

**PLANNING DEPARTMENT TRANSMITTAL  
TO THE CITY CLERK'S OFFICE**

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
CEQA Appeal	ENV-2017-2171-CE	11 - Bonin
<b>PROJECT ADDRESS:</b>		
1525 and 1533 North Palisades Drive; 17310 and 17320 West Vereda De La Montura		
<b>APPLICANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Rony Shram, Palisades Drive, LP		
<input type="checkbox"/> <b>New/Changed</b>		
<b>APPLICANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Kevin K. McDonnell, Esq., Jeffer Mangels Butler & Mitchell LLP		
<b>APPELLANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Robert T. Flick and Sandra L. Flick 1516 Michael Lane Pacific Palisades, CA 90272	310-459-5868	<a href="mailto:rflick@flicklaw.com">rflick@flicklaw.com</a>
<b>APPELLANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Kristina Kropp/Robert L. Glushon Luna & Glushon 16255 Ventura Blvd Encino, CA 91436	818-907-8755	<a href="mailto:kkropp@lunaglushon.com">kkropp@lunaglushon.com</a>
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Henry Chu	213-978-1225	<a href="mailto:henry.chu@lacity.org">henry.chu@lacity.org</a>
<b>ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION</b>		
N/A		

**FINAL ENTITLEMENTS NOT ADVANCING:**

N/A

**ITEMS APPEALED:**

CEQA Appeal. Cat Exemption

**ATTACHMENTS:****REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other \_\_\_\_\_

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- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other \_\_\_\_\_

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**NOTES / INSTRUCTION(S):**

Related Case: ZA-2017-2170-ELD-CDP-SPR-1A

**FISCAL IMPACT STATEMENT:** Yes No

\*If determination states administrative costs are recovered through fees, indicate "Yes".

**PLANNING COMMISSION:**

- City Planning Commission (CPC)
- Cultural Heritage Commission (CHC)
- Central Area Planning Commission
- East LA Area Planning Commission
- Harbor Area Planning Commission
- North Valley Area Planning Commission
- South LA Area Planning Commission
- South Valley Area Planning Commission
- West LA Area Planning Commission

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
April 18, 2018	3 - 0
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
N/A	CEQA Appeal
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Rocky Wiles Commission Office	May 4, 2018



# WEST LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

Mailing Date: APR 25 2018

CASE NO. ZA-2017-2170-ELD-CDP-SPR-1A

Council District: 11 – Bonin

CEQA: ENV-2017-2171-CE

Plan Area: Brentwood- Palisades

**Project Site:** 1525 and 1533 North Palisades Drive;  
17310 and 17320 West Vereda De La Montura

**Applicant:** Rony Shram, Palisades Drive, LP  
Representative: Kevin K. McDonnell, Esq., Jeffer Mangels Butler & Mitchell LLP

**Appellants:** Jonathan Klar, Maria Klar, Diane Bleak, Aileen T. Haugh, Marc and Veronique Jackson, Malissa and Saad Javad, Liana Martin, Peter Shakarian, Lui Haoran and Yuan Shuai and Dianne Silvera  
Representative: Jonathan Klar, Attorney at Law

Robert T. Flick and Sandra L. Flick  
Representative: Kristina Kropp, Esq.; Robert L. Glushon, Esq., Luna & Glushon

At its meeting of **April 18, 2018**, the West Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

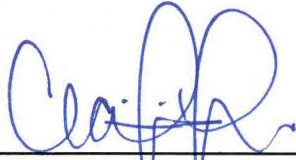
The construction of a four-story, 64,646 square-foot Eldercare Facility with 82 guest rooms comprised of a combination of Assisted Living Care and Alzheimer's/Dementia Care Housing located in the single-permit jurisdiction area of the California Coastal Zone.

1. **Determined** based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to Article III, Section 1, Class 32 of the City CEQA Guidelines; and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Director of Planning's determination to approve a Coastal Development Permit, pursuant to Section 12.20.2 of the Los Angeles Municipal Code (LAMC); and pursuant to LAMC Section 16.05, a Site Plan Review in the single-permit jurisdiction of the California Coastal Zone for the project;
3. **Adopted** the attached Conditions of Approval as modified by the Commission; and
4. **Adopted** the attached Findings.

This action was taken by the following vote:

Moved: Newhouse  
Second: Waltz Morocco  
Ayes: Margulies  
Absent: Rozman

**Vote: 3 – 0**



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Cecilia Lamas  
Commission Executive Assistant

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The action by the West Los Angeles Area Planning Commission (Commission) on this matter is final and effective upon the mailing date and is the final appeal procedure within the appeal structure in the City of Los Angeles. Pursuant to Section 12.20.2 I of the Los Angeles Municipal Code, the Commission's action shall be deemed final only after 20 working days have expired from the date this decision letter is deemed received by the Executive Officer of the California Coastal Commission and provided that a timely, valid appeal is not taken by the California Coastal Commission within said time frame.

This Coastal Development Permit shall be subject to revocation as provided in Section 12.20.2 J of the Los Angeles Municipal Code.

Attachments: Modified Conditions of Approval, Findings

c: Henry Chu, Associate Zoning Administrator  
Courtney Schum, City Planner

## CONDITIONS OF APPROVAL

(As Modified by West Los Angeles Area Planning Commission on April 18, 2018)

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Approved herein is an Eldercare Facility comprised of 82 guest rooms (23 memory care suites and 59 assisted-living suites) as shown in "Exhibit A", subject to the following restrictions:
  - a. At least seventy-five percent (75%) of the facility shall be devoted to Assisted living Care Housing and not more than twenty-five percent (25%) of the facility shall be devoted to Alzheimer's/Dementia Care Housing. No deviations from the applicable zoning provisions have been granted in conjunction with the Eldercare Facility herein, and no Eldercare Unified Permit pursuant to LAMC Section 14.3 has been requested or approved.
    - i. Plans submitted to the Department of Building and Safety for the purposes of obtaining a building permit shall indicate a minimum of 75 percent of the floor area, exclusive of common areas, consisting of Assisted Living Care Facility;
    - ii. The license and subsequent renewals of the license from the California Department of Social Services, Community Care Licensing Division shall reflect a minimum of 75 percent of the floor area, exclusive of common areas, consisting of Assisted Living Care

## Facility.

- b. The facility shall be licensed by the California Department of Social Services and comply with all assisted living and dementia care program regulations. A copy of the license shall be submitted to the Department of City Planning for verification and placed in the file.
  - c. Residents of the Assisted Living Care Housing shall be at least 62 years of age or older and shall comply all the requirements of the Department of Social Services.
7. The housing type within an Eldercare Facility may not be changed to a different housing type unless the new housing type is authorized in accordance with the procedures of the Code.
8. Coastal Development Permit. Approved herein is:
  - a. The construction of a four-story, 64,646 square-foot Eldercare Facility with 82 guest rooms comprised of a combination of Assisted Living Care and Alzheimer's/Dementia Care Housing.
  - b. Grading and export of 19,308 cubic yards of earth material. The applicant shall receive approval of a haul route by the Department of Building and Safety.
  - c. The project shall comply with the Regional Interpretive Guidelines for Los Angeles County.
9. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
10. The project shall be landscaped and maintained in substantial conformance with the landscape plans stamped "Exhibit A".
11. Prior to the issuance of a building permit, access and internal circulation shall be reviewed and approved by the Department of Transportation.
12. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent properties.
13. All loading and unloading of cargo shall occur only in underground parking and loading area.
14. Any removal or planting of any tree in the public right-of-way required approval of

the Board of Public Works.

15. Exterior improvements and landscaping shall be maintained in good condition.
16. Prior to the issuance of a building permit, access and internal circulation shall be reviewed and approved by the Department of Transportation.
17. The applicant or operator shall designate a minimum one person to serve as a neighborhood/community liaison to respond to any concerns raised by the different neighborhood groups of the Palisades Highland community. A contact name, telephone number and email address shall be provided to the immediate homeowner groups/associations adjacent to the project site.
18. Prior to the sign-off of plans by the Development Services Center, the applicant shall submit the plans for review and approval to the Fire Department. Said Department's approval shall be included in the plans submitted to the Development Services Center.
19. Prior to the commencement of site excavation and construction activities, construction schedule and contact information for any inquiries regarding construction activities shall be provided to residents and property owners within a 100-foot radius of the project site. The contact information shall include a construction manager and a telephone number, and shall be posted on the site in a manner, which is readily visible to any interested party.
20. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
21. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
22. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or



the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

## FINDINGS

### COASTAL DEVELOPMENT PERMIT FINDINGS

In order for a coastal development permit to be granted, all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative, as follows:

1. **The development is in conformity with Chapter 3 of the California Coastal Act of 1976.**

The development conforms with Chapter 3 of the California Coastal Act of 1976. The project site, located at 1525 North Palisades Drive (1525 and 1533 North Palisades Drive and 17310 and 17320 West Vereda De La Montura), is a sloping, irregularly-shaped parcel of land totaling 43,097 square feet (0.99 acre) and consisting of one lot. The project site has approximately 145 feet of frontage along the west side of Palisades Drive (a designated Avenue I under the Mobility Plan 2035) and approximately 305 feet of frontage along the south side of Vereda De La Montura (a designated Collector Street). The site is located within the Brentwood – Pacific Palisades Community Plan with a land use designation of Neighborhood Office Commercial and corresponding zone of C1-1-H. The subject property is located within a Single Jurisdiction Area of the California Coastal Zone and Hillside Area. The subject property is also located within a Very High Fire Hazard Severity Zone, Bureau of Engineering Special Grading Area, and a designated Landslide Area. The project site is currently vacant.

Chapter 3 of the Coastal Act includes provisions that address the impact of development on public services, infrastructure, traffic, the environment and significant resources, and coastal access.

Chapter 3 Provisions are as follows:

Article 2 – Public Access: The project will not interfere with or impede public access to coastal waters since the site is located two and one-half miles from the coast.

Article 3 – Recreation: The project will not interfere with coastal recreational opportunities because site is located two and one-half miles from the coast.

Article 4 – Marine Environment: The marine environment will not be impacted. Earth and construction materials and equipment will be secured while hauling in proximity to the coast to avoid any exposure with the marine environment. No coastal resources, streams or other inland waterways will be impacted or altered by the project. The proposed building will be connected to the City sewer system. Best Management Practices will be employed during construction to control erosion, construction-related contaminants and stormwater runoff. A Standard

Urban Stormwater Mitigation Plan will be adopted in accordance with the State of California and the City of Los Angeles standards to assure the long term impacts of stormwater runoff will be properly addressed.

Article 5 – Land Resources: The project site is virtually void of vegetation and any other environmentally sensitive habitat. There are no trees that are required to be removed to construct the proposed Eldercare Facility. There are no environmentally sensitive species that have been identified on the site or nearby open space land. The project site is not zoned or used for agricultural purposes. No archaeological or paleontological resources are known to exist on or near the property.

Article 6 – Development: As stated previously, the project site is zoned C1-1-H with a land use designation of Neighborhood Office Commercial. The site is located directly across from multi-family residential development. The project site adjoins another lot of the same zone and land use designation that is currently developed with an established commercial use. The C1 zone is consistent with Neighborhood Office Commercial. The Eldercare Facility is a permitted use in the C1 zone.

Article 7 – Industrial Development: The project does not proposed industrial development.

*Section 30244 requires reasonable mitigation measures to reduce potential impacts on archaeological or paleontological resources.*

The proposed project will involve the cutting and exporting of 19,308 cubic yards to allow for the two level subterranean parking garage. The proposed grading will be subject to the review of the Department of Building and Safety and required to comply with the conditions of approval set forth in the Geology and Soils Approval Letter. As stated previously, the project site is not zoned or used for agricultural purposes. No archaeological or paleontological resources are known to exist on or near the property. If such resources are discovered during excavation or grading, the proposed project will need to comply with existing Federal, State, and Local regulations already in place.

*Section 30250 states that new development shall be located in areas able to accommodate it, areas with adequate public services, and in areas where such development will not have significant adverse impacts on coastal resources.*

The subject property is located approximately two and one-half miles from the coast. The site is currently a vacant commercial lot in an area generally developed with residential uses. The subject property is surrounded by multi-family residential and commercial uses, as well as designated open space area. Properties immediately to the north across Vereda De La Montura and to the east across Palisades Drive are zoned RD3-1 and developed with residential condominium structures. Property to the southeast across Palisades Drive is zoned (Q)RD3-1 and developed with residential condominium structures. The

property abutting the project site to the west is privately-owned open space area in the OS-1XL zone. Property immediately to the south is zoned C1-1-H and developed with a shopping center containing neighborhood-serving commercial uses. The proposed project will be served by existing police and fire stations, schools, and other public services nearby, as well as existing infrastructure systems.

*Section 30251 states the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

The proposed project is located approximately two and one-half miles from the coast. Scenic and visual qualities of coastal areas will not be impacted.

*Section 30252 states that new development should maintain and enhance public access to the coast.*

As stated previously, the subject property is located approximately two-and one-half miles inland. The proposed project will not interfere with or impede public access to coastal waters because of the site does not provide direct access to the coast nor is it near the coast since it is approximately two and one-half miles from the coast. The project will not conflict with any public access policies of the Coastal Act.

*Section 30253 requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard, minimize impacts along bluffs and cliffs, and protect special communities and neighborhoods that are popular visitor destination points for recreational uses.*

The subject property is not located a bluff or cliff, but is located within a Hillside Area, a Very High Fire Severity Zone, a Special Grading Area, a Landslide Area, and is 2.03 kilometers from the Malibu Coast Fault. As required, the applicant submitted a Geology and Soils Report to the Department of Building and Safety for review and approval. The Department of Building and Safety found that the report was acceptable and outlined conditions of approval regarding grading associated with the proposed project as part of their May 15, 2017 Approval Letter (Log # 87756-01). In addition, the proposed project is required to comply with the Department of Building and Safety and Fire Department standards as it relates to development in seismic and fire hazard areas and along environmentally sensitive areas. The proposed project is also subject to other developmental regulations and regulatory compliance measures established by various City departments and the conditions of approval imposed herein. Compliance with such requirements will minimize risks to life and property. It will also ensure that the proposed project

will not create nor contribute significantly to the destruction of the subject property or surrounding area.

2. **The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.**

There is no adopted Local Coastal Program for the Pacific Palisades. The Brentwood – Pacific Palisades Community Plan contains the applicable land use policies and goals for that portion of the Coastal Zone. The Brentwood – Pacific Palisades Community Plan designates the subject property for Neighborhood Office Commercial land uses with a corresponding zones of C1, C1.5, C2, C4, RAS3, and RAS4. The subject property is not within any Specific Plan Area or subject to any Interim Control Ordinances, but is located within a Hillside Area, a Very High Fire Severity Zone, a Special Grading Area, a Landslide Area, and is 2.03 kilometers from the Malibu Coast Fault.

The proposed construction, use, and maintenance of the subject property as an Eldercare Facility is consistent with the Community Plan land use designation and zoning, as Eldercare Facilities are permitted uses within the C1 Zone and the applicant is not seeking any use, area, or height deviations from the Code. As conditioned, the construction of a new Eldercare Facility on a lot zoned for such use will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act of 1976 because the project itself is in full conformity with Chapter of the Act. To the extent approval of the project could represent a precedent for future projects, those projects would also be in conformity with the Act and any future Local Coastal Program.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.**

The Los Angeles County Interpretive Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620(b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the Coastal Zone prior to the certification of a local coastal program. As stated in the Regional Interpretive Guidelines, the guidelines are intended to be used “in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources.”

The proposed Eldercare Facility contains residential units in the form of guest rooms intended for Assisted Living Care and Alzheimer’s/Dementia Care Housing. The Regional Interpretive Guidelines address parking, density, special provisions

for development on bluffs and hillside areas, and coastal access. The applicable provisions of the California Coastal Commission's Regional Interpretive Guidelines have been reviewed and considered in preparation of these findings. The subject project consists of a four-story Eldercare Facility providing a total of 66 covered parking spaces within a two level subterranean garage and a maximum height of 45 feet. No deviation from any zoning regulation, e.g., parking, setbacks, height, etc., is required or requested for the project. The proposed project will not result in the alteration of natural landforms as all grading will be contained on the subject property and subject to the conditions of approval set forth by the Department of Building and Safety. The proposed project will not occur on a coastal bluff and would not alter any natural land forms, nor would it impact access to the coast. As such, the proposed project will be consistent with the applicable provisions of the Regional Interpretive Guidelines. The Interpretive Guidelines have been reviewed, analyzed, and considered in light of the individual project in making this determination, and the project is consistent and has been conditioned to be consistent with such Guidelines.

4. **The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.**

Approval of the proposed project will not conflict with the prior decisions of the California Coastal Commission. No known similar projects in the general area have been presented for review and approval.

An original Coastal Development Permit was approved in 1979, under A-381-78 for the grading of the site, roads, and utilities. The same permit was amended in 1980, extending the urban limit line. The permit authorized the construction of a church as an intuitional site and two site for commercial development, including the subject property. The site abutting the subject site has already been developed. The subject property has never been developed and does not encroach on the urban limit line. The CDP requested for this particular project is consistent with the original CDP of 1978, approved in 1979, and develops one of the originally designated commercial lots consistent with the 1980 C1 zoning thereon. The project complies with the applicable amendments thereafter.

Two previous project proposals, Case Nos. ZA 2000-3070(CDP) and ZA 2007-4681(CDP)(MEL), were approved for residential development on the subject property. Both proposals were also found not be in conflict with the Coastal Act. As such, this decision of the permit-granting authority has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the California Coastal Commission, where applicable, shall guide local governments

in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

5. **The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

Section 30210 of the Coastal Act states the following in regards to public access:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, right of private property owners, and natural resources from overuse.

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

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 subject property is located approximately two and one-half miles inland in developed area. The site is undeveloped and currently vacant. The subject property fronts Palisades Drive to the east and Vereda De La Montura to the north, which do not provide direct access to the coast or any visitor or recreational facilities. The subject property is not located between the nearest public road and the sea or shoreline of any body of water. No permanent structures will be placed within the public right-of-way. All required parking spaces will be provided on the subject property. Vehicular access to the subject property will be provided on Palisades Drive and Vereda De La Montura. As such, the proposed project will not conflict with any public access or public recreation policies of Chapter 3 of the Coastal Act.

6. **An appropriate environmental clearance under the California Environmental Quality Act has been granted.**

The proposed project has been determined not to have a significant effect on the environment and is therefore categorically exempt from the provisions of CEQA pursuant to Article III, Section 1, Class 32 of the City CEQA Guidelines. On June 20, 2017, the proposed project was issued a Notice of Exemption Log Reference No. ENV-2017-2171-CE. The proposed project will not require mitigation or monitoring measures and no alternatives to the project were evaluated.

The project qualifies for a Categorical Exemption under CEQA Guidelines Section 15532(b) since the project is an infill development project identified as



“development that occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.”

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;*
- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;*
- (c) *The project site has no value as habitat for endangered, rare or threatened species;*
- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and*
- (e) *The site can be adequately served by all required utilities and public services.*

The project is for the construction use and maintenance of a 45-foot tall, 64,646 square-foot, 82 guest room Eldercare Facility with 66 parking spaces in two subterranean garage levels on a 43,097.74 square-foot lot in the C1-1-H Zone within the Los Angeles City limits. The site and surrounding area are urbanized areas, as defined in page 11 of Section 21071 of Chapter 2.5 and Section 15387 Article 20 Definitions of the 2017 California Environmental Quality Act, CEQA Guidelines. A haul route is required to export approximately 19,308 cubic yards of earth material. An Eldercare Facility is permitted in the C1 Zone. The project as an Eldercare Facility, will comply with all the regulations of the code, including height, floor area, setbacks, parking, etc.

The project is characterized as an urban in-fill Categorical Exemption, and qualifies for the Class 32 Categorical Exemption. The site is zoned C1-1-H and has a General Plan Land Use Designation of Neighborhood Office Commercial. The project is consistent with the applicable Brentwood – Pacific Palisades Community Plan designation and policies and all applicable zoning designations and regulations. Specifically, the project is consistent with the following Plan Objectives:

- 2-1 To conserve and strengthen viable commercial development.
- 2-3 To enhance the appearance of commercial districts and to identify pedestrian-oriented areas.
- 2-4 To enhance the appearance of commercial districts consistent with the character of, and quality of the surrounding neighborhoods.
- 4-1 To protect the resources of the Plan area for the benefit of the residents and of the region by preserving existing open space and, where possible, acquiring new open space.

- 5-2 To protect coastal resources and to provide maximum public access to and along the shoreline consistent with property rights and sensitive habitat resources.
- 8-1 To provide adequate police facilities and personnel to correspond with population and service demands.
- 9-1 Ensure that fire facilities and protective services are sufficient for the existing and future population and land uses.
- 13-1 To comply with Citywide performance standards for acceptable levels of service and insure that necessary road access and street improvements are provided to accommodate traffic generated by all new development.
- 15-1 Provide parking in appropriate locations in accord with Citywide standards and community needs.
- 17-1 To ensure that the Plan Areas significant cultural and historical resources are protected, preserved and/or enhanced.

The proposed project would follow the design guidelines as presented in Chapter V of the Community Plan. The project will include design that incorporates landscaping throughout the building in the form of planters, outdoor, landscaping, and design theme would be incorporated to preserve community character. Parking would be below ground in two subterranean levels to allow for more aesthetically pleasing landscaping to fill the site. The subject site is wholly within the City of Los Angeles, on a site that is approximately 43,097 square feet. The site is not located within an area identified by the City of Los Angeles as a Pedestrian Oriented District, which would require the project be at pedestrian scale, as stated in the Community Plan. Community Design Overlay, or Specific Plan Overlay, or any other ordinances pertaining to the zone. The project is an eldercare facility and not a housing development, but has residential characteristics in its operation and design. The project will provide shuttle service for patients to access community amenities as well as medical and dental offices and facilities, shopping, and recreational amenities. A concierge doctor's service will be provided on site for minor check-ups to eliminate unnecessary off-site doctor visits, while having professional staff on duty. Other basic personal needs will be available on site, including a spa salon and massage on-site. The proposed operation will be required to provide adequate staffing and meet the operational regulations required by the State of California to maintain its operating license. As such, conforming to the regulations would ensure the use is compatible with the zoning and objectives of the Community Plan.

Lots adjacent to the subject site are developed with the following urban uses: residential uses, commercial uses and open space. The site does not have value as a habitat for endangered, rare or threatened species nor was any evidence submitted showing there is such value on-site. The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water.

The project will have adequate police services provided by the West Los Angeles Community Police Station, approximately seven miles from the site. The minimal increase in residents will not significantly impact response times. Fire protection and medical services at the project site would be served by Los Angeles Fire Department Station 23, which is located 2.5 miles southeast of the project site. Correspondence from September 26 and 27, 2017 showing communication from LAFD's Assistant Chief Patrick Butler shows that there is nothing unusual or dangerous about the Eldercare Facility use or the property that pose any realistic or unique risk of danger to the residents or the surroundings. Addressed in the correspondence is Assistant Chief Butler's response of the site being in a High Severity Zone, and that this is a large district and spreads throughout the entire City. He states, "Stringent building codes and brush fire clearance in Los Angeles provide the necessary safety for these buildings to be properly built and protected. With these safety aspects in place, there is no foundation that the proposed senior community may actually pose a danger to the very people it is meant to serve." In addition, the proposed project would be required to install automatic fire sprinklers to be consistent with the response-distance criteria specified in LAMC 57.09.07A of 1.5 miles.

Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. A study prepared by Meridian Consultants analyzed the project and determined the project would not have a significant impact on the environment, and also determined the use would have less of an impact than an apartment/condo, office building or shopping center. A Department of Transportation Review was conducted on August 10, 2017 and determined that the proposed project would generate 166 daily trips, five AM Peak Hour Trips and 14 PM Peak Hour Trips. Analysis was based on the ITE 9<sup>th</sup> Edition – Trip Rate (2.02/DU Daily Trip Ends, 0.06/DU AM Peak Trip Rate, 0.17/DU PM Peak Trip Rate) for "Congregate Care Housing" (253).

Therefore, the project will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. The project site will be adequately served by all public utilities and services given that the construction of the subject Eldercare Facility is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

#### Exceptions Narrative for Class 32 Categorical Exemption

There are six (6) Exceptions which the City is required to consider before finding a project exempt under Class 15303 and 15332: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

- (a) Location. The proposed project is not located in an area that would impact an environmental resource of hazardous or critical concern where

designated, precisely mapped, or officially adopted pursuant to law by federal, state or local agencies. While the subject site is located within a Hillside Grading Area, a landslide area, a Very High Fire Hazard Severity Zone, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate the grading and construction of projects in these particular types of “sensitive” locations and will reduce any potential impacts to less than significant. In addition to the City of Los Angeles’ stringent building codes and brush fire clearances, which provide the necessary safety for the buildings in these designated areas to be properly built and protected (as addressed by the Fire Department), these RCMs have been historically proven to work to the satisfaction of the City Engineer to reduce any impacts from the specific environment the project is located. Thus, the location of the project will not result in a significant impact.

- (b) Cumulative Impacts. The proposed project would not contribute to a significant cumulative impact because the project would comply with the requirements of the City of Los Angeles’ General Plan and the Brentwood-Pacific Palisades Community Plan. The project would be required to comply with all applicable City ordinances, regulations, and permitting conditions. The subject site is surrounded by properties zoned C1-1-H, OS-1XL, RD3-1, and (Q)RD3-1 zones, and characterized by generally sloping topography and improved streets. The subject property is surrounded by multi-family residential and commercial uses, as well as designated open space area. Properties immediately to the north across Vereda De La Montura and to the east across Palisades Drive are zoned RD3-1 and developed with residential condominium structures. Property to the southeast across Palisades Drive is zoned (Q)RD3-1 and also developed with residential condominium structures. The property abutting the project site to the west is privately-owned open space area. Property immediately to the south is zoned C1-1-H and developed with a shopping center containing neighborhood-serving commercial uses. There are no known similar projects anywhere near the vicinity of the property ongoing or anticipated in the foreseeable future.
- (c) Significant Effect. Discussion is provided herein to demonstrate the proposed project would not have a significant effect on the environment.
- (d) Scenic Highways. The project site is located on Palisades Drive, which is a designated Avenue I. Palisades Drive is not designated a Scenic Highway. However, no unique geologic features or rock outcroppings are located on the project site. The project site contains various ornamental landscaping and trees on site. These trees do not consist of any tree species protected under the Los Angeles Protected Tree Ordinance (i.e., Valley Oak, California Love Oak, Southern California Black Walnut, Western Sycamore, or California Bay). Any trees removed would be replaced in accordance with the City’s tree replacement requirements. The

proposed project would be consistent with the required height restrictions as discussed further below. As such, the project would not substantially damage scenic resources. Accordingly, the proposed project would not have a significant effect relative to scenic highways on the environment.

- (e) Hazardous Waste Sites. Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site.
- (f) Historical Resources. The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource.

### **SITE PLAN REVIEW FINDINGS**

In order for the site plan review to be granted, all three of the legally mandated findings delineated in Section 16.05-F of the Los Angeles Municipal Code must be made in the affirmative:

7. **The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The project site is located in an urbanized area of the Brentwood – Pacific Palisades Community Plan area. The site is zoned C1-1-H and has a General Plan Land Use Designation of Neighborhood Office Commercial. The project is consistent with the applicable Brentwood – Pacific Palisades Community Plan designation and policies and all applicable zoning designations and regulations. An Eldercare Facility is expressly listed as an allowable use in the C1 Zone pursuant to LAMC Section 12.13-A,2(a)31. Properties within the C1 zone are permitted a residential density of one unit per 500 square feet of lot area. Given that the project site is 43,097 square feet in size, the site with current zoning allows for up to 86 guest rooms. The project will provide 82 guest rooms. The C1 zoning allows for unlimited number of stories at any height. The project site is located in the Hillside Area Boundaries as described by the City of Los Angeles Current and Proposed Hillside Boundaries Map, which was prepared in 2009, the project will be required to comply with the transitional height requirements of 45 feet maximum building height based on transitional height, as required in LAMC Section 12.21-C,10.

The project site is also within a coastal zone. The Brentwood – Pacific Palisades Community Plan identifies sensitive habitat resources in association with the planning area's coastal resources. The site does not have value as a habitat for endangered, rare or threatened species nor was any evidence submitted showing there is such value.

The subject site is located two and one-half miles from the coastline and does not contain coastal resources.

The project is in substantial conformance with the purposes, intent and provisions of the General Plan and the Brentwood Community Plan. The project brings in a facility that can address an aging population of the City of Los Angeles by providing 82 suites for assisted living and memory care purposes.

With regards to the Brentwood – Pacific Palisades Community Plan, the project is consistent with the following Plan Objectives:

- 2-1 To conserve and strengthen viable commercial development.
- 2-3 To enhance the appearance of commercial districts and to identify pedestrian-oriented areas.
- 2-4 To enhance the appearance of commercial districts consistent with the character of, and quality of the surrounding neighborhoods.
- 4-1 To protect the resources of the Plan area for the benefit of the residents and of the region by preserving existing open space and, where possible, acquiring new open space.
- 5-2 To protect coastal resources and to provide maximum public access to and along the shoreline consistent with property rights and sensitive habitat resources.
- 8-1 To provide adequate police facilities and personnel to correspond with population and service demands.
- 9-1 Ensure that fire facilities and protective services are sufficient for the existing and future population and land uses.
- 13-1 To comply with Citywide performance standards for acceptable levels of service and insure that necessary road access and street improvements are provided to accommodate traffic generated by all new development.
- 15-1 Provide parking in appropriate locations in accord with Citywide standards and community needs.

- 17-1 To ensure that the Plan Areas significant cultural and historical resources are protected, preserved and/or enhanced.

The project proposes an Eldercare Facility. The project will bring 23 memory care suites and 59 assisted-living suites on a commercially-zoned lot. Surrounding land uses are commercial to the south, residential to the north and east, and open space to the west. The project would be consistent with the allowed uses under the C1-1-H zone and does not propose any deviations from the C1-1-H regulations. The project is compatible with the surrounding land uses since the use is permitted by right, and follows all applicable design guidelines. The site is not subject to any specific plans, design or pedestrian oriented overlays.

The project site is adequately served by Police and Fire stations that can provide satisfactory response times. The project will have adequate police services provided by the West Los Angeles Community Police Station, approximately seven miles from the site. The minimal increase in residents will not significantly impact response times. Fire protection and medical services at the project site would be served by Los Angeles Fire Department Station 23, which is located 2.5 miles southeast of the project site. Correspondence from September 26 and 27, 2017 showing communication from LAFD's Assistant Chief Patrick Butler shows that there is nothing unusual or dangerous about the Eldercare Facility use or the property that pose any realistic or unique risk of danger to the residents or the surroundings. Addressed in the correspondence is Assistant Chief Butler's response of the site being in a High Severity Zone, and that this is a large district and spreads throughout the entire City. He states, "Stringent building codes and brush fire clearance in Los Angeles provide the necessary safety for these buildings to be properly built and protected. With these safety aspects in place, there is no foundation that the proposed senior community may actually pose a danger to the very people it is meant to serve." In addition, the proposed project would be required to install automatic fire sprinklers to be consistent with the response-distance criteria specified in LAMC 57.09.07A of 1.5 miles. The project is anticipated to generate a nominal increase in trips, approximately 166 daily trips or 5 AM peak-hour trips and 14 PM peak-hour trips, per the Institute of Transportation Engineers trip generation rates. Department of Transportation review was conducted on August 10, 2017 and determined that the proposed project would generate 166 daily trips, five AM Peak Hour Trips and 14 PM Peak Hour Trips. Analysis was based on the ITE 9<sup>th</sup> Edition – Trip Rate (2.02/DU Daily Trip Ends, 0.06/DU AM Peak Trip Rate, 0.17/DU PM Peak Trip Rate) for "Congregate Care Housing" (253). The project would not have a significant effect on the level of service at nearby intersections.

The project will also exceed the number of required parking spaces to be provided. The project is required to provide 65 parking spaces at 0.2 spaces for each guest bed for Assisted Living and one space for each guest room per LAMC Section 12.21-A,4(d)(5). The project provides 66 parking spaces within a two level subterranean garage. The maintenance of a license to operate an Eldercare

Facility requires compliance with all applicable state regulations. With compliance, the project will meet the definition of an Eldercare Facility and be a use that is conformance with the C1-1-H Zone.

8. **The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The C1 zone permits residential density of one guest room per 500 square feet of lot area. LAMC Sections 12.13-C,4 and 12.10-C,4. For a lot area of 43,097 square feet, the property can support 86 guest rooms. The project provides 82 guest rooms.

The C1 zoning allows for unlimited number of stories and unlimited building height. However, due to its proximity to residential properties, the project is subject to transitional height requirements of LAMC Section 12.21.1-B,2. The proposed building will not exceed the 45-foot height limit at its highest point within four stories and will comply with the transitional height regulations of the Code. Views from adjoining properties include developed and undeveloped hillsides. The project design is entirely consistent with current surrounding development. It utilizes a previously graded site without disturbing additional land. The finished building will project 37 feet above the sidewalk along Vereda De La Montura. This height would be at a lower elevation than the nearest condominium buildings north of the property.

The project has been designed within the development parameters of the underlying zone, LAMC Section 12.13-C, with regard to height and setbacks and this will be verified by the Department of Building and Safety during permitting. While neighboring residential properties across Vereda De La Montura observe larger setbacks than what the subject project observes, the project meets the C1 regulations for setbacks. The only abutting use to the site, and only commercial use and C zoned property in the area, is developed with a restaurant that observes a zero-foot setback along Palisades Drive. To require any further setbacks or height reductions outside of what is otherwise permitted under the code would unduly deny the project site of property rights that are otherwise afforded to neighboring parcels.

The project will provide all automobile and bicycle parking within a two level subterranean garage and comply with LAMC Sections 12.21-A,4 and 12.21-A,16. Trash and recycling receptacles would be located within the center of the first subterranean (P1) level, between elevators 2 and 3, and away from views of residents, guests and the public. The receptacles would be enclosed and have access doors to ensure there are no views of the bins and receptacles. Lighting will meet Code requirements, and will be directed onto the site and away from



adjacent uses. Service vehicles will require circulation to the rear of the property from Vereda De La Montura, where they can load and unload on-site underground.

The project will provide landscaping in conformance with the Code, and will use landscaping to transition the structure and use from the public rights-of-way and neighboring uses. Trees per the Department of Urban Forestry and general slope shrubs and ground cover, planter walls and filtration planters, as shown on the First Level Landscape Plan, will be planted along the perimeter of the site facing Palisades Drive and Vereda De La Montura, including trees near the driveway entrance. Perimeter landscape native slope shrubs and ground covers will be provided along the southwest perimeter of the site. Landscaping through trees and shrubs will also be planted throughout the development structure. A fountain feature will be provided just east of the Vereda De La Montura driveway to enhance the aesthetics and entryway into the site. The pool deck, roof and courtyards will also be landscaped as shown on the stamped plans labeled "Exhibit A". The arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing development on adjacent properties and neighboring properties. Neighboring multi-family residential uses east and north of the site are zoned RD3-1, which allow for a maximum height of 45 feet and a floor area ratio of 1.5:1. The project would also be consistent with any future redevelopment of neighboring properties since the RD3-1 Zone allows for the same maximum height and floor area ratio that the subject site's C1-1-H zoning allows. As such, the improvements will be compatible with the surrounding existing and future uses.

9. **Any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The Eldercare Facility is a care facility that provides many amenities that will improve the habitability for its elderly residents and minimize impacts on neighboring properties. As shown on "Exhibit A", the P1 level will include a wellness center, theater, bicycle maintenance and bicycle storage. The ground floor plan shows a salon, two dining rooms and one living room, and a fireplace and lounge area. The project provides a ground level outdoor amenity in the form of a courtyard located at the center of the building. Since the courtyard is at the center and the structure serves as a barrier, any noise generated will not impact neighboring properties. The floor plan showing the second floor reveals a spa salon and massage room for service staff can provide its residents. On the 3<sup>rd</sup> floor plan, the level provides an art and multi-purpose room, and outdoor amenities, including a roof garden, roof deck, trellis bar and barbeque area, and dog park area. Most amenities are enclosed within the building and will not impact neighboring properties. The outdoor amenities face the southwest portion of the site and will not affect the public rights-of-way. Furthermore, neighboring residential uses are buffered by the public right-of-way. Any potential impacts of

noise will be minimal since outdoor amenities are oriented away from residential uses and across the street from the subject site. As such, recreational and service amenities will not impact neighboring properties.

### **ADDITIONAL MANDATORY FINDINGS**

10. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
11. The proposed project has been determined not to have a significant effect on the environment and is therefore categorically exempt from the provisions of CEQA pursuant to Article III, Section 1, Class 32 of the City CEQA Guidelines. On June 20, 2017, the proposed project was issued a Notice of Exemption Log Reference No. ENV-2017-2171-CE. The proposed project will not require mitigation or monitoring measures and no alternatives to the project were evaluated.

The project qualifies for a Categorical Exemption under CEQA Guidelines Section 15532(b) since the project is an infill development project identified as "development that occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses."

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;*
- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;*
- (c) *The project site has no value as habitat for endangered, rare or threatened species;*
- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and*
- (e) *The site can be adequately served by all required utilities and public services.*

The project is for the construction use and maintenance of a 45-foot tall, 64,646 square-foot, 82 guest room Eldercare Facility with 66 parking spaces in two subterranean garage levels on a 43,097.74 square-foot lot in the C1-1-H Zone within the Los Angeles City limits. The site and surrounding area are urbanized areas, as defined in page 11 of Section 21071 of Chapter 2.5 and Section 15387 Article 20 Definitions of the 2017 California Environmental Quality Act, CEQA Guidelines. A haul route is required to export approximately 19,308 cubic yards of earth material. An Eldercare Facility is permitted in the C1 Zone. The project as

an Eldercare Facility, will comply with all the regulations of the code, including height, floor area, setbacks, parking, etc.

The project is characterized as an urban in-fill Categorical Exemption, and qualifies for the Class 32 Categorical Exemption. The site is zoned C1-1-H and has a General Plan Land Use Designation of Neighborhood Office Commercial. The project is consistent with the applicable Brentwood – Pacific Palisades Community Plan designation and policies and all applicable zoning designations and regulations. Specifically, the project is consistent with the following Plan Objectives:

- 2-1 To conserve and strengthen viable commercial development.
- 2-3 To enhance the appearance of commercial districts and to identify pedestrian-oriented areas.
- 2-4 To enhance the appearance of commercial districts consistent with the character of, and quality of the surrounding neighborhoods.
- 4-1 To protect the resources of the Plan area for the benefit of the residents and of the region by preserving existing open space and, where possible, acquiring new open space.
- 5-2 To protect coastal resources and to provide maximum public access to and along the shoreline consistent with property rights and sensitive habitat resources.
- 8-1 To provide adequate police facilities and personnel to correspond with population and service demands.
- 9-1 Ensure that fire facilities and protective services are sufficient for the existing and future population and land uses.
- 13-1 To comply with Citywide performance standards for acceptable levels of service and insure that necessary road access and street improvements are provided to accommodate traffic generated by all new development.
- 15-1 Provide parking in appropriate locations in accord with Citywide standards and community needs.
- 17-1 To ensure that the Plan Areas significant cultural and historical resources are protected, preserved and/or enhanced.

The proposed project would follow the design guidelines as presented in Chapter V of the Community Plan. The project will include design that incorporates landscaping throughout the building in the form of planters, outdoor, landscaping, and design theme would be incorporated to preserve community character. Parking would be below ground in two subterranean levels to allow for more aesthetically pleasing landscaping to fill the site. The subject site is wholly within the City of Los Angeles, on a site that is approximately 43,097 square feet. The site is not located within an area identified by the City of Los Angeles as a Pedestrian Oriented District, which would require the project be at pedestrian scale, as stated in the Community Plan. Community Design Overlay, or Specific Plan Overlay, or any other ordinances pertaining to the zone. The project is an eldercare facility and not a housing development, but has residential

characteristics in its operation and design. The project will provide shuttle service for patients to access community amenities as well as medical and dental offices and facilities, shopping, and recreational amenities. A concierge doctor's service will be provided on site for minor check-ups to eliminate unnecessary off-site doctor visits, while having professional staff on duty. Other basic personal needs will be available on site, including a spa salon and massage on-site. The proposed operation will be required to provide adequate staffing and meet the operational regulations required by the State of California to maintain its operating license. As such, conforming to the regulations would ensure the use is compatible with the zoning and objectives of the Community Plan.

Lots adjacent to the subject site are developed with the following urban uses: residential uses, commercial uses and open space. The site does not have value as a habitat for endangered, rare or threatened species nor was any evidence submitted showing there is such value on-site. The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water.

The project will have adequate police services provided by the West Los Angeles Community Police Station, approximately seven miles from the site. The minimal increase in residents will not significantly impact response times. Fire protection and medical services at the project site would be served by Los Angeles Fire Department Station 23, which is located 2.5 miles southeast of the project site. Correspondence from September 26 and 27, 2017 showing communication from LAFD's Assistant Chief Patrick Butler shows that there is nothing unusual or dangerous about the Eldercare Facility use or the property that pose any realistic or unique risk of danger to the residents or the surroundings. Addressed in the correspondence is Assistant Chief Butler's response of the site being in a High Severity Zone, and that this is a large district and spreads throughout the entire City. He states, "Stringent building codes and brush fire clearance in Los Angeles provide the necessary safety for these buildings to be properly built and protected. With these safety aspects in place, there is no foundation that the proposed senior community may actually pose a danger to the very people it is meant to serve." In addition, the proposed project would be required to install automatic fire sprinklers to be consistent with the response-distance criteria specified in LAMC 57.09.07A of 1.5 miles.

Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. A study prepared by Meridian Consultants analyzed the project and determined the project would not have a significant impact on the environment, and also determined the use would have less of an impact than an apartment/condo, office building or shopping center. A Department of Transportation Review was conducted on August 10, 2017 and determined that the proposed project would generate 166 daily trips, five AM Peak Hour Trips and 14 PM Peak Hour Trips. Analysis was based on the ITE 9<sup>th</sup> Edition – Trip Rate

(2.02/DU Daily Trip Ends, 0.06/DU AM Peak Trip Rate, 0.17/DU PM Peak Trip Rate) for “Congregate Care Housing” (253).

Therefore, the project will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. The project site will be adequately served by all public utilities and services given that the construction of the subject Eldercare Facility is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

#### Exceptions Narrative for Class 32 Categorical Exemption

There are six (6) Exceptions which the City is required to consider before finding a project exempt under Class 15303 and 15332: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

- a. Location. The proposed project is not located in an area that would impact an environmental resource of hazardous or critical concern where designated, precisely mapped, or officially adopted pursuant to law by federal, state or local agencies. While the subject site is located within a Hillside Grading Area, a landslide area, a Very High Fire Hazard Severity Zone, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate the grading and construction of projects in these particular types of “sensitive” locations and will reduce any potential impacts to less than significant. In addition to the City of Los Angeles’ stringent building codes and brush fire clearances, which provide the necessary safety for the buildings in these designated areas to be properly built and protected (as addressed by the Fire Department), these RCMs have been historically proven to work to the satisfaction of the City Engineer to reduce any impacts from the specific environment the project is located. Thus, the location of the project will not result in a significant impact.
- b. Cumulative Impacts. The proposed project would not contribute to a significant cumulative impact because the project would comply with the requirements of the City of Los Angeles’ General Plan and the Brentwood-Pacific Palisades Community Plan. The project would be required to comply with all applicable City ordinances, regulations, and permitting conditions. The subject site is surrounded by properties zoned C1-1-H, OS-1XL, RD3-1, and (Q)RD3-1 zones, and characterized by generally sloping topography and improved streets. The subject property is surrounded by multi-family residential and commercial uses, as well as designated open space area. Properties immediately to the north across Vereda De La Montura and to the east across Palisades Drive are zoned RD3-1 and developed with residential condominium structures. Property to the southeast across Palisades Drive is zoned (Q)RD3-1 and also developed with residential

condominium structures. The property abutting the project site to the west is privately-owned open space area. Property immediately to the south is zoned C1-1-H and developed with a shopping center containing neighborhood-serving commercial uses. There are no known similar projects anywhere near the vicinity of the property ongoing or anticipated in the foreseeable future.

- c. Significant Effect. Discussion is provided herein to demonstrate the proposed project would not have a significant effect on the environment.
- d. Scenic Highways. The project site is located on Palisades Drive, which is a designated Avenue I. Palisades Drive is not designated a Scenic Highway. However, no unique geologic features or rock outcroppings are located on the project site. The project site contains various ornamental landscaping and trees on site. These trees do not consist of any tree species protected under the Los Angeles Protected Tree Ordinance (i.e., Valley Oak, California Love Oak, Southern California Black Walnut, Western Sycamore, or California Bay). Any trees removed would be replaced in accordance with the City's tree replacement requirements. The proposed project would be consistent with the required height restrictions as discussed further below. As such, the project would not substantially damage scenic resources. Accordingly, the proposed project would not have a significant effect relative to scenic highways on the environment.
- e. Hazardous Waste Sites. Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site.
- f. Historical Resources. The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource.