

**CALIFORNIA COASTAL COMMISSION**

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



# F13a

Filed: 11/30/2017  
49<sup>th</sup> Working Day: 02/12/2018  
Staff: A.Spencer-LB  
Staff Report: 01/18/2018  
Hearing Date: 02/09/2018

## STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

**Application No.:** A-5-PPL-17-0065

**Applicant:** Hubie Kerns

**Agent:** Robert Duhe, Duhe Designs

**Local Government:** City of Los Angeles

**Local Decision:** Approval with Special Conditions

**Appellants:** Andrea Pompelli and Interested Parties, c/o M. Jiminez Consulting, LLC

**Location:** 620 Resolano Drive, Pacific Palisades, County of Los Angeles (APN: 4416019060)

**Project Description:** Appeal by Andrea Pompelli and Interested Parties, c/o M. Jiminez Consulting, LLC of City of Los Angeles Local CDP ZA 2014-4454 approved with conditions for the grading and construction of a driveway with a paved area and two retaining walls to provide additional parking for an existing single family residence located on 620 Resolano Drive, Pacific Palisades, Los Angeles, Los Angeles County.

**Staff Recommendation:** No Substantial Issue

**Important Hearing Procedure Note:** This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

## SUMMARY OF STAFF RECOMMENDATION:

The City of Los Angeles approved a local Coastal Development Permit (CDP) for the subject development on October 2, 2017. No local appeals were filed during the City's local appeal period, which concluded on October 16, 2017. The Coastal Commission's South Coast Office received the City's Notice of Final Local Action on October 23, 2017 and established the Commission's twenty working-day appeal period. This appeal was received by the Commission on November 21, 2017, during the appeal period.

The appellants have filed this appeal on the grounds that the project, as approved by the City of Los Angeles, is inconsistent with Sections 30210, 30244, 30250, 30251, and 30253 of the Coastal Act, which correspond to public access, coastal view, and landform alteration policies. The appellants have also raised concern over the CEQA exemption that was issued for the project, claiming that the environmental impacts of the proposed projects were not adequately analyzed. Finally, the appellants contend that the City-approved project is not in conformance with previous permit action. In 2010, the City approved local CDP 2010-2696, allowing a lot line adjustment that moved 3,266 square feet from 580 Paseo Miramar to the subject property. The appellants assert that Special Condition 8 of City of Los Angeles local CDP number 2010-2696 allows no development to take place on the project site.

The issues raised by the appellants pose no substantial issue regarding Sections 30244, 30250, 30251, and 30253 of the Coastal Act because no coastal resources will be significantly impacted as a result of the project. The conditions for Permit No. ZA 2010-2696 do not preclude future development on the site; but rather require a new CDP from the City. Pursuant to Special Condition 8 of local CDP 2010-2696, the applicant applied to the City for a CDP for the project, which was approved by the City and is now being appealed by the appellants. Based on these actions, the project is in substantial compliance with the conditions of previous permit action. Finally, the standard of review for Coastal Commission review of the CDP is the Chapter 3 policies of the Coastal Act, not CEQA. The applicant's claim that the CEQA determination was not appropriate for the project does not raise a substantial issue in regards to consistency with the Chapter 3 policies of the Coastal Act.

Staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which Appeal A-5-PPL-17-0065 has been filed for the following reason: the project, as proposed by the City of Los Angeles, is consistent with the policies of Chapter 3 of the Coastal Act, and therefore does not negatively impact coastal resources. Pursuant to Section 30625, the grounds of appeal are limited to whether or not a substantial issue exists as to conformity with Chapter 3 of the Coastal Act when there is an appeal pursuant to Section 30602(a). The motion to carry out the staff recommendation is on page 3.

## TABLE OF CONTENTS

<b>I. MOTION AND RESOLUTION</b> .....	4
<b>II. APPELLANT’S CONTENTIONS</b> .....	4
<b>III. LOCAL GOVERNMENT ACTION</b> .....	4
<b>IV. APPEAL PROCEDURES</b> .....	5
<b>V. SINGLE/DUAL PERMIT JURISDICTION AREAS</b> .....	6
<b>VI. FINDINGS AND DECLARATIONS – NO SUBSTANTIAL ISSUE</b> .....	6
A. PROJECT LOCATION AND DESCRIPTION .....	6
B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS .....	7
C. NO SUBSTANTIAL ISSUE ANALYSIS .....	8

### APPENDICES

Appendix A - Substantive File Documents

### EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – City of Los Angeles Letter of Determination](#)

[Exhibit 4 – Appeal of CDP 2014-4454](#)

## **I. MOTION AND RESOLUTION**

### **Motion:**

*I move that the Commission determine that Appeal No. A-5-PPL-17-0065 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

### **Resolution:**

*The Commission finds that Appeal No. A-5-PPL-17-0065 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act..*

## **II. APPELLANT’S CONTENTIONS**

On November 21, 2017, an appeal of City of Los Angeles Local Coastal Development Permit No. 2016-217 was filed by M. Jiminez Consulting, LLC on behalf of Andrea Pompelli and the interested parties ([Exhibit 4](#)). The City-approved project authorizes the construction of a 3,370 square foot paved driveway and two retaining walls at 620 Resolano Drive, Pacific Palisades. The appeal contends that the that the city-approved project does not conform to Sections 30210, 30244, 30250, 30251, and 30253 of the Coastal Act in regards to public access, coastal views, and landform alteration. The appellants also contend that the City of Los Angeles erroneously approved a CEQA exemption for the project because the environmental impacts of the project were not adequately analyzed, and that the existing conditions of the project site were not accurately described in the City of Los Angeles’ determination letter for the CDP approval. The appeal also claims that the City approval of a lot line adjustment in 2012 prohibits development on the portion of land that was moved from the adjacent property to the subject property.

## **III. LOCAL GOVERNMENT ACTION**

On September 24, 2015, a public hearing was held by the City of Los Angeles Department of City Planning in regards to the proposed project. Notices were mailed out to nearby property owners, and all interested parties were invited to testify for or against the project. Testimony submitted in favor of the project stated that the proposed project would make Resolano Street safer and that the project would benefit hikers and oncoming traffic. Testimony submitted in opposition to the project stated that the project would impact the house directly downhill, the project is out of character with its

surroundings, the grading was not done correctly, and that the project would not improve safety. A 30 day advisement period followed the public hearing to reconsider the environmental review of the project before issuing a CDP determination. On October 2, 2017, the City of Los Angeles Department of City Planning approved a CDP for the construction of a driveway with a paved area and two retaining walls in conjunction with the continued use of a two story single-family residence located at 620 Resolano Drive, Pacific Palisades ([Exhibit 3](#)). No appeals of the CDP issuance were filed with the City of Los Angeles during the City’s appeal period. A copy of the City’s permit was sent to the Coastal Commission’s Long Beach office on October 23, 2017, where the 20-working day appeal period was established. The Commission received an appeal from Andrea Pompelli and Interested parties via Jiminez Consulting, LLC on November 21, 2017, which was determined to be within the Commission’s appeal period.

#### **IV. APPEAL PROCEDURES**

Section 30600(b) of the Coastal Act provides that prior to certification of its LCP, a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local CDPs. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued CDPs. Section 30602 of the Coastal Act allows any action by a local government on a CDP application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local CDP application, the Coastal Commission must be notified within five days of the decision. After receipt of such a notice, which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] As provided under section 13318 of Title 14 of the California Code of Regulations, the Appellant must conform to the procedures for filing an appeal as required under section 13111 of Title 14 of the California Code of Regulations, including the specific grounds for appeal and a summary of the significant question raised by the appeal.

The action currently before the Commission is to find whether there is a “substantial issue” or “no substantial issue” raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

Commission staff recommends a finding of no substantial issue. If the Commission decides that the Appellant’s contention raises no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the local CDP is voided and the Commission typically continues the public hearing at a later date in order to review the CDP as a de novo matter. [Cal.

Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission’s regulations.

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue and the Commission will schedule the de novo phase of the public hearing on the merits of the application at a subsequent Commission meeting. A de novo public hearing on the merits of the application uses the Chapter 3 policies of the Coastal Act. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, those who are qualified to testify at the hearing, as provided by Section 13117 of Title 14 of the California Code of Regulation, will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

## **V. SINGLE/DUAL PERMIT JURISDICTION AREAS**

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local CDP permit also obtain a second (or “dual”) CDP from the Coastal Commission. The Commission’s standard of review for the proposed development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local CDP is the only CDP required. The proposed project site is located within the *Single Permit Jurisdiction Area*. City of Los Angeles has the authority to grant or deny Coastal Development Permits in the Single Permit Jurisdiction area. However, if the Commission finds substantial issue with the City’s determination during an appeal, the City’s CDP will become void and the Commission may issue a CDP on de novo.

## **VI. FINDINGS AND DECLARATIONS – NO SUBSTANTIAL ISSUE**

### **A. PROJECT LOCATION AND DESCRIPTION**

The proposed project involves the construction of a 3,370 square foot driveway with additional parking area and two six-foot-high retaining walls directly to the west of an existing single family residence located at 620 Resolano Drive, Pacific Palisades ([Exhibit 2](#)). The driveway is to be constructed of permeable paving stones or similar porous material that reduces heat radiation and stormwater runoff. The retaining walls, supported with caissons, will span 34 feet along the western boundary of the lot and 20 feet along the southern boundary of the lot. A third wall will span

approximately 38 feet (in a curved shape) to enclose the driveway along the northern end of the lot. The new driveway will be accessed through Resolano drive and will be designed to facilitate an ingress and egress route between the existing driveway and the new driveway.

The subject property consists of an irregular-shaped 13,868 square foot lot containing a two-story single family residence with a pool, spa, and a detached 3 car garage ([Exhibit 2](#)). The property is located in a neighborhood developed with single-family residences within the Pacific Palisades region of Los Angeles, over half a mile inland from the beach. The property and surrounding areas is on hilly terrain, and is located approximately 0.25 miles away from the Paseo Miramar trailhead ([Exhibit 1](#)).

The lot is zoned RE15-1-H, which allows low-density residential development. The minimum lot size for this zoning category is 15,000 square feet. In 2012, the City of Los Angeles approved a lot line adjustment to move part of the common lot line between 580 Paseo Miramar (the adjacent property) and the subject property 45 feet to the west. This adjustment transferred 3,266 square feet to the subject property, increasing the lot size from 10,868 square feet to 13,868 square feet.

Grading has occurred on the project site without the benefit of a coastal development permit. In response to the unpermitted grading, the City of Los Angeles Department of Building and Safety revoked their grading permit for the project until a CDP approval was issued for the project. An approved CDP allows the applicant to complete the rest of the grading for construction of the driveway and retaining walls.

## **B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS**

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission’s regulation simply indicates that the Commission will hear an appeal unless it “finds that the appeal raises no significant question.” In previous decisions on appeals, the Commission had been guided by the following factors:

1. The degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government’s decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, Appellants nevertheless may obtain judicial review of the local government’s coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that **no substantial issue exists** with respect to whether the local government action conforms to the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

### **C. NO SUBSTANTIAL ISSUE ANALYSIS**

Section 30210 of the Coastal Act states:

*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, rights of private property owners, and natural resource areas from overuse.*

Section 30244 of the Coastal Act states, in part:

*Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Section 30250(a) of the Coastal Act states:

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

Section 30251 of the Coastal Act states, in part:

*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.*

Section 30253(a)(b) of the Coastal Act states:

*New development shall do all of the following:*

*(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

*(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way*



*require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs*

The appellants' first contention is that the City-approved project is not consistent with Section 30210 of the Coastal Act because the driveway has been designed to begin at the edge of the pavement instead of the required dedication width, which has been identified in the Los Angeles Municipal Code as one-half of the width of the street (128 feet for Resolano Drive).

The contention brought by the appellants refers to a discrepancy with the City's municipal code, not a Chapter 3 Coastal Act policy. The location of the driveway does not affect public access to the beach or recreational areas. The project is over 0.5 miles from the beach and over 0.25 miles from the Topanga State Park trailhead. Furthermore, because of Resolano Drive's narrow width, there is no public on-street parking in this area. Public parking to the beach and recreational areas will therefore not be impacted by the project. Because the approved project does not block the public streets, and because there are no public sidewalks along Resolano Drive, public access is not negatively impacted by the project. Therefore, the project, as approved by the City, is consistent with Section 30210 of the Coastal Act and does not raise a substantial issue in regards to the appellants' contention.

The appellants' second contention is that the city-approved project does not conform to Section 30244 of the Coastal Act because the unpermitted grading that occurred prior to the CDP approval included removal of archaeological or paleontological resources ([Exhibit 4](#)). Furthermore, the appellants point out that neither the City CDP determination nor the Los Angeles Department of Building and Safety (LADBS) Soils Approval Report provides a site investigation requirement to ensure that such resources are not present.

The subject property is not located in an area identified as containing archeological and/or paleontological resources. Although the appellants have expressed concern that such resources may have been removed during the unpermitted grading, they also have not provided any evidence to suggest that archaeological and/or paleontological resources do or have existed on the subject property. The City's CDP determination states that the project is subject to review by LADBS. Also, the City states that the project must comply with existing federal and state laws if such a resource is discovered during the grading process. Therefore, the proposed project is in conformance to Section 30244 of the Coastal Act and does not raise a substantial issue in regards to the appellants' contention ([Exhibit 3](#)).

The appellants' third contention is that the City-approved project is not consistent with Section 30250 of the Coastal Act because the City did not adequately evaluate the impact of the City-approved project on the surrounding streets (Resolano Drive and Paseo Miramar). The appellants point to the unpermitted grading and subsequent retraction of grading permits as evidence that the existing public services are not sufficient to support the project ([Exhibit 4](#)).

The subject property, 620 Resolano Drive, is located in the Pacific Palisades community within the City of Los Angeles. This area is highly developed primarily with residential buildings ([Exhibit 1](#)). The subject property is located within an existing developed neighborhood consisting of large single-family residences. The City-approved project consists of the improvement to an existing

single-family residence through the addition of an accessory structure (the driveway); the site will remain as a single-family residence and there is no intensification of use on the project site. Furthermore, the project does not require additional public services (utility lines, streets, etc.) in order for it to function properly, and the subject property and surrounding properties are located over half a mile inland from the ocean; therefore, coastal resources will not be impacted by the construction of a driveway and retaining walls. Therefore, the proposed project is in conformance with Section 30250 of the Coastal Act and does not raise a substantial issue in regards to the appellants' contention.

The appellants' fourth contention is that the City-approved project is not consistent with the coastal view, landform alteration, and community character policies outlined in Section 30251. Specifically, the appellants assert that the city-approved project has not been designed to protect views to and along the ocean and scenic coastal areas, substantially impacts landform alteration, and does not restore or enhance the visual quality in degraded areas. Furthermore, the appellants point out that none of the other residences have a second driveway, which calls community character into question.

Resolano Drive is within a residentially developed neighborhood and is over a half mile from the beach. The street does contain partial ocean (blue water) views in between the structures and landscaping. There is currently an ocean view on the southwest of the property if one faces the driveway ([Exhibit 5](#)). The proposed driveway with retaining walls will be located below the road elevation and opens up ocean views that were previously blocked by vegetation. However, Resolano Drive is a residential street that is not designated as a scenic highway and the development will not block coastal views from any public viewing areas or park land. Furthermore, the subject property is not visible from Pacific Coast Highway because of the terrain, development, and distance from the beach. Therefore, the proposed project will not impact coastal views to the ocean or from the ocean toward the Santa Monica Mountains. The project is consistent with the coastal view policies outlined in Section 30251, and does not raise a substantial issue in regards to the appellants' contention.

The subject property and the surrounding hillsides have already been substantially developed with single-family residences and associated accessory structures. As mentioned earlier, the approved driveway and retaining walls will be constructed below the Resolano Drive elevation. Although the development may be visible from Paseo Miramar, the street directly below the project site, the City-approved development will not be visible from any scenic viewing area or recreation area. Therefore, the project, as approved by the City, does not significantly contribute to landform alteration. The project is consistent with the landform alteration policies outlined in Section 30251, and does not raise a substantial issue in regards to the appellants' contention.

With regards to community character, the City-approved project results in an improvement to an existing single-family residence in an area developed with large single-family residences that also feature large paved driveways. The scale of the approved project is comparable to development in surrounding residences. Therefore, the project, as approved by the City, maintains the community character of the surrounding area. The project is consistent with the community character policies outlined in Section 30251, and does not raise a substantial issue in regards to the appellants' contention.

The appellants' fifth contention is that the City-approved project is not consistent with Section 30253 for the following reasons: the City and LADBS did not evaluate the impacts of the unpermitted grading in the CDP Determination and Soils Approval Letter; the City did not evaluate the environmental impacts stemming from the project's location in hazardous areas; and that the applicant did not analyze the impact of a grade difference between Resolano Drive and Paseo Miramar ([Exhibit 4](#)).

The subject property is located within a Very High Fire Hazard Severity Zone, a Special Grading Area, a Landslide Area, and the Santa Monica Fault Zone. The surrounding neighborhood is urbanized and developed with primarily large single-family residences. Because the area is already so highly developed, the approved construction of a driveway and retaining walls will not expand the fire hazard zone or require additional fuel modifications beyond what would be required for the surrounding development. The applicant provided geology reports from Coastline Geotechnical Consultants and Hamilton & Associates - dated October 3, 2006 and June 27, 2012, respectively - to evaluate the feasibility of constructing a new driveway and retaining walls on the site given the site characteristics. The reports found no signs of surficial or deep-seated instability, a low potential for liquefaction, and a slope stability factor of safety in excess of 1.5, which is the minimum safety factor required by the City of Los Angeles. These findings suggest that the proposed project does not pose a significant landslide hazard. Although the project site is in a fault zone, the geology reports concluded that the site is suitable for the driveway and retaining wall construction. Furthermore, the approved project does not include any new buildings that would be impacted by seismic activity. In addition, the submitted geology reports were submitted prior to the City's original issuance of the grading permit and the unpermitted grading, analyzed the pre-graded conditions of the site, and concluded that the project site was suitable for the City-approved project. Therefore, the City did consider the potential site hazards when evaluating the now-approved project.

In regards to the City's stance on the unpermitted grading, the City found the project would minimize risk to life and property and would not create nor contribute to erosion or geologic instability. The City further found that the project adheres to the Chapter 3 Coastal Act policies, thus allowing a CDP to be issued for the project to be completed. Furthermore, the appellants have not addressed specific geologic factors of the proposed project that raise an issue regarding consistency to Section 30253 of the Coastal Act. Therefore, it can be determined that the proposed project raises no substantial issue regarding consistency with Section 30253 of the Coastal Act.

The appellants' sixth contention is that the City's CEQA determination for the proposed project is inaccurate and does not fully consider the project's environmental impacts ([Exhibit 4](#)). All CDPs issued by the City of Los Angeles must comply with the applicable provisions of the California Environmental Quality Act (CEQA). The City conducted an initial study in compliance with the State CEQA guidelines and determined that the project was exempt from CEQA. During the City's public hearing, the testimony submitted in opposition to the project warranted additional review in regards to the CEQA determination. The City underwent a 30-day advisement period after the public hearing to re-analyze the project. After another analysis of the project's environmental impacts, the City determined that the proposed project was categorically exempt from the provisions of CEQA under Class 1 (Existing Facilities), Class 3 (New Construction or Conversion

of Small Structures), and Class 32 (In-Fill Development Projects). Categorical Exemption No. ENV-2014-4455-CE was prepared in light of this determination.

The City of Los Angeles is the lead agency for CEQA certification and the City determined that the project was exempt from CEQA. The standard of review for Coastal Commission review of CDPs is the Chapter 3 policies of the Coastal Act. This contention does not raise an issue with the Chapter 3 policies of the Coastal Act. Therefore, this claim does not raise substantial issue as to conformity with the Chapter 3 policies of the Coastal Act.

The appellants' seventh contention is that the previous permit issued for the property, City of Los Angeles local CDP No. ZA-2010-2696, does not allow development on the site ([Exhibit 4](#)). The City of Los Angeles local permit No. ZA-2010-2696 permitted the lot line adjustment for 620 Resolano Drive, which moved square footage from the adjacent property (580 Paseo Miramar) to the subject property. This permit was appealed at the City level, which was ultimately not heard, but resulted in an additional special condition that was added to the CDP upon issuance. This new special condition (Special Condition 8) states:

*“This Coastal Development Permit is issued in connection with a lot-line adjustment filed under related Case No. AA-2009-1545-PMEX. No construction has been approved in connection with this grant. The applicant shall be required to apply for and obtain a new Coastal Development Permit from the City of Los Angeles for any future development on the site, including the construction of any accessory structures.”*

In this condition, no construction was approved in connection with this CDP issuance because there were no construction plans that were proposed at that time as part of the project. However, the condition does not preclude future development on the site; it instead states that any future development on the site, including the construction of any accessory structures, requires a new CDP from the City. The proposed driveway and retaining walls does constitute a new development of an accessory structure that is associated with this City of Los Angeles CDP. This project is therefore in substantial compliance with the conditions of previous permit action on the property and does not raise any issues regarding consistency with the Chapter 3 Coastal Act policies. Furthermore, this contention is a City permit compliance issue and does not raise an issue with regards to Chapter 3 Coastal Act policies. Therefore, this contention does not raise a substantial issue.

None of the assertions made by the appellants raise a substantial issue regarding whether or not the City's action is consistent with the Coastal Act. The appellants have not identified any coastal resources that will be negatively affected by the City-approved CDP. For the reasons stated above, the appeal raises no substantial issue as to conformity with the Chapter 3 policies of the Coastal Act.

The Commission's standard of review for determining whether to hear the appeal is only whether the appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act. Cal. Pub. Res. Code § 30625(b)(1); 14 C.C.R. § 13321. The Commission's decision will be guided by the factors listed in the previous section of this report (B. Factors to be Considered in Substantial Issue Analysis).

The first factor is the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act. As discussed above, there is adequate factual and legal support for the City of Los Angeles’ decision that the proposed project does not substantially alter natural landforms, does not impact coastal views, and otherwise conforms to the Chapter 3 policies of the Coastal Act.

The second factor is the extent and scope of the development as approved or denied by the local government. The City of Los Angeles approved a CDP for the construction of a 3,370 square foot paved driveway and retaining walls. The paved driveway and the retaining walls constitute an accessory structure, not the construction of additional buildings. The intensity of use will not increase as a result of the proposed project. Thus, the development is of limited extent and scope.

The third factor is the significance of the coastal resources affected by the decision. There are no significant coastal resources that are likely to be impacted by the City’s decision to issue a CDP. The project site is located over half a mile inland from the ocean; as such, there are no significant impacts to coastal access. The proposed project will not impact public coastal views, seeing that the height of the project will not exceed that of the existing structures. The hillside on which the proposed project is located is already highly developed. It cannot be said that the proposed project will alter the landform to a significant degree due to the high degree of development that has already occurred in the vicinity.

The fourth factor is the precedential value of the local government’s decision for future interpretations of its LCP. In the City of Los Angeles Planning Department Director’s Determination, there is reference to two previous cases in which the City of Los Angeles granted CDPs for the construction accessory structures with retaining walls for properties located on Paseo Miramar. In this case, the City followed a clear pattern of precedent in granting CDP 2014-4454 for this project, so approval of this project will not set a negative precedent.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. The appeal raises concern over the environmental review that was provided for one lot in Pacific Palisades. This issue is specific to the site and its grading history. Thus, it is not an issue of statewide significance. The appeal also does not raise an issue of conformity with Coastal Act Chapter 3. The geologic studies have not indicated a significant geologic risk on the project site. The Appellant has brought up an inadequate CEQA determination as grounds for appeal, but seeing that the Chapter 3 Policies of the Coastal Act constitute the standard of review, this contention has no merit.

## **Conclusion**

Applying the five factors listed above clarifies that the appeal raises “no substantial issue” with respect to Chapter 3 of the Coastal Act, and therefore, does not meet the substantiality standard of Section 30625(b)(1), because the nature of the proposed project and the local government action are consistent with policies of Chapter 3 of the Coastal Act.

## **APPENDICES**

### **Appendix A - Substantive File Documents**

Coastline Geotechnical Consultants: Geotechnical Engineering and Engineering Geology Investigation Report Proposed Residence 580 Paseo Miramar, Pacific Palisades, October 3, 2006

Hamilton and Associates: Addendum for Geologic and Soils Engineering Exploration Update, August 24, 2015 Updated Geotechnical Engineering and Engineering Geology Report for Proposed Retaining Walls for Driveway at 620 Resolano Drive, June 27, 2012

Los Angeles Department of Building and Safety: Geology and Soils Report Approval Letter, March 19, 2013

Los Angeles Department of City Planning: Director's Determination for Coastal Development Permit no. ZA 2014-4454, October 2, 2017

Los Angeles Department of City Planning: Director's Determination for Coastal Development Permit no. ZA 2010-2696, October 2, 2011