

CALIFORNIA COASTAL COMMISSION

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



W15c

EXHIBITS

Staff Report
A-5-PPL-18-0035
June 29, 2018

[Exhibit 1 - Vicinity Map](#)

[Exhibit 2 – City-approved Plans](#)

[Exhibit 3 – Appeals](#)

[Exhibit 4 – City Coastal Development Permit ZA 2017-2170\(ELD\)\(CDP\)\(SPR\)](#)

[Exhibit 5 – West Los Angeles Area Planning Commission Determination](#)

[Exhibit 6 – Building and Safety approval letter](#)

[Exhibit 7 – Biological survey, Meridian Consultants](#)

[Exhibit 8 – Additional submittal from appellants](#)



Exhibit 1

Page 1 of 2



California Coastal
Commission



Santa Ynez trailhead

Palisades Drive

Project Site

PALISADES DRIVE

RESIDENTIAL CARE FACILITY FOR THE ELDERLY

PROJECT TEAM:

DEVELOPER:	PALISADES DRIVE LP
ARCHITECT:	GMPA ARCHITECTS, INC.
CIVIL ENGINEER:	HARVEY A GOODMAN CIVIL ENGINEER
SOILS ENGINEER:	STRATA TECH GEOTECHNICAL CONSULTANTS
LANDSCAPE ARCHITECT:	TGP INC., LANDSCAPE ARCHITECTS
LAND USE ATTORNEY:	JEFFER MANGELS BUTLER & MITCHELL LLP - JMBM

PALISADES DRIVE RCFE

FOR PALISADES DRIVE L.P.

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Exhibit 2

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California Coastal
Commission

EXHIBIT "A"
Page No. 1 of 31
Case No. 2017-2170 (CDP) (SPR)

(H)

2017 2170

SHEET NO
A0.00
DATE
FEBRUARY 6, 2017



GMPA ARCHITECTS
11878 La Grange Ave, Los Angeles, CA 90025
T. 310.450.0200 F. 310.450.0225
www.gmpaArchitects.com

PROJECT SUMMARY

PROJECT ADDRESS: 17310 W. VEREDA DE LA MONTURA
LOS ANGELES, CA 90272

PROJECT DESCRIPTION: A NEW PROPOSED RESIDENTIAL CARE FACILITY FOR THE ELDERLY (R2.1 OCCUPANCY)
IN A FOUR STORY BUILDING TYPE-IA CONSTRUCTION OVER 2 LEVELS OF SUBTERRANEAN PARKING TYPE-IA CONSTRUCTION
IN COMPLIANCE WITH CITY OF LOS ANGELES ELDERCARE ORDINANCE

APN: 443-101-0011

LEGAL DESCRIPTION: LOT 1 OF TRACT NO. 64625, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF
CALIFORNIA, AS PER MAP FILED IN BOOK 1380, PAGES 16 AND 17 OF MAPS, IN THE OFFICE
OF THE COUNTY RECORDER OF SAID COUNTY.

COUNCIL DISTRICT: CD-11 MIKE BONIN

LOT AREA: 43,097.74 SF (PER SURVEY)

ZONE: C1-1-H

GENERAL PLAN: NEIGHBORHOOD COMMERCIAL

COASTAL ZONE: YES

HILLSIDE AREA: YES

DENSITY ALLOWED: 43,097.74 SF. / 500 = 86 SUITES (12.13 C.4)

DENSITY PROPOSED: 82 SUITES

OCCUPANCY: R2.1 (RCFE)

F.A.R. ALLOWED: BUILDABLE LOT AREA x F.A.R. = 43,097.74 SF x 1.5 = 64,646 SF

F.A.R. PROPOSED: 64,646 SF

HEIGHT ALLOWED: 45' MAXIMUM BUILDING HEIGHT

HEIGHT PROPOSED: 45' FROM REFERENCE GRADE (5' FROM BUILDING) ELEVATION OF 695'

TRANSITIONAL HEIGHT REQUIRED: YES (LAMC SECTION 12.21.C.10)

TRANSITIONAL HEIGHT PROVIDED: YES

STORIES ALLOWED: UNLIMITED

STORIES PROPOSED: 4

SETBACKS:
PER CODE FOR RESIDENTIAL USES

- A. FRONT YARD (@ PALISADES DRIVE): 10' (MEASURED AFTER DEDICATION) PROVIDED
- B. SIDE YARD (@ VEREDA DE LA MONTURA): 7' PROVIDED
- C. SIDE YARD (NON STREET): 7' PROVIDED
- D. REAR YARD: 16' PROVIDED

PARKING REQUIRED: FOR MEMORY CARE, 0.2 PARKING SPACE FOR EACH GUEST BED
FOR ASSISTED LIVING, 1 PARKING SPACE FOR EACH GUEST ROOM
SEE (12.21 A4 (d) (5))
65 TOTAL PARKING REQUIRED

PARKING PROVIDED: 66 TOTAL PARKING SPACE PROVIDED (2 LEVELS SUBTERRANEAN)

BICYCLE REQUIRED: 5 LONG-TERM BICYCLES AND 5 SHORT-TERM BICYCLES

BICYCLE PROVIDED: 5 LONG-TERM BICYCLES AND 5 SHORT-TERM BICYCLES

OPEN SPACE: NOT APPLICABLE-NOT DWELLING UNITS



VICINITY MAP



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Case No. 2A 2017-2170

AREA SUMMARY

	MEMORY CARE	ASSISTED LIVING	COMMON AREA	TOTAL
GROUND FLOOR	8,478 SF.		10,527 SF.	19,105 SF.
2ND FLOOR	13,625 SF.	4,953 SF.		18,578 SF.
3RD FLOOR	9,923 SF.	3,546 SF.		13,469 SF.
4TH FLOOR	9,822 SF.	1,786 SF.		11,608 SF.
GARAGE LEVEL			1,886 SF.	1,886 SF.
TOTAL	8,478 SF.	33,370 SF.	22,798 SF.	64,646 SF.

SUITE SUMMARY:

GUEST SUITE TYPE	DESCRIPTION	QUANTITY	PERCENTAGE
MEMORY CARE:			
MC-P	PRIVATE SUITES	15	18 %
MC-S	SEMI PRIVATE SUITES	8	10 %
ASSISTED LIVING:			
A	STUDIO SUITES	21	26 %
B	ONE BDRM SUITES	32	39 %
C	TWO BDRM SUITES	06	7 %
TOTAL		82 SUITES	100 %

PALISADES DRIVE RCFE

FOR PALISADES DRIVE L.P.

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VIEW FROM NORTHWEST

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VIEW FROM NORTHEAST

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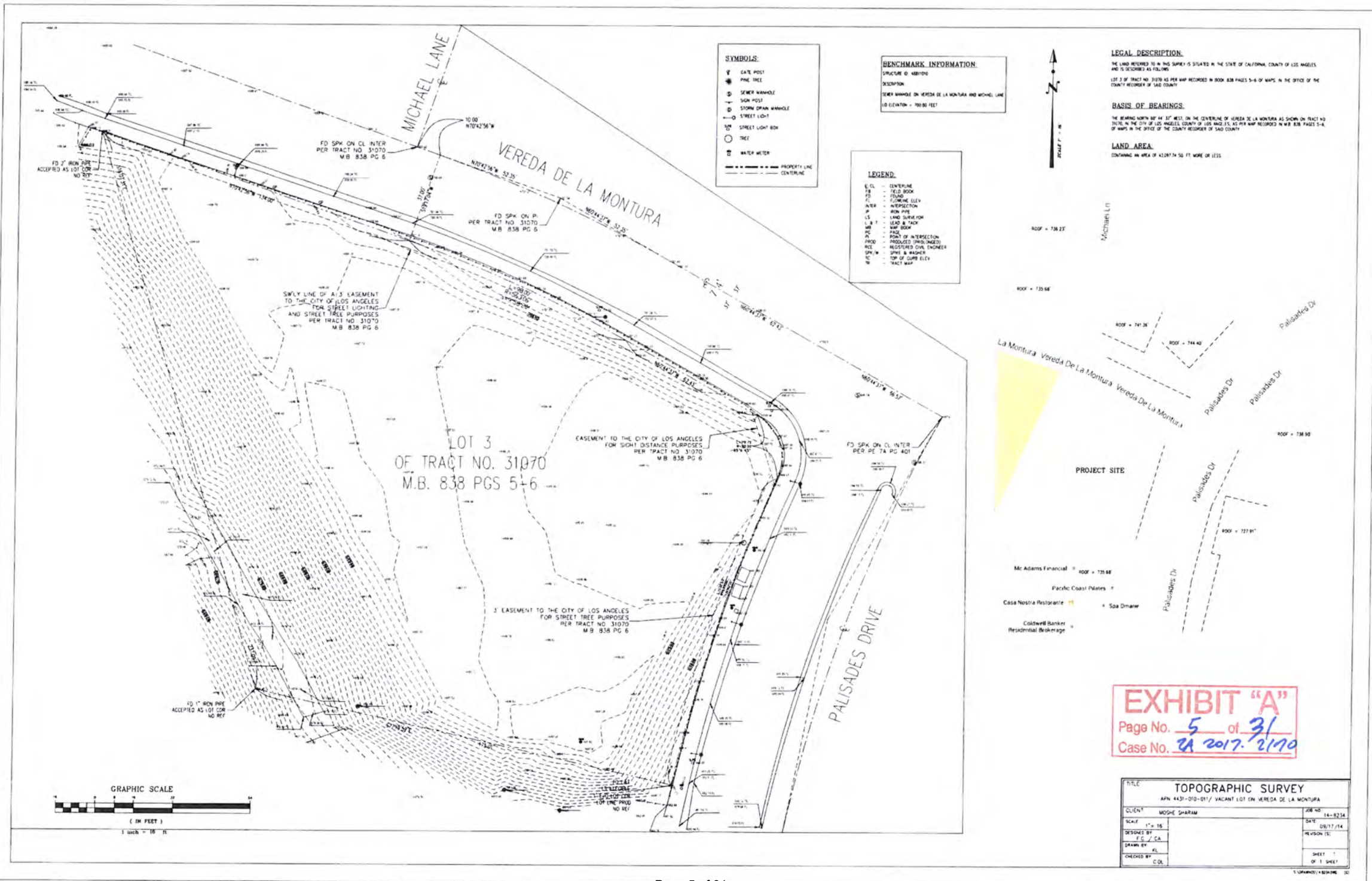




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VIEW OF THE NEIGHBORING RESTAURANT LOOKING NORTH



VIEW OF NEIGHBORING RESTAURANT LOOKING SOUTH



REPRESENTATIVE EXAMPLE OF BACK SIDE OF NEIGHBORHOOD PROPERTY



EXAMPLE OF RESIDENTIAL NEIGHBORHOOD FACADE



SITE AND CONTEXT

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FOR PALISADES DRIVE L.P.

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SITE INFORMATION

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APN: 443-101-0011

PARKING REQUIRED

PROPOSED NUMBER OF SUITES: 82 SUITES

PARKING SPACES REQUIRED: PER 12.21 A4 (d) (5)

MEMORY CARE = 29 GUEST BEDS (0.2 SPACE PER GUEST BED) = 6 SPACES

ASSISTED LIVING = 59 GUEST ROOMS (1 SPACE PER GUEST ROOM) = 59 SPACES

TOTAL SPACES REQUIRED = 65 SPACES

PARKING PROVIDED

STANDARD SPACES = 62 SPACES

HANDICAPPED SPACES = 3 SPACES

COMPACT SPACES = 1 SPACES

TOTAL SPACES PROVIDED = 66 SPACES

AREA

TOTAL SITE AREA = 43,097.74 S.F.

TOTAL FLOOR AREA FAR = 64,646 S.F.

FAR = 1.5

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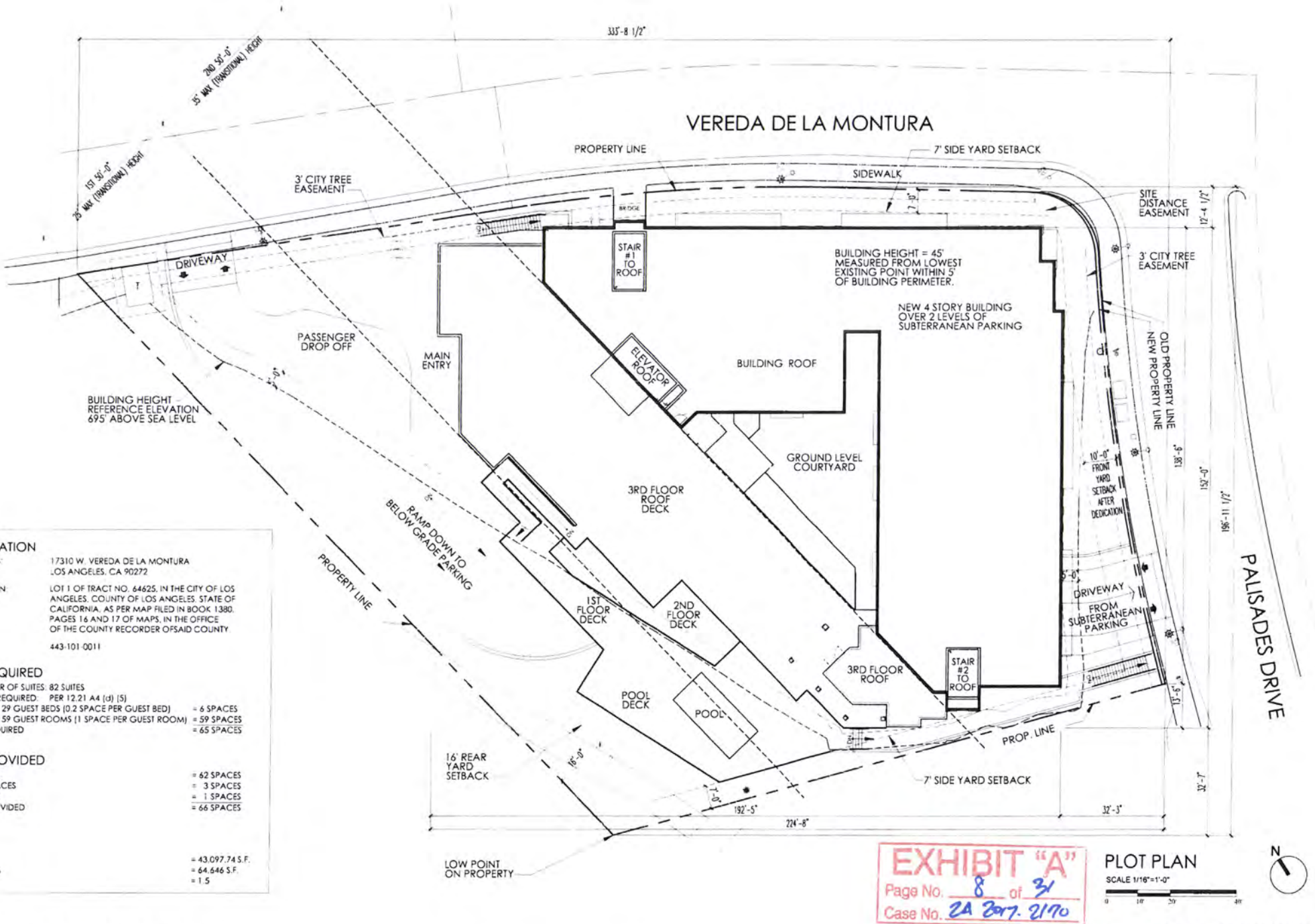




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COMPOSITE SITE PLAN

SCALE 1/16"=1'-0"
 0 10' 20' 30'



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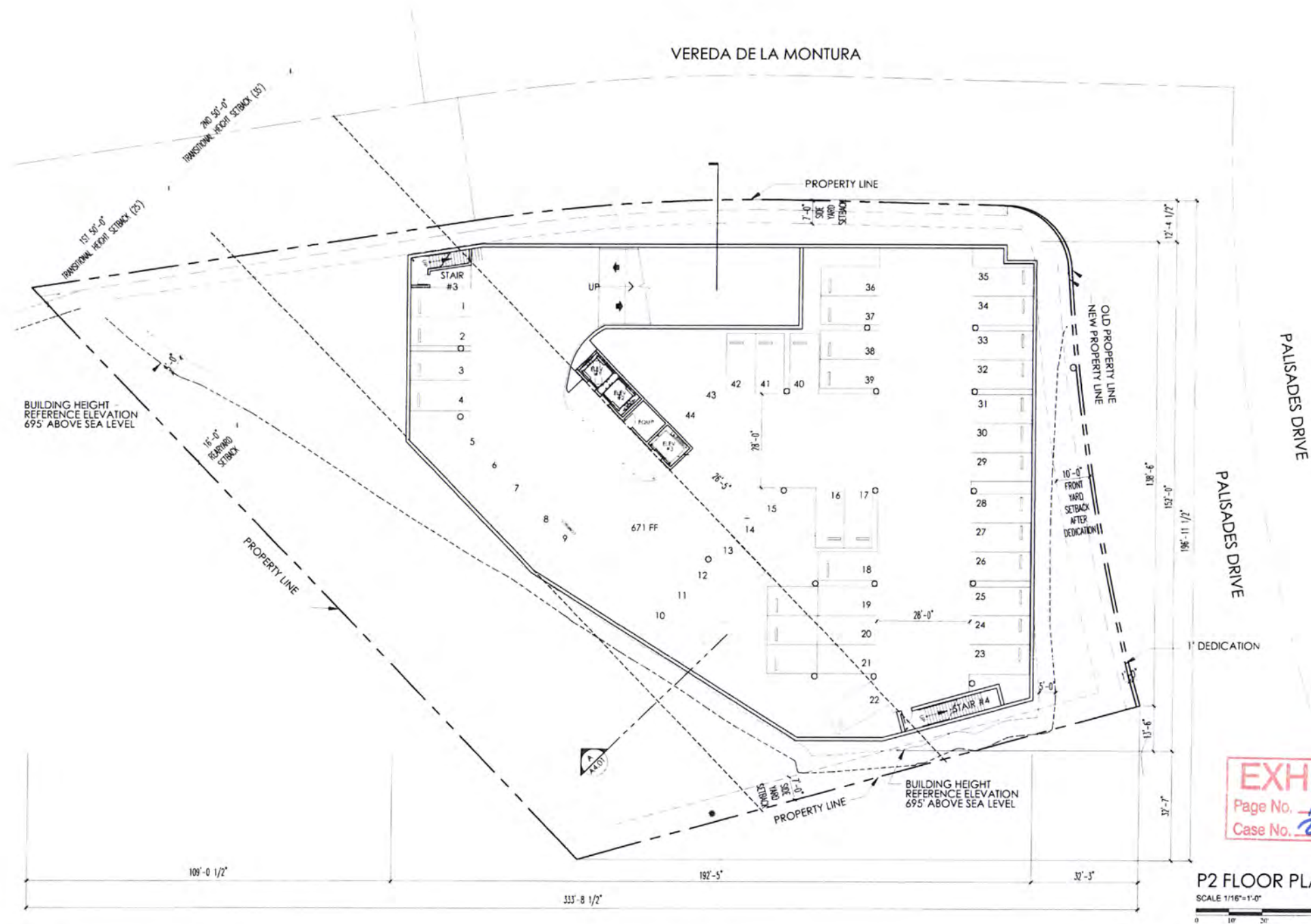


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P2 FLOOR PLAN
 SCALE 1/16"=1'-0"
 0 10' 20' 40'

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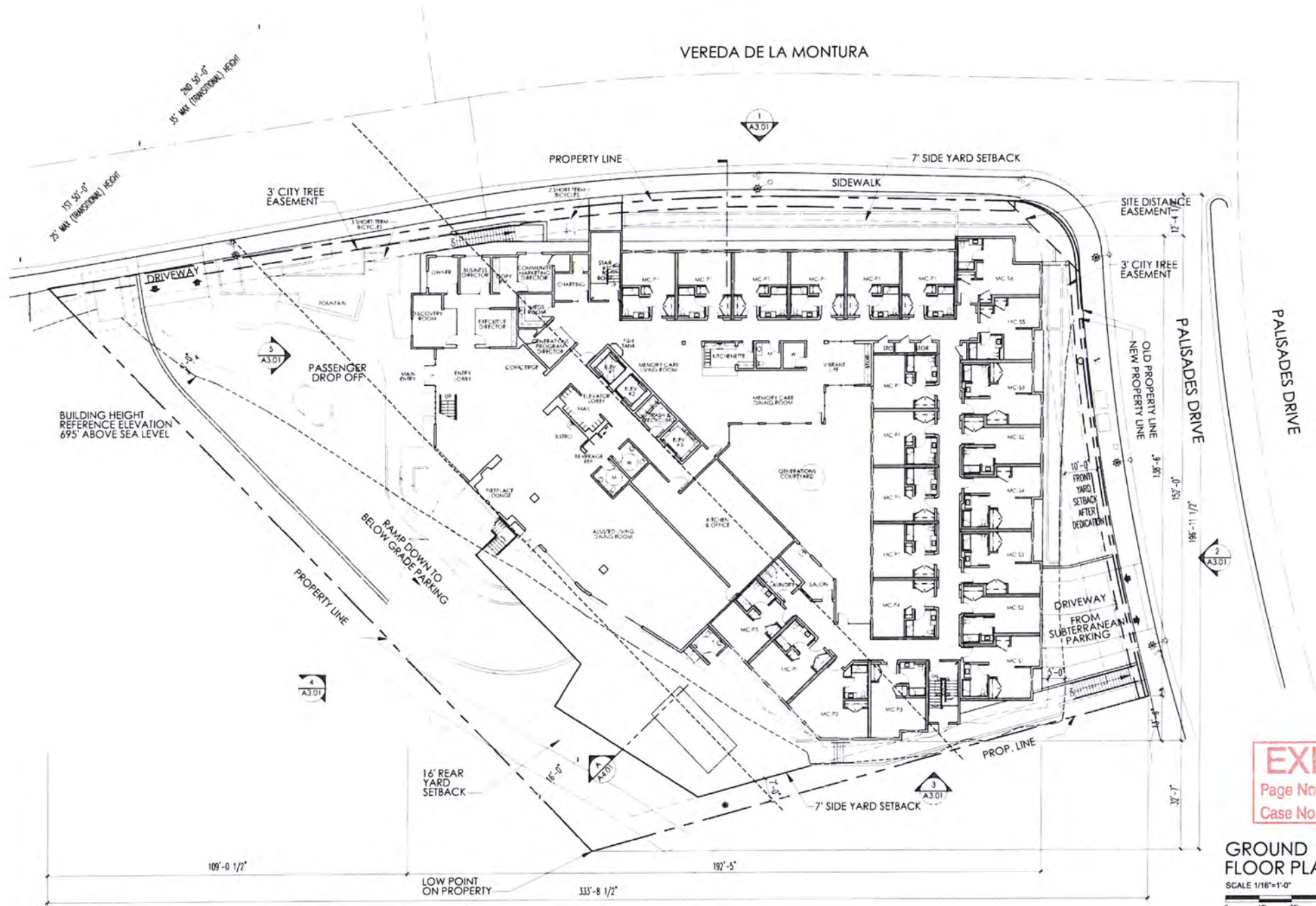


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GROUND FLOOR PLAN
 SCALE 1/16"=1'-0"
 0 10' 20' 40'

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FOR PALISADES DRIVE L.P.

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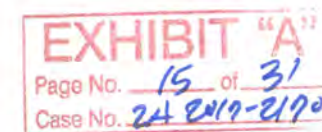
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3RD FLOOR PLAN
SCALE 1/16"=1'-0"



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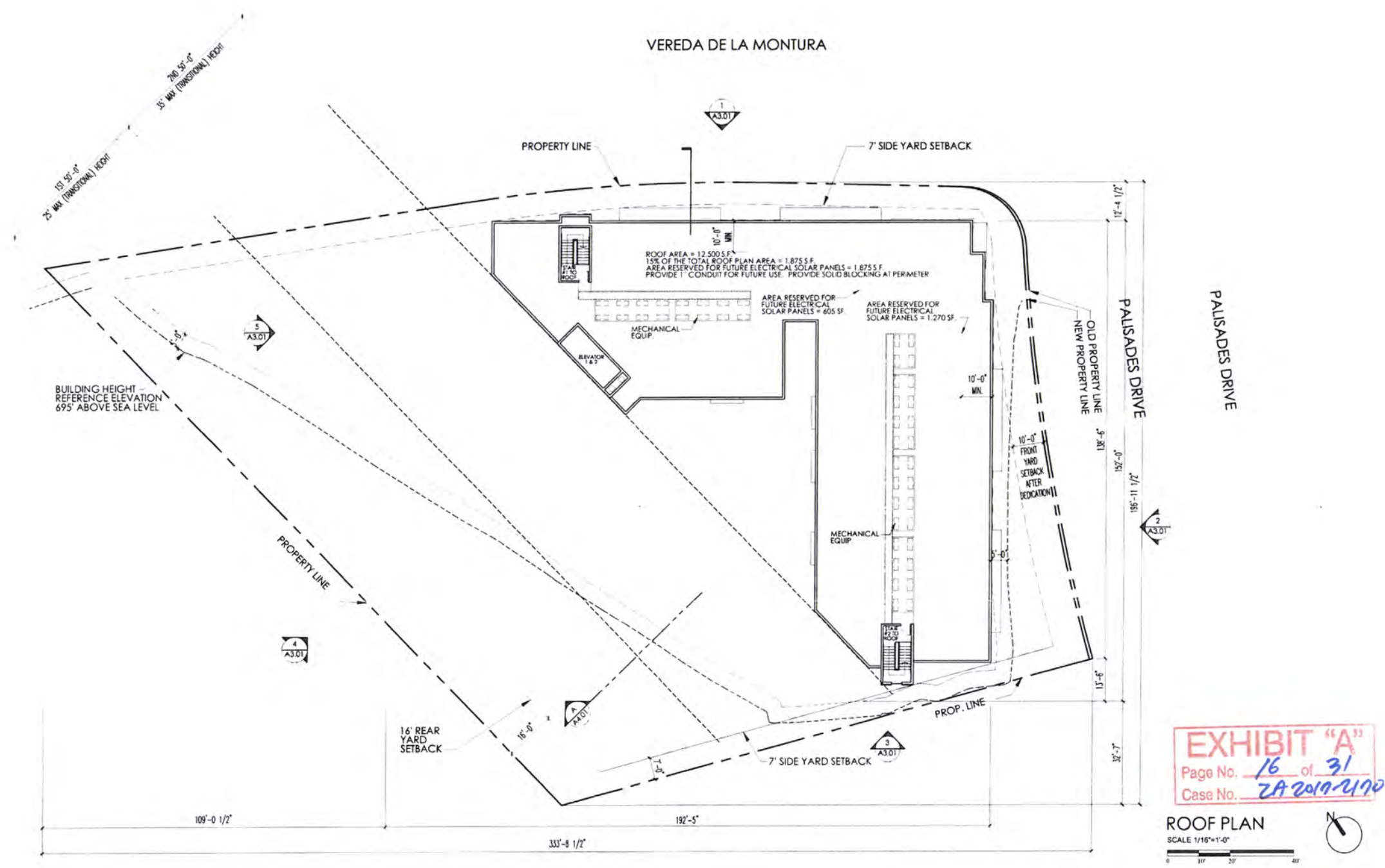
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SCALE 1/16"=1'-0"



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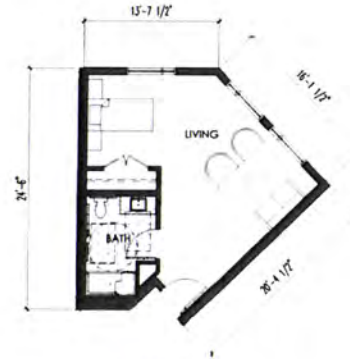
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MEMORY CARE
SUITE MC - P1
AREA - 342 SF.



MEMORY CARE
SUITE MC - P2
AREA - 434 SF.



MEMORY CARE
SUITE MC - P3
AREA - 399 SF.



MEMORY CARE
SUITE MC - P4
AREA - 362 SF.



MEMORY CARE
SUITE MC - P5
AREA - 343 SF.



MEMORY CARE
SUITE MC - S1
AREA - 396 SF.



MEMORY CARE
SUITE MC - S2
AREA - 335 SF.



MEMORY CARE
SUITE MC - S3
AREA - 417 SF.



MEMORY CARE
SUITE MC - S4
AREA - 407 SF.



MEMORY CARE
SUITE MC - S5
AREA - 351 SF.



MEMORY CARE
SUITE MC - S6
AREA - 401 SF.

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MEMORY CARE
GUEST SUITE PLANS

SCALE 1/8"=1'-0"



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INDEPENDENT LIVING SUITE PLANS
 SCALE 1/8"=1'-0"



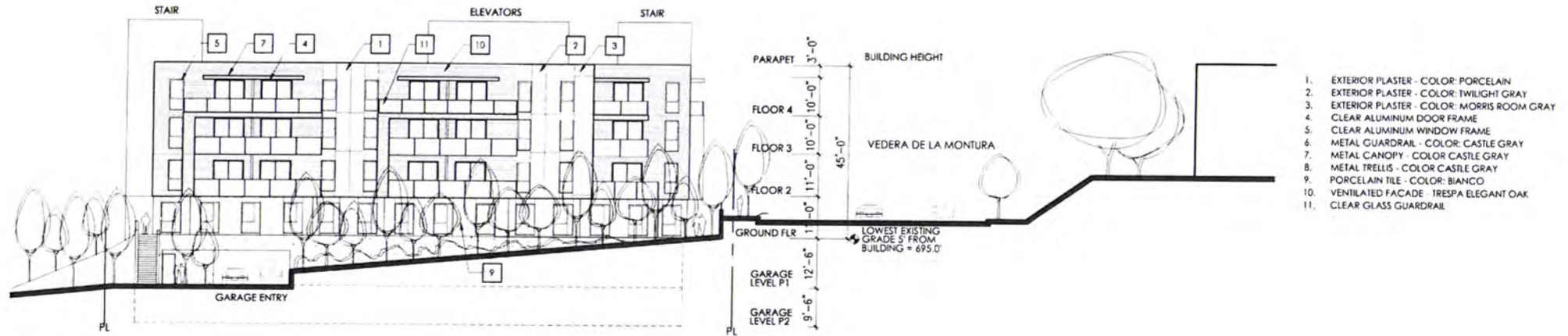
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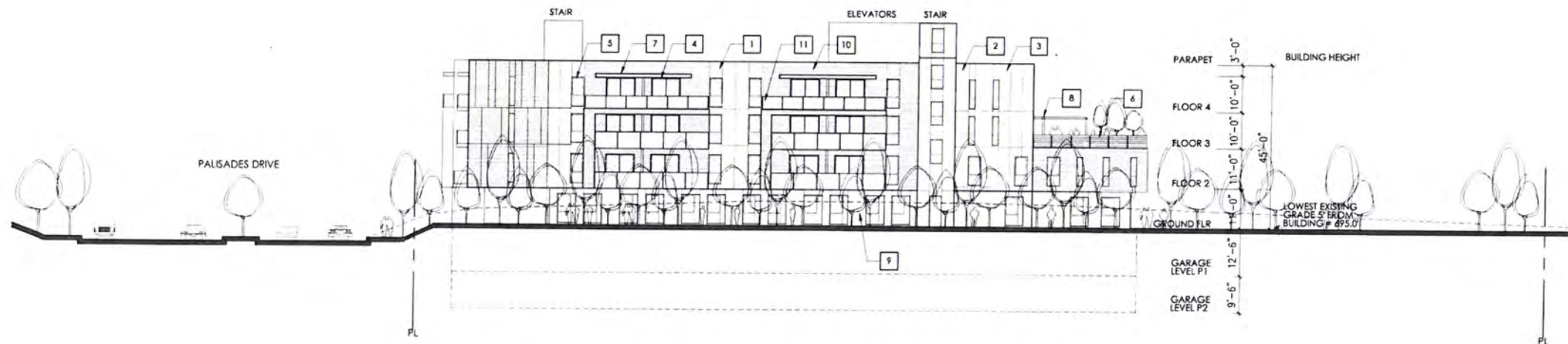
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② EAST ELEVATION - ALONG PALISADES DRIVE



① NORTH ELEVATION - ALONG VEDERA DE LA MONTURA

EXHIBIT "A"
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BUILDING ELEVATIONS

SCALE 1/16"=1'-0"

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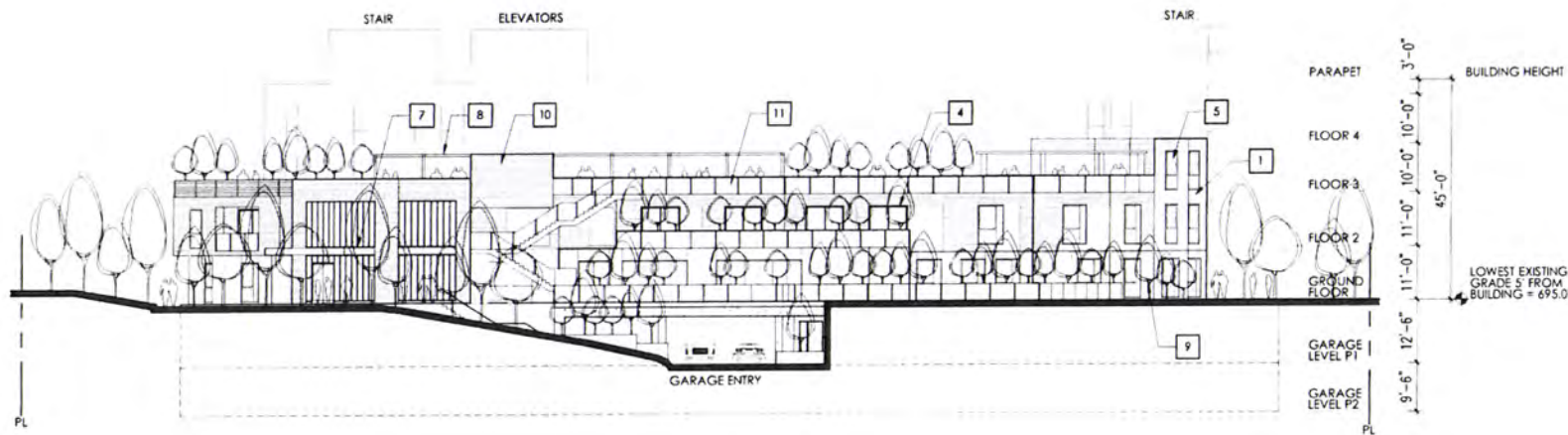
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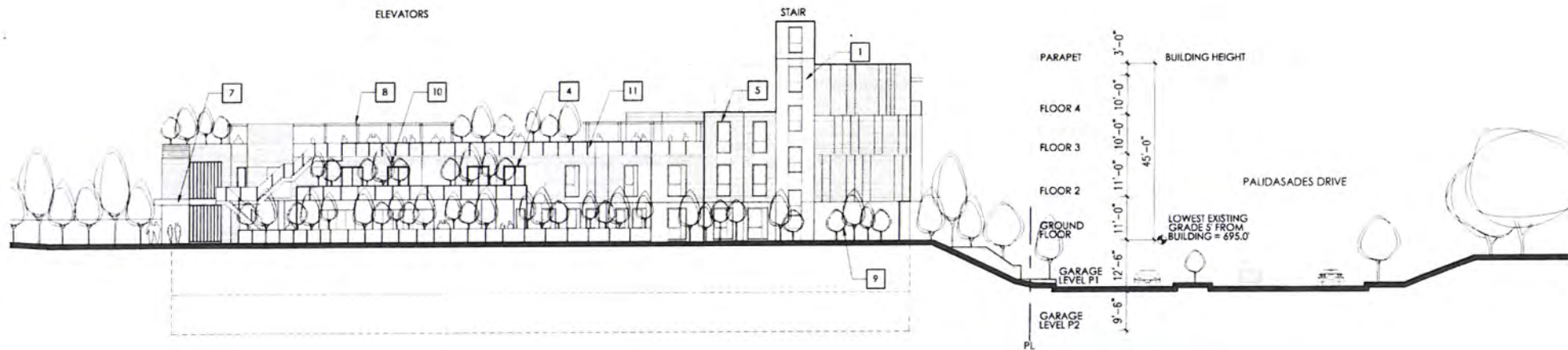
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4 SOUTH WEST ELEVATION

1. EXTERIOR PLASTER - COLOR: PORCELAIN
2. EXTERIOR PLASTER - COLOR: TWILIGHT GRAY
3. EXTERIOR PLASTER - COLOR: MORRIS ROOM GRAY
4. CLEAR ALUMINUM WINDOW FRAME
5. CLEAR ALUMINUM DOOR FRAME
6. METAL GUARDRAIL - COLOR: CASTLE GRAY
7. METAL CANOPY - COLOR: CASTLE GRAY
8. METAL TRELLIS - COLOR: CASTLE GRAY
9. PORCELAIN TILE - COLOR: BIANCO
10. VENTILATED FACADE - TRESPA ELEGANT OAK
11. CLEAR GLASS GUARDRAIL



3 SOUTH ELEVATION

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BUILDING ELEVATIONS

SCALE 1/16"=1'-0"



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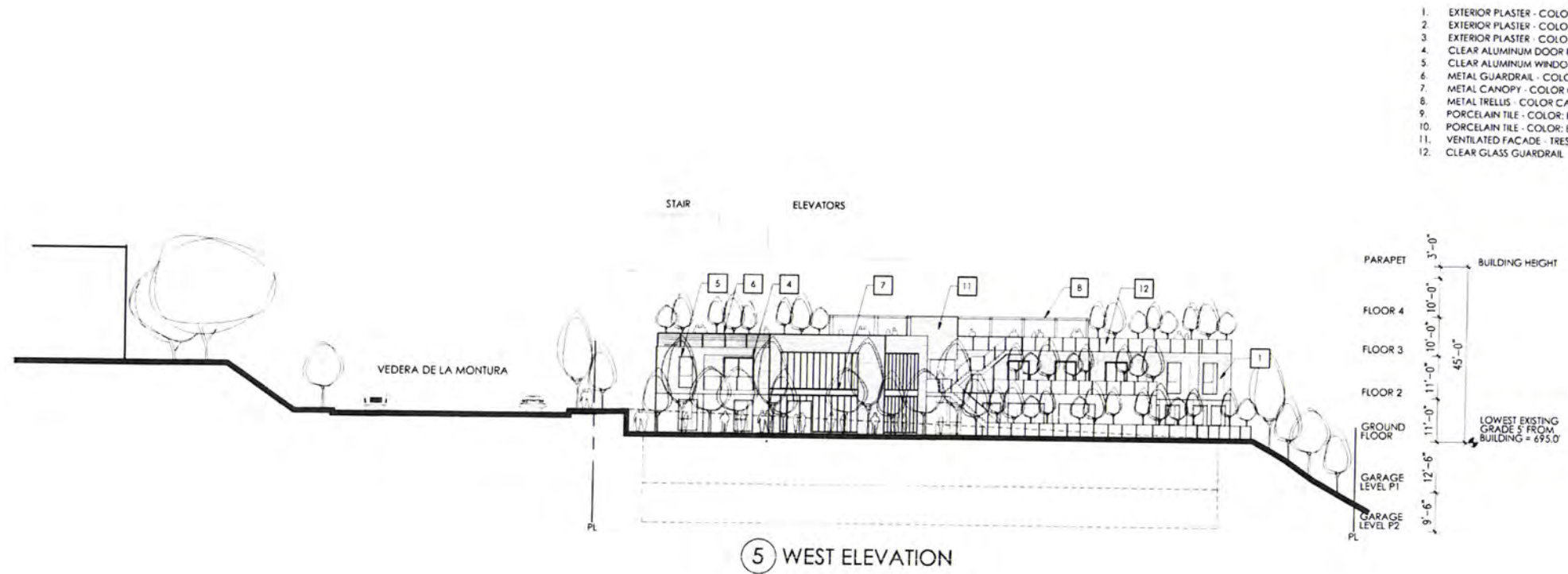
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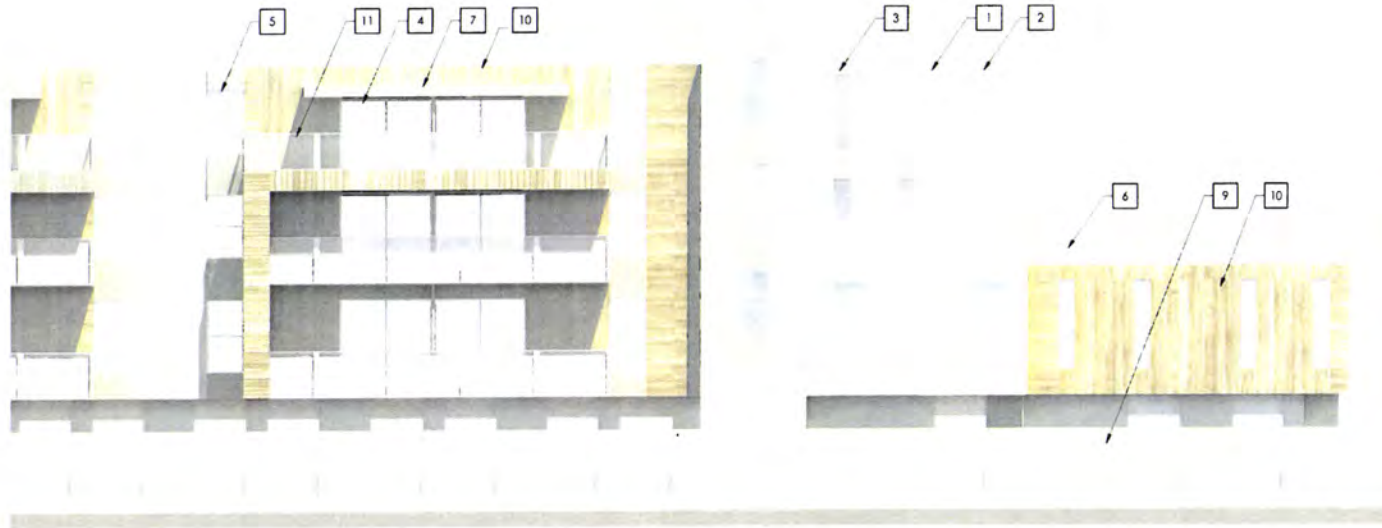
BUILDING ELEVATIONS

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TYPICAL EXTERIOR MATEIRALS AND FINISHES:

1. EXTERIOR PLASTER
TO MATCH SHERWIN WILLIAMS PAINT COLOR SW 0053
PORCELAIN
2. EXTERIOR PLASTER
TO MATCH SHERWIN WILLIAMS PAINT COLOR SW 0054
TWILIGHT GRAY
3. EXTERIOR PLASTER
TO MATCH SHERWIN WILLIAMS PAINT COLOR SW 0037
MORRIS ROOM GRAY
4. METAL DOOR FRAME
TO MATCH ALCOA ARCHITECTURAL PRODUCTS
CLEAR ALUMINUM
5. METAL WINDOW FRAME
TO MATCH ALCOA ARCHITECTURAL PRODUCTS
CLEAR ALUMINUM
6. METAL GUARDRAIL
TO MATCH ALCOA REYNOBOND
CASTLE GRAY
7. METAL CANOPY
TO MATCH ALCOA REYNOBOND
CASTLE GRAY
8. METAL TRELLIS
TO MATCH ALCOA REYNOBOND
CASTLE GRAY
9. PORCELAIN TILE
TO MATCH ATLAS CONCORDE BLOCK
BIANCO
10. VENTILATED FACADE SYSTEM PANELS
TO MATCH TRESPA METEON WOOD DECORS
ELEGANT OAK
11. GLASS GUARDRAIL
LOW IRON CLEAR GLASS

PALISADES DRIVE RCFE

FOR PALISADES DRIVE L.P.

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Page 22 of 31

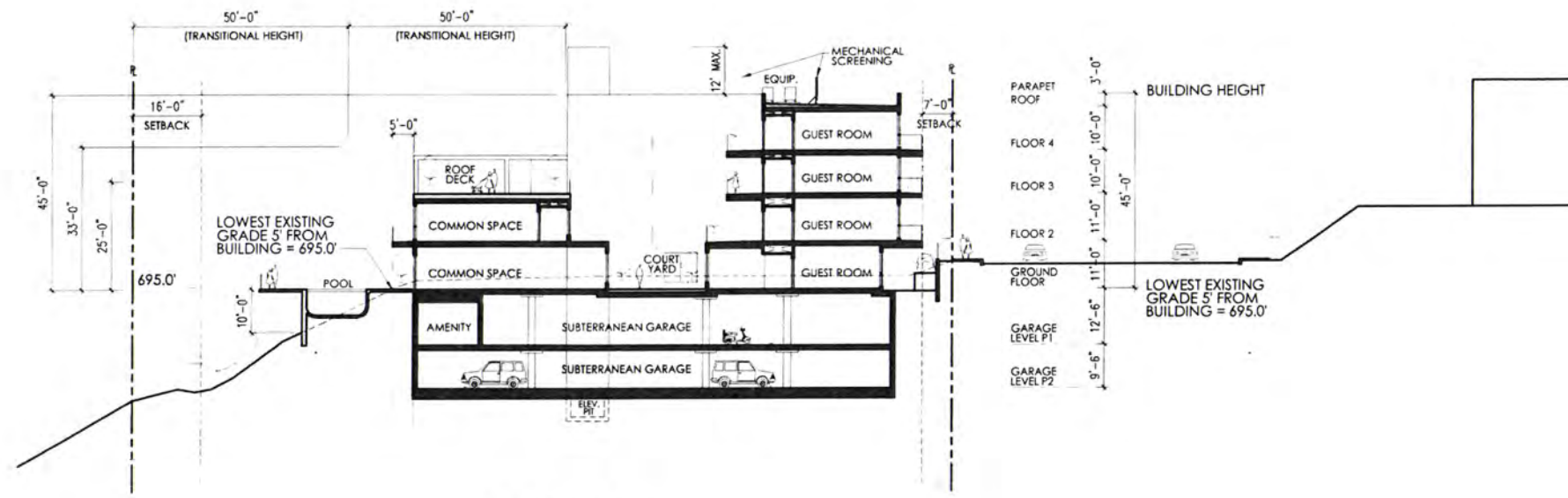
EXHIBIT "A"
Page No. 22 of 31
Case No. 2A 2017-2170

EXTERIOR MATERIALS

SCALE 1/16"=1'-0"

SHEET NO.
A3.04
DATE
FEBRUARY 6, 2017

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SECTION

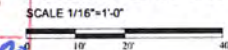
PALISADES DRIVE RCFE

FOR PALISADES DRIVE L.P.

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EXHIBIT "A"
 Page No. 23 of 31
 Case No. 2A 2017-2/70

BUILDING SECTION
 SCALE 1/16"=1'-0"



SHEET NO.
A4.01
 DATE
 FEBRUARY 6, 2017



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GENERAL NOTES:

1. ALL LANDSCAPE AREAS WILL BE IRRIGATED W/ A HIGH EFFICIENCY IRRIGATION W/ SMART IRRIGATION CONTROLS.
2. ALL PLANTING & IRRIGATION SHALL COMPLY WITH CITY OF LOS ANGELES REQUIREMENTS.
3. IRRIGATION DESIGN WILL INCORPORATE EPA WATERSENSE SPECIFICATIONS.
4. STREET TREES SHALL BE SELECTED AND INSTALLED PER CITY OF LOS ANGELES DEPARTMENT OF URBAN FORESTRY.
5. ALL NEW PLANTED AREAS TO BE HEAVILY MULCHED FOR WATER CONSERVATION.
6. THERE ARE NO EXISTING TREES ON THE SITE.

WATER CONSERVATION STATEMENT:

ALL LANDSCAPE WILL BE SPECIFIED, PLANTED & IRRIGATED ACCORDING TO XERISCAPE DESIGN PRINCIPLES WHICH INCLUDE: THE PREDOMINANT USE OF DROUGHT TOLERANT PLANT MATERIALS; THE PRACTICE OF HYDROZONING OR GROUPING PLANTS WITH SIMILAR WATER REQUIREMENTS TOGETHER; MINIMIZING TURF AREAS AND THE EFFICIENT APPLICATION OF WATER BY USING MATCH PRECIPITATION HEADS, DRIP LINE, SEPARATE VALVES FOR TURF AND GROUND COVER AREAS AND RAIN SHUT OFF DEVICES. THIS PROJECT WILL COMPLY WITH THE STATE WATER CONSERVATION ORDINANCE EFFECTIVE JANUARY 1, 2010.

EXHIBIT "A"
Page No. 24 of 31
Case No. 2A 2017-2190

OVERALL LANDSCAPE PLAN

SHEET NO.
L-1
DATE
JANUARY 30, 2017

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SCALE: 1/16" = 1'-0"
0 8 16 32 64



PALISADES DRIVE RCFE DEVELOPMENT FOR PALISADES DRIVE L.P.

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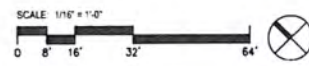


EXHIBIT "A"
Page No. 25 of 31
Case No. 2A 2017-2190

FIRST LEVEL LANDSCAPE PLAN

PALISADES DRIVE RCFE DEVELOPMENT FOR PALISADES DRIVE L.P.

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SHEET NO
L-2
DATE
JANUARY 30, 2017

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PLANT LEGEND - DRIVEWAY ENTRY			
SYMBOL	BOTANICAL NAME "COMMON NAME"	SIZE	QTY.
TREES			
	ARBUTUS 'MARINA' "MARINA STRAWBERRY TREE"	24", 36" BOX, MULTI	4
	CERCIS CANADENSIS 'FOREST PANSY' "FOREST PANSY EASTERN REDBUD"	36" BOX	2
	ERIOBOTRYA DEFLEXA "BRONZE LOQUAT"	24" BOX	1
	ERYTHRINA SYKESII "AUSTRALIAN CORAL TREE"	72" BOX	1
	OLEA EUROPAEA 'WILSONII' "FRUITLESS OLIVE"	36" BOX	1
	PLATANUS RACEMOSA "CALIFORNIA SYCAMORE"	36", 48", 60" BOX	4

NOTE: PLANTS SHALL BE CHOSEN FROM THE LIST ABOVE.
ALL PLANT TYPES MAY NOT BE SPECIFIED.

EXHIBIT "A"
Page No. 26 of 31
Case No. 2A 2017-2170

DRIVEWAY ENTRY - FIRST LEVEL

PALISADES DRIVE RCFE DEVELOPMENT FOR PALISADES DRIVE L.P.

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Page 26 of 31

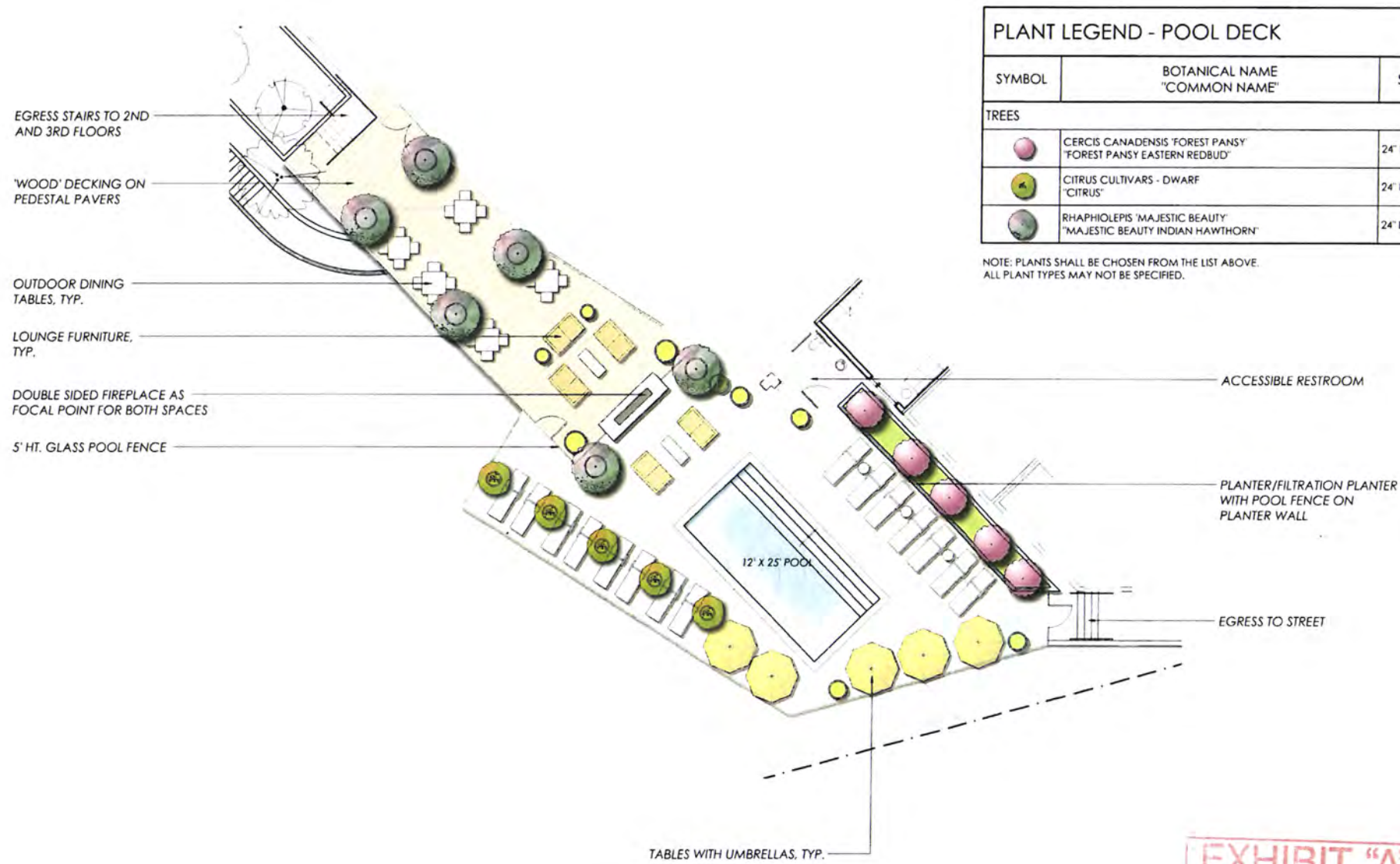
P:\P-Z\WIP 161 Palisades\Drawings\L3 Driveway Entry.dwg, 1/30/2017 11:52:33 AM, _AutoCAD PDF (Smallest File).pc3

SCALE 1/8" = 1'-0"



SHEET NO	L-3
DATE	JANUARY 30, 2017

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PLANT LEGEND - POOL DECK			
SYMBOL	BOTANICAL NAME "COMMON NAME"	SIZE	QTY.
TREES			
	CERCIS CANADENSIS 'FOREST PANSY' 'FOREST PANSY EASTERN REDBUD'	24" BOX	5
	CITRUS CULTIVARS - DWARF 'CITRUS'	24" BOX	5
	RHAPHIOLEPIS 'MAJESTIC BEAUTY' 'MAJESTIC BEAUTY INDIAN HAWTHORN'	24" BOX	6

NOTE: PLANTS SHALL BE CHOSEN FROM THE LIST ABOVE.
ALL PLANT TYPES MAY NOT BE SPECIFIED.

EXHIBIT "A"
Page No. 27 of 31
Case No. 2A 2017 2190

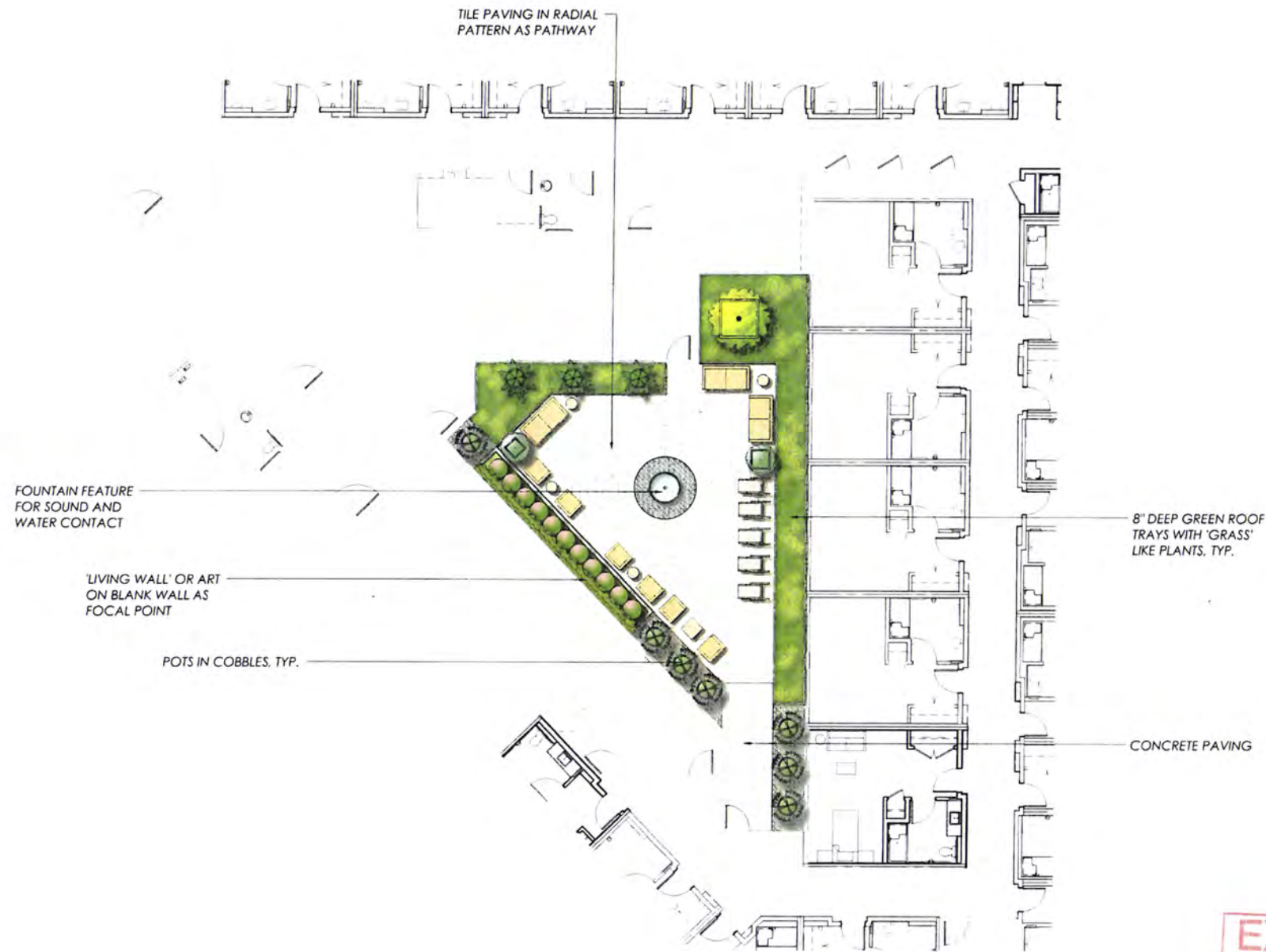
POOL DECK - FIRST LEVEL

PALISADES DRIVE RCFE DEVELOPMENT FOR PALISADES DRIVE L.P.

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SHEET NO.	L-4	 11876 La Grange Ave., Los Angeles, CA 90025 T. 310.450.0200 F. 310.450.0225 www.gmpaArchitects.com
DATE	JANUARY 30, 2017	



PLANT LEGEND - CENTRAL COURTYARD	
SYMBOL	BOTANICAL NAME "COMMON NAME"
TREES	
	BAMBUSA MULTIPLEX 'GOLDEN GODDESS' 'GOLDEN GODDESS BAMBOO'
	RHAPIS EXCELSUS 'LADY PALM'
	SCHEFFLERA ACTINOPHYLLA 'QUEENSLAND UMBRELLA TREE'
	PHOENIX ROEBELENI 'PYGMY DATE PALM'
	ASPARAGUS DENSIFLORUS 'MYERSII' 'FOXTAIL FERN'
	RHAPIS EXCELSUS 'LADY PALM'
	SCHEFFLERA ELEGANTISSIMA 'FALSE ARALIA'
GREEN ROOF TRAYS	
	ASPARAGUS DENSIFLORUS 'FOXTAIL FERN'
	CAREX DIVULSA 'BERKELEY SEDGE'
	DIANELLA TASMANICA 'TASMAN FLAX LILY'
	DIANELLA TASMANICA 'VARIEGATA' 'VARIEGATED FLAX LILY'
	LIRIOPE MUSCARI CULTIVARS 'LILY TURF'

NOTE: PLANTS SHALL BE CHOSEN FROM THE LIST ABOVE.
ALL PLANT TYPES MAY NOT BE SPECIFIED.

EXHIBIT "A"
Page No. 28 of 31
Case No. 2A 2017-2170

CENTRAL COURTYARD - FIRST LEVEL

PALISADES DRIVE RCFE DEVELOPMENT FOR PALISADES DRIVE L.P.

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SHEET NO.	L-5
DATE	JANUARY 30, 2017

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PLANT LEGEND - ROOF DECK			
SYMBOL	BOTANICAL NAME "COMMON NAME"	SIZE	QTY.
TREES			
	ARBUTUS 'MARINA' "MARINA STRAWBERRY TREE"	36" BOX, MULTI	2
	CITRUS CULTIVARS "CITRUS"	36" BOX	2
	ERIOBOTRYA DEFLEXA "BRONZE LOQUAT"	24" BOX	3
	MELALEUCA NESOPHILA "PINK MELALEUCA"	24" BOX	4
	OLEA EUROPAEA 'WILSONII' "FRUITLESS OLIVE"	36" BOX	1
	FRUIT TREES - ASSORTED	24" BOX	7

NOTE: PLANTS SHALL BE CHOSEN FROM THE LIST ABOVE. ALL PLANT TYPES MAY NOT BE SPECIFIED

EXHIBIT "A"
Page No. 29 of 31
Case No. 18-207-2770
ROOF DECK - THIRD LEVEL

PALISADES DRIVE RCFE DEVELOPMENT FOR PALISADES DRIVE L.P.

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SHEET NO	L-6
DATE	JANUARY 30, 2017

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DRIVEWAY ENTRANCE: TREES

					
ARBUTUS 'MARINA' "MARINA STRAWBERRY TREE"	CERCIS CANADENSIS 'FOREST PANSY' "FOREST PANSY EASTERN REDBUD"	ERIBOTRYA DEFLEXA "BRONZE LOQUAT"	ERYTHRINA SYKESII "AUSTRALIAN CORAL TREE"	OLEA EUROPAEA 'WILSON' "FRUITLESS OLIVE"	PLATANUS RACEMOSA "CALIFORNIA SYCAMORE"

PERIMETER LANDSCAPE: GENERAL SHRUBS & GROUNDCOVERS

						
ARCTOSTAPHYLOS SPECIES "MANZANITA"	CAREX SPECIES "SEDOE"	CEANOTHUS SPECIES "CALIFORNIA LILAC"	CISTUS SPECIES "ROCKROSE"	FESTUCA GLAUCA "BLUE FESCUE"	LAVANDULA SPECIES "LAVENDER"	SALVIA SPECIES "SAGE"

PERIMETER LANDSCAPE: NATIVE SHRUBS & GROUNDCOVERS

					
ARCTOSTAPHYLOS SPECIES "MANZANITA"	BACCHARIS SPECIES "BACCHARIS"	CEANOTHUS SPECIES "CALIFORNIA LILAC"	RHUS INTEGRIFOLIA "LEMONADE SUMAC"	RIBES SPECIOSUM "GOOSEBERRY"	SALVIA SPECIES "SAGE"

EXHIBIT "A"
Page No. 30 of 31
Case No. 24-2190

PLANT IMAGES

PALISADES DRIVE RCFE DEVELOPMENT FOR PALISADES DRIVE L.P.

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SHEET NO	L-7
DATE	JANUARY 30, 2017

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CENTRAL COURTYARD: TREES

					
ASPARAGUS DENSIFLORUS 'MYRESII' "FOXTAIL FERN"	BAMBUSIA MULTIPLEX 'GOLDEN GODDESS' "GOLDEN GODDESS BAMBOO"	RHAPIS EXCELSUS "LADY PALM"	SCHIEFFLERA ACTINOPHYLLA "QUEENSLAND UMBRELLA TREE"	SCHIEFFLERA ELEGANTISSIMA "FALSE ARAUCARIA"	PHOENIX ROEBELENI "PYGMY DATE PALM"

CENTRAL COURTYARD: GREEN ROOF TRAYS

				
ASPARAGUS DENSIFLORUS "FOXTAIL FERN"	CAREX DIVISA "BERKELEY SAGE"	DIANELLA TASMANICA "TASMAN FLAX LILY"	DIANELLA TASMANICA 'VARIEGATA' "VARIEGATED FLAX LILY"	LIRIOPE MUSCARI CULTIVARS "LILY TURF"

POOL DECK: TREES

		
CERCIS CANADENSIS 'FOREST PANSY' "FOREST PANSY EASTERN REDBUD"	DWARF CITRUS CULTIVARS "CITRUS"	RHAPHIOLEPIS 'MAJESTIC BEAUTY' "MAJESTIC BEAUTY INDIAN HAWTHORN"

ROOF DECK: TREES

							
ARBUTUS 'MARINA' "MARINA STRAWBERRY TREE"	CITRUS CULTIVARS "CITRUS"	ERIOBOTRYA DEFLEXA "BRONZE LOQUAT"	MELALEUCA NESOPHILA "PINK MELALEUCA"	OLEA EUROPAEA 'WILSONI' "FRUITLESS OLIVE"	ASSORTED FRUIT TREES - CITRUS, PEACH, PLUM		

EXHIBIT "A"
Page No. 31 of 31
Case No. 24-2017-2170

PLANT IMAGES

PALISADES DRIVE RCFE DEVELOPMENT FOR PALISADES DRIVE L.P.

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SHEET NO
L-8
DATE
JANUARY 30, 2017

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CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CALIFORNIA 90802-4416
(562) 590-5071 FAX (562) 590-5084

WWW.COASTAL.CA.GOV

**COMMISSION NOTIFICATION OF APPEAL**

May 25, 2018

To: Cecilia Lamas
West Los Angeles Area Planning Commission
200 N. Spring Street, Room 532
Los Angeles, CA 90012

From: Charles Posner

Re: **Commission Appeal No. A-5-PPL-18-0035**

Exhibit 3

Page 1 of 103



California Coastal
Commission

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to the Public Resources Code Section 30623.

LOCAL PERMIT #: **ZA-2017-2170-ELD-CDP-SPR-1A**

APPLICANT: **Palisades Drive, LP, Attn: Rony Shram**

DESCRIPTION: Appeal of Local CDP for construction of a 4-story, 45-ft. high, 64,646 sq. ft. Eldercare Facility, with 82 guest rooms, including 19,308 cu. yds. of exported graded material, on a vacant lot

LOCATION: 1525 & 1533 N. Palisades Dr. (and 17310 & 17320 W. Vereda de la Montura), Pacific Palisades, City of Los Angeles, Los Angeles County

LOCAL DECISION: Approval; No Special Conditions

APPELLANTS:

Barbara Kohn, Tim Cannella, Nousha Soofi-Mashkouri and Nima Mashkouri, Naum Pisky, Behzad Emad and Deanna Gale Emad, Joda and Jody Margulies, Linda and Geoffrey Symcox, Susan Oppong, Larry Larson, Liza Sammuels, Susan A. Yeck, William Perkins, Bobby and Elena Ashrafi, Guler Padoett, Robin Spencer, Batsheva Spector, Jonathan and Maria Klar, Aileen Haugh, Alison Williams, Arthur Hoyle and Miriam Baer, Diane and Kimberly Bleak, Donna Vaccarino, Kristen Abcahan and Kristen Abraham, Liana Martin, Lisette Kremer, Melanie Bouer, Richard and Anna Aaron, Sarah Conner, Susan Stone, Alexandra and John Marcus Jackson, Alice Lewis, Barry DuRon, Benjamin Wallfish, Jan Ostendorf, Sangermano Ellen, Ileana Zapatero, Ilene Koenig, Jeanne W. Ruderman, Lev Altshuler, Laurie Levin, Matthew Grinsfelder and Victoria Collison, Rachael Smith and Dean Grinsfelder, Robert Brady, Amy Wecker, Wan-Yi Sweeting, Jennie Ostendorf, John O'reilly, Janice Amar, Andrew Feng, Brett Harwin and Harwin Michelle, Vicky and Bruce Rosin, Carey Roth, Richard, Luke, Edward, and Hannah Kim, Fariba Habibi and Farrokh Habibi-Ashrafi, Alexandra, Kathryn, Dennis, and Helen Gaskin, David Scharf, Alan Dreyfuss, Yolanda Gardia, Mark Ryavec, Massiano Ludovisi, Ness Moadeb, Judid Moadeb, Sandor Fischl, Alisa Gabay, Keith and Lorena Craven, Julie Fasteau, Joe and Arline Halper, Joanne Lou, Antoinette Rec, Jennifer and Gregg Champion, Chuck Foster and Pamela Nye, Sion, Beverly, and Dan Louks, Jana and Sam Gustman, Nathalie Reishman, Mary Beetly, Michek Burnur, Megan Barnum, Lili Geller, Shaylah O'Connor and Shannon Newell, Josette Sai, Robert T. and Sandra L. Flick, Caroline and Ron Kemalyan, Vicki Huth, Tom Rapier and Roberta Hollander, Michael and Kirsten Schaefer, Marianne and Friedrich Kastner, Philip and Elisabeth Alford, Alexandra Paul and Ian Murray, Jay, Alicia, and Brook Dougherty, Katie Whorrall, Gaby and Rachel Amar, Carol Taubman, Nicole and Steven Proto, Ted Docter, Pacific Palisades Residents Association, Inc., Pacific Palisades Residents Association, Inc., c/o Law Office of Thomas M. Donovan, Riccardo and Janis Gallo, Norman Parker, Dean Semler, Donna Gavin and Norman Neofotist, Melinda Ramm, Evan and Erica Fisher, Gordon Gerson and Shannon Colmenares, Harris and Deborah Leven, Jeffry A. Grossman, John and Anita Jenkins, John Wild, Joie Marie Gallo, Lucy Kerner, Malissa Johnson and Saad Javed, Maneli Mansoori and Richard Hart, Peter and Elisabeth Shakarian, Ralph and Karen Gidwitz, Danilo Kawasaki and Wendy Arneill, Alli and Conrad Solum, Christine Buyny and David Haynie, Edith and James Kinloch, Suzanne Myer, Stuart Rutkin

COMMISSION NOTIFICATION OF APPEAL

DATE APPEAL FILED: 05/23/2018

The Commission appeal number assigned to this appeal is A-5-PPL-18-0035. The Commission hearing date has not been scheduled at this time. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the City of Los Angeles's consideration of this coastal development permit must be delivered to the South Coast District Office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

cc. Jeffer Mangels Butler & Mitchell, LLP, Attn: Kevin K. McDonnell, Esq., Palisades Drive, LP, Attn: Rony Shram, Luna & Glushon, Attn: Robert Glushon, Esq., Luna & Glushon, Attn: Kristina Kropp, Esq., Councilmember Mike Bonin, Barbara Kohn, Tim Cannella, Nousha Soofi-Mashkouri and Nima Mashkouri, Naum Pisky, Behzad Emad and Deanna Gale Emad, Joda and Jody Margulies, Linda and Geoffrey Symcox, Susan Oppong, Larry Larson, Liza Sammuels, Susan A. Yeck, William Perkins, Bobby and Elena Ashrafi, Guler Padoett, Robin Spencer, Batsheva Spector, Jonathan and Maria Klar, Aileen Haugh, Alison Williams, Arthur Hoyle and Miriam Baer, Diane and Kimberly Bleak, Donna Vaccarino, Kristen Abcahan and Kristen Abraham, Liana Martin, Lisette Kremer, Melanie Bouer, Richard and Anna Aaron, Sarah Conner, Susan Stone, Alexandra and John Marcus Jackson, Alice Lewis, Barry DuRon, Benjamin Wallfish, Jan Ostendorf, Sangermano Ellen, Ileana Zapatero, Ilene Koenig, Jeanne W. Ruderman, Lev Altshuler, Laurie Levin, Matthew Grinsfelder and Victoria Collison, Rachael Smith and Dean Grinsfelder, Robert Brady, Amy Wecker, Wan-Yi Sweeting, Jennie Ostendorf, John O'reilly, Janice Amar, Andrew Feng, Brett Harwin and Harwin Michelle, Vicky and Bruce Rosin, Carey Roth, Richard, Luke, Edward, and Hannah Kim, Fariba Habibi and Farrokh Habibi-Ashrafi, Alexandra, Kathryn, Dennis, and Helen Gaskin, David Scharf, Alan Dreyfuss, Yolanda Gardia, Mark Ryavec, Massiano Ludovisi, Ness Moadeb, Judid Moadeb, Sandor Fischl, Alisa Gabay, Keith and Lorena Craven, Julie Fasteau, Joe and Arline Halper, Joanne Lou, Antoinette Reec, Jennifer and Gregg Champion, Chuck Foster and Pamela Nye, Sion, Beverly, and Dan Louks, Jana and Sam Gustman, Nathalie Reishman, Mary Beetly, Michek Burnur, Megan Barnum, Lili Geller, Shaylah O'Connor and Shannon Newell, Josette Sai, Robert T. and Sandra L. Flick, Caroline and Ron Kemalyan, Vicki Huth, Tom Rapier and Roberta Hollander, Michael and Kirsten Schaefer, Marianne and Friedrich Kastner, Philip and Elisabeth Alford, Alexandra Paul and Ian Murray, Jay, Alicia, and Brook Dougherty, Katie Whorrall, Gaby and Rachel Amar, Carol Taubman, Nicole and Steven Proto, Ted Docter, Pacific Palisades Residents Association, Inc., Pacific Palisades Residents Association, Inc., c/o Law Office of Thomas M. Donovan, Riccardo and Janis Gallo, Norman Parker, Dean Semler, Donna Gavin and Norman Neofotist, Melinda Ramm, Evan and Erica Fisher, Gordon Gerson and Shannon Colmenares, Harris and Deborah Leven, Jeffery A. Grossman, John and Anita Jenkins, John Wild, Joie Marie Gallo, Lucy Kerner, Malissa Johnson and Saad Javed, Maneli Mansoori and Richard Hart, Peter and Elisabeth Shakarian, Ralph and Karen Gidwitz, Danilo Kawasaki and Wendy Arneill, Alli and Conrad Solum, Christine Buyny and David Haynie, Edith and James Kinloch, Suzanne Myer, Stuart Rutkin

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
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MAY 23 2018

CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Janis M Gallo

Mailing Address: 1545 Palisades Drive

City: Pacific Palisades, Ca

Zip Code: 90272

Phone: 310-971-7959

SECTION II. Decision Being Appealed

1. Name of local/port government:
2. Brief description of development being appealed: Vacant lot at 1525 Palisades Drive, surrounded on 3 sides by 2 state parklands, Santa Monica Recreational Park and residential homes on the 4th side. Poposed Elder Care Institution, 65 thousand Square feet of building space on a 44,000 square feet lot. Operate a 24/7 institutional care facility in extreme wildfire hazard zone with limited roadway access during a natural disaster also flooded in the past.
3. Development's location (street address, assessor's parcel no., cross street, etc.):
1525 North Palisades Drive. 17310 & 17320 Verreda de la Montura
4. Description of decision being appealed (check one.):
 - ☒ Approval; no special conditions
 - ☐ Approval with special conditions:
 - ☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-S-PPL-18-0035
DATE FILED: May 23, 2018
DISTRICT: South Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☐ City Council/Board of Supervisors
- ☐ Planning Commission
- ☒ Other

6. Date of local government's decision: April 18, 2018

7. Local government's file number (if any): Department of City Planning

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Rony Shram
Palisades Dr, LP

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Jonathan Klar, Maria Klar and additional community members

(2) Robert Flick, and Santra Flick, and other community members

(3) Kristina Kropp, Esq and Robert L Glushon, Esq, Luna and Glushon

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Janis M. Gallo
Signature of Appellant(s) or Authorized Agent

Date: May 19, 2018

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The proposed project is within the Ca;ofprmoa Cpasta; Zpme at the center of 3 parklands: Santa Monica Recreation Area, Topanga State Park and Santa Ynez Park

The project does not satisfy many of the requirements of the California Coastal Act:

If Fails in the following areas:

- 1.To Protect Sensitive Habitat and Parklands- The project endangers and degrades habitat and surrounding Topanga State Parklands.
- 2.To protect Scenic Values and ILmit Development Near Parks
- 3.Protect the views from the Scenic Highway of Palisades Drive.
- 4.Minimize Risk to Life and Property in Areas of High Geologic Flood and Fire Hazard.
- 5.Minimize Energy Consumption and Vehicle Miles Traveled
- 6.The Project's Height, Scale and Lack of Setbacks would Severely Impair View Sheds
- 7.The project is Totally incompatible with the Surrounding Neighborhood and Parks
8. The amount of residents and Staff required around the clock with require increased traffic including emergency ambulances.
9. There is no public transportation for staff for 2 miles up a steep graded drive. Staff will have to drive as will visitors, medical doctors, therapists, etc.

Jonathan Klar
Attorney at Law
1526 Michael Lane
Pacific Palisades, CA 90272
310.871.2140
jklarlaw@gmail.com

May 22, 2018

RECEIVED
South Coast Region
MAY 23 2018
CALIFORNIA
COASTAL COMMISSION

Via Fedex

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, Ca 90802-4416

Re: Case No.: CCC POST CERT. No. 5-PPL-18-0034

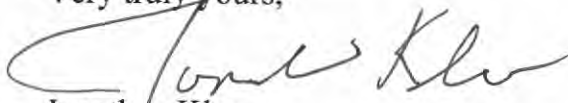
Dear Sir or Madam:

Please file the enclosed Appeal of Jonathan and Maria Klar from Coastal Permit Decision of Local Government in the above-referenced case.

I trust that you will call or email me if you have any questions or need additional information.

Thank you for your prompt attention to this matter.

Very truly yours,


Jonathan Klar

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 590-5084

MAY 23 2018

CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Jonathan and Maria Klar

Mailing Address: 1526 Michael Lane

City: Pacific Palisades, CA Zip Code: 90272 Phone: 310-459-4642

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Los Angeles
2. Brief description of development being appealed: Construction of a 4-story, 45-to-57 feet high, **64,646** sf eldercare facility on a 0.99-acre lot (the "Site"), plus (a) two basement floors, primarily for parking, comprising approx. additional **40,000** sf; and (b) decks for pool and outdoor activities that add another **14,000** square feet. The Project Site, in the Coastal Zone of Pacific Palisades in the Santa Monica Mountains, shares a 237-foot common border with Santa Ynez Canyon Park; and the Site boundary is only 300 feet from the boundary of Topanga State Park and only 550 feet from the park's most popular Santa Ynez Canyon Trail entrance. The Santa Monica Mountains are designated a "**highly-scenic area**" by the California Department of Parks and Recreation Plan. The total Project square footage, including basements, will be approximately **four times** that of the largest building within 2 miles of the Site.
3. Development's location (street address, assessor's parcel no., cross street, etc.):
1525-1533 North Palisades Dr.; 17310-17320 Vereda de la Montura, Pacific Palisades, CA 90272
4. Description of decision being appealed (check one.):
☒ Approval; no special conditions
☐ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-5-PPL-18-0035

DATE FILED:

May 23, 2018

DISTRICT:

South Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☐ City Council/Board of Supervisors
- ☒ Planning Commission (West Los Angeles Area Planning Commission)
- ☐ Other

6. Date of local government's decision: April 25, 2018

7. Local government's file number (if any): Case No. ZA-2017-2170-ELD-CDP-SPR-1A

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Rony Shram, Palisades Drive, L.P.
12166 Sunset Blvd.
Los Angeles, CA 90272

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Attorney for Applicant – Kevin K. McDonnell
Jeffer Mangels Butler & Mitchell
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067
- (2) Robert Glushon, Attorneys for Appellants Robert T. and Sandra L. Flick
Luna & Glushon
16255 Ventura Blvd, Suite 950
Encino, CA 91436
rglushon@lunaglushon.com
- (3) Robert T. and Sandra L. Flick
1516 Michael Lane
Pacific Palisades, CA 90272
rflick@flicklaw.com
- 4) West Los Angeles Area Planning Commission, Attn. Cecilia Lamas
11214 West Exposition Boulevard, 2nd Floor, Roll Call Room
Los Angeles, CA 90064
Cecilia.Lamas@lacity.org, apcwestla@lacity.org, jason.wong@lacity.org
- 5) Councilmember Mike Bonin
200 N. Spring St., #475
Los Angeles, CA 90012
councilmember.bonin@lacity.org and len.nguyen@lacity.org

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)
SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

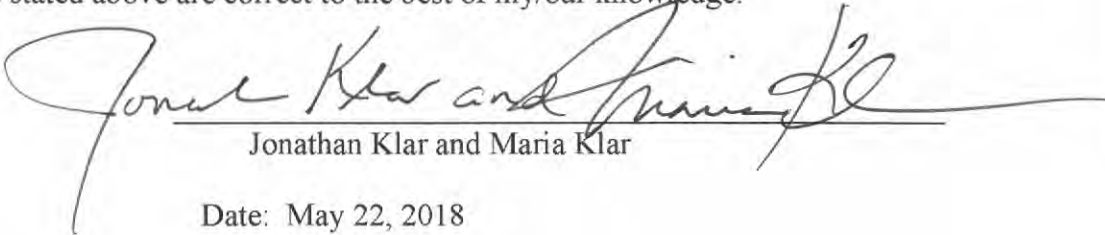
- ☐ Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- ☐ State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- ☐ This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

**SEE ATTACHMENT TO APPEAL BY JONATHAN AND MARIA KLAR
TO GRANT OF COASTAL DEVELOPMENT PERMIT**

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.


Jonathan Klar and Maria Klar
Date: May 22, 2018

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize Jonathan Klar to act as my/our representative and to bind me/us in all matters concerning this appeal, Case No. CCC POST CERT. No. 5-PPL-18-0034.

Signature(s): _____

Name(s): _____

Date: _____

Address: _____

Email: _____

Jonathan Klar
Attorney at law
1526 Michael Lane
Pacific Palisades, CA 90272
310.871.2140
jklarlaw@gmail.com

May 22, 2018

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, Ca 90802-4416

Case No.: **CCC POST CERT. No. 5-PPL-18-0034**

**ATTACHMENT TO APPEAL OF JONATHAN AND MARIA KLAR
OF GRANT OF COASTAL DEVELOPMENT PERMIT**

**Eldercare Project at 1525-1533 North Palisades Dr.; 17310-17320 Vereda de la
Montura, Pacific Palisades, CA 90272, Case No. ZA-2017-2170-ELD-CDP-SPR-1A
(West Los Angeles Area Planning Commission)**

**I.
INTRODUCTION**

The Project. On April 25, 2018, the West Los Angeles Area Planning Commission (“APC”) issued its decision (the “**Decision**”) approving a development permit for a six-story, 100,000-plus square-foot assisted living and dementia care institution (the “**Facility**”) on a .99-acre lot in the **heart of the Santa Monica Mountains area of the Coastal Zone** of the Pacific Palisades Highlands. Guest rooms and common area comprise most of the Facility’s 64,646 square feet of space; and activity and pool-top decks add another 14,000 square feet to the Facility’s size. The two “basement” floors are primarily, but not completely, for subterranean parking, and add approximately another 40,000 square feet to the Project.

The Facility will tower 45 to 57 feet above Palisades Drive, a city-designated **scenic highway**, and 45 feet above Vereda de la Montura; and its overall size will be nearly **four times** that of the largest building within two-miles of the Project Site.

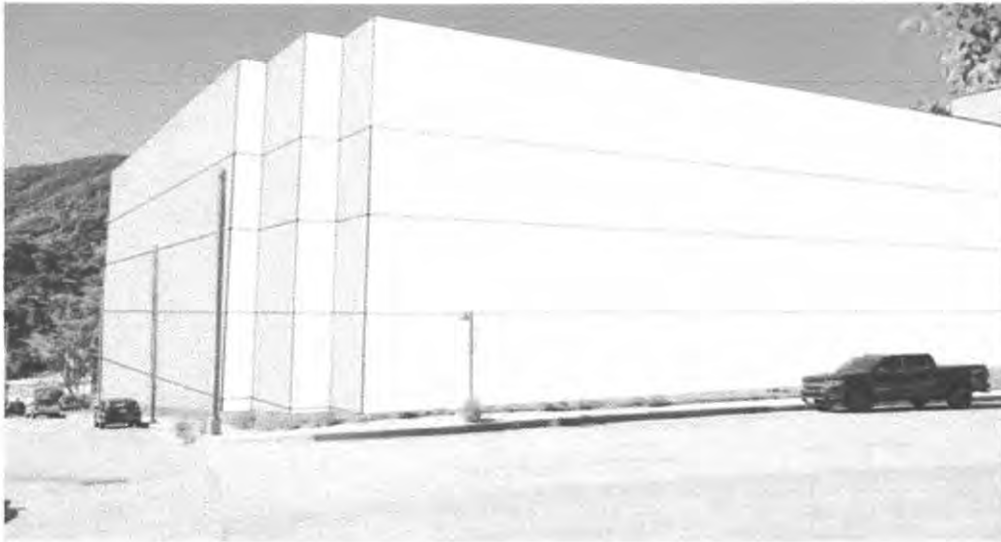
Steps from City, State and National Parks. The Project site (“**Site**”) in the Palisades Highlands is a risky, precarious and inappropriate environment for the mammoth Facility. The Site straddles a wildland-suburban interface of the Santa Monica

Mountains Coastal Zone, surrounded on three sides by Topanga State Park (the “**Park**”) -- one of the largest and most-visited parks in the Los Angeles area. The Santa Monica Mountains National Recreation Area website states that the Park, which has four trail entrances in the Highlands, is the largest state park within any city in the United States, featuring 76 miles of trails. (See, <https://www.nps.gov/samo/planyourvisit/topanga.htm>.)

Moreover, the Site shares a 237-foot long border with Santa Ynez Canyon Park, part of LA’s city-owned parks system. The state Park’s boundary is only a short 300-foot walk down Vereda de la Montura from the Site. The Park’s most popular West Los Angeles entrance, to Santa Ynez Canyon trail, is less than 600 feet immediately west of the Site, also on Vereda. The trail offers visitors and residents direct access to the vast trail network of Topanga State Park and the Santa Monica Mountains National Recreation Area, as do the other three trailheads in the Highlands.

“Before” and “After” Photos. The first photo below shows the Project Site in the immediate natural setting that surrounds it. The lamp post at the corner is approximately 32 feet high, and the stop sign post tops out at 12 feet. The Project will tower 45 feet high, about 13 feet higher than the top of the lamp post. 12 to 14-foot high rooftop elevator and stairwell extensions will make matters even worse. The second photo that follows is an A.I.A. architect’s, computer-generated rendering of how views of the Site and its surroundings would be impaired by the Project.





The Facility stretches to the right of the black pickup truck for about an additional 150 feet along Vereda, eviscerating views of the Topanga State Parklands from large stretches of Palisades Drive, Vereda, and Michael Lane; as well as views by visitors to Topanga State Park of the Park's environs.

The Project is massive in height, scale, density, and design, and completely out of character and incompatible with the community, its natural surroundings, and adjacent properties, in violation of LAMC §16.05.F.2, which mandates that the Project be compatible with its "adjacent and neighboring properties."

The Decision is premised on a **total fiction**, namely, that the Project Site is a typical infill project in a highly-urbanized area that lacks any environmental significance and is undeserving of the protections of the California Coastal Act of 1976 ("Coastal Act"), the California Environmental Quality Act ("CEQA"), and the City's Brentwood-Pacific Palisades Community Plan (the "Community Plan"). The Decision's baseless, unsupported, and misleading assumptions and findings have permeated and prejudiced the entire decision-making process, resulting in unfounded and fact-free conclusions, misapplications of law, and, ultimately, a total abuse of discretion. The Decision is unconscionable in reaching a result without specifically addressing, except in the most perfunctory and conclusory fashion, the more than 75 specific legal and factual arguments that Appellants have made in their opposition brief submitted for the West Los Angeles Area Planning Commission hearing.

Moreover, inadequate parking at the Facility (only 66 spaces for 96 residents, visitors, two-to-three daily shifts for a staff of up to 35, and numerous service providers and vendors) will inevitably cause spillover parking on Vereda de la Montura. This street already has a shortage of parking, especially on weekends and holidays, making access difficult for visitors to Topanga State Park.

II.

THE PROJECT WOULD VIOLATE NUMEROUS COASTAL ACT STATUTES, GUIDELINES, AND REGIONAL INTERPRETIVE REGULATIONS (“RIGS”)

A. The Project Does Not Comply with All Coastal Act Requirements.

There is no evidence that the proposed Project would comply with the Coastal Act. In *Kalnel Gardens, LLC v. City of Los Angeles*, 3 Cal. App. 5th 927, 940 (2016) (“*Kalnel*”), the Court recognized:

“As part of its enactment of the [Coastal] Act, the Legislature made several findings: that the coastal zone ‘is a distinct and valuable natural resource of vital and enduring interest to all the people’; that permanent protection of the state’s natural and scenic resources is of paramount concern; that ‘it is necessary to protect the ecological balance of the coastal zone’; and that ‘existing developed uses, and future developments that are carefully planned and developed consistent with the policies of [the Coastal Act], are essential to the economic and social well-being of the people of this state....’ (Pub. Resources Code, § 30001, subds. (a), (c) & (d).)”

“The Coastal Act is to be ‘liberally construed to accomplish its purposes and objectives.’ (Pub. Resources Code, § 30009.)” *Kalnel* at p. 940. (Emphasis added.)

The California Supreme Court has emphatically stated that, “[A] fundamental purpose of the Coastal Act is to ensure that state policies prevail over the concerns of local government.” *Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles*, 55 Cal.4th 783, 794 (2012); see also, *Kalnel*, *supra*, at p. 940.

The City lacked substantial evidence to conclude that the Project would comply with all statutory requirements of the Coastal Act, including the applicable Los Angeles County (South Coast Region) Regional Interpretive Guidelines for Pacific Palisades (“**RIGS**”). The Coastal Act requires that a new development must satisfy all the following mandates; not just most of them; and not just some of them.

B. PRC 30222. The Project Will Impede Available Recreational Opportunities in the Coastal Zone. PRC Sec. 30222 states that, “The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development”

The Property is zoned Commercial, yet construction of the enormous, 100,000-plus square foot Project, consisting of two basement floors and four above-ground floors, up

to 57 feet above Palisades Drive, will materially impede “public opportunities for coastal recreation,” precisely opposite of what the Coastal Act requires. The constant stream of employees, visitors, contractors, vendors and servicers, in and out of the Facility on a 24/7/365 basis will create noise, pollution, traffic and viewshed impairment wholly incompatible with the Parklands bordering and immediately adjacent to the Property.

C. **PRC 30240. The Project Will Not Protect Sensitive Habitat and Parklands.**

Instead, the Project will degrade and disrupt the surrounding habitat of the Topanga State Parklands and its wildlife.

“The [Coastal] Commission has an ongoing duty to protect [environmentally sensitive habitat areas] . . . [Section 30240] states, *without any limitation as to time: ‘(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas . . . (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.’*” (*LT-WR, L.L.C. v. California Coastal Com.*, 152 Cal.App.4th 770, 792-793 (2007); emphasis and italics added.)

The statute’s use of the word “*shall*” imposes a nondiscretionary duty on the Coastal Commission to protect habitat and recreation areas. The U.S. Supreme Court has ruled: “**The mandatory ‘shall’ . . . normally creates an obligation impervious to judicial discretion.**” (*Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U. S. 26, 35 (1998); emphasis added.) The City and State have no “wiggle room” to ignore the law.

The Project is adjacent to Topanga State Park and Santa Ynez Canyon Park (also part of the Topanga State Parklands), which are environmentally sensitive habitat areas. The Topanga State Parklands and the Project Site that borders the Park are in the Santa Monica Mountains, designated as a “**highly-scenic area**” by the California Department of Parks and Recreation Plan. (*Douda v. California Coastal Commission*, 159 Cal.App.4th 1181, 72 Cal.Rptr.3d 98, 111 (2008).) Given the Facility’s immense size, height and non-stop, 24/7/365 operations, it would cause, not prevent, impacts that would significantly degrade those areas and would not be compatible with the continuance of those habitat and recreation areas – two obvious violations of Public Resources Code Section 30240.

The Record contains the expert report of Cooper Ecological Monitoring, Inc., attached as Exhibit 6 to the April 9, 2016 Luna & Glushon letter to the West L.A. Area Planning Commission (“**Cooper Report**”). The Cooper Report describes in

detail the value that of the Site as habitat for state-identified rare species, such as Southern Sycamore Alder Rare Woodland and two-striped garter snake. Also, the Cooper Report points out that Santa Ynez Canyon is a wetland (i.e., a blue line stream) that may be subject to Federal regulation, which was not mentioned in the report provided by the developer.

The Cooper Report found that the developer's environmental study (which was not an Environmental Impact Report), prepared by Meridian Consultants ("Meridian"), provided no information on the USGS quad that was searched for the few results reported by Meridian. The Cooper Report stated that Meridian's species analysis was deficient because, among its other problems, it did not include the California Natural Diversity Data Base ("CNDDDB") results for the 9 USGS quads surrounding the project site, as well as information from other relevant databases (e.g., eBird, iNaturalist). Meridian's specific analysis was also deficient in failing to explain why a species would not be expected at a given site.

The Cooper Report also found that an "industry standard" search of the Topanga USGS quad reveals that several additional sensitive species are either known to occur along Santa Ynez Canyon in the vicinity of the proposed Project, or would likely be present based on habitat present (during a search conducted by Cooper on April 2, 2018), such as Coast Range newt (*Taricha torosa*), San Bernardino ringneck snake (*Diadophis punctatus modestus*), California mountain kingsnake (*Lampropeltis zonata*), coastal whiptail (*Aspidoscelis tigris stejnegeri*), fragrant pitcher sage (*Lepechinia fragrans*), white-veined monardella (*Monardella hypoleuca* ssp. *hypoleuca*), and Sonoran maiden-fern (*Thelypteris puberula* var. *sonorensis*).

Also, because not all sensitive species are listed in CNDDDB, which requires voluntary submissions from consultants and other professional biologists, Meridian failed to consult other readily-available databases for records of sensitive species. For example, eBird lists the yellow warbler (*Setophaga petechia*), a California Species of Special Concern, recorded along Santa Ynez Canyon on June 17, 2017 (when undoubtedly nesting). eBird also lists a breeding season record of Yellow-breasted chat (*Icteria virens*), another CSSC, along Santa Ynez Canyon (June 20, 1982), and another chat record from 2017 in nearby Los Liones Canyon, also west of Palisades Drive south of the Project area, and which also supports oak-sycamore riparian habitat (which, if anything, is more limited than that of Santa Ynez Canyon). Several breeding-season records of Cooper's hawk (*Accipiter cooperii*), a California WatchList species, are listed in eBird from Los Liones Canyon. Each of these species very likely nests directly adjacent to the Site.

Moreover, the Cooper Report describes the Site as abutting "one of the largest and most significant remaining sycamore-oak canyon habitats within the city of Los

Angeles (Santa Ynez Canyon), which borders (and in other areas includes) Topanga Canyon State Park”; after which the report’s author comments, “I know of no similar natural environment within the city limits.”

The Cooper Report further explains how the Project could adversely affect Santa Ynez Canyon Park, which abuts the Site along a 237-foot common boundary. Cooper notes that no substantial evidence rebuts these likely ill-effects. Given the Site’s proximity to the County LCP area, which shows that significant portions of the land proximate to the Site on the other side of the Significant Ridgeline are classified as “Sensitive Environmental Resource Area,” including H1Habitat (Most Sensitive and Valuable—Vigorously Protected) and H2 Habitat (High Scrutiny Sub Area). The developer has not produced any substantial evidence that the Project, with well over 100 people living and working 24/7/365 on a one-acre parcel adjacent to such areas would avoid impacts that would significantly degrade those areas.

- D. **PRC 30251. The Project Will Not Protect Scenic Values or Natural Land Forms and is Wholly Incompatible with the Surrounding Areas.** The Project would violate PRC Section 30251, which uses the word “**shall**” three times in emphatically requiring that:

“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 character of its setting.**” (Emphasis added.)

The Court’s decision in *Kalnel* is particularly germane to the current Project analysis:

“As also noted above, this case involves an undisputed violation of Public Resources Code section 30251, which requires development design that **protects scenic views and is ‘visually compatible with the character of surrounding areas.’** The Coastal Act contains several other directives that . . . prevent intrusion into environmentally sensitive areas (Pub. Resources Code § 30240) . . . and in the case of new development, protect special communities and neighborhoods with unique characteristics that are popular visitor destination points for recreational uses (Pub. Resources Code, § 30253, subd. (e)).” *Kalnel*, *supra* at p. 946. (Emphasis added.)

The Site borders City parklands along a 237-foot common boundary, adjacent to Topanga State Park in the heart of the Santa Monica Mountains, which are in the Los Angeles Coastal Zone and receive special protection as a “highly-scenic area”:

“Section 30251 refers to the Department of Parks and Recreation's California Coastline Preservation and Recreation Plan (Department). The scope of the statute incorporated the Department's plan in providing recreation along the coastal landscape province. The plan . . . stated that the Santa Monica Mountain range was one of three mountain ranges within the coastal landscape province. Therefore, section 30251 identifies the Santa Monica Mountains as a highly scenic area designated in the Department's plan, and it requires that new development in that area be subordinate to the character of its setting. This bolsters the interpretation that the [Coastal] Commission's power to regulate scenic and visual resources (especially as to the Santa Monica Mountains) extends inland as far as the boundary of the coastal zone.” (*Douda v. California Coastal Commission*, 159 Cal.App.4th 1181, 72 Cal.Rptr.3d 98, 111 (2008).) (Emphasis added.)

- E. **PRC 30253 (a): The Project Will Not Minimize Risk to Life and Property in Areas of High Geologic, Flood and Fire Hazard.** The Project would increase risk to lives and property, not minimize it.
1. The Project is in a “Very High Severity Fire Hazard Zone,” posing extreme risk to helpless seniors. It is also in Landslide Zone and very close to a Liquefaction Zone along Palisades Drive, rendering the Site risky in heavy storms that can result in rock and mudslides, cutting off access to the Facility. There is no practical means to evacuate all 96 residents in case of natural disaster; and they have no place to go. It is reprehensible that the Developer would brush off these concerns with a claim that the residents could safely “shelter in place” during a firestorm. It is important to note that such a conflagration threatened the Palisades Highlands in 1993, prompting a mandatory evacuation of the entire community.
 2. There is no other street into or out of the Highlands if Palisades Drive is closed by flooding, landslides, liquefaction, accidents, or rockslides.
 3. The Project significantly increases geologic risks to Vereda de la Montura due to plans to excavate more than 19,300 cubic yards of compacted fill that abut and support Vereda de la Montura. Because the Project is on a steep Hillside lot on top of uncertified fill up to 50 feet deep, the geologic risk is exponentially greater. See the following discussion, especially the Appellants’ Geosoils Report.
 4. The Developer offers no credible plan to mitigate these risks to a reasonable level.

F. PRC 30253 (b): The Project Will Not Assure Stability and Structural Integrity, and Would Instead Likely Create or Contribute to Erosion, Geologic Instability, and the Destruction of the Site or Surrounding Area.

There is no substantial evidence that the Property has not been adequately or appropriately studied for geologic risks. The massive excavation of uncertified compacted fill will risk eroding the surrounding canyon, potentially undermining and shutting down Vereda de la Montura, and threatening slides on the small building next door, especially during heavy rains or flooding conditions.

The Flick Appellants' Appeal to the APC included the expert report dated April 6, 2018 by Wilson Geosciences Inc. and Geo-Dynamics, Inc. ("**Appellants' Geosoils Report**"), Exhibit 5 to the Luna & Glushon letter of the same date to the APC, which lists six findings concerning significant geosoils risks of the Project:

1. There is ambiguity in the data presented with regard to the condition of the artificial fill underlying most of the site. Geotechnical data and information from Tracts 31072 and 31073 are applied to the site Tract 31070 without apparent justification leaving the engineering certification and fill suitability open to question.
2. The vertical and horizontal extent of existing fills at the site is not sufficiently defined. Artificial fill characteristics would impact the surficial stability of the existing fill slope, and the adequacy/feasibility of the proposed foundation system.
3. Based on available data, slope stability of the sidewall excavations for the proposed basement would be affected by exposure of daylighted bedding planes. Stability of temporary excavations should be based on the actual height of the deepest temporary excavations. Seismic slope stability analysis may not correspond with the current requirements of City Document No.: P/BC 2017-049.
4. Bedrock claystone layers were not tested or analyzed for the potential effects on temporary and long-term stability of the basement excavation sidewalls and for the potential out-of-slope bedding effects on the uncertified artificial fill mass.
5. The impact of the proposed tie backs on existing improvements on adjacent property should be evaluated before establishing the feasibility of the proposed development plan.
6. The mapped east-west trending fault (parallel to the active Malibu Coast fault) at the south edge of the site was neither mentioned nor evaluated for any potential impacts to the site.

Appellants' Geosoils Report reached the following "*Summary of Results and Conclusions*":

"Our review indicates there is uncertainty regarding the extent and distribution of the existing fill at the site . . . [T]here is **credible geologic evidence for potential slope instability within and adjacent to the proposed development site** that have not been considered or addressed. Specifically, the bedrock contains claystone layers that were not tested for residual strength and not analyzed for the potential effects on temporary and long-term stability of the basement excavation sidewalls as well as the subsurface out-of-slope bedding component interacting with the uncertified artificial fill mass." (Emphasis added.)

"This uncertified fill has not been carefully evaluated with respect to potential voids, the presence of past construction debris (e.g., wood, metal, concrete), to the pre-development steep-walled canyon that passes beneath the site. Furthermore, reported **shear strength parameters of some of the existing fill indicates a potential for surficial instability** that was not discussed nor evaluated by [the developer's consultant] Strata-Tech. The inability of Strata-Tech or Schick to provide data to substantiate that the fill was placed on properly constructed benches in bedrock also indicates the potential for surficial and deeper slope instability. Previous **indications of landslide features identified by Slosson [a previous consultant who evaluated the area] may have been within the site** and no discussion is present." (Emphasis added.)

"In our professional opinion, these feasibility and design issues should be considered and addressed prior to approval of the project as it is currently defined."

G. **PRC 30253 (d): The Project Will Not Minimize Energy Consumption and Vehicle Miles Traveled.**

1. The Project will do exactly the opposite. There is no bus service in the Highlands, and the nearest bus stop is 2.4 miles away. The facility will operate three shifts daily, 24/7/365. With no public transportation available, employees, staff, visitors, vendors, contractors, et al., will be forced to drive to the Project Site.
2. There are no doctor or other medical offices or clinics anywhere in the Highlands; and the nearest medical providers are six miles away in Palisades business district. The nearest hospitals are much further away, in Santa Monica; and the nearest trauma center is even farther at UCLA Westwood. This will exacerbate already-high levels of traffic congestion and wasted fuel.

3. The massive hauling operation will consume tens of thousands of gallons of diesel fuel, with trucks idling their engines waiting to enter the Site, and then hauling the excavated earth 42 miles to Moorpark and back each trip. The Project will need at least 30 tractor trailer rigs, loading at a rate of 6 per hour, five days a week for more than 9 weeks, if not even longer. Appellants' evidence shows that this operation could be double to triple the Developer's unreliable estimates.

H. **PRC 30253 (e): The Project Will Not Protect Special Communities and Neighborhoods That, Because of Their Unique Characteristics, Are Popular Visitor Destination Points for Recreational Uses.**

As stated previously, the Project Site shares a 237-foot common border with Santa Ynez Canyon Park and is less than 300 feet east of the boundary of Topanga State Park. The Santa Ynez Canyon Trail entrance, 550 feet west of the Project Site's boundary on Vereda de la Montura, is the most popular entrance to the Park. However, the only available parking is street parking on Vereda, which fills up on holidays and weekends. Overflow parking for the Facility will quickly exhaust limited street parking for the Park when the number of visitors peaks.

Impairment of visitors' enjoyment of the Park will be especially severe during the two to three years of construction. Noise, dust, and diesel exhaust pollution from large tractor trailer rigs and heavy equipment, will significantly denigrate the Park's quiet environment.

I. **The Project Will Prejudice the Ability of Los Angeles to Prepare a Local Coastal Program in Conformity with PRC Section 30620 of the Coastal Act.**

1. By ignoring repeated precedents that have previously limited the size and scale of developments on the Project Site, the Project opens the door to demolition of the rustic commercial building next door, only half as high, 43% the size, and one-third as dense as the Project, not counting the two basement levels, which will inevitably lead to its eventual replacement by a monstrous new structure. This probability is not theoretical or remote, given that the 95-year old owner of the small building next door has previously listed it for sale at an eight-figure asking price that could only make commercial sense for a developer planning to construct an even more enormous replacement structure.
2. Because the next-door lot is about 10% larger than the Project Site, it is all but certain that the City of Los Angeles will speedily approve an even more horrifically massive structure to replace the current development next door. The combination of back-to-back, twin, mammoth commercial structures would dramatically affect these valuable Coastal resources, which are the very reasons

why residents chose to live in the Highlands.

3. Protecting community character is a classic cumulative impacts issue, and this Project must be considered in combination with other past, current and probably future projects in the Highlands. Accordingly, if allowed to proceed, this Project's adverse precedent will prejudice the ability to adopt a Local Coastal Program that protects Highlands unique community character. (See, LAMC 12.20.2.)

J. The Project Will Impact a Sensitive Coastal Area, Contrary to PRC Section 30116 of the Coastal Act. Because the Project Site shares a 237-foot boundary with pristine parklands, it is a "sensitive coastal resource area" as defined under each of following subparts of PRC Section 30116:

"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following: . . . (b) Areas possessing significant recreational value. (c) Highly scenic areas. . . (e) Special communities or neighborhoods which are significant visitor destination areas. (f) Areas that provide . . . recreational opportunities for low- and moderate-income persons.

1. **The Project Would Impair "areas possessing significant recreational value." (30116(b).)** As discussed previously, Topanga State Park and Santa Ynez Canyon City Park offer visitors unparalleled opportunities within the City limits for hiking, trail riding, rock climbing, birdwatching and wildlife viewing, and peace and quiet. The Santa Ynez Canyon trail entrance to Topanga State Park is its most popular West Los Angeles access route, and is barely 600 feet down Vereda de la Montura from the Project Site's boundary. The Facility's viewshed impairment, lack of parking, traffic congestion, and noise would prove especially bothersome.
2. **The Project Would Impair "highly scenic areas." (PRC 30116(c).)** Topanga State Park is designated a "high-scenic" area by the California Department of Parks and Recreation (*Douda v. California Coastal Commission*, 159 Cal.App.4th 1181, 72 C.R.3d 98, 111 (2008).)
3. **The Project Would Impair "special communities or neighborhoods which are significant visitor destination areas." (PRC 30116(e).)** For the previously-stated reasons, a four-story 100,000 square-foot institution, operating 24/7/365, and only steps from parks, will inevitably impair the special nature of the surrounding neighborhood and community.

4. **The Project Would Impair “areas that provide . . . recreational opportunities for low- and moderate-income persons.” (PRC 30116(f).)** As previously explained, all of the activities that attract visitors to the parklands adjacent to the Project Site are available absolutely free of charge. For this reason, there are recreation opportunities available to low and moderate-income persons. Anyone who has visited the parks will quickly discover a breadth of visitors from all income groups.

III.

THE PROJECT WOULD VIOLATE NUMEROUS COASTAL ACT REGIONAL INTERPRETIVE GUIDELINES APPLICABLE TO THE PALISADES

The Project would violate numerous Regional Interpretive Guidelines – South Coast Region Los Angeles County (“**RIGS**”) that apply specifically in the Palisades, and which have been in effect since 1980. The California Supreme Court held that these Guidelines must be followed: “The guidelines are the formulation of a general policy intended to govern future permit decisions, rather than the application of rules to the peculiar facts of an individual case.” *Pacific Legal Foundation vs. Coastal Commission, etc., et al.*, 3 Cal.3d 158, 168 (1982). This is a summary of at least four RIGS that the Project would violate:

1. **RIGS-Pacific Palisades Sec B.1:** “Commercial establishments should be public recreation and recreation supportive or otherwise coastally related facilities (interpreting PRC 30222 and 30255).” The Project contains no such facilities.
2. **RIGS-Pacific Palisades Sec C.1:** “Views to Santa Monica Mountains from public roads should be preserved and protected (interpreting PRC 30251 and 30211).” The high-rise Project would obscure views of the Santa Monica Mountains from Vereda de la Montura, Michael Lane, Palisades Drive (a city-designated scenic highway), and all residential streets within view of the Site. It would further degrade views from all surrounding trails that look down at the site.
3. **RIGS-Pacific Palisades Sec C.2:** “Development adjacent to Santa Monica Mountains Parks must protect views from trails (interpreting PRC 30251 and 30210).” The incongruous high-rise Project would be clearly visible from numerous vista points along the miles of trails in Topanga State Park.
4. **RIGS-Appendix-Alteration of Landforms:** “In all cases, grading should be minimized (interpreting PRC 30251, 30253 and 30240).” The Project would likely require the export of far more than double the low-ball estimate of 19,300 cubic yards of soil along the bluff immediately looking over Santa Ynez Canyon and the parklands next to it. Besides the excavation of the two-floor basement garage, the

developer would need to refill all remaining open excavation areas on the Site with an equal amount of certified fill. Additionally, the developer would need to raise the southwesterly-facing slope of the Project site as much as 12 feet, where the driveway meets Vereda de la Montura, thereby requiring import of even more thousands of cubic yards of certified fill.

IV.

THE PROJECT WOULD BE WHOLLY INCOMPATIBLE WITH THE NEIGHBORING PARKS AND RESIDENCES; AND IT WOULD VIOLATE MANY REQUIREMENTS OF THE LOCAL COMMUNITY PLAN

PRC Section 30620 requires the Coastal Commission to prepare and disseminate interpretive guidelines to assist local governments to determine how Coastal Act policies will be applied in the coastal zone before certification of their local coastal programs. In the absence of an adoptive local coastal program, the Community Plan serves as a functional equivalent of the local land use policies. The April 18, 2018 APC Decision acknowledged longstanding City policy that, “There is no adopted Local Coastal Program for the Pacific Palisades. The Brentwood – Pacific Palisades Community Plan contains the applicable land use policies and goals for that portion of the Coastal Zone.” (APC Decision at p. 11.)

This language in the 2018 Decision was virtually identical to what the Planning Commission stated in 2008 regarding the same Project Site: “Currently, there is no adopted local coastal program (LCP) for this portion of the Coastal Zone; in the interim, the adopted Brentwood-Pacific Palisades Community Plan serves as the functional equivalent in conjunction with any pending LCP under consideration.” (Case No. ZA 2007-4681(CDP)(MEL) at p. 8.) For this reason, application for a Coastal Development Permit must satisfy the Coastal Act, the RIGS, and the Palisades Community Plan.

1. **The Project’s Bloated Size and Towering Height Render It Manifestly Incompatible with the Vast Wilderness Parklands and Residences in the Surrounding Community.** L.A. City Planning has gone to breathtaking lengths to ignore the patently incompatible nature of the Project with existing development and the surrounding natural environment. It is oblivious to the Project’s massive size and height, which violate the Community Plan and are totally out of character when compared to all other Highlands developments.
2. **The Project Violates All Local Compatibility Requirements.** The following sections will discuss the Project’s incompatibility when considered in context of the Los Angeles Municipal Code and related requirements to which the Project is subject. In addition to approximately two dozen violations of the Community Plan policies, the Project also violates each of the following compatibility requirements which are found in:

- a. LAMC section 14.3.1E (subparts (1) and (4)), each of which specifically impose **compatibility** requirements on eldercare projects;
 - b. LAMC section 16.05.F, which specifically imposes a “**compatibility**” test for approval of developments that require Site Plan approval; and
 - c. California Environmental Quality Act (CEQA). The City’s form Application for a Class 32 Exemption from CEQA compliance expressly requires compliance with the Community Plan, including the Plan’s **compatibility** requirements. The lack of compatibility means that the Project is not exempt from CEQA and a full EIR must therefore be submitted and approved.
3. **The Project Would Violate Community Plan Policy 1-3.1, which Requires Setbacks and Greenery Compatible with the Neighboring Community.** Policy 1-3.1 mandates that the City must “**seek a higher degree of architectural compatibility and landscaping** for new development to protect the character and scale of existing residential neighborhoods.” Despite this, the City dismisses residents’ concerns by suggesting that the six-floor Facility (four stories and two floors of “basement” parking and other facilities) is somehow comparable to the small, two-floor commercial building next-door, which faces no homes on Vereda and blocks no one’s views, and which is **only a fraction the overall size of the Project**. Worse yet, the City has ignored its own compatibility requirement, knowing that 20 to 50-foot landscape buffers of the adjacent townhomes are 3 to 8 times wider than those approved for the Project.
 4. **The Project Would Violate Community Plan Policy 1-3.2, which “conditions new development adjacent to or in the viewshed of State parkland to protect views from public lands and roadways.”** The Site is only steps away from four major trailheads into Topanga State Park, and impairs, and in many instances, destroys the viewsheds. Moreover, Palisades Drive, the only road in and out of the Highlands, is designated as a “scenic highway” in recognition of the rugged natural beauty, the rock outcroppings, the canyons, and the mountains through which the road winds. The Project is undermined by its shocking and total insensitivity to the environment and the importance of these scenic values.
 5. **The Project Would Violate Community Plan Policy 1-3.2, which Requires the City to “preserve existing views in hillside areas.”** The Site is zoned “Hillside” in the Santa Monica Mountains, yet the Facility’s towering height and scale will obliterate viewsheds along Michael Lane, Vereda de la Montura, and Palisades Drive; and significantly impair many more for visitors going to and from the Park, or while inside the Park, walking or cycling its trails.
 6. **The Project Would Violate Community Plan Policy 1-6, which “limits the**

intensity and density in hillside areas to that which can reasonably be accommodated by infrastructure and natural topography." Appellants' Geosciences Report details significant risks of siting the Project on this steep, 36% uncertified fill-slope.

7. The Project Would Violate Community Plan Policy 1-6.1, which "limits development [in hillside areas] according to the adequacy of the existing and assured street circulation system within the Plan Area and surrounding areas."

Palisades streets are clogged during morning and afternoon rush hours. Palisades Drive is the only route in and out of the Highlands, and there are ONLY two routes to Palisades Drive: Sunset and PCH. Moreover, the 7-mile distance from Palisades Drive to the 405 via Sunset often backs up several miles before the 405. The PCH alternative is no better. During peak hours, traffic is backed up at the signal at PCH and Sunset, delaying westbound Sunset drivers for up to 10 minutes or more, just to turn left onto PCH. The Project will only make matters far worse.

8. The Project Would Violate Community Plan Policy 1-6.3 that states, "Development of land located in the hillside areas may be limited by the suitability of the geology of the area for development; and the steepness of the natural topography of the various parts of the area." The Project Site is uncertified fill – as

much as 50 feet deep – perched over a steep canyon with a 36-degree slope, according to the experts' reports. The developer intends to excavate much of the uncertified fill area for the foundation and the two-floor basement, including parking garage, making serious debris flow into Santa Ynez Canyon inevitable.

9. The Project Would Violate Community Plan Policy 1-6.6, which Requires that the "scenic value of natural land forms should be preserved, enhanced and restored. Wherever feasible, development should be integrated with and be visually subordinate to natural features and terrain. Structures should be located to minimize intrusion into scenic open spaces by being clustered near other natural and manmade features such as tree masses, rock outcrops and existing structures." The Project would have the opposite effect.

10. The Project Would Violate Community Plan Policy 2-1.3 that Mandates Commercial Projects "be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development." It is hard to imagine any Project that could be more incompatible with the suburban, rustic look and feel of the Highlands: (a) it is incompatible with the only commercial building in the Highlands; (b) it is incompatible with the homes and townhomes throughout the Highlands, mostly two-stories high with their landscaped setbacks 20 to 50 feet from the street, or more, and sloped, tile roofs; and (c) it is incompatible with bordering Santa Ynez Canyon Park and Topanga State Park, which not only

afford residents and visitors the quiet and beauty of a non-urban setting, but whose majestic views of mountains, canyons, streams, waterfalls, trees, fauna, and wildlife give the Highlands its distinct name. For example, Santa Ynez Falls is featured in a highly-regarded trail guide (See, <https://www.hikespeak.com/trails/santa-ynez-falls/>.)

11. **The Project Clashes with Community Plan Policy 2-3.3, which Requires that “commercial projects achieve harmony with the best of existing development.”** No development imaginable could be more incompatible or less harmonious with the neighborhood and existing development. The Project’s height, size, and narrow setbacks are in sharp contrast to neighboring properties, and there will be a great impairment of view corridors by along Palisades Drive, Michael Lane, and Vereda de la Montura. Most townhomes facing the Project are only two-stories high above grade – not three – with heights well under 24 feet. The Project wholly ignores the obliteration of view corridors available to the many cars and pedestrians who pass alongside the Project site every day. The Project impairs views of the Park for visitors walking along Michael Lane, Vereda de la Montura and Palisades Drive.
12. **The Project Would Violate Community Plan Policy 2-4.2, which Mandates that a development “preserve community character, scale and architecture diversity.”** Nothing about the Project is consistent with the community’s character, scale and diversity.
13. **The Project Would Violate Community Plan Policy 2-4.4, which Mandates that “landscape corridors should be created and enhanced,” not Ruined.** The Project’s 7 to 10-foot setbacks, and its failure to provide any transitional heights in front of the 45-foot soaring facade along both Vereda de la Montura and 50-foot plus façade towering above Palisades Drive – the two streets that the Project fronts – are wholly inconsistent with the existing level of setbacks in the Community. Setbacks in the neighboring townhouses are now range from 20 to 50 feet, and more in some spots. They are extensively landscaped, and most setbacks are terraced upwards. Virtually all townhomes are grouped, 3 or 4 together side-by-side, with landscaped walkways and corridors separating each of these small groups of homes. The Project’s monumental façades, set almost on the sidewalks, are a true eyesore. Moreover, the spartan 7-foot setback along Vereda de la Montura leaves scant room for anything but very small trees, completely incompatible with the 40-foot Monterrey Pines and other lush landscaping in the surrounding community.

To make matters even worse, on May 15, 2017, the L.A. City Council approved a new ordinance allowing developers to pay a fee to the City in lieu of planting, or in many cases replanting, required trees. By paying the fees, the developer can avoid the costs of planting, and then maintaining, trees in front of the Project, leaving residents to look out on a stark, four-story institutional façade that will have impaired views of the parklands. (See, <http://enewspaper.latimes.com/desktop/latimes/default.aspx?>

14. The Project Would Violate Community Plan Policy 3-2.1 that Protects Parklands in the Community Plan Area. Stating that:

“The Federal, State, County and City of Los Angeles properties comprising approximately 13,157 acres of open space land existing in the plan area. Open space is important due to its role in both physical and environmental protection. These natural resources within the plan area should be conserved. Priority of development in natural and scenic resource areas should be given to those uses which complement the resources.”

15. The Project Would Violate Community Plan Policy 5-1.1 that Mandates,

“Permitted development shall be sited and designed . . . 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 the visually degraded areas.” As stated previously, the Project would do the opposite.

16. The Project Would Violate Community Plan Policy 13-1.2 that Requires that, “New development projects shall be designed to minimize disturbance to existing traffic flow with proper ingress and egress to parking.” See the previous and following discussions on traffic and parking.

17. The Project Would Violate Community Plan Policy 15-1 that Mandates the Developer to “provide parking in appropriate locations in accord with Citywide standards and community needs.” A severe lack of street parking already exists in the immediate neighborhood. The Project violates Plan Goal 15-1, which requires the Developer to **“Provide parking in appropriate locations in accord with Citywide standards and community needs.”** There is no credible parking study that substantiates the claim that parking will be convenient or meet the community’s needs when faced with an onslaught of visitors, vendors, providers, personal caregivers and others, who must compete for limited spaces in the underground garage.

Worse still, most visitors will not want to navigate the cramped underground garage with their large trucks and SUV’s. Many other visitors, especially the elderly, are rightfully concerned about being robbed or attacked in underground garages and instead look for street parking to avoid these perceived security risks.

18. The Project Would Violate Community Plan Policy 17-1.2 that Emphasizes the Obligation to “Protect and preserve archaeological sites of Native Americans.”

The Developer has ignored mentioning the history of Native Tongva Tribes throughout the Palisades and Malibu, which City Planning found very relevant in its

1988 decision that designated the Site as potentially archaeologically significant. (See, CEQA Mitigated Negative Declaration dated July 27, 1988, MND 88-285a-C(PP), Case 88-0435.)

19. **The Project Would Violate Community Plan Policy at Page IV-2 that Requires “senior citizen housing projects [be located] in neighborhoods within reasonable walking distance of health and community facilities, services and public transportation.”** No such health or community facilities exist anywhere in the Highlands – and most certainly not within “walking distance.” The nearest full-service pharmacy, CVS in the Palisades, is 4.8 miles away. The nearest doctors and dental offices are equally distant. The closest trauma center, UCLA in Westwood, is 45 to 60 minutes away; and the nearest ERs at St John’s and UCLA in Santa Monica are 30 minutes or more away in traffic. The nearest Kaiser Permanente facility – where many seniors are longtime members – is 14.8 miles away in West Los Angeles. Worse still, there is no bus service in the Highlands, and the nearest bus stop is more than 2.4 miles away on Sunset. Last, there are no community facilities or services within walking distance anywhere in the Highlands.
20. **The Project Would Violate Community Plan Policy at Page V-2 that Mandates “screening all rooftop equipment and building appurtenances from adjacent properties.”** Because of its flat-roof design, the Facility’s multiple elevator and stairway shafts, which soar up to 14 feet above the roof, will stick out like giant sore thumbs. The large rooftop HVAC and mechanical units, which are cleverly absent from the artist’s renderings, will make a bad building, even with screening, positively jarring to the eyes.
21. **The Project Would Violate Community Plan Policy at Page V-3 that Mandates that “no structures should exceed 30 feet in height within 15 feet and 30 feet of front and rear property lines, respectively, or as specified in the Specific Plan areas.”** Rooftop heights already range from about 45 to 57 feet along Palisades Drive, and generally 45 feet along Vereda de la Montura. These numbers do not include rooftop appurtenances soaring as much as 14 feet even higher.
22. **The Project Would Violate Requirements 5 and 6 of Community Plan Policy at Page V-4 that Mandate the “screening of mechanical and electrical equipment” and “all rooftop equipment and building appurtenances from public view.”** While that might be done to a small degree, it would require at least at least 8 to 10 feet of rooftop sound baffling and visual screening. It would also require screening of the two, rooftop elevator and stairway exits and entrances, which will extend approximately 12 to 14 feet above the roofline. These appurtenances and equipment would render the true height of the facility from a front view to over 57 feet above grade along Vereda de la Montura; and to 65 to 70 feet above Palisades Drive at the south end of the Site, where a P-1 level entrance and exit of the parking garage are located.

23. **The Project Would Violate Community Plan Policy at Page V-4 (“Surface Parking Landscape”) that Requires “a landscaped buffer along public streets or adjoining residential uses.”** The Project’s spartan 7-foot landscape strip along more than 300 feet of Vereda is not what was ever envisioned, given the 15-foot minimum setback requirements in Community Plan Policy at Page V-3.
24. **The Project Is Completely Incompatible with the Larger Palisades Community.** Palisades Village by Caruso Affiliated, nearing completion in the Palisades central business district, which is two-stories, was restricted to a height of 33-feet. By contrast, the Project will be at least 45-feet high, more than a third higher. Worse yet, views from across Palisades Drive, a scenic highway, will **unmask one floor of the “underground” garage**, making the true Project height appear 57 feet above grade. Also, the height will be almost double that the small, two-story building next door. Although Palisades Village is subject to a Specific Community Plan and the Highlands is subject only to the Brentwood-Pacific Palisades Community Plan, Palisades Village does reflect overwhelming community sentiment throughout the entire Palisades as to what limits on height and density in commercial developments are compatible with the neighboring community.
25. **The Project is Incompatible Because Its Density Per Square Foot Is Far Greater Than Elsewhere in the Larger Community.** The Project’s 64,646 square feet are more than half the size of the entire Palisades Village development, a sprawling, 3.2-acre retail complex with more than 40 stores and restaurants, plus a movie theater and apartments. The Facility’s floor-to-area ratio (known as “FAR”) is nearly **two-thirds greater than** that in the Palisades Village and exceeds zoning limits by 23%. And, unlike Palisades Village, the Project teeters on the precipice of a steep canyon “Hillside” lot on top of uncertified fill up to 50 feet deep, bordering a City park.
26. **The Project Site is a Quintessential Wildland-Suburban Interface. Incompatible with a 24/7/365 Health Care Institution.** Consider the following photo of the Site:



The upper right portion of the above photo shows popular Trailer Canyon trail network off Michael Lane, north of the Site. This trail, which rises almost 500 feet higher than the Site, has dead-on panoramic views of the Site. Although not easy to see in the photo, the Santa Ynez Canyon trail west of the Site climbs several hundred feet above the Site and has spectacular views of the Site from the Quarry Canyon vantage points north of the Site.

27. **The City Ignored the Highlands Unique Character.** The Highlands has attracted residents seeking to avoid the noise and congestion of urbanized life. For that, they sacrifice being able to walk to stores and services, for the rare opportunity to live next to nature. Sadly, the Project will be visible from, and will blight, vista points along every Highlands trail into Topanga State Park. It will also impair views and scenic corridors enjoyed by visitors and drivers along adjacent streets. The following photograph accurately depicts the Highlands environment:



V.

THE PROJECT WILL CREATE INTOLERABLE NOISE FROM ITS 24/7/365 OPERATIONS, WHICH WILL DEGRADE WILDLIFE HABITAT AND DISTURB VISITORS TO TOPANGA STATE PARK

- A. **The City's Approval of the Project Did Not Consider that the Mountains Surrounding the Highlands Act as an Amphitheater, Projecting Sound Over Great Distances.** The industrial- size roof-top HVAC equipment will be grinding

away 24/7/365. Truck engines and ambulance sirens, clearly audible for more than a mile away given the terrain, are especially disruptive at night. During the two-year plus construction period, noise will be intolerable, given the deafening sounds of tractor-trailer rigs, non-stop soil hauling; jackhammers; pile drivers; bulldozers; and diesel trucks lining Vereda de la Montura. Mandatory back-up “beeping” devices on delivery trucks and shuttles will compound the annoyances.

- B. **Noise Generated by the Facility Will Be Relentless.** Additionally, loud televisions, outdoor events, and late night “meet and greets” and “goodbyes” create noise that can be heard for many hundreds of yards away, to say nothing of the slamming of car doors of visitors, employees and staff coming in and out of the Facility 24/7. Worse, many vehicles’ horns give a brief “honk” each time the doors are locked or unlocked. The Developer’s unfounded claim that “noise will be minimal since outdoor uses are oriented away from the subject site,” is absurd, given that the two outdoors recreation decks will face the Country Estates HOA and the Highlands Villas HOA directly across Vereda. These noises will disturb Park wildlife and visitors alike.

VI.

THE CITY ERRONEOUSLY GRANTED A CLASS 32 CATEGORICAL EXEMPTION FROM CEQA COMPLIANCE, THEREBY DEPRIVING CITY PLANNERS, THE PUBLIC, AND THE COASTAL COMMISSION OF SIGNIFICANT INFORMATION REQUIRED IN AN EIR

A. The Project Site Does Not Satisfy the Requirements for an Urban “Infill” Categorical Exemption from CEQA Compliance under Section 15332.

1. **The Project Had No Legal Right to a Categorical Exemption from CEQA Compliance.** The California Court of Appeal, citing PRC Section 15300.2(c), reiterated that categorical exemptions are construed strictly; and may not be unreasonably expanded beyond their terms. *McQueen v. Mid-Peninsula Regional Open Space*, 202 Cal. App. 3d 1136, 1148-1149 (1988).

The Supreme Court has strictly limited categorical exemptions:

“A separate cluster of statutes limits the availability of CEQA exemptions where future residents or users of certain housing development projects may be harmed by existing conditions. These **limits on exemptions extend to projects located on sites that will expose future occupants to certain hazards and risks — including . . . sites subject to wildland fire, seismic, landslide or flood hazards** — unless (in some cases) the hazards and risks can be removed or mitigated to insignificant levels.” *California Building Industry Assoc. v. Bay Area Air Quality Management District*, 62 Cal.4th 369 at p. 391 (2015). (Emphasis added.)

The Supreme Court's decision also specifically stated that an "infill housing" exemption cannot be granted in areas with "wildland fire, seismic, landslide or flood hazards," such as the Project Site.

2. **The Project Does Not Satisfy Any Requirements for a Class 32 Categorical Exemption.** Class 32 requires that the Developer must demonstrate that the Project: (1) is an urban "infill" project, and (2) is "environmentally benign," and (3) is consistent with the local Community Plan and Zoning requirements. (See, LA City CEQA Exemption Application Form CP-7828, Specialized Requirements at p. 1.) Additionally, this Exemption is not available to any project: (4) "that would result in any significant traffic, noise, air quality, or water quality impacts," or (5) "that requires mitigation measures to reduce potential environmental impacts to less than significant." There is no credible evidence that the Developer can satisfy all 5 standards listed in this paragraph. Moreover, it is questionable whether the Project could satisfy even one of these requirements.
3. **Public Resources Code Section 21061.3 Defines the Minimum Requirements of an Infill Site:**

"Infill site means a site in an urbanized area that meets either of the following criteria:

"(a) The site has not been previously developed for urban uses and both of the following apply:

"(1) The site is immediately adjacent to parcels that are developed with qualified urban uses, or at least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses, and the remaining 25 percent of the site adjoins parcels that have previously been developed for qualified urban uses.

"(2) No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency."

"(b) The site has been previously developed for qualified urban uses."

The Project Site does not qualify for a CEQA Exemption because it does not satisfy the requirements of PRC 21061.3, chief of which is that it is not immediately adjacent to parcels with qualified urban uses along at least 75% of the Site's perimeter. Under PRC 21061.3, it is an absolute condition precedent to a CEQA Exemption that the Site be surrounded by at least a 75% minimum of

“immediately adjacent” parcels developed for “qualified urban uses.” The City ignores this key statutory requirement, but instead uncritically accepts the myth that the Site is entitled to the infill Exemption because it is generally surrounded by urban uses. But that is not the law, and, more importantly, it is factually untrue.

The perimeter of the Site is 868.75 feet. The adjacent parcel, zoned Open Space and comprised of undeveloped parklands, adjoins the Site’s west-southwestern perimeter along a mutual boundary of 237.1 feet. This 237.1-foot boundary comprises 27.29% of the Site’s total perimeter ($237.1 \div 868.75$). This means that the Site **does not**, and **cannot**, qualify as an Urban Infill project because adjacent urban uses are unquestionably less than the 75% under Section 21061.3(a)(1).

Next, Michael Lane intersects with the Site’s northern perimeter and, according to ZIMAS, is 60-feet wide. The width of a street does not count as a “qualified urban use.” (See, PRC section 21072.) Consequently, the width of Michael Lane reduces the adjacent lengths of the perimeters of the two townhome complexes immediately north of Vereda by 60 feet, thereby increasing non-urban uses on the perimeter of the Site from 237.1 feet to 297.1 feet, or 34.2% of the 868.75-foot Site perimeter ($297.1 \div 868.75$).

Therefore, **at most, the Site is only adjacent to parcels developed with qualified urban uses along 65.8% of its perimeter (100% – 34.2%), far less than the 75% minimum; and the adjacent parklands count zero.** Clearly, the Site is not entitled to a Class 32 Infill Exemption.

Finally, the “remaining 25 percent of the Site” does not “adjoin parcels that have previously been developed for qualified urban uses.” (See, PRC section 21061.3(a)(1).) This is a second fatal failure to satisfy the statute.

The California Supreme Court, in 2015, emphasized the requirements of PRC section 21061.3 are mandatory and that a project site must satisfy the statutory percentage minimum perimeter to qualify:

“An urban project refers to a project located on a site in an urbanized area that meets specified conditions, including that a specified percentage of the immediately adjacent parcels or adjoining parcels to the site are developed with qualified urban uses, or that the site itself has been previously developed for qualified urban uses. (See § 21061.3.)” *California Building Industry, Etc. v. Bay Area Air Quality Management District*, 62 Cal.4th 369 at fn5 (2015). (Emphasis added.)

The City ignored both the statutory definition of an infill lot and the ruling of California’s Supreme Court that the statute had to be strictly followed.

B. Apart from the Project's Failure to Qualify as an Infill Site under PRC Section 21061.3, the Assertion that the Site Is Urban Infill Defies All Common Sense.

1. **The Site Borders and Is Closely Surrounded by Parks and Open Spaces.** The parklands that immediately abut the Site are owned by the City and are zoned "open space" and comprise Santa Ynez Canyon Park. Topanga State Park's 17.9 square miles envelop Santa Ynez Canyon Park and border much of it. The Site's "Hillside" location, on the very edge of a steep 36-degree slope overlooking Santa Ynez Canyon, covered by uncertified fill up to 50 feet deep. It is also a designated "High Severity Fire Hazard Zone" due to the wildlands and chaparral that border and surround it. Finally, there is no bus service within 2.5 miles of the Site; there are no retail stores within at least two miles of the Site; and the nearest closest medical and dental offices are almost six miles away.
2. **The Location is not "Urban Infill" because it is "not substantially surrounded by urban uses,"** as required by City Guidelines Sec. 3(c) and as defined in PRC Section 21061.3. The purpose of "urban infill" is to utilize vacant lots in a city's urban core, for example to replace an old salvage yard with a mixed-use urban development, i.e., one that replaces ugliness with a beautiful development. Infill also encourages building "up" in transportation corridors, so that people don't need two cars. But the Class 32 "Infill" Exemption was never intended to permit a mammoth, multi-story institution in a sensitive environment consisting of thousands of acres of parklands.

C. The Complete Lack of Significant Commercial Development in the Area Refutes Any Contention that the Site Is "Highly-Urbanized."

There is only one small commercial building in the entire Highlands; it is only 27,800 square feet with a one-story restaurant and two stories of small offices and studios, less than 30 feet high. The Project's top four floors alone would have 2.4 times the square footage of any building within a radius of two miles; and the Project's more than 1.50 Floor-to-Area Ratio ("FAR") is almost three times as dense as its neighboring building. The small building next door provides no other services needed by, or beneficial to, physically and mentally impaired residents. The next closest commercial structure is a one-story strip mall at the corner of Palisades Drive and Sunset – more than two miles south of the Project Site.

- D. **There is No Credible Evidence that the Project Complies with the Community Plan.** The City's guidelines for Exemption from CEQA require that the Project must be "consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations." The City's Instructions for a Class 32 "Urban Infill" Exemption from CEQA specifically require

compliance with the **Community Plan**, among other requirements. Section IV summarized at least two dozen ways in which the Project would be completely incompatible with the Community Plan.

VII.

EVEN IF THE SITE MET THE STRINGENT REQUIREMENTS OF URBAN “INFILL” UNDER CEQA, WHICH IT DOES NOT, THE PROJECT WOULD STILL BE DISQUALIFIED FROM A CATEGORICAL EXEMPTION BY ADDITIONAL GUIDELINES SET FORTH IN CEQA GUIDELINE 15300.2

A. **In 1988, the City Found Possible “Significant Effects” from a Proposed 28,300 Square-Foot Mixed-Use Development on the Project Site which, under Guideline 15300.2(c), Should Have Disqualified the Project’s Categorical Exemption from CEQA Compliance.** (See, Negative Declaration, Case No. ZA 88-0435 at pp 2-3, dated July 6, 1988 (“1988 MND”). These were the 1988 conclusions:

1. *“The ERC initial study prepared for the proposal indicates that possible environmental impacts could occur due to major landforms on the site.”*
2. *“The ERC initial study also indicates that the property is potentially subject to flood hazards.”*
3. *“The ERC initial study prepared for the proposal also indicated possible environmental impacts due to public facilities (fire). . . .”*
4. *“Decision-maker [should] consider limiting height of project to 30 feet, as is done in the Palisades Village.”*

B. **The Project Is Disqualified from a Categorical Exemption from CEQA because “the project may cause a substantial adverse change in the significance of an historical resource.”** Guideline 15300.2(f).

1. **The Project Threatens the Discovery of Archeologically-Significant Artifacts in the Highlands**, as recounted in the Community Plan: *“The first inhabitants of the land were the Shoshonean-speaking tribe, the HISTORY Tongva. They had a highly organized culture that stretched from Orange County north to Topanga and beyond. Under the Spanish, they were brought into the mission system-specifically San Gabriel-and renamed Gabrielinos.”* (Section III-28, Policy 17-1.2.)
2. **In 1988, the City’s MND confirmed that the Project Site was likely to contain, or be nearby, archaeological treasures of early tribes:**

“The ERC initial study prepared for the proposal also indicates possible

environmental impacts due to its location in an area 'likely to yield unrecorded archaeological sites.'

3. Importantly, the City's 1988 MND checked the "**YES**" box to the question, "*Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?*"

C. **The Project Would Violate State Greenhouse Gas Reduction Requirements.** It is obvious that siting a new Project of this size, scale and intensity so remotely from the homes of its potential staff, employees and vendors – and where there is a complete lack of public transportation – will drastically increase greenhouse gas emissions. The problem will be compounded by the construction of the Facility, and the several thousand trips by large diesel trucks, 42 miles each way to Moorpark and back, for many months. These diesels will spew their highly-toxic exhausts throughout the Highlands, both when parked and driving. Large diesel machinery, such as bulldozers, pile-drivers, cranes, etc., guarantee a continuing witches' brew of toxic and noxious emissions.

California's landmark legislation addressing global climate change, the California Global Warming Solutions Act of 2006, established as state policy the achievement of a substantial reduction in the emission of gases contributing to global warming." (See, *Center for Biological Diversity v. Department of Fish & Wildlife*, 62 Cal.4th 204, 215 - 217 (2015) and *Communities for a Better Environment v. City of Richmond*, 184 Cal.App.4th 70, 90 (2010).) This is even more important given the City and State Parks that surround the Project Site. Such likely impacts demand an analysis of a project's greenhouse gas emissions.

CEQA guidelines require the lead agency to "describe, calculate or estimate" the amount of greenhouse gases a project will emit and, when assessing the significance of greenhouse gas emissions, the lead agency should consider if "the project emissions exceed a threshold of significance that the lead agency determines applies to the project." (Cal. Code Regs., § 15064.4 (a), (b).)

VIII.

THE COASTAL COMMISSION CANNOT FAIRLY EVALUATE THE PROJECT'S EFFECT OF THE PROJECT ON THE COASTAL ENVIRONMENT WITHOUT AN ENVIRONMENTAL IMPACT REPORT

The City ignored CEQA's mandate that, "The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. . . . Similarly, the EIR should evaluate any potentially significant impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains,

coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.” (CEQA Guidelines section 15126.2(a).) The California Supreme Court has explained:

“The Legislature has made clear that an EIR is ‘an informational document’ and that ‘[t]he purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.’” (*Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal.3d 376, 391 (1988); Guidelines, §15002.)

In a decision involving another Pacific Palisades project wrongly approved by the City, the California Supreme Court ruled: “[S]ince the preparation of an [environmental impact report] is the key to environmental protection under [CEQA], accomplishment of the high objectives of that act requires the preparation of an [environmental impact report] whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact.” (*See, No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d 68 at p. 75 (1974); accord, *Citizens for Responsible Equitable Environmental Development v. City of San Diego Redevelopment Agency*, 134 Cal.App.4th 598, 609 (2005).)

IX.

IN 1988 THE CITY DETERMINED THAT A PROPOSED TWO-STORY BUILDING ON THE SITE WAS TOTALLY INCOMPATIBLE

In 1988, the City rejected a two-story, 28,300 square foot, mixed-use project, finding it **completely incompatible** with the neighboring community. The following are the City’s key findings (see, Case Nos. ZA 88-0435 (PP) and CDP 88-012 at p. 5):

1. *“Inspection of the subject and surrounding properties, however, reveal that there is already some spillover parking on adjacent and abutting public streets as a result of the existing retail center just southerly of the proposed project. While it is acknowledged that convenience retail (Neighborhood Commerce) was originally envisioned at this corner by the Community Plan, it appears the size and scale of the proposed project goes far beyond convenience retail with the second story proposed for offices for a total of 28,300 square feet of floor area on the 43,095 square-foot lot. Such an intensity of development goes far beyond not only the plan but also beyond that ever anticipated by the community.”*
2. *“This Intensity will most likely have the following adverse impacts on the neighborhood and community:*

- *Substantial increase in traffic, congestion and noise;*
- *Substantial increase in on-street parking due to most off-street parking being subterranean;*
- *Dramatic change in the low intensity character of the area, impacting both atmosphere and view."*
- *"All of these impacts should be minimized or eliminated by a scaled back, perhaps one-story, retail center with adequate surface parking."*

3. *"It is therefore the considered judgement of the Zoning Administrator that the proposed project is not proper in relation to adjacent uses or the development of the community and the various elements and objectives of the General Plan and all applicable specific plans, and that the project will be materially detrimental to the character of the development in the immediate neighborhood."*

It is incomprehensible that, the current Project, thirty years later, much more than twice as large and double the height of the rejected 1988 project, could now be found "compatible" with the surrounding neighboring development, given that, in 1988, the far smaller two-story building, was rejected for being "materially detrimental" to the community due to traffic, congestion, noise, parking, and impact on views. There has been no materially significant change to the community since 1988.

X.

THE PROJECT WOULD VIOLATE NUMEROUS CITY ZONING CODES

A. The Building Exceeds Maximum Square Footage Limits by 12,494.6 Square Feet.

1. In approving a 64,646-square foot building, the City wrongly permitted the maximum size of the Building to be 1.50 times the Site's gross square footage of 43,097.8, rather than 1.50 times the Site's net "**Buildable Area**," which is only 34,832.6 square feet. If the 1.50 FAR been correctly based on net "Buildable Area," the Facility's size would have been limited to 52,151.4 maximum square feet, some **12,494.6 feet less than** the City approved.
2. LAMC section 12.21.1A states, "The total floor area contained in all the main buildings on a lot in a commercial or industrial zone in Height District No. 1 shall not exceed one-and-one-half times the buildable area of said lot." LAMC section 12.03 defines "**Buildable Area**" as "that portion of a lot located within the proper zone for the proposed main building, excluding those portions of the lot which must be reserved for... building line setback space. . . ." These setbacks are

required by the APC's Decision and are specified on the approved set of plans.

3. These **required setbacks** are as follows: (i) 10 feet along the 132.52-foot boundary fronting Palisades Drive = 1,325 square feet; (ii) 7 feet along the 324-foot boundary fronting Vereda de la Montura = 2,268 square feet; (iii) 7 feet along the 175-foot boundary that adjoins the commercial lot to south = 1,225 square feet; and (iv) 16 feet along the 237.1-foot boundary that adjoins the parklands on the west-southwestern side of the lot = 3,793.6 square feet. The aggregate square footage of these four required setback strips equals 8,611.6 square feet. However, because overlapping setbacks would lead to a "double-count" of the areas where two setbacks intersect, the net total square footage of the required setbacks must be reduced by 346 square feet to 8,265.6 square feet (i.e., 8,611.6 – 346).
4. The calculation of Buildable Area under LAMC section 12.03 is a matter of simple arithmetic. The gross lot size is 43,097.8 square feet, which, after deducting 8,265.6 square feet of required setbacks, equals 34,832.6 square feet of net Buildable Area. Multiplying by a 1.50 FAR, the Facility would be limited to 52,151.4 square feet (i.e., 34,832.6 x 1.5), about 12,397 square feet less than the 64,646 square feet approved by the City.

B. The City Ignored Violations of LAMC 12.13.A.2(b)(2), which States, "All activities [in a C1 Zone must be] conducted wholly within an enclosed building, except that ground floor restaurants may have outdoor eating areas." This means that the 1,700 square-foot "Generations Courtyard" is either (1) a Code violation – i.e., an illegal activity; or (2) enclosed to become part of the "Building," with its square footage added to the Developer's planned 64,646 feet of floor area – thereby rendering the Project's FAR that much greater than the code maximum of 1.50. Likewise, the 11,000 and 3,000 square-foot activities decks require that the Building be reduced by an aggregate of 15,700 square feet (1,700 + 3,000 + 11,000) to comply with the 1.50 FAR limits of the C1 Zone. These violations directly impact Coastal resources because noise generated by these daily and nightly activity areas will be projected across Santa Ynez Canyon into Topanga State Park, thereby disrupting wildlife and habitat.

XI.

THE COASTAL ZONE IS AN INAPPROPRIATE AND DANGEROUS LOCATION FOR AN ASSISTED LIVING/DEMENTIA CARE FACILITY

The Project is in a state-designated "Very High Severity Fire Hazard Zone." Not only does the density of residents on the knife-edge of a flammable canyon environment present a danger to the residents, the intensity and nature of its activities present a far greater risk that a careless act might start the fire. Importantly, about one-third of all residents will need

dementia care.

The City ignored the serious risk of a fire starting in or around the Facility, which rapidly spreads to the adjacent Coastal lands, and from there races miles in all conceivable directions in a matter of a couple of hours. This Project never should have been proposed, much less approved, in this severe fire zone in the middle of the Santa Monica Mountains Coastal Zone.

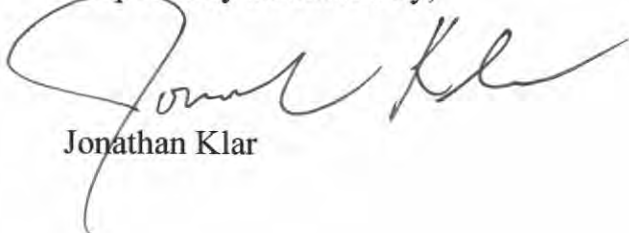
XIII. **CONCLUSION**

The City has given only lip service to the Coastal Act's many requirements, chief of which is stated at PRC section 30251:

"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."

We urge the Coastal Commission to protect the Coastal Zone and its parklands and habitats, which the City would not.

Respectfully submitted by,

A handwritten signature in dark ink, appearing to read 'Jonathan Klar', written over a horizontal line.

Jonathan Klar

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE

200 OCEANGATE, 10TH FLOOR

LONG BEACH, CA 90802-4416

VOICE (562) 590-5071 FAX (562) 590-5084

MAY 23 2018

CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Pacific Palisades Residents Association, Inc., et. al. - See Attached list of Appellants.

Mailing Address: P.O. Box 617

City: Pacific Palisades

Zip Code: 90272

Phone: (310) 871-7600

SECTION II. Decision Being Appealed

1. Name of local/port government: Pacific Palisades, City of Los Angeles
2. Brief description of development being appealed:
4-story, 45 ft. in height, 64,646 sf. Eldercare Facility with 82 guest rooms & a 2-level subterranean garage adjacent to a City Park & within 200 ft. from a State Park. It is sited in a highly scenic area where the adjacent structures are predominantly 2-stories & less than 28 ft. in height. It is located in a very high fire hazard zone & proposes to export 19,308 cu. yds. of graded material from a vacant lot.
3. Development's location (street address, assessor's parcel no., cross street, etc.):
1525-1533 N Palisades Dr. (and 17310-17320 W. Vereda De La Montura)
Pacific Palisades, City of Los Angeles, Los Angeles County
4. Description of decision being appealed (check one.):
☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-5-PPL-18-0035

DATE FILED:

May 23, 2018

DISTRICT:

South Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☐ City Council/Board of Supervisors
- ☒ Planning Commission
- ☐ Other

6. Date of local government's decision: 4/18/18 - Notice to CCC on 4/26/18

7. Local government's file number (if any): ZA-2017-2170-ELD-CDP-SPR-1A

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Rony Shram - 12166 Sunset Boulevard, Los Angeles, CA 90049

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) - SEE ATTACHED -

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

- SEE ATTACHED -

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

– See Additional Signatures Attached –

Date: May 23, 2018

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby

authorize

Thomas M. Donovan

to act as my/our representative and to bind me/us in all matters concerning this appeal.



Signature of Appellant(s) or Authorized Agent

– See Additional Signatures Attached –

Date: May 23, 2018

MAIL ALL NOTICES TO:

Thomas M. Donovan
Law Offices of Thomas M. Donovan
2800 28th Street, Suite 200
Santa Monica, CA 90405
(310) 260-6016

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

Local Application No. ZA-2017-2170-ELD-CDP-SPR-1A

CCC Post-Cert. No. 5-PPL-18-0034

Appellants: Pacific Palisades Residents Assoc., Inc., et. al.

SECTION IV. REASONS SUPPORTING APPEAL

This is an appeal of the City of Los Angeles approval of a Coastal Development Permit (CDP) for the construction of a 4-story, 45 ft. in height, 64,646 sf. Eldercare Facility with 82 guest rooms at 1525-1533 North Palisades Drive (the "Project"). The Project is located in a highly scenic area adjacent to a City Park and within 200 ft. from a State Park. It is sited in a primarily residential area where structures are predominantly 2-stories and less than 28 ft. in height. It is located in a very high fire hazard zone and proposes to export 19,308 cu. yds. of graded material from a vacant lot.

The City did not meet the required Coastal Findings in approving the CDP and therefore, Appellants make this Appeal on the following grounds:

Finding 1. The Project is not in conformity with Chapter 3 of the Coastal Act codified in the California Public Resources Code ("PRC") due to violations of numerous Coastal Act provisions.

- A. PRC §30251 provides that development shall be sited and designed to protect views in scenic coastal areas and to be visually compatible with the character of the surrounding areas. New development shall be subordinate to the character of its setting. The Project violates PRC §30251 as follows:
 - 1. The Project's location, height, mass and design will substantially block and otherwise adversely impact scenic views in a highly scenic area. The Project will adversely impact views from the nearby (within 200 ft.) Topanga State Park and the adjacent Santa Ynez Canyon City Park and also from the street and nearby residential properties.
 - 2. The Project will not be visually compatible with the character of the surrounding area due to its height, mass and design.
 - 3. The Project is not subordinate to its setting surrounded by parks and 2-story structures due to its height, mass and design.
- B. PRC §30253 provides that new development shall minimize risks to life and property in high fire hazard areas and protect neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. New development shall minimize energy consumption and vehicle miles traveled. The Project violates PRC §30253 as follows:
 - 1. The Project is located in a popular recreation area adjacent to a City Park and with a State Park within 200 ft. of the Project site. There are several recreational trails in the immediate area.
 - 2. The Project is located in a High Hazard Fire area with extremely limited access, thus posing a high risk to its primarily elderly and disabled residents. Any attempt to reduce the fire hazard would denigrate the popular recreation area surrounding the Project site.
 - 3. The Project is not located near public transportation (the nearest bus line is over 2 miles away) and it is many miles away from any medical care providers needed for the Project's residents. The Project's numerous staff members will have no way to get to the project other than by automobile.

- C. PRC §30222 provides that the use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over general commercial development. The Project violates PRC §30222 as follows:
1. The Project is in no way a visitor-serving commercial recreational facility and it will not enhance public opportunities for recreation. Due to its proximity to nearby trailheads, it will denigrate recreational opportunities. Necessary fire suppression surrounding the Project will harm hiking near the site by destroying the natural habitat surrounding these hiking trails. It will also denigrate scenic views from the hiking trails. Further, the Project will unnecessarily and dramatically increase non-recreational traffic to the site, reducing the outdoor recreational aesthetic in the park lands surrounding it.
- D. PRC §30240 provides that development in areas adjacent to environmentally sensitive areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas. The Project violates PRC §30240 as follows:
1. The Project is located in a popular recreation and environmentally sensitive area adjacent to a City park and with a State park within 200 ft. of the Project site. There are several recreational trails in the immediate area.
 2. The Project is located in a High Hazard Fire area with extremely limited access, thus posing a high risk to its elderly and disabled residents. Any attempt to reduce the fire hazard would denigrate the popular recreation area surrounding the Project site as is specified in C(1) above.
 3. The Project is not located near public transportation (over 2 miles away) and it is many miles away from any medical care providers needed for the Project's residents. The Project's numerous staff members will have no way to get to the project other than by automobile.
- E. PRC §30620 provides that CCC Interpretive Guidelines shall be applied to the Coastal Zone until a Local Coastal Program (LCP) for the area is prepared. The Project violates PRC §30620 as follows:
1. The CCC Interpretive Guidelines have not been followed in the City's approval of the Project as is detailed further below.

Finding 2. The Project will prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program that will be in conformity with Chapter 3 of the Coastal Act as follows:

1. The City does not currently have a certified LCP for this area. The Project is not consistent with the mass, height and scale of any other CDP approvals in this area as is detailed above. Therefore, the Project will set precedent for further development in the area. There is an adjacent commercial property next to the Project site that is presently for sale. There are other areas in the vicinity of the Project that will attract similar over-development if a CDP is granted for the Project. Therefore, the Project, as proposed and conditioned, may prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act.

Finding 3. The California Coastal Commission Regional Interpretive Guidelines for the Southcoast Region of Los Angeles County (RIGs) have not been adequately applied, reviewed, analyzed and considered. The Guidelines have either been ignored or inadequately considered as follows:

- A. RIG §B (1) provides that commercial establishments should be public recreation or recreation supportive or otherwise "coastally related." Nothing about the Project is recreation supportive or coastally related. In fact, the Project denigrates coastal recreation.

- B. RIG §C (1) provides that views to the Santa Monica Mountains from public roads should be preserved and protected. Not only will the Project not protect views from public roads, its location, height, mass and design will substantially block and otherwise adversely impact such views.
- C. RIG §C (2) provides that developments adjacent to the Santa Monica Mountains should protect views from trails and be consistent with access to the trail system and park access. Not only will the Project not protect views from trails, its location, height, mass and design will substantially block and otherwise adversely impact such views.
- D. RIG §A (2) (g) provides that new commercial developments of 10 units or more should be required, as a condition of approval, to dedicate access trails and parking areas for Topanga State Park.
- E. RIG §A (2) (i) provides that the density of new residential development should be limited to a maximum of 24 units per acre gross. While the Project is technically a commercial development, its purpose is to provide units where persons will reside. The approved CDP permits 82 units and thereby violates the purpose, spirit and intent of RIG §A (2) (i).

Finding 4. The City of Los Angeles decision was not guided by prior decisions of the Coastal Commission when it approved a Coastal Development Permit for the Project. Numerous Coastal Commission decisions have denied CDPs to proposed developments that:

- fail to protect views in scenic coastal areas.
- are not visually compatible with the character of the surrounding areas.
- are not subordinate to their setting.
- fail to minimize risks to life and property in fire hazard areas.
- fail to protect neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.
- fail to minimize energy consumption and vehicle miles traveled.
- constitute an adverse precedential effect.

Further, the CDP was granted without guidance by Coastal Commission decisions that denied CDPs when the Coastal Commission Regional Interpretive Guidelines were not adequately reviewed, analyzed and considered.

Finding 5. The Project is not in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act and also violates the Brentwood-Palisades Community Plan and the California Environmental Quality Act (CEQA). Feasible alternatives or mitigation measures that would substantially lessen any significant adverse effect that the Project activity will have on the environment were not considered.

The Project does not provide visitor services, park access or public parking for nearby recreational areas. The proposed parking is insufficient and bicycle spaces should not count toward the Coastal parking requirements. The increased traffic will inhibit public access to nearby recreational areas and the traffic noise will degrade nearby recreational area use. Brush clearing required by the Los Angeles Fire Dept. will degrade the nearby recreational areas and unmask the Project structure from many perspectives, including from the adjacent park, nearby trails and the nearby State Park.

Section I. Supplemental List of Appellants // Section III. Identification of Other Interested Persons

First	Last	Address
Aileen	Haugh	1537 Michael Lane
Alison	Williams	1579 Michael Lane
Arthur	Hoyle	1798 Palisades Dr
Norman	Parker	1644 Palisades Dr
Dean	Semler	1283 Calle de Madrid
Diane	Bleak	1355 Avenida de Cortez
Donna	Gavin	1558 Michael Dr
Donna	Vaccarino	1001 Hartrell St
Joda	Margulies	1059 Maroney Lane
Kristen	Abcahan	1249 Piedra Morada Dr
Liana	Martin	17535 Camino de Yatasto
Lisette	Kremer	17181 Avenida de Santa Ynez
Linda	Symcox	1565 Palisades Dr
Geoffrey	Symcox	1565 Palisades Dr
Melanie	Bouer	1596 Michael Lane
Melinda	Ramm	1656 Michael Lane
Norman	Neofotist	1558 Michael Lane
Richard	Aaron	1540 Michael Lane
Anna	Aaron	1540 Michael Lane
Sarah	Conner	17070 Livorno Dr
Susan	Stone	1556 Michael Lane
Alexandra	Jackson	1520 Michael Lane
Alice	Lewis	17179 Avenida de la Herradura
Arthur	Hoyle	1798 Palisades Dr
Barry	DuRon	1455 Palisades Dr
Benjamin	Wallfish	1522 Michael Lane
Jan	Ostendorf	1120 Maroney Lane
Sangermano	Ellen	1619 Michael lane
Evan	Fisher	17667 Camino de Yatasto
Erica	Fisher	17667 Camino de Yatasto
Gordon	Gerson	1567 Palisades Dr
Harris	Leven	1674 Michael Lane
Deborah	Leven	1674 Michael Lane
Ileana	Zapatero	462 Arbramar Ave pp 90272
Ilene	Koenig	16 Michael Lane PP 90272
Riccardo	Gallo	1545 Palisades Dr PP 90272
Janis	Gallo	1545 Palisades Dr PP 90272
Jeanne	W.Ruderman	1568 Palisades Dr PP 90272
Jeffry	A. Grossman	871 Hartzell St PP 90272
Jody	Margulies	1059 Maroney Lane PP 90272
John	Jenkins	1559 Palisades Dr PP 90272
Anita	Jenkins	1559 Palisades Dr PP 90272
John Marcus	Jackson	1520 Michael Lane PP 90272
John	Wild	1452 Palisades Drive pp 90272
Joie Marie	Gallo	1576 Michael Lane PP 90272
Kristen	Abraham	1249 Piedra Morada Dr PP 90272
Lev	Altshuler	1578 Michael Lane PP 90272

Laurie	Levin	1634 Michael Lane PP 90272
Lucy	Kerner	16887 Avenida de Santa Ynez PP 90272
Malissa	Johnson	1529 Michael Lane PP 90272
Maneli	Mansoori	15460 Albright St PP 90727
Richard	Hart	15460 Albright St PP 90272
Matthew	Grinsfelder	16886 Avenida de Santa Ynez PP 90272
Miriam	Baer	1798 Palisades Dr PP 90272
Peter	Shakarian	1842 & 1789 Palisades Dr PP 90272
Elisabeth	Shakarian	1842 & 1789 Palisades Dr PP 90272
Rachael	Smith	1515 Palisades Dr PP 90272
Ralph	Gidwitz	1626 Michael Lane PP 90272
Karen	Gidwitz	1626 Michael Lane PP 90272
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Ron	Kemalyan	2213 N Valley Dr Manhattan Beach 90266
Shannon	Colmenares	1567 Palisades Dr PP90272
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Amy	Wecker	3255 Sawtelle Bld #303 LA 90066
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Wendy	Arneill	1859 Michael Lane PP 90272
John	O'reilly	1698 Michael Lane PP 90272
Janice	Amar	1436 Avnida de Cortez PP 90272
Andrew	Feng	1754 Michael Lane PP 90272
Brett	Harwin	1569 Palisades Dr PP90272
Harwin	Michelle	1569 Palisades Dr PP90272
Vicky	Rosin	17138 Av de la Herradura PP90272
Bruce	Rosin	17138 Av de la Herradura PP90272
Carey	Roth	1423 Avenida de Cortez PP90272
Alli	Solum	1651 Michael Lane PP90272
Conrad	Solum	1651 Michael Lane PP90272
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David	Haynie	16951 Avenida de Santa Ynez PP 90272
Edith	Kinloch	1305 Avenida de Cortez PP 90272
Edward	Kim	1435 Avenida de Cortez PP 90272
Fariba	Habibi	16589 Calle Victoria PP 90272
Alexandra	Gaskin	1437 Avenida del Jonella PP 90272
Kathryn	Gaskin	1437 Avenida del Jonella PP 90272
Dennis	Gaskin	1437 Avenida del Jonella PP 90272
Helen	Gaskin	1437 Avenida del Jonella PP 90272
Farrokh	Habibi-Ashrafi	16589 Calle Victoria PP 90272
Hannah	Kim	1435 Avenida de Cortez PP 90272
James	Kinloch	1305 Avenida de Cortez PP 90272
Vicki	Huth	1333 Avenida de Cortez PP 90272
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Stuart	Rutkin	13210 Admiral Av Marina del Rey 90292
Roberta	Hollander	1536 Michael Lane PP 90272

Michael	Schaefer	1552 Michael Lane PP 90272
Marianne	Kastner	1528 Michael Lane PP 90272
Kirsten	Schaefer	1552 Michael Lane PP 90272
Friedrich	Kastner	1528 Michael Lane PP 90272
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Elisabeth	Alford	1551 Michael Lane PP 90272
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Luke	Kim	1435 Avenida de Cortes PP 90272
Mark	Ryavec	1615 Andalusia Av Venice 90291
Massiano	Ludovisi	1287 Calle de Madrid PP 90272
Ness	Moadeb	1337 Avenida de Cortez PP 90272
Judid	Moadeb	1365 Avenida de Cortez PP 90272
Sandor	Fischl	1390 Avenida de Cortez PP90272
Alisa	Gabay	17993 Calle de Palermo PP 90272
Richard	Kim	1435 Avenida de Cortez PP 90272
Keith	Craven	1672 Michael Lane PP90272
Julie	Fasteau	17171 Palisades Circle PP 90272
Joe	Halper	17243 Avenita Herradura PP 90272
Joanne	Lou	PP 90272
Antoinette	Reec	1271 Palisades Dr PP 90272
Jennifer	Champion	1275 Palisades Dr PP 90272
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Sion	Louks	16950 Avenida de Santa Ynez PP 90272
Jana	Gustman	16933 Avenida de Santa Ynez PP 90272
Sam	Gustman	16933 Avenida de Santa Ynez PP 90272
Nathalie	Reishman	1293 Palisades Dr PP 90272
Mary	Beetly	16942 Av de Santa Ynez PP 90272
Michek	Burnur	170100 Av de Santa Ynez PP 90272
Megan	Barnum	17611 Av de Santa Ynez PP 90272
Lili	Geller	16994 Av d Santa Ynez PP 90272
Shaylah	O'Connor	16962 Av de Satna Ynez PP 90272
Shannon	Newell	16962 Av de Santa Ynez PP 90272
Beverly	Louks	16950 Av de Santa Ynez PP 90272
Dan	Louks	16950 Av de Santa Ynez PP 90272
Pamela	Nye	1335 Palisades Dr PP 90272
Alexandra	Paul	1411 Palisades Dr PP 90272
Ian	Murray	1411 Palisades Dr PP 90272
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Barbara	Kohn	322 Surfview Dr PP 90272
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Tim	Cannella	PP 90272
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Nousha	Soofi-Mashkouri	1586 Michael Lane PP 90272
Nima	Mashkouri	1586 Michael Lane PP 90272
Jay	Dougherty	1550 Michael Lane PP 90272

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Larry	Larson	111 Marquez PP 90272
Liza	Samuels	1644 Michael Lane PP 90272
Naum	Pisky	1627 Michael Lane PP 90272
Saad	Javed	1529 Michael Lane PP 90272
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Rachel	Amar	Hermosa Beach 90254
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Elena	Ashrafi	1605 Michael Lane PP 90272
Deanna	Gale Emad	1398 Av de Cortez PP90272
Alicia	Dougherty	1550 Michael Lane PP 90272
Brook	Dougherty	1550 Michael Lane PP 90272
Nicole	Proto	1469 Palisades Dr PP 90272
Steven	Proto	1469 Palisades Dr PP 90272
Guler	Padoett	1463 Palisades Dr PP 90272
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Lorena	Craven	1672 Michael Lane PP 90272
Robin	Spencer	1561 Palisades Dr PP 90272
Victoria	Collison	16886 Avenida de Santa Ynez
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Batsheva	Spector	1530 Michael Lane PP 90272
Ted	Docter	3111 Harbor blb Oxnard CA 93035

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

SECTION I. APPELLANTS // SECTION V. CERTIFICATION
SECTION VI. AGENT AUTHORIZATION

The following Appellants join in the Appeal from Coastal Development Permit Decision of Local Government for the proposed project: ZA-2017-2170-ELD-CDP-SPR-1A


Coastal Commission Case No. CCC POST CERT. No 5-PPL-180034

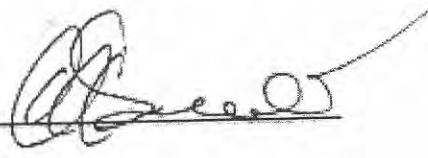
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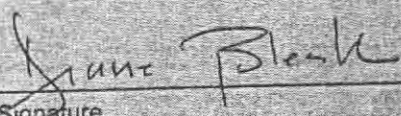
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Date 5/20/18

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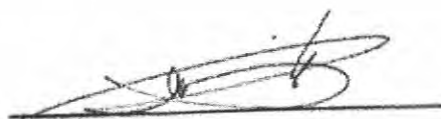
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Email : [REDACTED]


Name : Harris S. Leven Harris S. Leven
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Email : [REDACTED]

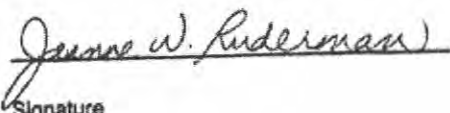
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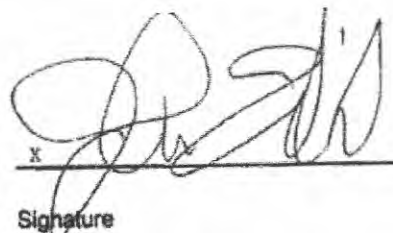
Name : Jeffrey A. Grossman Jeffrey A. Grossman
Address : 871 Hartzell St. Signature
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Email : [REDACTED]

Name : Jody Margulies Jody Margulies
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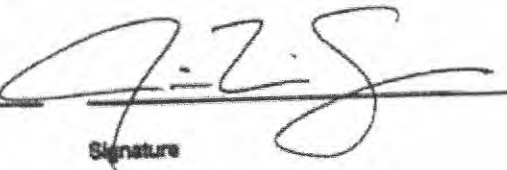
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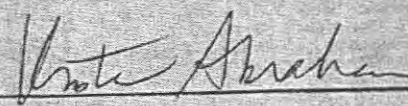
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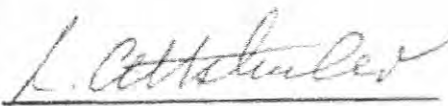
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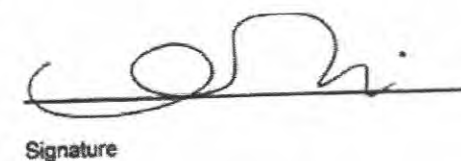
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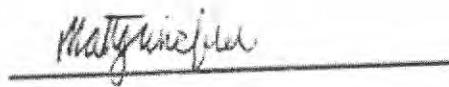

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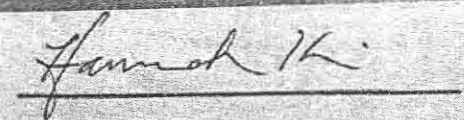
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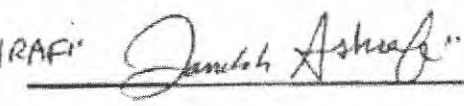
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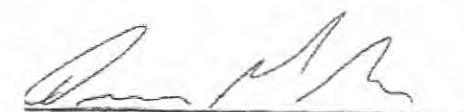
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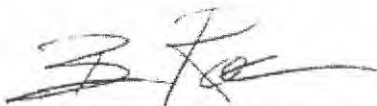
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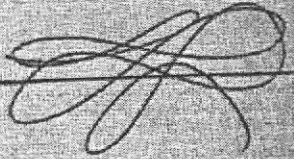

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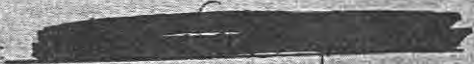
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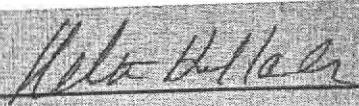

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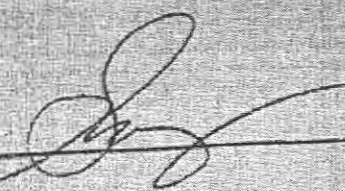
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Email: 

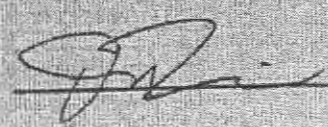
Name: ADRIANNE KASTNER 
Address: 1528 Michael Ln
Pacific Palisades, Ca 90272
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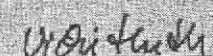
Name: Michael Schaefer 
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Name: ROBERTA HOLLANDER 
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Signature: Susan Stone

5/20/16

Date: 5/20/16

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Chuck Lopez

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Chuck Lopez

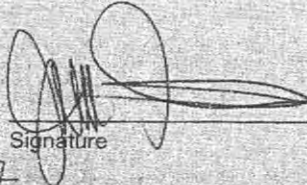
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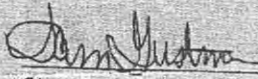
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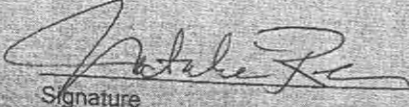
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Page ____ of ____

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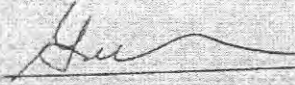
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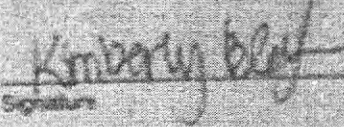
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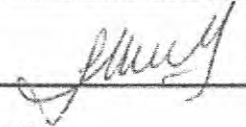
Email: N/A

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PACIFIC PALISADES CA


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CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 590-5084

RECEIVED
South Coast Region

MAY 23 2018



CALIFORNIA
APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: **Robert T. Flick**
Mailing Address: **1516 Michael Lane**
City: **Pacific Palisades** Zip Code: **90272** Phone: **310.459.5868**

SECTION II. Decision Being Appealed

1. Name of local/port government: **City of Los Angeles**
2. Brief description of development being appealed:
Construction of a 4-story, 45-to-57 feet high, **64,646** sf eldercare facility on a 0.99-acre lot (the "Site"), plus (a) two basement floors, primarily for parking, comprising approx. additional **40,000** sf; and (b) decks for pool and outdoor activities that add another **14,000** square feet.
3. Development's location (street address, assessor's parcel no., cross street, etc.):
1525-1533 North Palisades Dr.; 17310-17320 Vereda de la Montura, Pacific Palisades, CA 90272
4. Description of decision being appealed (check one.):
☒ Approval; no special conditions
☐ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-PPL-18-0035
DATE FILED: May 23, 2018
DISTRICT: South Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☒ Planning Commission **West LA APC**
☐ Other

6. Date of local government's decision: April 25, 2018

7. Local government's file number (if any): Case No. ZA-2017-2170-ELD-CDP-SPR-1A

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

**Rony Shram, Palisades Drive, L.P.
12166 Sunset Blvd.
Los Angeles, CA 90272**

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

**(1) Attorney for Applicant - Kevin K. McDonnell
Jeffer Mangels Butler & Mitchell
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067**

**(2) Robert Glushon, Attorneys for Appellants Robert T. and Sandra L. Flick
(Luna & Glushon
16255 Ventura Blvd, Suite 950
Encino, CA 91436
rglushon@lunaglushon.com**

**(3) Jonathan and Maria Klar
1526 Michael Lane
Pacific Palisades, CA 90272
jklarlaw@gmail.com**

**4) West Los Angeles Area Planning Commission, Attn. Cecilia Lamas
11214 West Exposition Boulevard, 2nd Floor, Roll Call Room
Los Angeles, CA 90064
Cecilia.Lamas@lacity.org, apcwestla@lacity.org, jason.wong@lacity.org**

**5) Councilmember Mike Bonin
200 N. Spring St., #475
Los Angeles, CA 90012
councilmember.bonin@lacity.org and len.nguyen@lacity.org**

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal (SEE ATTACHED STATEMENT)

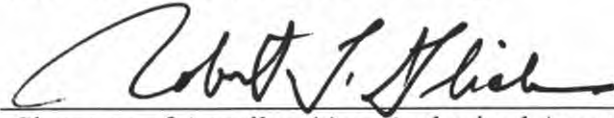
PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: _____

May 23, 2018

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Law Offices of Robert Flick

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PACIFIC PALISADES, CALIFORNIA 90272
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Real Property Law Solutions

May 23, 2018

VIA PERSONAL DELIVERY

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, Ca 90802-4416

Re: **CCC Case No.: CCC POST CERT. No. 5-PPL-18-0034**
**ATTACHMENT TO APPEAL OF Case No. ZA-2017-2170-ELD-CDP-
SPR/ENV-2017-2171-CE ("Decision")**
**1525-1533 North Palisades Drive and 17310-17320 Vereda de la Montura,
Pacific Palisades ("Property")**

The undersigned, Robert T. Flick ("**Appellant**") provides the following Statement supporting reasons for his appeal of the Decision.

1. The Project *is not* in conformity with Chapter 3 of the Coastal Act, due to the violation of numerous Coastal Act provisions ("**PRC**" refers to the California Public Resources Code).

a. **RISKS NOT MINIMIZED.** There is substantial evidence that the Project does not comply with PRC 30253, which states, in part "**New development shall do all of the following: (a) minimize risks to life and property in areas of high geologic, flood and fire hazard**".

(i). High Geologic Hazard. The Geosoils Analysis of Wilson Geosciences, Inc. submitted to the West LA APC finds that the geosoils risks of the Property have not been adequately evaluated, because:

- "there is credible geologic evidence for potential slope instability within and adjacent to the proposed development site that have not been considered or addressed";

- “the reported shear strength parameters of some of the existing fill indicates the potential for surficial and deeper slope instability”; and
- “previous indications of landslide features identified by Slosson (a prior consultant evaluating property in the area) may have been within the site and no discussion in present [in the geosoils reports prepared for the Project, or previously]”

Accordingly, the Property, which is located on a steep hillside as indicated by the “H” code in its zoning classification, must be considered to be in an area of high geologic hazard, and the Project presents risks that have not been demonstrably minimized.

(ii) Very High Fire Hazard Risk. The Property is within a Very High Fire Risk Zone.

Although the structure of the Property may be designed to reduce the risk of injury or death due to fire, the mere location of the Project in a Very High Fire Risk Zone presents risk that cannot be properly minimized.

The Commission will note that the City of Los Angeles has, by its own ordinance, shown its strong disapproval for locating eldercare facilities in a Very High Fire Risk Zone. Los Angeles Municipal Code Section 12.22.A.25(e)(2)(iv) states with respect to affordable senior housing covered by the code section: “**The Housing Development Project shall not be located . . . in a Very High Fire Hazard Severity Zone**”.

b. **SCENIC QUALITIES NOT PRESERVED.** There is substantial evidence that the Project does not comply with PRC 30251, which 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 . . .**”

- The Topanga State Park Land bordering the Project Site is in the Santa Monica Mountains, which are designated as a “**highly-scenic area**” by the California Department of Parks and Recreation Plan. See, *Douda v. California Coastal Commission*, 159 Cal.App.4th 1181 (2008) (interpreting PRC 30251) (the “Douda Decision”).

- The County of Los Angeles has adopted a Local Coastal Program for unincorporated portions of the Santa Monica Mountains (“County LCP”). The easterly edge of the County LCP area is located just to the west and south of the Santa Monica Mountains area containing the Property. The top of the ridge that continues north and is situated just above the Property is identified as a “Scenic Ridgeline”, and the entire mountainside is identified as a “Scenic Element”.

- Palisades Drive, which abuts the Property, has been designated as a Scenic Highway by the City of Los Angeles.

- Although the City of Los Angeles has not yet adopted a Local Coastal Program for the area containing the Property, the ridgeline above the Property should be considered to be a Significant Ridgeline, and the mountainside above the Property should be considered to be a Scenic Element, views of which from a Scenic Highway must be protected under PRC 30251.

In light of the foregoing, there is substantial evidence that the Project would not protect views of the ocean (which is visible down Santa Ynez Canyon) and scenic coastal areas.

c. **PROJECT NOT SUBORDINATE TO ITS SETTING.** There is substantial evidence that the Project does not comply with PRC 30251, which also states in part: **"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 character of its setting."**

There is substantial evidence that the Project clearly would dominate the character of its setting and would not be subordinate to it.

d. **PROJECT NOT VISITOR-SERVING.** There is substantial evidence that the Project does not comply with PRC 30222, which states in part: **"The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development..."**

The Regional Interpretive Guidelines-South Coast Region Los Angeles County ("RIGS"), which apply to the area containing the Property and exist to help local governments apply the Coastal Act, including PRC 30222, contain the following relevant sections.

- RIGS Section B.1: **"Commercial establishments should be public recreation and recreation supportive or otherwise coastally related facilities"**

The Project will not offer any services or facilities to the public.

- RIGS Section A.2(g): **"New commercial . . . and residential developments of 10 or more dwelling units in the Santa Monica Mountains must dedicate access trails and parking areas for visitors to Topanga State Park"**

The Project would not provide any access trail or public parking. In fact, it would further burden public parking that serves the adjacent Santa Ynez City Park and proximate Topanga State Park.

- RIGS Section A.2(i): **"The density of new residential development must be limited to a maximum of 24 units per acre."**

The Project information states that it contains 82 resident units, and it may actually contain more than 82 resident units.

e. **ADVERSE AND DEGRADING IMPACTS NOT AVOIDED.** PRC 30240(b) states **"Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas."**

(i) Due to the proximity of the Property to the County LCP area, which shows that substantial portions of the land proximate to the Property on the other side of the Significant Ridgeline is classified as Sensitive Environmental Resource Area, including H1 Habitat (Most Sensitive and Valuable—Vigorously Protected) and H2 Habitat (High Scrutiny Sub Area). No substantial evidence was presented that the introduction of the Project, with over 100 people living and working on a less than 1 acre parcel immediately adjacent to such areas would not have impacts that would significantly degrade those areas, nor could such evidence be presented.

(ii) The report of Cooper Ecological Monitoring, Inc. dated April __, 2018 submitted to the West LA APC in this matter ("Cooper Report") describes in substantial detail the value that the Property has as habitat for state-identified rare species, such as Southern Sycamore Alder Rare Woodland and two-striped garter snake. Also, the Cooper Report points out that Santa Ynez Canyon is a wetland (i.e.: a blue line stream) that may be subject to Federal regulation, which was not discussed in the report provided by developer.

The Cooper report goes on to identify other deficiencies in the report prepared by Meridian Consultants on which developer, and thus the Zoning Administrator and the West LA APC, relied upon in approving the CDP.

Per the Cooper Report, the Meridian report provides no information on the USGS quad that was searched for the few results reported by Meridian, rendering it a wholly inappropriate sensitive species analysis, which are generally (e.g., those before the County of Los Angeles Department of Regional Planning) required to include the California Natural Diversity Data Base ("CNDDDB") results for the 9 USGS quads surrounding the project site, as well as information from other relevant databases (e.g., eBird, iNaturalist), with (brief) explanations of why a species would or would not be expected at a given site.

The Cooper Report also sets forth that in this case, an "industry standard" search of the Topanga USGS quad would have revealed that several additional sensitive species are either known to occur along Santa Ynez Canyon in the vicinity of the proposed project, or would likely occur based on habitat present (based on the search conducted by Cooper on April 2, 2018), such as Coast Range newt (*Taricha torosa*), San Bernardino ringneck snake (*Diadophis punctatus modestus*), California mountain kingsnake (*Lampropeltis zonata*), coastal whiptail (*Aspidoscelis tigris stejnegeri*), fragrant pitcher sage (*Lepechinia fragrans*), white-veined monardella (*Monardella hypoleuca* ssp. *hypoleuca*), and Sonoran maiden-fern (*Thelypteris puberula* var. *sonorensis*).

Also, as not all sensitive species are listed in CNDDDB, which requires voluntary submissions from consultants and other professional biologists, Meridian failed to consult other readily-available databases for records of sensitive species. For example, eBird lists two yellow warbler (*Setophaga petechia*), a California Species of Special Concern, recorded along Santa Ynez Canyon on June 17, 2017 (when undoubtedly nesting). eBird also lists a breeding-season record of Yellow-breasted chat (*Icteria virens*), another CSSC, along Santa Ynez Canyon (June 20, 1982), and another chat record from 2017 in nearby Los Liones Canyon, also west of Palisades Dr. south of the project area, and which also supports oak-sycamore riparian habitat (which is, if anything, more limited than that of Santa Ynez Canyon). Several breeding-season records of Cooper's hawk (*Accipiter cooperii*), a California WatchList species, are listed in eBird from Los Liones Canyon. Each of these species almost certainly nests directly adjacent to the project area, yet were not mentioned by Meridian.

Based on all of the foregoing, it is clear that the required finding that the Property lacks habitat value is not supported by substantial evidence and in fact is contrary to the evidence presented by the Cooper Report.

f. **FAILS TO PROTECT NEIGHBORHOOD.** PRC 30253(e) states "New development shall . . . protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses."

The Property abuts Santa Ynez City Park and is within 200 feet of, and is largely surrounded by, Topanga State Park, both of which are frequented by local and out of area

visitors. The height and mass of the Project would substantially degrade the character of the neighborhood as a tranquil gateway to those parks.

g. **FAILS TO MINIMIZE ENERGY CONSUMPTION AND MILES TRAVELED.** PRC 30253(d) states: "New development shall . . . minimize energy consumption and vehicle miles traveled."

Due to the high cost of housing in Pacific Palisades, staff for the Project will need to commute from substantial distances. Also, due to the distance of the Project from most housing, even in Pacific Palisades, visitors will need to travel substantial distances to the project. Finally,

2. The Project will prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the Coastal Act, particularly in light of the existing Santa Monica Mountains Local Coastal Program that covers property in close proximity to the Project.

This Project will prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program. If approved, the Project as proposed will serve as precedent for further incompatible development. "Community character," as relevant to the analysis of compatibility under the Coastal Act, is a classic cumulative impacts issue, and all "outlier" incompatible development allowed in this neighborhood will serve, in combination with other past, current and probably future projects, as a structure against which future projects are measured. Accordingly, if allowed to proceed, this Project's adverse precedent will prejudice the ability to adopt a Local Coastal Program that protects community character.

The "outlier" nature of the Project is particularly stark when compared to the County LCP. If the Project goes forward, the City's ability to adopt a Local Coastal Program that is appropriately protective of the vicinity of the Property will be adversely affected, due to the existence of a high-rise, 24/7 health care facility operation.

3. **Interpretive Guidelines for Coastal Planning and Permits have not been adequately reviewed, analyzed and considered.**

As referenced above in the discussion of PRC Section 30222, numerous RIGS that pertain to the proposed Project clearly were not considered. In addition, the following applicable RIGS were ignored:

- RIGS Section C.2: "Development adjacent to Santa Monica Mountains Parks must protect views from trails (interpreting PRC 30251 and 30210)." The incongruous

high-rise Project would be clearly visible from numerous vista points along the miles of trails in Topanga State Park.

- RIGS-Appendix-Alteration of Landforms: **"In all cases, grading should be minimized (interpreting PRC 30251, 30253 and 30240)."** The Project application states that project would require nearly 20,000 cubic yards of soil, and more may be required. The soil would be removed from a coastal canyon bluff immediately looking over Santa Ynez Canyon.

4. **Prior Decisions of the Coastal Commission did not guide the ZA's Decision.**

Given the numerous relevant aspects of the *Douda Decision* discussed above that the ZA apparently ignored, the ZA did not take into account all prior decisions of the Coastal Commission.

5. **The Project is not in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.**

As referenced in the discussion of PRC Section 30222 above, the Project does not provide any visitor services or park access. To the contrary, it will degrade the experience of persons visiting Santa Ynez City Park and Topanga State Park.

6. **The Project is inconsistent with numerous elements of the Brentwood-Pacific Palisades Community Plan (which is applicable given the absence of an LCP covering the Property), including the following:**

- Community Plan Policy, page IV-2 states **"Locate senior housing projects in neighborhoods within reasonable walking distance of health and community facilities, services and public transportation."**

The Project is inconsistent with this Policy as there are no health or community facilities located within reasonable walking distance of the Property.

- Community Plan Policy, page V-3 mandates that **"no structures should exceed 30 feet in height within 15 feet and 30 feet of front and rear property lines."**

The Project building would soar 40 feet straight up above Vereda de la Montura with a setback of only 7 feet and nearly 60 feet above Palisades Drive at the southerly end of the building.

- Community Plan Policy 1-3.1 mandates that the City must **"seek a**

higher degree of architectural compatibility and landscaping for new development to protect the character and scale of existing residential neighborhoods."

The Project architectural design as presented is completely incompatible and out of scale with the pitched roof, Mediterranean and rustic architectural style that is prevalent in the neighborhoods in the vicinity of the Project which are composed almost entirely of residential properties.

- Community Plan Policy 1-3.2 that requires that (1) the Project **"preserve existing views in hillside areas,"** and (2) **"new development [be] adjacent to or in the viewshed of State parkland . . . [and] protect views from public lands and roadways."**

As discussed in greater detail below, the views of a Significant Ridgeline and a Scenic Element mountainside within Topanga State Park will be decimated by the Project.

- Community Plan Policy 2-1.3 specifically mandates that commercial projects **"be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development."**

There are no 4 story buildings in the Palisades Highlands, and no buildings with subterranean parking. Also, there are no other buildings with street setbacks of only 7 feet. The proposed size and scale of the building is unlike anything in this neighborhood. Due to the fact that the Project FAR is approximate 1.50, as compared to approximately 0.27 for the small commercial structure next door, approximately 0.5 to 0.7 for residential properties and 0.00 for the City and State Park Land, the Project, will stick out like a sore thumb rather than blend in with the scale and character of its surrounding neighborhood. The occupancy density of 96 residents per acre, plus staff and visitors, is substantially more than DOUBLE the typical occupancy density of the neighborhood residential properties. Additionally, its proposed guest parking allocation is not appropriate. Street parking is already in short supply in the vicinity of the Property, and the Project will grossly overburden it.

- Community Plan Policy 2-3.3 that requires that **"commercial projects achieve harmony with the best of existing development."**

Due to its aesthetics and overwhelming height and bulk, the Project would be in complete disharmony with all existing development.

- Community Plan Policy 2-4.2 mandates that a development **"preserve community character, scale and architecture diversity."**

For the same reasons set forth above, the Project would not preserve community character and scale in the Palisades Highlands.

- Community Plan Policy 2-4.4, which requires that **"landscape corridors should be created and enhanced,"**

No meaningful landscaping will be provided on the Property along the streets abutting the Project.

- Community Plan Policy V-4 ("Surface Parking Landscape"), which requires **"a landscaped buffer along public streets or adjoining residential uses."**

No landscaped buffer will be provided on the Property.

Thank you for your consideration of this Statement.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert T. Flick". The signature is fluid and cursive, with a large initial "R" and "F".

Robert T. Flick
Appellant

CHARLES J. RAUSCH, JR.
INTERIM CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
LOURDES GREEN
THEODORE L. IRVING
ALETA D. JAMES
FRANKLIN N. QUON
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

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January 26, 2018

Rony Shram (A)(O)
Palisades Drive, LP
12166 Sunset Boulevard
Los Angeles, CA 90049

Kevin K. McDonnell, Esq. (R)
Jeffer Mangels Butler & Mitchell LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067

CASE NO. ZA 2017-2170(ELD)(CDP)(SPR)
ELDERCARE FACILITY UNIFIED
PERMIT, COASTAL DEVELOPMENT
PERMIT, SITE PLAN REVIEW
1525 & 1533 North Palisades Drive;
17310 & 17320 West Vereda De La
Montura
Brentwood - Pacific Palisades Community
Plan Area
Zone : C1-1-H
D. M. : 138B113
C. D. : 11
CEQA : ENV-2017-2171-CE
Legal Description: Lot 3 of Tract 31070

Pursuant to Los Angeles Municipal Code Section 14.3.1-B, I hereby DISMISS:

an Eldercare Facility Unified Permit for the construction, use, and maintenance of an Eldercare Facility since the project does not deviate from any of the regulations of the C1 Zone;

Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a Coastal Development Permit authorizing the construction of a four-story, 64,646 square-foot Eldercare Facility with 82 guest rooms comprised of a combination of Assisted Living Care and Alzheimer's/Dementia Care Housing located in the single-permit jurisdiction area of the California Coastal Zone; and

Pursuant to Los Angeles Municipal Code Section 16.05, I hereby APPROVE:

Site Plan Review for a development which creates or results in an increase of 50 or more dwelling units or guest rooms or 50,000 gross square feet or more of non-residential floor area;

Exhibit 4

Page 1 of 32



California Coastal
Commission

upon the following additional terms and conditions:

1. 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.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. 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.
5. 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.
6. Approved herein is an Eldercare Facility comprised of 82 guest rooms (23 memory care suites and 59 assisted-living suites) as shown in "Exhibit A", subject to the following restrictions:
 - a. At least seventy-five percent (75%) of the facility shall be devoted to Assisted living Care Housing and not more than twenty-five percent (25%) of the facility shall be devoted to Alzheimer's/Dementia Care Housing. No deviations from the applicable zoning provisions have been granted in conjunction with the Eldercare Facility herein, and no Eldercare Unified Permit pursuant to LAMC Section 14.3 has been requested or approved.
 - i. Plans submitted to the Department of Building and Safety for the purposes of obtaining a building permit shall indicate a minimum of 75 percent of the floor area, exclusive of common areas, consisting of Assisted Living Care Facility;
 - ii. The license and subsequent renewals of the license from the California Department of Social Services, Community Care Licensing Division shall reflect a minimum of 75 percent of the floor area, exclusive of common areas, consisting of Assisted Living Care Facility.

- b. The facility shall be licensed by the California Department of Social Services and comply with all assisted living and dementia care program regulations. A copy of the license shall be submitted to the Department of City Planning for verification and placed in the file.
 - c. Residents of the Assisted Living Care Housing shall be at least 62 years of age or older and shall comply all the requirements of the Department of Social Services.
- 7. The housing type within an Eldercare Facility may be changed to a different housing type unless the new housing type is authorized in accordance with the procedures of the Code.
- 8. Coastal Development Permit. Approved herein is:
 - a. The construction of a four-story, 64,646 square-foot Eldercare Facility with 82 guest rooms comprised of a combination of Assisted Living Care and Alzheimer's/Dementia Care Housing.
 - b. Grading and export of 19,308 cubic yards of earth material. The applicant shall receive approval of a haul route by the Department of Building and Safety.
 - c. The project shall comply with the Regional Interpretive Guidelines for Los Angeles County.
- 9. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
- 10. The project shall be landscaped and maintained in substantial conformance with the landscape plans stamped "Exhibit A".
- 11. Prior to the issuance of a building permit, access and internal circulation shall be reviewed and approved by the Department of Transportation.
- 12. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent properties.
- 13. All loading and unloading of cargo shall occur only in underground parking and loading area.
- 14. Any removal or planting of any tree in the public right-of-way required approval of the Board of Public Works.
- 15. Exterior improvements and landscaping shall be maintained in good condition.
- 16. Prior to the issuance of a building permit, access and internal circulation shall be reviewed and approved by the Department of Transportation.

17. The applicant or operator shall designate a minimum one person to serve as a neighborhood/community liaison to respond to any concerns raised by the different neighborhood groups of the Palisades Highland community. A contact name, telephone number and email address shall be provided to the immediate homeowner groups/associations adjacent to the project site.
18. 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.
19. Prior to the commencement of site excavation and construction activities, construction schedule and contact information for any inquiries regarding construction activities shall be provided to residents and property owners within a 100-foot radius of the project site. The contact information shall include a construction manager and a telephone number, and shall be posted on the site in a manner, which is readily visible to any interested party.
20. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
21. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
22. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.

- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization 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 upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

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 if the same be 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. The Zoning Administrator's determination in this matter will become effective after **FEBRUARY 12, 2018**, 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 Zoning Administrator'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://planning.lacity.org>**. Public offices are located at:

Downtown
Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
[\(213\) 482-7077](tel:(213)482-7077)

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

West Los Angeles
West Los Angeles Development
Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
[\(310\) 231-2598](tel:(310)231-2598)

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.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Department of Planning Staff thereon, the statements made at the public hearing on October 4, 2017, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a Coastal Development Permit under the provisions of LAMC Section 12.20.2 and Site Plan Review under the provisions of LAMC Section 16.05 have been established by the following facts. The request for an Eldercare Facility Unified Permit under the provisions of LAMC Section 14.3.1 has been dismissed herein.

BACKGROUND

The project site, located at 1525 North Palisades Drive (1525 and 1533 North Palisades Drive and 17310 and 17320 West Vereda De La Montura), is a sloping, irregularly-shaped parcel of land totaling 43,097 square feet (0.99 acre) and consisting of one lot. The project site has approximately 145 feet of frontage along the west side of Palisades Drive (a designated Avenue I under the Mobility Plan 2035) and approximately 305 feet of frontage along the south side of Vereda De La Montura (a designated Collector Street). The project site is currently vacant.

The site is located within the Brentwood – Pacific Palisades Community Plan with a land use designation of Neighborhood Office Commercial and corresponding zone of C1-1-H. The subject property is located within a Single Jurisdiction Area of the California Coastal Zone and Hillside Area. The subject property is also located within a Very High Fire Hazard Severity Zone, Bureau of Engineering Special Grading Area, and a designated Landslide Area.

The proposed project involves the new construction, use, and maintenance of a four-story, 64,646 square-foot Eldercare Facility with two levels of subterranean parking, ranging in height from 25 to 45 feet. The project will contain 82 guest rooms, including 59 guest rooms used for Assisted Living Care Housing and 23 guest rooms used for Alzheimer's/Dementia Care Housing. The project will provide a total of 66 automobile parking spaces contained within two levels of subterranean parking and 10 bicycle parking spaces.

The proposed project would provide two, two-way driveway aprons, each providing access to the subterranean parking levels. One driveway will be located on the southeast portion of the site along Palisades Drive and the other will be located on the northwest portion of the site along Vereda De La Montura. The Alzheimer's/Dementia Care guest rooms are proposed to be located on the ground floor, with the Assisted Living Care guest rooms located on the second through fourth floors. The project would provide approximately 22,798 square feet of common area space, equating to 35 percent of the 64,646 square feet of total floor area proposed. The project provides areas designated as a wellness center, a theater, bicycle maintenance and bicycle storage, a salon, spa salon and massage room, two dining rooms and one living room, a fireplace and lounge area, an art and multi-purpose room, and outdoor amenities, including a roof garden, roof deck, trellis bar and barbeque area, and dog park area.

The project has not requested to deviate from any regulations of the C1-1-H Zone, and will meet all applicable density, area, setbacks, parking, and height deviations of the Los Angeles Municipal Code. The C1 Zone permits residential density at one guest room per 500 square feet of lot area (LAMC Sections 12.13-C,4 and 12.10-C,4). With 43,907 square feet of total lot area, the property permits a maximum density of 86 guest rooms, whereas 82 guest rooms are proposed. The C1 Zone and Height District No. 1 normally allow for unlimited stories and building height. However, due to subject site's proximity to the Open Space-zoned property, the project is subject to the transitional height requirements under LAMC Section 12.21.1-B,2. The proposed building ranges from 25 to 45 feet within four stories and complies with the transitional height provisions of the Municipal Code. The building does not exceed 33 feet in height between 50 feet and 100 feet from the OS-zoned property. The remainder of the building does not exceed maximum height of 45 feet.

As part of the project request, the applicant is seeking authorization for an Eldercare Facility Unified Permit although there are no deviations from the C1 regulations. The project site is not located within the boundaries of any specific plan or supplemental use district and is not subject to any "T" classification, "Q" condition, "D" limitation. The project will not be deviating from any Citywide regulation adopted or imposed by City action.

The applicant also seeks authorization for a Coastal Development Permit under LAMC Section 12.20.2 to allow the construction of the proposed Eldercare Facility within the single-permit jurisdiction area of the California Coastal Zone. Also, the project is subject to a Site Plan Review because the project results in the creation of more than 50 guest rooms and more than 50,000 gross square feet of non-residential floor area.

Immediate surrounding properties are within the C1-1-H, OS-1XL, RD3-1, and (Q)RD3-1 zones, and are characterized by generally sloping topography and improved streets. The subject property is surrounded by multi-family residential and commercial uses, as well

as designated open space area. Properties immediately to the north across Vereda De La Montura and to the east across Palisades Drive are zoned RD3-1 and developed with two- to three-story residential condominium structures. Properties to the southeast across Palisades Drive is zoned (Q)RD3-1 and developed with two-story residential condominium structures. The property abutting the project site to the west and southwest west is privately-owned open space area (vacant canyon areas) zoned OS-1XL, recorded under Tract No. 31070, and part of the Topanga Canyon State Park lands. Property immediately to the south is zoned C1-1-H and developed with a two-story commercial center, known as Highlands Village, comprised of neighborhood serving uses (a site visit in January showed a restaurant, nail salon, office, spa, pilates studio, music studio, a wine retailer, wellness institute, and other commercial neighborhood serving uses in the abutting commercial center). The entrance to the Santa Ynez Canyon Trailhead is approximately 1,425 feet from the intersection of Palisades Drive and Vereda De La Montura, and the boundaries of the Topanga Canyon State Park being approximately 200 feet northwest from northwest portion of the site's perimeter.

Streets and Circulation

Palisades Drive, adjoining the subject property to the east, is a designated Avenue I under the Mobility Plan 2035, dedicated to a right-of-way width of 98 feet and is improved with curb, gutter, sidewalk, and a landscaped median.

Vereda De La Montura, adjoining the subject property to the north, is a designated Collector Street under the Mobility Plan 2035, dedicated to a right-of-way width of 74 feet and improved with curb, gutter, and sidewalk.

Previous Cases, Affidavits, Permits, and Orders on the Subject Property:

Case No. ZA 2007-4681(CDP)(MEL) – On November 18, 2008, the Zoning Administrator approved a Coastal Development Permit for the construction, use, and maintenance of an eight-unit condominium project in conjunction with the previously approved Tentative Tract Map No. 53622).

Tentative Tract Map No. 53622 - On March 6, 2003, the Deputy Advisory Agency approved a tentative tract to permit an eight-unit residential condominium project on the subject site.

Case No. ZA 2000-3070(CDP) - On June 5, 2003, the Zoning Administrator approved a Coastal Development Permit to allow the construction, use, and maintenance of an 8-unit residential condominium project (Tentative Tract No. 53622) on a lot zoned C1-1-H. On August 5, 2004, the Zoning Administrator approved an Amendment to correct Condition No. 6 of Coastal Development Permit No. ZA 2000-3070-CDP to read as follows: The subject buildings shall not exceed a total height of 28 feet as measured from the designated frontage road, Vereda De La Montura (nor 35 feet as measured from the average finished grade). The approval expired in 2005.

Case Nos. ZA 88-0435(PP) and CDP 88-012 - On July 27, 1988, the Zoning Administrator approved the above-noted Coastal Development Permit: to allow construction and maintenance of a one- or two-story, 28,300 square-foot (maximum) retail center, with surface and subterranean automobile parking

spaces, on a 43,095 square-foot, vacant parcel in the C1-1-H (limited commercial/hillside) Zone, pursuant to the provisions of Ordinance No. 162,539, and located within the single permit jurisdiction of the California Coastal Zone, however, Project Permit for the above-described project was denied.

Previous Cases, Affidavits, Permits, and Orders on the Surrounding Properties:

Case No. ZA 2001-3024(CDP)(ZV) - On November 30, 2001, the Zoning Administrator approved a conditional use to permit the construction and maintenance of a Nextel wireless telecommunications facility including a 35-foot high monopine and equipment shelter at 1367-1517 North Palisades Drive.

Public Communication

Prior to the public hearing, Planning staff received 26 letters of support from members of the public. The correspondence stated that the proposed project will be providing much needed housing in a desirable, walkable neighborhood and that it will help allow senior citizens to age in place where transit options are readily available and it is not necessary to have a car. The project is also located in an area with desirable neighborhood amenities like retail and restaurants that are within easy walking and cycling distance.

Approximately 124 emails and letters, including a petition with 150 names, were submitted opposing the project. Also, one of the letters stated an online petition was created opposing the project. At the writing of the determination letter, the website, www.change.org, revealed 483 people signed the petition that opposed the project. Common issues were stated in the correspondence opposing the project. The issues raised are summarized as follows:

Incompatibility with surrounding uses, related to project height, setbacks, FAR, architectural design; the area not being highly urbanized; the site being a Very High Fire Hazard Severity Zone; the evacuation of patients, lack of proximity to medical resources; no public transit in the area; the endangerment of seniors' lives by putting them on this site; no medical, dental, or other urgent care facilities for patients to use; the owner not having a license from the state; nothing in the Palisades area having a height proposed by the project; the area being home to wildlife; traffic congestion and impacts to roads; one road in and out of the area causing safety concerns; inadequate parking; previous zoning decision that determined the scale of the project was inappropriate; noise of patients at night; HVAC noise; loss of views; inappropriate use being near the State Park; the project not being able to make the findings; the project environmental clearance of a Categorical Exemption not being appropriate; the project subject to 30-foot height limits like all projects in the Palisades area.

After the public hearing, up to November 7, 2017 (extended comment period), staff received 75 letters/emails. Of this total, 65 letters (one letter included a petition of opposition with 163 names signed) were opposed to the project and 10 letters expressed support.

Public Hearing

A public hearing was held by the Associate Zoning Administrator on October 4, 2017 at Los Angeles City Hall in Room 1020. The hearing was attended by the applicant's representative, Kevin McDonnell, the applicant, Rony Shram, and the applicant's team, and approximately 40 members from the community, including representatives for members of the community who live near the subject property.

Mr. McDonnell and some members of the team made the following statements at the public hearing:

- The applicant is proposing a four-story with two subterranean levels for parking Eldercare Facility.
- The project will be 45 feet tall with transitional heights of 25 feet incorporated into the design.
- The facility will include 82 guest rooms and allow for a maximum 96 residents when at capacity.
- The project has requested an Eldercare Facility unified permit pursuant to LAMC Section 14.3.1, a site plan review pursuant to LAMC Section 16.05, and a Coastal Development Permit pursuant to LAMC Section 12.20.2.
- The applicant filed the Eldercare Facility unified permit because they were advised by the Development Services Center.
- The project is by-right in the C1 zone, and will comply with the regulations of floor area ratio, parking, etc.
- The site is commercially zoned land set aside by the original developers with the idea that residents of the Highlands might actually want amenities up the canyon.
- There are many misconceptions of the project. This is not a nursing home.
- This is a memory care facility and the patients are in need of a secure environment.
- Patients need help with routine activities.
- The project was presented to Fire Chief, Patrick Butler, who has addressed the potential of a fire hazard on the project.
- The project parking will be adequate and will address staff and visitors.
- The use will not generate high volumes of traffic.
- The Department of Transportation reviewed the project and stated daily and peak hour trips are low.
- The top of the building will be lower than the townhomes near the site. (Coby Moses)
- The project will be the regulations for transitional height by proposing a 25 height and transitioning to 33 feet then to 45 feet.
- No deck is proposed.
- Outreach includes the Palisades Highland Presidents Council, beginning in 2014 with a broad presentation in October, then a presentation of the project in June of 2017. (Rony Shram)
- The design and amenities are excellent for assisted living facilities. It helps create communities and satisfies seniors.
- To address noise, ambulances will not be using sirens.
- There are required nurses on the site. Per shift, there will be two LVNs and two RNs.

- There will be no loud parties.
- The site is reasonably close to UCLA, Santa Monica, and other hospitals.
- Doctors will come to the facility when needed.
- There will be use of shuttle buses, limousines, and caregivers giving rides to hospitals.

During the public comment portion, 25 people provided public testimony of the proposed project and requested entitlements. The comments are summarized as follows:

Comments in support of the request include the following:

- A neighbor called the local Fire Station to see if there were any safety concerns or noise issues.
- There is a lack of quality facilities in the area.
- The design is good and the project will not bring heavy traffic.
- The project meets the County's need for this type of facility.
- Something needs to be developed on the site and this is the least impactful use.

Comments opposed to the request include the following:

- Concern of the scale of the project.
- Findings for the requested entitlements cannot be made.
- Concerns of the scale and mass of the project. The size is inappropriate for neighborhood.
- The project is not compatible with the Coastal Act.
- No other building in the area has four-stories. The project does not observe the same setbacks as other developments.
- The area is characterized as a suburban area with open space.
- There would be an adverse impact on the neighborhood.
- The use is not like anything else in the area.
- There are not enough restaurants or shops or places to walk or places to socialize in the area for the elderly of the facility to utilize.
- There would be impacts on ambient noise levels.
- Impact for Mountains Conservancy.
- There are 200 residents within one square mile. There is concern for the increase in density in the area.
- The project does not respect character of the area.
- The site is within a liquefaction zone.
- There is potential for Palisades Drive shutting down during an emergency and potential safety and evacuation concerns.
- The townhomes across the street are most impacted. A letter with 11 points of concern have been submitted.
- There are 1,500 homes in the Pacific Highland area. Not one is four stories in height. Three stories is common.
- There would be a parking impact as people/visitors would park on the street.
- The project is incompatible in design and colors, and shows insensitivity to the style of the area.
- There isn't much need for bike stalls. The area has a lot of hills.

- Concerns of noise from trucks, trash pickers, construction impacts, and ambulances.
- Neighbors' views of mountain ranges would disappear.
- The project will be an eyesore and look more like a hotel.
- The project will impact road conditions.
- The ingress and egress needs to be relocated away from Palisades Drive.
- There was a 1988 decision on the subject lot. The case ZA 88-0435(PP) and CDP 88012 discussed traffic impacts, noise, parking, and change in low intensity of the character. The project would not be proper in scale.
- This use should not be placed in vibrant communities.
- There will be several deliveries made daily.
- The area has fire issues as there is one road in and out of the Highlands area.
- It brings a commercial use to the property.
- Neighbors prefer a quiet residential development.
- Votes were made for a condo development not an Eldercare Facility.

General comments include the following:

- There was not outreach on the project. The review period should be extended.
- The project needs a traffic review. The configuration of lanes leads to near collisions.
- What happened to the eight townhomes that were approved for the site?
- There is a stereotyping of the area as being a great place to retire. The area is dynamic and has young families moving into the area.
- There's a need for sensitivity in considering development and the aging community.
- Landscaping should be integrated to make the development compatible.

At the conclusion of the hearing, the Associate Zoning Administrator held the case under advisement and kept the record open for a period of four weeks (November 7, 2017). During that several letters were submitted and included in the case file folder.

COASTAL DEVELOPMENT PERMIT 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, as follows:

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

The development conforms with Chapter 3 of the California Coastal Act of 1976. The project site, located at 1525 North Palisades Drive (1525 and 1533 North Palisades Drive and 17310 and 17320 West Vereda De La Montura), is a sloping, irregularly-shaped parcel of land totaling 43,097 square feet (0.99 acre) and consisting of one lot. The project site has approximately 145 feet of frontage along the west side of Palisades Drive (a designated Avenue I under the Mobility Plan 2035) and approximately 305 feet of frontage along the south side of Vereda De La Montura (a designated Collector Street). The site is located within the

Brentwood – Pacific Palisades Community Plan with a land use designation of Neighborhood Office Commercial and corresponding zone of C1-1-H. The subject property is located within a Single Jurisdiction Area of the California Coastal Zone and Hillside Area. The subject property is also located within a Very High Fire Hazard Severity Zone, Bureau of Engineering Special Grading Area, and a designated Landslide Area. The project site is currently vacant.

Chapter 3 of the Coastal Act includes provisions that address the impact of development on public services, infrastructure, traffic, the environment and significant resources, and coastal access.

Chapter 3 Provisions are as follows:

Article 2 – Public Access: The project will not interfere with or impede public access to coastal waters since the site is located two and one-half miles from the coast.

Article 3 – Recreation: The project will not interfere with coastal recreational opportunities because site is located two and one-half miles from the coast.

Article 4 – Marine Environment: The marine environment will not be impacted. Earth and construction materials and equipment will be secured while hauling in proximity to the coast to avoid any exposure with the marine environment. No coastal resources, streams or other inland waterways will be impacted or altered by the project. The proposed building will be connected to the City sewer system. Best Management Practices will be employed during construction to control erosion, construction-related contaminants and stormwater runoff. A Standard Urban Stormwater Mitigation Plan will be adopted in accordance with the State of California and the City of Los Angeles standards to assure the long term impacts of stormwater runoff will be properly addressed.

Article 5 – Land Resources: The project site is virtually void of vegetation and any other environmentally sensitive habitat. There are no trees that are required to be removed to construct the proposed Eldercare Facility. There are no environmentally sensitive species that have been identified on the site or nearby open space land. The project site is not zoned or used for agricultural purposes. No archaeological or paleontological resources are known to exist on or near the property.

Article 6 – Development: As stated previously, the project site is zoned C1-1-H with a land use designation of Neighborhood Office Commercial. The site is located directly across from multi-family residential development. The project site adjoins another lot of the same zone and land use designation that is currently developed with an established commercial use. The C1 zone is consistent with Neighborhood Office Commercial. The Eldercare Facility is a permitted use in the C1 zone.

Article 7 – Industrial Development: The project does not proposed industrial development.

Section 30244 requires reasonable mitigation measures to reduce potential impacts on archaeological or paleontological resources.

The proposed project will involve the cutting and exporting of 19,308 cubic yards to allow for the two level subterranean parking garage. The proposed grading will be subject to the review of the Department of Building and Safety and required to comply with the conditions of approval set forth in the Geology and Soils Approval Letter. As stated previously, the project site is not zoned or used for agricultural purposes. No archaeological or paleontological resources are known to exist on or near the property. If such resources are discovered during excavation or grading, the proposed project will need to 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 development will not have significant adverse impacts on coastal resources.

The subject property is located approximately two and one-half miles from the coast. The site is currently a vacant commercial lot in an area generally developed with residential uses. The subject property is surrounded by multi-family residential and commercial uses, as well as designated open space area. Properties immediately to the north across Vereda De La Montura and to the east across Palisades Drive are zoned RD3-1 and developed with residential condominium structures. Property to the southeast across Palisades Drive is zoned (Q)RD3-1 and developed with residential condominium structures. The property abutting the project site to the west is privately-owned open space area in the OS-1XL zone. Property immediately to the south is zoned C1-1-H and developed with a shopping center containing neighborhood-serving commercial uses. The proposed project will be served by existing police and fire stations, schools, and other public services nearby, as well as existing infrastructure systems.

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 proposed project is located approximately two and one-half miles from the coast. Scenic and visual qualities of coastal areas will not be impacted.

Section 30252 states that new development should maintain and enhance public access to the coast.

As stated previously, the subject property is located approximately two-and one-half miles inland. The proposed project will not interfere with or impede public access to coastal waters because of the site does not provide direct access to the coast nor is it near the coast since it is approximately two and one-half miles from

the coast. The project will not conflict with 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 a bluff or cliff, but is located within a Hillside Area, a Very High Fire Severity Zone, a Special Grading Area, a Landslide Area, and is 2.03 kilometers from the Malibu Coast Fault. As required, the applicant submitted a Geology and Soils Report to the Department of Building and Safety for review and approval. The Department of Building and Safety found that the report was acceptable and outlined conditions of approval regarding grading associated with the proposed project as part of their May 15, 2017 Approval Letter (Log # 87756-01). In addition, the proposed project is required to comply with the Department of Building and Safety and Fire Department standards as it relates to development in seismic and fire hazard areas and along environmentally sensitive areas. The proposed project is also subject to other developmental regulations and regulatory compliance measures established by various City departments and the conditions of approval imposed herein. Compliance with such requirements will minimize risks to life and property. It will also ensure that the proposed project will not create nor contribute significantly to the destruction of the subject property or surrounding area.

2. The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.

There is no adopted Local Coastal Program for the Pacific Palisades. The Brentwood – Pacific Palisades Community Plan contains the applicable land use policies and goals for that portion of the Coastal Zone. The Brentwood – Pacific Palisades Community Plan designates the subject property for Neighborhood Office Commercial land uses with a corresponding zones of C1, C1.5, C2, C4, RAS3, and RAS4. The subject property is not within any Specific Plan Area or subject to any Interim Control Ordinances, but is located within a Hillside Area, a Very High Fire Severity Zone, a Special Grading Area, a Landslide Area, and is 2.03 kilometers from the Malibu Coast Fault.

The proposed construction, use, and maintenance of the subject property as an Eldercare Facility is consistent with the Community Plan land use designation and zoning, as Eldercare Facilities are permitted uses within the C1 Zone and the applicant is not seeking any use, area, or height deviations from the Code. As conditioned, the construction of a new Eldercare Facility on a lot zoned for such use will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act of 1976 because the project itself is in full conformity with Chapter of the Act. To the extent approval of the project could represent a precedent for future projects, those projects would also be in conformity with the Act and any future Local Coastal Program.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.**

The Los Angeles County Interpretive Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620(b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the Coastal Zone prior to the certification of a local coastal program. As stated in the Regional Interpretive Guidelines, the guidelines are intended to be used "in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources."

The proposed Eldercare Facility contains residential units in the form of guest rooms intended for Assisted Living Care and Alzheimer's/Dementia Care Housing. The Regional Interpretive Guidelines address parking, density, special provisions for development on bluffs and hillside areas, and coastal access. The applicable provisions of the California Coastal Commission's Regional Interpretive Guidelines have been reviewed and considered in preparation of these findings. The subject project consists of a four-story Eldercare Facility providing a total of 66 covered parking spaces within a two level subterranean garage and a maximum height of 45 feet. No deviation from any zoning regulation, e.g., parking, setbacks, height, etc., is required or requested for the project. The proposed project will not result in the alteration of natural landforms as all grading will be contained on the subject property and subject to the conditions of approval set forth by the Department of Building and Safety. The proposed project will not occur on a coastal bluff and would not alter any natural land forms, nor would it impact access to the coast. As such, the proposed project will be consistent with the applicable provisions of the Regional Interpretive Guidelines. The Interpretive Guidelines have been reviewed, analyzed, and considered in light of the individual project in making this determination, and the project is consistent and has been conditioned to be consistent with such Guidelines.

4. **The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.**

Approval of the proposed project will not conflict with the prior decisions of the California Coastal Commission. No known similar projects in the general area have been presented for review and approval.

An original Coastal Development Permit was approved in 1979, under A-381-78 for the grading of the site, roads, and utilities. The same permit was amended in 1980, extending the urban limit line. The permit authorized the construction of a

church as an intuitional site and two site for commercial development, including the subject property. The site abutting the subject site has already been developed. The subject property has never been developed and does not encroach on the urban limit line. The CDP requested for this particular project is consistent with the original CDP of 1978, approved in 1979, and develops one of the originally designated commercial lots consistent with the 1980 C1 zoning thereon. The project complies with the applicable amendments thereafter.

Two previous project proposals, Case Nos. ZA 2000-3070(CDP) and ZA 2007-4681(CDP)(MEL), were approved for residential development on the subject property. Both proposals were also found not be in conflict with the Coastal Act. As such, this decision of the permit-granting authority has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the California Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

5. **The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

Section 30210 of the Coastal Act states the following in regards to public access:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, right of private property owners, and natural resources from overuse.

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The subject property is located approximately two and one-half miles inland in developed area. The site is undeveloped and currently vacant. The subject property fronts Palisades Drive to the east and Vereda De La Montura to the north, which do not provide direct access to the coast or any visitor or recreational facilities. The subject property is not located between the nearest public road and the sea or shoreline of any body of water. No permanent structures will be placed within the public right-of-way. All required parking spaces will be provided on the subject property. Vehicular access to the subject property will be provided on Palisades Drive and Vereda De La Montura. As such, the proposed project will not conflict with 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.**

The proposed project has been determined not to have a significant effect on the environment and is therefore categorically exempt from the provisions of CEQA pursuant to Article III, Section 1, Class 32 of the City CEQA Guidelines. On June 20, 2017, the proposed project was issued a Notice of Exemption Log Reference No. ENV-2017-2171-CE. The proposed project will not require mitigation or monitoring measures and no alternatives to the project were evaluated.

The project qualifies for a Categorical Exemption under CEQA Guidelines Section 15532(b) since the project is an infill development project identified as "development that occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses."

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;*
- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;*
- (c) *The project site has no value as habitat for endangered, rare or threatened species;*
- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and*
- (e) *The site can be adequately served by all required utilities and public services.*

The project is for the construction use and maintenance of a 45-foot tall, 64,646 square-foot, 82 guest room Eldercare Facility with 66 parking spaces in two subterranean garage levels on a 43,097.74 square-foot lot in the C1-1-H Zone within the Los Angeles City limits. The site and surrounding area are urbanized areas, as defined in page 11 of Section 21071 of Chapter 2.5 and Section 15387 Article 20 Definitions of the 2017 California Environmental Quality Act, CEQA Guidelines. A haul route is required to export approximately 19,308 cubic yards of earth material. An Eldercare Facility is permitted in the C1 Zone. The project as an Eldercare Facility, will comply with all the regulations of the code, including height, floor area, setbacks, parking, etc.

The project is characterized as an urban in-fill Categorical Exemption, and qualifies for the Class 32 Categorical Exemption. The site is zoned C1-1-H and has a General Plan Land Use Designation of Neighborhood Office Commercial. The project is consistent with the applicable Brentwood – Pacific Palisades Community Plan designation and policies and all applicable zoning designations and regulations. Specifically, the project is consistent with the following Plan Objectives:

- 2-1 To conserve and strengthen viable commercial development.
- 2-3 To enhance the appearance of commercial districts and to identify pedestrian-oriented areas.
- 2-4 To enhance the appearance of commercial districts consistent with the character of, and quality of the surrounding neighborhoods.
- 4-1 To protect the resources of the Plan area for the benefit of the residents and of the region by preserving existing open space and, where possible, acquiring new open space.
- 5-2 To protect coastal resources and to provide maximum public access to and along the shoreline consistent with property rights and sensitive habitat resources.
- 8-1 To provide adequate police facilities and personnel to correspond with population and service demands.
- 9-1 Ensure that fire facilities and protective services are sufficient for the existing and future population and land uses.
- 13-1 To comply with Citywide performance standards for acceptable levels of service and insure that necessary road access and street improvements are provided to accommodate traffic generated by all new development.
- 15-1 Provide parking in appropriate locations in accord with Citywide standards and community needs.
- 17-1 To ensure that the Plan Areas significant cultural and historical resources are protected, preserved and/or enhanced.

The proposed project would follow the design guidelines as presented in Chapter V of the Community Plan. The project will include design that incorporates landscaping throughout the building in the form of planters, outdoor, landscaping, and design theme would be incorporated to preserve community character. Parking would be below ground in two subterranean levels to allow for more aesthetically pleasing landscaping to fill the site. The subject site is wholly within the City of Los Angeles, on a site that is approximately 43,097 square feet. The site is not located within an area identified by the City of Los Angeles as a Pedestrian Oriented District, which would require the project be at pedestrian scale, as stated in the Community Plan. Community Design Overlay, or Specific Plan Overlay, or any other ordinances pertaining to the zone. The project is an eldercare facility and not a housing development, but has residential characteristics in its operation and design. The project will provide shuttle service for patients to access community amenities as well as medical and dental offices and facilities, shopping, and recreational amenities. A concierge doctor's service will be provided on site for minor check-ups to eliminate unnecessary off-site doctor visits, while having professional staff on duty. Other basic personal needs will be available on site, including a spa salon and massage on-site. The proposed operation will be required to provide adequate staffing and meet the operational regulations required by the State of California to maintain its operating license. As such, conforming to the regulations would ensure the use is compatible with the zoning and objectives of the Community Plan.

Lots adjacent to the subject site are developed with the following urban uses: residential uses, commercial uses and open space. The site does not have value as a habitat for endangered, rare or threatened species nor was any evidence

submitted showing there is such value on-site. The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water.

The project will have adequate police services provided by the West Los Angeles Community Police Station, approximately seven miles from the site. The minimal increase in residents will not significantly impact response times. Fire protection and medical services at the project site would be served by Los Angeles Fire Department Station 23, which is located 2.5 miles southeast of the project site. Correspondence from September 26 and 27, 2017 showing communication from LAFD's Assistant Chief Patrick Butler shows that there is nothing unusual or dangerous about the Eldercare Facility use or the property that pose any realistic or unique risk of danger to the residents or the surroundings. Addressed in the correspondence is Assistant Chief Butler's response of the site being in a High Severity Zone, and that this is a large district and spreads throughout the entire City. He states, "Stringent building codes and brush fire clearance in Los Angeles provide the necessary safety for these buildings to be properly built and protected. With these safety aspects in place, there is no foundation that the proposed senior community may actually pose a danger to the very people it is meant to serve." In addition, the proposed project would be required to install automatic fire sprinklers to be consistent with the response-distance criteria specified in LAMC 57.09.07A of 1.5 miles.

Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. A study prepared by Meridian Consultants analyzed the project and determined the project would not have a significant impact on the environment, and also determined the use would have less of an impact than an apartment/condo, office building or shopping center. A Department of Transportation Review was conducted on August 10, 2017 and determined that the proposed project would generate 166 daily trips, five AM Peak Hour Trips and 14 PM Peak Hour Trips. Analysis was based on the ITE 9th Edition – Trip Rate (2.02/DU Daily Trip Ends, 0.06/DU AM Peak Trip Rate, 0.17/DU PM Peak Trip Rate) for "Congregate Care Housing" (253).

Therefore, the project will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. The project site will be adequately served by all public utilities and services given that the construction of the subject Eldercare Facility is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

Exceptions Narrative for Class 32 Categorical Exemption

There are six (6) Exceptions which the City is required to consider before finding a project exempt under Class 15303 and 15332: (a) Location; (b) Cumulative

Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

- (a) Location. The proposed project is not located in an area that would impact an environmental resource of hazardous or critical concern where designated, precisely mapped, or officially adopted pursuant to law by federal, state or local agencies. While the subject site is located within a Hillside Grading Area, a landslide area, a Very High Fire Hazard Severity Zone, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate the grading and construction of projects in these particular types of "sensitive" locations and will reduce any potential impacts to less than significant. In addition to the City of Los Angeles' stringent building codes and brush fire clearances, which provide the necessary safety for the buildings in these designated areas to be properly built and protected (as addressed by the Fire Department), 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 project will not result in a significant impact.
- (b) Cumulative Impacts. The proposed project would not contribute to a significant cumulative impact because the project would comply with the requirements of the City of Los Angeles' General Plan and the Brentwood-Pacific Palisades Community Plan. The project would be required to comply with all applicable City ordinances, regulations, and permitting conditions. The subject site is surrounded by properties zoned C1-1-H, OS-1XL, RD3-1, and (Q)RD3-1 zones, and characterized by generally sloping topography and improved streets. The subject property is surrounded by multi-family residential and commercial uses, as well as designated open space area. Properties immediately to the north across Vereda De La Montura and to the east across Palisades Drive are zoned RD3-1 and developed with residential condominium structures. Property to the southeast across Palisades Drive is zoned (Q)RD3-1 and also developed with residential condominium structures. The property abutting the project site to the west is privately-owned open space area. Property immediately to the south is zoned C1-1-H and developed with a shopping center containing neighborhood-serving commercial uses. There are no known similar projects anywhere near the vicinity of the property ongoing or anticipated in the foreseeable future.
- (c) Significant Effect. Discussion is provided herein to demonstrate the proposed project would not have a significant effect on the environment.
- (d) Scenic Highways. The project site is located on Palisades Drive, which is a designated Avenue I. Palisades Drive is not designated a Scenic Highway. However, no unique geologic features or rock outcroppings are located on the project site. The project site contains various ornamental landscaping and trees on site. These trees do not consist of any tree species protected under the Los Angeles Protected Tree Ordinance (i.e., Valley Oak, California Live Oak, Southern California Black Walnut,

Western Sycamore, or California Bay). Any trees removed would be replaced in accordance with the City's tree replacement requirements. The proposed project would be consistent with the required height restrictions as discussed further below. As such, the project would not substantially damage scenic resources. Accordingly, the proposed project would not have a significant effect relative to scenic highways on the environment.

- (e) Hazardous Waste Sites. Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site.
- (f) Historical Resources. The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource.

SITE PLAN REVIEW FINDINGS

In order for the site plan review to be granted, all three of the legally mandated findings delineated in Section 16.05-F of the Los Angeles Municipal Code must be made in the affirmative:

7. **The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The project site is located in an urbanized area of the Brentwood – Pacific Palisades Community Plan area. The site is zoned C1-1-H and has a General Plan Land Use Designation of Neighborhood Office Commercial. The project is consistent with the applicable Brentwood – Pacific Palisades Community Plan designation and policies and all applicable zoning designations and regulations. An Eldercare Facility is expressly listed as an allowable use in the C1 Zone pursuant to LAMC Section 12.13-A,2(a)31. Properties within the C1 zone are permitted a residential density of one unit per 500 square feet of lot area. Given that the project site is 43,097 square feet in size, the site with current zoning allows for up to 86 guest rooms. The project will provide 82 guest rooms. The C1 zoning allows for unlimited number of stories at any height. The project site is located in the Hillside Area Boundaries as described by the City of Los Angeles Current and Proposed Hillside Boundaries Map, which was prepared in 2009, the project will be required to comply with the transitional height requirements of 45 feet maximum building height based on transitional height, as required in LAMC Section 12.21-C,10.

The project site is also within a coastal zone. The Brentwood – Pacific Palisades Community Plan identifies sensitive habitat resources in association with the

planning area's coastal resources. The site does not have value as a habitat for endangered, rare or threatened species nor was any evidence submitted showing there is such value.

The subject site is located two and one-half miles from the coastline and does not contain coastal resources.

The project is in substantial conformance with the purposes, intent and provisions of the General Plan and the Brentwood Community Plan. The project brings in a facility that can address an aging population of the City of Los Angeles by providing 82 suites for assisted living and memory care purposes.

With regards to the Brentwood – Pacific Palisades Community Plan, the project is consistent with the following Plan Objectives:

- 2-1 To conserve and strengthen viable commercial development.
- 2-3 To enhance the appearance of commercial districts and to identify pedestrian-oriented areas.
- 2-4 To enhance the appearance of commercial districts consistent with the character of, and quality of the surrounding neighborhoods.
- 4-1 To protect the resources of the Plan area for the benefit of the residents and of the region by preserving existing open space and, where possible, acquiring new open space.
- 5-2 To protect coastal resources and to provide maximum public access to and along the shoreline consistent with property rights and sensitive habitat resources.
- 8-1 To provide adequate police facilities and personnel to correspond with population and service demands.
- 9-1 Ensure that fire facilities and protective services are sufficient for the existing and future population and land uses.
- 13-1 To comply with Citywide performance standards for acceptable levels of service and insure that necessary road access and street improvements are provided to accommodate traffic generated by all new development.
- 15-1 Provide parking in appropriate locations in accord with Citywide standards and community needs.
- 17-1 To ensure that the Plan Areas significant cultural and historical resources are protected, preserved and/or enhanced.

The project proposes an Eldercare Facility. The project will bring 23 memory care suites and 59 assisted-living suites on a commercially-zoned lot. Surrounding land uses are commercial to the south, residential to the north and east, and open space

to the west. The project would be consistent with the allowed uses under the C1-1-H zone and does not propose any deviations from the C1-1-H regulations. The project is compatible with the surrounding land uses since the use is permitted by right, and follows all applicable design guidelines. The site is not subject to any specific plans, design or pedestrian oriented overlays.

The project site is adequately served by Police and Fire stations that can provide satisfactory response times. The project will have adequate police services provided by the West Los Angeles Community Police Station, approximately seven miles from the site. The minimal increase in residents will not significantly impact response times. Fire protection and medical services at the project site would be served by Los Angeles Fire Department Station 23, which is located 2.5 miles southeast of the project site. Correspondence from September 26 and 27, 2017 showing communication from LAFD's Assistant Chief Patrick Butler shows that there is nothing unusual or dangerous about the Eldercare Facility use or the property that pose any realistic or unique risk of danger to the residents or the surroundings. Addressed in the correspondence is Assistant Chief Butler's response of the site being in a High Severity Zone, and that this is a large district and spreads throughout the entire City. He states, "Stringent building codes and brush fire clearance in Los Angeles provide the necessary safety for these buildings to be properly built and protected. With these safety aspects in place, there is no foundation that the proposed senior community may actually pose a danger to the very people it is meant to serve." In addition, the proposed project would be required to install automatic fire sprinklers to be consistent with the response-distance criteria specified in LAMC 57.09.07A of 1.5 miles. The project is anticipated to generate a nominal increase in trips, approximately 166 daily trips or 5 AM peak-hour trips and 14 PM peak-hour trips, per the Institute of Transportation Engineers trip generation rates. Department of Transportation review was conducted on August 10, 2017 and determined that the proposed project would generate 166 daily trips, five AM Peak Hour Trips and 14 PM Peak Hour Trips. Analysis was based on the ITE 9th Edition – Trip Rate (2.02/DU Daily Trip Ends, 0.06/DU AM Peak Trip Rate, 0.17/DU PM Peak Trip Rate) for "Congregate Care Housing" (253). The project would not have a significant effect on the level of service at nearby intersections.

The project will also exceed the number of required parking spaces to be provided. The project is required to provide 65 parking spaces at 0.2 spaces for each guest bed for Assisted Living and one space for each guest room per LAMC Section 12.21-A,4(d)(5). The project provides 66 parking spaces within a two level subterranean garage. The maintenance of a license to operate an Eldercare Facility requires compliance with all applicable state regulations. With compliance, the project will meet the definition of an Eldercare Facility and be a use that is conformance with the C1-1-H Zone.

8. **The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The C1 zone permits residential density of one guest room per 500 square feet of lot area. LAMC Sections 12.13-C,4 and 12.10-C,4. For a lot area of 43,097 square feet, the property can support 86 guest rooms. The project provides 82 guest rooms.

The C1 zoning allows for unlimited number of stories and unlimited building height. However, due to its proximity to residential properties, the project is subject to transitional height requirements of LAMC Section 12.21.1-B,2. The proposed building will not exceed the 45-foot height limit at its highest point within four stories and will comply with the transitional height regulations of the Code. Views from adjoining properties include developed and undeveloped hillsides. The project design is entirely consistent with current surrounding development. It utilizes a previously graded site without disturbing additional land. The finished building will project 37 feet above the sidewalk along Vereda De La Montura. This height would be at a lower elevation than the nearest condominium buildings north of the property.

The project has been designed within the development parameters of the underlying zone, LAMC Section 12.13-C, with regard to height and setbacks and this will be verified by the Department of Building and Safety during permitting. While neighboring residential properties across Vereda De La Montura observe larger setbacks than what the subject project observes, the project meets the C1 regulations for setbacks. The only abutting use to the site, and only commercial use and C zoned property in the area, is developed with a restaurant that observes a zero-foot setback along Palisades Drive. To require any further setbacks or height reductions outside of what is otherwise permitted under the code would unduly deny the project site of property rights that are otherwise afforded to neighboring parcels.

The project will provide all automobile and bicycle parking within a two level subterranean garage and comply with LAMC Sections 12.21-A,4 and 12.21-A,16. Trash and recycling receptacles would be located within the center of the first subterranean (P1) level, between elevators 2 and 3, and away from views of residents, guests and the public. The receptacles would be enclosed and have access doors to ensure there are no views of the bins and receptacles. Lighting will meet Code requirements, and will be directed onto the site and away from adjacent uses. Service vehicles will require circulation to the rear of the property from Vereda De La Montura, where they can load and unload on-site underground.

The project will provide landscaping in conformance with the Code, and will use landscaping to transition the structure and use from the public rights-of-way and neighboring uses. Trees per the Department of Urban Forestry and general slope shrubs and ground cover, planter walls and filtration planters, as shown on the First Level Landscape Plan, will be planted along the perimeter of the site facing Palisades Drive and Vereda De La Montura, including trees near the driveway entrance. Perimeter landscape native slope shrubs and ground covers will be provided along the southwest perimeter of the site. Landscaping through trees and shrubs will also be planted throughout the development structure. A fountain feature will be provided just east of the Vereda De La Montura driveway to enhance

the aesthetics and entryway into the site. The pool deck, roof and courtyards will also be landscaped as shown on the stamped plans labeled "Exhibit A". The arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing development on adjacent properties and neighboring properties. Neighboring multi-family residential uses east and north of the site are zoned RD3-1, which allow for a maximum height of 45 feet and a floor area ratio of 1.5:1. The project would also be consistent with any future redevelopment of neighboring properties since the RD3-1 Zone allows for the same maximum height and floor area ratio that the subject site's C1-1-H zoning allows. As such, the improvements will be compatible with the surrounding existing and future uses.

9. **Any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The Eldercare Facility is a care facility that provides many amenities that will improve the habitability for its elderly residents and minimize impacts on neighboring properties. As shown on "Exhibit A", the P1 level will include a wellness center, theater, bicycle maintenance and bicycle storage. The ground floor plan shows a salon, two dining rooms and one living room, and a fireplace and lounge area. The project provides a ground level outdoor amenity in the form of a courtyard located at the center of the building. Since the courtyard is at the center and the structure serves as a barrier, any noise generated will not impact neighboring properties. The floor plan showing the second floor reveals a spa salon and massage room for service staff can provide its residents. On the 3rd floor plan, the level provides an art and multi-purpose room, and outdoor amenities, including a roof garden, roof deck, trellis bar and barbeque area, and dog park area. Most amenities are enclosed within the building and will not impact neighboring properties. The outdoor amenities face the southwest portion of the site and will not affect the public rights-of-way. Furthermore, neighboring residential uses are buffered by the public right-of-way. Any potential impacts of noise will be minimal since outdoor amenities are oriented away from residential uses and across the street from the subject site. As such, recreational and service amenities will not impact neighboring properties.

ADDITIONAL MANDATORY FINDINGS

10. 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 this project is located in Zone C, areas of minimal flooding.
11. The proposed project has been determined not to have a significant effect on the environment and is therefore categorically exempt from the provisions of CEQA pursuant to Article III, Section 1, Class 32 of the City CEQA Guidelines. On June 20, 2017, the proposed project was issued a Notice of Exemption Log Reference No. ENV-2017-2171-CE. The proposed project will not require mitigation or

monitoring measures and no alternatives to the project were evaluated.

The project qualifies for a Categorical Exemption under CEQA Guidelines Section 15532(b) since the project is an infill development project identified as "development that occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses."

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;*
- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;*
- (c) *The project site has no value as habitat for endangered, rare or threatened species;*
- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and*
- (e) *The site can be adequately served by all required utilities and public services.*

The project is for the construction use and maintenance of a 45-foot tall, 64,646 square-foot, 82 guest room Eldercare Facility with 66 parking spaces in two subterranean garage levels on a 43,097.74 square-foot lot in the C1-1-H Zone within the Los Angeles City limits. The site and surrounding area are urbanized areas, as defined in page 11 of Section 21071 of Chapter 2.5 and Section 15387 Article 20 Definitions of the 2017 California Environmental Quality Act, CEQA Guidelines. A haul route is required to export approximately 19,308 cubic yards of earth material. An Eldercare Facility is permitted in the C1 Zone. The project as an Eldercare Facility, will comply with all the regulations of the code, including height, floor area, setbacks, parking, etc.

The project is characterized as an urban in-fill Categorical Exemption, and qualifies for the Class 32 Categorical Exemption. The site is zoned C1-1-H and has a General Plan Land Use Designation of Neighborhood Office Commercial. The project is consistent with the applicable Brentwood – Pacific Palisades Community Plan designation and policies and all applicable zoning designations and regulations. Specifically, the project is consistent with the following Plan Objectives:

- 2-1 To conserve and strengthen viable commercial development.
- 2-3 To enhance the appearance of commercial districts and to identify pedestrian-oriented areas.
- 2-4 To enhance the appearance of commercial districts consistent with the character of, and quality of the surrounding neighborhoods.
- 4-1 To protect the resources of the Plan area for the benefit of the residents and of the region by preserving existing open space and, where possible, acquiring new open space.

- 5-2 To protect coastal resources and to provide maximum public access to and along the shoreline consistent with property rights and sensitive habitat resources.
- 8-1 To provide adequate police facilities and personnel to correspond with population and service demands.
- 9-1 Ensure that fire facilities and protective services are sufficient for the existing and future population and land uses.
- 13-1 To comply with Citywide performance standards for acceptable levels of service and insure that necessary road access and street improvements are provided to accommodate traffic generated by all new development.
- 15-1 Provide parking in appropriate locations in accord with Citywide standards and community needs.
- 17-1 To ensure that the Plan Areas significant cultural and historical resources are protected, preserved and/or enhanced.

The proposed project would follow the design guidelines as presented in Chapter V of the Community Plan. The project will include design that incorporates landscaping throughout the building in the form of planters, outdoor, landscaping, and design theme would be incorporated to preserve community character. Parking would be below ground in two subterranean levels to allow for more aesthetically pleasing landscaping to fill the site. The subject site is wholly within the City of Los Angeles, on a site that is approximately 43,097 square feet. The site is not located within an area identified by the City of Los Angeles as a Pedestrian Oriented District, which would require the project be at pedestrian scale, as stated in the Community Plan. Community Design Overlay, or Specific Plan Overlay, or any other ordinances pertaining to the zone. The project is an eldercare facility and not a housing development, but has residential characteristics in its operation and design. The project will provide shuttle service for patients to access community amenities as well as medical and dental offices and facilities, shopping, and recreational amenities. A concierge doctor's service will be provided on site for minor check-ups to eliminate unnecessary off-site doctor visits, while having professional staff on duty. Other basic personal needs will be available on site, including a spa salon and massage on-site. The proposed operation will be required to provide adequate staffing and meet the operational regulations required by the State of California to maintain its operating license. As such, conforming to the regulations would ensure the use is compatible with the zoning and objectives of the Community Plan.

Lots adjacent to the subject site are developed with the following urban uses: residential uses, commercial uses and open space. The site does not have value as a habitat for endangered, rare or threatened species nor was any evidence submitted showing there is such value on-site. The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water.

The project will have adequate police services provided by the West Los Angeles Community Police Station, approximately seven miles from the site. The minimal increase in residents will not significantly impact response times. Fire protection

and medical services at the project site would be served by Los Angeles Fire Department Station 23, which is located 2.5 miles southeast of the project site. Correspondence from September 26 and 27, 2017 showing communication from LAFD's Assistant Chief Patrick Butler shows that there is nothing unusual or dangerous about the Eldercare Facility use or the property that pose any realistic or unique risk of danger to the residents or the surroundings. Addressed in the correspondence is Assistant Chief Butler's response of the site being in a High Severity Zone, and that this is a large district and spreads throughout the entire City. He states, "Stringent building codes and brush fire clearance in Los Angeles provide the necessary safety for these buildings to be properly built and protected. With these safety aspects in place, there is no foundation that the proposed senior community may actually pose a danger to the very people it is meant to serve." In addition, the proposed project would be required to install automatic fire sprinklers to be consistent with the response-distance criteria specified in LAMC 57.09.07A of 1.5 miles.

Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. A study prepared by Meridian Consultants analyzed the project and determined the project would not have a significant impact on the environment, and also determined the use would have less of an impact than an apartment/condo, office building or shopping center. A Department of Transportation Review was conducted on August 10, 2017 and determined that the proposed project would generate 166 daily trips, five AM Peak Hour Trips and 14 PM Peak Hour Trips. Analysis was based on the ITE 9th Edition – Trip Rate (2.02/DU Daily Trip Ends, 0.06/DU AM Peak Trip Rate, 0.17/DU PM Peak Trip Rate) for "Congregate Care Housing" (253).

Therefore, the project will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. The project site will be adequately served by all public utilities and services given that the construction of the subject Eldercare Facility is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

Exceptions Narrative for Class 32 Categorical Exemption

There are six (6) Exceptions which the City is required to consider before finding a project exempt under Class 15303 and 15332: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

- a. Location. The proposed project is not located in an area that would impact an environmental resource of hazardous or critical concern where designated, precisely mapped, or officially adopted pursuant to law by federal, state or local agencies. While the subject site is located within a Hillside Grading Area, a landslide area, a Very High Fire Hazard Severity Zone, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate the grading and

construction of projects in these particular types of "sensitive" locations and will reduce any potential impacts to less than significant. In addition to the City of Los Angeles' stringent building codes and brush fire clearances, which provide the necessary safety for the buildings in these designated areas to be properly built and protected (as addressed by the Fire Department), 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 project will not result in a significant impact.

- b. Cumulative Impacts. The proposed project would not contribute to a significant cumulative impact because the project would comply with the requirements of the City of Los Angeles' General Plan and the Brentwood-Pacific Palisades Community Plan. The project would be required to comply with all applicable City ordinances, regulations, and permitting conditions. The subject site is surrounded by properties zoned C1-1-H, OS-1XL, RD3-1, and (Q)RD3-1 zones, and characterized by generally sloping topography and improved streets. The subject property is surrounded by multi-family residential and commercial uses, as well as designated open space area. Properties immediately to the north across Vereda De La Montura and to the east across Palisades Drive are zoned RD3-1 and developed with residential condominium structures. Property to the southeast across Palisades Drive is zoned (Q)RD3-1 and also developed with residential condominium structures. The property abutting the project site to the west is privately-owned open space area. Property immediately to the south is zoned C1-1-H and developed with a shopping center containing neighborhood-serving commercial uses. There are no known similar projects anywhere near the vicinity of the property ongoing or anticipated in the foreseeable future.
- c. Significant Effect. Discussion is provided herein to demonstrate the proposed project would not have a significant effect on the environment.
- d. Scenic Highways. The project site is located on Palisades Drive, which is a designated Avenue I. Palisades Drive is not designated a Scenic Highway. However, no unique geologic features or rock outcroppings are located on the project site. The project site contains various ornamental landscaping and trees on site. These trees do not consists of any tree species protected under the Los Angeles Protected Tree Ordinance (i.e., Valley Oak, California Love Oak, Southern California Black Walnut, Western Sycamore, or California Bay). Any trees removed would be replaced in accordance with the City's tree replacement requirements. The proposed project would be consistent with the required height restrictions as discussed further below. As such, the project would not substantially damage scenic resources. Accordingly, the proposed project would not have a significant effect relative to scenic highways on the environment.
- e. Hazardous Waste Sites. Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site.

- f. Historical Resources. The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource.

Inquiries regarding this matter should be directed to Courtney Shum, Planning Staff for the Department of City Planning at (213) 978-1916.



HENRY CHU
Associate Zoning Administrator

HC:CS:bk

cc: Councilmember Mike Bonin
Eleventh District
Adjoining Property Owners
Interested Parties



WEST LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

Mailing Date: APR 25 2018

CASE NO. ZA-2017-2170-ELD-CDP-SPR-1A

Council District: 11 – Bonin

CEQA: ENV-2017-2171-CE

Plan Area: Brentwood- Palisades

Project Site: 1525 and 1533 North Palisades Drive;
17310 and 17320 West Vereda De La Montura

Applicant: Rony Shram, Palisades Drive, LP
Representative: Kevin K. McDonnell, Esq., Jeffer Mangels Butler & Mitchell LLP

Appellants: Jonathan Klar, Maria Klar, Diane Bleak, Aileen T. Haugh, Marc and Veronique Jackson, Malissa and Saad Javad, Liana Martin, Peter Shakarian, Lui Haoran and Yuan Shuai and Dianne Silvera
Representative: Jonathan Klar, Attorney at Law

Robert T. Flick and Sandra L. Flick
Representative: Kristina Kropp, Esq.; Robert L. Glushon, Esq., Luna & Glushon

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

The construction of a four-story, 64,646 square-foot Eldercare Facility with 82 guest rooms comprised of a combination of Assisted Living Care and Alzheimer's/Dementia Care Housing located in the single-permit jurisdiction area of the California Coastal Zone.

1. **Determined** based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to Article III, Section 1, Class 32 of the City CEQA Guidelines; and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Director of Planning's determination to approve a Coastal Development Permit, pursuant to Section 12.20.2 of the Los Angeles Municipal Code (LAMC); and pursuant to LAMC Section 16.05, a Site Plan Review in the single-permit jurisdiction of the California Coastal Zone for the project;
3. **Adopted** the attached Conditions of Approval as modified by the Commission; and
4. **Adopted** the attached Findings.

This action was taken by the following vote:

Moved: Newhouse
Second: Waltz Morocco
Ayes: Margulies
Absent: Rozman

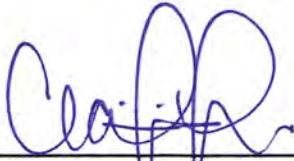
Vote: 3 – 0

Exhibit 5

Page 1 of 30



California Coastal
Commission



Cecilia Lamas
Commission Executive Assistant

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The action by the West Los Angeles Area Planning Commission (Commission) on this matter is final and effective upon the mailing date and is the final appeal procedure within the appeal structure in the City of Los Angeles. Pursuant to Section 12.20.2 I of the Los Angeles Municipal Code, the Commission's action shall be deemed final only after 20 working days have expired from the date this decision letter is deemed received by the Executive Officer of the California Coastal Commission and provided that a timely, valid appeal is not taken by the California Coastal Commission within said time frame.

This Coastal Development Permit shall be subject to revocation as provided in Section 12.20.2 J of the Los Angeles Municipal Code.

Attachments: Modified Conditions of Approval, Findings

c: Henry Chu, Associate Zoning Administrator
Courtney Schum, City Planner

CONDITIONS OF APPROVAL

(As Modified by West Los Angeles Area Planning Commission on April 18, 2018)

1. 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.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. 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.
5. 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.
6. Approved herein is an Eldercare Facility comprised of 82 guest rooms (23 memory care suites and 59 assisted-living suites) as shown in "Exhibit A", subject to the following restrictions:
 - a. At least seventy-five percent (75%) of the facility shall be devoted to Assisted living Care Housing and not more than twenty-five percent (25%) of the facility shall be devoted to Alzheimer's/Dementia Care Housing. No deviations from the applicable zoning provisions have been granted in conjunction with the Eldercare Facility herein, and no Eldercare Unified Permit pursuant to LAMC Section 14.3 has been requested or approved.
 - i. Plans submitted to the Department of Building and Safety for the purposes of obtaining a building permit shall indicate a minimum of 75 percent of the floor area, exclusive of common areas, consisting of Assisted Living Care Facility;
 - ii. The license and subsequent renewals of the license from the California Department of Social Services, Community Care Licensing Division shall reflect a minimum of 75 percent of the floor area, exclusive of common areas, consisting of Assisted Living Care

Facility.

- b. The facility shall be licensed by the California Department of Social Services and comply with all assisted living and dementia care program regulations. A copy of the license shall be submitted to the Department of City Planning for verification and placed in the file.
 - c. Residents of the Assisted Living Care Housing shall be at least 62 years of age or older and shall comply all the requirements of the Department of Social Services.
- 7. The housing type within an Eldercare Facility may not be changed to a different housing type unless the new housing type is authorized in accordance with the procedures of the Code.
- 8. Coastal Development Permit. Approved herein is:
 - a. The construction of a four-story, 64,646 square-foot Eldercare Facility with 82 guest rooms comprised of a combination of Assisted Living Care and Alzheimer's/Dementia Care Housing.
 - b. Grading and export of 19,308 cubic yards of earth material. The applicant shall receive approval of a haul route by the Department of Building and Safety.
 - c. The project shall comply with the Regional Interpretive Guidelines for Los Angeles County.
- 9. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
- 10. The project shall be landscaped and maintained in substantial conformance with the landscape plans stamped "Exhibit A".
- 11. Prior to the issuance of a building permit, access and internal circulation shall be reviewed and approved by the Department of Transportation.
- 12. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent properties.
- 13. All loading and unloading of cargo shall occur only in underground parking and loading area.
- 14. Any removal or planting of any tree in the public right-of-way required approval of

the Board of Public Works.

15. Exterior improvements and landscaping shall be maintained in good condition.
16. Prior to the issuance of a building permit, access and internal circulation shall be reviewed and approved by the Department of Transportation.
17. The applicant or operator shall designate a minimum one person to serve as a neighborhood/community liaison to respond to any concerns raised by the different neighborhood groups of the Palisades Highland community. A contact name, telephone number and email address shall be provided to the immediate homeowner groups/associations adjacent to the project site.
18. 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.
19. Prior to the commencement of site excavation and construction activities, construction schedule and contact information for any inquiries regarding construction activities shall be provided to residents and property owners within a 100-foot radius of the project site. The contact information shall include a construction manager and a telephone number, and shall be posted on the site in a manner, which is readily visible to any interested party.
20. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
21. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
22. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or

the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS

COASTAL DEVELOPMENT PERMIT 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, as follows:

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

The development conforms with Chapter 3 of the California Coastal Act of 1976. The project site, located at 1525 North Palisades Drive (1525 and 1533 North Palisades Drive and 17310 and 17320 West Vereda De La Montura), is a sloping, irregularly-shaped parcel of land totaling 43,097 square feet (0.99 acre) and consisting of one lot. The project site has approximately 145 feet of frontage along the west side of Palisades Drive (a designated Avenue I under the Mobility Plan 2035) and approximately 305 feet of frontage along the south side of Vereda De La Montura (a designated Collector Street). The site is located within the Brentwood – Pacific Palisades Community Plan with a land use designation of Neighborhood Office Commercial and corresponding zone of C1-1-H. The subject property is located within a Single Jurisdiction Area of the California Coastal Zone and Hillside Area. The subject property is also located within a Very High Fire Hazard Severity Zone, Bureau of Engineering Special Grading Area, and a designated Landslide Area. The project site is currently vacant.

Chapter 3 of the Coastal Act includes provisions that address the impact of development on public services, infrastructure, traffic, the environment and significant resources, and coastal access.

Chapter 3 Provisions are as follows:

Article 2 – Public Access: The project will not interfere with or impede public access to coastal waters since the site is located two and one-half miles from the coast.

Article 3 – Recreation: The project will not interfere with coastal recreational opportunities because site is located two and one-half miles from the coast.

Article 4 – Marine Environment: The marine environment will not be impacted. Earth and construction materials and equipment will be secured while hauling in proximity to the coast to avoid any exposure with the marine environment. No coastal resources, streams or other inland waterways will be impacted or altered by the project. The proposed building will be connected to the City sewer system. Best Management Practices will be employed during construction to control erosion, construction-related contaminants and stormwater runoff. A Standard

Urban Stormwater Mitigation Plan will be adopted in accordance with the State of California and the City of Los Angeles standards to assure the long term impacts of stormwater runoff will be properly addressed.

Article 5 – Land Resources: The project site is virtually void of vegetation and any other environmentally sensitive habitat. There are no trees that are required to be removed to construct the proposed Eldercare Facility. There are no environmentally sensitive species that have been identified on the site or nearby open space land. The project site is not zoned or used for agricultural purposes. No archaeological or paleontological resources are known to exist on or near the property.

Article 6 – Development: As stated previously, the project site is zoned C1-1-H with a land use designation of Neighborhood Office Commercial. The site is located directly across from multi-family residential development. The project site adjoins another lot of the same zone and land use designation that is currently developed with an established commercial use. The C1 zone is consistent with Neighborhood Office Commercial. The Eldercare Facility is a permitted use in the C1 zone.

Article 7 – Industrial Development: The project does not proposed industrial development.

Section 30244 requires reasonable mitigation measures to reduce potential impacts on archaeological or paleontological resources.

The proposed project will involve the cutting and exporting of 19,308 cubic yards to allow for the two level subterranean parking garage. The proposed grading will be subject to the review of the Department of Building and Safety and required to comply with the conditions of approval set forth in the Geology and Soils Approval Letter. As stated previously, the project site is not zoned or used for agricultural purposes. No archaeological or paleontological resources are known to exist on or near the property. If such resources are discovered during excavation or grading, the proposed project will need to 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 development will not have significant adverse impacts on coastal resources.

The subject property is located approximately two and one-half miles from the coast. The site is currently a vacant commercial lot in an area generally developed with residential uses. The subject property is surrounded by multi-family residential and commercial uses, as well as designated open space area. Properties immediately to the north across Vereda De La Montura and to the east across Palisades Drive are zoned RD3-1 and developed with residential condominium structures. Property to the southeast across Palisades Drive is zoned (Q)RD3-1 and developed with residential condominium structures. The

property abutting the project site to the west is privately-owned open space area in the OS-1XL zone. Property immediately to the south is zoned C1-1-H and developed with a shopping center containing neighborhood-serving commercial uses. The proposed project will be served by existing police and fire stations, schools, and other public services nearby, as well as existing infrastructure systems.

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 proposed project is located approximately two and one-half miles from the coast. Scenic and visual qualities of coastal areas will not be impacted.

Section 30252 states that new development should maintain and enhance public access to the coast.

As stated previously, the subject property is located approximately two-and one-half miles inland. The proposed project will not interfere with or impede public access to coastal waters because of the site does not provide direct access to the coast nor is it near the coast since it is approximately two and one-half miles from the coast. The project will not conflict with 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 a bluff or cliff, but is located within a Hillside Area, a Very High Fire Severity Zone, a Special Grading Area, a Landslide Area, and is 2.03 kilometers from the Malibu Coast Fault. As required, the applicant submitted a Geology and Soils Report to the Department of Building and Safety for review and approval. The Department of Building and Safety found that the report was acceptable and outlined conditions of approval regarding grading associated with the proposed project as part of their May 15, 2017 Approval Letter (Log # 87756-01). In addition, the proposed project is required to comply with the Department of Building and Safety and Fire Department standards as it relates to development in seismic and fire hazard areas and along environmentally sensitive areas. The proposed project is also subject to other developmental regulations and regulatory compliance measures established by various City departments and the conditions of approval imposed herein. Compliance with such requirements will minimize risks to life and property. It will also ensure that the proposed project

will not create nor contribute significantly to the destruction of the subject property or surrounding area.

2. **The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.**

There is no adopted Local Coastal Program for the Pacific Palisades. The Brentwood – Pacific Palisades Community Plan contains the applicable land use policies and goals for that portion of the Coastal Zone. The Brentwood – Pacific Palisades Community Plan designates the subject property for Neighborhood Office Commercial land uses with a corresponding zones of C1, C1.5, C2, C4, RAS3, and RAS4. The subject property is not within any Specific Plan Area or subject to any Interim Control Ordinances, but is located within a Hillside Area, a Very High Fire Severity Zone, a Special Grading Area, a Landslide Area, and is 2.03 kilometers from the Malibu Coast Fault.

The proposed construction, use, and maintenance of the subject property as an Eldercare Facility is consistent with the Community Plan land use designation and zoning, as Eldercare Facilities are permitted uses within the C1 Zone and the applicant is not seeking any use, area, or height deviations from the Code. As conditioned, the construction of a new Eldercare Facility on a lot zoned for such use will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act of 1976 because the project itself is in full conformity with Chapter of the Act. To the extent approval of the project could represent a precedent for future projects, those projects would also be in conformity with the Act and any future Local Coastal Program.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.**

The Los Angeles County Interpretive Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620(b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the Coastal Zone prior to the certification of a local coastal program. As stated in the Regional Interpretive Guidelines, the guidelines are intended to be used "in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources."

The proposed Eldercare Facility contains residential units in the form of guest rooms intended for Assisted Living Care and Alzheimer's/Dementia Care Housing. The Regional Interpretive Guidelines address parking, density, special provisions

for development on bluffs and hillside areas, and coastal access. The applicable provisions of the California Coastal Commission's Regional Interpretive Guidelines have been reviewed and considered in preparation of these findings. The subject project consists of a four-story Eldercare Facility providing a total of 66 covered parking spaces within a two level subterranean garage and a maximum height of 45 feet. No deviation from any zoning regulation, e.g., parking, setbacks, height, etc., is required or requested for the project. The proposed project will not result in the alteration of natural landforms as all grading will be contained on the subject property and subject to the conditions of approval set forth by the Department of Building and Safety. The proposed project will not occur on a coastal bluff and would not alter any natural land forms, nor would it impact access to the coast. As such, the proposed project will be consistent with the applicable provisions of the Regional Interpretive Guidelines. The Interpretive Guidelines have been reviewed, analyzed, and considered in light of the individual project in making this determination, and the project is consistent and has been conditioned to be consistent with such Guidelines.

4. **The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.**

Approval of the proposed project will not conflict with the prior decisions of the California Coastal Commission. No known similar projects in the general area have been presented for review and approval.

An original Coastal Development Permit was approved in 1979, under A-381-78 for the grading of the site, roads, and utilities. The same permit was amended in 1980, extending the urban limit line. The permit authorized the construction of a church as an intuitional site and two site for commercial development, including the subject property. The site abutting the subject site has already been developed. The subject property has never been developed and does not encroach on the urban limit line. The CDP requested for this particular project is consistent with the original CDP of 1978, approved in 1979, and develops one of the originally designated commercial lots consistent with the 1980 C1 zoning thereon. The project complies with the applicable amendments thereafter.

Two previous project proposals, Case Nos. ZA 2000-3070(CDP) and ZA 2007-4681(CDP)(MEL), were approved for residential development on the subject property. Both proposals were also found not be in conflict with the Coastal Act. As such, this decision of the permit-granting authority has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the California Coastal Commission, where applicable, shall guide local governments

in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

5. **The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

Section 30210 of the Coastal Act states the following in regards to public access:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, right of private property owners, and natural resources from overuse.

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The subject property is located approximately two and one-half miles inland in developed area. The site is undeveloped and currently vacant. The subject property fronts Palisades Drive to the east and Vereda De La Montura to the north, which do not provide direct access to the coast or any visitor or recreational facilities. The subject property is not located between the nearest public road and the sea or shoreline of any body of water. No permanent structures will be placed within the public right-of-way. All required parking spaces will be provided on the subject property. Vehicular access to the subject property will be provided on Palisades Drive and Vereda De La Montura. As such, the proposed project will not conflict with 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.**

The proposed project has been determined not to have a significant effect on the environment and is therefore categorically exempt from the provisions of CEQA pursuant to Article III, Section 1, Class 32 of the City CEQA Guidelines. On June 20, 2017, the proposed project was issued a Notice of Exemption Log Reference No. ENV-2017-2171-CE. The proposed project will not require mitigation or monitoring measures and no alternatives to the project were evaluated.

The project qualifies for a Categorical Exemption under CEQA Guidelines Section 15532(b) since the project is an infill development project identified as

“development that occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.”

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;*
- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;*
- (c) *The project site has no value as habitat for endangered, rare or threatened species;*
- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and*
- (e) *The site can be adequately served by all required utilities and public services.*

The project is for the construction use and maintenance of a 45-foot tall, 64,646 square-foot, 82 guest room Eldercare Facility with 66 parking spaces in two subterranean garage levels on a 43,097.74 square-foot lot in the C1-1-H Zone within the Los Angeles City limits. The site and surrounding area are urbanized areas, as defined in page 11 of Section 21071 of Chapter 2.5 and Section 15387 Article 20 Definitions of the 2017 California Environmental Quality Act, CEQA Guidelines. A haul route is required to export approximately 19,308 cubic yards of earth material. An Eldercare Facility is permitted in the C1 Zone. The project as an Eldercare Facility, will comply with all the regulations of the code, including height, floor area, setbacks, parking, etc.

The project is characterized as an urban in-fill Categorical Exemption, and qualifies for the Class 32 Categorical Exemption. The site is zoned C1-1-H and has a General Plan Land Use Designation of Neighborhood Office Commercial. The project is consistent with the applicable Brentwood – Pacific Palisades Community Plan designation and policies and all applicable zoning designations and regulations. Specifically, the project is consistent with the following Plan Objectives:

- 2-1 To conserve and strengthen viable commercial development.
- 2-3 To enhance the appearance of commercial districts and to identify pedestrian-oriented areas.
- 2-4 To enhance the appearance of commercial districts consistent with the character of, and quality of the surrounding neighborhoods.
- 4-1 To protect the resources of the Plan area for the benefit of the residents and of the region by preserving existing open space and, where possible, acquiring new open space.

- 5-2 To protect coastal resources and to provide maximum public access to and along the shoreline consistent with property rights and sensitive habitat resources.
- 8-1 To provide adequate police facilities and personnel to correspond with population and service demands.
- 9-1 Ensure that fire facilities and protective services are sufficient for the existing and future population and land uses.
- 13-1 To comply with Citywide performance standards for acceptable levels of service and insure that necessary road access and street improvements are provided to accommodate traffic generated by all new development.
- 15-1 Provide parking in appropriate locations in accord with Citywide standards and community needs.
- 17-1 To ensure that the Plan Areas significant cultural and historical resources are protected, preserved and/or enhanced.

The proposed project would follow the design guidelines as presented in Chapter V of the Community Plan. The project will include design that incorporates landscaping throughout the building in the form of planters, outdoor, landscaping, and design theme would be incorporated to preserve community character. Parking would be below ground in two subterranean levels to allow for more aesthetically pleasing landscaping to fill the site. The subject site is wholly within the City of Los Angeles, on a site that is approximately 43,097 square feet. The site is not located within an area identified by the City of Los Angeles as a Pedestrian Oriented District, which would require the project be at pedestrian scale, as stated in the Community Plan. Community Design Overlay, or Specific Plan Overlay, or any other ordinances pertaining to the zone. The project is an eldercare facility and not a housing development, but has residential characteristics in its operation and design. The project will provide shuttle service for patients to access community amenities as well as medical and dental offices and facilities, shopping, and recreational amenities. A concierge doctor's service will be provided on site for minor check-ups to eliminate unnecessary off-site doctor visits, while having professional staff on duty. Other basic personal needs will be available on site, including a spa salon and massage on-site. The proposed operation will be required to provide adequate staffing and meet the operational regulations required by the State of California to maintain its operating license. As such, conforming to the regulations would ensure the use is compatible with the zoning and objectives of the Community Plan.

Lots adjacent to the subject site are developed with the following urban uses: residential uses, commercial uses and open space. The site does not have value as a habitat for endangered, rare or threatened species nor was any evidence submitted showing there is such value on-site. The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water.

The project will have adequate police services provided by the West Los Angeles Community Police Station, approximately seven miles from the site. The minimal increase in residents will not significantly impact response times. Fire protection and medical services at the project site would be served by Los Angeles Fire Department Station 23, which is located 2.5 miles southeast of the project site. Correspondence from September 26 and 27, 2017 showing communication from LAFD's Assistant Chief Patrick Butler shows that there is nothing unusual or dangerous about the Eldercare Facility use or the property that pose any realistic or unique risk of danger to the residents or the surroundings. Addressed in the correspondence is Assistant Chief Butler's response of the site being in a High Severity Zone, and that this is a large district and spreads throughout the entire City. He states, "Stringent building codes and brush fire clearance in Los Angeles provide the necessary safety for these buildings to be properly built and protected. With these safety aspects in place, there is no foundation that the proposed senior community may actually pose a danger to the very people it is meant to serve." In addition, the proposed project would be required to install automatic fire sprinklers to be consistent with the response-distance criteria specified in LAMC 57.09.07A of 1.5 miles.

Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. A study prepared by Meridian Consultants analyzed the project and determined the project would not have a significant impact on the environment, and also determined the use would have less of an impact than an apartment/condo, office building or shopping center. A Department of Transportation Review was conducted on August 10, 2017 and determined that the proposed project would generate 166 daily trips, five AM Peak Hour Trips and 14 PM Peak Hour Trips. Analysis was based on the ITE 9th Edition – Trip Rate (2.02/DU Daily Trip Ends, 0.06/DU AM Peak Trip Rate, 0.17/DU PM Peak Trip Rate) for "Congregate Care Housing" (253).

Therefore, the project will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. The project site will be adequately served by all public utilities and services given that the construction of the subject Eldercare Facility is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

Exceptions Narrative for Class 32 Categorical Exemption

There are six (6) Exceptions which the City is required to consider before finding a project exempt under Class 15303 and 15332: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

- (a) Location. The proposed project is not located in an area that would impact an environmental resource of hazardous or critical concern where

designated, precisely mapped, or officially adopted pursuant to law by federal, state or local agencies. While the subject site is located within a Hillside Grading Area, a landslide area, a Very High Fire Hazard Severity Zone, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate the grading and construction of projects in these particular types of "sensitive" locations and will reduce any potential impacts to less than significant. In addition to the City of Los Angeles' stringent building codes and brush fire clearances, which provide the necessary safety for the buildings in these designated areas to be properly built and protected (as addressed by the Fire Department), 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 project will not result in a significant impact.

- (b) Cumulative Impacts. The proposed project would not contribute to a significant cumulative impact because the project would comply with the requirements of the City of Los Angeles' General Plan and the Brentwood-Pacific Palisades Community Plan. The project would be required to comply with all applicable City ordinances, regulations, and permitting conditions. The subject site is surrounded by properties zoned C1-1-H, OS-1XL, RD3-1, and (Q)RD3-1 zones, and characterized by generally sloping topography and improved streets. The subject property is surrounded by multi-family residential and commercial uses, as well as designated open space area. Properties immediately to the north across Vereda De La Montura and to the east across Palisades Drive are zoned RD3-1 and developed with residential condominium structures. Property to the southeast across Palisades Drive is zoned (Q)RD3-1 and also developed with residential condominium structures. The property abutting the project site to the west is privately-owned open space area. Property immediately to the south is zoned C1-1-H and developed with a shopping center containing neighborhood-serving commercial uses. There are no known similar projects anywhere near the vicinity of the property ongoing or anticipated in the foreseeable future.
- (c) Significant Effect. Discussion is provided herein to demonstrate the proposed project would not have a significant effect on the environment.
- (d) Scenic Highways. The project site is located on Palisades Drive, which is a designated Avenue I. Palisades Drive is not designated a Scenic Highway. However, no unique geologic features or rock outcroppings are located on the project site. The project site contains various ornamental landscaping and trees on site. These trees do not consists of any tree species protected under the Los Angeles Protected Tree Ordinance (i.e., Valley Oak, California Love Oak, Southern California Black Walnut, Western Sycamore, or California Bay). Any trees removed would be replaced in accordance with the City's tree replacement requirements. The

proposed project would be consistent with the required height restrictions as discussed further below. As such, the project would not substantially damage scenic resources. Accordingly, the proposed project would not have a significant effect relative to scenic highways on the environment.

- (e) Hazardous Waste Sites. Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site.
- (f) Historical Resources. The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource.

SITE PLAN REVIEW FINDINGS

In order for the site plan review to be granted, all three of the legally mandated findings delineated in Section 16.05-F of the Los Angeles Municipal Code must be made in the affirmative:

7. **The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The project site is located in an urbanized area of the Brentwood – Pacific Palisades Community Plan area. The site is zoned C1-1-H and has a General Plan Land Use Designation of Neighborhood Office Commercial. The project is consistent with the applicable Brentwood – Pacific Palisades Community Plan designation and policies and all applicable zoning designations and regulations. An Eldercare Facility is expressly listed as an allowable use in the C1 Zone pursuant to LAMC Section 12.13-A,2(a)31. Properties within the C1 zone are permitted a residential density of one unit per 500 square feet of lot area. Given that the project site is 43,097 square feet in size, the site with current zoning allows for up to 86 guest rooms. The project will provide 82 guest rooms. The C1 zoning allows for unlimited number of stories at any height. The project site is located in the Hillside Area Boundaries as described by the City of Los Angeles Current and Proposed Hillside Boundaries Map, which was prepared in 2009, the project will be required to comply with the transitional height requirements of 45 feet maximum building height based on transitional height, as required in LAMC Section 12.21-C,10.

The project site is also within a coastal zone. The Brentwood – Pacific Palisades Community Plan identifies sensitive habitat resources in association with the planning area's coastal resources. The site does not have value as a habitat for endangered, rare or threatened species nor was any evidence submitted showing there is such value.

The subject site is located two and one-half miles from the coastline and does not contain coastal resources.

The project is in substantial conformance with the purposes, intent and provisions of the General Plan and the Brentwood Community Plan. The project brings in a facility that can address an aging population of the City of Los Angeles by providing 82 suites for assisted living and memory care purposes.

With regards to the Brentwood – Pacific Palisades Community Plan, the project is consistent with the following Plan Objectives:

- 2-1 To conserve and strengthen viable commercial development.
- 2-3 To enhance the appearance of commercial districts and to identify pedestrian-oriented areas.
- 2-4 To enhance the appearance of commercial districts consistent with the character of, and quality of the surrounding neighborhoods.
- 4-1 To protect the resources of the Plan area for the benefit of the residents and of the region by preserving existing open space and, where possible, acquiring new open space.
- 5-2 To protect coastal resources and to provide maximum public access to and along the shoreline consistent with property rights and sensitive habitat resources.
- 8-1 To provide adequate police facilities and personnel to correspond with population and service demands.
- 9-1 Ensure that fire facilities and protective services are sufficient for the existing and future population and land uses.
- 13-1 To comply with Citywide performance standards for acceptable levels of service and insure that necessary road access and street improvements are provided to accommodate traffic generated by all new development.
- 15-1 Provide parking in appropriate locations in accord with Citywide standards and community needs.

- 17-1 To ensure that the Plan Areas significant cultural and historical resources are protected, preserved and/or enhanced.

The project proposes an Eldercare Facility. The project will bring 23 memory care suites and 59 assisted-living suites on a commercially-zoned lot. Surrounding land uses are commercial to the south, residential to the north and east, and open space to the west. The project would be consistent with the allowed uses under the C1-1-H zone and does not propose any deviations from the C1-1-H regulations. The project is compatible with the surrounding land uses since the use is permitted by right, and follows all applicable design guidelines. The site is not subject to any specific plans, design or pedestrian oriented overlays.

The project site is adequately served by Police and Fire stations that can provide satisfactory response times. The project will have adequate police services provided by the West Los Angeles Community Police Station, approximately seven miles from the site. The minimal increase in residents will not significantly impact response times. Fire protection and medical services at the project site would be served by Los Angeles Fire Department Station 23, which is located 2.5 miles southeast of the project site. Correspondence from September 26 and 27, 2017 showing communication from LAFD's Assistant Chief Patrick Butler shows that there is nothing unusual or dangerous about the Eldercare Facility use or the property that pose any realistic or unique risk of danger to the residents or the surroundings. Addressed in the correspondence is Assistant Chief Butler's response of the site being in a High Severity Zone, and that this is a large district and spreads throughout the entire City. He states, "Stringent building codes and brush fire clearance in Los Angeles provide the necessary safety for these buildings to be properly built and protected. With these safety aspects in place, there is no foundation that the proposed senior community may actually pose a danger to the very people it is meant to serve." In addition, the proposed project would be required to install automatic fire sprinklers to be consistent with the response-distance criteria specified in LAMC 57.09.07A of 1.5 miles. The project is anticipated to generate a nominal increase in trips, approximately 166 daily trips or 5 AM peak-hour trips and 14 PM peak-hour trips, per the Institute of Transportation Engineers trip generation rates. Department of Transportation review was conducted on August 10, 2017 and determined that the proposed project would generate 166 daily trips, five AM Peak Hour Trips and 14 PM Peak Hour Trips. Analysis was based on the ITE 9th Edition – Trip Rate (2.02/DU Daily Trip Ends, 0.06/DU AM Peak Trip Rate, 0.17/DU PM Peak Trip Rate) for "Congregate Care Housing" (253). The project would not have a significant effect on the level of service at nearby intersections.

The project will also exceed the number of required parking spaces to be provided. The project is required to provide 65 parking spaces at 0.2 spaces for each guest bed for Assisted Living and one space for each guest room per LAMC Section 12.21-A,4(d)(5). The project provides 66 parking spaces within a two level subterranean garage. The maintenance of a license to operate an Eldercare

Facility requires compliance with all applicable state regulations. With compliance, the project will meet the definition of an Eldercare Facility and be a use that is conformance with the C1-1-H Zone.

8. **The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The C1 zone permits residential density of one guest room per 500 square feet of lot area. LAMC Sections 12.13-C,4 and 12.10-C,4. For a lot area of 43,097 square feet, the property can support 86 guest rooms. The project provides 82 guest rooms.

The C1 zoning allows for unlimited number of stories and unlimited building height. However, due to its proximity to residential properties, the project is subject to transitional height requirements of LAMC Section 12.21.1-B,2. The proposed building will not exceed the 45-foot height limit at its highest point within four stories and will comply with the transitional height regulations of the Code. Views from adjoining properties include developed and undeveloped hillsides. The project design is entirely consistent with current surrounding development. It utilizes a previously graded site without disturbing additional land. The finished building will project 37 feet above the sidewalk along Vereda De La Montura. This height would be at a lower elevation than the nearest condominium buildings north of the property.

The project has been designed within the development parameters of the underlying zone, LAMC Section 12.13-C, with regard to height and setbacks and this will be verified by the Department of Building and Safety during permitting. While neighboring residential properties across Vereda De La Montura observe larger setbacks than what the subject project observes, the project meets the C1 regulations for setbacks. The only abutting use to the site, and only commercial use and C zoned property in the area, is developed with a restaurant that observes a zero-foot setback along Palisades Drive. To require any further setbacks or height reductions outside of what is otherwise permitted under the code would unduly deny the project site of property rights that are otherwise afforded to neighboring parcels.

The project will provide all automobile and bicycle parking within a two level subterranean garage and comply with LAMC Sections 12.21-A,4 and 12.21-A,16. Trash and recycling receptacles would be located within the center of the first subterranean (P1) level, between elevators 2 and 3, and away from views of residents, guests and the public. The receptacles would be enclosed and have access doors to ensure there are no views of the bins and receptacles. Lighting will meet Code requirements, and will be directed onto the site and away from

adjacent uses. Service vehicles will require circulation to the rear of the property from Vereda De La Montura, where they can load and unload on-site underground.

The project will provide landscaping in conformance with the Code, and will use landscaping to transition the structure and use from the public rights-of-way and neighboring uses. Trees per the Department of Urban Forestry and general slope shrubs and ground cover, planter walls and filtration planters, as shown on the First Level Landscape Plan, will be planted along the perimeter of the site facing Palisades Drive and Vereda De La Montura, including trees near the driveway entrance. Perimeter landscape native slope shrubs and ground covers will be provided along the southwest perimeter of the site. Landscaping through trees and shrubs will also be planted throughout the development structure. A fountain feature will be provided just east of the Vereda De La Montura driveway to enhance the aesthetics and entryway into the site. The pool deck, roof and courtyards will also be landscaped as shown on the stamped plans labeled "Exhibit A". The arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing development on adjacent properties and neighboring properties. Neighboring multi-family residential uses east and north of the site are zoned RD3-1, which allow for a maximum height of 45 feet and a floor area ratio of 1.5:1. The project would also be consistent with any future redevelopment of neighboring properties since the RD3-1 Zone allows for the same maximum height and floor area ratio that the subject site's C1-1-H zoning allows. As such, the improvements will be compatible with the surrounding existing and future uses.

9. **Any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The Eldercare Facility is a care facility that provides many amenities that will improve the habitability for its elderly residents and minimize impacts on neighboring properties. As shown on "Exhibit A", the P1 level will include a wellness center, theater, bicycle maintenance and bicycle storage. The ground floor plan shows a salon, two dining rooms and one living room, and a fireplace and lounge area. The project provides a ground level outdoor amenity in the form of a courtyard located at the center of the building. Since the courtyard is at the center and the structure serves as a barrier, any noise generated will not impact neighboring properties. The floor plan showing the second floor reveals a spa salon and massage room for service staff can provide its residents. On the 3rd floor plan, the level provides an art and multi-purpose room, and outdoor amenities, including a roof garden, roof deck, trellis bar and barbeque area, and dog park area. Most amenities are enclosed within the building and will not impact neighboring properties. The outdoor amenities face the southwest portion of the site and will not affect the public rights-of-way. Furthermore, neighboring residential uses are buffered by the public right-of-way. Any potential impacts of

noise will be minimal since outdoor amenities are oriented away from residential uses and across the street from the subject site. As such, recreational and service amenities will not impact neighboring properties.

ADDITIONAL MANDATORY FINDINGS

10. 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 this project is located in Zone C, areas of minimal flooding.
11. The proposed project has been determined not to have a significant effect on the environment and is therefore categorically exempt from the provisions of CEQA pursuant to Article III, Section 1, Class 32 of the City CEQA Guidelines. On June 20, 2017, the proposed project was issued a Notice of Exemption Log Reference No. ENV-2017-2171-CE. The proposed project will not require mitigation or monitoring measures and no alternatives to the project were evaluated.

The project qualifies for a Categorical Exemption under CEQA Guidelines Section 15532(b) since the project is an infill development project identified as "development that occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses."

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;*
- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;*
- (c) *The project site has no value as habitat for endangered, rare or threatened species;*
- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and*
- (e) *The site can be adequately served by all required utilities and public services.*

The project is for the construction use and maintenance of a 45-foot tall, 64,646 square-foot, 82 guest room Eldercare Facility with 66 parking spaces in two subterranean garage levels on a 43,097.74 square-foot lot in the C1-1-H Zone within the Los Angeles City limits. The site and surrounding area are urbanized areas, as defined in page 11 of Section 21071 of Chapter 2.5 and Section 15387 Article 20 Definitions of the 2017 California Environmental Quality Act, CEQA Guidelines. A haul route is required to export approximately 19,308 cubic yards of earth material. An Eldercare Facility is permitted in the C1 Zone. The project as

an Eldercare Facility, will comply with all the regulations of the code, including height, floor area, setbacks, parking, etc.

The project is characterized as an urban in-fill Categorical Exemption, and qualifies for the Class 32 Categorical Exemption. The site is zoned C1-1-H and has a General Plan Land Use Designation of Neighborhood Office Commercial. The project is consistent with the applicable Brentwood – Pacific Palisades Community Plan designation and policies and all applicable zoning designations and regulations. Specifically, the project is consistent with the following Plan Objectives:

- 2-1 To conserve and strengthen viable commercial development.
- 2-3 To enhance the appearance of commercial districts and to identify pedestrian-oriented areas.
- 2-4 To enhance the appearance of commercial districts consistent with the character of, and quality of the surrounding neighborhoods.
- 4-1 To protect the resources of the Plan area for the benefit of the residents and of the region by preserving existing open space and, where possible, acquiring new open space.
- 5-2 To protect coastal resources and to provide maximum public access to and along the shoreline consistent with property rights and sensitive habitat resources.
- 8-1 To provide adequate police facilities and personnel to correspond with population and service demands.
- 9-1 Ensure that fire facilities and protective services are sufficient for the existing and future population and land uses.
- 13-1 To comply with Citywide performance standards for acceptable levels of service and insure that necessary road access and street improvements are provided to accommodate traffic generated by all new development.
- 15-1 Provide parking in appropriate locations in accord with Citywide standards and community needs.
- 17-1 To ensure that the Plan Areas significant cultural and historical resources are protected, preserved and/or enhanced.

The proposed project would follow the design guidelines as presented in Chapter V of the Community Plan. The project will include design that incorporates landscaping throughout the building in the form of planters, outdoor, landscaping, and design theme would be incorporated to preserve community character. Parking would be below ground in two subterranean levels to allow for more aesthetically pleasing landscaping to fill the site. The subject site is wholly within the City of Los Angeles, on a site that is approximately 43,097 square feet. The site is not located within an area identified by the City of Los Angeles as a Pedestrian Oriented District, which would require the project be at pedestrian scale, as stated in the Community Plan. Community Design Overlay, or Specific Plan Overlay, or any other ordinances pertaining to the zone. The project is an eldercare facility and not a housing development, but has residential

characteristics in its operation and design. The project will provide shuttle service for patients to access community amenities as well as medical and dental offices and facilities, shopping, and recreational amenities. A concierge doctor's service will be provided on site for minor check-ups to eliminate unnecessary off-site doctor visits, while having professional staff on duty. Other basic personal needs will be available on site, including a spa salon and massage on-site. The proposed operation will be required to provide adequate staffing and meet the operational regulations required by the State of California to maintain its operating license. As such, conforming to the regulations would ensure the use is compatible with the zoning and objectives of the Community Plan.

Lots adjacent to the subject site are developed with the following urban uses: residential uses, commercial uses and open space. The site does not have value as a habitat for endangered, rare or threatened species nor was any evidence submitted showing there is such value on-site. The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water.

The project will have adequate police services provided by the West Los Angeles Community Police Station, approximately seven miles from the site. The minimal increase in residents will not significantly impact response times. Fire protection and medical services at the project site would be served by Los Angeles Fire Department Station 23, which is located 2.5 miles southeast of the project site. Correspondence from September 26 and 27, 2017 showing communication from LAFD's Assistant Chief Patrick Butler shows that there is nothing unusual or dangerous about the Eldercare Facility use or the property that pose any realistic or unique risk of danger to the residents or the surroundings. Addressed in the correspondence is Assistant Chief Butler's response of the site being in a High Severity Zone, and that this is a large district and spreads throughout the entire City. He states, "Stringent building codes and brush fire clearance in Los Angeles provide the necessary safety for these buildings to be properly built and protected. With these safety aspects in place, there is no foundation that the proposed senior community may actually pose a danger to the very people it is meant to serve." In addition, the proposed project would be required to install automatic fire sprinklers to be consistent with the response-distance criteria specified in LAMC 57.09.07A of 1.5 miles.

Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a traffic study. A study prepared by Meridian Consultants analyzed the project and determined the project would not have a significant impact on the environment, and also determined the use would have less of an impact than an apartment/condo, office building or shopping center. A Department of Transportation Review was conducted on August 10, 2017 and determined that the proposed project would generate 166 daily trips, five AM Peak Hour Trips and 14 PM Peak Hour Trips. Analysis was based on the ITE 9th Edition – Trip Rate

(2.02/DU Daily Trip Ends, 0.06/DU AM Peak Trip Rate, 0.17/DU PM Peak Trip Rate) for "Congregate Care Housing" (253).

Therefore, the project will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. The project site will be adequately served by all public utilities and services given that the construction of the subject Eldercare Facility is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

Exceptions Narrative for Class 32 Categorical Exemption

There are six (6) Exceptions which the City is required to consider before finding a project exempt under Class 15303 and 15332: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

- a. Location. The proposed project is not located in an area that would impact an environmental resource of hazardous or critical concern where designated, precisely mapped, or officially adopted pursuant to law by federal, state or local agencies. While the subject site is located within a Hillside Grading Area, a landslide area, a Very High Fire Hazard Severity Zone, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate the grading and construction of projects in these particular types of "sensitive" locations and will reduce any potential impacts to less than significant. In addition to the City of Los Angeles' stringent building codes and brush fire clearances, which provide the necessary safety for the buildings in these designated areas to be properly built and protected (as addressed by the Fire Department), 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 project will not result in a significant impact.
- b. Cumulative Impacts. The proposed project would not contribute to a significant cumulative impact because the project would comply with the requirements of the City of Los Angeles' General Plan and the Brentwood-Pacific Palisades Community Plan. The project would be required to comply with all applicable City ordinances, regulations, and permitting conditions. The subject site is surrounded by properties zoned C1-1-H, OS-1XL, RD3-1, and (Q)RD3-1 zones, and characterized by generally sloping topography and improved streets. The subject property is surrounded by multi-family residential and commercial uses, as well as designated open space area. Properties immediately to the north across Vereda De La Montura and to the east across Palisades Drive are zoned RD3-1 and developed with residential condominium structures. Property to the southeast across Palisades Drive is zoned (Q)RD3-1 and also developed with residential

condominium structures. The property abutting the project site to the west is privately-owned open space area. Property immediately to the south is zoned C1-1-H and developed with a shopping center containing neighborhood-serving commercial uses. There are no known similar projects anywhere near the vicinity of the property ongoing or anticipated in the foreseeable future.

- c. Significant Effect. Discussion is provided herein to demonstrate the proposed project would not have a significant effect on the environment.
- d. Scenic Highways. The project site is located on Palisades Drive, which is a designated Avenue I. Palisades Drive is not designated a Scenic Highway. However, no unique geologic features or rock outcroppings are located on the project site. The project site contains various ornamental landscaping and trees on site. These trees do not consists of any tree species protected under the Los Angeles Protected Tree Ordinance (i.e., Valley Oak, California Love Oak, Southern California Black Walnut, Western Sycamore, or California Bay). Any trees removed would be replaced in accordance with the City's tree replacement requirements. The proposed project would be consistent with the required height restrictions as discussed further below. As such, the project would not substantially damage scenic resources. Accordingly, the proposed project would not have a significant effect relative to scenic highways on the environment.
- e. Hazardous Waste Sites. Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site.
- f. Historical Resources. The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource.

Determination Letter for:
ZA-2017-2170-ELD-CDP-SPR-1A

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GEOLOGY AND SOILS REPORT APPROVAL LETTER

May 15, 2017

LOG # 87756-02
SOILS/GEOLOGY FILE - 2
LAN

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LOT: 3
LOCATION: 1525 N. Palisades Drive

<u>CURRENT REFERENCE REPORT/LETTER</u>	<u>REPORT No.</u>	<u>DATE OF DOCUMENT</u>	<u>PREPARED BY</u>
Response Report	274715-B	04/18/2017	Strata-Tech, Inc.

<u>PREVIOUS REFERENCE REPORT/LETTER(S)</u>	<u>REPORT No.</u>	<u>DATE OF DOCUMENT</u>	<u>PREPARED BY</u>
Dept. Correction Letter	87756-01	03/21/2017	LADBS
Response Report	274715-A	02/27/2017	Strata-Tech, Inc.
Dept. Correction Letter	87756	04/22/2015	LADBS
Geology/Soils Report	274715	03/25/2015	Strata-Tech, Inc.
Laboratory Test Report	2006-076	03/17/2015	GeoLogic Associates

The Grading Division of the Department of Building and Safety has reviewed the referenced reports providing recommendations for the proposed 6-story building (4-story above grade, 2-story below grade subterranean parking) and pool. The subject lot is located at the top of an approximately 100 foot high 2:1 fill slope.

The earth materials at the subsurface exploration locations consist of up to 50 feet of uncertified fill underlain by silty sandy clay residual soil and Sespe Formation semi-friable sandstone, conglomerate and some thin layers of claystone bedrock. The consultants recommend to support the proposed structures on conventional and/or drilled-pile foundations bearing on competent bedrock.

The referenced reports are acceptable, provided the following conditions are complied with during site development:

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Exhibit 6

Page 1 of 6



California Coastal
Commission

(Note: Numbers in parenthesis () refer to applicable sections of the 2017 City of LA Building Code. P/BC numbers refer the applicable Information Bulletin. Information Bulletins can be accessed on the internet at LADBS.ORG.)

1. The entire site shall be brought up to the current Code standard (7005.9).
2. Approval shall be obtained from the Department of Public Works, Bureau of Engineering, Development Services and Permits Program for the proposed removal of support and/or retaining of slopes adjoining to public way (3307.3.2).

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3. Secure the notarized written consent from all owners upon whose property proposed grading/construction access is to extend, in the event off-site grading and/or access for construction purposes is required (7006.6). The consent shall be included as part of the final plans.
4. Provide a notarized letter from all adjoining property owners allowing tie-back anchors on their property (7006.6).
5. The geologist and soils engineer shall review and approve the detailed plans prior to issuance of any permits. This approval shall be by signature on the plans that clearly indicates the geologist and soils engineer have reviewed the plans prepared by the design engineer; and, that the plans include the recommendations contained in their reports (7006.1).
6. All recommendations of the reports that are in addition to or more restrictive than the conditions contained herein shall be incorporated into the plans.
7. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans (7006.1). Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit.
8. A grading permit shall be obtained for all structural fill and retaining wall backfill (106.1.2).
9. All graded, brushed or bare slopes shall be planted with low-water consumption, native-type plant varieties to protect slopes against erosion (7012).
10. All new graded slopes shall be no steeper than 2H:1V (7010.2 & 7011.2).
11. The installation and testing of tie-back anchors shall comply with the recommendations included in the report or the standard sheets titled "Requirement for Tie-back Earth Anchors", whichever is more restrictive. [Research Report #23835]
12. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557. Where cohesionless soil having less than 15 percent finer than 0.005 millimeters is used for fill, it shall be compacted to a minimum of 95 percent relative compaction based on maximum dry density. Placement of gravel in lieu of compacted fill is only allowed if complying with LAMC Section 91.7011.3.

13. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill (1809.2, 7011.3).
14. Drainage in conformance with the provisions of the Code shall be maintained during and subsequent to construction (7013.12).
15. Grading shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Grading Division of the Department and the Department of Public Works, Bureau of Engineering, B-Permit Section, for any grading work in excess of 200 cubic yards (7007.1).

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16. All loose foundation excavation material shall be removed prior to commencement of framing. Slopes disturbed by construction activities shall be restored (7005.3).
17. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the General Safety Orders of the California Department of Industrial Relations (3301.1).
18. Temporary excavations that remove lateral support to the public way, adjacent property, or adjacent structures shall be supported by shoring, as recommended. Note: Lateral support shall be considered to be removed when the excavation extends below a plane projected downward at an angle of 45 degrees from the bottom of a footing of an existing structure, from the edge of the public way or an adjacent property. (3307.3.1)
19. Prior to the issuance of any permit that authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Department with evidence that the adjacent property owner has been given a 30-day written notice of such intent to make an excavation (3307.1).
20. Unsurcharged temporary excavations over 5 feet to a maximum height of 12 feet exposing soil shall be trimmed back at a gradient not exceeding 1:1, as recommended.
21. The soils engineer shall review and approve the shoring plans prior to issuance of the permit (3307.3.2).
22. Prior to the issuance of the permits, the soils engineer and the structural designer shall evaluate all applicable surcharge loads for the design of the retaining walls and shoring.
23. Shoring shall be designed for a minimum EFP of 30 PCF; all surcharge loads shall be included into the design, as recommended.
24. Shoring shall be designed for a maximum lateral deflection of 1 inch, provided there are no structures within a 1:1 plane projected up from the base of the excavation. Where a structure is within a 1:1 plane projected up from the base of the excavation, shoring shall be designed for a maximum lateral deflection of ½ inch, or to a lower deflection determined by the consultant that does not present any potential hazard to the adjacent structure.
25. A shoring monitoring program shall be implemented to the satisfaction of the soils engineer.

26. All foundations shall derive entire support from competent bedrock, as recommended and approved by the geologist and soils engineer by inspection.
27. Foundations adjacent to a descending slope steeper than 3:1 (horizontal to vertical) in gradient shall be a minimum distance of one-third the vertical height of the slope but need not exceed 40 feet measured horizontally from the footing bottom to the face of the slope (1808.7.2); for pools the foundation setback shall be one-sixth the slope height to a maximum of 20 feet (1808.7.3).
28. Buildings adjacent to ascending slopes steeper than 3H:1V in gradient shall be setback from the toe of the slope a level distance measured perpendicular to slope contours equal to one-half the vertical height of the slope, but need not exceed 15 feet (1808.7.1); for pools the setback shall be one-fourth the vertical height of the slope, but need not exceed 7.5 feet (1808.7.3).
29. Pile caisson and/or isolated foundation ties are required by LAMC Sections 91.1809.13 and/or 91.1810.3.13. Exceptions and modification to this requirement are provided in Information Bulletin P/BC 2014-030.
30. Pile and/or caisson shafts shall be designed for a lateral load of 1000 pounds per linear foot of shaft exposed to fill, soil and weathered bedrock per P/BC 2014-050.
31. The design passive pressure shall be neglected for a portion of the pile with a horizontal setback distance less than five feet from fill, soil or weathered bedrock.
32. Existing uncertified fill shall not be used for lateral support of deep foundations (1810.2.1).
33. Slabs placed on approved compacted fill shall be at least 3½ inches thick and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced a maximum of 16 inches on center each way.
34. The seismic design shall be based on a Site Class D, as recommended. All other seismic design parameters shall be reviewed by LADBS building plan check.
35. Retaining walls shall be designed for the lateral earth pressures specified on page 2 and Plate P of the 04/18/2017 report. All surcharge loads shall be included into the design.
36. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted in a non-erosive device to the street in an acceptable manner (7013.11).
37. With the exception of retaining walls designed for hydrostatic pressure, all retaining walls shall be provided with a subdrain system to prevent possible hydrostatic pressure behind the wall. Prior to issuance of any permit, the retaining wall subdrain system recommended in the soils report shall be incorporated into the foundation plan which shall be reviewed and approved by the soils engineer of record (1805.4).
38. Installation of the subdrain system shall be inspected and approved by the soils engineer of record and the City grading/building inspector (108.9).

39. Basement walls and floors shall be waterproofed/damp-proofed with an LA City approved "Below-grade" waterproofing/damp-proofing material with a research report number (104.2.6).
40. Prefabricated drainage composites (Miradrain, Geotextiles) may be only used in addition to traditionally accepted methods of draining retained earth.
41. The proposed swimming pool shall be designed for a freestanding condition.
42. The structure shall be connected to the public sewer system per P/BC 2014-027.
43. All roof, pad and deck drainage shall be conducted to the street in an acceptable manner; water shall not be dispersed on to descending slopes without specific approval from the Grading Division and the consulting geologist and soils engineer (7013.10).
44. All concentrated drainage shall be conducted in an approved device and disposed of in a manner approved by the LADBS (7013.10).
45. Sprinkler plans for irrigation shall be submitted and approved by the Mechanical Plan Check Section (7012.3.1).
46. Any recommendations prepared by the geologist and/or the soils engineer for correction of geological hazards found during grading shall be submitted to the Grading Division of the Department for approval prior to use in the field (7008.2, 7008.3).
47. The geologist and soils engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading (7008 & 1705.6).
48. All friction pile or caisson drilling and installation shall be performed under the inspection and approval of the geologist and soils engineer. The geologist shall indicate the distance that friction piles or caissons penetrate into competent bedrock in a written field memorandum. (1803.5.5, 1704.9)
49. Prior to pouring concrete, a representative of the consulting soils engineer shall inspect and approve the footing excavations. The representative shall post a notice on the job site for the LADBS Inspector and the Contractor stating that the work inspected meets the conditions of the report. No concrete shall be poured until the LADBS Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Grading Division of the Department upon completion of the work. (108.9 & 7008.2)
50. Prior to excavation an initial inspection shall be called with the LADBS Inspector. During the initial inspection, the sequence of construction; shoring; underpinning; pile installation; protection fences; and, dust and traffic control will be scheduled (108.9.1).
51. Installation of shoring, underpinning, slot cutting excavations and/or pile installation shall be performed under the inspection and approval of the soils engineer and deputy grading inspector (1705.6).
52. Prior to the placing of compacted fill, a representative of the soils engineer shall inspect and approve the bottom excavations. The representative shall post a notice on the job site

for the LADBS Inspector and the Contractor stating that the soil inspected meets the conditions of the report. No fill shall be placed until the LADBS Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be included in the final compaction report filed with the Grading Division of the Department. All fill shall be placed under the inspection and approval of the soils engineer. A compaction report together with the approved soil report and Department approval letter shall be submitted to the Grading Division of the Department upon completion of the compaction. In addition, an Engineer's Certificate of Compliance with the legal description as indicated in the grading permit and the permit number shall be included (7011.3).

53. No footing/slab shall be poured until the compaction report is submitted and approved by the Grading Division of the Department.



CASEY LEE JENSEN
Engineering Geologist Associate II



YING LIU
Geotechnical Engineer I

CLJ/YL:clj/yl
Log No. 87756-02
213-482-0480

cc: Strata-Tech, Inc., Project Consultant
WL District Office



910 Hampshire Road, Suite V
Westlake Village, California 91631
(805) 367-5720

June 26, 2018

Kevin K. McDonnell, Partner
Jeffers, Mangels, Butler & Mitchell LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067

Re: 1525 N. Palisades Project Biological Survey

Dear Mr. McDonnell,

This letter documents Meridian Consultants' follow-up field survey at 1525 N. Palisades Drive (Project Site) in the City of Los Angeles. This survey was completed to reconfirm prior site observations regarding vegetation of the Project Site, as well as document vegetation and habitat conditions for the adjacent properties. The Project Site is located at 1525 Palisades Drive in the (Assessor Parcel Number 4431-010-011).

The Project Site is shown in **Figure 1: Photos of the Project Site**.

SURVEY PURPOSE AND SITE CONDITIONS

On June 25, 2018, at 8:00 AM, Meridian Consultants staff planner/biologist, Marina Barton, performed a site visit and biological survey of the Project Site and the adjacent property. Ms. Barton's qualifications are attached. Specific purposes of the biological survey are listed below.

- Determine the vascular plant species that occur on and immediately adjacent to (within approximately 200 feet) the Project Site.
- Ascertain the presence of any plant or animal species given special status by the state or federal government.
- Ascertain the existence of other significant biotic elements, corridors, or communities.

The Project Site contains the following sensitive areas.

- The Project Site is defined by the County of Los Angeles to be along the edge of a Regional Habitat Linkages area.¹

¹ County of Los Angeles, *General Plan 2035*, "General Plan Update Program—Interactive Map," accessed June 2018, <http://planning.lacounty.gov/gpnet>.



- The Project is located within a Very High Fire Hazard Severity Zone by the City of Los Angeles.² Because of this, the surrounding 200 feet of vegetation along the southeast border of the Project Site were also surveyed (the Adjacent Area).
- Within the County of Los Angeles, the Agricultural Commissioner determines the requirements of property owners to maintain their properties hazard free throughout the year.³ To minimize the threat of wild fires, properties must be maintained free of hazardous vegetation for a minimum of 100 feet from any home or other structure adjacent to the property, and a minimum of 10 feet along roads. Clearance of hazardous vegetation up to 200 feet is required in many areas because of additional fire hazard conditions. These high fire hazard areas are usually in or near foothills or other areas with slopes and native brush.

DATABASE REVIEW

Prior to the site visit, a search of the California Natural Diversity Database (CNDDDB)⁴ was conducted to identify any recorded species observations and/or sightings in the greater Project area, as shown in **Figure 2: CNDDDB Quadrant Map**. A nine-quadrant database survey was conducted that included Topanga, Malibu Beach, Calabasas, Canoga Park, Van Nuys, Beverly Hills, and Venice (note: only seven quads were surveyed due to other areas being off land because the Pacific Ocean is to the southeast of the Project Site). The Project Site is located within the center of the Topanga quadrant and has a total of 51 species, as listed in **Attachment 1: CNDDDB Topanga Quadrant Species List**. A total of 366 species have been recorded; they are listed in **Attachment 2: CNDDDB Nine-Quadrant Survey**.

Based on the CNDDDB review, only one species has been recorded on the Project Site, the two-striped gartersnake (*Thamnophis hammondi*) in 2010. The species was not observed during the June 25, 2018, field visit, nor does the site presently contain any habitat for this species. The two-striped gartersnake is often found on streamside rocks or on densely vegetated stream banks.⁵ The Project Site does not include the necessary habitat for the species.

Approximately 210 feet south of the Project Site is a Southern Sycamore Alder Riparian Woodland.⁶ Two other species were recorded within a mile to the north of the Project Site: Braunton's milk vetch

2 City of Los Angeles, *Los Angeles Fire Department*, "Fire Zone Map," accessed June 2018, <https://www.lafd.org/fire-prevention/brush/fire-zone/fire-zone-map>.

3 County of Los Angeles, Agricultural Commissioner/Weights & Measures, "Property Owner Responsibility," accessed June 2018, <http://acwm.lacounty.gov/wps/portal/acwm/main/home/residents/weedabatment?1dmy&page=dept.acwm.home.residents.detail.hidden.NoSide&urile=wcm%3apath%3a/acwm+content/acwm+site/home/detail+page+authoring/c8360c83-0c58-4262-93de-70b7c2a8ac62>.

4 California Department of Fish and Wildlife (CDFW), *California Natural Diversity Database [CNDDDB]*, "Maps and Data," accessed June 2018, <https://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>.

5 CDFW, *CNDDDB*, "Life History and Range," accessed June 2018, <https://www.wildlife.ca.gov/Data/CWHR/Life-History-and-Range>.

6 CDFW, *CNDDDB*, "Maps and Data."

(*Astragalus brauntonii*) and white-veined monardella (*Monardella hypoleuca* ssp. *hypoleuca*). Neither of these species were observed during the June 25, 2018, field visit.

FIELD SURVEY

As previously noted, the Project Site and adjacent 200 feet were surveyed by Ms. Barton on June 25, 2018. The area surveyed can be seen in **Figure 3: Biological Survey Area**.

The Project Site is currently vacant and dominated by invasive grasses, with a few scattered shrubs. The grass species identified on site include fountaingrass (*Pennisetum setaceum*, invasive nonnative), oats (*Avena* sp., invasive nonnative), and brome (*Bromus* sp., invasive nonnative). The shrub species identified on site were oleander (*Nerium oleander*, nonnative) and laurel sumac (*Malosma laurina*, native). Trash was scattered throughout the Project Site.

This adjacent area occurs along a steep slope, is relatively disturbed, and contains two cement storm drains that run parallel across the hillside, as seen in **Figure 4: Photos of the Survey Area**. Pieces of trash were scattered throughout the area, and irrigation lines and sprinklers were present on the slope.

The area surveyed in the adjacent parcel(s) was dominated by oleander and laurel sumac that were evenly spaced apart. Within this area, few individuals of the following were found: gray pine (*Pinus sabiniana*), deerweed (*Acmipson glaber*), chaparral yucca (*Hesperoyucca whipplei*), eucalyptus (*Eucalyptus globulus*), chamise (*Adenostoma fasciculatum*), and ceanothus (*Ceanothus megacarpus*). The understory was made up of invasive grasses.

None of the species listed on CNDDDB were identified within the Project Site, and no discernable and routinely used mammalian corridors were identified. The Southern Sycamore Alder Riparian Woodland listed on CNDDDB is just outside of the survey area.

Further, no plant or animal species given special status by the state or federal government were observed on site within the adjacent property. No other significant biotic elements, corridors, or communities were observed. No unique habitat or vegetation types were observed in the survey area.

Should you have any questions regarding this letter, please contact me at 805-367-5726.

Sincerely,

Meridian Consultants, LLC



Joe Gibson,
Partner



Joseph W Halper
17243 Avenida De La Herradura
Pacific Palisades CA 90272
Edited June 10, 2018

Exhibit 8

Page 1 of 19



California Coastal
Commission

Re: Case #: ZA2017-2170-ELD-CDP-SPR-1A

CEQA: ENV-2017-2171-CE

RECEIVED
22-423 Palisades Drive
South Coast Region

JUN 14 2018

CALIFORNIA
COASTAL COMMISSION

Denise Truong
Coastal Program Analyst
California Coastal Commission
200 Oceangate
Long Beach CA 90802

Dear Denise,

I look forward to the opportunity to meet and review the objections to the proposed project with you. This communication expresses my opposition to the Los Angeles City approval of a project for a Coastal Development Permit located in the Single Jurisdiction of the Coastal Zone. Tom Donovan former President of the WLA Area APC would like to join in this discussion.

I will confine my comments to the reasons why the project is not in conformance with Chapter 3 of the Coastal Act and therefore would not qualify for Coastal Development Permit. There are other CEQA and Community Plan issues that would need to be addressed, as contrary to the Letter of Determination the project does not conform to the Pacific Palisades Community Plan criteria for an eldercare facility and would have significant effects on the environment.

As the Pacific Palisades does not have an approved Local Coastal Program, It is my understanding, that the standard for approval for a CDP is the project's compliance with the Coastal Act, Regional and State Interpretive Guidelines and the precedent applicable decisions of the Coastal Commission.

The proposed project is a new four-story 64,646sf., 45ft. high, 82 guest room elder-care facility with two levels of subterranean garage with 64 parking spaces. The development is located in the Coastal Zone facing (to the north) a RD3 residential area of predominantly two-story 28ft. high condominiums and (to the east) Palisades Drive, a LA City designated Scenic Highway. To the west adjacent to the proposed development is Santa Ynez Canyon City Park and within 200ft. Topanga State Park, part of the Santa Monica Mountain National Recreation Area. The City Determination Letter masks the nature of the surrounding properties as designated open space when it is public parkland and Palisades Drive erroneously as not being a designated Scenic Highway See the attached exhibits.

The proposed development of an eldercare facility of the mass, scale and character violate a number of the provisions of the Coastal Act and the Coastal Commission Regional Interpretive Guidelines in this designated scenic area of the Santa Monica Mountains.

- The determination supporting the appropriateness of a eldercare facility is not applicable to the approval of a CDP in the Coastal Zone as it is in conflict with **Section 30222 of the Coastal Act** that designate that "private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general commercial, general industrial development".

- The **Interpretive Guidelines specific to the Pacific Palisades B1** for the implementation of this section of the Coastal Act instructs that “commercial establishments should be public recreation and recreation supportive...”
- **Section 30251 – Scenic and Visual Qualities** requires “permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas”.
- **Section 30166 Establishes the Coastal Zone boundary 5miles upland**, in three places in the Santa Monica Mountains as a “valued scenic resource”. The site of the proposed development is located in this designated area. The California Coastal Commission’s authority to establish this boundary for the Coastal Zone was challenged in (*Douda vs California Coastal Commission*). The Court affirmed the authority of the Commission to limit development beyond the 1000 yds. of the coast to protect public views as “valued coastal resources” supporting the Commissions authority to extend the Coastal Zone to five miles upland. The Cities Determination Letter erroneously states, “ The proposed project is located approximately two and one-half miles from the coast. Scenic and visual qualities of coastal areas will not be impacted”

The City abused its discretion by Finding that “the Project had no effect on coastal resources” because it is 2 1/2 miles inland when in fact it would have significant effects. The Zoning Administrator does not have the authority to set the Coastal Zone boundary, that prerogative is reserved to the State Legislature and the Commission.. The Coastal Commission staff aptly stated in another Coastal Zone inquiry on the application of the Coastal Act “there is no Coastal Zone light.”

- The Project is a four story, 45 ft. high, 64,646 sq. ft. structure that is not visually compatible in an area of predominantly two story condos and scenic forested park land, a violation of **Coastal Act Section 30251** that requires “development to be visually compatible with the character of surrounding areas”. The City erred by the application of the LAMC Commercial By Right Zoning entitlements in the Coastal Zone where it is superseded by the Coastal Act and Interpretive Guidelines visual compatibility requirements. **Kalnel Gardens VS LA City** establishing a legal precedent that Coastal Act visual compatibility requirement of Section 30251 supersedes Los Angeles Municipal Code and other state statutes in the Coastal Zone.
- The wall of the Canyon of Santa Ynez Canyon LA City Park that is outside the of the Urban Line and appears to be in the Dual Jurisdiction of the Commission, separates the proposed development from the trail adjacent to the proposed excavation of 19,030 cu yds. of material to create two levels of subterranean parking. This is a violation of the **Interpretive Guidelines Alteration of Landforms** instruction that “in all cases grading should be minimized”. The only haul route is through scenic Santa Ynez Canyon a City park for 2 ½ miles requiring over 3800 trips of 10 cu yd. trucks. It could not be considered a minimal amount of grading as represented.

- “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 character of its setting” is required by **Coastal Act Section 30251**. Santa Ynez LA City Park borders on the proposed eldercare site and Topanga State Park is 200 ft. distance from it. The mass scale and character of the Project is not subordinate to these two public parks and pose serious impacts on their view sheds. The Determination Letter ignores the proximity of public scenic parkland and describes it as designated open space. The representation for this purpose is disingenuous as the project violates the parkland preservation provisions of the Coastal Act.
- **Coastal Act Section 30240** provides that development in areas adjacent to environmentally sensitive areas and parks and recreation areas shall be sited and designed to prevent impacts, which would significantly degrade those areas. The Project violates **Section 30240** as follows: The Project is located in a popular recreation and environmentally sensitive area adjacent to a City park and with a State park within 200 ft. of the Project site. The proposed project of the mass and scale will denigrate the adjacent Santa Inez Canyon LA City Park and its hiking trail immediately below and the view sheds of the public parks.
- **Interpretive Guidelines C1 specific to Pacific Palisades** instructs “views to the shoreline and the Santa Monica Mountains from public roads should be preserved and protected”. The proposed eldercare facility of the mass and scale would be facing directly on to Palisades Drive, a **public road** that has been designated by the City of LA as a Scenic Highway. View Shed of both the City and State parks would be materially denigrated from a public road as a result of this development. The Determination Letter misrepresents the designation of the road by stating that it is not a Scenic Highway, although this designation is not significant to the issue. See *attachment C*.
- **Interpretive Guidelines specific to Pacific Palisades C2** states “Development adjacent to Santa Monica Mountains should protect trails and be consistent with Access to the trails system and park access”. There are 4 trailheads in immediate area. The trail in the LA City Santa Ynez Park would be directly below and adjacent to the development. The Topanga State Park trailhead on Vereda de la Montura is served by the limited on street parking for access to that trail. The available parking will be impacted by the overflow from **the eldercare facility on site limited parking capacity, further limiting access to that popular Trail**.
- **Coastal Act Section 30253** requires “development to minimize adverse impacts”. The site is in a High Hazard Fire, Flood, and landslide area”, 86 senior residence of limited mobility and mental acuity - 25% Dementia & Alzheimer’s are to be in residence at this development with only one improved road out through a narrow forested canyon subject to closure in an emergency. The fire road is unimproved without lighting and has a limited capacity to handle the residential population. The plan to shelter in place is questionable in a forest fire in this area based on experience with recent forest fire experiences where a senior home was totally engulfed in flames. The proximity of the project to the adjacent park vegetation would make it particularly vulnerable. The required brush clearance by the Fire Dept. for a residential facility adjacent to the park would denigrate the Santa Ynez Canyon Park trail view shed.

- The proposed use of the site as an eldercare facility, although a commercial enterprise is of a residential nature. It plans to house 86 residents in 82 units in that facility in addition to an unknown number of staff on a property that is just under an acre. **The Interpretive Guidelines specific to the Pacific Palisades (i)** instructs that “new development should be limited to a maximum of 24 units per gross acre” as a density limitation. The proposed density for this project is questionable in meeting this standard for a low and medium density area.
- This designated scenic area would become subject to cumulative effects a concern for the future according to description of **Cumulative effect in Section 30105.5** by the approval of a 45 ft. structure in this general area of one and two story, 28ft buildings. The requirement of being visually compatible could be radically altered with structures in the future being considered as appropriate to reflect a new standard in the Coastal Zone where commercial, industrial and residential are all held to the same visual compatibility standard.
- **LAMC 12.20.2** requires that a project be in compliance with Chapter 3 of the Coastal Act and that it would not compromise the adoption of a Local Coastal Program. In view of the aforementioned sections of the Coastal Act and Regional Interpretive Guidelines that would be violated by the proposed development I do not believe the project can qualify for a CDP.
- **Section 30007.5 of the Coastal Act** requires that “when conflicts occur with in one or more Divisions of the Coastal Act or local government the conflict be resolved in a manner, which on balance is most protective of significant coastal resources”. The proposed project’s violation of the Coastal Act and Interpretive Guidelines visual compatibility; safety and use issues on balance supersede any perceivable coastal resource values if any, of the proposed development at that location.

The applicant may have erroneously assumed that Underlying CDP A-381-78 approved in 1979, that created the Urban Limit Line around the development that permitted the development of the Highlands, exempts the eldercare facility from conforming to the Coastal Act and Guidelines. An examination of the Coastal Commission Revised Findings dated 7/6/02 for Application 5-01-190 to amend the Underlying CDP authorizing the Calvary Church to develop the athletic field required it to be constructed at a lower elevation than the road to make it visually compatible with the view from the road and residential development, conforming it with **Section 30251 of the Coastal Act and Guidelines specific to the Pacific Palisades C1**. This would confirm the Commission’s intentions for the development to respect the Coastal Act and Guidelines in its evolving stages and serves as an **applicable precedential Commission decision**. I can find no reference in the Underlying CDP and amendments that would exempt the Project from conforming of that tracts development in view of the Courts decision on the visual compatibility or the other provisions of the Coastal Act and the applicable precedents of the Commission.

In summary the Project is within the urban line and is entitled to build a structure that is visibly compatible with the mass, scale and character of the 2 story 28ft. high condominiums, the existing commercial development and the LA City and State Parks in this immediate area of an appropriate FAR in compliance with **Section 30251, 30240, 20253** and the designated uses for commercial recreational facilities as stated in **Section 30222 of the Coastal Act and Interpretive Guidelines**. The placement of a 4-story 45ft. structure serving as an eldercare facility would be in conflict with these Sections of the Coastal Act and Interpretive Guidelines.

I request that a finding that there is a **substantial issue** in this case based on the information provided in the Appeal supported by 170 residence of the community and that a De Novo hearing be held for this project's CDP.

Respectfully

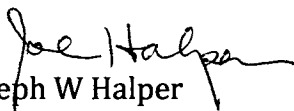
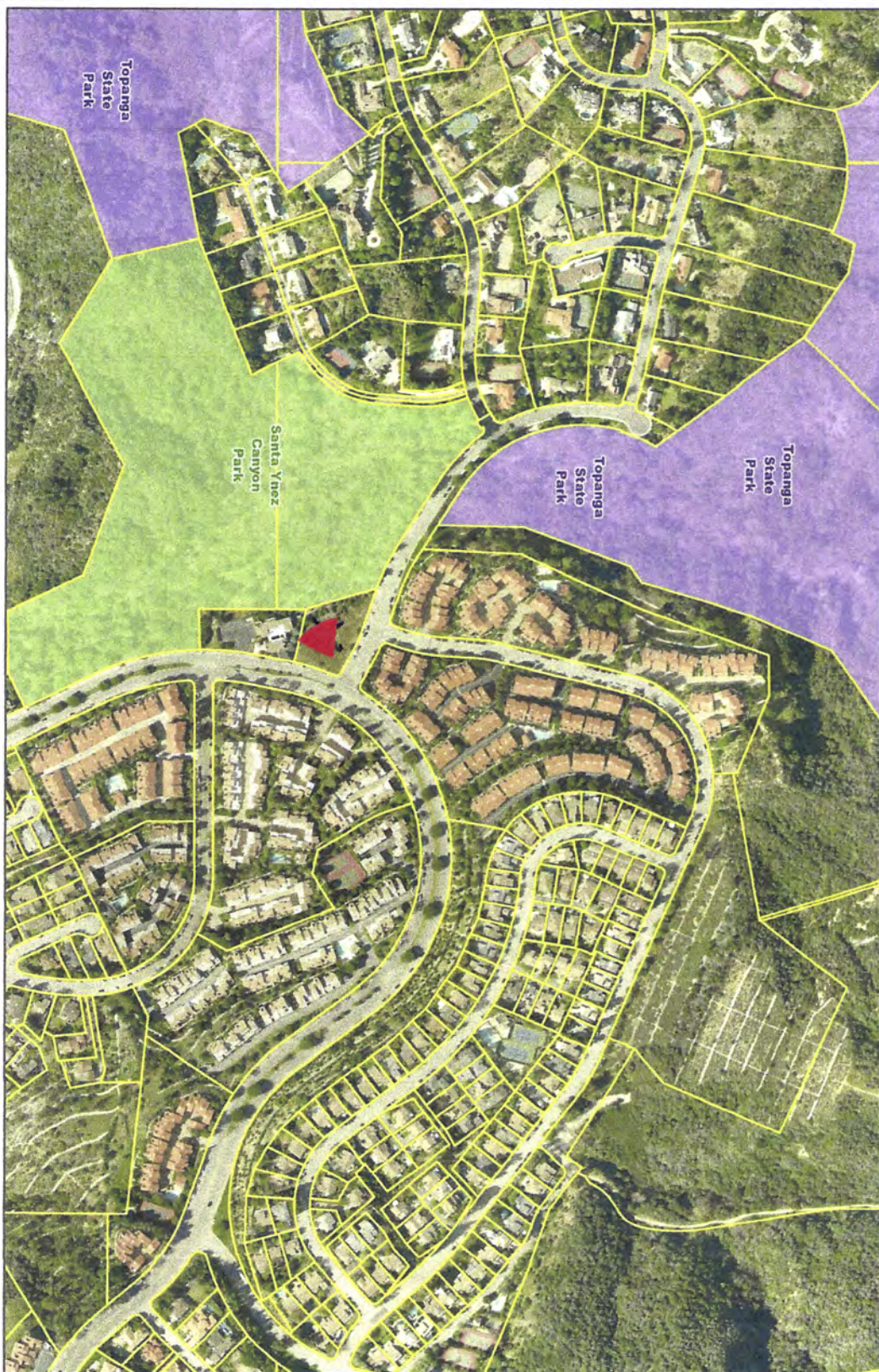

Joseph W Halper

Exhibit A. Map showing proximity of project site to dedicated city and state parkland.

Exhibit B Map of Pacific Palisades Showing the Coastal Zone and site location

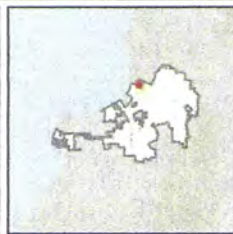
Exhibit C Documentation of Palisades Drive as an LA City Scenic Highway



0 0 Miles 0 0 SCALE 1:4,514

Disclaimer: This map is for informational purposes only and relies on data from a variety of sources, which may or may not be accurate or current. The City of Los Angeles assumes no responsibility, arising from the use of this map. The map and associated data are provided "as is" without warranty of any kind.

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Printed: 03/07/2018



- LEGEND**
- Landbase
 - Unimproved Parks
 - Existing Parks
 - Non-Map
 - Map
 - Future Parks
 - City Limits

NOTES

Santa Ynez

EXHIBIT A

 PROJECT SITE

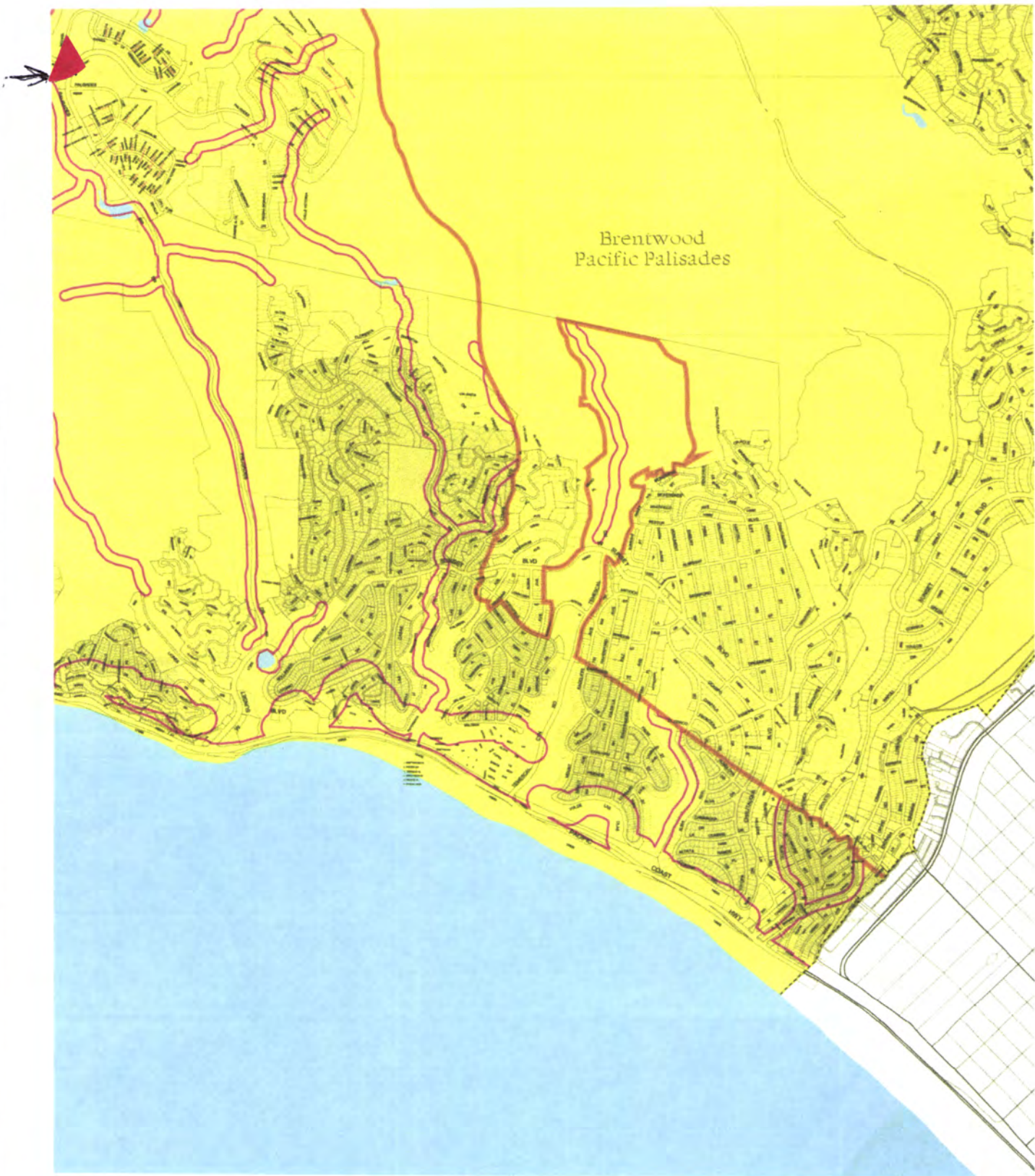


EXHIBIT D
City of Los Angeles
Coastal Zone
Brentwood Southeast Subarea

DRAFT



- Coastal Zone
- Dual Permit Jurisdiction Area
- Calvo and Categorical Exclusion Areas
- Community Plan Area Boundary
- Lot Lines
- Tract Lines
- Lot Cut Lines
- Private Streets
- Streets Outside of City

Notes:

1. The Coastal Zone is defined by the California Coastal Commission (CCC) and is subject to the California Coastal Act of 1972. The Coastal Zone includes the coastal strip, the coastal zone, and the coastal zone buffer.
2. The Dual Permit Jurisdiction Area is defined by the City of Los Angeles and is subject to the City's Coastal Zone Ordinance. The Dual Permit Jurisdiction Area includes the coastal strip, the coastal zone, and the coastal zone buffer.
3. The Calvo and Categorical Exclusion Areas are defined by the City of Los Angeles and are subject to the City's Coastal Zone Ordinance. The Calvo and Categorical Exclusion Areas include the coastal strip, the coastal zone, and the coastal zone buffer.
4. The Community Plan Area Boundary is defined by the City of Los Angeles and is subject to the City's Coastal Zone Ordinance. The Community Plan Area Boundary includes the coastal strip, the coastal zone, and the coastal zone buffer.
5. The Lot Lines, Tract Lines, Lot Cut Lines, Private Streets, and Streets Outside of City are defined by the City of Los Angeles and are subject to the City's Coastal Zone Ordinance. The Lot Lines, Tract Lines, Lot Cut Lines, Private Streets, and Streets Outside of City include the coastal strip, the coastal zone, and the coastal zone buffer.



PROJECT SITE

ORANGE LINE - COASTAL ZONE
 PINK LINE - DUAL JURISDICTION

EXHIBIT B

EXHIBIT C

**PACIFIC PALISADES, CITY OF LOS ANGELES,
GENERAL TRANSPORTATION PLAN,
DESIGNATED SCENIC HIGHWAYS**

Sunset Blvd., Temescal Canyon Road, Pacific Coast Highway and Palisades Drive are City of Los Angeles Designated Scenic Highways.

The General Plan of the City of Los Angeles is a comprehensive, long-range declaration of purposes, policies and programs for the development of the city of Los Angeles. It is approved by the City Planning Commission and the Mayor and adopted by the City Council.

<http://planning.lacity.org/cwd/gnlpln/Index.htm>

The Transportation Element is one of 11 eleven elements of the General Plan.

<http://planning.lacity.org/cwd/gnlpln/TransElt/index.htm>

Chapter VI- Street Designations and Standards,
B. Selection/Performance Criteria for Street designations
2. Selection Criteria for other Designations/Types
a. Scenic Highway

Any proposed Scenic Highway should correspond to one of the following basic types:

1. (1) An arterial street or state highway which traverses area(s) of natural scenic quality in undeveloped or sparsely developed areas of the City; OR
2. (2) An arterial street which traverses urban area(s) of cultural, historical or aesthetic value which merit protection and enhancement.

Specific criteria to be considered in the evaluation of proposed scenic highways include:

3. (3) Visual impact of scenic features or area,
4. (4) Type/angle/duration of view + location of viewer,
5. (5) Vegetation (type and extent), and/or
6. (6) Scenic characteristics

The Scenic Highways section of the Transportation Element

D. SCENIC HIGHWAYS GUIDELINES

Corridor Plans for each designated Scenic Highway should be prepared in accordance

with each Scenic Highway corridor's individual scenic character or concept. **These Corridor Plans may be incorporated into specific plan or district plan ordinances. In the absence of such adopted Scenic Corridor Plans, the following interim guidelines are established as part of this Element:**

1. Roadway

- a.Design and alignment of a Scenic Highway roadway must include considerations of safety and capacity as well as preservation and enhancement of scenic resources. However, where a standard roadway design or roadway realignment would destroy a scenic feature or preclude visual access to a scenic feature cited in Appendix E of this Element, design alternatives must be considered through preparation of an environmental impact report.
- b.Design characteristics such as curves, changes of direction and topography which provide identity to individual Scenic Highways shall be preserved to the maximum extent feasible.

2. Earthwork / Grading

- a.Grading for new cuts or fills shall be minimized. Angular cuts and fills shall be avoided to the maximum extent feasible.
- b.All grading shall be contoured to match with the surrounding terrain.
- c.In order to negate the environmental impacts of grading in designated Hillside Areas (as depicted on Bureau of Engineering Basic Grid Map N°. A-13372), maximum effort shall be made to balance cut and fill on-site.

3. Planting / Landscaping

- a.Fire-resistant native plants and trees shall be utilized in any parkway landscaping along Scenic Highways located within designated Hillside Areas.
- b.In designated Hillside Areas, where previous plant material has been washed away or destroyed (due to excessive rainfall, fire, grading, etc.) erosion-controlling plants shall be planted to prevent erosion and mud/land slides. Such Hillside parkways and slope easements shall either be hydro-seeded, or terraced and then planted, with native fire-resistant plants.
- c.Outstanding specimens of existing trees and plants located within the public right-of-way of a Scenic Highway shall be retained to the maximum extent feasible within the same public right-of-way.
- d.Low-growing ground cover and/or shrubs shall be utilized as parkway planting along Scenic Highways in order to avoid blocking a desirable view of a scenic feature listed in Appendix E of this Element. Plant material size at maturity as well as overall scale of plants within the landscaped area must be carefully studied in the site analysis and design stages.
- e.Landscaped medians of Scenic Highways shall not be removed. Such medians may be reduced in width (1) to accommodate left turn channelization within one hundred feet of a signalized intersection; or (2) to accommodate a designated Class II bikeway provided that there is compliance with Guideline 3c above, and that the resulting median width is not less than eight (8) feet.

4. Signs / Outdoor Advertising

- a. Only traffic, informational, and identification signs shall be permitted within the public right-of-way of a Scenic Highway.
- b. Off-site outdoor advertising is prohibited in the public right-of-way of, and on publicly-owned land within five hundred feet of the center line of, a Scenic Highway.
- c. A standard condition for discretionary land use approvals involving parcels zoned for non-residential use located within five hundred feet of the center line of a Scenic Highway shall be compliance with the sign requirements of the CR zone.
- d. Designated Scenic Highways shall have first priority for removal of nonconforming billboards or signs. Such priority extends to properties located along, or within five hundred feet of the center line of, designated Scenic Highways.

5. Utilities

- a. To the maximum extent feasible, all new or relocated electric, communication, and other public utility distribution facilities within five hundred feet of the center line of a Scenic Highway shall be placed underground.
- b. Where undergrounding of such utilities is not feasible, all such new or relocated utilities shall be screened to reduce their visibility from a Scenic Highway.

Map E, Scenic Highways in the City of Los Angeles

http://planning.lacity.org/cwd/gnlpln/TransElt/TEMaps/E_Scnc.gif



Map of City of LA Designated Scenic Highways in Pacific Palisades

APPEAL FROM COASTAL PERMIT DECISION

Local Application No. ZA-2017-2170-ELD-CDP-SPR-1A // CCC Post-Cert. No. 5-PPL-18-0034

1525-1533 N. Palisades Dr., Pacific Palisades, City of Los Angeles

Finding 1. The Project is not in conformity with the Coastal Act – California Public Resources Code ("PRC").

PRC §30253 Duties of new development

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.
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- (d) Minimize energy consumption and vehicle miles traveled.
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

The Project violates PRC §30253

The Project does not minimize risks to life in a Very High Fire Hazard Severity Zone. It does not minimize energy consumption and vehicle miles traveled. The Project site is in an environmentally sensitive habitat and recreational area, which will be left unprotected from disruptions caused by the Project.

Evidence of PRC §30253 Non-compliance

1. Meridian Consultants (The Project consultant) admitted that the site is in a Very High Fire Hazard Severity Zone with extremely limited access, thus posing a high risk to its elderly and disabled residents. The "Project will be required to create appropriate fire buffer zones, particularly to the west where the Santa Ynez Canyon runs." This fire suppression will destroy the natural habitat surrounding the project, exposing the Project structure to nearby parklands and trails and adversely impacting scenic views.
2. The Project is not located near public transportation (the nearest bus line is over 2 miles away) and it is many miles away from any medical care providers needed for the Project's residents. The Project's numerous staff members, along with the vendors needed to service the facility will have no way to get to the project other than by automobile.
3. The Project failed to specify the number of employees, independent care givers, delivery vehicles, medical care providers and visitors to the eldercare facility. The City had insufficient information to determine that the Project will not result in any significant effects relating to traffic. Meridian Consultants underestimates the traffic generation, indicating that this 82 guest room Eldercare Facility will generate only 260 automobile trips per day. All of this traffic will be non-recreational traffic. The City also had insufficient information to determine that the Project will have sufficient parking so that employees, etc. will not park on nearby streets.
4. The Project is located in a popular recreation area. It is adjacent to Santa Ynez Canyon City Park and within 200 ft. from Topanga State Park. There are several recreational trails in the immediate area. The Project's location, height, mass and design will substantially impair scenic views from nearby trails and also from the adjacent streets and nearby residential properties.

APPEAL FROM COASTAL PERMIT DECISION

Local Application No. ZA-2017-2170-ELD-CDP-SPR-1A // CCC Post-Cert. No. 5-PPL-18-0034

1525-1533 N. Palisades Dr., Pacific Palisades, City of Los Angeles

Finding 1. The Project is not in conformity with the Coastal Act – California Public Resources Code ("PRC").

PRC §30222 Private lands suitable for visitor-serving commercial recreational facilities

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The Project violates PRC §30222

The Project is not a visitor-serving commercial recreational facility and it will not enhance public opportunities for recreation. Due to its proximity to nearby trailheads, it will impair recreational opportunities. Necessary fire suppression surrounding the Project will harm hiking near the site by destroying the natural habitat surrounding these hiking trails. It will also mar scenic views from the hiking trails. Further, the Project will unnecessarily and dramatically increase non-recreational traffic to the site, reducing the outdoor recreational aesthetic in the park lands surrounding it.

Evidence of PRC §30222 Non-compliance

1. Meridian Consultants (The Project consultant) admitted that the site is in a Very High Fire Hazard Severity Zone and that the "Project will be required to create appropriate fire buffer zones, particularly to the west where the Santa Ynez Canyon runs." This fire suppression will destroy the natural habitat surrounding the project, exposing the Project structure to nearby parklands and trails and adversely impacting scenic views.
2. At 4-stories, the Project will loom over the hillside, blocking views of the coastal hills from the street nearby hiking trails and from viewpoints from the west. The City determined that views would not be impacted solely because the site is 2 ½ miles from the ocean. The City incorrectly determined that only views of the ocean are protected by the Coastal Act, while ignoring the views of the coastal hills.
3. The Project failed to specify the number of employees, independent care givers, delivery vehicles, medical care providers and visitors to the eldercare facility. Therefore, the City had insufficient information to determine that the Project will not result in any significant effects relating to traffic. Meridian Consultants underestimates the traffic generation, indicating that this 82 guest room Eldercare Facility will generate only 260 automobile trips per day. All of this traffic will be non-recreational traffic. The City also had insufficient information to determine that the Project will have sufficient parking so that employees, etc. will not park on nearby streets.
4. The Project is not located near public transportation (the nearest bus line is over 2 miles away) and it is many miles away from any medical care providers needed for the Project's residents. The Project's numerous staff members, along with the vendors needed to service the facility will have no way to get to the project other than by automobile.

APPEAL FROM COASTAL PERMIT DECISION

Local Application No. ZA-2017-2170-ELD-CDP-SPR-1A // CCC Post-Cert. No. 5-PPL-18-0034

1525-1533 N. Palisades Dr., Pacific Palisades, City of Los Angeles

Finding 1. The Project is not in conformity with the Coastal Act – California Public Resources Code ("PRC").

PRC §30251 Scenic and visual qualities of coastal areas protected

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 character of its setting.

The Project violates PRC §30251

The Project's location, height, mass and design will block and substantially impair scenic views. The Project will not be visually compatible with the character of the surrounding area and it is not subordinate to its setting.

Evidence of PRC §30251 Non-compliance

1. The Project will adversely impact views from the adjacent Santa Ynez Canyon City Park, the nearby (within 200 ft.) Topanga State Park and also from the adjacent streets and nearby residential properties. It will loom over the hillside, blocking views of the coastal hills from the street nearby hiking trails and from viewpoints from the west. The City incorrectly determined that only views of the ocean are protected by the Coastal Act, while ignoring the views of the coastal hills.
2. At 4-stories, the Project will not be visually compatible with the character of the surrounding area which is primarily composed of 1 and 2-story structures.
3. The Project is a 4-story commercial structure, which due to its height, mass and design, is not subordinate to its setting, which is surrounded by parks and predominantly 2-story residences. It will require fire buffer zones, thereby destroying the natural habitat surrounding the project.

APPEAL FROM COASTAL PERMIT DECISION

Local Application No. ZA-2017-2170-ELD-CDP-SPR-1A // CCC Post-Cert. No. 5-PPL-18-0034

1525-1533 N. Palisades Dr., Pacific Palisades, City of Los Angeles

Finding 1. The Project is not in conformity with the Coastal Act – California Public Resources Code ("PRC").

PRC §30240 Environmentally sensitive habitat areas protected; development adjacent to areas

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The Project violates PRC §30240

The Project site is in an environmentally sensitive habitat and recreational area, which will be left unprotected from disruptions caused by the Project. The Project is incompatible with this area and the adjacent and nearby parks and it will significantly degrade them.

Evidence of PRC §30240 Non-compliance

- 1. The Project is located in a popular recreation area. It is adjacent to Santa Ynez Canyon City Park and within 200 ft. from Topanga State Park. There are several recreational trails in the immediate area. The Project's location, height, mass and design will substantially impair scenic views from nearby trails and also from the adjacent streets and nearby residential properties.
- 2. Meridian Consultants (The Project consultant) admitted that the site is in a Very High Fire Hazard Severity Zone and that the "Project will be required to create appropriate fire buffer zones, particularly to the west where the Santa Ynez Canyon runs." This fire suppression will destroy the natural habitat surrounding the project, exposing the Project structure to nearby parklands and trails and adversely impacting scenic views.
- 3. The Project is not located near public transportation (the nearest bus line is over 2 miles away) and it is many miles away from any medical care providers needed for the Project's residents. The Project's numerous staff members, along with the vendors needed to service the facility will have no way to get to the project other than by automobile.
- 4. The Project failed to specify the number of employees, independent care givers, delivery vehicles, medical care providers and visitors to the eldercare facility. The City had insufficient information to determine that the Project will not result in any significant effects relating to traffic. Meridian Consultants underestimates the traffic generation, indicating that this 82 guest room Eldercare Facility will generate only 260 automobile trips per day. All of this traffic will be non-recreational traffic. The City also had insufficient information to determine that the Project will have sufficient parking so that employees, etc. will not park on nearby streets.
- 5. The Project is a 4-story commercial structure, which due to its height, mass and design, is not subordinate to its setting, which is surrounded by parks and predominantly 2-story residences. It will require fire buffer zones, thereby destroying the natural habitat surrounding the project.
- 6. At 4-stories, the Project will not be visually compatible with the character of the surrounding area which is primarily composed of 1 and 2-story structures.

APPEAL FROM COASTAL PERMIT DECISION

Local Application No. ZA-2017-2170-ELD-CDP-SPR-1A // CCC Post-Cert. No. 5-PPL-18-0034

1525-1533 N. Palisades Dr., Pacific Palisades, City of Los Angeles

Finding 3. The Coastal Commission Regional Interpretive Guidelines (RIGs) for the Pacific Palisades have not been adequately applied and considered.

RIG §B (1) **Commercial establishments should be public recreation and recreation supportive or otherwise coastally related facilities.**

Nothing about the Project is recreation supportive or coastally related. In fact, the Project harms coastal recreation.

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RIG §C (1) **Views to the shoreline and the Santa Monica Mountains from public roads should be preserved and protected.**

Not only will the Project not protect views from public roads, its location, height, mass and design will substantially block and otherwise adversely impact such views.

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RIG §C (2) **Development adjacent to Santa Monica Mountain Park should protect views from trails and be consistent with access to the trail system and park access.**

Not only will the Project not protect views from trails, its location, height, mass and design will substantially block and otherwise adversely impact such views.

RIG §A (2) (g) **New commercial, recreational, institutional and residential developments of 10 units or more in the Santa Monica Mountains should be required, as a condition of approval, to dedicate access trails and parking areas for Topanga State Park.**

The approved CDP permits 82 units. No access trails and parking areas for Topanga State Park have been designated.

RIG §A (2) (i) **The density of new residential development should be limited to a maximum of 24 units per acre gross.**

While the Project is technically a commercial development, its purpose is to provide units where persons will reside. The approved CDP permits 82 units and thereby violates the purpose, spirit and intent of RIG §A (2) (i).

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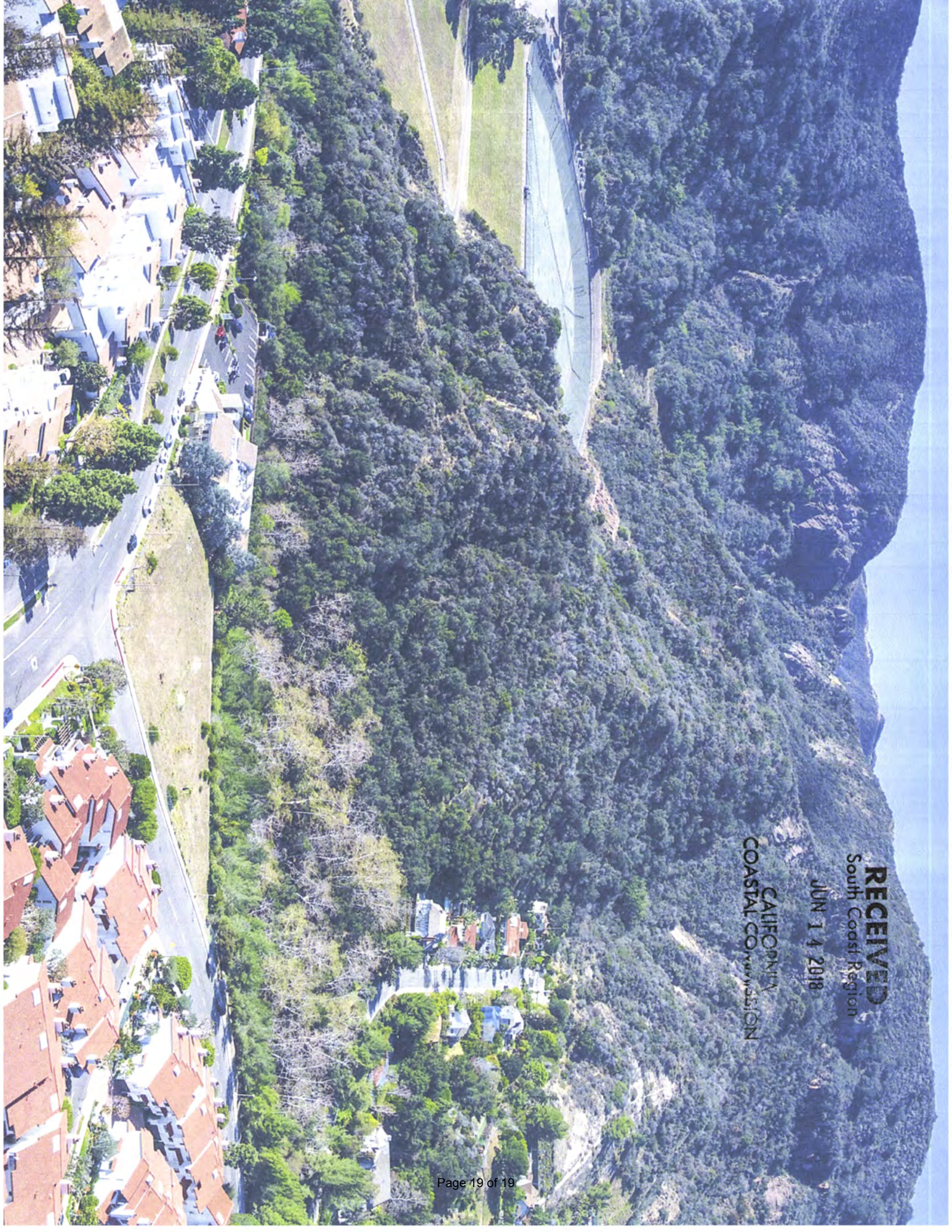
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