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**DIRECTOR'S DETERMINATION
COASTAL DEVELOPMENT PERMIT
MELLO ACT COMPLIANCE REVIEW**

May 5, 2017

Applicant

John Owzarek
4096 Maguire Dr.
Malibu, CA 90265

Owner

Hamid Hasmomenian and Mary Sehl
1211 N. Ketter Ave.
Los Angeles, CA 90049

Case No. DIR-2016-2566-CDP-MEL

CEQA: ENV-2016-2567-CE

Location: 16796 W. Marquez Ave.

Council District: 11 – Mike Bonin

Neighborhood Council None

Community Plan Area: Brentwood – Pacific Palisades

Land Use Designation: Low Residential

Zone: R1-1

Legal Description: Lot 97, Tract 5613

Last Day to File an Appeal: May 15, 2017

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.20.2, I have reviewed the proposed project and, as the designee of the Director of Planning, I hereby:

Approve a Coastal Development Permit authorizing the demolition of an existing 1,521 square-foot one-story single-family dwelling and 390 square-foot detached garage and the construction of a new 5,559 square-foot three-story single-family dwelling with a 391 square-foot roof deck over a 630 square-foot basement with attached two-car garage on a 5,891 square-foot lot within the Single Permit Jurisdiction Area of the Coastal Zone and,

Pursuant to Government Code Sections 65590 and 65590.1 and the City of Los Angeles Interim Mello Act Compliance Administrative Procedures, I hereby:

Approve a Mello Act Compliance Review for the demolition and construction of a Residential Unit in the Coastal Zone.

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to ENV-2016-2567-CE per Article III, Section 1, Class 3, Category 1, New Construction of Small Structures, of the City of Los Angeles CEQA Guidelines.

The project approval is based upon the attached Findings and subject to the attached Conditions of Approval:

CONDITIONS OF APPROVAL

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, Project Planning Division, 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. Approved herein is:
 - a. The demolition of an existing 1,521 square-foot one-story single-family dwelling and 390 square-foot detached two-car garage.
 - b. The construction of a new 5,559 square-foot three-story single-family dwelling with a 391 square-foot roof deck over a 630 square-foot basement with an attached two-car garage. The maximum height of the proposed project shall not exceed 44 feet 7 inches.
 - c. Approximately 450 cubic yards of grading, including 350 cubic yards of cut and 100 yards of fill, and the export of 250 cubic yards of earth. All proposed grading must be completed to the satisfaction of the Department of Building and Safety.
4. The proposed project shall comply with the conditions required in the Soils Report Approval Letter dated February 13, 2017 (Log No. 94629-01). All conditions of approval shall be incorporated and printed on the plans submitted for plan check.
5. No deviations from the Municipal Code were requested or approved.
6. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent residential properties.
7. Demolition and Construction:
 - a. The applicant shall identify a construction manager and provide a telephone number for any inquiries or complaints from residents regarding construction activities. Prior to the commencement of site excavation and construction activities, the phone number and the name of a contact person shall be provided to the property owners/residents on the adjoining properties. The contact information shall be posted on the site so that it is visible to any interested party. Contractor/Supervisor is to respond within 24 hours.
 - b. Prior to the commencement of demolition or construction activities, the construction manager shall coordinate with the Principal of Marquez Charter School to determine and implement additional measures needed to ensure the safety of students as they travel past the proposed project.

- c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously which causes high noise levels.
 - d. No construction vehicle or trash bin shall be parked or stored within the public right-of-way such that they obstruct the regular flow of either vehicle and/or pedestrian traffic.
8. 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.
 9. 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.
 10. 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.
 11. Prior to the commencement of site excavation and construction activities, construction scheduled 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 that is readily visible to any interested party.

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.
18. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:
 - (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to, in whole or in part, 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.
 - (ii) Reimburse the City for any and all costs incurred in defense of an action related to, in whole or in part, 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.
 - (iii) 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 (ii).
 - (iv) 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 in paragraph (ii).
 - (v) If the City determines it necessary to protect the City's interest, 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, commissions, 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.

BACKGROUND

The subject property is an irregularly-shaped corner lot with a total area of 5,891 square feet. The subject property has frontages of 21 feet along the southeasterly side of Marquez and 137 feet along the northeasterly side of Ida Street and depth of 120 feet. The subject property is characterized by a southeasterly slope with a change in elevation of approximately 10 feet from the front property line at Marquez Avenue down along Ida Street to the rear property line.

The subject property is zoned R1-1 and designated for Low Residential land uses by the Brentwood-Pacific Palisades Community Plan. The subject property is located within a Single Jurisdiction Area of the California Coastal Zone, a Calvo Exclusion Area, a Very High Fire Severity Zone, a Special Grading Area, and the Santa Monica Fault.

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 the subject property is located in Zone X, areas determined to be outside 500-year flood plain.

Currently, the subject property is developed with a 1,521 square-foot one-story single-family dwelling and 390 square-foot detached two-car garage. The applicant is requesting a Coastal Development Permit to authorize the demolition of the existing single-family dwelling and the construction of a new 5,559 square-foot three-story single-family dwelling with a 391 square-foot roof deck over a 630 square-foot basement with an attached two-car garage.

The adjacent property to the north is zoned [Q]PF-1XL and developed with the Marquez Charter School. The surrounding properties to the south, east, and west are zoned R1-1 and developed with single-family dwellings.

Marquez Avenue is a Collector Street designated a right-of-way width of 66 feet and roadway width of 40 feet and fully improved with asphalt roadway, curbs, sidewalks, landscaping, and street lights.

Ida Street is a Local Street designated a right-of-way width of 60 feet and roadway width of 36 feet and fully improved with asphalt roadway, curbs, sidewalks, landscaping, and street lights.

Previous zoning-related actions on the site include:

None

Previous zoning-related actions in the area include:

Case No. DIR-2015-3841-CDP-MEL-1A – On September 7, 2016, the West Los Angeles Area Planning Commission failed to reach a consensus, resulting in the automatic denial of the appeal and reaffirmation of the determination of the Director of Planning in approving a Coastal Development Permit authorizing the demolition of an existing single-family dwelling and the construction of a new 31-foot tall, 5,740 square-foot two-story single-family dwelling with a partial basement, roof deck, pool, and pool deck on a 6,887 square-foot lot located at 16820 West Edgar Street.

Case No. DIR-2015-3841-CDP-MEL – On July 13, 2016, the Director of Planning approved a Coastal Development Permit authorizing the demolition of an existing single-family dwelling and the construction of a new 31-foot tall, 5,740 square-foot two-story single-family dwelling with a partial basement, roof deck, pool, and pool deck on a 6,887 square-foot lot located at 16820 West Edgar Street.

Case No. ZA-2014-729-AIC – On March 5, 2014, the Zoning Administrator issued an Approval-in-Concept for the demolition of an existing single-family dwelling and the construction of a 35-foot-3-inch tall, 4,715 square-foot two-story single-family dwelling with a subterranean two-car garage and storage area on a 5,423 square-foot located at 16739 West Bollinger Drive.

Case No. ZA-2014-713-AIC – The Zoning Administrator issued an Approval-in-Concept for the demolition of an existing single-family dwelling and the construction of a 37-foot-9-inch tall, 4,185 square-foot two-story single-family dwelling with a subterranean two-car garage and partial basement on a 5,204 square-foot lot located at 16754 West Edgar Street.

Case No. ZA-2013-3116-AIC – On October 7, 2013, the Zoning Administrator issued an Approval-in-Concept for the demolition of an existing single-family dwelling and the construction of a new 27-foot tall, 2,610 square-foot two-story single-family dwelling with a 460 square-foot attached two-car garage on a 6,408 square-foot lot located at 16737 West Edgar Street.

Case No. ZA-2013-2872-AIC – The Zoning Administrator issued an Approval-in-Concept for the demolition of an existing single-family dwelling and the construction of a 28-foot tall, 4,360 square-foot two-story single-family dwelling with a 430 square-foot attached garage and basement on a 6,900 square-foot lot located at 16835 West Bollinger Drive.

Case No. ZA-2013-2637-AIC-MEL – The Zoning Administrator issued an Approval-in-Concept for the demolition of an existing single-family dwelling and the construction of a 34-foot-6-inch-tall, 5,230 square-foot two-story single-family dwelling with a 400 square-foot attached two-car garage and basement on a 5,795 square-foot lot located at 16750 West Marquez Avenue.

Case No. ZA-2012-3114-AIC – The Zoning Administrator issued an Approval-in-Concept for the demolition of an existing single-family dwelling and the construction of a 35-foot tall, 5,415 square-foot two-story single-family dwelling with a swimming pool and retaining wall on a 7,244 square-foot lot at 16749 West Marquez Terrace.

Case No. ZA-2012-147-AIC – On February 28, 2012, the Zoning Administrator issued an Approval-in-Concept for the demolition of an existing single-family dwelling and the construction of a 33-foot tall, 3,335 square-foot two-story single-family dwelling with an attached two-car garage on a 4,983 lot located at 16780 West Bollinger Drive.

Case No. ZA-2011-1106-AIC – On May 9, 2011, the Zoning Administrator issued an Approval-in-Concept for the demolition of an existing single-family dwelling and the construction of a 5,843 square-foot three-story single-family dwelling with an attached two-car garage and basement on a 6,900 square-foot lot located at 16847 West Bollinger Drive.

Public Hearing

A public hearing was held on December 19, 2016 at the West Los Angeles Municipal Building at 12:00 p.m. The applicant, property owner, a representative from Council District 11, and four members of the community were in attendance.

The property owner, Hamid Hajmomenian, provided a brief description of the proposed project and requested actions and submitted several exhibits outlining the facts that homeowners in the area are opposed to the restrictions of the Baseline Mansionization Ordinance and inclusion of the area in the recent amendments. Mr. Hajmomenian added that people want to build homes over 5,000 square feet in the area and that Council Member Bonin asked City Planning to remove the Pacific Palisades from the Baseline Mansionization Ordinance areas. He also provided a list of homes in the area that are three stories tall and over 5,000 square feet to show that the proposed project is similar to other projects approved in the area. The applicant, John Owzarek, added that he designed the proposed project with consideration of the curb appeal.

A resident of Venice, Robin Rudisill, provided general comments about the large size of the proposed project and other projects in the area. Ms. Rudisill questioned whether or not people in the neighborhood were in support of the proposed project and if it was compatible. She suggested the proper application of the Coastal Act and that previous actions by the Coastal Commission be considered. She also mentioned that additional setbacks would be preferable.

Correspondence

On December 18, 2016, Jeanne E. Irving, the owner of a nearby property, submitted an email of opposition, citing concerns related to the location and size of the proposed project.

On December 16, 2016, Majid Hashemi, the owner of a nearby property, submitted a letter of opposition, citing concerns related to the following: inadequate notification of public hearing; inadequate communication with the neighborhood by the applicant; the size of the proposed project; the effects of the proposed project on sunlight, views, water drainage, and roof run-off; construction impacts on the adjoining school; and compliance with the Mello Act.

On December 15, 2016, Richard E. and JoAnn G. Greenberg, owners of the adjoining property to the south, submitted a letter of opposition, citing concerns related to the following: inadequate notification of public hearing; inadequate communication with the neighborhood by the applicant; the size of the proposed project; the effects of the proposed project on sunlight, views, water drainage, and roof run-off; construction impacts on the adjoining school; and compliance with the Mello Act.

On December 14, 2016, David S. White, Esq. submitted a letter of opposition on behalf of Dr. Nasim Afsamanesh and Dr. Narimon Honarpour, owners of the adjoining property to the east, citing concerns related to the following: inadequate notification of public hearing; inadequate

communication with the neighborhood by the applicant; the size of the proposed project; the effects of the proposed project on sunlight, views, water drainage, and roof run-off; construction impacts on the adjoining school; and compliance with the Mello Act.

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.

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

The subject property is a 5,891 square-foot irregularly-shaped corner lot with frontages of 21 feet along the southeasterly side of Marquez Avenue and 137 feet along the northeasterly side of Ida Street and a depth of 120 feet. The subject property is characterized by a southeasterly slope of approximately 10 feet from the front property line at Marquez Avenue down along Ida Street to the rear property line.

The subject property is zoned R1-1 and designated for Low Residential land uses by the Brentwood-Pacific Palisades Community Plan. The subject property is located within a Single Jurisdiction Area of the California Coastal Zone, Calvo Exclusion Area, Very High Fire Severity Zone, and Special Grading Area. The subject property is also located within the Santa Monica Fault.

Currently, the subject property is developed with a 1,521 square-foot one-story single-family dwelling and 390 square-foot detached two-car garage. The request is for a Coastal Development Permit to authorize the demolition of the existing single-family dwelling and detached garage and the construction of a new 5,559 square-foot three-story single-family dwelling with a 391 square-foot roof deck over a 630 square-foot basement with attached two-car garage.

Chapter 3 of the Coastal Act includes provisions that address the impact of new coastal development on public access, recreation, marine environment, land resources, and existing development. The applicable provisions are as follows:

Section 30244 requires reasonable mitigation measures to reduce potential impacts on archaeological or paleontological resources. The proposed project will require approximately 450 cubic yards of grading, including 350 cubic yards of cut and 100 yards of fill and the export of 250 cubic yards of earth. The proposed project will be subject to review by the Department of Building and Safety and will be required to comply with the conditions of approval identified in the Soils Report Approval Letter (Log No. 94629-01). The subject property is not located in an area with known archaeological or paleontological resources. However, if such resources are discovered during excavation or grading, the proposed project shall 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 developed will not have significant impact on coastal resources. The subject property is located in a residential neighborhood developed with a school and other single-family dwellings. The subject property currently maintains a one-story single-family dwelling and detached two-car garage that will be demolished and replaced with a three-story single-family dwelling with a roof deck over a basement with an attached two-car garage. The proposed project will not increase the number of dwelling units on the subject property and will be

compatible with requirements of the Municipal Code and policies of the Brentwood-Pacific Palisades Community Plan. Vehicular access to the subject property will continue to be provided on Ida Street. The proposed project will be served by existing public services established nearby and is not expected to have a significant 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 property is located approximately 0.55 miles inland and separated from the coast by residential and commercial development and several streets, including a major thoroughfare in Pacific Coast Highway. The height of buildings in the R1 Zone and Height District No. 1 in a Coastal Zone is limited to 45 feet. The surrounding buildings along Marquez Avenue range from approximately 12 feet to 29 feet in height and consist of either one or two stories. As measured from the front of the subject property on Marquez Avenue, the proposed project will have a maximum height of 35 feet. As measured from the rear of the subject property on Ida Street, the proposed project will have a maximum height of 44 feet 7 inches. The difference in height of the proposed project is a result of a slope from the top of the curb along the front of the subject property down along Ida Street to the rear of the subject property at natural grade. There is a change in elevation of approximately 10 feet.

The subject property is a corner lot and does not share a common property line with the adjoining properties to the north and west. The adjoining property to the south is developed with a two-story single-family dwelling and shares a common property line with the subject property, but is located further downslope. The adjoining property to the east is also developed with a two-story single-family dwelling and shares a common property line with the subject property. The second floor of the proposed project will align with the second floor of the building on the easterly adjoining property. The proposed project will have three stories, but the third floor is stepped back approximately 12 feet to 20 feet from the first and second floors and 38 to 44 feet from the front property line. The proposed project will maintain its by-right setbacks, including a prevailing front yard setback of 24 feet 6 inches and rear yard setback of 20 feet.

The nearby property on the opposite end of the block at 16750 West Marquez Avenue is developed with a 34.5-foot tall, 5,230 square-foot two-story single-family dwelling over a basement with an attached garage. The property has a similar topography that also features a slope from the front property line down toward the rear property line. As measured from Marquez Avenue the building is approximately 29.3 feet tall, but overall the building is approximately 34.5 feet tall. Within close proximity of the subject property, there are two other properties developed with buildings three stories tall and over 5,000 square feet in size. The proposed project is similar to these buildings in terms of height and massing.

Due to the location and topography of the subject property, the proposed project will not appear to be excessively tall. Rather, it will have minimal overshadowing and overlooking effects on the surrounding properties. In addition, the proposed project's architectural design will reduce the overall massing of the building. In conjunction with compliance with all applicable regulations of the Municipal Code and the conditions imposed herein, the proposed project will be visually compatible with the character of the surrounding area and

have no impact on views to and along the ocean and scenic coastal areas. The proposed project will not involve the alteration of natural land forms.

Section 30252 states that new development should maintain and enhance public access to the coast. The subject property is located approximately 0.55 miles inland and separated from the coast to the south by residential and commercial development and several streets, including a major thoroughfare in Pacific Coast Highway. The use of the subject property will remain that of a single-family dwelling, the required number of parking spaces will be maintained in an attached two-car garage, and no permanent structures will be placed within the public right-of-way. As such, the proposed project will not conflict 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 on a bluff or cliff, but is located within a Very High Fire Severity Zone, a Special Grading Area, and the Santa Monica Fault. The applicant submitted a Soils Report for review and approval by the Department of Building and Safety (LADBS). A Soils Report Approval Letter (Log No. 94629-01) was issued by LADBS on February 13, 2017, which found the Soils Report to be acceptable provided the conditions of approval are complied with. The proposed project is also required to comply with LADBS and Fire Department standards as it relates to development in fire and seismic hazard areas and other environmentally sensitive areas. Compliance with the requirements of various City departments will minimize risks to life and property in areas of high geologic, flood, and fire hazard and ensure stability and structural integrity and will not create nor contribute significantly to erosion, geologic instability, or destruction of the subject property or surrounding area. The subject property is not a popular visitor destination point for recreational uses.

The proposed project will not produce any adverse impacts as it relates to public access, recreation, marine environment, land resources, or existing development as the subject property is located within an urbanized area, located approximately 0.55 miles inland and buffered from the coast by residential and commercial development and several streets, including a major thoroughfare in Pacific Coast Highway. The proposed project will neither interfere nor reduce access to the shoreline or along the coast. The proposed project will not adversely impact any recreational uses and activities, the marine and environment and other environmentally sensitive habitat areas. The subject property is not located in an area with known archaeological or paleontological resources and will be required to comply with existing regulations, if discovered. There will be no diking, filling, or dredging of the open coastal waters. The proposed project will be served by existing public facilities and will not degrade the scenic and visual qualities of nor interfere with public access to the coastal area. As conditioned, the proposed project will be in conformity with Chapter 3 of the 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.

Currently, the City does not have an approved Local Coastal Program for the Brentwood-Pacific Palisades area. In the interim, the Brentwood-Pacific Palisades Community Plan, a portion of the Land Use Element of the City's General Plan, serves as the functional equivalent. The Brentwood-Pacific Palisades Community Plan designates the property for Low Residential land uses with the corresponding zone of R1 in Height District No. 1. The continued use of the subject property for single-family residential purposes is consistent

with the Community Plan land use designation and zoning. As conditioned, the demolition of an existing one-story single-family dwelling and a detached garage and the construction of a new three-story single-family dwelling with a roof deck over a basement with an attached garage will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the Coastal Act.

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 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 Interpretative Guidelines address residential development in the Pacific Palisades as it relates to use, parking, density, and public access. They also include special provisions for development on bluffs and hillside areas. The Regional Interpretative Guidelines have been reviewed, analyzed, and considered in preparation of these findings. The proposed project involves the demolition of an existing one-story single-family dwelling and a detached garage and the construction of a new three-story single-family dwelling with a roof deck over a basement with an attached garage. The required parking spaces will be provided in an attached garage of the basement. The subject property is not located on a bluff or in a hillside area and the proposed project will not alter any natural land forms nor will it impact access to the coast. As conditioned, the proposed project will be consistent with the Regional Interpretative 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 California Coastal Commission in its review of residential development applications in the Pacific Palisades community:

In July 2016, the Coastal Commission approved an Coastal Development Permit to allow the demolition of an existing single-family dwelling and the construction of a 7,654 square-foot, 32-foot tall, three-story single-family dwelling over a basement with a six-car garage and wine cellar/storage, located at 211 Alma North Real Drive (Application No. 5-16-0294).

In June 2016, the Coastal Commission approved a Coastal Development Permit to allow the construction of a 2,086 square-foot, 45-foot tall, single-family dwelling and two-car garage, located at 17639 West Revello Drive (Application No. 5-15-2074).

In March 2016, the Coastal Commission approved a Coastal Development Permit to allow the demolition of two single-family dwellings and the construction of a 7,715 square-foot, 28-foot tall, two-story single-family dwelling over a basement with attached garage, outdoor swimming pool and lot-tie, located at 301 and 321 North Swarthmore Avenue (Application No. 5-16-0095).

In March 2014, the Coastal Commission waived the requirement for a Coastal Development Permit for the demolition of an existing single-family dwelling and the construction of a 37-foot-9-inch tall, 4,185 square-foot two-story single-family dwelling with a subterranean two-car garage and partial basement on a 5,204 square-foot lot located at 16754 West Edgar Street (Application No. 5-14-0527).

In March 2014, the Coastal Commission waived the requirement for a Coastal Development Permit for the demolition of an existing single-family dwelling and the construction of a 35-foot-3-inch tall, 4,715 square-foot two-story single-family dwelling with a subterranean two-car garage and storage area on a 5,423 square-foot lot located at 16739 West Bollinger Drive (Application No. 5-14-526).

In October 2013, the Coastal Commission waived the requirement for a Coastal Development Permit for the demolition of an existing single-family dwelling and the construction of a 28-foot tall, 4,360 square-foot two-story single-family dwelling with a 430 square-foot attached garage and basement on a 6,900 square-foot lot located at 16835 West Bollinger Drive (Application No. 5-13-837).

In November 2013, the Coastal Commission waived the requirement for a Coastal Development Permit for the demolition of an existing single-family dwelling and the construction of a new 27-foot tall, 2,610 square-foot two-story single-family dwelling with a 460 square-foot attached two-car garage on a 6,408 square-foot lot located at 16737 West Edgar Street (Application No. 5-13-952).

In September 2013, the Coastal Commission waived the requirement for a Coastal Development Permit for the demolition of an existing single-family dwelling and the construction of a 34.5-foot, 5,230 square-foot two-story single-family dwelling with a 400 square-foot attached two-car garage and basement on a 5,795 square-foot lot located at 16750 West Marquez Avenue (Application No. 5-13-720).

In December 2012, the Coastal Commission waived the requirement for a Coastal Development Permit for the demolition of an existing single-family dwelling and the construction of a 35-foot tall, 5,415 square-foot two-story single-family dwelling with a swimming pool and retaining wall on a 7,244 square-foot lot at 16749 West Marquez Terrace (Application No. 5-12-322).

In April 2012, the Coastal Commission waived the requirement for a Coastal Development Permit for the demolition of an existing single-family dwelling and the construction of a 33-foot tall, 3,335 square-foot two-story single-family dwelling with an attached two-car garage on a 4,983 lot located at 16780 West Bollinger Drive (Application No. 5-12-97W).

In June 2011, the Coastal Commission waived the requirement for a Coastal Development Permit for the demolition of an existing single-family dwelling and the construction of a 5,843 square-foot three-story single-family dwelling with an attached two-car garage and basement on a 6,900 square-foot lot located at 16847 West Bollinger Drive (Application No. 5-11-119).

As such, the decision of the permit-granting authority has been guided by the applicable decisions of the Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which states that the 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.

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 0.55 miles inland in a residential neighborhood surrounded by other properties developed with a school and other single-family dwellings. The subject property is not directly connected to any of the major thoroughfares that provide main access to the coast and any visitor and recreational facilities. Two parking spaces will continue to be provided in an attached garage that can be accessed via Ida Street. No permanent structures will be placed within the public right-of-way. The subject property is not located between the nearest public road and the sea or shoreline of any body of water. As such, the proposed project will conflict 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.**

Categorical Exemption No. ENV-2016-2566-CPD-MEL was prepared for the proposed project consistent with the provisions of the California Environmental Quality Act (CEQA) and the City CEQA Guidelines. The project proposes the demolition of an existing single-family dwelling and the construction of a new single-family dwelling. The Categorical Exemption prepared for the proposed project is appropriate pursuant to Article III, Section 1, Class 3, Category 1 of the City CEQA Guidelines.

The Class 3, Category 1 Categorical Exemption allows for the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This includes one single-family residence or a second dwelling unit in a residential zone. As previously discussed, the proposed project involves the replacement of an existing single-family dwelling with a new single-family dwelling.

The Exceptions outlined in the State CEQA Guidelines Section 15300.2 do not apply to the proposed project.

- (a) **Location.** While the subject property is located in a Very High Fire Severity Zone, a Special Grading Area, and the Santa Monica Fault, specific Regulatory Compliance Measures in the City of Los Angeles regulate the 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. Thus, the location of the proposed project will not result in a significant impact.
- (b) **Cumulative Impact.** There is not a succession of known projects of the same type and place as the proposed project. As mentioned, the project proposes a single-family dwelling in an area zoned and designated for such development. The surrounding area is developed with a school and other single-family dwellings. The subject property is of a similar size and slope to nearby properties.
- (c) **Significant Effect.** The proposed project is not unusual for the vicinity of the subject property and is similar in scope to some of the other existing single-family dwellings in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.
- (d) **Scenic Highways.** There are no State-designated Scenic Highways in the City of Los Angeles. Therefore, the subject property is not designated as a State Scenic Highway and not located near any State Scenic Highways.
- (e) **Hazardous Waste Sites.** According to EnviroStor, the State of California's database of Hazardous Waste Sites, neither the subject property nor any property in the vicinity is identified as a hazardous waste site.
- (f) **Historical Resources.** The subject property has not been identified as a historic resource by local or state agencies nor has it 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. The subject property 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.

Therefore, the proposed project has been determined to be categorically exempt and will not require additional mitigation or monitoring measures. No alternatives of the proposed project were evaluated. The appropriate environment clearance was granted.

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. Categorical Exemptions (Part 2.4.3) Owner-Occupied Single-Family Homes

Based on the signed Owner-Occupied Single-Family Dwelling Exemption Affidavit and Homeowner's Exemption data, the Department of City Planning determined that no affordable existing residential unit exists on the subject property. The proposed project involves the demolition of an existing one-story single-family dwelling and detached two-car garage and the construction of a new three-story single-family dwelling with roof deck over a basement with an attached two-car garage, all for occupancy by the same owner. Therefore, pursuant to Part 2.4.3 of the Interim Administrative Procedures, the proposed project is categorically exempt from the requirement to provide an affordable replacement unit because the proposed project involves the demolition of an owner-occupied single-family dwelling that will be replaced with a new single-family dwelling.

8. Categorical Exemptions (Part 2.4) Small New Housing Developments

The project proposes the construction of one new single-family dwelling. 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.

TIME LIMIT – OBSERVANCE OF CONDITIONS

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. Pursuant to LAMC Section 12.25 A.2, the instant authorization is further conditional upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Constituent Service Center in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077, (818) 374-5050, or through the Department of City Planning website

at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this authorization is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or not complied with, then this authorization shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Director's determination in this matter will become effective after 10 days, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Director of Planning's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://cityplanning.lacity.org>.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

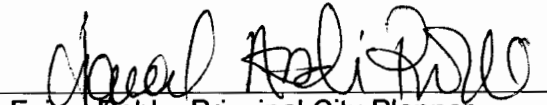
Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.


If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

VINCENT P. BERTONI, AICP
Director of Planning

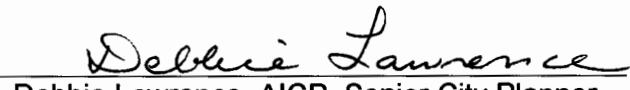
Approved by:


Faisal Roble, Principal City Planner

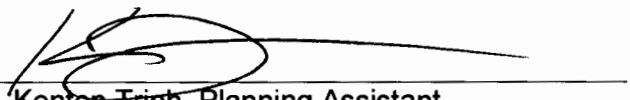
Reviewed by:


Griselda Gonzalez, City Planner

Reviewed by:


Debbie Lawrence, AICP, Senior City Planner

Prepared by:


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