

CALIFORNIA COASTAL COMMISSION

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W15c

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STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

Appeal No.: A-5-PPL-18-0035
Applicant: Palisades Drive, LP
Agent: Anne Blemker
Local Government: City of Los Angeles
Local Decisions: ZA-2017-2710-ELD-CDP-SPR-1A

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 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 Rapiet 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, Jeffrey 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

Location: 1525 & 1533 N. Palisades Drive (and 17310 & 17320 W. Vereda de la Montura), Pacific Palisades, City of Los Angeles, Los Angeles County, Tract 31070 (APN 4431010011)

Project Description: Appeal of Local Coastal Development Permit ZA-2017-2710-ELD-CDP-SPR-1A for construction of a 4-story, 45-ft high, 64,646 sq. ft. eldercare facility, with 82 guest rooms, including 19,308 cu. yd. of exported grade material, on a vacant lot

Staff Recommendation: NO SUBSTANTIAL ISSUE

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed.

The primary grounds raised by the appellants are that the proposed project’s height, mass, and design is out of character with the surrounding area and will further block scenic views from public trails nearby. In addition, the appellants argue that fuel modification requirements will destroy the natural habitat surrounding the property, which contains environmentally sensitive habitat and is a visual buffer for the wildland-suburban interface. The appellants also contend that the development will increase geologic instability, will not minimize energy consumption and vehicle miles traveled, and will limit access to nearby recreation trails because of increased traffic in the area due to the lack of on-site parking spaces provided and public transport station for facility workers and medical care providers nearby. The appellants further contend that the Regional Interpretive guidelines have not been followed, and that the project will prejudice the ability of the City to prepare a local coastal program (LCP) for over-sized development, and further does not comply with the Brentwood-Palisades Community Plan and California Environmental Quality Act (CEQA) guidelines.

Staff has analyzed the appellants’ contentions against the City actions and concluded that public view impacts from nearby trails will not be significantly impacted due to the design and siting of the project that is located within a developed and urbanized area. In addition, the approximately 100 feet of brush clearance required for fire protection does not contain significant plants with the potential to support protected species and does not reach the coverage of the riparian and trail corridor located approximately 350 feet away from the property boundary. The applicant also proposes to utilize drought-tolerant landscaping and sprinklers to address potential fire hazards. The project has further received approval from Building and Safety utilizing friction piles in order to stabilize the development. In addition, the City report indicated that an additional 260 trips are anticipated to occur for facility participants, employees and visitors; however, the amount of trips generated will not significantly affect the level of service provided by the existing road and will not adversely displace street parking for visitors that access the nearby trails. The project has also been determined to be categorically exempt and has been analyzed per CEQA requirements for exempt projects. Furthermore, the Regional Interpretive Guidelines and Brentwood-Palisades Community Plan are utilized for guidance and is not a standard of review as to whether an appeal raises a substantial issue. The project’s density, scale, and land use is compatible with the surrounding area and, thus, will not prejudice the ability for the City to prepare a LCP. Therefore, for the reasons stated above, the appeal does not raise a substantial issue as to the project’s conformity with Sections 30116, 30222, 30240, 30251, 30253, and 30620 of the Coastal Act. The motion to carry out the staff recommendation is on page 4.

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APPENDICES – Substantive File Documents

- Appendix A – Permit No. A-381-78 and subsequent amendments (Headlands Properties)
- Appendix B – City of Los Angeles permit no. ZA-85-1219(CUZ)(PAD)
- Appendix C – City of Los Angeles permit no. ZA 88-0435 (PP)
- Appendix D – Coastal Development Permit No. 5-88-012
- Appendix E – Meridian Consultants responses to appeal letters, April 5, 2018

EXHIBITS

- [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](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission determine that Appeal No. A-5-PPL-18-0035 raises **NO Substantial Issue** with respect to the grounds on which the appeal has been filed under section 30602 of the Coastal Act.*

Staff recommends a **YES** vote. Failure of the motion will result in a de novo hearing on the application and adoption of the following resolution and finding. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Resolution:

*The Commission hereby finds that **Appeal No. A-5-PPL-18-0035** presents **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under section 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.*

II. APPELLANTS CONTENTIONS

On May 23, 2018, four appeals were filed at the South Coast District office for the City-issued Coastal Development Permit No. ZA-2017-2170-ELD-CDP-SPR-1A ([Exhibit 3](#)). The appeals represented 173 individual appellants, some of whom are associations, who contend that the project's height, mass, and design is out of character with the surrounding area and will further block scenic views from streets, and nearby residential properties, to Topanga State Park, and from the Santa Ynez canyon trail to the surrounding sensitive environment (as defined under Section 30116 of the Coastal Act) inconsistent with Section 30251 of the Coastal Act. The appellants also contend that the project is located in a City-designated High Severity Fire Hazard Area which will limit the ability of facility participants to mobilize during an emergency such as a wildfire or landslide. Furthermore, the brush clearance required for fuel modification will destroy the natural habitat surrounding the property, which contains environmental sensitive habitat and is a visual buffer for the wildland-suburban interface inconsistent with Section 30240. The appellants also contend that the development will increase geologic instability, will not minimize energy consumption and vehicle miles traveled, and will limit access to nearby recreation trails because of increased traffic in the area due to lack of number of parking spaces provided, public transport station for facility workers and medical care providers nearby inconsistent with Section 30253 of the Coastal Act. The appellants further contend that the Regional Interpretive Guidelines for development in the Pacific Palisades have not been followed, inconsistent with Section 30620. The appellants argue that the project will prejudice the ability for the City to prepare a LCP for over-sized development, and further does not comply with the Brentwood-Palisades Community Plan and CEQA guidelines. In addition, staff met with two appellants (Tom Donovan and Joe Halper) on June 14, 2018 and submitted additional documents supporting the appeal ([Exhibit 8](#)).

III. LOCAL GOVERNMENT ACTION

On May 15, 2017, the Los Angeles Department of Building and Safety issued a geology and soils approval letter imposing conditions for the proposed grading ([Exhibit 6](#)). On June 20, 2017, the project was determined to be categorically exempt in regards to CEQA (ENV-2017-2171-CE).

On January 26, 2018, the City of Los Angeles Planning Department approved local coastal development permit ZA-2017-2170-ELD-CDP-SPR-1A, which also included the approval of the site plan permit and eldercare facility unified permit ([Exhibit 4](#)). The permit was appealed, based on similar grounds, to the West Los Angeles Area Planning Commission (WLAAPC). On April 25, 2018, the WLAAPC unanimously denied the appeal and sustained the zoning administrator's determination with modified conditions for approval ([Exhibit 5](#)).

The Commission's South Coast District Office received the City's Notice of Final Action on April 26, 2018, and the Commission's twenty working-day appeal period was established. On May 23, 2018, four separate appeals were filed within the twenty working-day period. On May 25, 2018, the Commission staff notified the City, the applicant, and all interested parties of the appeal.

IV. APPEAL PROCEDURES

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

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

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

Commission staff recommends a finding of **no substantial issue**. If the Commission decides that the appellants' contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the local CDP is voided and the Commission typically continues the remainder of the appeal hearing to a later date in order to review the coastal development permit as a *de novo* matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission regulations specifies that *de novo* actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission's regulations.

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue and the Commission will schedule the *de novo* phase of the public hearing on the merits of the application at a subsequent Commission hearing. In this *de novo* public hearing on the merits of the application, the standard of review is the Chapter 3 policies of the Coastal Act. The certified Venice Land Use Plan (LUP) is used as guidance. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

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

V. SINGLE PERMIT JURISDICTION AREAS

Section 30601 of the Coastal Act provides details regarding the geographic areas where applicants must also obtain a coastal development permit from the Commission in addition to obtaining a local coastal development permit from the City. These areas are considered Dual Permit Jurisdiction areas. Coastal zone areas outside of the Dual Permit Jurisdiction areas are considered Single Permit Jurisdiction areas. Pursuant to Section 30600(b) of the Coastal Act, the City of Los Angeles has been granted the authority to approve or deny coastal development permits in both jurisdictions, but all of the City's actions are appealable to the Commission. The proposed project site is located within the *Single Permit Jurisdiction Area*.

VI. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION & LOCATION

The project, according to the City-approved plans dated February 6, 2017, is to construct a 4-story, 64,646 sq. ft. eldercare facility whose height ranges from 25 feet to 45-feet high, with 82 guest rooms and 19,308 cu. yd. of exported grade material for the subterranean garage on a 43,033.2 sq. ft. vacant lot. The eldercare facility will contain 82 guest rooms (59 used for assisted living care and 23 for Alzheimer's/dementia care). Two curb cuts, one along Palisades Drive at the southeast

portion of the lot and another along Vereda De La Montura at the northwest portion of the site, will be constructed for two-way driveway aprons to the subterranean parking garage with 66 parking spaces and 10 bicycle parking spaces. The proposed setbacks are 10 feet from Palisades Drive after dedications, 7 feet from Vereda de la Montura, 7 feet from the adjacent commercial building and 16 feet from the adjacent open space ([Exhibit 2](#)). The project site has approximately 145 feet of frontage along Palisades Drive and 305 feet of frontage along Vereda de la Montura. There are no deviations from the City's zoning regulations and the proposed setbacks are consistent with the City's setback requirements.

The subject site is located approximately 2.5 miles away from Will Rogers State Beach in the Pacific Palisades highlands in the City of Los Angeles, a primarily residential community situated in between Topanga State Park and Temescal Canyon ([Exhibit 1](#)). The community is accessed from Sunset Boulevard with Palisades Drive. The subject site is zoned C1-1-H and designated a commercial use area. The approximately 25 acres of open space adjacent to the subject site and south of Vereda de la Montura was dedicated to the City of Los Angeles to be operated as a park during the Commission-approved subdivision (Permit A-381-78 and subsequent amendments). The neighborhood is characterized by a restaurant, an office and business center, residential condominiums and open space.

Permit history

The subject site was originally graded in the early 1970's during Proposition 20¹, prior to the Coastal Act, as a phased development by Headlands Property Inc. that eventually led to the establishment of 740 total dwelling units, one institutional site and two commercial sites. The site was designated for commercial use in 1978 under permit no. A-381-78, which established 50 acres along Santa Ynez creek to be operated as a city park and allowed extensive grading within an Urban Limit Line for the 740 residential units, the construction of the Calvary church and school, two sites (including the 1-acre subject site) for commercial development at 2 acres total, and required the dedication in fee of almost 1,000 acres of public open space to the California Department of Parks and Recreation and portions adjacent to residential homes to the City of Los Angeles Board of Recreation and Parks. The Commission required the Urban Limit Line to assure consistency of the subdivision with Sections 30210, 30223, 30230, 30231, 30240, 30250 30251 and 30252 of the Coastal Act which limited development within areas in order to protect public views, preserve natural land forms, public recreational opportunities and habitat outside the disturbed area.

Permit No. A-381-78 was subsequently amended allowing construction of the plaza (5-acre site on Sunset Boulevard & Palisades Drive) and received local approval under permit ZA-85-1219(CUZ)(PAD). However, the Commission did not approve any structures on the vacant commercial site on Tract 31070, otherwise known as the subject site, due to the lack of design information. The amendment noted that the intensity of proposed uses and the size of structures may raise issues regarding conformity of specific projects with policies of the Coastal Act, therefore withholding approval of specific projects until adequate design information has been provided. Thirty eight (38) years later, the design for the project to develop the one acre commercial site is being proposed and thus, appealed to the Commission for issues relating to the building's design, mass and scale which the appellants claim have potential adverse impacts to environmental

¹ Proposition 20 was passed in 1972 by the People of the State of California creating the California Coastal Zone Conservation Act. <https://www.coastal.ca.gov/legal/proposition-20.pdf>

resources such as community character, public views, habitat, traffic congestion, and access to nearby park trailheads.

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUES ANALYSIS

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

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

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

Staff is recommending that the Commission find that **no substantial issue exists** with respect to whether the local government actions conform to Section 30610 of the Coastal Act and Section 13250 of the California Code of Regulations for the reasons set forth below.

C. SUBSTANTIAL ISSUES ANALYSIS

Coastal Act Section 30222 Private lands; priority of development purposes states:

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.

Coastal Act Section 30240 Environmentally sensitive habitat areas; adjacent developments states:

- (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.*

Coastal Act Section 30251 Scenic and visual qualities states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Coastal Act Section 30253 Minimization of adverse impacts states:

New development shall... (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; and (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Coastal Act Section 30620(a) Interim procedures; permanent procedures; states, in part:

By January 30, 1977, the commission shall, consistent with this chapter, prepare interim procedures for the submission, review, and appeal of coastal development permit applications and of claims of exemption. These procedures shall include... (1) Application and appeal forms; (2) Reasonable provisions for notification to the commission and other interested persons of any action taken by a local government pursuant to this chapter, in sufficient detail to ensure that a preliminary review of that action for conformity with this chapter can be made; (3) Interpretive guidelines designed to assist local governments, the commission, and persons subject to this chapter in determining how the policies of this division shall be applied in the coastal zone prior to the certification, and through the preparation and amendment, of local coastal programs. However, the guidelines shall not supersede, enlarge, or diminish the powers or authority of the commission or any other public agency.

During the approval of the subdivision, the Commission was aware of the need for the palisades community to include more affordable units for persons who work in the area, families of long-time residents, and seniors who no longer need or can afford the single-family homes that predominate in the area. Although the project does not provide any affordable units, the project provides opportunities for seniors to live in an area otherwise only accessible by those who are mobile and affluent. The general commercial use will not significantly take away opportunities for visitor-serving commercial recreational facilities which have been provided in other commercially designated lots. Therefore, the appellants' grounds as to the project's conformity with Section 30222 of the Coastal Act raises no substantial issue.

Habitat

The appellants contend that the project would significantly degrade the environmentally sensitive habitat areas located adjacent to the project site. In addition, the appellants contend that fuel modifications required will destroy the natural habitat surrounding the property and is a visual buffer for the wildland-suburban interface inconsistent with Section 30240 of the Coastal Act, which states, in relevant part: “*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...*”

The project is located adjacent to a 25 acre City-owned park. According to the revised findings in Permit No. A-381-78, dated 7/18/79, the site has been previously disturbed by grading activity in the 1970’s under a City of Los Angeles approval. However, vegetation thinning or removal within 100 feet of residential structures is required per fire department regulations and may impact vegetation and their habitat in the adjacent City park. The City’s permit no. ZA-2017-2170-ELD-CDP-SPR-1A refers to the applicant’s consultant who notes that the site and adjacent area does not contain any vegetation that supports environmentally sensitive species. The appellants refer to the Cooper report, a third party hired by the appellants, who contends that the report conducted by the project applicant’s consultant did not provide sufficient analysis of the project’s impacts on habitat. In response, the consultant’s report, dated June 26, 2018 ([Exhibit 7](#)), states that plants were located within 180 feet of the site boundaries consisting of oleander (*Nerium oleander*), laurel sumac (*Malosma laurina*), gray pine (*Pinus sabiniana*), deerweed (*Acemipson glaber*), chaparral yucca (*Hesperoyucca whipplei*), eucalyptus (*Eucalyptus globulus*), chamise (*Adenostoma fasciculatum*), and ceanothus (*Ceanothus megacarpus*). The plants listed have not been given special status as sensitive, threatened or endangered. In addition, the understory consists of non-native grasses, two cement storm drains, trash, and irrigation lines/ sprinklers that are present on the slope.

Based on information in the environmental report and the California Natural Diversity Database (CNDDDB), operated by the California Department of Fish and Wildlife, there is an identified southern sycamore alder riparian woodland area (State and globally ranked to be uncommon but not rare) located approximately 350 feet westward of the property boundary. However, the woodland area to be cleared for fire buffer is not considered environmentally sensitive habitat area (ESHA)² because the area has been disturbed by human activities (two drainage ditches, the Santa Ynez reservoir, concrete dam, and maintenance road) and does not support plant or animal life that are listed as rare or especially valuable. The Cooper Report referred to by the appellants and applicant’s consultant report does not identify any rare or especially valuable which were observed. Thus, the proposed development, including the City of Los Angeles 100 feet of brush clearance for fuel modification, will not adversely impact ESHA. In addition, when the Commission approved the site for development of a commercial use structure in the Permit A-381-78 and subsequent amendments, impacts to environmentally sensitive habitat were assessed by establishing an urban limit line and limited removal of vegetation to areas within the urban boundaries were allowed, consistent with Section 30240. The proposed development and brush clearance for fuel modification will occur within the urban limit line and does not encroach outside the boundaries. In sum, based on the City’s record and biological report, and the underlying subdivision permit approved by the

² *Environmentally sensitive habitat area* is defined under Section 30107.5 of the Coastal Act as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.”

Commission, which considered habitat impacts and established the urban limit line to protect habitat, there is no ESHA within 100 feet of the proposed development that would be adversely impacted by brush clearance. Therefore, the project is not expected to “significantly degrade” any ESHA or parks or recreation areas, and appellants’ allegations as to the project’s conformity with Section 30240 raises no substantial issue.

Visual- Design and Character

The appellants contend that the project will impact the surrounding area that is defined pursuant to Section 30116 as a sensitive coastal resources area. In addition, the appellants contend that the building will further block scenic views from streets and nearby residential properties to Topanga State Park and from the Santa Ynez canyon trail to the surrounding natural area. The appellants also argue that the Santa Monica Mountains are designated by the Preservation and Recreation Plan as highly scenic areas and thus, requires new development to be subordinate to the surrounding character. Furthermore, the appellants argue that the project’s height, mass, and design are out of character with the surrounding area inconsistent with Section 30251 of the Coastal Act which states, in relevant part: *“The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas... 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.”*

Impacts to private views are not a Coastal Act issue; however, public views are a coastal resource to be protected, in part by preserving the character of the surrounding areas. In order to analyze the project’s compatibility with community character (height, setbacks, density, and bulk), the Commission may use the City’s zoning regulations and past Commission actions as guidance. The applicant proposes 82 guest rooms (59 used for assisted living care and 23 for Alzheimer’s/dementia care). The adjacent 1-acre commercially designated property contains a restaurant and offices with a height of approximately 23 feet and a combined building area of 27,590 sq. ft. The structures were built in 1988 under a local coastal development permit. The buildings across the site on Palisades Drive and Vereda de la Montura are residential condominiums built in the late 1970s under Permit No. A-381-78 and subsequent amendments as part of the 740 dwelling unit approval of the Headlands’ subdivision. These structures range from 20 feet to 36 feet and the sites are zoned RD3.1 and designated as low-medium residential. In another commercial designated tract of the Headlands permit (parcel 5371) at the northwestern corner of Palisades Drive and Sunset Boulevard, the Commission approved the construction of a 30-ft high, two-story, 25,000 sq. ft. commercial building, which currently is a one-story, 18- feet high, 25,000 sq. ft. commercial plaza permitted by the City in 1988. Across Palisades Drive and to the north from this parcel is an institutional site (parcel 5372) which allowed construction of a church and school on seven (7) acres. Following Commission approval, the City permitted the phased construction and maintenance of the religious complex for “two-story and mezzanine sanctuary... 50-foot height limit maximum at roof peak” in 1985. The second amendment noted that the intensity of proposed uses and the size of structures may raise issues regarding conformity of specific projects with policies of the Coastal Act, therefore withholding approval of specific projects until adequate design information has been provided.

As the local Coastal Development Permit ZA-2017-2710-ELD-CDP-SPR-1A stated, structures located on a commercially zoned lot do not have a height limit in the City’s zoning code; however, due to the site’s proximity to the City park, the structure is subject to the transitional height requirements which limit the visible mass of the structure. The proposed height ranges from 25 feet adjacent to the open space to 45 feet adjacent to Palisades Drive. The structure will not be significantly visible from the Santa Ynez Canyon trailhead located 600 feet from the site, along Vereda de la Montura, due to the topography of the trail. The surrounding trails at Topanga State Park, Trailer Canyon and Temescal Ridge are at a significantly higher elevation than the project site and thus, the project will not significantly impact public views. Although the proposed project would be the tallest structure in the area adjacent to a City park, the Headlands’ residential community was originally approved by the Commission with the understanding that the subdivision would permanently impact views in the once undeveloped area. In response to the 740 unit subdivision permitted under Permit A-381-78 and subsequent amendments, nearly all of the 1,000 acres of undeveloped area was dedicated to State Parks for public use and preservation of habitat value outside the Urban Limit Line. This undeveloped area dedicated to State Parks generally exceeded a 50% slope, as stated in the Permit No. A-381-78 and subsequent amendments, and the area within the urban boundaries, which were permitted to be fully developed with residential and commercial uses, “...are slightly less steep, are at lower elevations, and are generally less visible from the west (Topanga State Park), north (Santa Ynez Falls) and east (Temescal Ridge).” Thus, when the Commission approved Permit No. A-381-78 and subsequent amendments with the large amount of grading, it was understood that no natural landforms would be preserved *within* the urban limit line and the impact of the grading for residential and commercial development would be mitigated by permanent preservation of the larger surrounding natural area. The Commission took into consideration the siting of all residential and commercial development and such view impacts. Thus, view impacts from the surrounding trails to and along the ocean and scenic coastal areas will not be significantly impacted because the development will occur in between two mountain ranges and are within a bowl shape which minimizes view impacts from the public trails.

As proposed, the commercial structure will not have any significant adverse impacts on coastal scenic resources due to the site’s location within a natural canyon and in an area highly developed with residential and commercial uses. The proposed project incorporates landscaping and design features to minimize the visual mass of the structure adjacent to the City park. The proposed project has been sited and designed consistent with Section 30251 of the Coastal Act and, therefore, the appellants’ ground as to the project’s conformity with Section 30251 raises no substantial issue.

Hazards

The appellants contend that the project is located in a City-designated High Severity Fire Hazard Area which will limit the ability of facility participants to mobilize during an emergency such as a wildfire or landslide and will increase geologic instability. The appellants further contend that the development will not minimize energy consumption and vehicle miles traveled, which will limit public access to nearby trails because of increased traffic in the area due to a lack of parking spaces and public transportation for facility workers and medical care providers nearby. The appellants argue that the project is inconsistent with Section 30253 of the Coastal Act, which states in part: “*New development shall... (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;...(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 appellants’ contention regarding the mobility of facility participants during an emergency does not raise a Coastal Act issue; however, the applicant has noted that an emergency evacuation plan has been drafted, pending approval from the Los Angeles Fire Department (LAFD). In addition, the City record and applicant provided correspondence with Patrick Butler, Assistant Chief of the LAFD, stating that the project does not pose any additional threats due to the fact that it involves an assisted living and Alzheimer’s/dementia care facility.

According to the City record, a geotechnical engineer conducted studies on the site and considered the project feasible from a geotechnical standpoint provided their recommendations were incorporated in the design. The site currently contains approximately 50 feet of uncertified fill³. The City does not allow any foundation to be supported by uncertified fill. The project received approval from the City’s Department of Building and Safety imposing conditions that would stabilize the development such as the establishment of friction piles and utilization of engineered fill that meets the City’s requirement. In addition, Permit No. A-381-78 (and subsequent amendments) has already addressed hazards related to the area, particularly recognizing geologic instability, mudflow hazards, and fire. When that permit was approved, the Commission was aware that the entire subdivision was in a high geologic hazard area, and that such hazards could not be totally eliminated by engineering and design. However, the Commission was satisfied that the subdivision and siting of development would minimize risk to life and property. The Commission also found that the subdivision would improve emergency access and water supply to the area, thus improving fire safety conditions.

As stated in the Permit No. A-381-78 and subsequent amendments, *any* new development in the area will necessarily increase the number of people and structures placed at risk in this generally high fire hazard area. In this case, the applicant has indicated that an evacuation plan and fire sprinklers will be utilized, and the project is sited near adequate infrastructure to respond to emergencies, such as the Santa Ynez reservoir and fire department stations. The project has been designed and sited to minimize risks to geologic instability and fire hazards and does not substantially alter natural landforms since the site has been previously disturbed by grading. Therefore, the appellant’s grounds as to the project’s conformity with Sections 30253 of the Coastal Act raise no substantial issue.

Public Recreation

The nearest trail is the Santa Ynez Canyon Trail, which is located approximately 600 feet west of the site along Vereda de la Montura. The Trailer Canyon trailhead, located approximately one mile away from the site, and Split Rock trailhead, located approximately 1.6 miles away from the site, are both accessible to the public within the Palisades Headlands subdivision. The City records

³ According to the City of Los Angeles’ Requirements for soil compaction reports, “uncertified fill” refers to a soil material that does not meet the maximum dry density and optimum moisture requirements of the City of Los Angeles, Building and Safety Department and does not have the correct thickness of fill prior to compaction. In addition, uncertified fill may be unidentified or incorrect fill material according to the Unified Soil Classification system.

show that 260 trips⁴ will potentially be generated by the development using rates from the Institute of Transportation Engineers. According to correspondence submitted by the agent, approximately 12% of assisted living participants will be driving, although many choose not to due to the transportation options available for appointments and outside activities. None of the participants who are admitted with Alzheimer's or dementia will be driving due to the nature of cognitive impairment. A majority of the traffic generated would be from facility operators, employees, assisted living participants, and participants' visitors, which reduces the amount of onsite parking demand and therefore, the amount of trips generated. In addition, according to the City records, the amount of trips expected to be generated by the project does not require the applicant to conduct a traffic analysis because the project will not significantly affect the level of service of roads and intersections.

Consequently, traffic is not expected to have a significant impact on the roadways in the area. Furthermore, all the streets in the area including Vereda de la Montura and Palisades Drive provide on-street parking. The on-street parking is used by the public for access to the nearby Santa Ynez Canyon trailhead. The surrounding streets provide adequate parking for the recreational hikers that use the trailhead and because of the expected low demand for parking for the proposed project, the proposed project will not adversely impact hikers who visit the recreational trails. Although the eldercare facility would generate additional traffic, the project has been sited and designed to minimize impacts to public recreation and access to the surrounding trails. Therefore, the appellants' contentions as to the project's conformity with Sections 30253(d) and 30253(e) of the Coastal Act raise no substantial issue.

Regional Interpretive Guidelines

The appellants contend that the California Coastal Commission's Regional Interpretive Guidelines for development in the Pacific Palisades have not been followed, in violation of Section 30620 of the Coastal Act. The City states that the Interpretive Guidelines were considered in applying Coastal Act policies during the approval of the local coastal development permit. The Guidelines are designed to provide direction to local government decision makers and the City does not necessarily need to find the project suitable under the Interpretive Guidelines, but is required to determine if the project is consistent with the Chapter 3 policies of the Coastal Act. The Commission's standard of review on appeal is whether the appeal raises a substantial question as to conformity with the Chapter 3 policies of the Coastal Act, not the Interpretive Guidelines. This contention raises a procedural issue with the City and does not raise any issue with regards to the project's consistency with the Chapter 3 policies of the Coastal Act.

Local Coastal Program

The appellants argue that the project will prejudice the ability of the City to prepare an LCP because it would approve over-sized development in this area. The appellants also claim that the project does not comply with the Brentwood-Palisades Community Plan and CEQA guidelines, in violation of Section 30620 of the Coastal Act. The Community Plan is a local document and was not certified by the Commission. The standard of review remains the Chapter 3 policies of the Coastal Act. Therefore, compliance with the Community Plan does not raise any issue with regards to the

⁴ According to the applicant's consultant report, trips generated are based on the daily trips made per the amount of beds expected at the proposed Alzheimer's/dementia care facility. These rates were obtained from the Institute of Transportation Engineers, ITE Trip Generation Rates – 9th Edition.

project's consistency with the Chapter 3 policies of the Coastal Act. In regards to CEQA, an analysis was provided to support the project's approval as categorically exempt (ENV-2017-2171-CE) and found the project would not have any adverse environmental impacts as substantiated in the City record. In addition, the Commission lacks jurisdiction to review the City of Los Angeles's compliance with CEQA. Thus, the question of the City's CEQA compliance does not raise a substantial issue.

The proposed development is compatible with the density, scale and character of the surrounding area and is consistent with the original intent of the underlying Headlands permit (Permit No. A381-78 and subsequent amendments) and past actions of the Commission in this area. As proposed, the use is consistent with the Commission's approval of the underlying subdivision and planned community and has been designed for consistency with local municipal codes and Coastal Act policies and will not prejudice the ability of the City to prepare an LCP for the Pacific Palisades planning area.

Applying the five factors listed in the prior section clarifies that the appeal raises "no substantial issue", and, therefore, does meet the substantiality standard of Section 30625(a).

The first factor is the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act. The City provided record shows that the City staff report discusses consistency with the Los Angeles Municipal Code, Brentwood-Palisades Community Plan, and the Los Angeles County Interpretive Guidelines and finds the project consistent with each of these codes and plans. The City also found that the proposed project complies with the Chapter 3 policies of the Coastal Act with regards to land use, density, scale, and character. The City further mentions that the project setbacks will not cause any significant adverse effects on hazards, habitat, and scenic views to and along the ocean from inland public trails. The decision was based on evidence reviewed by the City, including City-approved plans, project rendering, and records of past Commission and City actions supporting the findings as to the project's visual compatibility with the surrounding area, geologic hazards, habitat impacts, traffic and parking impacts. In short, there is substantial factual and legal support for the City's determination that the project complies with the policies of Coastal Act Chapter 3.

The second factor is the extent and scope of the development as approved or denied by the local government. The extent and scope of the City-approved project as approved by the City is consistent with all relevant legal limits on size, height and land use for a commercially designated lot. The proposed assisted living care facility is allowed under the C-1 designation and, as required by the Coastal Act, does not significantly impact the character of the area. In addition, the City has considered the project's impacts in the underlying Permit No. A-381-78 for the Headlands development, and the project is similar to other City-approved projects for C-1 designations in the area. This factor does not raise a substantial issue as to compliance with the Chapter 3 policies of the Coastal Act.

The third factor is the significance of the coastal resources affected by the decisions. The City has analyzed the project's impacts to coastal resources such as habitat, community character, public access, view impacts, and hazards. Although the site is located 2.5 miles away from the beach, ocean views from inland trails are significant coastal resources to be protected. In this case, the project has been designed and sited to be compatible with community character and will minimize

impacts to hazards and views from public trails to the ocean. In addition, the brush clearance required will not adversely impact habitat at the adjacent City Park. Due to the historic development of the site, the project will be located within the urban limit line, and any impacts to coastal resources have been minimized and will occur within a specific, developed area, as specifically contemplated by the Headlands permit and its subsequent amendments. This factor also does not raise a substantial issue as to compliance with the Chapter 3 policies of the Coastal Act.

The fourth factor is the precedential value of the local government's decisions for future interpretations of its LCP. The City does not currently have a certified LCP, and instead applies the Coastal Act Chapter 3 policies when reviewing applications for coastal development permits. Although approval of the 4-story, 45-ft high, 64,646 sq. ft. eldercare facility will make the project larger than what currently exists in the immediately surrounding area, there have been several City and Coastal Commission actions approving similar-sized development that precede this decision (Calvary Church and Palisades Plaza), and the Commission previously approved the project site for future commercial development. This project, as proposed, will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the Coastal Act. This factor also does not raise a substantial issue as to compliance with the Chapter 3 policies of the Coastal Act.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. In addition to the local and regional habitat value the mountains provide, the coastal mountains of the Pacific Palisades area provide scenic and recreational resources that are of local, regional and statewide importance. Development can have adverse impacts to these resources for the local community and for visitors that use the area. However, the project has been analyzed and designed to minimize impacts to the surrounding community, provided that all local requirements and Coastal Act policies are complied with. In this case, the City properly issued a local CDP, and the City's approval does not raise issues of statewide significance because the interpretation and application of Coastal Act policies were properly utilized. Furthermore, the proposed development is located in a planned community, consisting of residential and commercial development, community recreational areas, and dedicated City and State park lands, that the Commission previously reviewed and approved under CDP No. A-381-78, and subsequent amendments. In approving the underlying permit, the Commission considered impacts to these resources and conditioned the permit in order to protect and minimize impacts to these resources. Moreover, the Commission required the applicant to dedicate open space and provide recreational areas for the community to minimize adverse impacts to surrounding recreational areas. Therefore, the proposed project will not raise any issues of regional or statewide significance. This factor also does not raise a substantial issue as to compliance with the Chapter 3 policies of the Coastal Act.

In conclusion, the proposed development will not significantly impact coastal resources that are of regional or statewide significance. The impacts of development at the project site, which is located in the Palisades Headlands area, have been analyzed for conformance with Coastal Act policies under Permit No. A-381-78 and subsequent amendments, the project has been sited and designed to protect coastal resources, and is consistent with all applicable requirements for size, height, and land use, and is compatible with other commercial developments in the area. The appeal, therefore, raises no substantial issues as to the project's compliance with Sections 30116, 30222, 30240, 30251, 30253, and 30620 of the Coastal Act.

Appendices- Substantive File Documents

Appendix A – Permit No. A-381-78 and subsequent amendments (Headlands Properties)

Appendix B – City of Los Angeles permit no. ZA-85-1219(CUZ)(PAD)

Appendix C – City of Los Angeles permit no. ZA 88-0435 (PP)

Appendix D – Coastal Development Permit No. 5-88-012

Appendix E – Meridian Consultants responses to appeal letters, April 5, 2018