

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 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 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 Interpretive 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 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 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 Interpretive 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.