

**CALIFORNIA COASTAL COMMISSION**

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

**F 13h**

Filed: 10-2-98  
 49th Day: 11-20-98  
 180th Day: 3-31-99  
 Staff: JLR-LB  
 Staff Report: 10-9-98  
 Hearing Date: Nov. 3-6, 1998  
 Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-98-335  
**APPLICANT:** Diversified Holdings, L L C  
**AGENT:** Terri Stewart  
**PROJECT LOCATION:** 6726 S. Esplanade  
**PROJECT DESCRIPTION:** Construct a 2,828 sq. ft. single family residence, 4-level, 45' high with four parking spaces.

Lot Area	2,463 sq. ft.
Building Coverage	1,112 sq. ft.
Pavement Coverage	720 sq. ft.
Landscape Coverage	631 sq.ft.
Parking Spaces	Four
Zoning	R-3
Project Density	18 du/ac net
Ht above final grade	45'

**LOCAL APPROVALS RECEIVED:** Approval in Concept – City of Los Angeles

**SUBSTANTIVE FILE DOCUMENTS:** 1) City of Los Angeles CDP No. 98-007  
 2) City of Los Angeles CDP No. 98-008

**STAFF NOTE:**

The proposed project is located in Del Rey Lagoon in Playa del Rey, a planning subarea of the City of Los Angeles. The Commission's 1980 Interpretive Guidelines limits the height of residential structures in this area to 35' above the centerline of the frontage road. When the Commission reviewed the City's LUP in 1981, the Commission determined that because of the existing pattern of development, a height limit of 37' feet was appropriate. However, the Commission denied the proposed LUP because it did not address cumulative impacts on public parking and beach access. After its action on

the LUP, the Commission has consistently approved residential development that was 37 feet in height above the centerline of the road. The project's proposed 45' height is not consistent with the Commission's previous action. The proposed residence along with four parking spaces will have adequate parking provisions.

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**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval with a special condition limiting the height of the residence to 37' consistent with the development provisions of the Coastal Act and the policies of the City of Los Angeles proposed Del Rey Lagoon Local Coastal Program.

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**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions**

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act:

**II. Standard Conditions:**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

#### 1. Height

Prior to issuance of the Coastal Development Permit, the applicant shall submit revised plans limiting the height of the residence to 37' above the centerline of frontage road.

#### 2. Height Use Restrictions

No allowance for additional building height shall be permitted for penthouses for the housing of stairways and other roof structures in conformance with the prohibition set forth in the Del Rey Lagoon Local Coastal Program Specific Plan. Such roof structures shall be counted toward the calculation of the maximum permitted height of 37 feet. As permitted by the City of Los Angeles Department of Building and Safety, open railings on a rooftop which do not exceed a maximum height of 42 inches shall not be counted in the calculation of permitted height.

### IV. Findings and Declarations:

The Commission hereby finds and declares:

#### A. Project Description and Location

The applicant proposes to construct a 2,828 sq. ft. single family residence, 4-level, 45' high with four parking spaces on a vacant 2,463 sq. ft. lot. The main house is three stories, 35 feet high. The fourth level consists of an enclosed stairwell measuring 9' x 20' in width extending 45 feet. Surrounding uses include multi-family residential and multi-story single family residences. The proposed project is located in Playa del Rey, a planning subarea of the City of Los Angeles.

The City's proposed Local Coastal Program for this area addresses neighborhood character. The Del Rey Lagoon Specific Plan has provisions that restrict height density and bulk which will result in development that is more compatible with the small scale character of the existing community. In this area, the Specific Plan "recommends height limits of two stories and 37 feet". The plan also establishes criteria that certain roof structures, such as an

enclosed stairwell, will be included in the overall 37' height limit. Following is a description of the area excerpted from the draft Del Rey Lagoon Specific Plan:

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.

**B. City's Procedures for Issuing Coastal Permits**

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program, a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval, or denial of a Coastal Development Permit. Pursuant to this provision, the City of Los Angeles developed a permit program in order to exercise its option to issue Local Coastal Development Permits in 1978.

The proposed development involves two separate types of Coastal Development Permit jurisdiction. Section 30601 of the Coastal Act states:

Prior to certification of the Local Coastal Program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) or (d) of Section 30600, a Coastal Development Permit shall be obtained from the Commission for any of the following:

- (1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
- (2) Development not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.
- (3) Any development which constitutes a major public works project or a major energy facility.

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Coastal Act requires that the development which receives a Local Coastal Development Permit also obtain a permit from the Coastal Commission. For projects in other areas, such as the Single Jurisdiction area, the City of Los Angeles Coastal Development Permit is the only Coastal Development Permit required. Both single and dual jurisdiction permits can be appealed to the Commission.

The proposed development is located within three hundred feet of the sea, an area that was designated as within the Dual Permit Jurisdiction area by the Commission pursuant to Section 13307 of the California Code of Regulations.

Specifically, in this case the applicant has applied for a Coastal Development Permit directly to the Commission rather than first obtaining a permit from the City. That procedure is permitted under the City's procedures for issuing coastal permits.

**C. Visual Quality**

Section 30251 of the Coastal Act, in part, states:

Permitted development shall be sited and designed to . . . be visually compatible with the character of the surrounding areas. . .

In June, 1998, the City conditionally approved two Coastal Development Permits in the same area as the subject permit. Neither permit was appealed to the Commission. Therefore, the City's approval was the final action. In both of those permits the City's Coastal Development Permit limited the height of the structures to 37 feet above the centerline of the frontage road, consistent with the provisions of the Del Rey Lagoon Specific Plan. Those permits each proposed a single-family residence on a vacant lot. Each residence was 2-story over basement (49' high) that included a rooftop-enclosed stairwell similar to the proposed development. In those permits the City made the following finding:

After a review of the Del Rey Lagoon Local Coastal Program Specific Plan, prior coastal development permits within this jurisdiction and discussions with the California Coastal Commission that the Del Rey Lagoon Local Coastal Program Specific Plan represented the latest provisions for the area and should be utilized in lieu of the Regional Interpretive Guidelines. The Specific Plan establishes a 37-foot height limit from the centerline of the frontage road which is more restrictive than the height indicated on the submitted plans for the two proposed projects. The Specific Plan establishes the additional protection of not allowing certain roof structures, such as an enclosed stairway, to be exempted from the overall height calculation. Thus any siting of such a roof structure atop the building would be at the expense of sacrificing permitted height for other habitable area within the single family home. The Department of Building and Safety allows open railings which do not exceed 42 inches to be located on top of the roof as a matter of right and for safety reasons. Such a railing could be installed which could allow for sundeck. If the deck had a roof structure affiliated with it, such would count against the permitted building height calculation. Furthermore, the California Coastal Commission indicated that it takes no position sundecks, particularly when the railings are open as is otherwise permitted by the City's Department of Building and Safety.

and imposed, in part the following conditions to the Coastal Development Permit:

6. Plans for the subject project shall be revised so that the height of the single-family residence shall not exceed 37 feet as measured from the centerline of the frontage road, as further defined in the Del Rey Lagoon Local Coastal Program Specific Plan.

7. No allowance for additional building height shall be permitted for penthouses for the housing of stairways and other roof structures in conformance with the prohibition set forth in the Del Rey Lagoon Local Coastal Program Specific Plan. Such roof structures shall be counted toward the calculation of the maximum permitted height of 37 feet. As permitted by the Department of Building and Safety, open railings on a rooftop which do not exceed a maximum height of 42 inches shall not be counted in the calculation of permitted height.

In this community, unlike Venice, local City hearings have rejected enclosed roof access structures that extend over 37' in height. Because of the differing pattern of existing development in the two communities, Commission staff has concurred with the City's analysis.

Therefore, the Commission is requiring a special condition limiting the height of the residence to 37' above the centerline of the frontage road. As conditioned, the proposed development is visually compatible with the character of the surrounding area, consistent with the provisions of Section 30251 of the Coastal Act. Therefore, the Commission finds that the proposed residential development, as conditioned, is consistent with and adequate to carry out the Chapter 3 development policies of the Coastal Act. The Commission further finds that the proposed development will not prejudice the City's ability to prepare a Local Coastal Program consistent with policies of Chapter 3 of the Coastal Act as required by Section 30604 (a).

**D. Public Access/Recreation**

One of the basic goals stated in the Coastal Act is to maximize public access to and along the coast. The following are relevant:

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The proposed project is located across the street from Del Rey Lagoon/Park. The lagoon is located between the beach and Esplanade. Because of the project's location, there will be no adverse impacts on public access/recreation and is consistent with the relevant with related public access/recreation policies of the Coastal Act. Therefore, the commission finds that the proposed project will not interfere with public access/recreation consistent with the relevant policies of the Coastal Act.

**E. Local Coastal Program:**

Section 30604(a) of the Coastal Act states that:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed

development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

The Del Rey Lagoon LUP was denied by the Commission in 1981. In its denial, the Commission found no issue with the proposed 37' height limit. The City, as noted above, has continued to approve permits with a height limit of 37' above the centerline of the road. The City of Los Angeles has not yet resubmitted a new LUP for the area. However, the City's work program to develop a Local Coastal Program considers scale of development to be an issue for this area of the City. Approval of the proposed development, as conditioned, to limit the height of the residence to 37' will not prejudice the City's ability to prepare a certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604(a) of the Coastal Act.

**F. California Environmental Quality Act**

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

The proposed project has been conditioned in order to be found consistent with the development policies of the Coastal Act. Mitigation measures to minimize the height and bulk of the residence will minimize all adverse impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

JLR:

5-98-335staff report

5-98-335

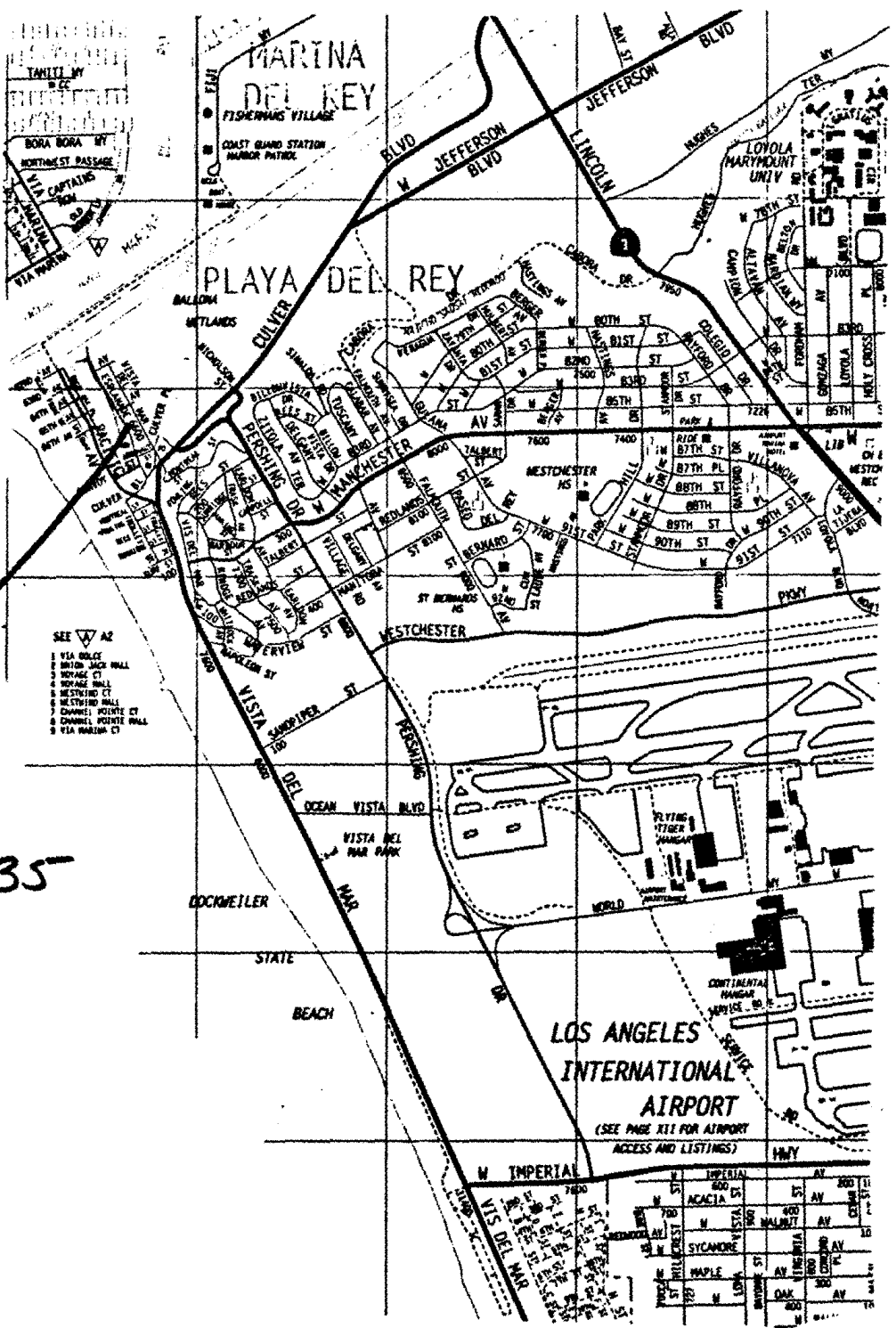
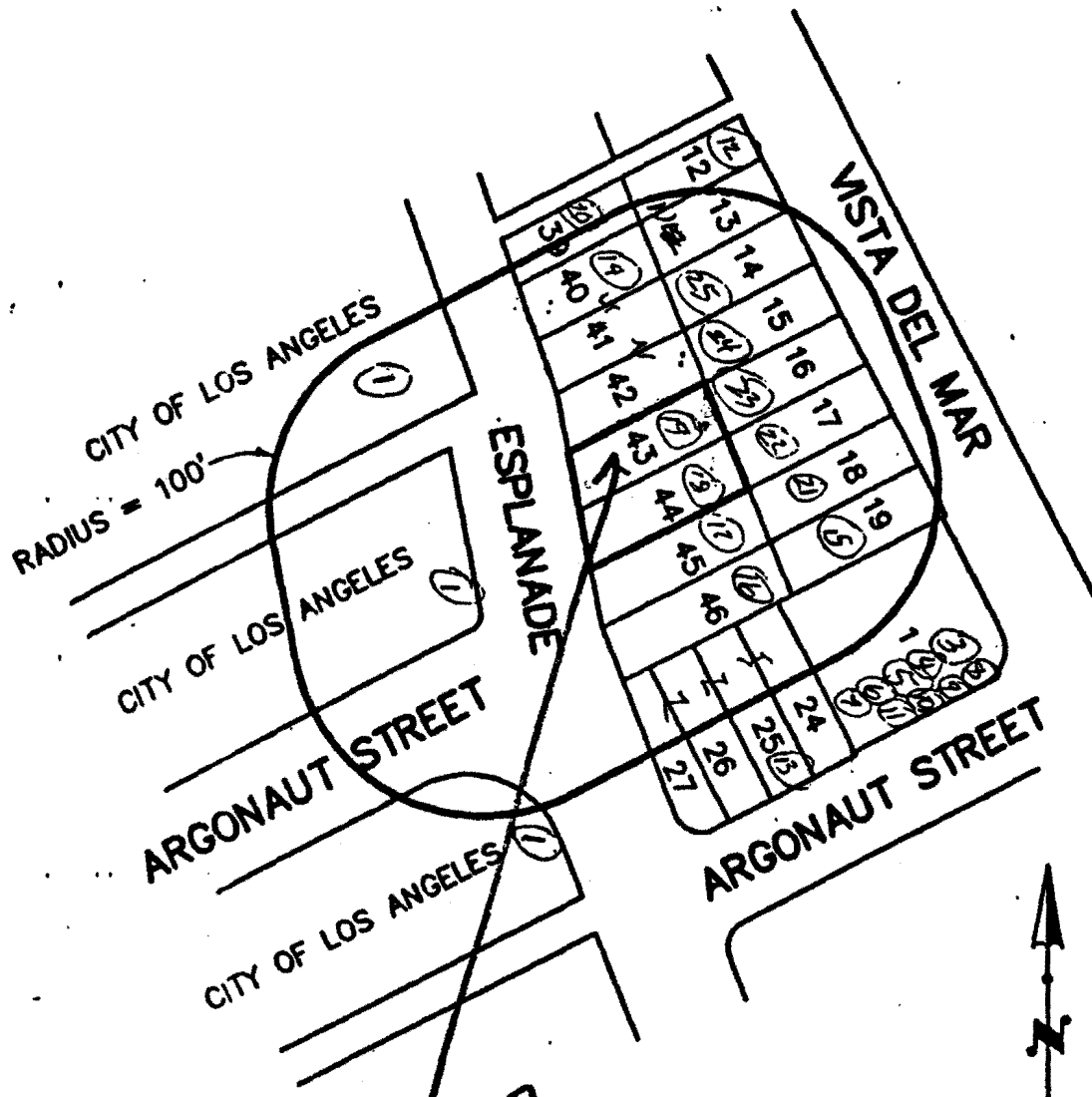


Exhibit A  
5-98-335





5-98-335

Exhibit B  
5-98-335

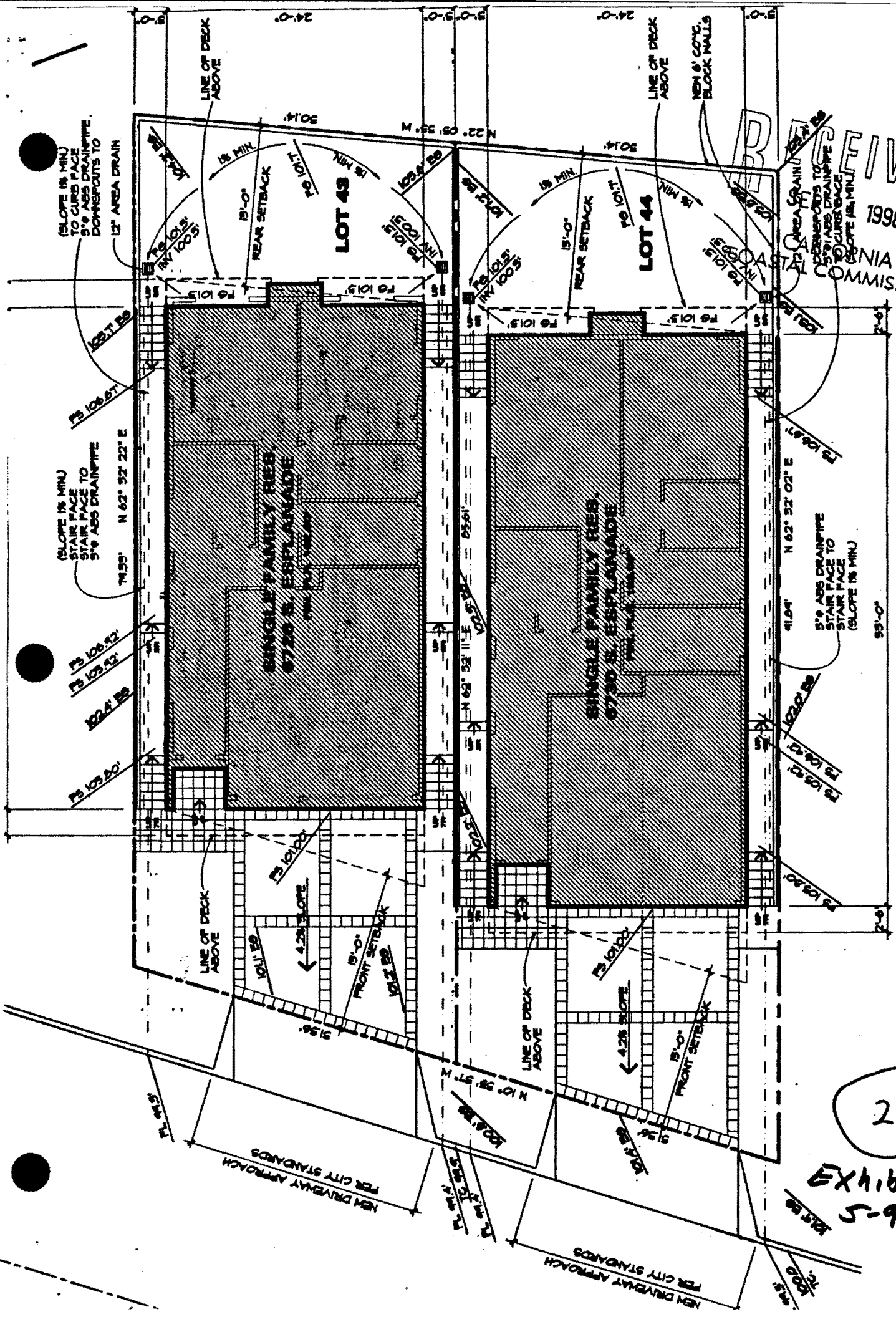
**PLAN**

SCALE: 1" = 100'



GRAPHIC SCALE

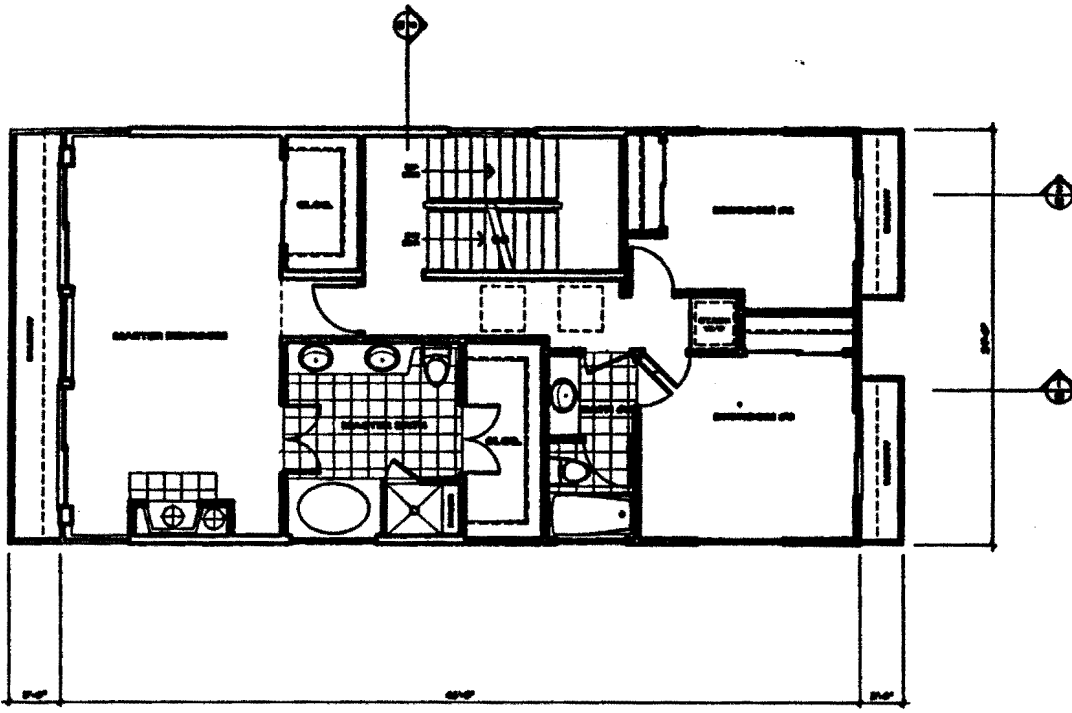
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CALIFORNIA  
COMMISSION  
NORTH



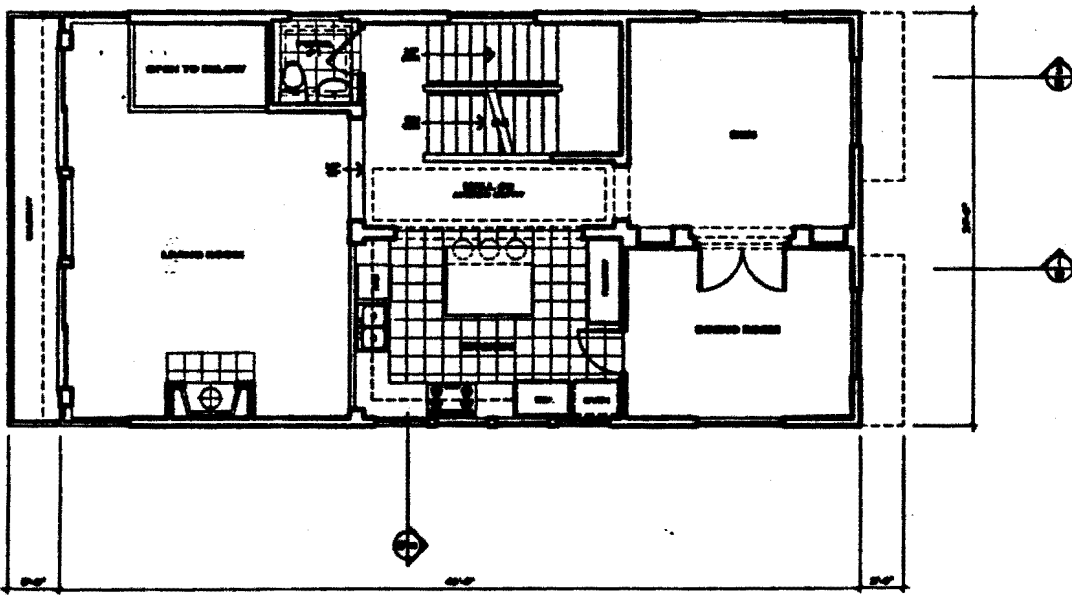
SITE PLAN SCALE: 1/8" = 1'-0"

2 Page

EXHIBIT C  
5-98-335



**SECOND FLOOR PLAN** SCALE UP TO 1/4" = 1'-0"  
LIVABLE FLOOR AREA 1067 S.F.  
BEDS 2



**FIRST FLOOR PLAN** SCALE UP TO 1/4" = 1'-0"  
LIVABLE FLOOR AREA 926 S.F.  
BEDS 1

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**notes:**

VERIFY ALL DIMENSIONS IN FIELD PRIOR TO STARTING WORK.

REVISIONS:

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- △ \_\_\_\_\_
- △ \_\_\_\_\_
- △ \_\_\_\_\_
- △ \_\_\_\_\_

PROJECT TITLE:

SINGLE FAMILY HOUSES  
6726 S. ESPERANZA  
PLAYA DEL REY, CA.

OWNER:

DIVERSIFIED HOLDINGS LLC  
2012 ESPERANZA BLVD. # 204  
TERRACE, CALIFORNIA 92686  
(714) 575-1007

DATE:

**Exhibit D**  
**5-98-335**

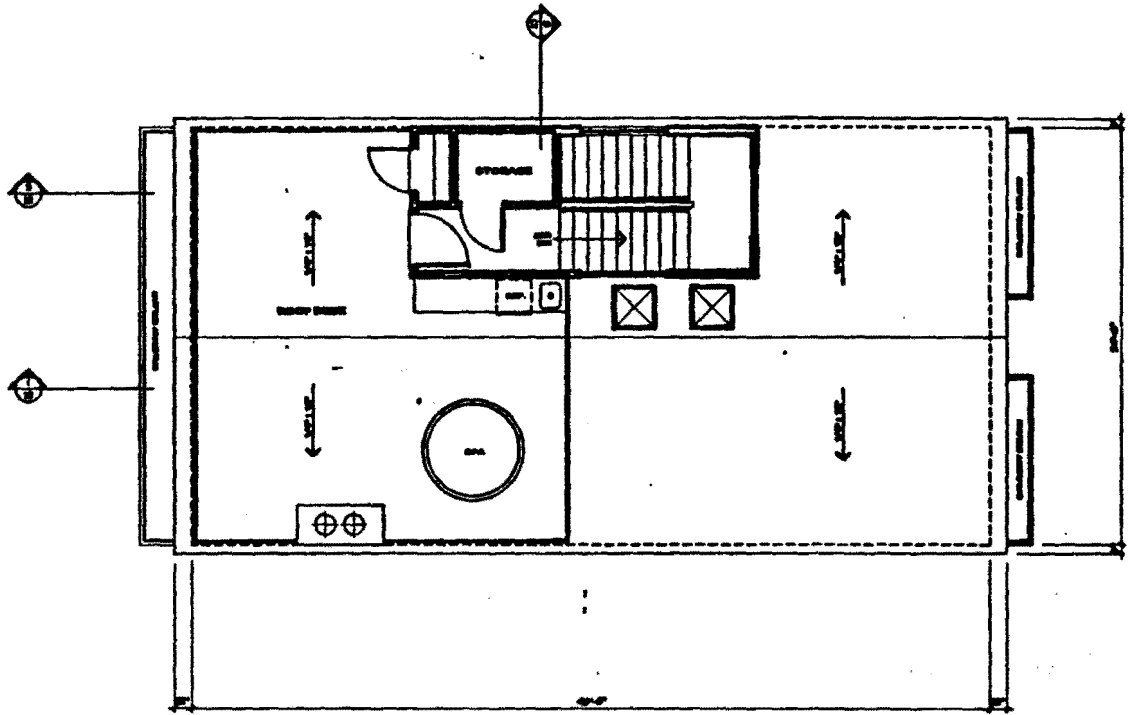
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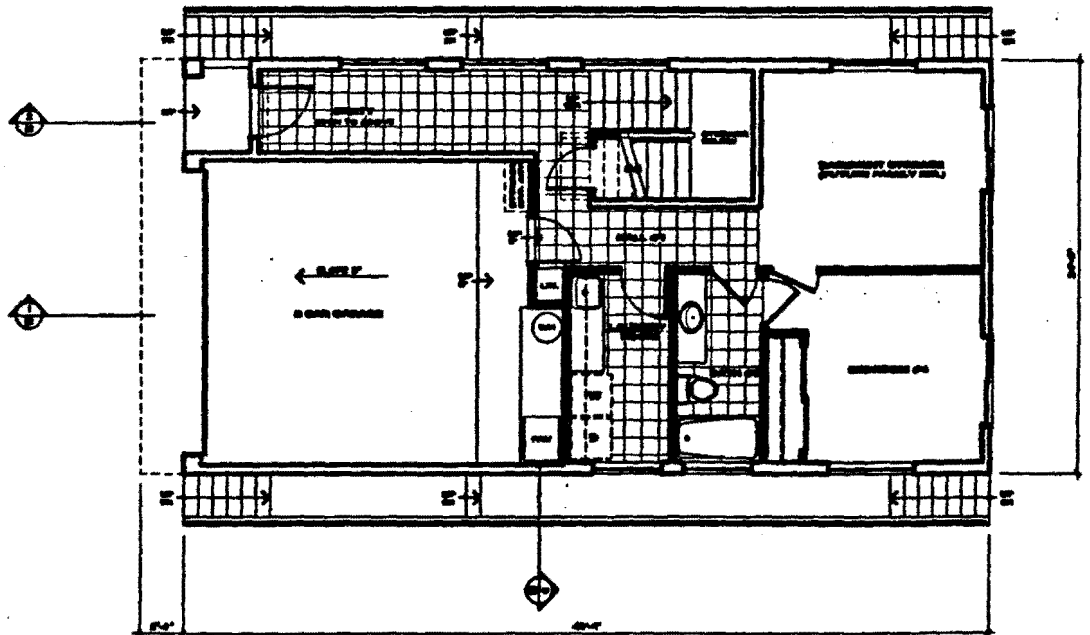
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Issue Date: 3-22-02

Sheet Number: Job Number: 022

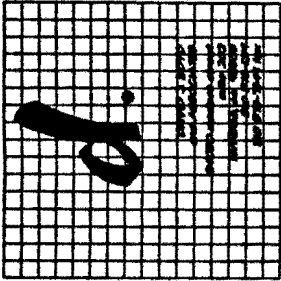


**ROOF PLAN** SCALE UP = 1/8"  
 ROOF DECK 488 S.F.  
 STORAGE & LANDINGS 88 S.F.



**BASEMENT PLAN** SCALE UP = 1/8"  
 LIVABLE FLOOR AREA 718 S.F.  
 GARAGE 621 S.F.

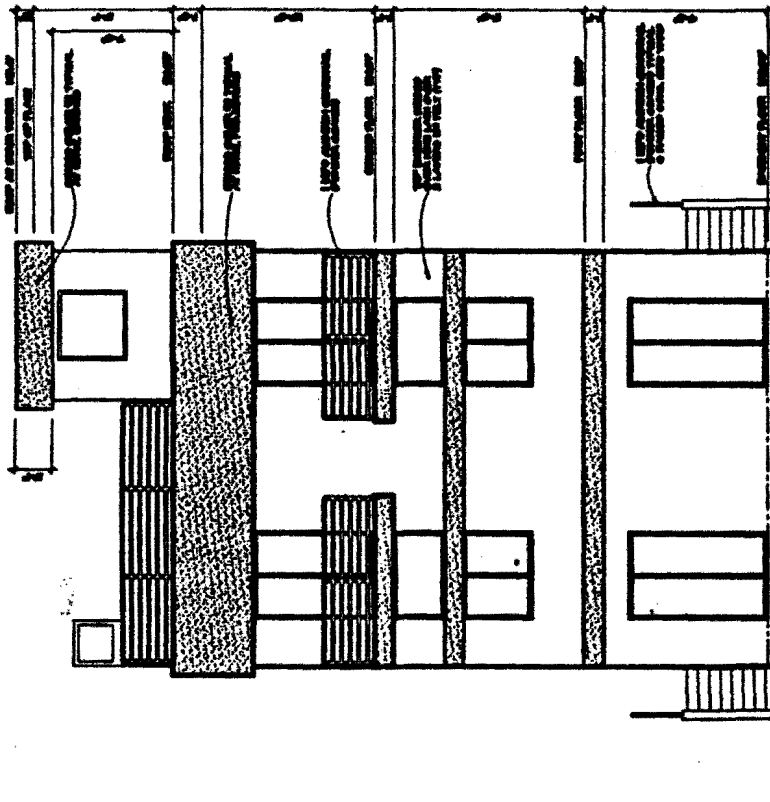
*Exhibit E*  
*5-98-335*



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**notes:**

VERIFY ALL DIMENSIONS IN FIELD PRIOR TO CONSTRUCTION.



REAR ELEVATION 05/20/08 10:00 AM

Exhibit F  
5-98-335

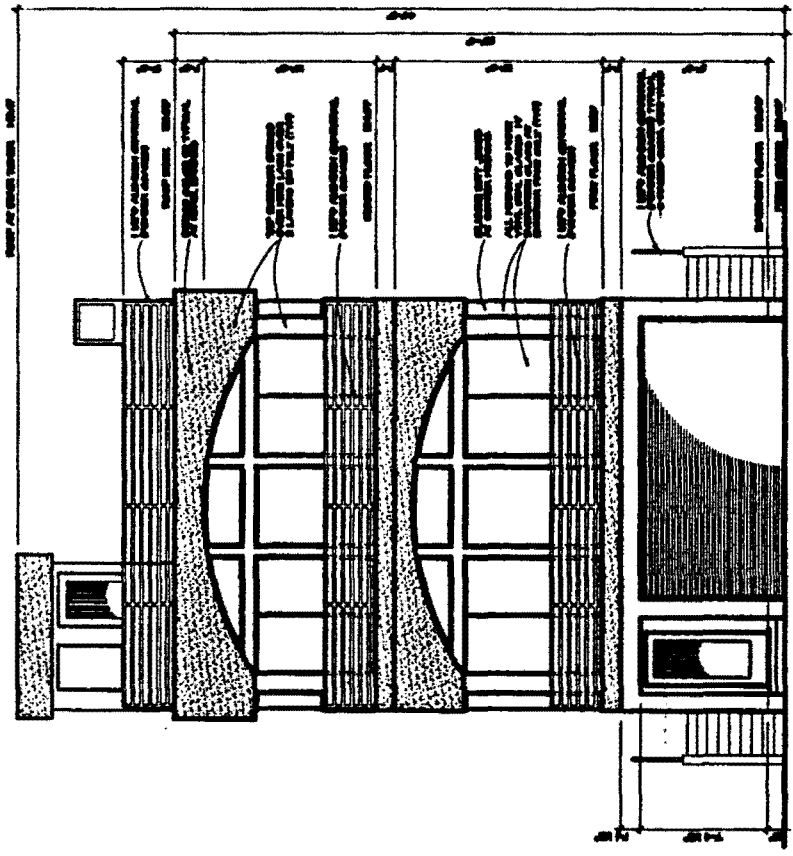
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**PROJECT TITLE:**  
 BRIGGS FAMILY HOUSE  
 8788 S. BRILLIANCE  
 PLAYA DEL REY, CA.

**OWNER:**  
 DIVINERHO HOLDINGS LLC,  
 8788 S. BRILLIANCE, PLAYA DEL REY,  
 TORRANCE, CALIFORNIA  
 (310) 576-1887

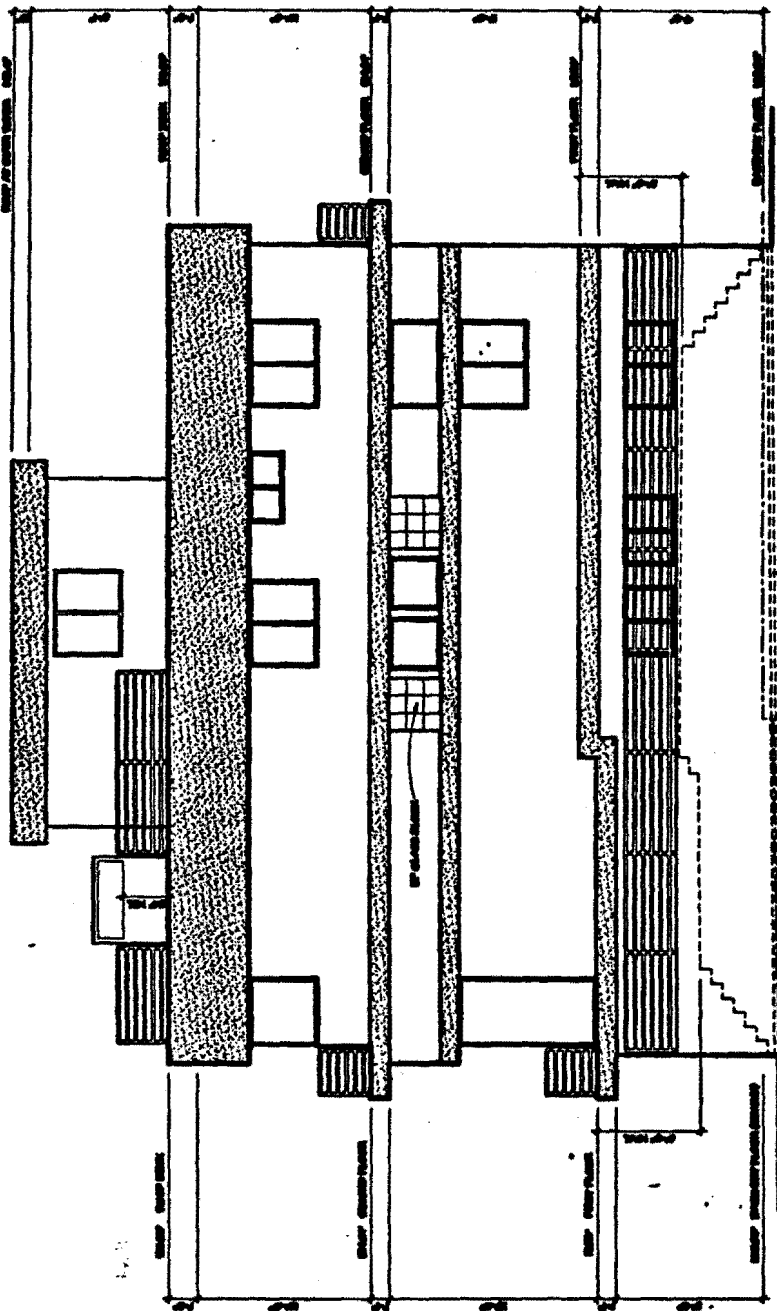
**SHEET TITLE:**  
 ELEVATIONS

Date: 01/20/09  
 Drawn By: J.M.  
 Checked By: J.M.  
 Issue Date: 01/20/09  
 Job Number: 022



FRONT ELEVATION

Exhibit G  
 5-98-335



**RIGHT SIDE ELEVATION**

Exhibit H  
5-98-33