

**ORIGINAL**



**APPLICATIONS:**

**APPEAL APPLICATION**

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

**1. APPELLANT BODY/CASE INFORMATION**

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: ENV-2017-4279-CE

Project Address: 17642 West Tramonto Drive

Final Date to Appeal: 08/20/2018

- Type of Appeal:
- Appeal by Applicant/Owner
  - Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
  - Appeal from a determination made by the Department of Building and Safety

**2. APPELLANT INFORMATION**

Appellant's name (print): Abbott Krieger

Company: \_\_\_\_\_

Mailing Address: 17646 Tramonto Drive

City: Los Angeles State: CA Zip: 90272

Telephone: (310) 699-5009 E-mail: abbyjk@yahoo.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self       Other: \_\_\_\_\_

- Is the appeal being filed to support the original applicant's position?       Yes       No

**3. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): John A. Henning, Jr.

Company: Attorney at Law

Mailing Address: 125 N. Sweetzer Ave., Unit 202

City: Los Angeles State: CA Zip: 90048

Telephone: (323) 655-6171 E-mail: jhenning@planninglawgroup.com

**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?  Entire  Part

Are specific conditions of approval being appealed?  Yes  No

If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

**5. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature: John A. Herzog

Date: 07/27/2018

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$29.00</u>	Reviewed & Accepted by (DSC Planner): <u>Ivory Crambeschi</u>	Date: <u>7/25/18</u>
Receipt No: <u>0102922462</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified	<input checked="" type="checkbox"/> Original receipt and BTC receipt (if original applicant)	

**Justification/Reason for Appealing**  
**Appeal to Los Angeles City Council**  
**Case Number: ENV-2017-4279-CE**  
**Project Address: 17642 West Tramonto Drive**

**This appeal is brought pursuant to California Public Resources Code section 21151(c), which provides that a CEQA document can be appealed if a non-elected decision making body makes a determination that a project is not subject to CEQA and such determination is not further appealable to a City appellate body and the decision is final.**

The within appeal is filed on the ground that the West Los Angeles Area Planning Commission (“WLAAPC”) erred and abused its discretion by issuing the Letter of Determination dated July 19, 2018, and by adopting a Categorical Exemption (“CE”) as the environmental review for the proposed single family residence at 17642 West Tramonto Drive.

Appellant Abbott Krieger is aggrieved by the decision because he is an immediately abutting neighbor to the project site, and is directly affected by the proposed project. In addition to this, Mr. Krieger is resident and taxpayer in the City of Los Angeles and as such is entitled to the full enforcement by the City of its local zoning and planning laws, the California Environmental Quality Act, and other state and local laws pertaining to the project.

The WLAAPC abused its discretion because:

- (1) The project violates the City’s zoning code;
- (2) The project violates the California Coastal Act;
- (3) The project violates the Mello Act (Government Code sections 65590 et seq.);
- (4) Under the California Environmental Quality Act (CEQA) an Environmental Impact Report or Mitigated Negative Declaration should have been prepared for the project instead of a Categorical Exemption;
- (5) The conditions of approval are not sufficient to mitigate impacts of the project below a level of significance under CEQA;
- (6) The conditions of approval do not mitigate impacts of the project;
- (7) The approval of the project is not supported by adequate findings; and
- (8) The findings in support of the approval of the project are not supported by substantial evidence in the record.

**The appellant will submit additional correspondence and support for his appeal before the City Council meets to consider the appeal.**



**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:** JUL 19 2018

**CASE NO. DIR-2017-2670-CDP-MEL-1A**  
CEQA: ENV-2017-4279-CE  
Plan Area: Brentwood – Pacific Palisades

Council District: 11 - Bonin

**Project Site:** 17642 West Tramonto Drive  
**Applicant:** Saied Kashani  
Representative: Tony Russo, Crest Real Estate  
**Appellant:** Abbott Krieger  
Representative: John A. Henning Jr.

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

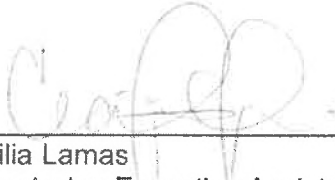
The construction of a new 5,607 square-foot, two-story single-family dwelling with an attached garage and a 3,467 square-foot basement. The project includes a swimming pool, spa, decks, retaining walls and one detached accessory building. The project requires a haul route for the export of approximately 4,000 cubic yards of soil.

1. **Determined** based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Article 19, Section 15303 (New Construction), Class 3, Section 15032, Class 32 (In-Fill Development Projects), and Article III, Class 3, Category 1 and 6 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 Planning Director's determination to approve, pursuant Los Angeles Municipal Code Section 12.20.2, a Coastal Development Permit for the project and a Mello Act Compliance Review for the demolition and construction of one residential unit in the Coastal Zone;
3. **Adopted** the attached Conditions of Approval as modified; and
4. **Adopted** the attached Findings as amended.

This action was taken by the following vote:

Moved: Waltz Morocco  
Seconded: Rozman  
Ayes: Yellin  
Nays: Margulies  
Absent: Newhouse

**Vote: 3 – 1**



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 on this matter is final and effective upon the mailing date of this determination and is the final appeal procedure **within the appeal structure in the City of Los Angeles.**

**California Coastal Commission/Appeals:** 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. The proposed development **is in the dual-permit jurisdiction area**, therefore the applicant shall obtain a CCC-approved coastal development permit prior to proceeding with the subject project.

**Notice:** An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable to a City appellate body** and the decision is final. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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, Amended Findings

c: Debbie Lawrence, Senior City Planner  
Alexander Truong, City Planning Assistant

## CONDITIONS OF APPROVAL

As Modified by the West Los Angeles Area Planning Commission on July 18, 2018

1. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. 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.
3. **Coastal Development Permit.** Approved herein is:
  - a. the construction of a two-story, a 5,607 square-foot two-story single-family dwelling with a 3,467 square-foot basement, attached garage, swimming pool, spa, decks, retaining walls and one detached accessory structure.
  - b. grading and export of approximately 4,000 cubic yards of soil.
4. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent residential properties.
5. 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.
6. 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.
7. 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.
8. The project shall comply with the conditions required in the Geology and Soils Report approval letter dated October 7, 2016 (Log No. 94048-01). All conditions of the geology, soils, and grading approval shall be incorporated and printed on the plans submitted for plan check.
9. 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.
10. The retaining and planter walls shall be finished with beige or a similar earth-tone color material.

11. Prior to the issuance of any permits, 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 Development Services Center 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.

### **Administrative Conditions**

12. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
13. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
14. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
15. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
16. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
17. **Condition Compliance.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.

### **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 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 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

As Amended by the West Los Angeles Area Planning Commission on July 18, 2018

### COASTAL DEVELOPMENT PERMIT REVIEW

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.

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

The subject site is a steep, downsloping lot comprising of one interior vacant parcel and the westerly half of another vacant parcel totaling approximately 17,291 square feet. The northerly frontage on Tramonto Drive is approximately 90 feet and lot depth of approximately 110 feet. The project is located within the Brentwood – Pacific Palisades Community Plan with a Land Use Designation of Low Residential and zoned R1-1. The property is subject to the 2011 Baseline Hillside Ordinance, which was created to protect the City's hillside areas. Therefore, the project is subject to specific restrictions on grading and excavation activities in the area. The site is located within a Hillside Area, the Dual-Permit Jurisdiction of the Coastal Zone, Special Grading Area, Landslide Area, Very High Fire Hazard Severity Zone, and the Santa Monica Fault Zone.

The applicant is seeking a Coastal Development Permit authorizing the construction of a 5,607 square-foot two-story plus 3,467 square-foot basement single-family dwelling with attached garage, swimming pool, spa, decks, retaining walls, one detached accessory building and a maximum height of 47 feet. The proposed project also consists of one retaining wall with a maximum height of 10 feet at the bottom of the slope. The project is subject to review for compliance with the Mello Act.

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. Applicable provision are as follows:

*Section 30244 requires reasonable mitigation measures to reduce potential impacts on archeological or paleontological resources.* The project proposes the construction of a new single-family dwelling with a basement on a vacant parcel of land. As such, excavation and grading is proposed, approximately 4,000 cubic yards of dirt will be exported from the site. The project is subject to review by the Department of Building and Safety and will comply with the requirements of The Geology and Soils Report Approval Letter dated October 7, 2016 (Log 94048-01). The applicant must obtain a haul route approval from the Department of Building and Safety for grading involving import or export of more than 1,000 cubic yards of dirt and may impose specific measures. The subject site is not located within an area with known Archaeological or Paleontological Resources. However, if such resources are discovered during excavation or grading activities, the project is subject to compliance with 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 proposed project is located in a residential hillside neighborhood developed with similar single-family dwellings ranging from one- to three-stories in height. The proposed project involves the construction of a new 5,607 square-foot two-story with a 3,467 square-foot basement single-family dwelling with attached garage, swimming pool, spa, decks, retaining walls, one detached accessory structure measuring 200 square-feet and a maximum height of 47 feet, as required by the Baseline Hillside Ordinance and LAMC Section 12.21-A.4(a).

The proposed density complies with the existing zone and land use designation. The property is located on the south side of Tramonto Drive, a Local Street with a right-of-way of 60 feet and a roadway width of 36 feet, improved with an asphalt roadway and concrete curb and gutter. The project is located in a developed residential area with adequate vehicle access and infrastructure. The proposed single-family dwelling on a vacant site is not expected to have a significant adverse impact on coastal resources.

*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 subject site is a downsloping lot. The project proposes a new 5,607 square-foot two-story with a 3,467 square-foot basement single-family dwelling with attached garage, swimming pool, spa, decks, retaining walls, one detached accessory building and a maximum height of 47 feet. Under the Baseline Hillside Ordinance, when 40% or more of the existing One-Family Dwellings with frontage on both sides of the block have Building heights exceeding the height limits pursuant to LAMC 12.21 C. 10(d) Table 5, the maximum envelope height for any Building on that block may be the average height of the dwellings exceeding those limits. As such, the applicant has provided a prevailing height analysis and the maximum height is determined to be 51.55 feet. The proposal is for a Building height of 47 feet. Therefore, the proposed project complies with this limitation. Furthermore, the freestanding retaining wall at the bottom of the slope will be colored to match the existing site condition and the deck walls will be covered by native vegetation. The massing and scale of the proposed structure is consistent with existing homes in the area. The project as approved and conditioned will not impact scenic resources in the area. There will be no dredging, filling, or diking of coastal waters or wetlands.

*Section 30252 states that new development should maintain and enhance public access to the coast.* The project proposes the construction of a single-family dwelling with an attached garage. The subject site is located over a quarter mile to the north of the shoreline of Will Rogers State Beach. No permanent structures would be placed within the public right-of-way and thus public access to the coast would not be impacted.

*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 property is located within a Hillside Area, Special Grading Area, Landslide Area, Very High Fire Hazard Severity Zone, and the Santa Monica Fault Zone and subject to the Baseline Hillside Ordinance. As required, the applicant submitted a Geology and Soils Report for review and approval by the Department of Building and Safety (LADBS). A Geology and Soils Report Approval Letter (Log # 94048-01) was issued by LADBS on October 7, 2016 and outlines requirements for development of the site. In addition, the proposed project is required to comply with LADBS and Fire Department's standards related to development in Fire Hazard Zones. As such, the project is subject to compliance with Zoning, Building, and Fire Safety Code requirements that will minimize risks to life and property in geologic and fire hazard areas. The property is not located along a bluff or cliff and is not a popular visitor destination.

The proposed project is requesting a Coastal Development Permit to authorize the construction of a new two-story single-family dwelling with basement, within a residential

neighborhood developed with similar structures. The proposed use would have no adverse impact on public access, recreation, public views or the marine environment, as the property is located within a developed area and located half-a-mile from the shoreline of Will Rogers State Beach. There will be no dredging, filling or diking of coastal waters or wetlands associated with the request, and there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed dwelling will not block any designated public access views. As conditioned, the proposed project is in conformity with Chapter 3 of the California Coastal Act.

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 (LCP) for the Pacific Palisades. The Brentwood-Pacific Palisade 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 property for Low Residential land use with a corresponding zone of R1-1. The property is not within any specific plan area or subject to any interim control ordinances. The site is located within a Hillside Area and is therefore subject to the requirements of the Baseline Hillside Ordinance. The use of the property for single-family residential purposes is consistent with the Community Plan land use designation and zoning. The majority of the surrounding area is developed with single-family residences. As conditioned, the construction of the proposed single-family dwelling on a lot zoned for such use will not prejudice the ability of the City to prepare a 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 Interpretative Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement the 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 Interpretative 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 Regional Guidelines – Pacific Palisades residential 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 Interpretative Guidelines have been reviewed and considered in preparation of these findings. The proposed project consists of a two-story, approximately 5,607 square-foot, single-family dwelling, with a 3,467 square-foot basement, attached three-car garage swimming pool, spa, decks, retaining walls and one detached accessory building. The project is not located on a bluff and would not alter any natural land forms, nor would it impact access to the coast. The Interpretive Guidelines have been reviewed, analyzed, and considered in light of the individual project in making this determination, and the project as conditioned is 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.**

The Director of Planning has been guided by the actions of the Coastal Commission in its review of residential dwelling applications for other development applications in the Pacific Palisades community:

- On June 2016, the Commission approved the construction of 2,086 sq.ft., 45-ft. high single-family home and 2-car garage on a vacant lot, located at 17639 Revello Drive, Pacific Palisades (Application No. 5-15-2074).
- On November 2016, the Commission approved an extension of a permit issued in December 2014 for the construction of two approximately 10 ft. high semi-circular retaining walls on two bluff lots, measuring approximately 75 ft. and 120 ft. and re-compaction, for slope stabilization on five bluff lots located at 17774-17800 Tramonto Drive., 17801-17807 Castellemare Drive, and 17764 Revello Drive, Pacific Palisades (Application No. 5-14-1387-E1)
- On August 2012, the Commission approved an extension of a permit issued on May 2010 for a new 3-story, 3,392 sq.ft., single-family dwelling with attached garage and pool at 17816 Porto Marina Way, Pacific Palisades (Application No. 5-09-232)
- On August 2008, the Commission denied an appeal from the City approval for projects located at 17713 Posetano Road for the grading and construction of a single-family home on a vacant lot and at 17719 Posetano Road for the grading and construction of a single-family home on a vacant lot. (Application No. A-5-PPL-08-177 & A-5-PPL-07-178) On November 2008, the Commission subsequently issued a coastal development permit waiver for the two subject properties. (Application No. 5-08-269-W & 5-08-270-W)

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 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 a quarter-mile away from the shoreline of Will Rogers State Beach. Due to the topography and intervening improvements, there is no direct shoreline access from the subject property. The proposed project will provide three covered parking spaces. As proposed, the project will not conflict with any public access or public recreation policies of the Coastal Act.

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

A Categorical Exemption, ENV-2017-4279-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The project proposes the construction of a new 5,607 square-foot two-story plus 3,467 square-foot basement single-family dwelling with attached garage, swimming pool, spa, decks, retaining walls, one detached accessory building and a haul route for 4,000 cubic yards of soils export. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines, Section 15332 Class 32 and Section 15303 Class 3 that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies, as discussed below.

The Class 32 categorical exemption is applicable to infill development within urbanized areas; the project will construct a two-story single-family dwelling with basement on two vacant parcels via a lot tie, located within an area developed with similar residential uses. The project meets the following conditions of the Class 32 categorical exemption:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The site is zoned R1-1 and has a General Plan Land Use Designation of Low Residential. As shown in the case file, the project is consistent with the applicable Brentwood-Pacific Palisades Community Plan designation and policies and all applicable zoning designations and regulations.
- (b) The proposed project occurs within City limits on a project site of no more than five acres, substantially surrounded by urban uses. The subject site is wholly within the City of Los Angeles, on a site that is approximately .40 acres. Lots adjacent to the subject property are developed with single-family dwellings or characterized by undeveloped land.
- (c) The project site has no value as habitat for endangered, rare or threatened species. The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. According to the Tree Report dated September 7, 2016, prepared by Licensed Land Surveyor, Ray Lombera, there are no protected or unprotected trees located on the lot.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. 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 noise study, prepared by SESPE Consulting, Inc., dated December 18, 2017 concluded that the project's caissons installation activities will have less than significant impacts related to noise. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. 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.

- (e) The site can be adequately served by all required utilities and public services. The project site will be adequately served by all public utilities and services given that the construction of a single-family dwelling and associated accessory structures will be on a site which has been previously developed and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

Furthermore, the Exceptions outlined in the State CEQA Guidelines Section 15300.2. do not apply to the project:

- (a) Location. While the subject property is located in a Dual Permit Jurisdiction Area of the California Coastal Zone, Hillside Area, Very High Fire Severity Zone, Special Grading Area, and Landslide Area, 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. 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. RCMs include compliance with the Conditions of Approval in the Geology and Soils Approval Letter issued by the Department of Building and Safety (LADBS) dated October 7, 2016 (Log # 94048-01). Thus, the location of the project will not result in a significant impact based on its location. Cumulative Impact. The project is consistent with the type of development permitted for the area zoned R1-1 and designated Low Residential use. The proposed project consisting of the construction of a two-story single-family structure will not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts.
- (b) Significant Effect. There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes a single-family dwelling and associated accessory structures in an area zoned and designated for such development. All adjacent lots are developed with single-family dwellings, and the subject site is of a similar size and slope to nearby properties. The project proposes a Residential Floor Area (RFA) of 5,607 square feet on a site that is permitted to have a maximum RFA of 5,620 square feet. Additionally, the applicant proposes an envelope height of 50'-7" compared to a maximum allowed measured Prevailing Height of 51.55' pursuant to LAMC 12.21 C.10(d)(3). Thus, there are no unusual circumstances which may lead to a significant effect on the environment.
- (c) Scenic Highways. The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The subject property is approximately 1.0 miles southeast of State Route 27. Therefore the subject site will not create any impacts within a designated as a state scenic highway. Hazardous Waste

Sites. The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code.

- (d) 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. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

Therefore, the project is determined to be categorically exempt from CEQA based on the whole of the administrative record, pursuant to CEQA Guidelines, Article 19, Section 15303 (New Construction), Class 3 and Section 15032 (In-Fill Development Projects), Class 32 and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

#### **MELLO ACT COMPLIANCE REVIEW**

Pursuant to the City of Los Angeles Interim Administrative Procedures for Complying with the Mello Act, all Conversions, Demolitions, and New Housing Developments must be identified in order to determine if any Affordable Residential Units are onsite and must be maintained, and if the project is subject to the Inclusionary Residential Units requirement. Accordingly, pursuant to the settlement agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman concerning implementation of the Mello Act in the Coastal Zone Portions of the City of Los Angeles, the findings are as follows:

7. The proposed project is located in the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), as depicted on the City of Los Angeles Coastal Zone Maps. The project proposes the construction of one new single-family dwelling on a vacant, residential lot. Pursuant to Part 2.4.2 of the Interim Administrative Procedures, developments which consist of nine or fewer Residential Units are Small New Housing Developments and are categorically exempt from the Inclusionary Residential Unit requirement. Therefore, the proposed development of one new Residential Unit is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.



Office: Downtown  
 Applicant Copy  
 Application Invoice No: 48375

City of Los Ang  
 Department of City



**City Planning Re**

NOTICE: The staff of the Planning Department will analyze your request as your application, regardless of whether or not you obtain the

This filing fee is required by Chapter 1, A

Applicant: KRIEGER, ABBOTT ( 310-6995009 )  
 Representative: HENNING JR., JOHN A. ( 323-6556171 )  
 Project Address: 17642 TRAMONTO DRIVE, 90272

**NOTES:** Appeal of CEQA: ENV-2017-4279-CE (of case no. DIR-2017-2670-CDP-MEL)

Item	Fee	%	Charged Fee
Other with Surcharges (per Ordinance No. 182,106) *	\$89.00	100%	\$89.00
<b>Case Total</b>			<b>\$89.00</b>

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$89.00</b>
<b>Expediting Fee</b>	<b>\$0.00</b>
<b>Development Services Center Surcharge (3%)</b>	<b>\$2.67</b>
<b>City Planning Systems Development Surcharge (6%)</b>	<b>\$5.34</b>
<b>Operating Surcharge (7%)</b>	<b>\$6.23</b>
<b>General Plan Maintenance Surcharge (7%)</b>	<b>\$6.23</b>
<b>Grand Total</b>	<b>\$109.47</b>
<b>Total Invoice</b>	<b>\$109.47</b>
<b>Total Overpayment Amount</b>	<b>\$0.00</b>
<b>Total Paid</b> (this amount must equal the sum of all checks)	<b>\$109.47</b>

LA Department of Building and Safety  
 LA ERIC 102127960 7/30/2018 10:44:44 AM  
 PLAN & LAND USE \$106.80  
 DEV SERV CENTER SURCH-PLANNING \$2.67  
 Sub Total: \$109.47

Receipt #: 0102922462  
 Sub Total: \$109.47

**LA DBS**  
 DEPARTMENT OF BUILDING AND SAFETY  
 LA Department of Building and Safety  
 LA ERIC 102127960 7/30/2018 10:44:44 AM  
 PLAN & LAND USE \$106.80  
 DEV SERV CENTER SURCH-PLANNING \$2.67

Council District:  
 Plan Area:  
 Processed by CHAMBESHI, IVORY on 07/30/2018

Receipt #: 0102922462

Signature: 