area of any required parking spaces is strictly prohibited.
- (10) All garage doors used for vehicular access shall be equipped with automatic garage door openers to be installed whenever any garage is constructed or structurally altered pursuant to item (4) above, or pursuant to the nonconforming parking provisions in Subsection D-5(a,1 and 3) of this section.
- (11) The automobile parking spaces required by this ordinance may be provided by use of vehicle stacking parking machines provided that:
- (i) The certificate of occupancy for the building or use serviced by any stacking machine shall be valid only while such parking machines are being maintained, and the certificate shall bear a notation to that effect.
 - (ii) Subsequent to the approval and installation of any vehicle stacking parking machine within a structure, no building permit shall be issued for that structure unless such machines are being maintained in operating condition, as determined by the Department of Building and Safety.
 - (iii) Such machine has safety approval from the International Conference of Building Officials and is subject to approval by the Department of Building and Safety.
 - (iv) When used for residential parking, at least one parking space per dwelling unit is individually and easily accessible.
 - (v) When used in a public garage or public parking area, attendants are provided to park vehicles at all times said garage or area is open for use.
 - (vi) No more than two vehicles per machine may be stacked.
 - (vii) The stacking machines are totally obscured from public view at all times, except during parking movements, by a structure, facade or landscaping to the satisfaction of the Director of Planning. Within commercial zoned areas, stacking machines shall be obscured, to the maximum extent feasible, only as viewed from the beach or from streets or highways within the specific plan area, unless additional criteria are determined by the Director of Planning to be necessary to carry out the intent of this specific plan and the Scenic Highways Plan.
 - (viii) When used to satisfy residential parking requirements, height clearance for at least 25% of all parking spaces provided by stacking machines shall be a minimum of 7 feet from the floor or platform; or at least one additional parking space shall be provided on-site for every two dwellings and such additional space shall have a minimum clearance of 7 feet from floor to ceiling and may be open or enclosed.

(ix) Stacking machines may not be used to satisfy parking requirements for single-family dwellings, except for condominium or stock cooperatives.

- (12) Notwithstanding any provision of this ordinance or Section 12.21-A, 5(a,1)(ii) of the LAMC, when utilizing vehicle stacking parking machines, platform guide tracks, spindles, supports or any other parts of the machine shall not be considered obstructions.

3. Commercial Zone Regulations

All condominium and stock-cooperative projects in the C4 Zone (except within the BEACHFRONT AREA) shall be subject to the provisions of this subdivision and Section 15.xxx of this ordinance unless otherwise explicitly exempted from the provisions thereof by this ordinance. All other projects within the C4 zone shall be subject to the provisions specified below.

Lots located within the C4 BEACHFRONT AREA as defined in Section 15.xxxC-2,d shall be subject to Subsection D-4 of this section, and are not subject to the following provisions, unless otherwise specifically stated therein.

Every lot classified in the C4 Zone shall conform to the requirements of Section 12.16 of the LAMC except as modified by the provisions of this Subdivision.

a. Use

No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained, except for the following uses:

- (1) Any use permitted in the C4 commercial zone in Section 12.16 of the LAMC; provided however, that the following uses shall be expressly prohibited:
- (i) Sign painting shop.
 - (ii) Tire shop.
 - (iii) Any sign unless any such sign conforms to the provisions of this ordinance.
 - (iv) Drive-in businesses, including theaters, refreshment stands, restaurants, food stores and the like.
 - (v) Public garages for retail services only, including automobile repairing, painting, upholstering and body and fender work.
 - (vi) School (elementary or high), educational institutions or private school.
 - (vii) Trade school.
 - (viii) Wedding chapel, rescue mission or temporary revival church.
 - (ix) Upholstering shop
 - (x) Fast-food outlets.

(2) Notwithstanding Section 12.16-A,2 of the Los Angeles Municipal Code, or any provision of the Los Angeles Municipal Code to the contrary, the following uses shall be expressly permitted in the Specific Plan area:

- (i) Laundry, steam or wet wash.
- (ii) Second hand store.
- (iii) Automobile service stations, tire and tube repairing, battery serving, automobile lubrication, except for tire and tube repairing, battery servicing, automobile lubrication and servicing and maintenance of automobiles when conducted in conjunction with an authorized agency dealing in new automobiles subject to the same limitations and controls as specifically set forth in Section 12.14-A of the LAMC.
- (iv) Boats for hire
- (v) Concession, beach
- (vi) Gymnasium
- (vii) Handyman shop

(3) Residential uses within the commercial zone shall not be permitted except:

- (i) On a lot which is vacant, as of the effective date of this ordinance; or
- (ii) Within a building where the sum of all existing and proposed residential uses occupies no more than 50% of the total floor area; or
- (iii) On a lot where not less than 75% of the total floor area within all buildings was used for residential purposes as of the effective date of this ordinance.

b. Height.

Notwithstanding any provision of Section 12.21.1 of the Los Angeles Municipal Code to the contrary, no building or structure shall be erected, enlarged, or maintained which exceeds either the total floor area or the height limits hereinafter specified:

- (1) No building or structure shall exceed 37 ft. in height; the total floor area contained in all main buildings on a lot shall not exceed:
 - (i) two and one-half times the buildable area when the use of all main buildings is residential only.
 - (ii) one times the buildable area when all main buildings contain any other use or combination of uses permitted by this ordinance.
- (2) All allowances for additional building height provided in the following sections of the LAMC shall not be permitted in the commercial zones within the Specific Plan Area:
 - (i) Section 12.21.1-A,7 which otherwise permits additional height of 14 feet for roofs.

- (ii) Section 12.21.1-B,2 which otherwise permits additional height of 15 feet for structures erected on sloping lots; except when that portion of the structure which exceeds the height limit is set back a minimum of 50% of the depth of the lot measured from the midpoint of the front or rear lot line, whichever is at the lowest point of elevation.

c. Area

- (1) Notwithstanding any provision of the LAMC to the contrary, consolidating two or more adjoining lots or any portions thereof into one building site which exceeds 5,000 sq. ft. for the purposes of constructing residential uses only, or consolidating more than two recorded adjacent lots of any size into one building site for the purposes of constructing residential uses only is prohibited, and no building permit shall be issued for any structure or building thereon nor shall the Advisory Agency approve any preliminary parcel map or tentative tract map application where lots are proposed to be tied.
- (2) Lot consolidations of two or more lots which have been tied and contain at least one main building which crosses the common lot line as of the effective date of this ordinance are hereby declared to be conforming to the provisions of this subparagraph.
- (3) Any building or structure existing on conforming tied lots as of the effective date of this ordinance may be structurally altered, enlarged, maintained or rebuilt, if for any reason demolished, provided that such alteration, enlargement, maintenance or replacement conforms with all other provisions of this ordinance.
- (4) Any application for a preliminary parcel map, tentative tract map, or building permit involving a site which exceeds 10,000 sq. ft. of lot area and the proposed use for which requires more parking than that required for the existing use and structure as specified in this subdivision shall be accompanied by a traffic study approved by the Department of Transportation, conducted wholly at the expense of the applicant, assessing the traffic and circulation impact of the proposed project on the surrounding streets within the Specific Plan area. No approval shall be granted for any such application unless sufficient mitigation is provided such that the project would not individually or cumulatively cause any street or intersection to operate at, or further adversely impact any street or intersection already operating at a Level of Service "E" or "F" as determined by the Department of Transportation approved study.

d. Parking

- (1) Parking requirements for dwelling units or guestrooms not in a hotel or motel shall be as specified in the paragraph entitled Parking within the Residential Zone Regulations. (Section 15.xxx-D,2(c))
- (2) Parking requirements for commercial uses shall be based on gross floor area of the building exclusive of the floor area used for automobile parking space, for basement storage, or for rooms housing mechanical equipment incidental to the operation of the buildings, shall conform to the following standards:

- (i) For commercial uses which are permitted by this ordinance and permitted in the CR Zone as specified in Section 12.12.2 of the LAMC, there shall be at least one automobile parking space for each 300 sq. ft. of floor area within all buildings on any lot.
- (ii) For all other commercial uses permitted by this ordinance, there shall be at least one automobile parking space for each 200 sq. ft. of floor area within all buildings on any lot.
- (iii) Exceptions:
 - (a) Medical and dental offices shall provide one automobile parking space for each 200 sq. ft. of gross floor area.
 - (b) Hotels or motels shall provide one automobile parking space for each guestroom or suite of rooms plus two spaces for each dwelling.
 - (c) Restaurants which serve take-out food only shall provide seven automobile parking spaces for each 1,000 sq. ft. of gross floor area within all buildings.
 - (d) All other restaurants shall provide 13 automobile parking spaces for each 1,000 sq. ft. of gross floor area within all buildings.
 - (e) Other uses which may be authorized by a Zoning Administrator or through a conditional use permit pursuant to Sections 12.21-A, 2 or 12.24 of the LAMC shall provide at least one automobile parking space for each 300 sq. ft. of gross floor area.
- (iv) Required parking spaces may be provided by use of verticle stacking parking machines in conformance with Sections 15.xxx-D, 2 (11) and (12) of this ordinance.

4. Beachfront Area Development Criteria

Within the area described in Subsection C-2(d) of this section (Establishment of the Del Rey Lagoon Specific Plan) and marked on the plan map as the BEACHFRONT AREA, any application for preliminary parcel map or tentative tract map or for any building or structure which is to be erected, structurally altered or enlarged, or for which the use is to be changed, shall be reviewed by the Director of Planning as to conformance with the provisions of this subdivision, prior to the issuance of any permits. However, the Director of Planning shall make no recommendation which results in more restrictive conditions than authorized in this ordinance.

Any development project within the "BEACHFRONT AREA" that is exempt from obtaining a coastal development permit by the Coastal Act of 1976 or Section 12.20.2 of the Los Angeles Municipal Code, or is eligible for an administrative permit pursuant to California Coastal Commission Regulations, Division 5.5, Title 14 of the California Administrative Code, shall not be subject to discretionary action by the Director of Planning.

The following regulations shall apply within the "BEACHFRONT AREA".

a. Determination of Legal Ownership

No approval shall be granted for any structure or building to be erected, or substantially enlarged, nor shall any approval be granted for any division of land, unless and until it has been determined by the City Council that the parcel on which the construction is to occur is not subject to a public ownership or easement permitting public use. Any parcel or portion thereof determined to be subject to such ownership or easement shall be used as open space only, as defined by the Open Space Plan of the Los Angeles General Plan, or for visitor-serving recreational purposes consistent with the Public Recreation Plan of the Los Angeles General Plan.

b. Use

No building, structure or land held in private ownership shall be used and no building or structure shall be erected, structurally altered or enlarged except for the following uses:

- (1) Any use permitted in the C4 commercial zone as provided in Section 12.16-A of the LAMC, except that the Director of Planning in his capacity as Advisory Agency, or the Chief Zoning Administrator, shall disapprove any use or subdivision permitted therein which he determines to be inconsistent with the policies of the Del Rey Lagoon Local Coastal Program section of the Westchester-Playa Del Rey District Plan or the Access Standards and Criteria of this ordinance.
- (2) **Criteria and Requirements**
 - (i) Notwithstanding any provision of the LAMC to the contrary, principal uses shall provide temporary housing accommodations, food and services for beach visitors, including such uses as hotels, motels, restaurants, shopping areas and amusement areas. Such uses shall occupy at least 60 percent of the total gross floor area. Uses other than the principal uses described herein shall be permitted only in projects consistent with the 60 percent criterion and any preliminary parcel map, tentative tract map, or other discretionary action shall be conditioned to assure the simultaneous phasing of principal and non-principal uses.
 - (ii) All commercial uses shall be open to the general public.
 - (iii) The sum of all first story gross floor area used for commercial purposes shall be substantially occupied by a variety of commercial uses catering to beach visitor needs such as, but not limited to, indoor and outdoor food and beverage service, hotel service and lobby areas, beach lockers, bike rentals, beach concessions, sidewalk cafes, beach equipment rental and the like.
 - (iv) In no event shall temporary housing accommodations be made available to the same person or persons in excess of 120 consecutive days; except that such limitation shall not apply to item (vi) below.

- (v) Twenty-five percent of all residential uses which are not principal uses as specified in item (i) above, shall be dedicated as low- or moderate-income, senior citizen, or special category use, and shall be subject to Subdivision 8 of this subsection (Administration and Enforcement for Production Incentive Dwelling Units) and Subdivision 6 of this subsection (Low- and Moderate-Income Housing Production) paragraphs e, g and h, except that such units may be for rent or for sale.
- (vi) A portion of the total temporary housing accommodations floor area shall be made permanently available for low- or moderate-income persons, including senior citizens, in a manner to be approved by the Director of Planning and which is consistent with State law.
- (vii) In at least one commercial location in the Beachfront Area, an observation site shall be available to the general public for viewing the ocean and shoreline. This site shall be higher than the ground floor, open during regular business hours, and free of charge to the public.
- (viii) At intervals of approximately 300 ft., a ground floor accessway open to the sky, except for pedestrian accessways, shall be provided for access from Pacific Avenue to the beach, accessible at no charge to the general public, the spacing for which shall be subject to a site design review by the Director of Planning on a case-by-case basis.
- (ix) All buildings and uses seaward of Oceanfront Walk shall be limited to those oriented towards beach or visitor-serving recreation only, as approved by the Director of Planning.

c. Height

- (1) No building or structure shall exceed 35 ft. in height, except that the Director of Planning may approve a modification of such height limit, provided that:
 - (i) In no event shall a building or structure exceed 52 ft., nor shall such modification apply to more than 25% of the total buildable area of the "BEACHFRONT AREA".
 - (ii) Any building or buildings shall be visually compatible with the character of the surrounding area, and be sited to facilitate coastal views for the general public.
- (2) Section 12.21.1-A,7 of the LAMC, which otherwise permits additional height of 14 feet for roofs, shall not apply in the "BEACHFRONT AREA."
- (3) Section 12.21.1-B,2 of the LAMC, which otherwise permits additional height of 15 feet for structures erected on sloping lots, shall not apply in the "BEACHFRONT AREA."
- (4) Section 12.21.1-B,3 of the LAMC, which permits additional height for penthouses and other specified roof structures, shall apply for not more than 25% of the roof area and shall not apply at all for structures constructed pursuant to item (1)(i) above.

d. Area

No building or structure shall be hereafter erected, structurally altered or enlarged unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.

- (1) **Front Yard** - The front yard shall be adjacent to Pacific Avenue and 10 feet in width. No structure or improvement shall be constructed in the front yard area which has a height that exceeds 42 inches.
- (2) **Side Yards** - Side yards shall be required only for all portions of buildings erected and used for residential purposes. The width of such required side yard shall be equal to 10% of the width of the lot, but in no event less than 3 feet or greater than 5 feet in width.
- (3) **Rear Yards** - The rear yard shall be adjacent to Oceanfront Walk and no setback shall be required.
- (4) **Lot Area** - The lot area requirements of the R4 Zone (Section 12.11 of the LAMC) shall apply to all portions of buildings erected and used for residential purposes.
- (5) **Buildable Area** - No building or buildings shall cover more than 25% of the total area of the land held in private ownership west of Oceanfront Walk. At least one-half of that land area not covered by a building or buildings shall be used for visitor-serving recreational purposes. All vegetation introduced by an applicant anywhere within the "BEACHFRONT AREA" shall be sited to minimize obstruction of public views of coastal areas.

e. Parking

- (1) Every legal on-street parking space which would be removed as a result of a building or structure which is erected, structurally altered or enlarged shall be provided by the applicant within or abutting to the proposed project and shall be available at no charge for public use. This requirement is in addition to any other parking required by this ordinance.
- (2) Parking requirements shall be as specified in the paragraph entitled Parking, within the Commercial Zone Regulations (Sec. 15.xxx-D,3(d), except that temporary housing accommodations, for purposes of providing required parking, shall not be considered as dwelling units, but as hotel guest rooms.

f. Coastal Access

In the case of any division of land, or any building or structure to be erected, structurally altered or enlarged the following shall apply:

- (1) Approximately 10% of the lot frontage within the "BEACHFRONT AREA" on Pacific Avenue, as existing as of the effective date of this ordinance, shall provide vertical access to the public beach. Such accessway shall be open to the sky, except for pedestrian crossovers as approved by the Director of Planning.
- (2) In no event shall all of such access be provided along a side yard or yards.
- (3) Such access shall be guaranteed as permanent public access satisfactory to the City Attorney and the Director of Planning.

g. Circulation

Any application for a preliminary parcel map, tentative tract map or building permit shall be accompanied by a traffic study approved by the City Department of Transportation, conducted wholly at the expense of the applicant, assessing the traffic and circulation impact of the proposed project on the surrounding streets within the Plan area. No approval shall be granted for any project unless sufficient mitigation is provided such that a project would not individually or cumulatively cause any street to operate at, or further adversely impact any street already operating at a Level of Service "E" or "F" as determined by the Department of Transportation approved study.

h. Exception

Incentive provisions within the Low- and Moderate-Income Housing Production subdivision (Section 15,xxx-D,6 (a, b, c and d) of this ordinance shall not apply to the "BEACHFRONT AREA".

5. Nonconforming Buildings and Uses

Any building or structure, the use of any building, or the use of land existing as of the effective date of this ordinance which does not conform to the provisions of this ordinance shall be granted nonconforming status and shall therefore be subject to Section 12.23 of the LAMC, Nonconforming Buildings and Structures; except as specifically modified by the following:

a. Parking

Notwithstanding any provision of Section 12.23 of LAMC to the contrary, in the R zones where the automobile parking space being maintained on a lot in connection with a residential use of a building or structure at the time this ordinance became effective is insufficient to meet the requirements of this ordinance, said building or structure shall not be altered or enlarged to create additional dwelling units, floor area, height or guest rooms unless the following provisions are met:

- (1) For additional dwelling units or guestrooms, additional automobile parking spaces shall be provided and maintained on the same lot with said dwelling units or rooms in conformance with the requirements of this ordinance for such additional dwelling units or guest rooms;
- (2) A building or structure on a lot which is conforming as to lot area shall not be increased in height unless a minimum of 75% of the parking spaces required by this ordinance for the entire building are provided and maintained on the same lot with the building or structure.
- (3) The total aggregate floor area included in all separate additions or enlargements shall not exceed fifty percent of the floor area of all buildings or structures existing on the lot as of the effective date of this ordinance, and no new stories may be constructed or created within the building or structure, except when all parking requirements of this ordinance for the entire building have been fulfilled.

b. Restoration of Damaged Buildings

Notwithstanding any provision of Section 12.23-A,4 of LAMC to the contrary, a nonconforming building or structure which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such destruction, may be continued or resumed, provided that the permit for such restoration shall be filed within a period of one year from the date of such damage or destruction and is diligently prosecuted, and that a permit for such restoration is obtained within a period of three years from the date of such damage or destruction.

When the automobile parking space being maintained on the lot in connection with said destroyed structure was nonconforming at the time of damage with regard to the number of parking spaces required by this ordinance, such restored structure may, at the option of the applicant, exceed the floor area and/or height of the destroyed structure by no more than 10%, provided that parking space maintained on the lot in connection with the restored structure conforms to the parking requirements of this ordinance applicable to the entire building.

No provision of this section shall be construed to allow the restoration or continuance of a use which was illegally constructed or created within the nonconforming building or structure in violation of the certificate of occupancy for the destroyed building.

6. Low- and Moderate-Income Housing Production

a. Housing Production Incentive Option for Rental Units within Residential Zones

A density increase (production incentive) of not more than 50% over the otherwise permitted number of dwelling units provided under the Residential Zone Regulations of this ordinance (Sec. 15.xxx-D,2) shall be permitted when at least one-third of the total number of dwelling units of a housing development,

or a minimum of one dwelling unit, whichever is greater, are provided as senior citizen, low- or moderate-income, or special category dwelling units and administered as specified in the Administration and Enforcement subsection of this ordinance (Sec. 15.xxx-D,8). The exact density increase percentage, up to the 50% maximum, shall be determined by the applicant.

The production incentive dwelling units shall not be included when determining the otherwise permitted number of dwelling units.

All other provisions of the Residential Zone Regulations of this ordinance (Sec. 15.xxx-D,2) shall apply when exercising this housing incentive option, except as follows:

(I). Height

- (i)** Within the portion of the plan area shown on the plan map as "ESPLANADE AREA", a building or structure may exceed the height limits by no more than 5%, if so approved by the Director of Planning.
- (ii)** No building or structure shall exceed three stories.
 - (a)** In determining the number of stories, a first level containing production incentive dwelling units shall not be considered a story.
 - (b)** Notwithstanding Chapter IX, Article 1, Division 14, par. 91.1303(a), 91.1402(d), or any other provision of the LAMC to the contrary, for structures containing three or fewer dwellings and three or fewer stories only one exit facility to a public way or court shall be required, provided that the third story, and any mezzanine within a third story, shall contain a sprinkler system which conforms to the provisions of Chapter IX, Article 4, Division 3, Part 3 (Plumbing Code) of the LAMC.
 - (c)** Floor area within a production incentive dwelling unit provided pursuant to this section shall not be considered in determining the total floor area within a building.

(iii) Mezzanine Floors

Notwithstanding any provisions of Department of Building and Safety Rule of General Application RGA4-72 or any other provision of the LAMC to the contrary:

- (a)** Any closure of the common wall between the edge of the mezzanine floor and the ceiling of the room in which the mezzanine is located may, at the option of the applicant, include full height partitions enclosing bathrooms, provided such closure does not exceed one-half of the width of the mezzanine floor.
- (b)** The mezzanine floor shall not be considered as an additional story provided there are no more than five habitable levels of Type V construction at any point.

- (c) The area of the mezzanine floor may, at the option of the applicant, equal up to one-half of the floor area of the room in which the mezzanine is located.

(2) Area

The following yard requirements shall apply only in those cases where they are less restrictive than other yard requirements of this or any other section of the LAMC.

- (i) Front Yard - There shall be a front yard of not less than 5 feet; except within the "DUPLEX AREA".
- (ii) Side Yards - There shall be a side yard on each side of any structure equal to 10% of the width of the lot, but in no event less than 3 feet or greater than 5 feet in width.
- (iii) Passageways - Notwithstanding any provision of Section 12.21-C, 2(b) of the LAMC to the contrary which otherwise requires a 10-foot passageway, within the Specific Plan area there shall be a passageway not less than 4 feet in width extending from a public right-of-way to one entrance of each dwelling unit in every residential building; except where a passageway of not less than 3 feet has existed as of the effective date of this ordinance, in which case such passageway shall be deemed conforming with this ordinance and may be maintained and continued.
- (iv) Projections Into Yards -
 - (a) Notwithstanding any provision of Section 12.22-C, 20(f) or any other section of the LAMC to the contrary, stairs not more than eight feet in height above a point located on the centerline of the frontage road at the midpoint of the extension of the side lot lines may be located and maintained in one required side yard or passageway; provided such stairs do not extend above the level of the first floor of the building.
 - (b) Within the "DUPLEX AREA" only, any level of a building above the first level may project not more than 5 ft. into the rear yard, but shall not extend into the public right-of-way.

(3) Parking

- (i) Section 12.21-A, 5(i,1) of LAMC, which otherwise prohibits backing out onto a public street or sidewalk under certain circumstances, shall not apply in the Specific Plan area for any lot containing not more than three dwelling units, except for a lot where the driveway access is to a major or secondary highway, in which case said section shall apply.

- (ii) Notwithstanding Section 12.21-A, 5(a,1)(ii) of the Los Angeles Municipal Code or any provision of Subdivision 2 of this section (Residential Zone Regulations) to the contrary which under certain circumstances increases the minimum width of a parking stall when adjoining an obstruction, the following shall apply:
 - (a) any parking area designed to be one parking space wide, whether open or enclosed, in tandem or not, shall have its minimum width increased by at least 5 inches on the side of the obstruction;
 - (b) where required parking spaces are provided in an enclosed structure designed to be two parking spaces abreast, in tandem or not, with no adjoining obstructions between the spaces on their longer dimension, Section 12.21-A, 5(a,1)(ii) shall not apply.
- (iii) One side yard requirement shall be waived when such area is utilized for required parking, except as follows:
 - (a) only the portion of the building utilized for parking shall be exempt from said side yard requirements and any other portion of the building shall observe all yards otherwise required by this ordinance.
 - (b) The Director of Planning shall determine which side yard shall be reduced, taking into consideration the configuration and yards of adjacent, corner, or reversed corner lots.
- (iv) The parking requirement for all production incentive dwelling units constructed or created pursuant to this subdivision (Low- and Moderate-Income Housing Production) and permanently administered as senior citizen, low-income, or special category dwelling units shall be reduced to one space for each such dwelling unit.
- (v) Guest parking spaces shall not be required for any housing development providing production incentive dwelling units.

b. Housing Production Incentive Option for Rental Units within Commercial Zones

When at least 25% of the total number of dwelling units of a housing development, or a minimum of one dwelling unit, whichever is greater, are provided as senior citizen, low- or moderate-income or special category dwelling units and administered as specified in this Section, all Commercial Zone Regulations of this ordinance (Sec. 15.xxx-D,3) shall apply; except as follows:

(1) Area.

For all portions of buildings erected and used for residential purposes, side and rear yards shall be provided and maintained at the floor level of the first story used for residential purposes as follows:

- (i) Side Yards - There shall be a side yard on each side of any structure equal to 10% of the width of the lot, but in no event less than 3 feet or greater than 5 ft. in width.
- (ii) Rear Yards - There shall be a rear yard of not less than 10 feet in depth.
- (iii) Lot Area - Lot area shall conform to Section 12.11-C,4 of LAMC except that for the purposes of computing the number of permitted dwelling units the requirement that the area per dwelling unit shall be not less than 800 square feet where a lot has a width of less than 50 feet or an area less than 5,000 square feet shall not apply.
- (iv) Floor Area Ratio - For buildings or structures containing production incentive dwelling units, additional square footage shall be permitted over that which is otherwise permitted by the floor area ratio requirements of this ordinance, equal in number to the square footage of that portion of the building or structure used for production incentive dwelling unit purposes, but not exceeding 50% of the square footage otherwise permitted by the floor area ratio requirements of this ordinance. In calculating the square footage otherwise permitted by the floor area ratio, the increased square footage allowed by this provision shall not be included in the total.
- (v) Passageways- Notwithstanding any provision of Section 12.21-C, 2(b) of the LAMC to the contrary which otherwise requires a 10-ft. passageway, within the Specific Plan area there shall be a passageway at least 4 ft. in width extending from a public right-of-way to one entrance of each dwelling unit in every residential or mixed use building; except where a passageway of at least 3 ft. has existed as of the effective date of this ordinance, whereas such passageway shall be deemed conforming with this ordinance and may be maintained and conditioned.
- (vi) Projections Into Yards - Notwithstanding any provision of Section 12.22-C, 20(f) or any other provision of the LAMC to the contrary, stairs not more than 8 feet in height above a point located on the centerline of the frontage road at the midpoint of the extension of the side lot lines may be located and maintained in one required side yard or passageway; provided they do not extend above the level of the first floor of the building.

(2) Parking

- (i) One side yard requirement shall be waived when such area is utilized for required parking except:
 - (a) Only the portion of the building utilized for parking shall be exempt from said side yard requirements and any other portion of the building shall observe all yards otherwise required by this ordinance.

- (b) The Director of Planning shall determine which side yard shall be reduced taking into consideration the configuration and yards of adjacent lots, corner or reversed corner lots.
 - (ii) Guest parking spaces for residential uses shall not be required for any housing development providing production incentive dwelling units.
 - (iii) For production incentive dwelling units constructed or created pursuant to this subdivision and permanently administered as low-income, senior citizen, or special category dwelling units:
 - (a) the parking requirement shall be one space per dwelling.
 - (b) parking stall dimensions may, at the option of the applicant, conform to compact stall specifications.
- c. Housing Production Incentive Requirements for Condominiums and Stock Cooperatives

Notwithstanding any provision of Section 12.39 or any other provision of the LAMC to the contrary:

- (1) Within the specific plan area, all tentative maps and preliminary parcel maps filed in connection with the construction of new condominiums or stock cooperatives, or in connection with condominium or stock cooperative conversions, shall be required to include production incentive dwelling units in accordance with the percentages specified herein. Within the residential zone, one third of the dwellings, or a minimum of one dwelling, whichever is greater; and within the commercial zone 25% of the dwellings, or a minimum of one dwelling, whichever is greater, shall be provided for such purposes.
- (2) This requirement shall be included as a condition of approval by the Advisory Agency for any preliminary parcel map or tentative map and shall be fulfilled coincident with the completion of the proposed project.
- (3) The provisions and incentives specified within paragraph a of this subsection (Housing Production Incentive Option for Rental Units within Residential Zones) shall apply for condominium or stock cooperative projects within residential zones; and the provisions and incentives specified within paragraph b of this subsection (Housing Production Incentive Option for Rental Units within Commercial Zones) shall apply for condominium or stock cooperative projects within commercial zones.
- (4) Any condominium or stock cooperative construction or conversion which conforms to the provisions of this subdivision will not have a cumulative adverse effect on the rental housing market of the community and is therefore exempt from the provision of Section 12.5.2-F,6 of the Los Angeles Municipal Code.

d. Off-Site Production Incentive Dwelling Units.

When production incentive dwelling units are provided in conjunction with a housing development pursuant to this section, such dwelling units may be constructed off-site. In such case, the following regulations shall apply:

- (1) The off-site dwellings shall be located west of the north-south extension of Emerson Avenue within areas designated in the Westchester-Playa Del Rey District Plan for either commercial or medium density residential uses.**
- (2) The exact location for off-site dwellings shall be identified prior to any approval of a preliminary parcel map or tentative tract map for the housing development.**
- (3) The density increase permitted under this subdivision for the on-site portion of the housing development shall be reduced by the number of off-site production incentive dwelling units.**
- (4) Notwithstanding any other provision of the LAMC, parking requirements for off-site production incentive dwelling units permanently administered as low-income, senior citizen or special category dwelling units shall be reduced to one space for each such dwelling unit.**
- (5) All other provisions (incentives) of Paragraph a or b of this subdivision shall apply for the on-site location but shall not apply for the off-site location. Exception: The incentive provisions specified in Subdivision 6(a) or (b) shall apply to an off-site location within the specific plan area provided that the production incentive dwelling units which are required as a stipulation for granting the incentives are provided in addition to the off-site production incentive dwelling units subject to this paragraph and any replacement dwellings required by item (6) of this paragraph, and are located within the same structure or upon the same lot.**
- (6) The requirement for production incentive dwelling units pursuant to this section shall not be satisfied at an off-site location by any of the following means:**
 - (i) by the utilization or dedication of existing off-site dwelling units for which a certificate of occupancy or temporary certificate has been issued; or**
 - (ii) on a lot where dwelling units have been demolished within two years prior to the filing date for preliminary parcel map or tentative tract map approval, unless the demolished dwellings are replaced in kind in addition to the production incentive dwelling units; or**
 - (iii) by any action which will cause or result in the demolition or removal from the housing market of existing dwelling units for which a certificate of occupancy has been issued, unless the dwellings to be demolished or removed are replaced in kind in addition to the production incentive dwelling units; or**

- (iv) by the utilization or dedication of dwelling units constructed or created in violation of a certificate of occupancy.

e. Dwelling Size

Total floor area for production incentive dwelling units provided as low-income, senior citizen or special category dwellings shall be a minimum of 500 square feet, and total floor area for those provided as moderate-income dwellings shall be a minimum of 700 sq. ft.

f. Fee Reductions

(1) Park and Recreation Fees

Notwithstanding any provision of the LAMC to the contrary, production incentive dwelling units shall not be considered in determining fees for park and recreation site acquisition and development (Quimby fees).

(2) Rental Housing Production Fee

Notwithstanding Section 12.5.2-K or any other provision of the LAMC to the contrary, no rental housing production fee shall be required for any housing development containing a production incentive dwelling unit provided pursuant to this ordinance.

g. Fractions

When the application of these regulations results in either the requirement of a fractional production incentive dwelling unit, or the allowance of a fractional production incentive density increase, any fraction up to and including one-half may be disregarded and any fraction over one-half shall be construed as requiring one production incentive dwelling unit, or permitting one additional bonus dwelling unit.

h. Limitation

The goal for the total number of low-income, moderate-income, senior citizen and special category dwelling units provided within the Del Rey Lagoon Specific Plan area under the provisions of this Section is established at 50 dwellings. Upon issuance of the certificate of occupancy for the fiftieth production incentive dwelling unit, the housing incentive provisions shall be reviewed by the Director of Planning, local residents and property owners and a report submitted within six months to the City Council and California Coastal Commission by the Director of Planning for a determination of further action.

i. Exceptions

One-family residences.

Provisions of this subdivision (Low- and Moderate-Income Housing Production) shall not apply when lot area is less than 2,400 sq. ft. or when residential uses are limited by other provisions of Article 2 of the Los Angeles Municipal Code to one-family dwellings.

7. Code Enforcement

a. Building Plans

When filing a building permit application for a building or structure to be erected, structurally altered, or enlarged, and said building contains dwelling units, the application and required plans shall be accompanied by an additional scale drawing of the floor plan for the total floor area within all buildings and structures on the lot for review and approval by the Director of Planning. Such drawing shall include elevations, a plot plan, plans for all basements, cellars, attics, lofts, and enclosed parking. The Director of Planning shall review and approve said plans to verify compliance with Section 12.21-A,1(b) of the Los Angeles Municipal Code, requiring that lot area requirements be based upon the highest number of dwelling units obtainable from any arrangement where a dwelling can be easily divided into or used for separate apartments. One copy of said drawings shall be retained and kept on file by the Director of Planning.

b. Certificate of Occupancy

For buildings containing dwelling units, upon completion of a new building or the enlargement or alteration of an existing building, the certificate of occupancy required in conformance with Section 12.26-E,1, shall be valid only while the number of dwelling units does not violate the provisions specified in the certificate and the certificate shall bear a notation to that effect. If at any time the number of dwelling units violates the provisions specified in the certificate, the certificate shall automatically be cancelled upon notification of the owner or owners and none of the dwellings within the building shall thereafter be occupied or used until corrective action is taken in accordance with the provisions herein and a new certificate is issued.

c. Recorded Agreements.

For buildings containing dwelling units, as a prerequisite to the issuance of any certificate of occupancy, the owner or owners of said building shall record and submit to the Director of Planning an agreement in the Office of the County Recorder of Los Angeles County, California, as a covenant running with the land for the benefit of the City of Los Angeles, providing that such owner or owners will not increase or cause to increase the number of dwelling units within the buildings or structures, without obtaining all required permits and approvals. The Director of Planning shall forward a copy of said agreement to the Department of Building and Safety.

d. Violations

Within the Del Rey Lagoon Specific Plan area, dwelling units created or constructed in excess of the number of units stipulated in the certificate of occupancy without proper permits and in violation of adopted zoning and building codes (bootlegs) shall be deemed a public nuisance consistent with and by the authority of Section 11.00 (m) of the LAMC and shall therefore be declared substandard dwellings endangering the health, safety and welfare of

the general public and the occupants of such units. Where violations are proved to have occurred, after proper notification to the owner and after an opportunity to respond is provided to the owner, such violations shall be abated through correction, repair, reconstruction or demolition in accordance with applicable codes; in addition, any or all of the following provisions and penalties shall apply:

- (1) Illegal units shall be subject to of Chapter XI of the Los Angeles County Public Health Code, which has been adopted by the City of Los Angeles and incorporated into Chapter 3 of the LAMC and which provides in Sections 808 and 809 that substandard dwellings endangering the safety or welfare of the public or of the occupants shall be abated. As a preventative measure, Section 827 of Chapter 3 of the LAMC further provides that the Health officer may enter and inspect any buildings or premises, under certain conditions, to insure compliance with, or prevent violations of, any provision of said Code.
- (2) Illegal units shall be subject to Sections 17299 and 24436.5 of California State Revenue and Taxation Code which provide that income tax credits shall be eliminated for illegal housing units.
- (3) Pursuant to Sections 30820 and 30821 of the Public Resources Code (California Coastal Act of 1976) any person who violates the certificate of occupancy and therefore the provisions of this ordinance by increasing the number of units beyond that which is stipulated in the certificate shall be subject to the maximum civil fine permitted under Section 30820 (\$10,000). Any monies derived under these provisions shall, where permitted by State law, be used for administration and enforcement of the provisions herein or by the Housing Authority of the City of Los Angeles to provide low- and moderate- income housing in the coastal zone in general.
- (4) The certificate of occupancy shall be cancelled.
- (5) Violations shall be abated through correction, repair, reconstruction, or demolition in accordance with applicable codes. Proceedings to abate the violation shall commence within 30 days of the final determination of violation.
- (6) For excess dwelling units in violation of the certificate of occupancy where it can be proved that said excess dwelling or dwellings had been in existence previous to January 1, 1980, abatement may include the permanent administration of said dwelling or dwellings as low-income, senior citizen, or special category dwelling units through a recorded agreement in the Office of the County Recorder of Los Angeles, CA as a deed restriction in such form that the Housing Authority may require. Other provisions and requirements of this Specific Plan and the Housing Authority of the City of Los Angeles to insure the continued availability and enforcement of low-income, senior citizen or special category dwellings shall also be included within the agreement. This provision shall apply only after the excess dwelling or dwellings have been deemed as meeting minimum health and safety codes as specified by the Housing Authority and the Department of Building and Safety. Where this form of abatement is exercised, no other penalty shall be assessed.

e. **Occupancy Inspection**

An occupancy inspection to verify the number of dwelling units shall be required. The occupancy inspection shall be conducted at the time of sale of a residential building, wholly at the expense of the seller, by an independent building inspector, acceptable to the Department of Building and Safety and the Director of Planning and licensed by the State of California.

8. **Administration and Enforcement for Production Incentive Dwelling Units**

a. **Responsibilities of the Housing Authority**

Notwithstanding any provision of the Los Angeles Municipal Code to the contrary, all production incentive dwelling units provided under the provisions of this section shall be administered as specified below by the Housing Authority of the City of Los Angeles, or other agency as designated by the City Council, which shall be responsible for carrying out the provisions of this subdivision.

(I) **All production incentive dwelling units shall be rentals.**

- (i) **Monthly dwelling unit rent for production incentive dwelling units shall not exceed the following:**
 - (a) **For a low-income household tenant, 25 percent of the maximum monthly income allowable to qualify that household as a low-income household.**
 - (b) **For a moderate-income household tenant, 30 percent of the maximum monthly income allowable to qualify that household as a moderate-income household.**
- (ii) **Rent will be paid to the dwelling unit owner. The owner or owner's agent shall forward to the Housing Authority a copy of each month's rent receipt for verification that maximum allowable rents are not exceeded.**
- (iii) **Tenant selection for production incentive dwelling units shall be the responsibility of the owner or owners, provided that prospective tenants have been determined by the Housing Authority to be eligible for such housing under the terms of this ordinance.**
- (iv) **Priority should be given, to the extent permitted by law, to qualified prospective tenants in the following order:**
 - (a) **Residents displaced from the production incentive dwelling unit site as a result of the construction or conversion of the housing development containing the production incentive dwelling unit.**
 - (b) **Residents displaced from the specific plan area as a result of new construction or a condominium or stock cooperative conversion since January 1, 1977.**
 - (c) **Residents of the specific plan area.**

(d) Residents of the District Plan area.

(e) All others.

(2) Continuing Availability of Production Incentive Dwelling Units

- (i) The developer shall execute such agreements as the Housing Authority may require to assure that production incentive dwelling units remain permanently available as low- or moderate-income dwelling units. Such agreements shall be binding upon the developer and his successors in interest. The agreements shall be recorded in the Office of the County Recorder of Los Angeles, California, as a deed restriction in such form that the Housing Authority may require.
 - (ii) Continuing occupancy of production incentive dwelling units by eligible households will be verified by the Housing Authority of the City of Los Angeles to the satisfaction of the Executive Director or the Housing Authority. The administrative cost of this verification shall be borne by the Housing Authority.
 - (iii) If for any reason production incentive dwelling units become no longer available within 30 years of the date of the certificate of occupancy, they shall be replaced in kind prior to any other building permit being issued for the dwelling unit site.
 - (iv) Production incentive dwelling units shall be occupied only by eligible tenants as determined by the Housing Authority. Eligible Tenants shall not lease, rent, assign or otherwise transfer the premises without the express written consent of the Housing Authority and the owner of record.
- (3) The developer shall enter into an agreement that no subsidies or other public funds shall be accepted which would increase the rent received by the developer or property owner over that amount affordable as defined herein.

b. Enforcement

All production incentive dwelling units shall be subject to all the provisions described in Subdivision 7 of this section (Code Enforcement) and the agreement executed under this subdivision shall specify that the Housing Authority or its designated representative may enter and inspect any production incentive dwelling units prior to issuance of the certificate of occupancy and whenever thereafter necessary to insure compliance with, or prevent violation of, any provision of the production incentive dwelling unit occupancy requirements, provided, however, that no person authorized to enter and inspect dwellings shall do so between the hours of 6 p.m. and 8 a.m. of the succeeding day without the consent of the owner or occupant, or in the absence of such owners or occupants without proper written order executed and issued by a court having jurisdiction to issue such order.

c. Violations

Any violation of the conditions or provisions specified in this section shall be subject to all the penalties specified within this section.

d. Occupancy

Occupancy of production incentive dwelling units shall be rental only, except that for the purposes of management of said units ownership may be transferred to the Housing Authority of the City of Los Angeles or other similar housing management agency, or their assignee.

- e.** Production incentive dwelling units offered to the Housing Authority at no cost shall be accepted by the Housing Authority and maintained as rentals. Those dwellings offered to the Housing Authority at a sales price affordable to low- and moderate-income households, as defined by the U.S. Department of Housing and Urban Development, shall be purchased by the Housing Authority, where feasible on a high priority basis and maintained as rentals.

f. Record Keeping

The Housing Authority shall maintain records of the number of dwelling units provided under the provisions of this ordinance and shall require the property owner to submit a copy of the certificate of occupancy for such units to the Housing Authority. When a total of 50 dwelling units have been provided within the specific plan area, the Housing Authority shall notify the Director of Planning and the Department of Building and Safety, and the City Council. The Director of Planning shall then prepare a report advising the City Council on further action.

9. Signs

a. Prohibitions

Notwithstanding any provisions of the Los Angeles Municipal Code to the contrary, no person shall erect or maintain a sign or signs within the Del Rey Lagoon Specific Plan Area unless it conforms to the following regulations:

- (1) Deleted.
- (2) No billboards shall be permitted.
- (3) No more than one roof sign shall be constructed, placed, created or maintained on any building provided that no roof sign may project beyond the face of the building more than 12 inches and further provided that no roof sign shall extend beyond 37 ft. above the ground level.

- (4) No flashing, rotating, or blinking signs shall be constructed, placed, created, or maintained.
- (5) No more than one building identification sign shall be constructed, placed, created or maintained on any building, provided that a building identification sign shall not exceed 4 sq. ft. in sign area.
- (6) The total sign area of all wall, projecting, free standing and roof signs shall not exceed two square feet for each lineal foot of the property street frontage on which the business is located. Lineal footage on more than one street, alley or public parking area cannot be accumulated for the purpose of sign area determination.
- (7) No projecting sign shall project more than 30 inches from the wall to which it is attached, nor have a vertical dimension which exceeds 4 feet.
- (8) No wall sign shall project more than 12 inches from the face of the buildings to which it is attached.
- (9) No temporary signs shall be placed or maintained on any premises except that all premises shall be allowed one temporary sign on each exterior wall of a premise which abuts a street, alley, exit court, or public parking area indicating that a sale of goods or services is being conducted on said premise, provided that said sign does not exceed 10 square feet in area; its letters, numbers, or symbols do not exceed 12 inches in height; and no such sign is maintained for more than 30 days in any consecutive 180 day period.

b. Exceptions

The provisions of this section shall not apply to:

- (1) Signs required by law, provided that such signs shall not exceed the size and height limitations of (3) and (6) of the Prohibitions paragraph of this subdivision, unless otherwise specified by law.
- (2) Signs owned, operated, leased, or maintained by or in affiliation with a City of Los Angeles public agency, utility, or official for directional, warning or public service purposes provided roof signs do not exceed the height of the roof by more than 3 feet and all signs conform to the provisions of (2), (4), (7) and (8) of the Prohibitions paragraph of this subdivision.
- (3) Public utility signs which contain no advertising copy and which are customarily utilized in the performance of the utility's function.

- (4) One construction sign located on a lot where a building or structure is being erected or remodeled and which identifies the architects, engineers, financing agent and/or contractors involved in the project; provided, however, that such sign shall not extend more than eight feet above ground level, nor exceed 40 square feet in area.
- (5) Mural decorations intended for ornament or commemoration which have been determined by the Board of Municipal Arts Commissioners to have artistic merit.
- (6) Temporary political signs and/or temporary signs advertising community activities; provided, however, that such signs do not exceed 20 square feet and are removed within 15 days following the election to which they relate.
- (7) One temporary real estate sign on the building face of each premise which abuts a street, alley, exit court, or parking lot, indicating the building or land or premises is for sale, lease or rent; provided such signs are located on the property to which they relate and do not exceed 15 square feet in size.
- (8) Signs which are contained on the list of cultural or historical monuments of the Los Angeles Cultural Heritage Board.

c. Abatement of Nonconforming Signs

Notwithstanding any provision of Section 12.23-C,3 of the LAMC to the contrary, all signs which are rendered nonconforming by reason of this section shall be completely removed within the following time period, which period shall commence on the effective date of this ordinance:

- (1) Temporary signs - 90 days.
- (2) All other nonconforming signs - five years.

10. Severability

If any provision of this ordinance, or the application thereof to any person, property or circumstance, is held invalid, the remainder of this ordinance, or the application of such provisions to other persons, property or circumstances, shall not be affected thereby.

E. Owner Acknowledgement of Limitations

The Department of Building and Safety shall issue no building permit for construction upon a property within the specific plan area until such time that the owner of such property has recorded with the County Recorder and submitted to the Director of Planning and the Department of Building and Safety an acknowledgement and acceptance of the contents and limitations of this ordinance.

F. Post-Certification Permit Procedures

As of the effective date of this ordinance, coastal development permits and appeal procedures shall be as specified in this Section and in Section 12.20.2-N of the LAMC.

1. Coastal Permit Area

Coastal development permits shall be required for development projects within the following geographical areas, which are designated on the attached map entitled Post-Certification Procedures:

- a. Tidelands, submerged lands, public trust lands.**
- b. Ocean**
- c. Sandy beach**
- e. First row of lots with issues.**

2. Appeal Area

Appeals may be filed with the California Coastal Commission pursuant to Section 12.20.2-N, 2 for development projects within the area defined on the Post-Certification Procedures Map as the Appealable Area.

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ZONING AND LAND USE

Currently, the zoning and district plan designate the residential portions of the community as R3, Medium density (24-40 dwelling units per gross acre). The height limit is 45 feet. Almost all lots contain less than 3,000 sq.ft. of area, where larger lots are generally a result of lot consolidations of from two to six originally subdivided lots.

The community consists of five physically and characteristically distinct subareas, each with unique circumstances and development profiles.

THE DUPLEX AREA is generally developed with older (approximately 25 years old) two-unit structures constructed on single lots at a height of approximately 20 feet.

THE ESPLANADE AREA consists of a mixture of older and recycling construction. Some lot consolidation with newer construction has occurred but the predominate lot pattern remains as it was originally subdivided, with most lots held in separate ownerships and developed as duplexes. Median height is approximately 25 ft. with the highest structure at approximately 45 feet.

THE PACIFIC AVENUE AREA consists of mostly larger, newer structures constructed over two to six lots. However, a significant number of older, single lot structures remain, generally along the oceanfront. Heights vary from 20 ft. to approximately 40 feet.

THE COMMERCIAL AREA is zoned C-2, highway oriented, with the community plan designating the area for neighborhood uses. Existing development is generally two-story, neighborhood-oriented commercial with new construction shifting to three-story, multi-lot residential uses.

THE BEACHFRONT AREA is a parcel of land approximately four acres in area, currently vacant, except for two structures (a ski shop and a single-family dwelling).

On-site parking in all areas is in extremely short supply. Many residential dwellings provide no more than one space per dwelling unit and at times even those are not functional due to conversion to storage areas or illegal dwellings. In many cases, original stall sizes cannot accommodate larger American cars and therefore such stalls go unused. Most commercial uses depend on street parking for which beach visitors also compete on a first-come, first-served basis.

Vista Del Mar flows generally in a north-south direction and is classified as a major highway. It has a dedicated width varying from 78 to 90 feet, but is improved with two lanes only. Unimproved right-of-way is currently utilized for local residential parking. Vista Del Mar becomes Culver Boulevard and flows generally northeast-southwest. It is classified as a secondary highway and has a dedicated and improved width of 80 feet. All other streets in the Specific Plan area are classified as local street.

REPORTS RECEIVED

The Community Planning and Development Division, comments that the proposed Del Rey Lagoon Specific Plan amends and details the more general community plan to reflect current coastal policies.

The Bureau of Engineering recommends that areas planned for rezoning from R3-1 to C1-1 and C2-1 to C4-1 should be subject to the following condition:

"That these areas be placed in a 'T' Tentative Classification until the necessary dedication and improvements of streets and alleys and any other public facilities are completed or guaranteed to the satisfaction of the City Engineer".

If possible, there should be some provision to extend the normal three-year limitation for removing the 'T' classification. It is anticipated that the entire "up-zoning" portion will not be fully implemented within the normal time period.

The Fire Department reports that additional hydrants will be needed as development takes place.

SUMMARY OF PUBLIC HEARING AND COMMUNICATIONSPublic Hearing:

The public hearing concerning this matter was conducted on Monday, October 27, 1980, in the Second Floor Hearing Room of the West Los Angeles Municipal Building. Mr. Ed Johnson of the City Planning Department, presented a brief summary of the purposes and intent of the Del Rey Lagoon Specific Plan. There were approximately 80 persons in attendance, with six speaking in support of the Plan and 14 speaking in opposition. Nine letters were received from residents of the area during the week of the public hearing, and numerous additional letters are included in the file as a result of the months of previous meetings with the CAC in developing the Plan. A petition containing 211 signatures was presented at the hearing expressing concern over the preservation of a parking area adjacent to Vista del Mar, and also supporting a uniform height limit of 37 feet for the Del Rey Lagoon area. Subsequent to the hearing, three letters were received from persons whose names appeared on the petition stating that they never signed or supported the petition.

Ownership and Control:

The subject properties are in a multiplicity of ownerships and are identified on the ownership list attached to the file.

Proponent's Points:

Mr. Ed Johnson, Planning Department staff, stated that this was the first of six local Coastal Plans being prepared within the Department. The

Planning Department staff has been meeting with a Citizens Advisory Committee, created by the Councilwoman of the District, to develop a Specific Plan for the Del Rey Lagoon area. Mr. Johnson has met with the CAC on 10 different occasions in the preparation of the Plan. The Del Rey Lagoon Specific Plan was approved by the General Plan Advisory Board on May 21, 1980. The Plan features the preservation of beach access, height limits for new development, incentives for the construction of low and medium income housing, and Code enforcement by the Building and Safety Department.

Mr. Don Cunningham, representing the owners of Parcel B (beachfront properties lying northerly of Culver Boulevard) stated that the Plan is too precise in language for an area plan. The Plan should present general guidelines to preserve its flexibility and allow for manageable interpretation. As the Plan is drafted now, any change in the details in the Plan to permit a specific type of development would require an application for a Specific Plan Exception. The enforcement of this plan will undoubtedly be complex. Also, will the Coastal Commission approve this plan? We are requesting the rezoning of our parcel to the C4 Zone for the purpose of constructing a hotel development. Also, the C4 Zone does not exclude roof structures in determining height limits. The proposed parking requirements stated in the Plan are excessive for hotel uses.

Ellie Howe, Vice-President of the Playa del Rey Westport Association, stated that she was concerned over the proposed widening of Vista del Mar. Any widening of this highway would dump additional traffic into Culver Boulevard and would create a hazardous condition. I will be submitting a subsequent letter on the issue of five-foot setbacks.

Joe McFadden, stated that he was concerned over the height of fences permitted in front yards. These fences should be allowed to be constructed six feet high for the privacy of local residents.

Virginia Wilson, Chairman of the CAC, stated that half the Committee was anti-development and the other half was pro-development. The 37-foot height limit with appropriate density controls is reasonable for this area. The low or moderate-income housing feature should be enforced by a federal or State agency. The beachfront property (Parcel B) cannot support additional hotel and condominium development. A hotel would change the character of the area. Neighborhood commercial uses would be, however, appropriate. Let's keep the character and low-density nature of the Del Rey Lagoon.

Don Haskin, a resident of the area, stated that the Plan covers four separate areas. These areas include the B property, the Esplanade, the Pacific Avenue area, and the Duplex area. I am in support of the 37-foot uniform height limit and am in support of the hotel development. I do not feel that you can force low-income housing on a developed area. Perhaps the B property can be developed to accommodate low-income housing. The Duplex area should be preserved with the exception of Trolley Way frontages.

Frank Hershman, a resident of the area, also stated his opposition to the widening of Vista del Mar. The Duplex area should be preserved and a 45-foot height limit for commercial development is too restrictive.

Points in Oposition:

William Ballough, President of the Del Rey Lagoon Property Owners, Inc., stated that the City should begin the process of removing Vista del Mar from the master plan map as a major highway. The 37-foot height limit should be applied area-wide and all property owners should be treated alike with regard to their potential for development of their properties. The 37-foot height limit should also apply to commercial areas. The height study conducted by the City is 10 percent lower than the actual heights of the structures which have been constructed in the area. The reduction of passageway requirements from four feet to three feet cannot be accomplished by a variance once this plan is adopted. The "grandfather clause" should have a second-year extension of time to permit homeowners a chance to reconstruct damaged or destroyed structures. I am concerned over the administration of the low and moderate income regulations. The City Housing Authority should enforce this portion of the Plan at no cost to property owners. Lot consolidation should be permitted for up to two lots only. We should also like to see a taller structure on Lot B so that the proposed hotel development will occupy a small percentage on the site.

John Tobin, a 17 year resident of the area, stated that he has been using the beach for 50 years. A two-story in height commercial area can function well. The 37-foot uniform height limit is fair. The "grandfather clause" should be spelled out in plain language for all to understand. The B property should be developed with a tower so that extra open space can be made available. The bootleg apartments throughout the area should be inspected and made to conform to current standards.

Stan Hyman, a resident of the area, requested a professional study of building heights along Vista del Mar to determine the exact height of all buildings. The "grandfather clause" should be written in clear language, and the restoration of nonconforming structures should be permitted.

Robert Eilertson, a resident of the area, stated that the City-owned lots on Culver Boulevard should be developed for low and moderate-income housing. The low and moderate-income incentive program should be deleted from the Plan as it relates to private property owners.

Richard Nickey, a resident of the Duplex area, stated that the CAC did not represent the Duplex area. There are ninety structures in this area and the owners of the properties should not be granted incentive features which would tend to overbuild the area. The Duplex area is not an area which is suitable for low or moderate income housing. The Plan as proposed is more restrictive than the present coastal requirements.

Carol Maher, Director of Playa Vista Properties for the Summa Corporation submitted an aerial photograph of the Plan area with various examples of two and three-story structures which presently exist in the area. The Summa Corporation is opposed to the down-zoning of their property

which consists of Lot C located in the northerly portion of the Plan area. We also are in support of lot combinations to provide greater flexibility in design and development of these properties. We are also concerned that there has been no legal determination made as to whether or not the Lagoon area is in fact a Tidelands and therefore subject to special controls.

Fred Cochran, a property owner and member of the CAC, stated that he was against the prohibition of lot consolidations. I support the 37-foot uniform height limit for the entire area and the need for a plain language "grandfather clause". Also, the Plan is too complex in its language.

Helbert Eilertsen, stated that the Plan has not been developed in the spirit of the Coastal Act. This plan is a sick joke. I have submitted a letter to the Planning Department relative to my views on this matter.

Carol Kapp, a resident of the area and an alternate to the CAC, stated that she was upset with the date and time of the public hearing. The selection of the CAC was not representative of the area. The Duplex area was not well-represented. The height limit of 37 feet should be applied to the entire Plan area. Walk streets should be kept for pedestrian use and not opened for vehicular traffic. There is a need for six-foot high fences in front yards. I am against reducing the front yard setback on walk streets within the Duplex area. I resent being told who to rent to and for how much. I support a plain language "grandfather clause" with a two-year minimum time period for rebuilding of damaged properties. Public access to the beach should be protected and the current level and degree of access should be maintained. Vista del Mar should be removed from the master plan and retained as a local street. I support a uniform 37-foot height limit over the Plan area.

Stuart Kaiser, Vice-Chairman of the CAC, and President of the Westport Beach Property Owners Association, stated that he supported the 37-foot height limit on an area-wide basis. The community supports a uniform height limitation. The commercial height limits should be reasonable. I support a plain language "grandfather clause". Do not discriminate against the Duplex area just because it is developed with low-density structures now. A 30 foot height limitation will doom the area to box-like structures.

Harold Sherman, a 19-year resident of the Pacific area, agreed with previous speakers and requested that the Pacific area be added to the 37-foot overall height limit. I strongly urge that another public hearing be held, preferably in the evening, and in approximately 30 days.

Jack Gordon, property owner along Culver Boulevard, stated that the commercial height regulations should allow for equal heights on both sides of Culver Boulevard. This area is in need of redevelopment of this commercial area. One parking space per 300 square feet of building area is too strict a regulation, one space per 500 square feet is a more reasonable parking requirement. Fast-food parking requirement of seven spaces per 1,000 square feet is also too restrictive.

Sherman Grinberg, a resident of Ocean Front Walk, stated that new structures are presently 40 feet high. A 40-foot height limit would recognize

the existing developments. I support the hotel project.

Kathy McIntire, stated that she was opposed to any commercial development on "B" parcel.

STAFF COMMENTS

Following the public hearing on October 27, 1980, at the direction of hearing examiner Roger Krogen, staff of the Community Planning and Development Division met with representatives of the community, the City Attorney's Office, the Department of Building and Safety, and others to clarify the proposed plan and resolve as many of the issues raised at the hearing as possible. The results of those meetings, and the subsequent major changes to the original draft, are as follows:

Since the hearing, an Ad Hoc Committee on Specific Plans, composed of representatives from the Community Planning, Citywide Planning and Land Use Divisions of City Planning recommended a standard format for all specific plans which was reviewed and tentatively approved by the Planning Department management. The Del Rey Lagoon Specific Plan was reformatting to conform to that recommendation. The major change from the original draft plan involved the removal of policies from the specific plan to be placed in the Community Plan through a Community Plan Amendment. A Community Plan Amendment containing the coastal policies from the Del Rey Lagoon Specific Plan is subsequently submitted in addition to this package for separate action by the Commission.

Staff met with representatives from the City Attorney's Office and the Department of Building and Safety to discuss language, clarity, intent and potential legal problems resulting from the plan. Every word of the specific plan was reviewed and discussed. Recommended changes involve basically clarification of language, which was incorporated into the Plan.

Building and Safety raised one substantive issue regarding reducing the number of exits for a three story building from two to one as part of the incentive package for providing low and moderate-income housing. Their concern was that this would reduce the life-saving capability of the structure. Fire Department representatives on the General Plan Advisory Board, however, conceded that if sprinklers were required on the third story then that would be an acceptable trade-off for the second exit, especially since the second exit would be waived only for structures with no more than three units and no more than 37 feet in height, and would be effective only for those structures with low- and moderate-income housing, which would not exceed 50 in number (the goal for affordable units). Staff therefore added this requirement for sprinklers and continues to recommend the reduced number of exits as an incentive, which could allow up to several hundred square feet of additional floor space.

Staff from the Code Studies Section of Citywide Planning also reviewed the plan in detail and offered suggestions to clarify language, which were incorporated into the Plan.

Community Planning staff met with community representatives to resolve issues raised at the hearing. Many of those issues were satisfactorily resolved. They included amending the "grandfather clause" to allow more time to obtain a building permit in the event of natural disaster, since the coastal permit process is more complex than the ordinary permit process. The City Attorney and Department of Building and Safety have reviewed this provision, as requested by the community, several times to insure proper language and intent.

Deleted from the Plan were provisions for reduced fence height when encroaching in the public right-of-way and the repeal of a building line on Vista Del Mar.

An important item of concern expressed by many was the administration of the low and moderate-income units. Provisions were thus added to the Plan to allow the owner to control tenant selection and rent collection with the Housing Authority verifying eligibility criteria. Further provisions were added to define the role of the Housing Authority and the owner.

An issue of strong concern was the "dirt strip" in the right-of-way along Vista Del Mar, which is a major highway improved with only two lanes. Residents wanted the highway redesignated and the strip preserved as neighborhood parking. Staff feels that this is beyond the scope of this local coastal program but as part of the Plan Amendment has recommended that a future study be undertaken to resolve the issue. In addition, policies have been added to the Plan Amendment to preserve all current parking areas whenever feasible, including the dirt strip.

Other provisions were added to the Plan as a result of further input received from various sources. Additional incentives were added to induce the production of low and moderate-income housing including the reduction in the number of required exits, as discussed earlier; a provision allowing low and moderate-income units to be located off-site; and a provision to waive Quimby fees for any unit preserved for low and moderate-income households pursuant to this Plan.

In addition, the use of vehicle stacking parking machines will be allowed to reduce the ground floor area needed for parking and to increase the space available for living. This option is available for any structure.

With regard to the incentive provisions for condominium conversions, language was added to the Plan to exempt conversions which are consistent with the density recommended by this Plan from any low and moderate-income income housing requirements of this Plan.

Lastly, procedures for issuing permits after the LCP is adopted were included in the Plan. A map and text describing where coastal permits will continue to be required and which permits can be appealed to the Coastal Commission are included. These maps and procedures are based on provisions in the Coastal Act and Coastal Commission guidelines on post-certification procedures.

Remaining Issues

Several issues addressed by the Plan remain controversial. The principle ones are described below.

1. Height limits.

The Plan recommends height limits of 30-35 feet for different sub-areas within the community, depending on the existing character of each sub-area. There is support for this approach, but many people would prefer a uniform height limit of 37 feet.

2. Vista Del Mar "dirt strip" parking. Although staff has recommended policies and a future study to address this issue, many people would like the redesignation of Vista Del Mar from a major highway, to permanently preserve the adjacent parking, incorporated into the Plan.

3. Beachfront Property uses.

The Beachfront Property is approximately 4 acres located immediately adjacent to the beach. Staff originally recommended a visitor-serving commercial use with a height limit somewhat consistent with the character of the community. The property owners requested that permitted uses for a portion of the property include residential instead of all commercial, in order to make a proposed hotel project economically feasible to construct. Consequently, staff revised the proposed criteria to allow a mixed-use project with 60% visitor-serving facilities and 40% private residential.

The owners also requested a height limit of 52 feet for the commercial portion of the project instead of the 45 feet limit proposed by staff. This would be effective for only 25% of the lot area. The owners state that the added height is needed to complete the fifth floor of the hotel proposed for the site. The fifth floor rooms are purportedly necessary for the economic viability of the hotel. It should be noted that there is considerable disagreement within the Planning Department regarding this height limit. The Director of Planning does not concur with the staff proposal and feels that the 52 feet limit is appropriate. It is argued that the proposed project would be the centerpiece of the community and, as proposed in the project preliminary design, the added height would have no added effect on views or the overall perception of bulk.

However, with the proposed 45 feet limit, staff has already exceeded a Citizen Advisory Committee height limit recommendation of 37 feet. In addition, surrounding height limits are proposed to be 30-35 feet, and staff feels that 52 feet would be out of character with the surrounding structures. Therefore, the proposed limit was not changed at this point, pending further public debate.

Other people have expressed a desire to see the property remain as a beach use only and others have a variety of concerns about the appropriateness of a hotel use, as proposed by the owners, in this community.

4. Complexity and enforcement.

Some residents and City personnel have expressed concerns about the complexity of the Plan. The Plan is introducing a very new and innovative approach to providing low and moderate-income housing through an incentive system entirely financed through the private sector. It is therefore necessary to examine the existing zoning code, itself very complex, in a comprehensive manner to identify those items that would be true incentives. With this type of approach, no public subsidies would be required for construction or maintenance of these units. It is far more cost effective to amend the zoning code than to forever subsidize low-cost housing. The complexity is a direct result of establishing such a system that works.

Enforcement and interpretation of the Plan will be aided by a new Specific Plan Administration unit located within the Planning Department. This unit will zone check building permit applications within a specific plan area for conformance with the specific plan. The preparation of specific plans is becoming the next generation of planning tools, one that will be very effective in implementing the general and community plans. However, there are going to be many different specific plans each involving complicated issues, such as low and moderate-income housing. Having developed the plans the Planning Department is best capable of performing the preliminary zone check for conformance. This will insure proper interpretation and will further facilitate the implementation of the Plan. This approach has the concurrence of the Planning Department and the Department of Building and Safety.

For the purposes of enforcement, several provisions are included in the Plan which offer the Department of Building and Safety a variety of tools they did not previously have to enforce the Plan. These provisions appear to provide the basis for an adequate enforcement program.

Conclusions

Staff recommends that the Planning Commission, after discussion of at least the four issues stated above, approve the Plan as submitted and recommend that the City Council adopt the Del Rey Lagoon Local Coastal Program.

Exhibit B

ZONING INFORMATION (Z.I.) 2297
DEL REY LAGOON SPECIFIC PLAN
Council File 81-3400 and 81-3512 Approved in Concept March 16, 1982
Council District: 11

Instructions:

Any discretionary actions are subject to the specific plan policies "Approved in Concept" by the City Council action of March 16, 1982. The subject area is in the coastal zone and a discretionary project includes a Coastal Development Permit. If you have any questions regarding this matter, please contact the Community Planning Bureau, West/Coastal Section at (213) 978-1165.

Del Rey Lagoon- ZI 2297.wpd
Rev. 10/2003