

**CALIFORNIA COASTAL COMMISSION**

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



Filed: 9-16-99  
49th Day: 11-4-99  
180th Day: 3-14-99  
Staff: JLR-LB JLR  
Staff Report: 11-17-99  
Hearing Date: 12-7/10, 1900  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER: 5-98-083-A1**

**APPLICANT: Mark Cigolle and Katharine Coleman**

**PROJECT LOCATION: 17463 Tramonto Drive**

**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:**

Construct a 6,757 sq. ft. single-family residence, 2-story , 33' high with seven parking spaces and swimming pool on a vacant 30,465 sq. ft. parcel.

Lot Area	30,465 sq. ft.
Building Coverage	3,215 sq. ft.
Pavement Coverage	6,171 sq. ft.
Landscape Coverage	21,079 sq. ft.
Parking Spaces	Seven
Zoning	R-1
Plan Designation	Residential
Project Density	N/A
Ht above final grade	33'

**DESCRIPTION OF AMENDMENT:**

Add a partial first and second floor addition (total 965 sq. ft.), 26' high to the 2-story 6,757 sq. ft. single-family residence currently under construction.

**SUMMARY OF STAFF RECOMMENDATION**

The staff recommends that the Commission determine that the proposed development, along with the proposed amendment is consistent with the requirements of the Coastal Act.

**LOCAL APPROVALS RECEIVED:**

City of Los Angeles Parcel Map 5398, Local Coastal  
Development Permit 86-043, 97-014

**SUBSTANTIVE FILE DOCUMENTS:**

Final EIR 86-0789; CDP's 5-89-729 (Runka); 5-81-520  
(Wilkes); A5-81-520 (Wilkes); 5-82-716 (Wilkes); 5-88-507  
(Wilkes & Flaherty; 5-88-1046 (Roberts) and 5-97-030  
(Santa Monica Bank)

---

**PROCEDURAL NOTE:** The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or,
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (14 Cal. Admin. Code 13166).

In this case, the South Coast office has received a letter of objection regarding the proposed amendment. The objector, David Ronen, states that the proposed 2-story addition will block his view of the coast. Therefore, the Executive Director has referred the request to the Commission in order to make an independent determination as to whether the proposed amendment is material.

**STAFF RECOMMENDATION**

Staff recommends that the Commission **APPROVE** the permit application with no special conditions.

**MOTION**

*I move that the Commission approve CDP #5-98-083-A1 pursuant to the staff*

*Recommendation.*

Staff recommends a **YES** vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION**

**I. APPROVAL**

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

**II. STAFF NOTE**

All Standard and Special Conditions imposed by the Commission on the previous permit are still in effect.

**III. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares as follows:

**A. Project Description and Background**

On March 10, 1998 the Commission conditionally approved a subdivision of a 4.53 acre parcel for four single-family lots (CDP 5-97-030).

Subsequently, on May 14, 1998, the Commission approved a Coastal Development Permit (5-98-083) for a new 2-story house on one of those four lots. That house was approved with special conditions regarding complying with geologist and city's geologic recommendations, grading schedule and preventive erosion measures and issuance of underlying subdivision CDP 5-97-030.

The applicant now proposes to add a partial first and second floor addition (total 965 sq. ft.), 26' high to the 2-story, 6,757 sq. ft. single-family residence which is currently under construction.

On August 19, 1999, the South Coast office received a letter from an objector, David Ronen, stating that the proposed 2-story addition will block his views (See Exhibits D, E and F).

**B. Visual Quality**

Section 30251 of the Coastal Act 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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the of its setting.

Section 30251 of the Coastal Act requires that scenic and visual resources of Coastal areas be protected and enhanced. The issue raised by the objector addresses blockage of private views, whereas, Section 30251 protects only public views. Section 30251 also states that permitted development shall be sited and designed to minimize the alteration of natural landforms and protect the scenic and visual quality of coastal areas. The Pacific Palisades area is a scenic coastal area. However, the bluffs and surrounding area are highly developed with existing single family residences.

On August 5, 1992, the City of Los Angeles adopted a Hillside Ordinance which may be incorporated into the City's future Local Coastal Program. That ordinance states that "on any lot where the slope of the lot measured from the lowest point of elevation of the lot to the highest point is 66 percent or less, no building or structure shall exceed 36 feet in height as measured from grade". The proposed residence is 33' above grade and the lot has a slope of approximately 10 percent. Therefore, the proposed development is consistent with the provisions of the City's Hillside Ordinance.

The site is located approximately a half mile inland of Pacific Coast Highway. The proposed residence will not block any public views and will not be highly visible from Pacific Coast Highway. The proposed 2-story addition is consistent with numerous past permit decisions that the Commission has approved in Pacific Palisades. Therefore, the Commission finds that the proposed development, as designed, is compatible with the surrounding pattern of development, consistent with the provisions of Section 30251 of the Coastal Act.

**C. Local Coastal Program**

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

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200).

In 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, grading and geologic stability. The continued use of Temescal Canyon as a recreation area was also an issue, because at that time the Canyon was in private hands.

The City has submitted five Land Use Plans for Commission review and the Commission has certified two (Playa Vista and San Pedro). However, the City has not prepared a Land Use Plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just be completed. When the City began the LUP process, in 1978, with the exception of two tracts (a 1200-acre tract of land and an adjacent approximately 300-acre tract) which were then undergoing subdivision approval, all private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decision remained in the Pacific Palisades. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

Approval of the proposed development, as submitted, will not prejudice the City's ability to prepare a certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604(a) of the Coastal Act.

**D. Consistency with the California Environmental Quality Act (CEQA)**

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As submitted, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**E. Unpermitted Development**

Although development has taken place prior to Commission action on this coastal development permit amendment, consideration of the application by the Commission is based solely upon Chapter 3 policies of the Coastal Act. Approval of the permit amendment does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

JLR:

G:\Staff Reports\Dec 1999\5-98-083-a1 cigolle& coleman.doc

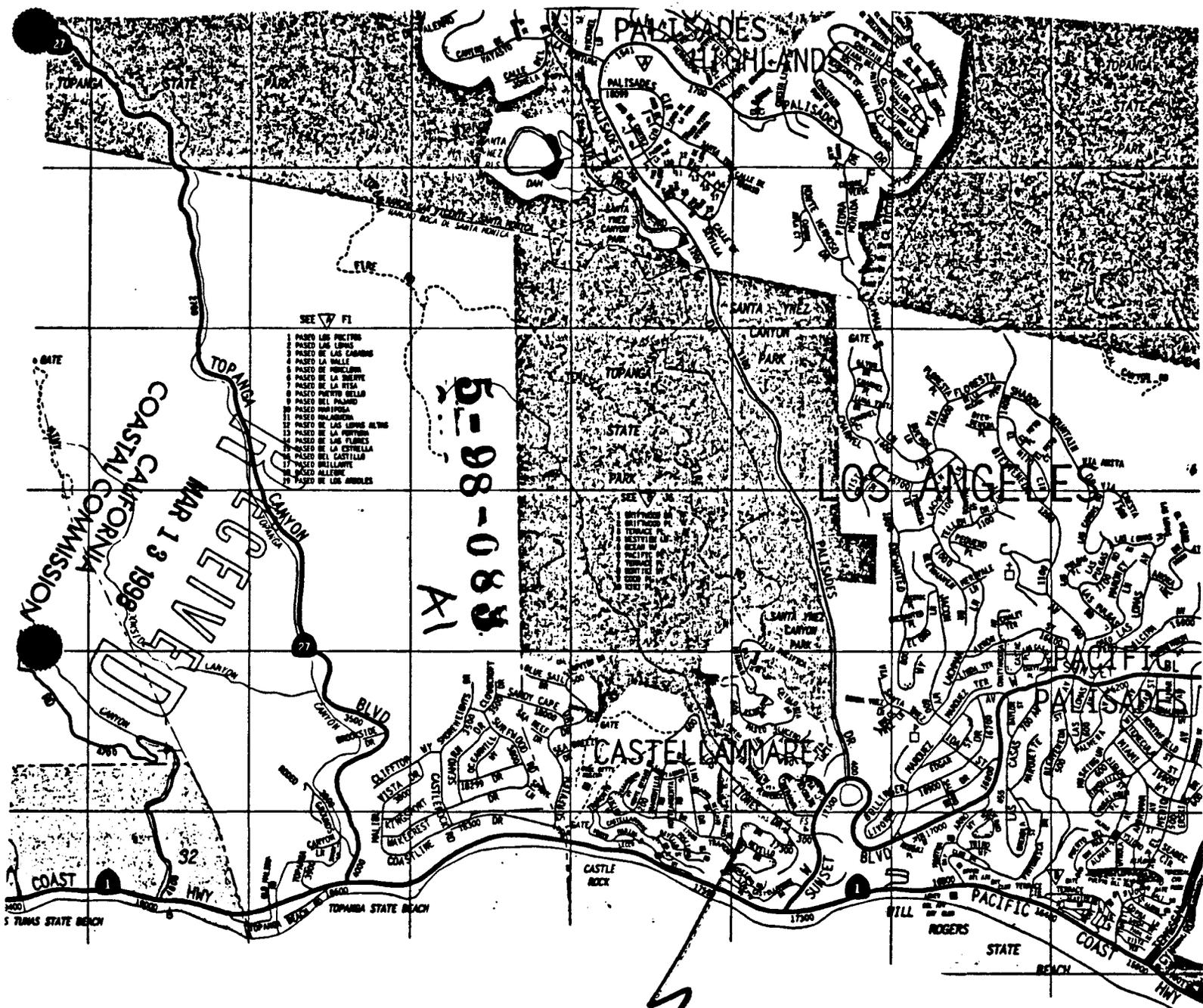
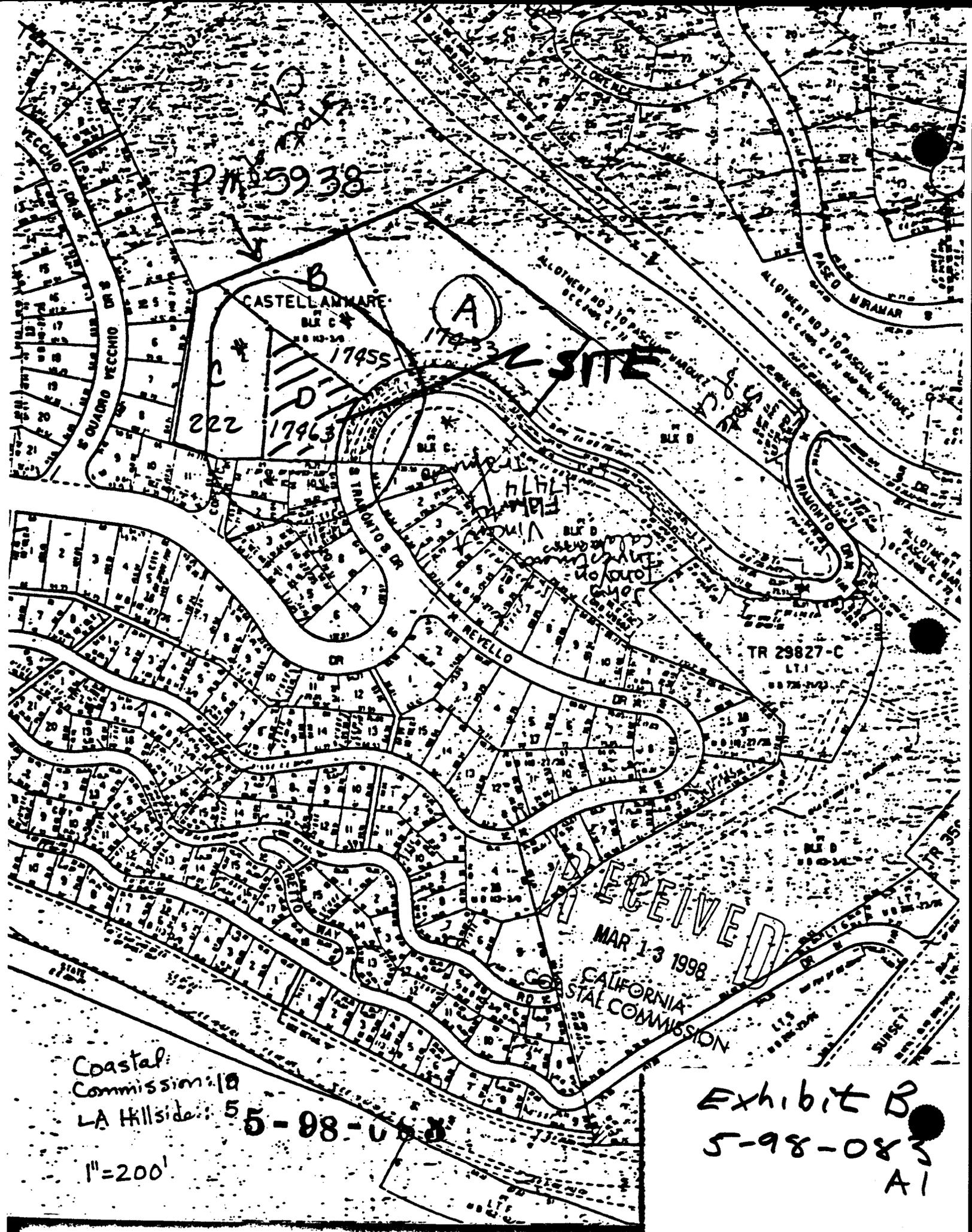


Exhibit A  
 5-98-083  
 A1



PA 5938

CASTELLAMARE  
BLK C

A

17455

222

17963

SITE

TR 29827-C  
LT. 1

RECEIVED  
MAR 13 1998

CALIFORNIA  
COASTAL COMMISSION

Coastal  
Commission: LA  
Hillside: 5-98-083

1"=200'

5-98-083

Exhibit B  
5-98-083  
A1



8-19-99

To: Jim Ryan / Ca. Coastal Commission

From: David Ronen  
222 Coperto Dr.  
Pacific Palisades, Ca 90272

Subject: Two Story Addition without Coastal Approval  
17463 W. Tramonto Ln.  
Pacific Palisades, Ca. 90272

Currently a two story addition is being  
built @ 17463 W. Tramonto Ln., without  
coastal permits, which is blocking my views.  
This case is going to the lawyers. Please  
act immediately to stop this constructions.

Thanks  
David Ronen

Exhibit D  
10 + 2  
5-98-083 A1

INITIAL VIOLATION REPORT

Date 8-19-99

Owner of property Kim Coleman, Mark Cigolle Phone (310) 454-3684

Address

Location of violation 17463 Tromonto Dr. Pacific Palisade 90272  
Number Street City

Representative or Contractor Kim Coleman Phone (310) 454-3684

Address

Description of violation Two story addition without  
Coastal Commission approval

Reported by David Ronen Phone (310) 246-9669

222 Caperto Dr. Pacific Palisade 90272  
Address

Report taken by \_\_\_\_\_

Violation confirmed? Yes  No

Violation number Y-5-

Permit number 5- No permit

7796A

Exhibit D  
2042  
5-98-083A1

**David Ronen**

222 Coperto Drive Pacific Palisades , Ca. 90272 Tel. (310) 246-9669 Fax (310) 385-1932

---

Date: August 24, 1999

To: Pam Emerson / Calif. Coastal Commission

From: David Ronen

Owner of adjoining property to 17463 W. Tramonto Dr. Pacific Palisades

Subject: Two Story Addition without Coastal Permits--- 17463 W. Tramonto Dr.

RECEIVED  
AUG 27 1999  
CALIFORNIA  
COASTAL COMMISSION

Current owners of the subject property have purposely undermined, and ignored the California Coastal Commission permit requirements. Although both Kim Coleman and Mark Cigolle ( owners of 17463 W. Tramonto Drive ) are well known Architects, and spend years dealing with Coastal Commission issues, and subsequently are well aware of all Coastal requirements. They deliberately have chose to undermine the Coastal Commission Requirements. I have spent Millions on purchasing and building my house based on original Coastal Approved plans. I've spent great amount of money building my house as far back in my property as possible so that I will enjoy a coastal view. This two story addition without Coastal Commission Approval is Blocking my tiny views.

Coastal Commission Must stop this Two Story Addition ( approx. 1,000 SF addition on a 3,000 SF original approved house ). I'd like to be notified immiately of any meeting or hearing regarding this issue. My attorney will be contacting you to handel this case.

Exhibit E  
5-98-083A

*Law Offices of*

**MURRAY D. FISCHER**

A PROFESSIONAL CORPORATION

MURRAY D. FISCHER

OF COUNSEL  
WALTER WEISS

433 NORTH CAMDEN DRIVE  
SUITE 888

BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE (310) 276-3600

TELECOPIER (310) 276-4345

RECEIVED  
OCT 19 1999

PLEASE REFER TO FILE NO.

2953.001

October 15, 1999

CALIFORNIA  
COASTAL COMMISSION

Mr. Jim Ryan  
California Coastal Commission  
South Coast Area Office  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4302

**Re: 17463 West Tramonto Drive, Pacific Palisades, CA**

Dear Mr. Ryan:

Please be advised that the undersigned represents the interests of Mr. David Ronen, owner of the property adjacent to the above-referenced residential construction. We have been advised by Sarah Rodgers at the Department of Planning for the City of Los Angeles that the permit issued to the above-referenced property has been suspended and the matter forwarded to you for evaluation of compliance issues which have arisen.

Ms. Rodgers has further informed us that the matter was being scheduled for public hearing by the Commission. Please add this office at the above-referenced address to any notice/service list so that we can be sure to receive prompt notice of the public hearing. Our client has requested we attend any such hearing on his behalf for the purpose of objecting to the continuing violations of law being engaged in by the property owner in contravention of our client's rights.

Thank you for your courtesy and cooperation in this matter.

Very truly yours,

LAW OFFICES OF MURRAY D. FISCHER  
A Professional Corporation

MURRAY D. FISCHER

MDF/rk

cc: Mr. David Ronen  
Sarah Rodgers

1. Exhibit F  
5-98-083 A1

ARCHITECTURE

August 24, 1999

Ms. Pam Emerson  
Supervisor, Regulation & Planning  
California Coastal Commission  
245 W. Broadway, Suite 380  
Long Beach CA 90801-1450

VIA FAX: 562 590 5084

FROM: Kim Coleman

RE: 17463 Tramonto Drive, Pacific Palisades  
Lot D, Parcel Map 5938  
California Coastal Commission Permit #5-97-030 (Parcel Map)  
#5-98-083 (House & Guest House)  
City of Los Angeles Coastal Development Permit 97-014

Dear Ms. Emerson,

I understand from Sarah Rodgers, Zoning Administrator for the City of Los Angeles, that you requested that we be forced to stop work on an addition to our house at 17463 Tramonto Drive, Pacific Palisades, because it needed Coastal Commission review. As I have been very careful to get any approvals I might need so that this sort of circumstance does not occur, I am dismayed by this order, as it is very costly to stop work on a project under way. Our permit clearances by the City clearly state: "Coastal Zone Exempt." Neither our house nor the addition is in the Dual Jurisdiction Zone. The only development in the Dual Jurisdiction Zone is a detached guest house over a three car garage. We have a State Coastal Commission Approval, Permit 5-98-083, for both the guest house and the house.

It is my understanding, based on a letter from the Coastal Commission dated September 4, 1996, a copy of which I have enclosed, that "development on the remainder of this parcel would require a Coastal Development Permit from the City of Los Angeles which, if approved, would be appealable to the Commission." It does not appear from this information that a waiver is needed for the project, but please let me know if it is. Or is your request based on a formal appeal? If so, we have not received any notification of such.

The person who has complained to you about our addition, is currently building a 7,000 square foot house next to us at 222 Coperto (Lot C, Parcel Map 5938), a property that is uphill from

17463 Tramonto Drive Pacific Palisades California 90272 310.454.3684 Fax 310.454.2843

Exhibit G  
1 of 2  
5-98-083 A1

ours. His project involves the building of massive retaining walls at both the uphill and downhill edges of his property, the lower one of which has had a very negative impact on our property, and the removal of approximately fifteen mature trees. Both the extensive grading and the extensive tree removal contradict the Environmental Impact Report for the Parcel Map, but the State Coastal Commission granted him a waiver for his entire project, even though a part of his development is in the Dual Jurisdiction Zone. He has made many neighbors besides us unhappy with what he is doing. I am surprised he is complaining about our small addition when his proposed development has and will continue to impact so negatively on so many people.

I am enclosing documentation of the Dual Jurisdiction Line and accompanying letter, and a copy of the plot plan for the addition to our house for your review. Jim Ryan indicated when I spoke to him this morning that he would get our file out.

Please call me at your earliest convenience, as I would like to resolve whatever needs to be done as soon as possible.

Thank you,

Sincerely,

*Kim Coleman*

Kim Coleman

Exhibit G  
2 of 2  
5-98-083A1



# Los Angeles City Planning Department

221 North Figueroa  
18th Floor



PAM  
EMERSON  
(562)590-5084

**DATE:** August 20, 1999

**TO:** Nick Delli Quadri, Manager  
West Los Angeles District Office  
Department of Building and Safety

**FROM:** Sarah A. Rodgers  
Associate Zoning Administrator  
Department of City Planning

**SUBJECT:** COASTAL APPROVAL - 17463 W. TRAMONTO DRIVE, PACIFIC  
PALISADES

On November 18, 1997, pursuant to Los Angeles Municipal Code Section 12.20.2, I approved a Coastal Development Permit (CDP) No. 97-014 to allow the construction, use and maintenance of four single-family dwellings on Parcels A, B, C and D of recorded Parcel Map LA5938 at 17455 Tramonto Drive. Subsequent to the approval of the Coastal Development Permit by the City of Los Angeles, the owner of the above property also applied for and was granted a Coastal Development from the California Coastal Commission. The property owner then secured Building Permit No. 98WL56704 to allow construction of a single-family dwelling and an accessory structure on the site.

According to the records of the City Planning and Building Departments, on June 8, 1999, the property owner applied for an amendment to the above permit to allow a 28 by 18.7 foot addition to the previously permitted main dwelling on the site.

Based upon a recent conversation with the Coastal Commission personnel, it now appears that although the revised permit was reviewed by the City Planning Department for compliance with CDP 97-014 and PMLA 5938, no subsequent clearance was secured from the State of California. The Commission indicates that a revised permit application may be required, along with a public hearing and notification of adjoining property owners.

In view of these circumstances and the need for additional authority to proceed, this Department is requesting that any work at the above location pursuant to Building Permit No. 98WL56704 be discontinued until such time as all appropriate requirements and procedures under the California Coastal Act have been satisfied.

Exhibit H  
1 of 2  
5-98-083A1

**Nick Delli Quadri**  
**Manger**  
**West Los Angeles District Office**  
**Department of Building and Safety**  
**Page 2**

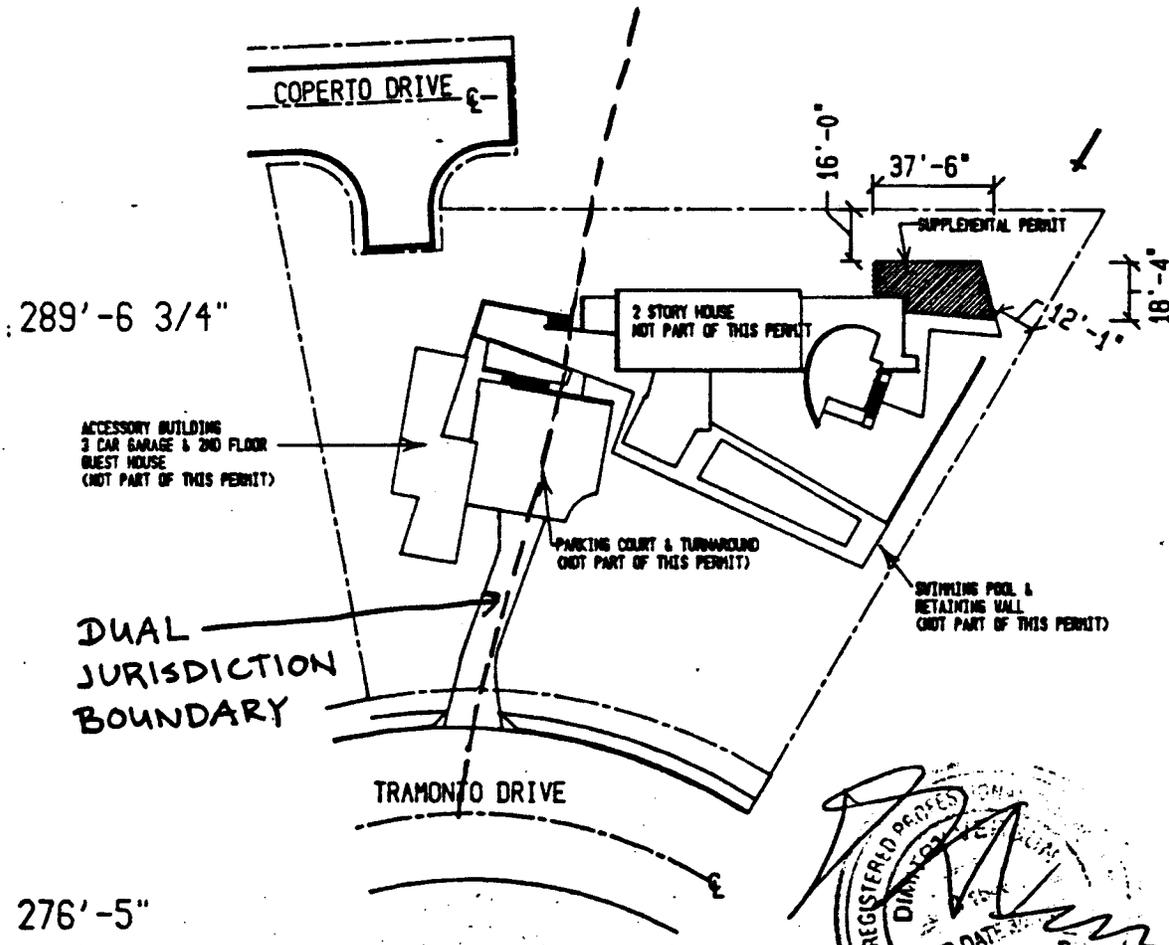
If you have any questions or need additional information, please do not hesitate to contact me at  
(213)580-5488.

cc: Robert Janovici  
Chief Zoning Administrator

✓ Alex Bruce, Principal Building Inspection  
Los Angeles City Department of Building and Safety

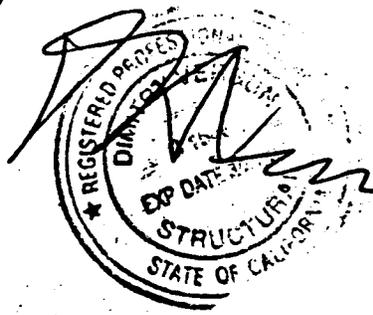
Exhibit H  
2 of 2  
5-98-083A1

2 UPPER LEVEL PLAN  
A2.5 AREA = 490 SF



ARCHITECT

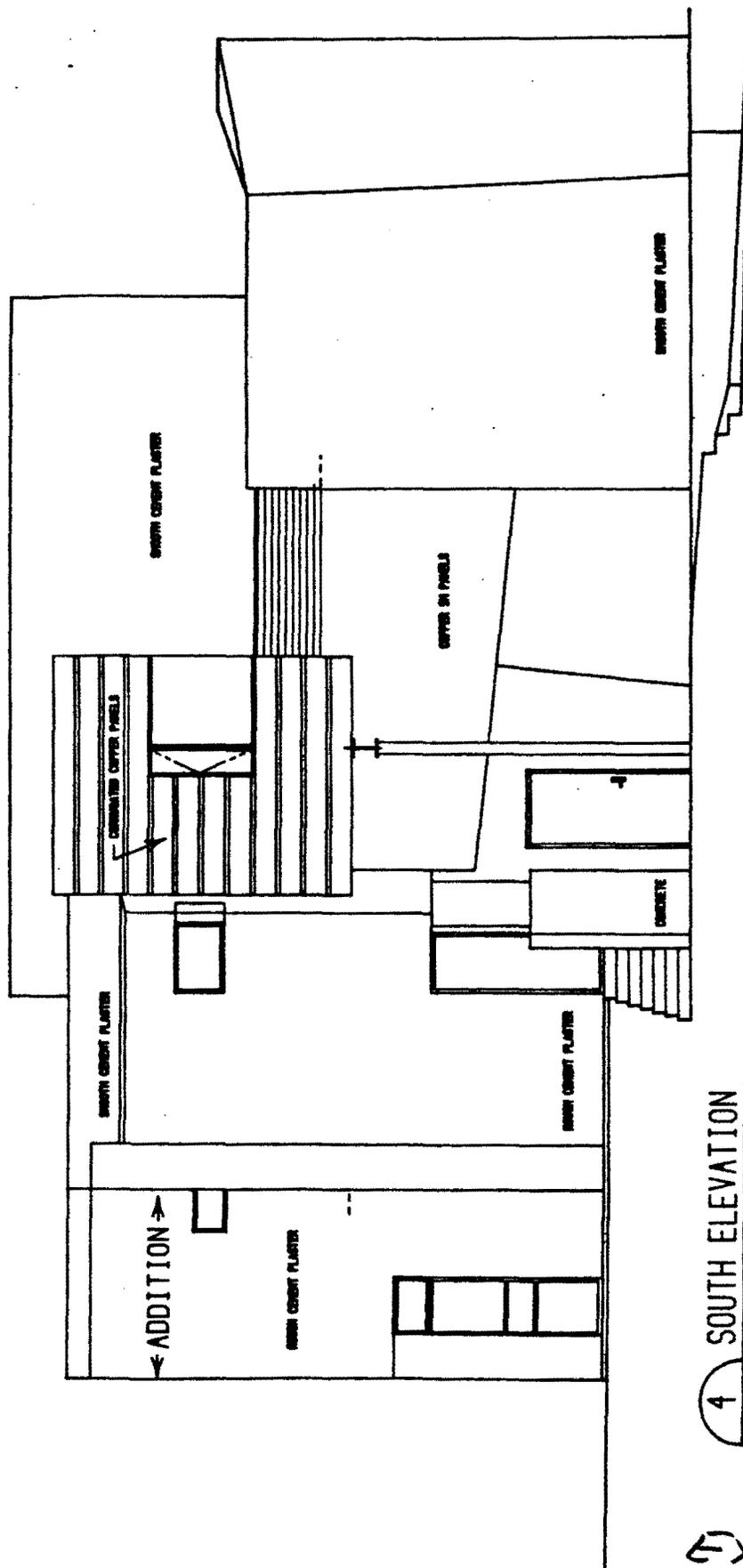
8 PLOT PLAN  
A2.5



PLANS APPROVED  
as required by

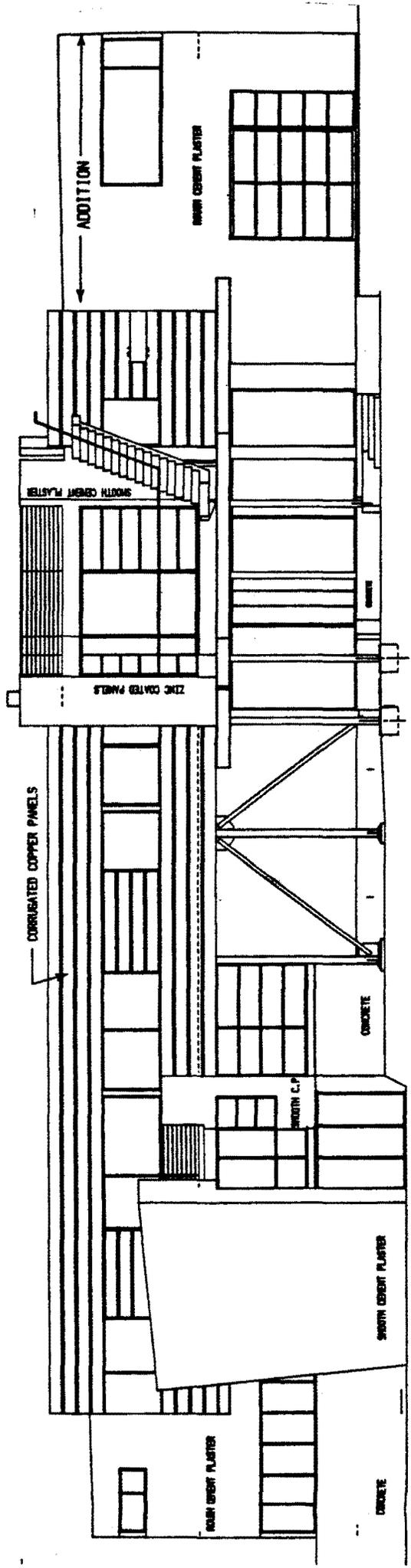
Case No. *CDP97-014*  
*Sarah Rodgers*  
Sarah Rodgers  
ZONING - L.S. STRATOR  
CITY OF LOS ANGELES  
Date *6/18/99*

Exhibit I  
5-98-083A1



4 SOUTH ELEVATION  
 A1.2 SCALE: 1"=8'-0"

Exhibit J  
 5-98-083A1



1 EAST ELEVATION  
 M.S. SCALE: 1"=8'-0"

Exhibit H  
 5-98-083